

A recipe for the urgent need for protection,
guardianship, and defense of persons, marriage,
and families, always from a juridical-doctrinal
and curatorial perspective

Fr. Saint-Luc FÉNÉLUS



Fr. Saint-Luc FÉNÉLUSS

A recipe for the urgent need
for protection, guardianship,
and defense of persons, mar-
riage, and families, always from
a juridical-doctrinal and cura-
torial perspective

JULY 30, 2026

Attested by Open Association of Research Society, USA

Global Journals

© Fr. Saint-Luc FÉNÉLUSS

All rights reserved. No part of this publication may be reproduced, distributed, or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior written permission of the publisher, except in the case of brief quotations embodied in critical reviews and certain other noncommercial uses permitted by copyright law.

Publication Attestation: **Attested by Open Association of Research Society, USA**

Publisher: **Global Journals**

ISBN: 978-X-XXXXXX-XX-X

Edition: First Edition

Printed and Bound globally by Global Journals.

Contents

PREFACE	2
LIST OF ABBREVIATIONS AND ACRONYMS	4
ACKNOWLEDGMENT	5
INTRODUCTION	8
The notion or concept of person, its understanding and its evolution as a historical ontological category	16
The notion of person in antiquity	17
The notion or concept of personhood and its multiple understandings and the pursuit of its rights and justice	19
The person in trinitarian theology: theological anthropology	36
The concept of person in modern philosophy	40
Understanding the concept of personnel from a legal perspective	47
The historical evolution of the concept of person in the legal perspective	49
Understanding the concept of person from the legal perspective of canon law	50
Understanding the concept of person in the legal perspective of CIVIL law	54
The human person and their dignity from a legal perspective and that of the social doctrine of the church	57
The institution of care in roman law and its Foundations	61
La Cura Ventris	65
The Figure Of The Curator Persone: Curatori And Destinatari Della Cura	69
The furious cure and the prodigious cure	70
La cura minorum XXV annis and la cura Impuberis	84
0.0.1 Curator ventris et curator bonorum	95
The curator ventris	101
The missio in possessionem ventris	103
The confirmatio	107
Officium of curator ventris	108
The criterion of dignity	109
Cura bonorum and cura personae?	114
Objectives of the institute	117

The Legal Status of the Widow and Tempus Lugendi	123
The family from the roman perspective and in Roman law	126
0.0.1 Social impact:	132
0.0.2 The reality of the concept of family and its evolution	132
0.0.3 The historical evolution of the concept of family	133
0.0.4 The family in Canon Law	135
Marriage: a terminological approach	138
Marriage and divorce in roman law	140
Marriage and its consequent effects	146
Christian marriage: understanding, perspectives, and foundations	149
A biblical-psychological perspective	155
A christian theological perspective	156
The essential requirements of marriage	157
Natural and legal capacity	159
Marriage consent	162
Christian marriage as a mystery: sacrament	166
Marriage in the light of the second vatican Council	168
The sacrament of MARRIAGE: CIC and cceo in Comparison	170
Marriage and family, according to the Orthodox church	172
The difference between the roman church and the orthodox church regarding the purpose of marriage	173
Matrimonial foundation of the family as a domestic church and consortium totius vitae	174
The holiness and indissolubility of marriage	176
The holiness of marriage according to the Church Fathers	177
0.0.5 The Vital Importance of Marriage	187
0.0.6 Family mediation	190
Legal perspectives	195
0.0.7 A brief reading of the institute under analysis based on some codes from certain countries	195
0.0.8 The Civil Code of 1865	196
A look at the institutions in line with reflections within some of the basic laws of certain countries	208
Person And Conception: The Curator Ventris	211
Family: "Family in the law" and human personalism	216
The reform of family law	219

Consequences of law 40/2004 and guidelines on the subject by p.m.a.	222
0.0.9 The argentine model	226
0.0.10 The brazilian family model	227
Divorce	230
The reality of economy and its impacts on the reality under analysis	232
Pastoral counseling and preparation for marriage	234
Anthropological vision: person – person – magisterium and life	236
Law and its function	244
The person in relation to the law, welcome and freedom	247
The need to start and think about actions in the centrality of the person	250
Conclusion	258
Bibliography	266
Index of Sources	290

**A recipe for the urgent need for protection,
guardianship, and defense of persons, mar-
riage, and families, always from a juridical-
doctrinal and curatorial perspective**

Persons, marriage, and family with the right to guardianship and protec-
tion in all circumstances and contexts: The figure of the *curator ventris*
and the preservation of its mission throughout history as a challenge
from the perspective of our time

PREFACE

In an era characterized by rapid technological advancement, evolving social structures, and renewed debate concerning the nature of the human person, the institutions of marriage and family stand at a decisive crossroads. The foundational realities of personhood, conjugal union, and domestic community once broadly assumed are increasingly questioned, reinterpreted, or reduced to purely contractual or functional constructs. Simultaneously, the proliferation of new forms of vulnerability, dependency, and existential risk has intensified the responsibility of the law to protect those who are unable to protect themselves. It is at this critical intersection where the dignity of the human person, the integrity of marriage and family, and the right to guardianship and protection converge that this work situates its inquiry. Padre Lucas has Shown The figure of the curator ventris the guardian of the unborn in Roman law that provides a particularly illuminating point of departure. Within the Roman legal tradition, the nasciturus was recognized as a subject of legal concern, and the curator ventris was appointed as a public representative charged with safeguarding the interests of the conceived child, especially the right to be born and to inherit. This institution reflects a profound juridical and moral insight: that human dignity precedes legal capacity and demands protection from the earliest stages of existence, and that society bears an affirmative obligation to establish guardianship precisely where vulnerability is greatest and voice is absent. The mission of the curator ventris was therefore not merely administrative or patrimonial, but fundamentally oriented toward the preservation of the human person in the act of coming into being In the contemporary context, this mission confronts unprecedented challenges. Developments in biotechnology, the reconfiguration of family structures, and the weakening of enduring social bonds have multiplied the ways in which the human person may be instrumentalized or diminished. The individual risks being treated as an object of technical manipulation, the family as a provisional arrangement, and marriage as a private agreement detached from its social ethical, and generative dimensions. Under such conditions, the right of guardianship and protection can no longer be regarded as exceptional or marginal; it must be understood as a foundational principle of both law and ethics. The curator ventris thus emerges as a paradigmatic symbol of a broader juridical responsibility one that extends to the unborn, the elderly, persons with disabilities, orphans, and all those whose dignity is endangered by neglect, coercion, or structural injustice.

Padre Lucas, through this book examines the human person, marriage, and family through the lens of guardianship and protection across all circumstances and contexts. It traces the historical development of the curator ventris and its modern legal analogues, engages the philosophical

The notion or concept of person, its understanding and its evolution as a historical ontological category

“What is important, in general secular terms, is not our belonging to the species *homo sapiens* as such, but the fact that we are persons”². In the field of linguistics, studies show that, in Western societies, it is common for most words to undergo semantic emptying. Semantic emptying is associated with the very dichotomy that ensures the evolution of language, conservatism/change, a binomial that expresses the static and dynamic factors of language, ensuring communication between human beings³. Well, this phenomenon seems to have affected the notion of person, which, difficult to grasp in its essence, is now loaded with various meanings, largely due to the formulations (legal, political, and even philosophical) that have been constructed over time. The concept of person would then be subject to José Oliveira Ascensão’s maxim, according to which certain universalized expressions and statements, that is, those that become the anchor of international convergence because everyone uses them, lose their meaning through repetition. “And when we ask ourselves what they mean, we find that they are empty formulas, statements without content, because this has been fading over time, from mouths and ears”⁴. Therefore, the universalized reference to the person, as well as to the eminent dignity of the human person, addressed by Ascensão⁵ in his study, sounds hollow, as it is emptied of its essence. This emptying of semantic content raises questions about the existence of valid references for the construction of the concept of the person today, which is central to the field of law all law is based on the person. Hence the urgent need to reflect on the evolution of this concept, considering its relationship with the concepts of man and human being, from an anthropological, philosophical, and legal perspective. The notion of person is relatively recent in the evolution of humanity. According to Ascensão⁶, we do not find it in any classical civilization prior to Greco-Christian civilization. We therefore begin this brief historical analysis with it.

² ENGELHARDT JR, H. Tristram. Fundamentals of bioethics. São Paulo: Loyola, 2004.
GONÇALVES, Diogo Costa. Person and personality rights: ontological basis for protection. Lisbon: Almedina, 2008. P. 175.

³ CARVALHINHOS, Patricia de Jesus; ANTUNES, Alessandra Martins. Theoretical principles of toponymy and anthroponymy: the question of proper names. In: NATIONAL CONGRESS OF LINGUISTICS AND PHILOLOGY, XI, 2007, Rio de Janeiro. Proceedings... Rio de Janeiro, CiFEFiL, 2007.

⁴ ASCENSÃO, José Oliveira. The dignity of the person and the foundation of human rights. Revista Master’s Degree in Law, vol. 8, no. 2, pp. 79-101, Osasco, 2008

⁵ ASCENSÃO, José Oliveira. Ibid.

⁶ ASCENSÃO, José Oliveira. Ibid.

End of Sample



Save our Planet

A recipe for the urgent need for protection, guardianship, and defense of persons, marriage, and families, always from a juridical-doctrinal and curatorial perspective

Saint-Luc FÉNÉLUS

Father Saint-Luc Fénélus is a Catholic priest with extensive academic and pastoral experience in Haiti, Ecuador, the Dominican Republic, Brazil, Italy, and Mexico. He holds degrees in philosophy and theology from institutions affiliated with the Pontifical Salesian University, the Pontifical University of St. Thomas Aquinas, and the Pontifical Catholic University of Ecuador.



His additional training includes the causes of saints, bioethics, exorcism, child and youth protection, priestly formation, Mariology, canon law, migration, and the protection of minors and vulnerable persons. He is currently pursuing a master's degree in Bioethics at Anáhuac University in Mexico.

ISBN 978-1-7340132-9-0



9 781734 013290