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Marriage In the Eastern Catholic Churches: Theological and Canonical Approach

*Zakonska zveza v vzhodnih katoliških Cerkvah:
teološki in kanonični pristop*

Abstract: In the Eastern Catholic Churches, the sacraments, just as liturgical services, blessings and dedications, are perceived as an inseparable whole. As part of the study of the indicated topic, particular attention was paid to the issue of marriage in the Eastern Catholic Churches, which were analysed from the theological and canonical perspective. During the work on the article, the analytical and synthetic method was used, which allowed the development of the indicated topic in a complementary way and additionally demonstrated a number of coherent moral and legal aspects for members of the Roman Catholic Church and Eastern Catholic Churches.

The analysis of the available sources and the study of the collected materials in the Diocese of Prešov, where the research was conducted, allow us to conclude that in the studied environment, married life is an important culture-forming value. However, there were also some negative conclusions indicating that the intensity of social changes, stress, shortage of the social system and difficulties in the labour market have a direct impact on the durability or breakdown of marital relations. In relation to the above, an analysis of the number of contracted and disintegrated marriages in the archeparchy of Prešov was carried out.

The conducted study¹ indicates directions for further research: qualitative analysis of pre-marriage courses or a comparison of the marriage law of the Western and Eastern Catholic Churches, taking into account the statistical data of the proceedings for nullity of marriage.

Keywords: Eastern Catholic Churches, marriage, canonical approach, theological approach, Archeparchy of Prešov in Slovakia

Povzetek: V vzhodnih katoliških Cerkvah se zakramenti, tako kot bogoslužje, blagoslovi in posvetitve, dojemajo kot neločljiva celota. Pri obravnavi izbrane teme

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je posebna pozornost namenjena vprašanju zakonske zveze v vzhodnih katoliških Cerkvah, in sicer z vidika teologije in kanonskega prava. Za pripravo prispevka je bila uporabljena analitična in sintetična metoda, ki je omogočila celostno obravnavo izbrane teme, obenem pa osvetlila številne skladnosti v moralnih in pravnih vidikih Rimokatoliške Cerkve in vzhodnih katoliških Cerkva.

Iz analize dostopnih virov ter študija zbranega gradiva na območju škofije Prešov, kjer je bila raziskava izvedena, iz haja sklep, da je zakonsko življenje v takojšnjem okolju pomembna kulturotvorna vrednota. Vendar so se razkrili tudi nekateri negativni vidiki, ki kažejo, da imajo intenzivne družbene spremembe, stres, pomanjkljivosti socialnega sistema, pa tudi težave na trgu dela neposreden vpliv na obstojnost oziroma razpad zakonskih zvez. V zvezi s tem je bila opravljena analiza števila sklenjenih in razvezanih zakonov v nadeparhiji Prešov.

Izvedena raziskava omogoča določitev smernic za nadaljnje raziskave: kvalitativna analiza tečajev za pripravo na zakon ali primerjalna študija zakonskega prava zahodne in vzhodnih katoliških Cerkva ob upoštevanju statističnih podatkov o postopkih za ničnost zakonske zveze.

Ključne besede: vzhodne katoliške Cerkve, zakonska zveza, kanonski pristop, teološki pristop, Prešovska nadeparhija na Slovaškem

1. Introduction

A baptized person belongs to the Universal Church, a legally and hierarchically ordered community, and this belonging is constituted in its part as in one of the Eastern Churches *sui iuris* or the Roman Catholic Church. In spite of the common professed faith, establishment of the highest in a Church hierarchy and the possession of the sacraments, it is worth noting that "each of these churches has its own hierarchy and rite, i.e. liturgical, theological, spiritual and disciplinary heritage, expressing the way of experiencing the faith appropriate to a community. Among the various effects of belonging to a church, the right of the faithful to worship God in accordance with the rite of their own church should be mentioned." (Nitkiewicz 2014, 20)

In the Eastern Catholic Churches, the sacraments, just as liturgical services, blessings and consecrations, are perceived as an inseparable whole, because "they belong /.../ to the one paschal reality of the Church, in which the risen Christ acts" (62). The sacrament, in a visible way, through signs, words, material elements, announces the invisible gifts of God, the most important element of which is God's grace, which God grants at the moment of receiving the sacrament (Adamczyk 2020, 65–66). One of the sacraments is marriage, which is the true sacrament of the New Covenant between the baptized, and is understood as a matrimonial contract by virtue of which a man and a woman create a lifelong community, the purpose of which is the good of the spouses and the procreation and upbringing of children, and as such a marriage has been raised to the dignity of a sacrament if it is joined between the baptized (Katechizm Katolickiej Cirkwi 2022, pt. 1601).

Having regard to the above, the article will be devoted to the issue of marriage in the Eastern Catholic Churches, which will be analyzed from the theological and canonical perspective. The basic sources of knowledge on marriage will be the Catechism of the Catholic Cirkvi published in Trnava in 2022 and in the canonical dimension the Code of Canons of the Eastern Churches promulgated by Pope John Paul II with the constitution "Sacri canones" in 1990. As part of the analysis, supplementary literature will be used with a particular emphasis on sources and publications by authors belonging to the Greek Catholic community. An added value will be the description of the social dimension, which will be prepared on the basis of statistical data of the Archeparchy of Prešov in Slovakia. The analytical and synthetic method used in this text will allow to demonstrate a number of coherent moral and legal aspects for members of the Catholic Church and the Eastern Catholic Churches.

2. The Sacrament of Marriage in the Eastern Tradition - A Theological Perspective

Marriage, by the institution of God's alliance, is a relationship by which "a man and a woman create a lifelong partnership, which by its nature is targeted to the good of the spouses and to the procreation and education of offspring" (Katechizm Katolickej Cirkvi 2022, pt. 1617; Nitkiewicz 2014, 20).

The marriage covenant, by which a man and a woman form a lifelong communion with each other, directed by its very nature to the good of the spouses and to the procreation and education of children, has been elevated by Christ the Lord among the baptized to the rank of a sacrament (Katechizm Katolickej Cirkvi 2022, pt. 1601).

A valid marriage between the baptized, by the will of Christ, is a sacrament that both consecrates and strengthens the spouses. To emphasize the origin of the institution of marriage, the editors of the Catechism refer to the Holy Scripture and cite the description of the creation of a man and a woman mentioned in the Book of Genesis and the apocalyptic vision of the "Wedding of the Lamb." "And finally God said, Let us make a man in our image, after our likeness. /.../ So God created man in his own image, in the image of God he created him: he created male and female." (Gen 1:26-27) This idea of the image of God in man has been interpreted in various ways. Differences are noticeable in body posture (upright silhouette), in the ability to control other creatures, in procreative abilities, and especially in spiritual predispositions, in his intelligence, ability to think, sense of freedom and responsibility (Nitekiewicz 2014, 59–60).

The description of the creation of a man is a reflection of faith on the mysterious force of attraction between a man and a woman, which marginalizes blood ties and leads to the abandonment of parents. The reasons for these deep relationships between individuals of different sexes can be explained not only by the

procreative drive, but also by etiological argumentation. The desire of man and woman to be one flesh is the work of God, and the delineation of the man's creation contains specific literary forms and symbolic images. According to the Book of Genesis, Adam needs to have a partner with whom he will be in dialogue, with whom he will have control over animals and all living beings, thus there is a woman made of flesh and bones, having the same nature, the same humanity, being in common with a man (Gen 2:22-23). At the same time, the author points out that God is the source and cause of this love and mutual longing between a man and a woman (Nitkiewicz 2014, 59-60).

Two sexes relationship, the mutual belonging and complementarity of a man and a woman cause "a man leaves his father and his mother and connects with his wife, so that they become one flesh" (Gen 2:24). They both share love: both in the erotic and religious dimension, because it means clinging to God. The concept of "one body" cannot be reduced only to the sexual sphere, because in biblical language, it means the whole person, in biological, psychological and spiritual dimension. In marital relations, the body should not only serve as a means to satisfy sexual needs or to give birth to offspring, but should give the possibility of self-realization and the creation of *communio personarum* (Nitkiewicz 2014, 61).

A man's reaction to the appearance of a woman is an expression of admiration and love, it gives a sense of community because a man discovers "another self" of the same nature. The above admiration is a biblical testimony of the Creator's intention to realize the mutual gift of a man and a woman through complete physical, psycho-emotional, spiritual, individual and social dedication and through complete acceptance of the other as a gift. It is in the description of creation that the perspective of an interpreted gift emerges, in which a man and a woman become one flesh in the context of complementing each other thanks to their differences (Tripak 2008, 41-46).

Marriage is an image of the union of God and man in love. God, who is Love himself, created a man out of love in his image and likeness, he also called him to love. God's grace, which binds marital relations, is a kind of antidote to discord, infidelity, jealousy or conflicts that can lead to aversion and breaking the marriage alliance (Citbaj 2017, 64).

"According to faith, this disorder that we painfully note does not come from the nature of man and woman, nor from the natural nature of their relationship, but from sin. The first sin, the brokenness in the relationship with God, has as its first consequence the brokenness in the primordial communion of man and woman. Their relations have been disturbed by mutual accusations; their mutual attraction, which is a gift of the Creator, has been changed into relations of domination and lust; the wonderful vocation of man and woman to be fruitful, to multiply and to dominate the earth, has been burdened by the pains of childbirth and the toil of earning their bread." (Katechizm Katolickej Cirkvi 2022, pt. 1607)

Presumptive disorder in marital relations is the result of the original sin, which resulted in the rupture of the original communion of man and woman, when their mutual relationship was imbalanced, and the attraction towards each other, which was a gift of the Creator, turned into a relationship of control and lust, and the vocation to fertility was burdened with pain of bearing children and struggling to obtain food (Katechizm Katolickiej Cirkvi 2022, pt. 1607). In spite of a serious violation of the order of creation, man and woman, wanting to heal the wounds caused by sin, require the help of grace, which God in his infinite mercy has never withheld from them. From that moment, a mutual unity of life is realized in which "I" has been replaced by "we" (Citbaj 2017, 66).

"Yet the order of creation persists, even though it is severely disrupted. To heal the wounds of sin, man and woman need the help of grace, which God in His infinite mercy has never denied them. Without this help, man and woman cannot realize the unity of their lives for which God created them 'in the beginning'." (Katechizm Katolickiej Cirkvi 2022, pt. 1608)

The impulses of the body and instinct, the strength of affection and attachment, the striving of the spirit and the will - all these elements are components of conjugal love, which requires indissolubility and fidelity in total mutual giving and opens to fruitfulness.

"Conjugal love has a completeness in itself in which all the components of the [human] person have a place: the demands of the body and the instinct, the powers of the senses and the emotions, the desires of the spirit and the will. This love tends toward the deepest possible personal unity, which, beyond the union in one body, leads to the formation of one heart and one soul; it demands indissolubility and fidelity in definite mutual self-giving and opens itself to procreation. In a word, these are the normal characteristics of all natural conjugal love, but with a new meaning which not only purifies and strengthens them, but also elevates them to such an extent that they become expressions of purely Christian values." (Katechizm Katolickiej Cirkvi 2022, pt. 1643)

This human community is confirmed, purified and completed by the solidarity with Jesus Christ, administered by the sacrament of Matrimony.

"By its very nature, the love of spouses requires the unity and indissolubility of the communion of their persons, which encompasses their whole life: 'And so they are no longer two, but one flesh.' Spouses 'are called to grow continually in their communion by daily fidelity to the conjugal vow of total mutual self-giving'. This human communion is strengthened, purified and consummated by the communion in Jesus Christ, conferred by the sacrament of marriage. It is deepened by a life of common faith and by the Eucharist received together." (Katechizm Katolickiej Cirkvi 2022, pt. 1644)

The editors of the Catechism note that staying with another person for a lifetime may often seem difficult, sometimes even impossible. It is all the more important to proclaim the Good News about God's love, and spouses who, with the help of God's grace, give this witness, often in very difficult conditions, deserve the gratitude and support of the ecclesial community.

"It may seem difficult, even impossible, to connect for life with one person. That is why it is so important to proclaim the good news that God loves us with a definitive and irrevocable love, that spouses share in this love which guides and strengthens them, and that by their faithfulness they can be witnesses of God's faithful love. Spouses who, with the help of God's grace, give such witness, often in very difficult circumstances, deserve the gratitude and support of the ecclesial community." (Katechizm Katolickej Cirkvi 2022, pt. 1648)

Mutual love between a man and a woman becomes an image of absolute and indestructible love. This is how God loves a man. For that reason, marriage is not a purely human institution, although it is not manifested with the same clarity everywhere.

"God, who created man out of love, also called him to love, which is the fundamental and innate vocation of every human being. For man is created in the image and likeness of God, who Himself 'is Love' (1Jn 4:8, 16). Since God created him as male and female, their love for one another becomes an image of the absolute and eternal love with which God loves man. In the eyes of the Creator she is good, very good. And this love, which God blesses, is intended to be fruitful and to be realized in the common work of protecting creation: God blessed them and said to them: Be fruitful and multiply and replenish the earth. 'Be fruitful and multiply, and bring forth, and plant and bless, and subdue it.'" (Katechizm Katolickej Cirkvi 2022, pt. 1604)

Modernization, globalization and individualization have caused that the modern world is often unfavourable, sometimes even hostile towards faith (Katechizm Katolickej Cirkvi 2022, pt. 1656). That is why, Christian families are of great importance as centers of living and radiant faith, which the Second Vatican Council calls *Ecclesia domestica* ("domestic church").

"In today's world, which is often alien, even hostile, to faith, Christian families are of primary importance as focal points of a living and radiant faith. That is why the Second Vatican Council calls the family by the ancient name *Ecclesia domestica* (»domestic Church«). In the family circle, »parents are to be the first proclaimers of the faith to their children by word and example, and are to cultivate the vocation proper to each one of them and, with special care, the spiritual vocation." (Gorbaniuk 2007, 8)

The use of this term was a response to the challenge of modern times and was intended to revive faith in a secularized society (Braunsteiner et al. 2019, 10–24). Christian families are the first bearers of faith towards their children, and the family home is the first school of Christian life, where the child learns perseverance and the joy of work, brotherly love, generous, even multiple forgiveness and in particular worshipping God through prayer and sacrifice from your life.

“The baptismal priesthood (1268) of the father, mother, children and all members of the family is also very clearly exercised in the family ‘by the reception of the sacraments, by prayer and thanksgiving, by the witness of a holy life, by self-denial and active charity’. The family is thus the first school of Christian life, ‘a school of fuller humanity’. Here one learns patience and joy in work, fraternal love, generous and repeated forgiveness, and above all the worship of God through prayer and the sacrifice of one’s life.” (Katechizm Katolickiej Cirkwi 2022, pt. 1657)

The domestic church should be characterized by Love, which is the criterion for all the activities, code of conduct and a form of support in the process of evangelization of husbands, wives and other family members (Buc 2009, 106).

3. The Canonic Dimension of Marriage

Presented above the theology of marriage is reflected in canonical norms and regulations, within which the church legislator, among others, describes marriage and the sources of its existence, goals, attributes and determines the form of entering into this union, and also indicates the obstacles and disadvantages of marital consent that may be the basis of its invalidity. In canonical terms, marriage is one of the most beautiful and at the same time the most difficult interpersonal relationships, which results from the very nature of a human (Citbaj 2015, 27; Tyrol 2011, 23; Popovič 2020a, 111). Therefore, the nature of a human is the primary source of marriage, because man is constructed as male or female, and as such, in his masculinity and femininity, in both physical and mental dispositions and aspects, naturally tends to seek and connect with each other. The classic model of marriage and family, based on the relationship of a man and a woman, is always considered as a natural phenomenon of civilization. However, the Church, from the beginning of its existence, has included marriage in its theological system, thus giving it an additional religious character (Citbaj 2015, 29–30). Viewing marriage in the context of its religious nature, from the beginning, it tried to raise for it, and later to accompany it in the form of practical support, given to countless couples, and thus became a teacher with a two thousand years practice, accumulating human experience invariably built and based on the biblical message. Having regard to the above, discussed in this part the matrimonial law, executory in the Eastern Catholic Churches is not only the dry letter of the law, but through the norms, it shows the wealth gathered and mentioned above, resulting from the experience of caring for the marital relationship (32).

In canon 776 CCEO describing marriage, the legislator wrote:

“can. 776 § 1. The matrimonial covenant, by which a man and a woman, by irrevocable personal consent, establish between themselves a community of all life, directed by its nature to the good of the spouses and to the procreation and education of children, was instituted by the Creator and is governed by his laws.” (CCEO, can. 776 § 1)

At the beginning of the world fortune, there is one and eternal God’s plan, the basis of which is love. The act of creation was not only an expression of God’s omnipotence and wisdom, but above all, an act of his love, and the mysteries of creation and salvation that are still being fulfilled today, actualized through the historical events, implement God’s plan of uniting in love, which is realized mainly through marriage (Bieľák 2011, 56). By contracting a marriage, a man fulfils God’s call, implanted in his heart for centuries. The described above marriage was established by the Creator, therefore there is no possibility to change its concept and it is invariably defined as an inseparable union of a man and a woman through which they receive the mentioned God’s grace (Čitbaj 2015, 40–41; Tirpák 2008, 37), which the legislator, emphasizing the spiritual and mystical dimension of marriage in accordance with the Eastern tradition, wrote in the next paragraph:

“can. 776 §2 By the institution of Christ, a valid marriage between the baptized is the same sacrament by which the spouses are united in the image of the perfect unity of Christ and the Church, and by sacramental grace they are as it were consecrated and strengthened by God.” (CCEO, can. 776 § 2)

Therefore, the Catholic marriage is not only a sociological or legal reality, but also a spiritual and religious one, because through love it is connected with the messianic work of Jesus Christ, and Jesus Christ, sitting as if on the throne of Christian marriage, becomes a guarantee of the durability of marital love. Sacramentality gives marriage an extraordinary strength. Through this strength, they receive special grace and help in fulfilling the mission of living together and raising children (Čitbaj 2015, 44–45).

Marriage understood as an alliance, which was directly subsumed by the legislator in the above-mentioned canon, is based on God’s covenant with people. It contains its characteristic features, i.e. it reflects total and radical love. It is not a temporary contract, but is inscribed in a structure based on fidelity to God and is constant not only in relation to one specific relationship, but in a broad context it is understood as the continuity of the alliance covering successive generations, i.e. constantly requiring new partners in the form of offspring (Bieľák 2011, 58; Tirpák 2008, 41–46; Mikołajczuk 2006, 280–281; Adamowicz 2015b, 9; 29).

Marriage itself is an image of God because it is a loving relationship between partners open to dialogue. The relationship of love makes a marriage a partnership of a man and a woman. For that reason, the legislator directly pointed out that their rights and obligations are also equal in terms of what belongs to building

a community of married life, although they are sometimes diverse, because they are determined by gender.

“can. 777. Marriage brings equal rights and duties for the spouses in what belongs to the community of conjugal life.” (CCEO, can. 777).

The biblically justified equality of a man and a woman, respecting their natural abilities and conditions, allows them to complement each other in a worthy way in order to realize the fullness of humanity through marriage (Čitbaj 2015, 50–51; Tyrol 2011, 22; 23; Biełak 2011, 60; Tirpák 2008, 43–45). Approximate legal norms have their justification and sources in the biblical description of the creation of a man, where it is noted that God, seeing a man, stated that:

“It is not good for a man to be alone, so I will make him a helper fit for him. /.../ Then the Lord made the man fall into a deep sleep, and while he was sleeping, he took out one of his ribs and filled the place with flesh. Then the Lord God made a woman out of the rib he had taken out of the man. And when he brought her to the man, the man said: This one is bone of my bones and flesh of my flesh! She will be called a woman, because she was taken from a man. Therefore, a man leaves his father and his mother and cleaves to his wife so closely that they become one flesh.” (Gen 2:18-24; Tyrol 2011, 23)

In the context of the quoted extract, it should be noted that a woman cannot be treated by a man as a subordinate workforce, a tool needed to achieve sexual satisfaction or to give offspring. The creation of one body indicates the obligation to be mutually helpful to each other on every level of life, such as, economic, biological or other. The existential plane appears in the foreground, where a woman and a man need each other, as mentioned above, to achieve fullness in humanity. (Biełak 2011, 61; Dorsz 2009, 19; Czupryński 2015, 215–225)

Based on the biblical description of creation, in which it has been written that “God created man in his own image, in the image of God he created him: he created male and female” (Gen. 1,27; Tirpák 2008, 44) to which Jesus referred when answering the question of the Pharisees, he said: “Haven’t you read that the Creator made them male and female from the beginning? And he said, For this reason, a man shall leave his father and mother and join his wife, and the two shall become one flesh. So they are no longer two, but one flesh. Therefore, what God has joined together, let no man part” (Matthew 19:4-6), the legislator of the Catholic Churches states directly that marriage is characterized by such qualities as unity and indissolubility (Popovič 2020a, 111).

“Can. 776 §3. The essential properties of marriage are unity and indissolubility, which in a marriage between the baptized acquire a special force by reason of the sacrament.” (CCEO, can. 776 § 3)

From the description of creation, analyzed even from the etymological point of view, it arises that the marital bond is the strongest possible bond because, as indi-

cated in the theological interpretation, it even exceeds blood ties and as such it is a confirmation of marriage as a monogamous and indivisible union, contracted permanently (Tyrol 2011, 23; Braunsteiner et al. 2019, 8–9). As it was mentioned above, marriage is the strongest of relationships, because it is directly the image of God Himself, i.e. the relationship of love between People (Bielak 2011, 63). Interpreting the creation of man in the image and likeness of God himself, it should be noted that it has been described as the creation of a woman and a man. It expresses the idea that not so much as individual people, but man and woman as a relationship of marital love reflect the image of God (64). God is one, but He is not alone, because in one Person He would not be Love. Christian theology, which is the basis of legislation, by explaining the mystery of God, indicates love and unity of the Holy Trinity. Therefore, canonical marriage, having its source in God, shows His image through love and unity. A woman and a man, created in the image and likeness of God, are able to act within the framework of a dialogue of love open to others (Bielak 2011, 63; 66–67; Čitbaj 2017, 64). Building unity in an inseparable way, i.e. lasting until the death of one of the spouses, constitutes the creation of a community of the whole life. It is called the community of a table and a bed (Čitbaj 2015, 66–67) by classical canon studies – apart from the various levels of married life in this context, it is also noted that the sexual ground, which is God's gift and element of human nature, in marriage raised to the dignity of a sacrament, becomes a reality that enables the implementation of the goals of marriage (66–67).

Marriage is characterized by unity and indissolubility, and as such becomes a sacramental union which cannot be dissolved by any human power (Čitbaj 2015, 56; 57; 2017, 70). The listed attributes of marriage are compatible with the purposes of marriage, which are the good of the spouses and the procreation and upbringing of offspring (Čitbaj 2015, 64–65; 2017, 71–73; Braunsteiner et al. 2019, 69; 73). By enumerating the good of the spouses in the first place, the legislator points to their concern and fulfilment of the duty of mutual assistance, from the simplest to the complex. Spouses can never act to harm the other, but always to enrich them (Čitbaj 2015, 64–65; 2017, 71–73; Braunsteiner et al. 2019, 69; 73). The cited norms have their justification in the teaching on marriage, which was included in the Letter of St. Paul to the Ephesians. Describing the principles of domestic life, Saint Paul begins with the command to be subject to one another in the fear of Christ and to love one another (Ef 5: 21–33). As a result, loving spouses are to become the foundation of the family, their children its continuation, and service and love are to be its security (Trstenský 2011, 49; 51).

From the above-described religious nature of the marriage, the legal, and precisely the canonical, competence of the Church towards the institution of marriage flows directly. The Catholic Church, maintaining the principles of the biblical idea of the marriage covenant, and respecting the Church's teaching on the relationship, has the right to confirm the criteria for the validity and invalidity of marriage, and then evaluate individual relationships in their light. By confirming the validity of a marriage, the Church states that at the time of its solemnizing, all legal provisions related to it were preserved. However, if there have been any cir-

cumstances indicating the occurrence of irregularities regulated by the legislator, then after appropriate proof, the marriage may be declared null (Čitbaj 2015, 74; 76). This competence will also be valid in the case of marriage between a Catholic and a non-Catholic, or even a non-Christian. Through marriage, the non-Catholic party enters the legal order of the community of the Church, which has jurisdiction over canonical marriage (Adamowicz 2009, 152).

4. The Social Dimension in the Context of Marriage Processes

Societies that have so far been based on the Christian system of values reverse, promoting the importance of civil law as appropriate to regulate all social relations. Visible secularization, resulting from secularization and de-Christianization, leads to the rejection of natural law, and all the more so religious law. In our context, it is canon law, which stands for the faithful of the Roman Catholic Church and the described Eastern Catholic Churches. The described changes have a significant impact on the understanding of the value of marriage and family, which in practice is rarely defined in the way described earlier. The variety of concepts makes it urgent to adapt the methods of proper marriage preparation so that the preached values have a chance to be understood and accepted by the next generation, because the idea of marriage, despite the passage of time, remains unchanged (Popovič 2020a, 109–110; 115–116. Tirpák 2008, 41–46).

The preached idea of canonical marriage has its source in God's natural law and God's positive law. Therefore, starting from a contract based on an act of consent, it becomes an irrevocable bond involving the action of God himself. (Popovič 2020a, 112–114)

Marriage is created by the consent of the parties, which the legislator wrote down in the aforementioned can. 776 § 1. In a broad sense, marriage is a meeting of two wills directed at the same object, and in a narrow sense, it is a personal act of mutual self-giving to fulfil the goals and values of the marriage agreement (Popovič 2020a, 118–124; Adamowicz 1999, 237–256). However, it may happen that the relationship will not actually be a marriage due to the presence of an obstacle (CCEO, can. 800–812. Ivan 2007), defect of consent (CCEO, can. 818–826) or failure to perpetuate the canonical form of marriage (CCEO, can. 828–842; Nowicka 2012, 175).

As mentioned before, the social perspective will be discussed on the example of the Greek Catholic Church of the Archeparchy of Prešov, because not only theory, but “the results of research can help in better understanding the external conditions of pastoral activity /.../, which, when interpreted /.../, should be used by theologians /.../” (Wielebski 2010, 165)

The Archeparchy of Prešov is one of the jurisdictional units of the Slovak Greek Catholic Church and covers the territory of the Prešov Region together with the Eparchy of Košice and the Eparchy of Bratislava, forming the Greek Catholic me-

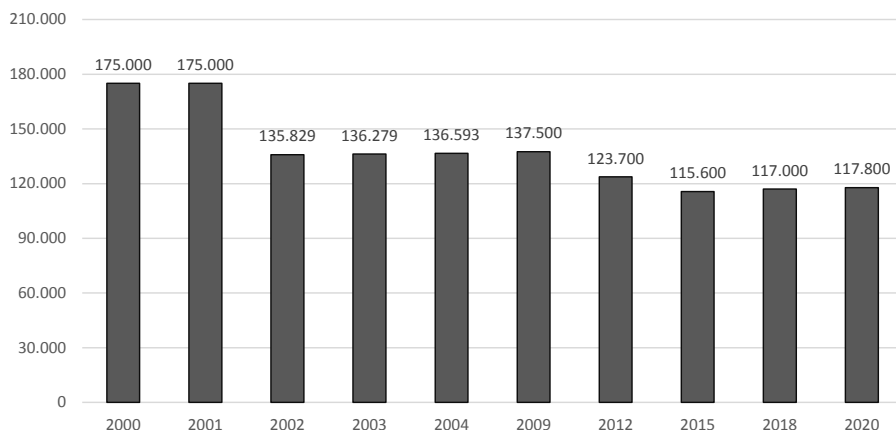


Chart 1: *Number of Greek Catholics in the diocese of Prešov in 2000–2020.* Source: *Archeparchy of Prešov.*

tropolis of Prešov. The Archeparchy of Prešov has its legal address in Prešov (Kosiek i Adamisin 2020, 77) – the third largest city in Slovakia.

The Archdiocese of Prešov is currently inhabited by over 117,000 Greek Catholics, and over the last 20 years, their number has decreased by almost 33%.

This material is the result of research conducted in the Diocese of Prešov in the period from August 19, 2022, to September 18, 2022. The developed material was obtained in the course of research conducted at the University of Prešov in Prešov and from the available sources from the office of the Archeparchy of Prešov. Statistical data for the years 2005–2008, 2010–2011, 2013–2014, 2016–2017 and 2019 are unavailable.²

It is worth considering that in the analyzed period, the number of diocesan Greek Catholic clergy increased: in 2000, the diocese had 227 priests, and in 2020 there were 282. It is worth noting that over two decades the number of believers has decreased by almost 45 %, and the number of parishes by 18 %.

The above, reduced statistical data give us a picture of the functioning of the Archeparchy of Prešov. Over the course of two decades, the number of believers has been decreasing, and parishes have been closed, but the number of clergy has been increasing. Considering this information, it is worth presenting the statistical data, provided by the Archeparchy of Prešov, showing the number of marriages. The chart clearly shows that over the last twenty years, the number of marriages has decreased by almost 20 %, and the fewest marriages were contracted in 2020. It is worth noting that while the number of marriages between Greek Catholics decreased in the analyzed period (decrease by over 30 %), the number of marriages in which only one of the parties belongs to the Catholic Church of the Eastern Rite remains at a constant level.

² See <http://www.catholic-hierarchy.org/diocese/dprby.html#stats> (access 10.10.2022).

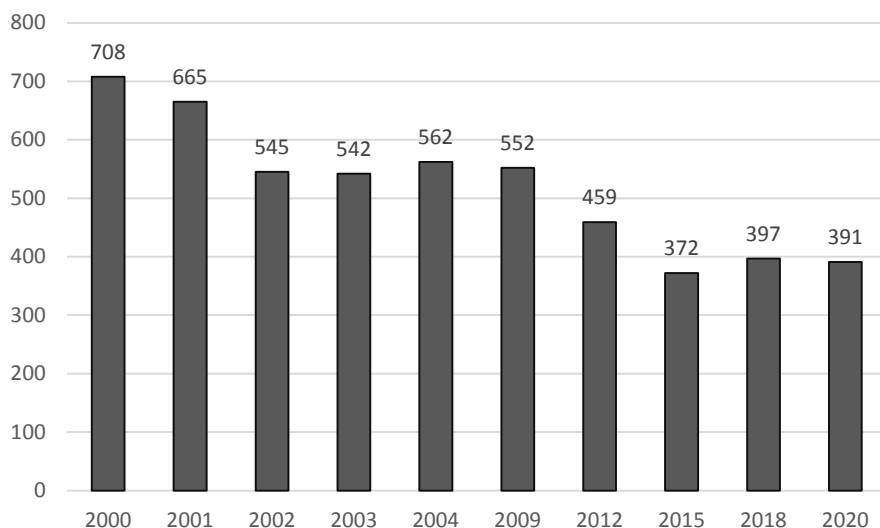


Chart 2: *Number of faithful per Greek Catholic priest in 2000-2020. Source: Archeparchy of Prešov.*

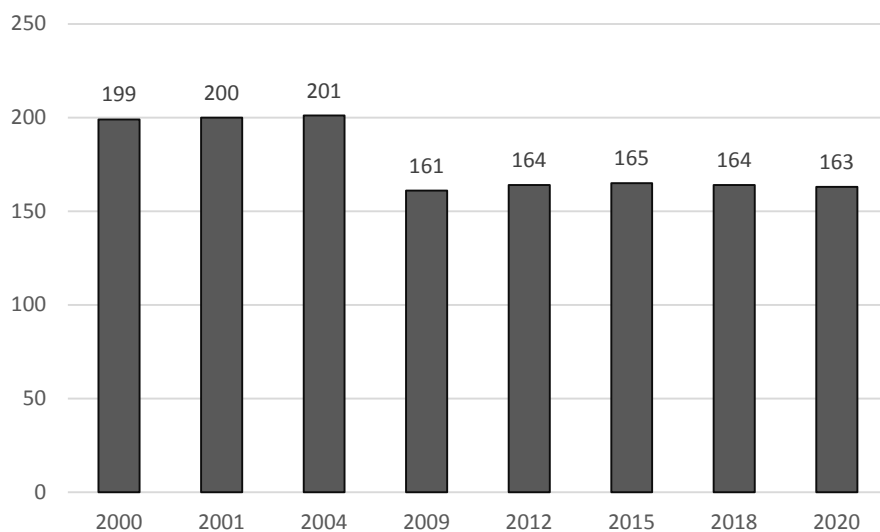


Chart 3: *Number of Greek Catholic parishes in 2000-2020. Source: Archeparchy of Prešov.*

The number of broken marriages may be the result of a spreading divorce mentality, which also includes faithful Catholics. It is possible that migrations and changes in cultural and religious circles contribute to its expansion (Adamowicz 2009, 151; Wielebski 2010, 165–183). The adopted divorce mentality sometimes even contributes to a partial simulation of marital consent, when the prospective spouses, expressing their consent with a positive act of will, exclude its indissolubility. (Adam 2014, 65–66; Popovič 2021, 54–56)

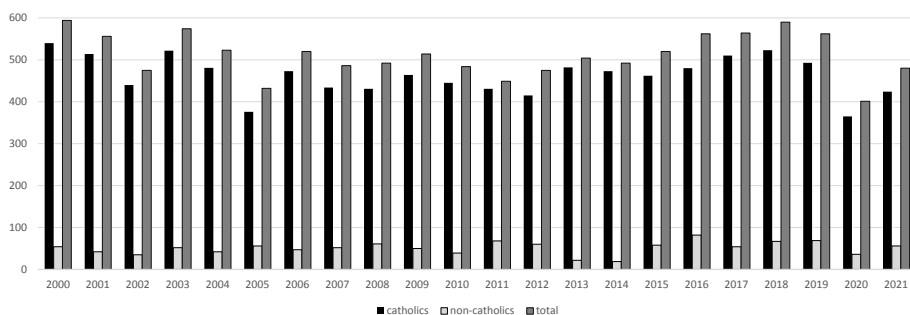


Chart 4: *Number of marriages in the Diocese of Prešov in 2000–2020. Source: Archeparchy of Prešov.*

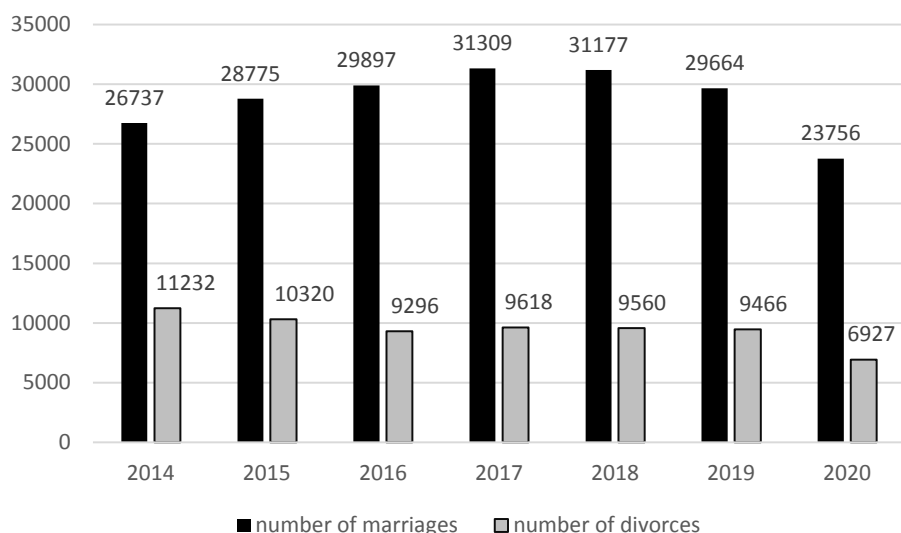


Chart 5: *Number of marriages and divorces in 2014–2020 in Slovakia.*

The extend of the divorce mentality is so wide that it also affects the faithful of the discussed local church, which in the context of recent years has been described in detail in the analysis: *Sprevádzanie, rozlišovanie a integrovanie zložitých situácií rodín v metropolitnej cirkvi sui iuris v intenciách Amoris laetitia* (*Sprevádzanie, rozlišovanie a integrovanie zložitých situácií rodín v metropolitnej cirkvi sui iuris v intenciách Amoris laetitia*, Popovič i Petro 2021).

The undertaken analysis of divorce rates leads to the conclusion that the reason for divorces is most often the difference in characters, attitudes and interests. Divorce accepted by a growing part of society causes divorce demands to be established before the case begins, which results from the increasing growth in the standard of living and education of the population, which strives for a peaceful and covenantal, although so categorical, resolution of marital misunderstandings. (Šprocha et al. 2021, 32; Popovic and Petro 2021, 54–56)

In the canonical light, the most common practical reasons for the breakdown of marriages in the Archeparchy of Prešov are infidelity, alcoholism, financial misunderstandings and getting married due to pregnancy. Occasionally, the reasons for the breakup are a previous short acquaintance, the presence of psychological problems or forced marriage (Popovič 2021, 54–56). In practice, a serious difficulty that requires elaboration is also the disintegrating clergy unions (Adamowicz 2015, 110). Statistical data reveal how a small percentage of broken marriages are examined by church courts (Malecha 2020, 266–267; Popovic and Petro 2021, 54–56), although the Church, despite the inability to change its teaching on marriage, is aware of the drama of breaking up relationships and, in accordance with the Church's teaching, wants to devote to every story and look for solutions even in irregular situations (Popovič 2020b, 181–199). The collected statistical data show that in 1999 and at the beginning of 2000, the Court of First Instance in Prešov examined 11 cases concerning the annulment of church marriage, of which 6 were *pro nulitate* and 5 *pro vinculo* (Bujňák 2002, 249).

During 2001 and until August 31, 2002, 7 matrimonial lawsuits were filed and considered, of which 6 were dismissed *pro nulitate* and 1 *pro vinculo* (Bujňák 2002, 185). In 2014, the number of sentences almost doubled, and in the following years, it increased even by a factor of five (2016).

Year	Number of accepted cases	Number of positive judgments	Number of negative judgments
2004	13	8	2
2005	18	10	3
2006	14	14	2
2007	21	12	-
2008	16	17	1
2009	26	11	1
2010	16	13 + 1 PD	1
2011	23	18	1
2012	17	18 + 3 PD	3
2013	21	20 + 1 PD	4
2014	15	16 + 1 PD	3
2015	14	12	1
2016	35 PZ, 3 PS, 3 PD	20 + 3 SP + 2 PD	1
2017	28 PZ, 1 PS, 1 PD	26 + 1 PS	4
2018	34 PZ, 1 PD	22 + 2 PD	4
2019	32 PZ, 1 PS	20	1
2020	19 PZ, 1 PD	16 + 1 PD	3

PZ – Normal process

PD – Documentation process

PS – Shortened Trial by the bishop

Table 1: Number of judgments issued by the Court of First Instance in 2004–2020.

Year	Received appeals	Ended by a decree or judgment
2008	-	-
2009	14	3
2010	32	6
2011	27	12
2012	15	24
2013	12	26
2014	23	17
2015	16	17
2016	0	1
2017	0	1
2018	0	-
2019	0	-
2020	0	-

Table 2: *Number of judgments issued by the Court of Second Instance in 2008–2022.*

5. Conclusion

An important cultural value is a married life (Francis 2015). As a fundamental social unit, which is the basis of the family, it is of interest to all legal orders, both state and religious ones. The Catholic Church also retained jurisdiction over canonical marriages, which have specific goals and determinants, and as such are not always consistent with the description of marriage in the civil order. The above-mentioned law finds its basis in theological reflection, which allows it to be described in the light of Revelation. As a result, the Church has been considering, understanding and presenting the doctrine of the indissolubility of the marriage bond for centuries. It has developed a system of nullity of the marriage consensus, and has organized the court process in this matter so that the church discipline corresponds to the truth of faith (Francis 2015).

Unfortunately, the intensity of social changes, stress, deficits in the social system and difficulties in the labor market are cultural factors that threaten stable decisions making, including those related to the sacrament of marriage. This can be clearly seen in the analyzed data: over the course of more than a decade, we have recorded a significant decrease in the number of contracting marriages in Slovakia. Correlating these statistics with the information provided by the Diocese of Prešov, more optimistic conclusions should be drawn. Taking into account the decreasing number of believers and the number of parishes in the Archeparchy of Prešov over the last two decades, it is worth emphasizing that the decrease of 5 % in the number of marriages (2000 vs. 2019) is an extremely satisfactory level compared to the generally falling interest in religious life. Perhaps the fact that preparation for marriage in the diocese of Prešov does not only concern formal matters should be subjected to a deeper analysis, but it constitutes an element of formation preparation developed as a part of a canonical-pastoral conversation, which is an element of direct preparation for marriage?

Statistical data on marriage annulment cases should be viewed from different perspectives. Analyzing the statistical data until 2016, we can see that the number of cases accepted by the courts of the First Instance remains relatively constant, and the average is less than 18. From the legal and theological point of view, the year 2016 brought an increase in the number of filed plaintiffs' complaints, which should be directly related to the reform of trial law by Pope Francis, when marriage trials were shortened by withdrawing the need to receive judgments from two tribunals. An additional effect of the change was a decrease in appeal cases.

The conducted research arouses interest and indicates directions for further research because it seems that it would be valuable to look at the quality of pre-marriage courses, which may affect the very good understanding of the biblical idea of the marriage covenant and the subsequent durability of the relationships. The description of the marriage directly suggests the need to describe the family in the Eastern Catholic churches. It would also be interesting to compare the marriage law of the Western and Eastern Catholic Churches/ the Western marriage law with the Eastern Catholic Churches, taking into account the statistics of marriage annulment proceedings.

Abbreviation

CCEO – Codex Canonum Ecclesiarum Orientalium 2022.

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