

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

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ANSWERS TO QUESTIONNAIRE FROM ANGLICAN PROVINCES

The Questionnaire

1. Is there any special form of pastoral care for
  - a) mixed marriage homes?
  - b) those whose marriages have broken up?
  - c) those who re-marry after divorce or marry divorced persons during the life-time of the previous partner?
2. Do your state laws concerning marriage conflict with your canons or regulations?
3. Do you regard your rules about remarriage after divorce as based on biblical foundations?
4. Is the administration of marriage discipline becoming easier or more difficult? If the latter what are the chief difficulties?
5. Do you find difficulties where Roman Catholic discipline differs from your own?
6. Are there changes in your existing discipline which you would regard as needed and theologically justifiable?
7. What are the grounds for recognising the nullity of a marriage in your area?
8. Are these grounds being extended or restricted: or is there any movement to extend or restrict them?
9. Is this matter one of discussion or controversy with the Roman Catholic Church?
10. What conditions do you require for Church weddings?

Answers to Questionnaire

Central Africa

- 1(a) Not a problem because wife is usually received into her husband's Church.
- (b) There are enormous numbers of broken marriages and the clergy spend more time on this than on any other problem.
- (c) Re-admission to communion when appropriate. In circumstances, e.g. when marriage breakdown was too long before for facts to be certain, or when partner concerned was not responsible, remarriage in churches is possible.
2. In Rhodesia. See Hastings pp. 100-102.
3. Yes.
4. More difficult, because
  - (i) Realisation by Africans that their strict discipline is not accepted by Europeans.
  - (ii) Mobility and labour migration.
  - (iii) Rising appreciation of women's rights.
  - (iv) Urbanisation and consequent difficulty of finding facts.
  - (v) Realisation that a situation in which 75% of communicants are debarred (Hastings 56-60).
  - (vi) Growing frequency of Christian/Islamic marriages.
5. Yes. Not because Roman Catholic discipline is stricter. It is widely believed that Roman Catholic priests ignore all marriages except those in their own Churches.
6. Many changes have been made. The question of the use of exclusion from Communion as a discipline is being discussed.
7. Listed in Hastings p.128 and including evidence by subsequent behaviour of lack of intention at the time of the marriage.
8. No. Revision fairly recent.
9. Discussion but not controversy.
10. Besides the normal canonical requirements
  - (i) Validity under either statutory law or African customary law.
  - (ii) That both parties are either baptized or admitted to the catechumenate.

Colombia

1. Pastoral care easy in a small and new Church.
2. To some extent, because of the concordat between the State and the Vatican, non-Roman Catholics feel that in the marriage laws they are treated as second class citizens.
3. No.
4. Yes.
5. ?
6. The Bishop acts as judge.
7. ?
8. Yes. The Roman Catholic position has hardened.
9. The Church tries to make mixed marriage difficulties matters for discussion rather than controversy, but not always successfully.
10. Only those in good standing in the Church are married by the Church. Since civil marriage must already have taken place there are at least three interviews to explain Christian marriage and a declaration of the lifelong nature of marriage has to be signed.

The Canons in force are those of the Episcopal Church in the U.S.A.

Ceylon (Sri Lanka)

1. No special pastoral care.
2. No.
3. Yes.
4. More difficult because civil divorce is more common and its stigma less. Inter-faith marriages are more common. Many people consider the Church's discipline to be harsh.
5. One difference is that Roman Catholics allow Church marriages where one party is a Christian. Anglicans require both to be Christians.
6. (i) Marriage with deceased wife's sister or deceased husband's brother.  
(ii) Marriage of divorced person, especially if innocent.  
(iii) Marriage with a person of another faith.
7. (i) Impotency at time of marriage.  
(ii) Mental condition making the person incapable of taking marriage vows.  
(iii) Coercion or compulsion of either party.
8. None being considered.

Ceylon (continued)

9. No discussions at present.
10. (i) Both baptized.  
(ii) Not a divorcee with former spouse still living.  
(iii) Man 18, woman 15. Parental consent under 20.  
(iv) Not within prohibited degrees.  
(v) A civil registrar's licence.  
(vi) Banns or Bishop's special licence.

Episcopal Church in Scotland

1. (a) No.  
(b) No.  
(c) Yes. The Bishop may at his discretion re-admit to Holy Communion.  
Priests may not officiate or allow churches to be used for those divorced in a civil court with the former spouse still living.
2. Yes. The State re-marries divorcees.
3. Yes.
4. The mind of the Church is deeply divided on the re-marriage of divorcees in church, but no change has been made.
5. No. Increasing co-operation.
6. No. (but see 4 above).
7. None specified.
8. The Roman Catholic position is being closely watched but few people at present see this as a way forward.
9. No.
10. One must be an Anglican, not within the prohibited degrees, not divorced with partner still living (nullity in civil court allowed).

Church of England

1. (a) Where possible jointly with Roman Catholic priest.  
(b) In the ordinary course of parochial cure.  
(c) Compassion and spiritual help is given and if the Bishop allows re-admission to Communion after a period.
2. Yes. Legally the clergy may re-marry divorcees and allow churches to be used for this. But Church regulations forbid this.
3. Yes.

4. More difficult as divorce becomes more common. Refusal to remarry is thought to be harsh.
5. In some cases of mixed marriage.
6. This is under discussion.
7. As in the civil courts (which are based in previous ecclesiastical law with the exception of the latest ground of non-consummation).
8. No.
9. No. Nullity is viewed with suspicion because of alleged Roman Catholic abuse of it, but there is a general ignorance of its principles.
10. Both baptized (unless Bishop gives leave for one not baptized).  
Not within prohibited degrees.  
Not divorced with former partner still living  
Banns, licence, or registrar's certificate.

#### Indian Ocean (New Province)

1. This comes within general pastoral care. (Under some circumstances re-admission of re-married to Communion).
2. Not fully in accord.
3. Yes, where Scripture is clear, but it is not thought to be clear about re-marriage discipline. Charity and common sense have to be used.
4. More difficult because of fluid state of minds about marriage. Added difficulty that records are often lost.
5. No.
6. Relations with state, and rigours of excommunication need re-consideration.
7. (i) invalid ceremony (ii) under age 16 (iii) within prohibited degrees (iv) bigamy (v) compulsion (vi) defective intention (vii) undeclared impotence, particularly congenital (viii) insanity (ix) wilful refusal to consummate (x) pregnancy before marriage if undeclared and unknown to husband (xi) venereal disease. The canons need codifying and examining.
8. Only that it is less easy to prove compulsion.
9. Difficulties of recognition of marriages solemnized by a non-Roman Catholic priest. (Some Roman Catholic clergy insist on re-marriage.) But improvement of relations over mixed marriages.
10. At least one partner baptized, not within prohibited degrees, civil marriage first is required. Remarried divorcees not married in church after civil ceremony.

Paraguay (Diocese in process of formation)

1. (a) No special form.  
(b) No.  
(c) The State Law does not allow divorce and no cases have arisen.
2. No.
3. Presumably.
4. Wars in 1860 decimated male population and concubinage became common making discipline difficult, but it is not becoming more difficult.
5. No.
6. No.
7. Consanguinity, under age (12 women, 14 men), previous partner still living, being author or accomplice to murder of previous partner, certified insanity.
8. No.
9. No. Dual participation by clergy possible.
10. Civil marriage first.

South Africa (Cape Town)

1. Normal pastoral care.
2. No.
3. Yes. Proposal (or re-marriage in church rejected recently on this ground).
4. More difficult, because of variety of disciplines in various Churches and confusion about the Church's teaching.
5. Not often.
6. Some wish for recognition of "spiritual death" of a marriage on the Orthodox theory.
7. A (i) Prohibited degrees  
(ii) Previous marriage bond still existing.  
(iii) Error of identity.  
B (i) Absence of required formalities  
(ii) Under age  
(iii) Lack of free consent by duress, mental deficiency, ignorance of the event.  
(iv) Impotence of either party at the time  
(v) Pregnancy unknown at the time by another than a deceased husband (unproveable?)  
(vi) Either party not baptized or a catechumen if this party is unwilling to accept marriage as binding in the Christian sense.

[Nullity court set up in each Diocese.]

8. No.
9. Amicable discussion.
10. Parties must have Church affiliations. Interviews with priest before marriage.

Venezuela

1. No. Normal pastoral care.
2. All marriages civil and state permits divorce for adultery.
3. Yes.
4. More difficult because of greater variety of backgrounds of expatriates.
5. Only that Roman Catholics are ultra-conservative.
6. Yes. Especially an emphasis on reconciliation in the discipline.
7. Roman Catholic and Anglican grounds identical.
8. Slight concern but no action.
9. Unofficial discussions only.
10. Baptism of both parties, presentation of civil marriage certificate.

Wales

1. (a) All clergy attend courses on mixed marriage problems.  
(b) Guidance is given by bishops to clergy.  
(c) Note Mothers Union admission to membership.
2. Only on the State's position of a right to a second union.
3. Yes.
4. Perhaps more difficult, but if discipline is rejected civil "marriages" supply the desired end. 1969 Divorce Act concerning unwilling partners to divorce raises difficult problem.
5. Great difficulty over inter-church marriages although numbers are small. Provision for the dissolution of valid marriages in some cases is viewed with unease.
6. Need for ecclesiastical procedures to determine when a decree of nullity might have been sought when instead a civil divorce was obtained. There is a working party on this.
7. As in England the State's laws are based on the Church's with the exception of wilful refusal to consummate. (If marriage is simply a contract then this should be a ground for divorce, not nullity-as with Roman Catholics - Sec.)
8. No.
9. Psychological grounds at the time of the marriage are being studied. Those which arise after are not considered as possible. This is a matter of discussion, not controversy, with Roman Catholics, but there is concern at the number of Roman Catholic nullity cases.

Wales (continued)

10. (i) Parties must understand what marriage is.
- (ii) Must be of age (16 and if under 18 have their guardian's consent).
- (iii) Neither must have had a marriage union with a partner still alive.
- (iv) Must be baptized. If only one is not, the case must go to the Bishop.
- (v) Must have full and free consent - no duress or deception.
- (vi) Must intend a complete and permanent union.
- (vii) Must be physically capable of the marital act.
- (viii) Must not be within prohibited degrees.
- (ix) Must marry between 8 a.m. and 6 p.m. in presence of two witnesses besides minister.
- (x) Must have certificate of banns, common or special licence or registrar's certificate.