

(Febr. 25 - March 4, 1967)

Report on the Problem of Mixed Marriages

(Translation from the French original)

In order to find a balanced solution for the problem of mixed marriages, it is necessary that the problem should be examined in the light of the Word of God, and in the context of ecclesiology and sacramental theology.

Also, the ecumenical movement added to this problem a new dimension, which is likely to postulate a new solution.

The canonical prescriptions of the Church should be the practical applications of theological conclusions.

I

Mixed Marriages and the Word of God

1. The problem of marriages between an Israelite and a pagan is present in the Old Testament. For the Israelites there was a danger in marrying a person of a different faith; they tried to prevent such unions by severe legislation - which most of the time had no effect. The law only made many existing unions irregular.
2. St. Paul in 1 Cor 7:12-16 is anxious to preserve the stability of a marriage, as far as it is possible, between a Christian and an unbeliever. The Christian has to remain faithful to his partner because he is an instrument of salvation and a source of holiness for the other. Paul is concerned primarily with the spiritual welfare of the unbeliever, not with the protection of the faith of the believer. A Christian does not seek his own advantages, but that of the other.
3. Christ teaches in clear terms the indissolubility of marriage (Mt 19: 3-9, Mc 10:2-12), and the divine origin of this indissolubility. God Himself wanted it so (cf. the creation of the first couple of men in Gen 1,2). Christ repeats the ancient law with new clarity: "What God joined together man should not put asunder". No doubt by men Christ intends his adversaries, the doctors of the Law, who did not respect God's order in their teaching.
4. In the Epistle to the Ephesians (5:22-23) there is a rich theological explanation of Christian marriage.
 - (a) The theology of Christian marriage must be construed in the context of the theology of the Church. Since all Christians belong to Christ and to the Church, their marriage becomes a sign of the union of Christ with the Church, a sign which is an instrument of grace. The sign value of their marriage, and its efficacy as an instrument of holiness, arises from the fact of their baptism; through baptism they are inserted into the mystery of the union of Christ with his Church. This incorporation is real even if the baptism was not administered in the Catholic Church, because all baptized persons belong to the body of the Church - even if their communion is otherwise imperfect.
 - (b) The general principles of sacramental theology apply in the case of marriage. The Church is God's trustee: the sacraments are confided to her care. She has authority and legislative power to regulate their administration. This power should not be used in an arbitrary way. In particular the Church has to respect a sacramental sign instituted by God.

II

Theological aspects

1. The existence of mixed marriages is a sociological fact: it arises from the divisions among Christian Churches. Since the will of Christ is that we all 'should be one', and the parties to a mixed marriage are not fully one, there is some imperfection or contradiction in the very nature of a mixed marriage; it contradicts the will of Christ. Nevertheless, as long as the divisions among Christians persist, mixed marriages will continue to exist. It follows that the immediate aim of our legislation should not be the suppression of mixed marriages (since sociological facts cannot be suppressed, they have to be accepted), but rather the strengthening of the union of those who contracted such marriages. The more remote aim of our legislation can be the elimination of mixed marriages, insofar as the remote aim of all legislation in ecumenical matters should be the full union of all Christians. Once there is unity, there will be no more mixed marriages.

2. The Catholic doctrine is that a marriage between two baptised persons has a sacramental character. This does not take away the natural structure of marriage: it remains inserted into the order of creation. But for Christians marriage receives a new dimension: it becomes an instrument of salvation. According to the New Testament marriage is a gift of grace from God (1 Cor 7:7); through it a man and a woman are called and strengthened to a new vocation; to the mutual giving of themselves in love.

Wherever there is such a union in love and fidelity, there is a gift of salvation and there is the manifestation of salvation, for the persons concerned and also for the whole human community. The saving gift of God, given to men in Christ, finds a particular expression in the bond of love which is present in a Christian marriage. In this way the human reality of the marriage bond becomes a sacrament.

The fundamental conditions for a Christian marriage are:

- a) the intention of enduring love and fidelity in each of the parties "until death do them part";
- b) valid baptism.

In the conception of the West, a religious ceremony is not a constitutive element in a sacramental marriage, yet it is not useless: it helps to realize in a living way the sacramental character of marriage. In the conception of the East, as it is now, the religious ceremony is a constitutive element of the sacrament, since it expresses God's mystery in a special way. This conception is fully accepted.

There is no theological objection against the abolition of the canonical form for validity. But then it will be necessary that

- (a) our Christian people should be made aware by other than legal means of the deeply religious character of marriage;
- (b) the Church should be able to ascertain that the intention of permanent fidelity is present in the marriage covenant;
- (c) there be information and agreements among the Christian Churches about impediments.

3. The duty of the religious education of children has its source in the faith of those who have the duty to educate their children. This is a moral duty, from which there is no dispensation, but which does not bind to anything impossible. This duty is circumscribed by other duties:
a) the duty to protect and safeguard the unity and the stability of the marriage union; b) the duty to care for the welfare of the children through a harmonious education.

III

Canonical aspects

A. Before suggesting any change in the present discipline of the Church regarding mixed marriages, some general principles can be usefully stated:

- (a) The problem of mixed marriages has taken on a new dimension: the attitude of every Christian Church toward the problem has acquired a signi

value. The good will of a communion toward another is judged by their approach to the question of mixed marriages.

(b) To give the primacy to theological considerations in the planning of a new legislation is of great importance, since there is general evolution in the Church away from the legal and toward the theological. Provided the right proportions are kept, the trend is a healthy one.

(c) The theological character of mixed marriages can be best described by saying that there is a communion and also a difference in faith among the partners. The source of communion is in the action of the Holy Spirit, therefore the communion is of a dynamic nature. The aim of any legislation should be the increase of communion and the decrease of difference.

(d) Every mixed marriage is a unique event, therefore it can never be fully covered by general laws. In fact general laws can work serious injustice in individual cases. There is no 'typical' case of mixed marriage, since the intensity of the faith of the partners varies in every case.

(e) There is no perfect 'solution' for the problem of mixed marriages in any event, because the tragedy of the division of Christians penetrates into the very center of family life. As long as the division is there, it is bound to cause in one way or another sorrow and suffering.

B. In Canon Law the main problems are:

- (a) the canonical form;
- (b) the legal provisions to assure the Catholic education of children.

(a) the canonical form

At present the canonical form is binding so strictly that without it a mixed marriage is invalid. From this rule many inconveniences follow:

- The canonical form is disregarded in nearly two thirds or more of mixed marriages in Continental Europe. Since these marriages are considered invalid, the parties are easily cut off from any communication with the Church.
- The law is relatively new; by changing it an older tradition could be revived in new circumstances.

It is submitted that there would be great advantages in changing the law in the following way:

- The impediment of mixed marriages could be suppressed: consequently there would be no need to ask for a dispensation.
- The permission of the local Ordinary could be required in order to contract a mixed marriage.
- A public form, sacred or civil, could be required for the validity of the sacrament.
- There could be an obligation to contract in a sacred form, but this obligation should not affect the validity of marriage.
- The presence of both ministers could be allowed, but not required.

(b) the education of children

- The religious education of children is the duty of both parents who have to be one in carrying out this obligation. However, a particular difficulty arises in mixed marriages, where there is no full communion in faith among the parents; they are not fully one.
- The Catholic parent has certainly a right and a duty to communicate

his faith to his children and procure them the means of salvation as they exist in the Catholic Church.

The non-Catholic parent too has a right and a duty to communicate his faith to his own children and to procure them the means of salvation according to his own belief.

Since there is no full communion in faith, and yet unity and harmony in the religious education of the children is desirable, it is suggested that the parties should work out this unity and harmony. It should be their right, with the help of the Churches concerned, to reach a decision, preferably before the marriage, about the religious education of the children. In reaching this decision, the welfare of the child should have priority over other considerations.

It would be of considerable help to the parents, if the following guidelines could be given to them:

- to divide the children into two different religious groups is not an ecumenical solution;
- to give a general Christian education only, without reference to any Church would be to deprive the child from an essential element in Christian living, the element of belonging to a community;
- not to give a child a Christian education is not a Christian solution.

Let us note, however, that the Catholic party could never be dispensed from his duty to communicate his faith to his children, but would be bound by it according to the rules of Christian discretion, as it was stated in page 2, ¶n.3.

The duty of Catholic education should be taught to our faithful through preaching and intense instructions.

IV

Pastoral aspects

1. "Mixed Marriages" should be distinguished into marriages between Catholics and non-Christians and marriages between Catholics and other Christians. The last group could be divided again into marriages between Catholics and Orthodox Christians and marriages between Catholics and Protestants. Each of these groups warrants a different theoretical and practical approach.

2. The Christian Churches should not encourage mixed marriages indiscriminately, but they should not forbid mixed marriages either. While the Churches should warn their members about the difficulties which are bound to arise in every mixed marriage, they should also furnish help (by way of teaching, preaching, and any other means of sanctification) to those who are contracting a mixed marriage, so that they should be able to overcome their difficulties and form an enduring union in spite of their difference of religion.

The danger inherent to mixed marriages is not so much that the Catholic is 'converted' to another Christian Church, but that both parties lapse into indifference and despair.

3. The pastoral care of those who are about to contract, or who have contracted a mixed marriage, should belong to both Churches concerned. Whenever it is possible there should be cooperation among the clergy of the respective Churches. Such a cooperation seems indispensable and it could take different forms. It is desirable that canonical and disciplinary decisions about mixed marriages should be taken by the Churches after mutual consultation.

This common pastoral care should be promoted in all places. As long as it is not achieved, the priest who is in contact with the parties should encourage each one of them to be faithful to his conscience and to seek true unity.

4. The reform of the present Catholic discipline about mixed marriages (as it is expressed in the Code of Canon Law and the Instruction of March 1966) would prepare the ground for a better pastoral approach to the problem. But there is no need to wait for this reform; much can be done immediately. Our pastoral care should reach all couples of "mixed religion". Not one of them should be neglected. They should not feel that they are "outside" the Church or that they are "rejected" by the Church.

5. The canonical legal rules are likely to become more flexible and more general in the future. Such a change warrants an increasing pastoral care. Personal responsibility will have to be taught to our people who are used to obeying legal prescriptions. Couples of 'mixed religion' will need spiritual help from the part of the clergy and also from the part of other couples living in similar situations.

6. It is possible for those living in mixed marriage to achieve a spiritual unity provided they live according to the spirit of the Decree on Ecumenism. They should not deny their differences, but they should be one in seeking unity, one in their common dedication to Christ. This spiritual unity is not based on any compromise; it is based on a common progress toward the fullness of Christ. It excludes sterile arguments; it helps the faith of each one. It inspires each one to be a better Christian.

All persons who contracted a mixed marriage are invited by God to sanctify themselves and their marriage by this ecumenical spirit. Priests should not easily let them sink into a spiritual mediocrity. If such spiritual mediocrity exists, the fault is easily with the clergy, and with other Christian couples who did not give all the help needed by the others.

7. The pastoral approach as we propose it is new in the life of all the Churches. Being new, it can be difficult to apply. It does not offer a ready made answer to all the problems that may emerge. It is only natural that we shall learn by trial and error. Progress will be made through prayer and through the use of our imagination. Priests and couples of "mixed religion" will have to cooperate in this new enterprise. A positive approach to the problem of mixed marriages is necessary: the welfare of many families of mixed religion depends on it. Moreover if a happy solution is found, the life of a "mixed" family can serve as an example to all Christian Churches in search of unity, and can act as a moving force towards unity.