

RESULTS OF QUESTIONNAIRE ON ANGLICAN/RC MIXED MARRIAGES

The questionnaire form was sent, with a letter explaining its purpose, to those episcopal conferences whose territory overlaps the Anglican provinces listed in the 1973 C.of E. Year Book. There are 25 of them.

Replies have been received from eight countries :

United States
Australia
Zambia (certain dioceses)
Zaire
Ghana (2)
Tanzania (2)
Malaysia-Singapore
Burma.

For Tanzania the president of the episcopal commission for ecumenism, Mons. Cotey, sent a separate reply for his own diocese as well as a general one for the country.

Two dioceses of Ghana sent replies. Thus there are ten replies in all. The Burma one hardly counts - it gives no detailed answers since "the Anglican Community in Burma is so small and mixed marriages are rare".

In this summary I analyse the replies question by question.

1. Is there any special form of pastoral care for
 - a) mixed marriage homes
 - b) those whose marriages have broken up
 - c) those who remarry after divorce or marry divorced persons during the life-time of the previous partner ?

The general picture here is that there is hardly any special provision beyond the normal pastoral activity of the clergy. There is a little literature. Zaire has recommended collaboration with other clergy. In Australia a committee is preparing guidelines. In Accra there is a committee which investigates the causes of broken marriages. The question of admission to the sacraments for category c) is never mentioned.

2. Do your state laws concerning marriage conflict with your canon or regulations ?

This question was probably not well framed from the RC point of view. Hence the answers are inconsistent though perhaps for that reason revealing.

U.S.A., Zambia and Zaire answer "No". Australia, both Ghanas and Malaysia answer "Yes". For each of the "Yes" answers the reason (or a reason) is that the state laws permit divorce and remarriage after it. Yet this is also true for the three Nos! Ghana gives family planning legislation as an additional ground of conflict.

The Tanzania answer may be given verbatim: The State laws were made in 1971 after asking the bishops of the Church to help them form them. But it seems that when the general laws for marriage were made, a certain amount of ambiguity resulted which in practice seems to favor those who do not want a permanent union; prefer to have civil marriage because of the possibility of divorce. Also allowed by Anglican gives the couple that is doubtful about the permanency of marriage the advantage.

3. Do you regard your rules about remarriage after divorce as based on biblical foundations ?

Five reply simply "Yes". One replies simply "No", but has I think almost certainly misread the question, taking "your rules" to refer to the state laws of the preceding question.

Two quote actual texts : Ghana 2, Mtt. XIX, 6-9

Malaysia Mtt. V, 32 and Mk. X, 11

but without elaborating on them.

Australia evades the question by saying "The teaching of the Catholic Church regarding the unity and indissolubility of marriage is firmly adhered to by the Bishops of Australia.

U.S.A. refers us to a canonists' symposium The Bond of Matrimony (ed. Wm. Basset).

4. Is the administration of marriage discipline becoming easier or more difficult ? If the latter, what are the chief difficulties ?

This, like question 2, was badly framed and hence is differently understood.

Australia, Zambia (part) and both Ghanas give various forms of moral decline and over-liberal civil legislation as reasons why discipline is becoming more difficult.

Tanzania 1 instances the uncooperativeness of pastors about seeking dispensations and recording marriages properly.

Zaire, two Zambian dioceses and Malaysia think discipline has become easier since Matrimonia Mixta.

The U.S.A. sends a copy of the Procedural Norms approved for a trial period of three years there, and says they greatly eased procedure. (I shall speak in more detail of these).

5. Do you find difficulties where Anglican discipline differs from your own ?

U.S.A. encloses a copy of the new Episcopal Church canons (1973) and comments "from the viewpoint of Catholic observers these may have abdicated the Church's responsibilities concerning marital annulment and accepted too great a dependence on the ruling of the civil courts".

Again one wonders how well the question was framed. Australia (certain dioceses), Zambia and Tanzania 1 instance differing attitudes to remarriage after divorce.

Differing treatment of civil marriages is instanced by both Tanzania reports. "RCs seek a sanatio in radice, Anglicans merely impart a blessing".

Anglican objections to the 'canonical form' are instanced by Australia and by Ghana 1 ('occasionally').

Anglican objections to the promises by Australia, and Ghana 1 ('occasionally').

Ghana 2 "Male Anglicans often have the children baptised in the Anglican Church, despite all undertakings to have them baptised in the Catholic Church".

Tanzania 1 observes that "The main difficulty is that the RC Church is stricter in the application of the laws of marriage and its dispensation than the Anglican Church".

Tanzania 2 cites differences in keeping records. This is now subject of discussion as is also the fact that "some mixed marriages have been assisted by Anglican ministers without dispensation from the impediment of mixta religio simply because the Anglican minister does not feel the RC partner needs it (!) Finally Tanzania 2 cites the fact that Holy Communion is not given to the Anglican at RC nuptial masses. They sympathise with Anglican feelings, but their solution is to celebrate weddings outside Mass.

No difficulties are felt in Malaysia or in Zaire (few Anglicans in Zaire).

6. Are there changes in your existing discipline which you would regard as needed and theologically justifiable ?

The Australians answer tersely "No". Zaire says 'not for the present'. In Malaysia the majority say "No", but one bishop

wanted marriages allowed in Anglican churches "in some cases". Two replies, U.S.A. and Tanzania 2 recommend widening the canonical form to include marriage in Anglican churches and by Anglican ministers much as in our own Third Report par. 10.

Ghana 1's answer is obscurely worded, but seems to be saying that they have continued to insist on written promises (from the Anglican also ?) and would like this to be the law.

Ghana 2 "I suggest that in every mixed marriage there should be an explicit obligation that the children should be baptised in the Catholic Church and nowhere else".

Tanzania 1. "I think that the relaxing of the restrictions of where the ceremonies of marriage are held and the local African concepts of marriage be studied and accepted by the Catholic Church, e.g. make the permanency of the contract depend on fertility or clarify potency on the part of the women. Traditional marital customs and rites may be part of the Christian marriage ceremony".

In addition to the suggestion about form mentioned above, Tanzania 2 makes a number of other suggestions (about education, converts, etc) which do not really concern marriage discipline.

U.S.A. would like to see their trial procedural norms made permanent. They add "Also some Catholics would like the promise concerning future children which the Catholic Church requires orally or in writing of Catholic partners in mixed marriage to convey more clearly than it does in its present terse form just what the intention of the Church is in its request and what limits to the fulfillment of this promise may be recognized. At present this is subject to diverse interpretation".

7. What are the grounds for recognising the nullity of a marriage in your area ?

All the answers adduce in the first instance the canonical impediments as set out in the usual sources.

Australia, Zambia and Tanzania 1 do no more than this - Zambia adding that it has very few annulment cases.

Some add reasons to the canonical ones : Ghana 2, non-payment of head money (dowry) Malaysia, omission of customary regulations acknowledged by the state, but it is not clear whether they mean that the church agrees in recognising these grounds. U.S.A also gives the civil regulations.

Zaire adds the following paragraph : "We are aware of the fact that conjugal happiness is an essential end of marriage and that such happiness is the result of the "consortium vitae" of the spouses. We know that studies are actually made to determine the essential elements of this "consortium vitae" but, up to this day, we are not sure enough of the results of these studies to give firm regulations about them. We must admit that our ecclesiastical tribunals do not cope with the number of cases which could be studied and solved".

Tanzania 2 lists the canonical impediments as "the direct answer". Then there is an "indirect answer" which takes a whole page.

Ghana 1 misreads this question (and the next) and talks about grounds for divorce.

8. Are these grounds being extended or restricted ? Or is there any movement to extend or restrict them ?

Zambia and Malaysia reply simply "No"! Malaysia adding "Dispensation can now be granted to have a marriage performed in Christian Churches other than Catholic, but this will not lead to Christian Unity".

Tanzania I says there are 'requests' for extension but no 'movement'.

Australia says "The mind of the Holy See is watched and followed", but U.S.A. says that Roman decisions "sometimes reveal an extension, sometimes a restriction of the grounds", and that these variations are "without a pattern evident to the chanceries of the U.S." (This does not of course really answer the intended question). A reference is given to The Tribunal Reporter by Adam Maida.

Ghana 2 says there is a movement of restriction in the sense that marriages made without payment of head-money are being tolerated.

Zaire may be quoted in full : "There is a movement to make of "sterility" a ground of nullity. But, the consensus or the unanimity on this point is far from being unanimous or common and we think that more reflexion is needed before accepting any change in the matter.

"May we add that we follow the developments on these questions, mostly in psychology and psychiatry, and we shall give directives on them as soon as we judge them safe in jurisprudence.

9. Is this matter one of discussion or controversy with the Anglican Church ?

Six answer simply "No". Ghana 2 says "I don't know".

U.S.A. "It is a matter of discussion with a limited ^{number} member of Anglican canonical experts who take an interest in Catholic marriage discipline".

Tanzania I : "This matter is one of discussion with the Anglican Church and there is mutual understanding, and different cases or circumstances are solved by dialogue and a working for mutual understanding".

10. What conditions do you require for Church weddings ?

U.S.A., Australia and Zaire refer to the instructions issued by the episcopal conference in application of Matrimonia Mixta. Ghana; Zambia and Malaysia simply mention general canonical requirements, Zambia adding that "No dispensation from the canonical form has been given up to now. Neither has a permission been granted for the celebration of a marriage of a Catholic to a non-Catholic in a Church building of non-Catholics".

The two Tanzania answers may be quoted in full. Tanzania 1:

" The conditions we require for church weddings :

- a) The desire of the contracting parties to be recognized and their convenience for the ceremony according to African custom. In matriarchial tribes, to allow the ceremony in the church of the bride. To insist in the opposite results in fewer Church marriages.
- b) That the Anglican padres and the Roman Catholic priests meet and do all they can to safeguard the rights of the couple and to insure a proper Christian instruction and marriage within the discipline of each church.
- c) That when the marriages are performed in the Anglican church they must ask the Catholic Ordinary for the written dispensation from the form, Sina forma canonica which is required for the validity of the mixed marriage.

Tanzania 2 : Conditions for Church weddings :

- (a) That there should be no Canon law impediments.
- (b) That as far as it is possible good and safeguarding tribal customs should be protected.

- (c) That Canon law should be renewed and adjusted in respect to consciences of nations, tribes... concerned... after a thorough study of the same.
- (d) That to avoid frustration, a mixed marriage should be contracted outside of Mass.
- (e) That patrilineal and matrilineal extremes degrade human equality.

NB. a husband who gives much dowery feels more important than his wife whom he bought. Hence, a wife has to work (in some cases) as much as an employee works for his employer. Again where matrilineal rights are stressed, a husband who is a bread winner, is not head of the family. Woman is queen as it were.

- (f) That sex education, christian love, anatomy (embriology) etc. should be some of the many other instructions in preparation for marriage.
- (g) That the Church ought to take serious consideration because of so many broken marriages without any hope of reunion.
