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ANGLICAN/ROMAN CATHOLIC COMMISSION ON THE THEOLOGY OF MARRIAGE AND ITS APPLICATION TO MIXED MARRIAGES

Third Meeting - National Liberal Club, London, 22nd - 25th November 1971

Copy of a letter to the Archbishop of Canterbury and Cardinal J.G.M. Willebrands from the Archbishop of Armagh and the Bishop of Charleston, Co-Chairmen of the Commission.

National Liberal Club,
Whitehall Place,
London, SW1A 2HE.

25th November 1971

Your Grace/Eminence,

We write as co-chairmen of the Anglican-Roman Catholic Commission on Mixed Marriages. It is with great satisfaction that the Commission has met again after an interval of three years. This meeting has confirmed our conviction of the importance of continuing dialogue in this field.

We enclose a report of our meeting held in London, November 22 - 25 1971, in which we emphasise a number of problems which seem to us to require joint study by Anglican-Roman Catholic experts, either under our own direction or that of the Anglican-Roman Catholic International Commission.

We have already outlined tentative arrangements for these studies to be pursued in different parts of the world. Since some of these problems would benefit by much wider reflection, we strongly recommend that Your Grace/Eminence would consider allowing the publication of our report. This would help to establish the view that the problems of mixed marriages, which touch so many ordinary people in their daily lives, are being seriously faced pastorally by our two Churches.

Yours most sincerely,

(Signed) + Ernest L. Unterkoefler

The Most Revd. Ernest L. Unterkoefler
Bishop of Charleston, S.C., U.S.A.

(Signed) George Armagh

The Most Revd. George O. Simms,
Archbishop of Armagh

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THIRD REPORT OF THE ANGLICAN/ROMAN CATHOLIC COMMISSION ON THE THEOLOGY OF MARRIAGE AND ITS APPLICATION TO MIXED MARRIAGES

1. The Commission held its third meeting at the National Liberal Club, London, from November 22nd to 25th 1971. It reviewed events and developments in the three years since its meeting at Pineta Sacchetti, Rome, in November 1968 and in the light of these re-examined the agreements reached and recommendations made at its two previous meetings and submitted to the respective Church authorities. Chief among these events were the publication of the Apostolic Letter Matrimonia Mixta in the spring of 1970 and its coming into force in October of the same year: Episcopal Conferences issued their directions for the implementing of the Apostolic Letter in their own regions. Equally significant is the development in many parts of the world of joint pastoral activity and experiment and the communication of experience from families originating in mixed marriages. At the same time the wider theological exploration undertaken by the Anglican/Roman Catholic International Commission has made considerable progress, relevant indeed to our task, but not yet beginning to resolve some of the problems which constantly reveal themselves as lying at the root of our difficulties.

2. Chief among these is Ecclesiology - the problem of the Church. The Anglican is unable to accept the notion of the Church implied by the cautio on Catholic upbringing; he recognises that the cautio was retained in the Apostolic Letter precisely as a consequence, pastoral in intent though juridical in form, of this Ecclesiology. The Anglican must, with his conception of the Church, remain dissatisfied with this, though he recognizes and welcomes the oecumenical intent and achievement of much else in the Letter.

3. It is necessary, therefore, for theologians to go to the root of this problem as quickly as possible. There are expressions and statements in the Conciliar documents of Vatican II and in subsequent Papal utterances which ought to be examined to see whether their development could contribute to the removal of this ecclesiological stumbling block. This is a proper task, we believe, for the Anglican/Roman Catholic International Commission rather than for ourselves in order that any statement resulting would carry the necessary weight.

4. We have just brought into conjunction the words "pastoral" and "juridical". Too frequently these words seem to us to be used with emotional overtones having the effect of making them antithetical. A pastoral purpose may often require a juridical framework: to legislators and administrators of the law this pastoral end must always be primary: insensitivity to this truth can lead on the one side to an impression of obstructive legalism and, in reaction, to an impatience with any form of regulation governing marriages. Further study of the relation of the pastoral to the juridical is called for and might well be undertaken by this Commission in the immediate future.

5. Another of our difficulties has both a theological and a philosophical foundation: it is the notion of an indissoluble vinculum. We discussed the relevant Anglican practice in the Report of our Windsor meeting, paragraph six, in which was recorded the expectation, common to both Churches, that persons entering marriage must do so with a full and unconditional intention of lifelong and exclusive commitment. The publication in 1971 of the Report of an Archbishop's Commission, entitled Marriage, Divorce and the Church (S.P.C.K.) occasioned a further discussion of the matter. In this the question arose, Is the notion of irretrievable breakdown of marriage compatible with the concept of an indissoluble vinculum? We would wish to

include in our own programme an early examination of this question. The difficulty is felt not on one side only: Anglicans feel that the Roman Catholic practice of declaring nullity presupposes a jurisdiction which claims to establish, circumscribe and even change the grounds upon which valid marriage is contracted, thus giving to that Church means by which it can accommodate an apparently absolutist doctrine to the requirements of pastoral practice. The publicity accorded to marriage cases involving celebrated persons aggravates this unease, and calls for at least some clarification of Roman Catholic principle and practice. In the clarification of these questions we would necessarily explore the understanding of the word 'validity' held in each Church. The re-examination of indissolubility which we envisage should include a joint exegetical study of the "Matthaean exception" and other relevant texts undertaken by scholars able to work in proximity.

6. Our Windsor Report, paragraph 8, recorded a mutual understanding of the sacramental character of marriage. This accord seemed to be undermined by a reading of the Report, Marriage, Divorce and the Church. Having discussed the matter again, therefore, we found our original accord confirmed, at least in our common belief in a sacramental reality in marriage, although the necessity if not propriety of strict "sacramental" terminology remained open to question on the Anglican side.

7. In our Windsor Report we agreed that "the duty to educate children in the Roman Catholic faith is circumscribed by other duties such as that of preserving the unity of the family" (Page 6, lines 5-7). In the Apostolic Letter the promise required of the Roman Catholic partner is to provide pro viribus for the Roman Catholic education of the children of the marriage. This Latin adverbial phrase is usually translated into English "do all in his power". This English phrase might

be and often is adduced to justify the Roman Catholic party acting in a way which disregards the equal rights in conscience of the non-Roman Catholic party, and even to justify the Roman Catholic adopting an attitude or pursuing his purpose in ways which might endanger the marriage. It is recognised that responsible Roman Catholic commentators on the Letter (including many episcopal conferences) do not put this interpretation on the Latin phrase, but rather confirm our Windsor statement quoted above. The Roman Catholic undertaking "pro viribus" is given envisaging the marriage situation, with all the mutual rights and obligations which the theology of marriage sees as belonging to the married state.

8. The use of the Latin phrase in the official text also marks recognition that, as our second Report from Rome in 1968 put it: "...no dispositions which the Churches can make can wholly determine the future of a marriage".
"We acknowledge that as the spouses after their marriage 'experience the meaning of their oneness and attain to it with growing perfection day by day' (Gaudium et Spes, 48) they must be encouraged to come to a common mind in deciding questions relative to their conjugal and family life."

9. Prolonged discussion of episcopal practice in this regard, based on a preliminary survey of the regulations issued by various Episcopal Conferences, revealed the need for deeper study of some attendant questions. The strict requirement of the Apostolic Letter is simply that the Roman Catholic party shall be brought to acknowledge his duty in conscience to provide pro viribus for the Catholic upbringing of the children and that the non-Roman Catholic partner should be made aware of this obligation. If this were universally understood and acted upon, there would seldom arise any difficulty beyond that created by the ecclesiological discrepancy mentioned above. Nevertheless

Anglicans find ground for unease in possible varieties of interpretation and practice. In particular they would wish that any priest conducting pastoral interviews with persons intending a mixed marriage should warn them explicitly -if such be the case - that the granting or refusal of the dispensation by the ordinary might be influenced by what they say or do not say in these interviews.

10. Upon Canonical Form, we made concrete recommendations in our Second Report, namely that "on condition that joint pastoral preparation has been given, and freedom to marry established to the satisfaction of the bishop of the Roman Catholic party and of the competent Anglican authority, the marriage may validly and lawfully take place before the duly authorised minister of the Church of either party". Though the Apostolic Letter makes different provisions, (Mat. Mixt. 9) further reflection would lead us to reiterate our original suggestion, for the following reasons. First, it is preferable for any practice to be brought within the general law rather than be made the object of frequent dispensation. Secondly to extend the scope of canonical Form to include Anglican ministers celebrating the Anglican rite would be an occumenical act of profound significance, giving notable substance to those official utterances which, in various ways, have declared a "special relationship" to exist between our two Churches.

11. We wish to draw special attention to those words of the Apostolic Letter (no. 14) which direct pastors to "help the married couple to foster the unity of their conjugal and family life - a unity which in the case of Christians is based on their baptism too. To those ends it is to be desired that those pastors should establish relationships of sincere openness and enlightened confidence with ministers of other communities." We wish to urge that the foundation of these relationships be

laid on the wider basis of a general recognition of a joint pastoral commitment to the search for unity; out of this would grow that mutual trust and amity from which a common concern for mixed marriages could only benefit. There are several regions, notably in Canada, where there has already been conspicuous achievement in this field. Those responsible for the training of the clergy should be particularly aware of their opportunity to create right dispositions in those on whose initiative further growth will depend. We could envisage concerted pastoral letters of guidance issued to the clergy of both Churches to help them in carrying out their pastoral task.

12. One or two matters of theological statement remain for elucidation, which we would hope to undertake in the near future. It has been argued that the cautio, because it requires a prior undertaking from the Roman Catholic party, is inconsistent with that passage of the Vatican II Decree on Religious Liberty (1:5) which asserts the right of parents "to determine, in accordance with their own religious beliefs, the kind of religious education that their children are to receive". The question requires examination. A related question is the sense in which the obligation of the Catholic parent to bring up his children in his own faith can be said to be "of Divine Law". The Anglican would acknowledge a Divine Law for Christians to offer a Christian upbringing to their children, but would question whether any narrower definition than this could be said to have "Divine" sanction.

13. It is the Commission's intention to plan its future activities on the lines here suggested. We would confidently hope for the co-operation of the Anglican/Roman Catholic International Commission and of other specialists where the need, as we have suggested, may arise.

14. Members unanimously record their thanks to the Archbishop of Canterbury for his hospitality, and to Prebendary H. Cooper and the National Liberal Club for the remarkably smooth and comfortable arrangements made for the meeting.

MEMBERSHIP

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