

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

First Meeting: St. George's House, Windsor Castle, April 16th-18th 1968

INTRODUCTION TO THE PRINCIPAL DOCUMENTS AT PRESENT BEFORE THE SUB-
COMMISSION

by

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A. "Marriage and the Division among the Churches", prepared at
Crêt-Bérard, June 1966

This was produced by a group convened by Dr. Lukas Vischer of the W.C.C. Secretariat for Faith and Order, with the help of Mr. Matti Joensuu of the Department on the Co-operation of Men and Women in Church Family and Society. The group met at Crêt-Bérard, Vaud, Switzerland, from June 20th - 24th 1966 and the participants included two Roman Catholic priests, two Orthodox, one German lady (a partner in a mixed marriage), a Scots Presbyterian, a sprinkling of Protestants and Reformed from Europe and North America, and one Anglican, myself.

During the week before the document was drafted the papers were read and discussed. On Tuesday night the group received a paper on the theological understanding of marriage on which everyone present could agree- except a Finnish Lutheran, now working in Canada, who so saw every marriage as "unique" that no general statement of any sort was applicable.

But differences appeared at once when the solemnization of marriage was discussed - as distinct from the state of matrimony. Difficulties about mixed marriage were seen to spring from differences about solemnization, not about the theology of marriage. Hence, for the Orthodox there were the requirement of a priest and of the solemnization of marriage within the eucharistic liturgy; for the Roman Catholic the requirement of celebration of matrimony according to the canonical form. (This canonical form was only required since the Tametsi Decree of the Council of Trent and for many countries, including England, only since the Ne Temere decree of 1907.)

Other confessions face difficulties in mixed marriages, especially about divided allegiances in religious upbringing of

children, but others do not face impediments, as partners marrying an Orthodox or a Roman Catholic do.

As a result of our discussion the document was completed and sent, inter alia, to the Secretariat for Promoting Christian Unity in Rome. It formed the basis for the Nemi consultations, from which comes the second document.

B. "Mixed Marriages", prepared at Nemi, February - March 1967

This was a meeting between representatives of the Roman Catholic Church convened by the Secretariat for Christian Unity and representatives of the World Council of Churches.

1. 25th - 28th February: A group of Roman Catholic theologians and canonists met and considered the Crêt-Bérard document and in reply drafted "Mixed Marriages".

2. 1st March: These were joined by W.C.C. members. Together we worked through the document prepared. It was introduced section by section, and commented on from both sides. Mgr. Willebrands then undertook to reconsider it with the whole Roman Catholic group. As a result a revised text of the document was produced. In general this was a better translation and the suggestions made at the discussions were faithfully incorporated.

The conclusion of the meeting

The Vatican Secretariat hoped that this document would be the basis for bilateral discussions between the Vatican and the major Christian communities - Anglican, World Methodist Council, Lutheran World Federation, World Presbyterian Alliance, etc. The W.C.C. hoped that it would still continue conversations with the Vatican to represent the smaller ecclesial groups.

C. Mention was also made of the Decree on Mixed Marriages between Roman Catholics and Eastern Christians, published on 22nd February 1967, i.e. the Decretum de Matrimonii Mixtis inter Catholicos et Orientales Baptizatos A Catholicos. The purpose of this was to put Latin and Eastern Catholics on the same footing vis à vis marriage with Orthodox Christians. It abolishes the requirement of canonical

form in such marriages: they are to be held valid if celebrated by either an orthodox priest or a catholic priest, and provision can be made for their liceity by dispensation.

It was said that the aim was to avoid at all costs the appearance of a double marriage given by holding two ceremonies. It was intended that the choice of the church (with its own attendant minister) should be determined by local custom: where the custom was to hold the marriage in the church of the man, there it would be held, whether Catholic or Orthodox; or similarly in the church of the woman, where that custom prevailed. The marriage would be enregistered only in the books of the one church. The minister of the other church would, it was hoped, attend and add whatever ceremonies or words of blessing or exhortation were thought to be appropriate.

It was observed (a) that the Decree was issued on the authority of the Pope himself (p. 2, para. 2): only publication was left to the Congregation for the Eastern Church, after consultation (only) with the Congregation for the Teaching of the Faith; and (b) that it was fortuitous that the decree was published now: it had been under discussion for several months.

We may wish to discuss whether this solution would be practicable for Anglican/Roman Catholic marriages. If so, the Roman Catholic Church would want to know more about Anglican marriage practice, especially our impediments. An exchange of information between churches would be needed before any concordat. (See Prof. Franz Böckle in Istina, April - June 1967). Fr. Ladislav Orsy, S.J., a canonist, urged that alteration of the law would be better than multiplying dispensations. If this view prevails, the present practice based on the Vatican Instruction of 1966 may well be an interim measure only.

D. Meanwhile how is the Instruction working? Local Roman Catholic hierarchies seem to vary widely in the ease or difficulty which they find in forwarding to Rome requests for dispensation from the promises

concerning children. Canon Satterthwaite would be able to tell us about the English practice. There are contrasts in Germany (e.g. Tablet: 18.11.67) and in Holland (Tablet: 23.3.68) Information would be welcomed from other countries also.

Following the theological journals (e.g. Istina, April-June 1967), Lumière et Vie, The Irish Theological Quarterly (July 1967), The Ampleforth Review (Spring 1968), it seems evident that the tension is not between Roman Catholics and non-Roman Catholics as such. The strongest assertions are that the discussion of mixed marriages must be regrounded de novo as a matter of theological principle and moral obligation, and these are now coming from the Roman side. Not only is there an insistence on taking seriously the Vatican Decrees on Ecumenism and Religious Liberty but also a full recognition of three fundamental principles.

1. That Baptism itself confers Christian status and is the indestructible bond of union between all Christians and Christ, and so with one another. This unity transcends ecclesiastical division.
2. That in the marriage covenant (foedus - a word now replacing contractus) the man and woman themselves make the covenant when they enter the marriage as instituted and ordained by God, creating the new sacramental unity of marriage in virtue of their Christian baptism and of the operation of God in Christ.
3. That this marriage once made possesses a unity given by God: respect for this unity is a primary duty which creates obligations also for the Church in both its pastoral and its legislative capacity. One is the obligation to discourage marriages in which the unity would be so strained as to become a disfigured sign or distorted witness to the unity of Christ with his Church. Another is the obligation to concert its pastoral care and legislative provisions to support the unity of the marriage once it is made and to assure, to the best of its ability, that they be not even

unwittingly divisive. This unity must be respected as such in everything including the upbringing of children. To educate children in religious faith is a divine obligation and it must rest on the couple together. An ecclesiastical regulation which narrows this obligation, (e.g. to a denominational obligation) or divides the marriage partners must be seen as opposing itself to what God has ordained and what God has joined. Any future solution must respect these three principles. [Subsequently they were re-drafted and accepted in an agreed form: see the First Interim Report, para. 15.]

Perhaps an editorial suggestion in the forthcoming number of One in Christ is a possible way forward: that children be brought up to be communicant in both their parental churches, until they leave home: then they must choose.

At all events, I suggest, that before we come to specific suggestions:

1. we pool information on present practice;
2. we ask what further information we require of one another, e.g. on our understanding of marriage, on our practice of marriage, on our impediments, etc.

Then thirdly we can plot a way forward.