

ASSISTANCE TO THE CATHOLIC MARRIED COUPLES BY WOMEN RELIGIOUS: AN ANALYSIS BASED ON CCEO AND AMORIS LAETITIA

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Abstract

In the Catholic Church, marriage is a covenant that originates from God and is elevated to sacramental dignity by Christ. Hence, preparation is needed to ensure a valid celebration and attain perfection, i.e., family wholeness and holiness. Catholic married couples play a key role in the family because having completed their requirements for a valid and licit Catholic marriage, they become responsible for each other and for achieving a holy life in order for them to fulfil the goals and properties that married life presents. The purpose of this article is to explore the integration of the Church's juridical-pastoral concern for Catholic married couples through the service of women religious. The canonical norms which indirectly speak of the assistance given to Catholic married couples by the religious are can. 783 §3 and can. 415 §§1&3 of CCEO. By analysing these two canons in CCEO and the recent apostolic exhortation *Amoris Laetitia*, we arrive at the conclusion that women religious have a participatory role as pastoral assistants to Catholic married couples.

Keywords: Pastoral Care, Accompaniment, Irregular Situation, Mystagogical Aspect, Principle of subsidiarity

Introduction

CCEO c. 783 and CIC c. 1063 speak about canonical notions on marriage as well as pastoral accompaniment. These canons indicate the pastors who have a role in the pre- and post-marital preparation for the Catholic faithful. Regarding the application of this canonical

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provision for women religious, this article makes an analysis of CCEO c. 415 §1, which emphasizes that all religious are subject to the local hierarchy for the various works related to their apostolate. CCEO canons 415 §3 and 542 underscore the stipulation that the eparchial bishop can entrust apostolic work or functions proper to the eparchy to the religious with the consent of the competent superiors. However, it has to be done with due regard to the common law and the observance of the religious discipline of the institute, its character, and its specific purpose. Proper pastoral accompaniment to married couples is convincingly emphasized by Pope Francis. "Today, more important than the pastoral care of failures is the pastoral effort to strengthen marriages and thus to prevent their breakdown (*AL 307*)." On the sixth anniversary of *Amoris Laetitia*, Pope Francis entrusted Bishops, Priests, Consecrated people, and married couples with the task of taking the initiative in the family-oriented ministries in dioceses and parishes on all continents. Hence, religious women are included in doing this particular task with the mind and design of their founder/foundress.

1. Pastoral Care in CCEO c. 783 - A Synthetic View

Catholic married couples are the pillars of the families as well as pillars of the Church. Christian marriage preparation is an ongoing process, so continued pastoral accompaniment for married couples is essential. The Church is always alert to give pastoral accompaniment, and this is clearly indicated in its contemporary teachings and legislation on marriage and the family.

1.2. The Notion on Pastoral Care of the Soul

The juridical meaning of the term "pastoral" is derived from the Latin word "pastor," which, in the ecclesiastical sense, refers to that attitude or action with a view to the care of souls (*cura animarum*) exercised by virtue of the faculty granted by the Church.¹ The two Codes contain abundant references bearing pastoral expressions such as salvation of souls (*salus animarum*), pastoral care (*cura pastoralis*), and pastor of souls (*pastor animarum*), referring to the multi-dimensional aspects of the three functions. The *CIC* c. 515 §1 defines a parish as a distinct community of the faithful established permanently within a particular Church whose pastoral care is assigned to a pastor as its

¹ Cf. L. Neli, *Catholic Marriage Nullity Process: The Introduction of the Case*, Bangalore, 2007, 67.

appropriate shepherd under the eparchial bishop's power. In this case, the bishop is the pastor of the eparchy, while the parish priest is the suitable shepherd of the ecclesial community for which the bishop has appointed him.²

CIC c. 519 emphasizes three lawful activities of teaching, sanctifying, and governing, which the pastor exercises in the parish. According to CIC c. 213, Christ's faithful are entitled to receive assistance from their pastors drawn from the spiritual riches of the Church's spiritual resources, particularly by the word of God and the sacraments. Consequently, the pastoral care carried out in the parish is understood from the juridical dimension of the Word of God and the juridical dimension of the sacraments.

One needs to focus on the juridical dimension of the sacraments. According to Jose T. Martin De Agar, sacraments are of juridical reality because they are recognized and regulated by canon law and manifest the ecclesial communion.³ Moreover, the canonical discipline surrounding the celebration and receiving of the sacraments ensures that the faithful receive the grace that is imparted in abundance. In this article, we focus mainly on the sacrament of marriage, wherein Catholic marriage preparation plays a vital role in the life of the Christian faithful. The success and failure of a marriage affect the entire community; hence, the parish priest has an important role in carrying out the pre-marriage investigations and banns. According to CCEO c. 785, before a marriage occurs, it must be determined that nothing prevents its valid and lawful celebration. Valid and lawful celebration of marriage is possible only where there is valid consent and juridical capacity. Bearing in mind the juridical aspects, the pastoral care may be described as the activity of the parish priest in collaboration with the other clergy and the laity of the parish for the salvation of souls.

1.3 Motu Proprio *Crebrae Allatae Sunt*

There are three canons taken as the source for CCEO c. 783. CA (*Crebrae allatae sunt*) c. 8 states that the pastor shall not fail prudently to impart to the faithful instructions concerning the sacrament of matrimony and its impediments, while CA c. 23 underlines that the

² Cf. L. Chiappetta, *Il matrimonio nella nuova legislazione canonica e concordataria: Manuale Giuridico-Pastorale*, Roma, 1990, 64.

³ Cf. José T. Martin de Agar, *Elementi di Diritto Canonico*, seconda edizione, Roma, 2008, 168-169.

pastor shall not omit, with due regard to the different conditions of persons, to instruct the betrothed on the sanctity of the sacrament of matrimony, the mutual obligation of the spouses and the obligations of parents towards their offspring. He shall also gravely admonish them to confess their sins accurately before the wedding celebration and piously receive the Divine Eucharist. Furthermore, CA c. 102 states that the parents are held by the most serious obligation to care, according to their possibilities, for the religious and moral, as well as for the physical and civil education of their offspring, and to ensure also for their temporal welfare.

These three canons are identical to the canons of CIC 17.⁴ Firstly, the canon speaks about the duty of the pastor in preparing the faithful for the sacrament of marriage. Secondly, the canon deals with personal instruction for the couple about getting married. It is mentioned in this canon that the reception of the sacrament of penance must precede the wedding and that the Holy Communion can be received either before or after the actual exchange of consent. Thirdly, it speaks about the obligation of parents towards their children. Similarly, we see the duty and right of the spouses to share in the common life (*convictus coniugalis*).⁵ In the language of positive law, it is rooted in the nature of marriage as a partnership for life. CA c. 117 states that the spouses are obliged to live together in conjugal communion unless a just reason excuses them.

While recognizing that marriage is the most intimate and personal relationship, a separation represents at least the temporary failure of a marriage and has a particularly profound effect on the well-being of any children born of the marriage. Thus, spouses may not take the initiative to terminate their common life unless there is a legitimate cause. Again, it is mentioned that the pastoral care of the soul and the pastoral care of the community is assigned to the pastor under the authority of the bishop. *Cleri Sanctitati* c. 489 §1 states that the emphasis is on the parish pastor, who is a presbyter to whom a parish has been assigned in *titulum* to attend to the care of souls under the bishop's authority.

⁴ CIC 17 c. 1018 is identical with the *mp* CA c.8, CIC 17 c. 1033 is identical with CA c. 23, CIC 17 c. 1113 is identical with the CA c.102.

⁵ John P. Beal, "Separation with the bond remaining", in John P. Beal - James A. Coriden - Thomas Joseph Green, *New commentary on the code of Canon Law*, New York, 2000, 1375.

The duty of the pastor is to instruct the spouses regarding their life of marriage partnership and their obligation as parents towards their children. In this way, the pastoral care of the parish is executed *ex officio* by the pastor but under the authority of the eparchial bishop (CCEO c. 279).

1.4 Vatican II Documents Related to the Assistance in Christian Marriage Preparation

Gaudium et spes 47, 48, 52 and *Lumen Gentium* 41 are cited as sources of CCEO c. 783 of and CIC c. 1063.

Promoting the Dignity of Marriage and the Family

The introduction of this article itself states that marriage and the family are of paramount importance for the personal well-being and that of the human society and the Christian community as a whole. The council emphasizes the dignity of the person and the communion of persons of both sexes that occur in marriage without diminishing its institutional character for procreative ends; thus, it is described from a personalistic and dynamic perspective as the *intima unio* (intimate union) of persons, as *communitas amoris* (community of love), and more accurately in the classic expression *intima communitas vitae et amoris coniugal* (intimate partnership of life and marital love). The following paragraph presents marriage as *communitas* in contrast to *societas* wherein the council narrates the problems that occur in married and family life. Indubitably, it is a new concept for the Church to address "all men" with a specifically Christian doctrine such as marriage, and in addition, to invite them as Christians to defend and foster the married state's natural dignity and sublime sacred value.⁶

Marriage: An Intimate Partnership of Life and Love

The Latin term for partnership is *consortium* which defines precise translation. It is more than *societas* (partnership) established for business purposes. In the understanding of Pope John Paul II, partnership means communion. It denotes not only a physical, sexual union but a total union on all levels between two equal partners. According to Pianazzi, three components of marital love can be distinguished: "The physical component, made up of sexual attraction and "bound up with the search for pleasure"; the affective

⁶ H. Vorgrimler, *Commentary on the Documents of Vatican II: Pastoral constitution on the Church in the modern world*, V, New York, 1969, 232.

component, which encompasses the aspect of falling in love, and expresses "the need and satisfaction of tenderness, intimacy, closeness, support, protection and the search and instinctive fulfilment of one's own sex with values proper to the other"; and the spiritual component, which is the will to mutual self-giving, wanting the good of the other, and the wish to accomplish this good within a deep and stable union of two lives- the wish to build up this good at every moment of life".⁷

Even though these three components of marital love are expressed in a unitary and harmonic manner, the spiritual component is basically dependent on the will of the spouses and is the canonically significant element of the formal object of consent. GS 49 underlines that marital love becomes an essential component of the partnership of the whole life. It is indissolubly faithful inasmuch as it is supported by mutual fidelity and, above all, consecrated by Christ's sacrament.

Fostering Marriage and the Family

In the dogmatic constitution Church in the modern world (GS 52), the Council Fathers dwell upon the duty to foster marriage and family. It describes family as a school for human growth, which is only achievable if each family member takes responsibility for his or her role. GS 52, describing marriage and family, clearly states that all must consider it as their own obligation to protect the true nature of marriage and family. First, the document emphasizes parents' duty to give their children an integral formation. Then, the Council Fathers remind civil authorities, Christians, and experts in various human sciences of their duty to protect and promote marriage and family life. Finally, the document states the role and duty of priests and various family associations in preparing young people for married life and giving them the necessary assistance for a successful family life. Having highlighted the role of the Church and public authority to promote the values of marriage and the family, both through their witness and action, attention is drawn to several special groups and their role in this task. Here, the concept of the *principle of subsidiarity* is brought into play.

⁷ A. Stankiewicz, *The Canonical Significance of Marital Communion*, in R. Latourelle (ed.), *Vatican II: Assessment and Perspectives Twenty- Five Years After*, 210-211.

Marriage: A Vocation to Holiness

Chapter V of the Dogmatic Constitution on the Church, *Lumen Gentium*, the universal call to holiness in the Church, underlines the vocation of all Christians "to perfection in holiness." LG 41 §5 examines the various forms in which the one Christian holiness is embodied. Christian married couples and parents should encourage one another in grace all through life with faithful love and train their children in Christian doctrine and evangelical virtues. They demonstrate to everyone a kind of love that endures and is selfless, sharing Christ's love for his bride and giving himself up for her. Distinctly, a similar example is given by widows and single people, who can also greatly promote the holiness and activity of the Church.

The Council Fathers refer to the universal call to holiness in the *Lumen Gentium*. This constitution speaks about 'ministers of lesser rank' who are chosen by God and called by the bishop to devote themselves entirely to apostolic work, as understood from the theological point of view. Involvement in the episcopal mission is the essence of their vocation.⁸ The vocation to marriage is as a vocation to holiness, closely related to *Bonum Prolis*. The document emphasizes that Christian married couples and parents have a special obligation to foster holiness in their own lives and their children's lives.

1.5 *Familiaris Consortio* and Its Impact on the Pastoral Assistance: A Synthetic View

The apostolic exhortation of His Holiness Pope John Paul II *Familiaris Consortio*, (The Role of the Christian Family in the Modern World), states that the future of humanity passes by way of the family. John Paul II describes that the fundamental task of marriage (and by derivation of the family) is to actualize in history the original blessing of the Creator: to transmit by way of procreation the divine image from person to person. In *Familiaris Consortio*, the Pope views marriage preparation as a gradual and unceasing process, suggesting three different stages - remote, proximate, and immediate preparation. The triple preparation of which *Familiaris Consortio* speaks is reiterated and reaffirmed by the Pontifical Council for the Family in the document "Preparation for the Sacrament of Marriage."

⁸ H. Vorgrimler, *Commentary on the Documents of Vatican II*, 1, New York, 1967, 269.

The *Familiaris Consortio* reveals the security and optimism that stem from the Pope's confidence in the family, a confidence rooted in Christ as the inexhaustible source of grace for married couples. According to Pope John Paul II, the pastoral assistance of the family promotes better and more thorough marriage preparation programs (FC 66 §2). The *Familiaris Consortio* 66 speaks of remote, proximate, and immediate preparation, which is still valid in *Amoris Laetitia*.

Parents have a primary obligation to give their children an education through collaboration with Society and the Church. The family is the essential cell of the society according to God's plan and is a subject of rights and obligations before the state, the community, and every other society. Due to this, the Church openly and forcefully protects the family's rights against the intolerable infringements of society and or the state. Moreover, there are three agencies but the primordial one is family. Respecting the application of the *principle of subsidiarity* means giving priority to the family, which must be able to act independently and by its own means.

1.6 Assistance to the Married Couples in the Light of CCEO c. 783

CCEO c. 783 deals with marriage preparation, which includes pre-marital and post-marital preparation. In reality, marriage preparation is something that takes a lifetime; hence, such preparation should be accomplished through the various means highlighted in the canons, especially through preaching and catechesis, which seek to strengthen and nourish the faith of both parties involved. These canons also remind us that the major concern of marriage involves much more than just the valid exchange of the consent of both parties. The Christian community has a duty to support married people in their vocation and to help them to live out their married life. In both the Codes, the term "Covenant" is used. The word "covenant" comes from the Latin word *convenire*, meaning "to come together into a whole," to unite, to join, to meet together; it signifies bond, mutual commitment, partnership, or love. It deals with both people and a relationship of mutual trust and fidelity.⁹ Succinctly, "Christian marriage preparation can be explained as a journey of faith which does not end with the celebration of marriage

⁹ Cf. T. Pazahayampallil, *Pastoral Guide*, II (Sacraments and Bioethics), Bangalore, 1997, 665-666.

but carry on throughout family life."¹⁰ Marriage is not just a personal contract between two individuals but also a sacrament, which is a commitment before God and the entire Church community¹¹.

1.7 Commentary of CCEO c. 783 §3

CCEO c. 783 §3 (CIC c. 1063, 4^o) reads as follows: Pastors of souls should support the couple after the celebration of marriage so that by faithfully observing and safeguarding their marriage covenant, they may day by day achieve a holier and fuller family life. The general principle is that the laws should be interpreted following the proper meaning of the terms taken into account in their text and context. The interpretation of the law is a delicate intellectual operation intended to determine its meaning with a view to its suitable application¹². To understand CCEO c. 783 §3 (CIC c. 1063, 4^o) we must analyze the entire canon.

CCEO c. 783 and CIC c. 1063 classify four ways of obligation that are to be carried out: general education and catechesis; specialized preparation preceding marriage; liturgical celebration of marriage itself; and the continuing support for married couples after marriage. In listing these four ways, the canon uses the adverb *imprimis*, suggesting that while these are the principal ways, the list is not exclusive, leaving room to introduce other ways of achieving this obligation of pastoral care to those preparing for marriage.¹³ Therefore, these canons envisage a marriage preparation that spans a lifetime from infancy right through to supporting the couples after they are married. The canon begins by speaking generally about the pastors of souls, who primarily ensure that Christian marriage is respected and lived in the community. The canon does not spell out in detail how pastors of souls and the community are to help married couples. The marriage between baptized Christians is a sacrament;

¹⁰ Pontifical Council for the Family, *Preparation for the Sacrament of Marriage*, Roma, 1996, 102,

¹¹ Cf. L.A. Robitaille, "Pastoral care and those things which must precede the celebration of Marriage", in J.P. Beal - J.A. Coriden - T.J. Green, (eds.), *New Commentary on the Code of Canon Law*, Bangalore, 2013, 1262.

¹² Cf. P. Lombardia, "Title 1: Ecclesiastical laws", in E. Caparros - M. Theriault - J. Thorn, (eds.), *Code of Canon Law Annotated*, Ottawa, 1993, 90; B. Paolo, *LA cura Pastorale e gli atti da Premettere alla Celebrazione del Matrimonio*, in Redazione di Quaderni di Diritto Ecclesiale (cur.), *Codice di Diritto Canonico Commentato*, 5ed. riveduta e aggiornata, Milano 2019, 891-892.

¹³ G.B. Conte - E. Pianezzola - G. Ranucci, *Il Latino Vocabolario della lingua latina: Latino-Italiano, Italiano-Latino*, Milano, 2016, 710.

therefore, preparation should be necessary to receive it as fruitfully as possible. Such preparation should be accomplished through the various means highlighted in the canon, especially through preaching and catechesis, which seek to strengthen and nourish both parties' faith. Considering the importance of marriage and family and being aware of the need to intensify the common good of all, together with the increasing number of failed marriages and broken homes worldwide, the fulfillment of the obligations of *CCEO* c. 783 is extremely important. Once the marriage has been celebrated, pastors should make themselves available to provide help to the couple so that, while faithfully upholding and safeguarding the marriage covenant, they may regularly come to lead a holier and fuller life in their families.

The future of the world and the future of the Church depend on the family; therefore, pastoral care is nothing else than the constant work of catechesis, which begins with the theme of preparing for marriage, continues in its celebration, and later throughout the whole life of the spouses. According to *CIC* c. 226 §1, the most important role of parents is the education of their children. Regarding the education of children, the rights and responsibilities of the parents are fundamental, primary, and inalienable. Parallel provisions on parents' rights and obligations for their children's Christian education are contained in *CIC* c. 793 §1.

In brief, pastors should be particularly attentive in supporting and assisting the Catholic spouse to remain faithful to their commitments in the declaration or promises. Adequate pastoral care of mixed marriages will often require ecumenical cooperation and separation of spouses. First of all, pastors have the responsibility to help them to preserve conjugal living and maintain common life. If separation is the last choice, the Church has to bring its pastoral resources to assist the children, to provide the spouses with the resources for dealing with them, and to remind the spouses of their ongoing legal and moral obligations to the children. Hence, the pastor's concern is to assist the couples to safeguard and protect the matrimonial covenant till the end of their life. We will now examine the role of the religious as pastoral assistants to the Christian faithful.

2. Pastoral Assistance by Women Religious

Apart from parish priests, the Vatican II Council underlines the role of religious men and women who can assist in the ministry because

of their special consecration and ready availability for this mission. The role of religious women as pastoral assistants is mentioned in the canons 410, 415, and 542 of *CCEO*. The religious are called to actively participate with great common and personal commitment in the salvific work of the universal Church (*CCEO* c. 410). The religious institutes receive the fundamental mandate to participate in works particular to their charisms by means of canonical erection and the approval of its statutes (*CCEO* c. 542). The eparchial bishop can entrust the apostolic work or the obligations pertaining to the eparchy to the religious only with the consent of the competent superiors, without prejudice to common law and in accordance with the religious discipline of the institutes safeguarding their own character and specific purpose (*CCEO* c. 415).

Primarily, an attempt is made to understand the participatory role of the religious in the salvific work of the universal Church arising from religious profession. The religious has a special role in the Church in respect to the sanctifying mission of the Church on earth. It consists of the prolongation of Christ's mystery, through which she is the spouse, united to Christ with an unbreakable bond, a union that gives her sanctity.¹⁴ The purpose of religious life in the Church is to contribute to the carrying out of its salvific mission.¹⁵ The nature and purpose of religious life are clearly expressed in the documents *Lumen Gentium* and *Perfectae Caritatis* of the Vatican II Council. Religious life is presented as a special service to God through the profession of the evangelical counsels. It is a special consecration coming from the baptismal consecration, expressed in a more integral following and imitation of Christ (*PC* 5). The Catechism of the Catholic Church recognizes religious life as lived inside institutes canonically erected by the Church, differentiated from other forms of consecrated life by its liturgical nature, public professing of the evangelical counsels, fraternal life led in common, and witness offered to the union of Christ with the Church.

Ongoing renewed spirit inspires the religious to respond energetically in the midst of the changing ecclesial and social

¹⁴ Cf. E. Gambari, *For Me to Live in the Church*, Palestrina, 1968, 114.

¹⁵ Cf. J.F. Gallen, *Canon Law for Religious: An Explanation*, New York, 1983, 5; E. Gambari, *Vita religiosa: secondo il Concilio e il nuovo Diritto Canonico*, Roma, 1985, 170-171.

contexts.¹⁶ According to the *Lumen Gentium*, God calls people to become religious so that they might participate in a distinctive gift of grace in the life of the Church and can each make a unique contribution to the Church's redeeming mission. Hence, the participatory role of a religious in pastoral assistance is a part of apostolic activities. The religious must assist the local hierarch in pastoral matters where assistance is requested (ES 28). According to the prescriptions of law, any act of the apostolate entrusted to any religious institute by the local hierarch should be made by written agreement (ES 30). The eparchial bishop can entrust a task to the religious only after getting the consent of the superior (ES 31). Mutual cooperation and understanding between the pastors and the religious are essential for the dynamic growth of the parish. Strictly speaking, *cura animarum* is applied only and directly to those who are in priestly orders, such as Bishops and Priests, but broadly speaking, non-clerical religious and laity can participate in its exercise. Eparchial Bishops may assign a share in the exercise of a parish's pastoral care to a religious or a religious institute when there is a shortage of priests. The religious carry out the apostolic mission in the parish according to the norms of the eparchial bishop. Pastoral care through the religious would mean providing at least minimal pastoral care so the parish would not have to be closed (PC 10).

According to V. De Paolis, the religious apostolate demonstrates the close participation of religious in the Church's pastoral life.¹⁷ CCEO c. 415 §3 is unique in explicitly prescribing that the bishop can entrust apostolic works to religious only with the consent of their superiors. The Eastern norms add that when assigning these works, the bishop must have due regard for common law, the internal discipline of the institute, and its character and specific purpose.¹⁸ The eparchial bishop and the institute concerned may enter into a contract before a religious begins to exercise the prospective apostolate. The aim of CCEO c. 415 §3 is to harmoniously coordinate the apostolates in the diocese or *sui iuris* Church by respecting the character, purpose of the institutes, and the particular law. The fact that the bishop is

¹⁶ Cf. R.M. McDermott, *External and Internal Reconfiguration of Religious Institutes*, in *Commentarium pro Religiosis et Missionariis*, LXXXV (2005), 80.

¹⁷ Cf. V. De Paolis, *La vita consacrata nella Chiesa*, Venezia, 2010, 515.

¹⁸ Cf. J. Abbass, *Apostolate: Subject to the Local Hierarch and Eparchial Bishop*, in J.D. Faris – J. Abbas (eds.), *A Practical Commentary to the Code of Canons of the Eastern Churches I*, Montréal, 2019, 857; J. Abbass, *The Consecrated Life: A Comparative Commentary of the Eastern and Latin Codes*, 39.

entrusting this work testifies that it is a work proper to the eparchy. On the other hand, the eparchial bishop needs the consent of the religious superior, and he must respect the religious discipline of the institute because religious themselves are subject to religious superiors. In the *Canon Law Letter & Spirit*, it is explained that three specific areas of apostolic activity are always subject to the sole authority of the bishop, and among them are such specific works entrusted by the bishop to the care of religious, as e.g., a parish, a hospital, a school, a retreat house. In these situations, a written agreement is to be signed between the bishop and the competent superior of the institute. The due autonomy of both authorities involved is to be safeguarded in a written agreement. The work entrusted to religious by the diocesan bishop, even though they are proper to or derived from the very nature of the institute, remains under his authority. "1). The work to be done: this must be clearly specified, e.g., the running of a parish, the administration of a hospital, etc. 2). The members to be assigned: there must be an indication of the number of religious required for the work and the qualifications needed for the specific task. 3). Financial arrangements: Provision must be made so that a just and equitable plan is agreed upon between the needs of the diocese and those of the institute involved".¹⁹

The collaboration of religious makes the pastoral ministry active and vibrant. There are different means the religious use to assist Catholic married couples, such as, in ecclesiastical tribunal, non - extrajudicial dialogue like negotiation and mediation, post-marital preparation in diocesan and parish family apostolate centres etc. Now, we are going to see the role of women religious in assisting Catholic married couples.

3. *Amoris Laetitia* and its Impact on the Pastoral Assistance: A Synthetic View

In 2016, Pope Francis promulgated *Amoris Laetitia*,²⁰ following two Synods on the Family, namely that of 2014 and 2015. The apostolic exhortation gives great responsibility to bishops, pastors, and the religious in the accompaniment, discernment, and integration of

¹⁹ Cf. G. Sheehy (ed.), *The Canon Law Letter & Spirit: A Practical Guide to the Code of Canon Law*, Dublin, 1995, 379-380.

²⁰ Franciscus PP., *Adhortatio apostolica postsynodalis: Amoris Laetitia*, 19 martii 2016, in *L'Osservatore Romano*, CLVI (2016), 4-5.

families. Pope Francis points out that the most important task in the pastoral care of a family today is the pastoral endeavor to strengthen marriages and thus prevent their breakdown.

As P. Moneta explains, the apostolic exhortation *Amoris Laetitia* of Pope Francis profoundly affects the field of Canon Law. He states that it is understandable that we cannot take out a rigid boundary line between law and pastoral care, as if they were two separate worlds without reciprocal communication. Pastoral directives are inevitably destined to influence legal provisions.²¹

Establishing Law itself is a reality so essentially inherent in the Church's structure that without law the Church would not be what it is, according to the institution of Christ, as was well expressed by F. Coccopalmerio.²² To understand the canonical view on this apostolic exhortation, one should use the principles of the interpretation of Canon Law.

A notable aspect is depicted on the title page, which identifies this document as "*Post-Synodal Apostolic Exhortation Amoris Laetitia of the Holy Father to Bishops, Priests and Deacons, Consecrated Persons, Christian Married Couples and all the Lay Faithful on Love in the family*". The *Code of Canons of the Eastern Churches* mentions a tripartite division of the people of God by issuing them as clergy, laity, and religious, and thus granting different statuses to persons belonging to each group.²³ Pastoral accompaniment should promote the spouses to be generous in the communication of life. It is necessary to accompany the married couples "So that they are able to accept any crises, pick up the baton, and

²¹ Cf. P. Moneta, *L'Amoris Laetitia e il Diritto Canonico*, in Arcisodalizio della Curia Romana - Associazione Canonistica Italiana (a cura di), *Studi in onore di Carlo Gullo*, II, Città del Vaticano, 2017, 352.

²² Cf. F. Coccopalmerio, *Che cosa è il Diritto della Chiesa?*, in *perchè un Codice nella Chiesa*, in F. Coccopalmerio - P.A. Bonnet - N. Pavoni (curr.), Bologna, 1984, 50-51; P. Gherri, *Diritto canonico e pastorale: la norma missionis*, in *Apollinaris*, XCI/1 (2018), 91.

²³ Cf. D.J. Andrés, *Observaciones introductorias al título «De Monachis Coeterisque Religiosis» del CCEO*, in *Apollinaris*, LXV (1992), 144; The Latin Code recognizes members from both the lay and clerical states who consecrate themselves to God in a special manner through the profession of the evangelical counsels by means of vows or other sacred bonds. Cf. R.M. McDermott, *Two Approaches to Consecrated Life: The Code of Canons of the Eastern Churches and the Code of Canon Law*, in *Studia Canonica*, XXIX (1995), 198. Cf. J.M. Pampara, *Canonical Implications of Amoris Laetitia*, in *Asian Horizons*, XI/I (March 2017), 49.

assign them a place in family life."²⁴ Therefore, this apostolic exhortation has obviously included consecrated persons separately as its passive subjects. Hence, religious women have a special role in the accompaniment of Catholic married couples. The responsibility of accompanying people to marriage and assisting married couples is not only that of the parish priest and other pastors of souls but also of the whole community. Co-responsibility is the principle, so everyone is responsible for all the pastoral activities in the Church but not in the same title and the same manner.²⁵ The discernment of irregular situations takes up a group of issues that concern today's Church order. The Church and its members have the task of accompanying spouses to overcome these difficult moments that affect positive changes in their marital relationships.²⁶ The most important theme closely associated with juridical pastoral assistance of the Church is the attention to families in imperfect situations. The strategy is to begin by developing the positive elements and then open to a more detailed discernment and, consequently, to greater integration of the couple into the community.²⁷ AL 200 states that the Church seeks humility and compassion to reach out to families and assist each family in finding the best means to overcome any challenges. In defining accompaniment, the pastoral perspective must remain the important encounter. Accompaniment is not exclusively a task of priests; it is the parish community's responsibility of the pastors, the consecrated persons, and the laity, including spouses. Excellent pastoral care requires preventing and supporting families in particular complex, and irregular situations.

²⁴ Cf. V. Bertolone, *La formazione degli operatori a servizio della famiglia*, in *Diritto Canonico e Amoris Laetitia* P. Moneta (cur.), Città del Vaticano, 2019, 78.

²⁵ F. Catozzella - M.C. Bresciani, *Accompagnare al matrimonio e nella vita familiare*, in Gruppo Italiano Docenti di Diritto Canonico (cur.), *Accompagnare, discernere, integrare. profili e prospettive giuridico - pastorali*. Coll. *Quaderni della Mendola* 27, Milano, 2019, 123.

²⁶ Cf. P. Landwójtowicz, *Pastoral Care for Married Couples in Crisis*, in *Catholic Family Ministry: The Scientific Reflection and the Practical Ministry of the Church*, J. Goleń - R. Kamiński - G. Pyżlak (eds.), Lublin, 2018, 397.

²⁷ Cf. M.J. Arroba Conde - C. Izzì, *Pastorale giudiziaria e prassi processuale nelle cause di nullità del matrimonio*, Milano, 2017, 14: «Il tema vincolato piu' da vicino alla pastorale giudiziale è quello dell'attenzione alle famiglie in situazione imperfette. La strategia è quella di partire dalla valorizzazione degli elementi positivi per poi aprire ad un piu' articolato discernimento e, di conseguenza, alla maggiore integrazione nella comunità».

A law of gradualness considers the distinction between sin, the state of grace and the attenuating circumstances.²⁸ The Exhortation *Amoris Laetitia* emphasizes the need to respect the law of gradualness which Pope John Paul II had already recommended. There is gradualness in the prudential exercise of free will on the part of subjects who cannot fully comprehend, appreciate, or fully carry out the objective requirements of the law. The law itself is a gift of God that reveals the way, a gift for everyone without exception. The interpretation of the law of gradualness requires one to understand the law as a path. It is impossible unless a person sincerely obeys the divine law and seeks those protected benefits promoted by that law.²⁹ According to N. Abeyasingha, there is a distinction between sin and delict. A delict should not be equated to sin. The issue of sin is guilt before oneself and God – responsibility to oneself and God. The salvation of souls is the supreme principle in the Church Law.³⁰ The achievement of this supernatural principle gives proper consideration to the common good of human society in general, as well as the well-being of individual souls.³¹ The law of gradualness is found in the *Instrumentum laboris* and concerns the possible integration of divorced and remarried persons into the Christian community: it is suggested that these paths of integration should be carried out according to a law of gradualness that respects the maturation of consciences.

3.1 Possible Canonical Framework: Actuality and Potentiality of CCEO c. 783

Canon Law is an instrument to facilitate the Christian life, not to make it more difficult and complicated. It enables the centrality of the people's good in the light of Gospel liberation, the consistency that identifies the community, and effectiveness in carrying out the mission. Firstly, to scrutinize the people without their initiative. Secondly, pastoral care of the family requires verification of the validity of the marriage bond. If a lawyer understands the real

²⁸ Cf. N. Abeyasingha, *The Law Versus the Gospel in Amoris Laetitia*, in *Asian Horizons*, XI/1 (March 2017), 126.

²⁹ Ioannes Paulus PP. II, *Allocutio in xystina sacello habita vi exeunte synodo Episcoporum*, 25 Octobris 1980, in *AAS LXXII* (1980), 1083.

³⁰ Cf. N. Abeyasingha, *The Law Versus the Gospel in Amoris Laetitia*, in *Asian Horizons*, XI/1 (March 2017), 126-127.

³¹ Cf., Pius PP. XII, *Role of the Judge in Marriage Nullity Cases*, 3 October 1941, in W.H. Woestman (ed.), *Papal Allocutions to the Roman Rota 1939-2002*, 2002, Ottawa, 15.

ground for the nullity of marriage, he can help the person to introduce the cause of nullity. So, the way of pastoral and juridical verification of marriage is very important.³² The doctrinal basis of the pastoral character as affirmed today in the judiciary office of the judge, is derived from the Vatican II Council. The doctrine of the pastoral mission of the ecclesiastical judge is based on the mission of Jesus Christ. Ultimately, this pastoral aspect in the Church's juridical life got institutionalized and became known as *aequitas canonica* (canonical equity). This is not only judging with natural equity (justice), but rather it is more a method of administering justice with Christian wisdom (Gospel) of mercy, charity, equity, and the like so that the fruit of pastoral charity becomes *aequitas canonica* (which practically is synonymous to pastoral charity).³³

According to CCEO c. 783 §3 and CIC c. 1063 4° highlight post-marital pastoral care, which offers help to spouses so that, by faithfully observing and safeguarding the conjugal covenant, they may lead a family life that is holier and more intense each day³⁴.

3.2 The Directives of the Dicastery for Laity, Family and the Life

The Dicastery for Laity, Family and Life, in 2022 gave the following the directives for the pastoral life of the families and it is titled as the following: *Itinerari Catecumenali per la vita matrimoniale orientamenti pastorali per le Chiese particolari*.³⁵ It is one of the most profound contributions made by the dicastery for the laity, family, and life in the *Amoris Laetitia* family year.³⁶ The document clearly explains the need for "marital mystagogy" in preparation for marriage and family life. The term mystagogy derives from the

³² Cf. M.J. Arroba Conde, *Nella Logica del Diritto la Felicità della Persone*, in *Noi Famiglia & Vita: Supplemento ad Avvenire* (28 Maggio 2017), 9.

³³ Cf. L. Neli, *Catholic Marriage Nullity Process*, 68.

³⁴ Cf. L. Sabbarese, *Il matrimonio canonico nell'ordine della natura e della grazia, Commento al Codice di Diritto Canonico*, Libro IV, Parte I, Titolo VII, Città del Vaticano, 2006, 168.

³⁵ Dicastery for the Laity, Family and Life, *Itinerari Catecumenali per la Vita Matrimoniale. Orientamenti pastorali per le Chiese Particolari*, Città del Vaticano, 2022, 1-103; Cf. Dicastery for the Laity, Family and Life, *Itinerari catecumenali per la vita matrimoniale*, in *L'Osservatore Romano*, CLXII (2022), 1, 8.

³⁶ Pope Francis launched the "Amoris Laetitia Family year," on 19 March 2021, and it was concluded on 26 June 2022. It was done during the X Meeting of Families in Rome with the Holy Father. Pope Francis announced the "Amoris Laetitia Family year," during his Angelus Message on the Feast of the Holy Family on 27 December 2020.

Greek *mystagogia*, which in turn comprises two stems, *mýstes* and *agogós*, and denotes the act of leading or initiating someone into the mysteries.³⁷ The catechumenate itinerary does not end with the celebration of marriage because the celebration of marriage is the beginning of a journey. Often, the questions asked by the pastors after the celebration of baptism are the following: Do you realise what you have received? Do you know what the Lord has worked in you? This document indicates that the style of mystagogical catechesis can be applied to marriage when the consent is exchanged between the couples and the blessing of the rings is carried out by the priest. The mystagogical marriage catechesis assists the spouses in being aware that they are married and live as a married couple by which they experience Christ's presence through daily prayer and nourish their relationship daily. The married couples then realized that marriage is a sacrament, which contains grace in their lifelong commitment to their married life.³⁸ The consecrated people have the obligation to assist the couples in the cooperation of the graces. This document explains the accompaniments in the early years of married couples and couples in crisis.

Juridical pastoral care not only assists couples in celebrating the spiritual love of their union in the best way possible but also safeguards against its nullity.³⁹ The objectives of the accompaniment in the early years of marriage are explained in the document that is in brief: 1) to present in a mystagogical marital catechesis the spiritual and existential consequences of the sacrament celebrated in concrete life; 2) to help couples from the very beginning to set up in the right way the interpersonal relationship as married couples 3) to deepen the theme of sexuality in married life, the transmission of life and the education of children 4) instilling in couples the firm that will defend the marriage bond in any crisis arise 5) proposing the encounter with Christ as an indispensable source of renewal of

³⁷ Cf. H. Stephano, *Thesaurus Linguae Graecae*, Parisiis, 1842-1846, 1313; Cf. E. Mazza, *Mystagogy*, New York, 1989, 2.

³⁸ Cf. P.V. Pinto, *De Matrimonio*, in *Commento al Codice dei Canonici delle Chiese Orientali*, Città del Vaticano, 2001, 649.

³⁹ Cf. N. Loda, *La Preparazione al Matrimonio*, in G. Torre – C. Mirabelli (a cura di), *Verità e Metodo in Giurisprudenza*, Città del Vaticano, 2014, 365.

marital grace and acquiring a conjugal spirituality; 6) to recall the sense of the specific mission of Christian spouses.⁴⁰

Avoiding separations, which can degrade and harm the bond irrevocably, depends significantly on preventing breakups from creating the conditions for a pastoral service that is up to the needs of families.

The exhortation proposes a more compassionate, practical, and situational interpretation of the relevant canonical norms. The Pope discusses three verbs in *Amoris Laetitia*: 1) to accompany, which means understanding the problems and walking with the married couples. Since all marriage issues are not the same, it is important to walk alongside them and grasp each issue. 2) to discern, which is to assist them in developing a sound conscience so they can make wise decisions on their own. The following verb is to motivate them to take part in Church activities. 3) to integrate, which means to participate in the Church activities. Even though this apostolic exhortation is a pastoral document, it contains canonical rules on marriage explained at length in this article. In this way, *Amoris Laetitia* examines the mystagogical aspects of helping Catholic married couples.

Conclusion

According to the *Motu Proprio Mitis et Misericors Iesus*, Pope Francis reminds the bishops and other ministers of the ecclesiastical structures to become compassionate physicians in their mission while they carry out the matrimonial proceedings. The laws help to show Church's closeness to the wounded families, desiring that Christ's healing work reaches the many who experience the tragedy of matrimonial failure through ecclesiastical structures.

The relevance of assisting married Catholic couples is demonstrated by an enormous number of divorced, remarried, and faithful who live in irregular situations of the Church and nullity cases in the ecclesiastical tribunal. The overall goal of canon law is best described in the word «pastoral», i.e., *salus animarum*. The implementation occurs in the particular law of religious institutes through the principle of subsidiarity. Women religious institutes and their participatory role in eparchies through their relationship with the

⁴⁰ Dicastero per i Laici, la Famiglia e la Vita, *Itinerari Catecumenali per la Vita Matrimoniale*. 83.

eparchial bishop in the exercise of the apostolate, especially in the pastoral assistance to Catholic married couples, which was discussed throughout our article.

The particular law includes the constitution and directives. Preserving the essence of the charism, the General Synaxis renews and nurtures it according to the space and the signs of the times. For example, "The Congregation of the Holy Family" is a religious institute, and the mission of their charism is family apostolate. The religious carry out their ministries through their religious state. Charism is the very reason for the existence of a congregation, and the congregation germinates in the Church from the charism of the foundress. The mind and design of Mariam Thresia are closely related to her life and the nature, purpose, spirit, and character of this particular religious institute. The objectives of pastoral assistance to Catholic married couples are safeguarding the matrimonial covenant, maintaining the principle of unity and indissolubility, and fostering the procreation and education of the children. It is the responsibility of the congregation of the Holy Family through their family-oriented ministries to help reduce the frequency of nullities while also benefiting the couples and the Christian community's individual needs.