

## **PARENTAL OBLIGATIONS AND RIGHTS TO THE EARLY INTEGRAL FORMATION OF THEIR OFFSPRING**

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### **Abstract**

*This paper critically examines parental obligations and rights to the integral formation of their offspring with particular emphasis on the emerging trend of early childhood boarding school enrollment. The study examines the juridical implications of parental failure to fulfill obligations regarding the early integral formation of offspring within the canonical matrimonial legal framework. While canon 1055 §1 establishes the ends of marriage, and canon 1136 explicitly affirms parental rights and duties concerning the upbringing of children, jurisprudence has not identified the exclusion of early integral formation as grounds for nullity. This research analyzes whether such exclusion vitiates in accordance with canons 1101 §2 or 1095. Employing historical and canonical exegetical methods, the study explores Rotal jurisprudence on the bonum proles and examines the extent to which a deliberate refusal to fulfill the parental obligations of early childhood formation can be established as excluding an essential element of marriage. The study demonstrates that parental delegation of formative responsibilities during critical attachment and identity formation periods may contravene both natural and ecclesiastical expectations. It concludes that such decisions may represent exclusion of essential marital goods rather than genuine fulfillment of parental educational duties, with profound implications for matrimonial validity.*

**Keywords:** offspring, parent, obligations, rights, early, integral, formation.

### **1. Introduction**

The institution of marriage, through the establishment of healthy family, is foundational to the constitution of a stable and flourishing ecclesial and civil societies. The Church has consistently upheld the sanctity of marriage as the foundation of the family, recognizing its importance for both

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ecclesial and societal well-being. Ecclesiastical legislation maintains that an ideal family is established through the mutual consent of a man and a woman to enter into a lifelong union as husband and wife. This consent entails a commitment to the good of the spouses, which includes, though is not limited to, a conjugal relationship open to procreation and the education of children. Among the *tria bona* of marriage, the *bonum prolis* is said to occupy a very important place since marriage by its very nature and character is ordered toward the procreation of offspring. Nevertheless, it may occur that one or both of the parties exclude, by a positive act of the will, the procreation or education of offspring. The intentional exclusion of any of these essential elements renders the matrimonial consent invalid.

Consequently, the intrinsic nature of marriage may be understood as the establishment of a family ordered toward the creation of a stable and healthy environment for the upbringing of children. Marriage, therefore, constitutes an institution in which husband and wife are mutually obliged to foster a conducive atmosphere for the integral good of all its members, to exercise their reciprocal rights and obligations, and to ensure that the children's corresponding rights to holistic formation are adequately fulfilled. Indeed, the integral formation of offspring constitutes a primary parental right and obligation inherent in the marital bond itself (cf. can. 1136). A deliberate and intentional disposition to delegate this responsibility to a third party, particularly when manifested prior to the celebration of marriage, raises serious canonical questions concerning the essence, orientation, and purpose of marriage itself.

In contemporary Nigerian society, the trend of early enrollment in boarding schools, often before the conventional school age of six, is becoming increasingly prevalent. For example, Crestview Early-start Private School in Agege, Lagos, offers boarding facilities for children between the ages of one and eleven. These institutions are often marketed as 'homes away from home.' One would argue in favor of such establishments that it caters to the needs of long-distance families, busy professionals, vulnerable children, and single parents who may not yet be ready for the demands of marriage and parenting. Many parents would also argue that they are motivated by the idea that early exposure to formal education provides their children with a competitive advantage in literacy, socialization, and intellectual development. These parents are frequently impressed by the

children's early reading abilities and signs of advanced intelligence without considering the basic family, emotional and psycho-social formation of the children.

In light of the foregoing, some intending couples preemptively resolve within themselves to exclude the parental duties of the early integral formation of their future children as they deliberately intend to employ the services such facilities. They justify their decision to enroll their future children in early boarding schools, often without questioning whether this choice may contravene ecclesiastical laws, or even considers the potential psycho-social impact such early absence from family-love environment, parental warmth could cause the child. While such decisions might be seen as a fulfillment of parental responsibilities toward education and development, they may also be canonically interpreted as a form of parental neglect, particularly in the fulfillment of their matrimonial obligations of integral formation of their offspring. A more rigorous canonical analysis may even raise serious questions regarding the validity of the matrimonial consent itself, especially when such investigation reveals evidence of an intentional exclusion of the good of children (*bonum prolis*).

Accordingly, this article examines the juridical implications of early childhood enrollment in boarding schools within the canonical framework of marriage law. Employing historical and canonical exegetical methods, the discussion analyzes how doctrine and the constant practice of Rotal jurisprudence interpret and apply the normative principles of canons 1055 §1 and 1136, concerning the essential ends of marriage and parental obligations, to the grounds of matrimonial nullity specified in canons 1101(simulation of consent) and 1095(consensual incapacity) of the 1983 Code of Canon Law, particularly in cases involving alleged exclusion of or incapacity for parental obligations regarding the early integral formation of offspring.

## **2. Family as the Suitable Place for the Early Integral Formation of Children**

The constitution of a partnership of the whole of life between a man and a woman, brought into being by the matrimonial covenant, is intrinsically ordered to the *bonum prolis*. This ordering is not merely a biological

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orientation toward procreation but encompasses the responsibility for the upbringing and integral formation of children. As St Thomas Aquinas observes, nature intends not only the generation of offspring but also their upbringing and advancement toward the perfection proper to the human person, namely, the life of virtue<sup>2</sup>. Therefore, the disposition to assume this responsibility must be present before, during, and after the celebration of marriage. This is so because the responsibility pertains to the formal object of matrimonial consent and therefore cannot be excluded without incurring the nullity of consent<sup>3</sup>. Accordingly, the *bonum prolis* is not exhausted by openness to procreation or by the mere provision for children's formal education through institutional or parental sponsorship. Rather, it entails a positive disposition toward the integral formation of the child, particularly in the early and most formative stages of life. Saint John Paul II underscores this dimension by affirming that the educational task of parents is rooted in their primary vocation to participate in God's creative work<sup>4</sup>. Such participation begins within the family itself, the first and fundamental social environment into which the child is introduced by the parents.

The child's primary and fundamental need for parental mediation in the development of his or her natural, social, and religious life thus necessarily leads to the concept of the family as the privileged place of formation. Both psychological and sociological sciences recognize the family as an indispensable environment for the formation of personality. Through the explicit, intentional, and sustained educational intervention of parents, the child acquires the symbolic and relational frameworks necessary not only for interpersonal relationships but also for openness to transcendence and relationship with the Absolute. As Saint John Paul II teaches, when parents pray with their children, read Sacred Scripture with them, and introduce them into the ecclesial and sacramental life of the Church, they exercise their vocation in its fullness. In doing so, they become not only pro-creators of physical life but also cooperators in the generation of supernatural life

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<sup>2</sup> Thomas Aquinas, *Commentary on the Sentences*, IV, dist. 31, q. 1, a. 1, qc. 2.

<sup>3</sup> A. Stankiewicz, 'L'esclusione della procreazione ed educazione della prole', in *Diritto matrimoniale canonico*, vol. II, *Il Consenso*, Città del Vaticano 2003, 309.

<sup>4</sup> John Paul II, Apostolic Exhortation *Familiaris Consortio*, 22 November 1981, *AAS* 74 (1982), 81-191, in 126.

flowing from the Cross and Resurrection of Christ<sup>5</sup>. From this perspective, one understands the fundamental obligations of parents in the moral integral formation of their children within the family environment. Consequently, the assertion of St Thomas Aquinas that the neglect of the moral upbringing of children constitutes a grave failure of parental duty<sup>6</sup> acquires particular juridical relevance. As a result, one *coram* Colantonio would argue in lie with an author that it would be difficult to sustain the validity of a marriage in which there is a positive intention to exclude the provision of morally acceptable education for the children, especially when such an exclusion affects the essence of the *bonum prolis*<sup>7</sup>.

The family provides the most appropriate environment for the moral, physical, emotional, and intellectual development of the child. Parental neglect, understood as the failure to meet age-appropriate needs, can deprive the child of essential supports and result, or reasonably be expected to result, in physical or psychological harm<sup>8</sup>. Children require adults who listen with love, understands their cognitive and emotional processes without judging them. Here, healthy development within the family environment is promoted as parents consciously adapt their patterns of communication to support the child's integral growth<sup>9</sup>. Within this context, the early and systematic delegation of children to boarding institutions may, in certain cases, reveal a deficiency in the parents' awareness of their primary educational responsibility. Such practices risk undermining the child's need for parental presence, love, guidance, patience, and personal example, which are essential for balanced development in all dimensions of life. Where parents deliberately absent themselves from this formative role, especially in the earliest stages of development, the question arises whether they have failed in a fundamental obligation intrinsic to the marital covenant itself.

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<sup>5</sup> *Ibidem*.

<sup>6</sup> Cf. T. Aquinas, *Summa Theologiae*, II-II, q. 10, a. 12

<sup>7</sup> Cf. *Coram* Colantonio, sent. diei 21 novembris 1990, Reg. tribunal of Lazio; P. Picozza, 'L'esclusione dell'obbligo dell'educazione della prole', 279.

<sup>8</sup> American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorder*, 718.

<sup>9</sup> Cf. U. Bronfenbrenner, *Two worlds of childhood USA and USSR*, Russell Sage Foundation, New York 1970, 92.

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Consequently, developmental psychology sustains that secure parent–child attachment is indispensable for the cognitive and socio-emotional development of the child. Contemporary social structures, however, often place parents under intense pressure, imposing priorities that leave parents with the limited option of sending their toddlers to early boarding school. Family and societal economic demands leave little space for meaningful interaction between children and parents. As Bronfenbrenner aptly observes, such pressures tend to diminish the role of parents and the essential functions of parenthood, thereby hindering parents from acting effectively as guides, companions, and friends to their children<sup>10</sup>.

Despite the above, the family retains the primary moral responsibility for the formation of the child’s character. Parents remain the most significant figures in a child’s life, not only as primary caregivers but also as the principal agents of emotional security and moral orientation. This responsibility is concretely expressed through ordinary yet formative acts of presence. Acts such as sharing stories and playing games with the child, supervising schoolwork, reading with the child, or accompanying the child through academic and personal challenges goes a long way in the child’s early integral formation. These shared activities foster emotional reassurance, facilitate psychological healing, and deepen the parent–child bond, thereby reinforcing the integral formative role of the family and the realization of the good of children as an end of marriage.

### **3. Obligations of Spouses Concerning the Good of Children as an End of Marriage**

The understanding of ‘end’ or ‘ends’ of marriage emerges from the integration of natural philosophical and scholastic principles with human action. According to the fundamental principle of finality, every agent acts for an end<sup>11</sup> (*omne agens agit propter finem*)<sup>12</sup>. *All human actions are*

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<sup>10</sup> U. Bronfenbrenner, Reality and research in the ecology of human development. *Proceedings of the American Philosophical society*, 119(6) 1975, 439-469 in 459.

<sup>11</sup> Cf. A. Stankiewicz, *La prole come finalità del matrimonio. Dal can. 1013 §1 del C.I.C. 1917 al can. 1055 §1 del C.I.C. 1983*, in AA.Vv., *Prole e matrimonio canonico*, Coll. *Studi giuridici*, n. LXII, Città del Vaticano, 2003, 11-28.

<sup>12</sup> Thomas Aquinas admittedly sustains the idea that every juridical action tends to its proper end and as such every agent performs an act in view of achieving a desired end when he states: *«Quod omne agens agit propter finem; alioquin ex actione agentis non*

*oriented toward a specific purpose.* Within this framework, theology and canon law have engaged in sustained inquiry into the foundational question of the constitutive elements of marriage: namely, what motivates individuals to contract marriage. Is it merely the *coniunctio* (union) of man and woman that serves as the driving force? If so, what purpose does this union serve, and to what finality is it directed, as suggested in the Justinian<sup>13</sup> definition of marriage?

Historical developments, doctrinal evolution, and jurisprudence collectively shaped canonical understanding, ultimately establishing good of spouses, procreation and education of offspring as essential ends of the matrimonial institution (cf. can. 1055 §1). This doctrinal development reflects centuries of scholarly examination into marriage's intrinsic nature and its ordered relationship to human flourishing and divine purpose. In all, the ends tend towards achieving a common goal of the establishment of a stable and healthy family to be integrated into civil and/or ecclesial societies. From the foregoing, the inter-relatedness lies in the fact that the good of the spouses, expressed through conjugal life, creates the natural, legal and moral context for procreation and the subsequent responsibility of the education of offspring. In this sense, conjugal relations, to be properly qualified as such, are understood as those acts that are *per se* open to the transmission of life which the spouses are obligated to cater for within a well-established family culture and tradition.

Procreation, properly understood, encompasses not merely the physical generation of children but their integral formation as human persons destined for eternal life. That is why 'good of children' cannot be interpreted in such a way that it is limited only to the physical good of offspring<sup>14</sup>. It starts from the parties positive disposition towards procreation, at the moment of exchange of consent, to the acts open to

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*magis sequeretur hoc quam illud, nisi a casu» (Summa Theologica, I-II, q. 1, a. 2). «Quod omnia agentia necesse est agit propter finem», cfr. Thomas Aquinas, Summa Theologica, I, q. 44, a. 4.*

<sup>13</sup> In his discourse on marriage Justinian sustains that marriage is an inseparable union of a man and a woman as he states: «*Viri et mulieris coniunctio, individuum vitae consuetudinem retinens*», cf. Giustinian, *Institutiones*, 1, 9, 1.

<sup>14</sup> P. Picozza, 'L'esclusione dell'obbligo dell'educazione della prole', in *Prole e matrimonio canonico, Studi Giuridici*, LXII (2003), 277-291, in 279.

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procreation and aimed at ‘preserving’ the offspring. Education does not merely follow from procreation but completes and perfects it. Thus, education of offspring is not some kind of accessory to procreation. Rather, education is itself procreation led to its perfection in man.

In canonical thought, procreation which is a principal consequence of the exercise of conjugal rights and duties, necessarily places on the parent another duty that involves the formation and education of offspring. From this perspective, one may confidently affirm that procreation and the education of offspring are not merely associated but are both subsumed under the juridical and theological concept of the good of children. In canonical doctrine and jurisprudence, these two elements are of the same essential structure of marriage, with invalidating character, such that one cannot be affirmed while the other is denied. Franceschi affirms that the *bonum prolis* in marriage as it is being constituted refers to the couple’s free and mutual disposition to accept and donate themselves with regard to their respective masculine and feminine fertility, not necessarily in terms of already having children, but in their openness to life. Whereas, the *bonum prolis* in the context of the actual marriage refers to the spouses’ ongoing and inherent obligation to nurture, care for and educate the children born within the union<sup>15</sup>.

However, one would ponder the possibility of having a juridically quantifiable standard with which to measure the fulfillment of educational obligation of spouses towards their offspring. This ponder quickly prompts the need for a deeper reflection on marriage’s essence and ultimate purpose. The *essence* of marriage concerns everything about its *nature and internal structure*. *Marriage is not just a contract but a covenant*. The term *foedus* (covenant) signifies some kind of a *personal, relational bond* grounded in free mutual self-gift, which transcends contractual exchange of rights. The covenantal essence of marriage extends to its establishment as a *permanent community of life and love* encompassing all dimensions of human existence. Therefore, without the intention to establish such a partnership, true marriage cannot arise. The essence of marriage consists

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<sup>15</sup> Cfr. H. Franceschi, ‘Il ‘bonum prolis’ nello stato di vita matrimoniale e le conseguenze canoniche in caso di separazione o di nullità matrimoniale’ in *Prole e matrimonio canonico*, Coll. *Studi Giuridici*, n. LXII, Città del Vaticano, 2003, 29-64.

in a covenantal partnership of the whole of life constituted by valid consent, essentially ordered toward the good of the spouses and the procreation and education of offspring. Hence, while canon 1056 describes unity and indissolubility as the essence of marriage, canon 1055 §1 describes the *essence* of marriage as a *covenant*, establishing a *partnership of the whole of life*.

Thus, while the essence of marriage consists of its nature and internal structure, it is somewhat made manifest in its external structure prefixed to the realization of good of the spouses and the procreation and education of children as its purpose. In fact, it is argued that while one could determine the essential rights and obligations from the essence of marriage, one may not be able to justify it with ends of marriage. This argument is prefixed on the idea that the ends of marriage fall outside its essence. This position is upheld by some authors like Burke and Raad<sup>16</sup> in their analysis of the normative tenets of canon 1095. Burke, for example, argues that it is not correct to wish to determine essential rights and obligations in function of the essence, and its essential properties. He thinks that one cannot properly individuate juridically essential rights and obligations in reference to the *bonum coniugum*<sup>17</sup>. On his own part, one *coram* Raad avers as one reads from his sentence in the Rota decision of 14 April 1975:

One must point out that the ends of marriage or of the contracting parties, do not constitute essential elements of the object of consent, as some authors and judges think. They argue that whoever is incapable of the end, is incapable of eliciting valid consent and entering matrimony. To refute this theory, it is enough to recall c. 1068 §2*CIC*/1917: ‘Sterility neither invalidates nor prohibits marriage’ (c. 1084 §3*CIC*).

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<sup>16</sup> *Coram* Raad, 14 April 1975 RRD, vol. 67, p. 243, in this sentence Raad opines: One must point out that the ends of matrimony or of the contracting parties, do not constitute essential elements of the object of consent, as some authors and judges think. They argue that whoever is incapable of the end, is incapable of entering matrimony and eliciting valid consent. To refute this theory, it is enough to recall can. 1068 § 2: «Sterility neither invalidates nor prohibits marriage». What is said of the principal end of matrimony, can be said a fortiori of the other ends.’

<sup>17</sup> Cf. C. Burke, ‘The essential obligations of matrimony’, in *Studia Canonica*, 26 (1992), 379-300, in 382.

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What is said of the principal end of matrimony, can be said *a fortiori* of the other ends<sup>18</sup>.

*Coram Raad* seems to be making particular reference, in the above cited sentence, to incapacity to procreate and not necessarily incapacity to copulate or to assume the essential obligations of marriage. Inability to initiate, sustain and complete the conjugal act invalidates any established marriage (cf. c. 1084). The rationale for canon 1084 lies in the essence of marriage itself because marriage requires the capacity to express conjugal self-gift through an act that is per se apt for procreation, even if procreation does not occur. Here it becomes both a right and obligation for both contracting parties given that valid matrimonial consent cannot be realized in a situation of permanent lack of such capacity to copulate.

Consequently, the rights and obligations contained in the mutual exchange of consent concerning procreation is realized not in actual procreation but through the conjugal act open to procreation. To give to another a right over one's procreative capacity has a concrete character subject to juridical appraisal or measurement. The gift of procreative capacity has a unique capacity to express the gift of self and the desire for union with one's spouse<sup>19</sup>. According to Burke, a couple in love not only regard their love as unique, but wish to give unique expression to it. Their marital love and union is accurately expressed in their child<sup>20</sup>. In this sense, the reciprocal gift of conjugal procreativity is perfectly interpreted as a step towards the preservation of the good of children. As it is, an eventual inability to procreate does not impede the matrimonial validity. Procreative incapacity is not an invalidating incapacity since sterility neither forbids nor invalidates a marriage (cf. c. 1084 §3*CIC*). The fulfillment of the right to conjugal relations, which constitutes a fundamental marital obligation exercisable at reasonable intervals, inherently serves the good of the spouses as well as manifests the couple's disposition towards 'good of children', irrespective of whether fertilization occurs. Within this framework, the matrimonial bond obliges spouses to refrain from actively

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<sup>18</sup> *Coram Raad*, Decision of 14 April 1975, in *RRDec.*, 67 (1975), 243.

<sup>19</sup> Cf. C. Burke, 'The essential obligations of matrimony', in *Studia Canonica*, 26 (1992), 379-300, in 382.

<sup>20</sup> C. Burke, 'The essential obligations of matrimony', 383.

impeding the natural possibility of procreation during the exercise of conjugal rights.

Accordingly, if a woman intends to engage in marital relations naturally while simultaneously planning to utilize emergency contraception such as the morning-after pill in her marriage, this constitutes grounds for matrimonial invalidity due to exclusion of 'good of children'. That is to say, the obligation to avoid impediments to procreation and the preservation of potential life remains implicit within the 'right to conjugal relations.' Such deliberate exclusion, which in essence is an exclusion of 'good of children', if positively willed at the moment in which consent was exchanged, represents a positive act of rejection that fundamentally invalidates the marital contract.

Given the above, one wonders if actual procreation is an essential obligation of marriage. In fact, actual obligation is not and cannot be an essential obligation since procreation is a gift of God and not a right to be demanded. But, if the actual realization of procreation is not an essential obligation of matrimony, will not the same hold good, *a fortiori*, for the integral formation of offspring especially in the early ages of their lives (0 - 6 years)? Would one reasonably advance the position that the obligation of early integral formation of offspring is one and the same thing with formal education of children? If one would agree with an author who shares the opinion that the education of children is an effect of marriage as stipulated by the legislator in the norms of canon 1136, rather than one of its essential obligations,<sup>21</sup> would it be reasonably applied to early integral formation of offspring?

### **3.1 Invalidating Character of the Obligation of Early Integral Formation of Offspring?**

By *early integral formation of offspring* is understood that foundational process of human, moral, and spiritual development which is ordinarily realized within the context of a stable family environment. This formation is not limited to formal instruction, but encompasses the totality of influences that shape the child from the earliest stages of life. It

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<sup>21</sup> G. Barberini, 'Sull'applicabilità del c. 1095 al tossicodependente', in *Il Diritto ecclesiastico*, 96 (1985), 164

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presupposes a home marked by stability, fidelity, and mutual self-giving, wherein parents exercise their primary educational responsibility not merely through verbal instruction, but above all through consistent and concrete witness. In such a family setting, children first learn the values of love, responsibility, respect, and faith by observing the lived example of their parents, whose daily actions become the most effective and enduring form of education.

In the Church's vision, the earliest years of a child's life are foundational for the formation of virtues, identity, and belonging. Since parents have given children their life, they are bound by the most serious obligation to educate their offspring and therefore must be recognized as the primary and principal educators<sup>22</sup>. The council fathers insist that parents must provide that family atmosphere inspired by devotion to God and their fellow-men which will promote an integrated, personal and social education of their children<sup>23</sup>. The family where parents lead, not any external institution, is the 'first school of the social virtues' where the child learns love, trust, discipline, and relational harmony through lived experience. The Church in her wisdom is aware of the critical nature of the integral moral and emotional formation of a child. The right and duty of parents to education is essential, since it is connected with the transmission of human life. It is both original and primary, irreplaceable and inalienable especially during the early years of the children. These early years are critical because the child's moral and emotional structures are shaped primarily through daily interactions with parents and siblings.

Canon law affirms that parents have a grave obligation and primary right to provide this integral initial formation (cf. c. 226 §2), which includes nurturing the child in 'moral, spiritual, and social formation' (cf. c. 1136). While canon 795 speaks generally of integral education, its application is most concrete at this stage, when children absorb family ethics, customs, and traditions not through instruction but through embodied experience within the family setup. The Catechism of the catholic Church highlights that in these early years, parents must provide 'a climate of tenderness,

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<sup>22</sup> Cf. Pius XI, Encyclical letter, *Divini Illius Magistri*, 31 December 1929, in *AAS* 22 (1930), 59

<sup>23</sup> *Gravissimum Educationis*, n. 3

forgiveness, respect, fidelity, and service' in their homes as the home is well suited for education in the virtues<sup>24</sup>. Here, the family becomes the 'domestic church'<sup>25</sup> where the child learns love by being loved, learns forgiveness by witnessing forgiveness, and learns responsibility through simple participation in household chores and family life.

Accordingly, parents bear the primary responsibility of fostering a stable and nurturing home environment in which the child can gradually discover and internalize the fundamental values necessary for integral human development. Such a home environment ensures the continuity and stability of the formative 'cycle of love' essential to the child's human, moral, and spiritual maturation, namely:

a) **Family Love:** Within such a home, the child first encounters family love, understood as a climate of security, belonging, and unconditional acceptance. This experience of being loved within the family provides the emotional and moral foundation upon which the child's spiritual awareness, ethical sensitivity, and capacity for mature relationships are built. The stability of family love enables the child to develop trust, self-worth, and openness to others, which are indispensable for later social and ecclesial integration.

b) **Parental Love:** Closely connected to family love is the child's firsthand experience of parental love, which is uniquely formative. Through attentive care, patient guidance, and appropriate correction, parents communicate not only affection but also responsibility and moral order. Parental love is most effectively transmitted through example: in the manner parents relate to one another, resolve conflicts, fulfill obligations, and live out values consistently. Such lived witness allows the child to grasp love not as sentiment alone, but as self-giving, fidelity, and commitment.

c) **Sibling Love:** Within the same familial context, the child also learns sibling love, which plays a crucial role in social formation. Through interaction with siblings, whether biological or those assimilated into the

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<sup>24</sup> CCC, n. 2223

<sup>25</sup> Cf. CCC, 2204

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family unit, the child acquires habits of sharing, cooperation, forgiveness, and mutual respect. These experiences, shaped by the family's cultural traditions and expectations, help the child to move beyond self-centeredness and to appreciate diversity, authority, and communal responsibility.

d) ***Family Ethics and Tradition:*** Finally, the family serves as the primary locus for the transmission of family ethics and traditions. These are not ordinarily communicated through formal instruction, but rather absorbed implicitly through daily routines, patterns of prayer, cultural practices, and moral expectations consistently upheld within the household. In this way, children come to internalize a moral framework and a sense of identity that integrates faith, culture, and ethical conduct, thereby preparing them for responsible participation in society and in the life of the Church. Concretely stated, because children aged 0–10 learn primarily by imitation, environment, and emotional attachment, no school or external agent can replace the parent and family's formative role<sup>26</sup>. The parents' witness, more than their words, is the essential channel of early formation, fulfilling both natural and canonical obligations.

Nevertheless, one may legitimately ask whether a parent's inability to fulfill these obligations could render their marriage invalid on the grounds of exclusion of the good of children? Can a party under the pain of invalidity exclude the duty of early integral formation of their offspring? Moreover, could a case concerning the neglect of this parental responsibility be clearly established and properly adjudicated as an instance of exclusion of the *bonum prolis* within canonical jurisprudence? Is it legally defensible to argue that a party, by a positive act of will, excluded this essential parental function? Can a man suffering terminal illness validly contract a marriage knowing that he will not participate in the early integral formation of a child born of that union?

Rotal jurisprudence recognizes the possibility that exclusion of an essential property or end of marriage, such as the right and duty to educate offspring, may affect the validity of consent. It should be noted that in Rotal decisions while the case of exclusion of *bonum prolis* as a ground of matrimonial

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<sup>26</sup> Cf. John Paul II, *Familiaris Consortio*, 36-40

nullity is frequently discussed, the specific exclusion of early integral formation is treated incidentally rather than directly. Concerning the marriage of a man with terminal illness, Burke would opine that canon law requires *willingness*, not guaranteed *future performance*. ‘The essential obligations of matrimony arise from consent and are not nullified by foreseeable inability to fulfill them’<sup>27</sup>. This principle is consistent with c. 1084 §3, and with canonical tradition which holds that spouses may validly marry even when illness, imprisonment, advanced age, or other conditions render the practical exercise of certain obligations impossible.

#### **4. The Juridical Limitations of Exclusion of Early Parental Integral Formation**

While the Church affirms with clarity the *grave obligation* of parents to provide integral formation for their offspring (cc. 226 §2; 1136), the task of determining a precise juridical measure of this obligation, particularly during the child’s early formative years, is fraught with difficulty. The challenge emerges from the fact that the earliest stages of education (ages 0–10) consist primarily in tacit, experiential, and relational dynamics within the family, rather than discrete actions that can be objectively observed or legally quantified. The formative realities, found in a family as the ‘first school of the social virtues’ where children learn love, trust, discipline, and so forth, fall largely within the realm of conscience and interpersonal affection. Already, John Paul II observed that such realm of conscience and interpersonal affection found in families are ‘not capable of being fully regulated by positive law’<sup>28</sup>. Thus, although canon law recognizes the obligation, it cannot prescribe or evaluate the exact degree, manner, or quality with which parents fulfill it. The exact measure of this obligation remains qualitative rather than quantitative, because the law cannot perfectly regulate interior family life. Typically, the Church law concerns only what can be externally verified and juridically enforceable.

This limitation has implications for canonical jurisprudence. Though in principle cases concerning neglect of parental obligations can be adjudicated, such cases are practically constrained to situations where the neglect is severe, externally demonstrable, and has direct canonical

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<sup>27</sup> C. Burke, ‘The essential obligations of matrimony’, 383

<sup>28</sup> John Paul II, *Familiaris Consortio*, 21

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consequences. The procedural norms of *Dignitas Connubii* (arts. 238–242) likewise underscore that tribunals act on the basis of objective proofs, not conjectures regarding interior family life. For this reason, canonical tribunals rarely address parental neglect as an independent case. It addresses it indirectly when it concerns grave lack of discretionary judgment about the essential matrimonial rights and obligations (cf. c. 1095, 2°). Or simulation of essential matrimonial elements (c. 1101 §2). In such contexts, what is judged is not the degree of parental failure, but whether the neglect evidences an exclusion of the *bonum prolis* or a profound incapacity to assume marital obligations.

The hypothetical scenario in which one or both spouses desire children but deliberately reject the formative obligations intrinsic to parenthood raises an important, but still unsettled, canonical question regarding the integrity of matrimonial consent<sup>29</sup>. Thomas Aquinas rigorously reaffirms ‘the naturalness’ of the educational vocation belonging to parents. He never separates procreation of children from their education: ‘Marriage therefore has as its principal end the procreation and education of offspring, which end indeed belongs to man according to the nature of his kind’<sup>30</sup>. The good of offspring is understood not only as procreation but also education<sup>31</sup>.

Given the above, could one reasonably include the early integral formation of offspring by parents as an essential matrimonial obligation predicated on ‘good of children’? The question is not about mere moral rights/obligations<sup>32</sup> but whether one can deduce special recognition and protection in canon law. Can it be justifiably inferred that it enjoys juridic rights/obligations? Can it be invoked before the courts of law? Burke cautions that not all the juridic rights or obligations of marriage, even if important, are necessarily essential in the sense envisaged by the canon. The essential rights/obligations must be those which so fundamentally touch the essence of marriage such that effective

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<sup>29</sup> See John A. Alesandro, ‘The Object of Matrimonial Consent: A Traditional Analysis Revisited’, in *The Jurist* 52 (1992), 425–440; P. Huizing, ‘Simulatio partialis circa bonum prolis,’ in *Periodica* 88 (1999), 213–242, especially his observations on differentiating the intention *de prole* from the intention *de educatione prolium*.

<sup>30</sup> T. Aquinas, *Summa Theologiae*, Supplementum, q. 44,

<sup>31</sup> Thomas Aquinas, *Summa contra Gentiles*, Book III, Chapter 122.

<sup>32</sup> Cf. J. Hervada: ‘Obligaciones esenciales del matrimonio’, in *Incapacidad Consensual para las Obligaciones Matrimoniales*, Pamplona, 1991, p. 24

consent is impossible and marriage can absolutely not be constituted or brought into existence. And Burke believes that ends of marriage do not qualify in this class of rights<sup>33</sup>. Hence, the essential obligations of matrimony, which arise from the nature of the covenant, may include the readiness to receive, care for, and educate offspring. In a situation they are excluded by a positive act of will, the marriage consent is invalid.

Furthermore, Stankiewicz,<sup>34</sup> as cited by Agostino, argues that the exclusion of the ‘physical good of offspring’, by means of a positive act of will brings about the nullity of matrimonial consent. It is the exclusion of that which forms a unity with the duty and right of the transmission of human life and which is concretized in the duty and right of its preservation, acceptance and growth. However, he argues that the exclusion of the ‘moral and religious education of offspring’ by means of a positive act of will, including exclusion in the Catholic faith, does not produce matrimonial nullity<sup>35</sup>. This argument is prefixed on the fact that ‘the common and constant doctrine categorically rejects the attempt to consider the *bonum prolis spirituale* as essential to the formal object of consent. He holds, for instance, that the condition derived in agreements to educate children in infidelity, heresy, or other offenses is not against the substance of marriage<sup>36</sup>. In accordance with Stankiewicz, Prader<sup>37</sup> sustains that marriage by its own nature is ordered to procreation and education of offspring. The essential element of the formal object of matrimonial consent is not only procreation of offspring but also the physical conservation, and education. Therefore, the consent of one who marries with the intention of killing or exposing or selling the offspring as soon as they are born and of not providing any education is invalid. On the other hand, the consent of one who marries with the will to educate children without religion or in a religion or confession different from their own is not invalid, since in such a case, the preservation and physical education of the offspring is not excluded.

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<sup>33</sup> C. Burke, ‘The essential obligations of matrimony’, 383

<sup>34</sup> A. Stankiewicz, ‘L’esclusione della procreazione ed educazione della prole’, in *La simulazione de consenso matrimoniale canonico*, *Studi Giuridici*, XXII (1990), 165-174.

<sup>35</sup> Montan Agostino, ‘Esclusione della prole e della sua educazione nel matrimonio dei cattolici con battezzati al di fuori della chiesa Cattolica o non battezzati’, 310.

<sup>36</sup> A. Stankiewicz, ‘L’esclusione della procreazione ed educazione della prole’, 149.

<sup>37</sup> J. Prader, *Il matrimonio in Occidente*, Pontificio Istituto Orientale, Roma, 2003, 194

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Despite the clear and understandable positions of the above scholars, other jurists affirm that it is difficult to sustain the argument that a marriage can be considered valid if there is an intention to exclude ‘morally acceptable education’ of children<sup>38</sup>. The Roman Rota, in numerous definitive sentences, has consistently interpreted the education of offspring as an essential finality of marriage, the denial or exclusion of which can constitute a ground for nullity under canon 1101 §2, which concerns simulation of consent. Arguing with the normative principles from the Code of Canons of the Eastern Churches, Salachas insists that the education of children, to which the matrimonial pact is ordered among other things by its natural character,<sup>39</sup> is not limited only to physical education, but especially to religious education. Therefore, both parties must not exclude the ends of marriage. It follows logically that if one of the parties or both parties with a positive act of will exclude this primary right and obligation of education, especially religious education of children, they celebrate invalidly<sup>40</sup>.

Consequently, where an allegation arises of a substantial exclusion of the duty of early integral formation of offspring, the tribunal judge would first examine whether the alleged exclusion concerns an *essential property or end of marriage* as understood in canon law. Canon 1055 §1 identifies the *bonum proles* as an intrinsic end of marriage, the deliberate exclusion of which may affect the validity of consent. Canon 1136 further emphasizes that parents possess both the *right and duty to provide for the upbringing of their children*, rendering this obligation a constitutive element of marital life. The tribunal would then assess whether there is evidence of a *positive act of will* by which a party explicitly or implicitly excluded this duty at the time of consent. The deliberate, antecedent, and perpetual exclusion of such a vital parental function could, in principle, vitiate a consent.

To date, Rotal jurisprudence has addressed these matters primarily in relation to the *bonum proles* generally or to *consent-related incapacity* under canon 1095, rather than specifically to the early integral formation of children. This

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<sup>38</sup> Cf. P. Picozza, ‘L’esclusione dell’obbligo dell’educazione della prole’, 279; *coram* Colantonio, sent. diei 21 novembris 1990, Reg. tribunal of Lazio.

<sup>39</sup> Canon 776 §1: If either of the spouses causes serious danger of soul or of body to the other spouse or to the children, or otherwise renders common life too difficult, that spouse provides the other with a legitimate cause for leaving.

<sup>40</sup> D. Salachas, *Il sacramento del matrimonio nel nuovo diritto canonico delle Chiese Orientali*, Edizioni Dehoniane, Bologna 1994, 167.

leaves a degree of interpretive discretion to the tribunal. Ultimately, any declaration of nullity must be grounded on *clear evidence of a refusal to accept an essential marital obligation*, rather than on mere incapacity or circumstance.

## **5. Conclusion**

While one could theoretically argue that a spouse intends to *exclude* early parental integral formation, this must be proven as an explicit and substantial act of the will. The mere fact that a spouse is likely, or certain, to be absent during the early years of a child's life does not constitute exclusion and therefore does not invalidate consent. What canon law protects is *intentionality*, not capacity; *moral readiness*, not circumstantial feasibility. Thus, the validity of the marriage is to be determined by his freedom and willingness to embrace all the matrimonial obligations and rights at the moment of exchange of consent. Consequently, the juridical system recognizes the objective and serious obligation of early parental formation but refrains from transforming its natural unpredictability and experiential character into a normative standard for determining matrimonial validity. While the obligation is certain, its precise extent, quality, or method of fulfillment cannot easily be codified with juridical precision. This means that canon law recognizes the obligation, but juridical measurement of early integral formation is inherently limited, because much of this formation happens through: Home experience, Parental witness, Emotional environment and Family rituals and practices. All of these, by their nature, resist strict juridical scrutiny. Consequently, scholarly doctrine and the jurisprudence of the Roman Rota tend to treat this issue only *incidentally*, rather than as a distinct ground of nullity. Nevertheless, the question of whether the *educatio prolis*, explicitly mandated in can. 1136 as a grave and primary parental duty can itself be excluded as a distinct ground of simulation remains largely unexplored. For example, none of the nine published Rota sentences from the 2010 jurisprudential year directly addressed the possible exclusion of the educational dimension of the *bonum prolis*<sup>41</sup>. Thus, both doctrine and jurisprudence have yet to rigorously examine whether a party could positively intend to accept procreation while simultaneously excluding the essential parental obligation of educating the children.

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<sup>41</sup> *Sacra Romana Rota, Decisiones seu Sententiae* (Città del Vaticano: Libreria Editrice Vaticana, 2010). Although these sentences variously address simulation concerning the *bonum coniugum* and *bonum prolis*, none consider the specific exclusion of the educational obligation mentioned in can. 1136.