

Theology of marriage and the problems of mixed marriages

Final report of the Roman Catholic-Lutheran-Reformed study commission, 1971-1977

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Introduction

Dialogue in depth and at world level does not simply just "happen". There have to be reasons and a starting point mutually agreed. This report, which gathers up more than five years of intensive dialogue work, has its genesis documented in a consultation between representatives of the Lutheran World Federation, the World Alliance of Reformed Churches and representatives of the Roman Catholic Church, which took place in Rome, 15-17 December, 1970.

In preparing such a dialogue, involving together, Lutheran, Reformed and Roman Catholic participants, the 1970 Consultation stated the *raison d'être* of the dialogue and something of the goals envisaged:

Reasons for a dialogue on the world level

"1) Now as ever the division of the churches is felt most painfully in inter-confessional marriages. This problem is today affected and aggravated by a general crisis with regard to the understanding and the function of marriage.

The common endeavour of the churches should therefore be directed in particular to the settling of these questions.

"2) Many local churches and regional church authorities are collaborating with each other in the sphere of marriage and family. Since the publication of the *Motu proprio Matrimonia mixta* others have entered upon a new kind of conversation with one another and especially in the field of inter-confessional marriages. On a regional level these attempts to get nearer to solving the problem of inter-confessional marriages have generally proved promising.

"3) Nevertheless should efforts be exclusively confined to the regional level and the universal aspects of the problem be therefore lost to sight, it would be a narrowing of the issue. For this reason the Lutheran World Federation and the World Alliance of Reformed Churches advocated a worldwide conversation with the Roman Catholic Church and prepared it by two consultations in Cartigny (Switzerland), November 1969 and March 1970. The pertinent reasons for this worldwide dialogue on the theology of marriage and on the problem of inter-confessional marriages are primarily as follows:

"(a) Satisfactory agreements on a regional level are often made more difficult by factors dependent on local conditions - ; such as ecclesiastical minority situations, lack of ecumenical stimuli and of the opportunities of dialogue - ; they may be promoted by exchange and consultation on a worldwide level.

"(b) The problem of inter-confessional marriages is fundamentally and ultimately due to the differences in the theological understanding of marriage. These theological questions are equally valid throughout the world and have thus a universal character.

"(c) The endeavour to reach a common understanding between the Roman Catholic Church and the churches of the Reformation ought to make a helpful contribution to the overcoming of the worldwide crisis with regard to the understanding and the function of marriage".

Among the many issues that would call for study the 1970 report outlined: Marriage is a reality to all humanity, the sacramental reality of marriage, the indissolubility of marriage, and ecclesiastical regulations.

A projected time-table was agreed, and after due consultation the three partners officially appointed the members of the joint study commission. Regrettably illness and death necessitated certain changes as noted below.

Participants in the dialogue:

Roman Catholics:

Rev. Franz Beffart
Roman Catholic Institute for Marriage and Family Questions
Hohenzollernring 38-40
5 Cologne - 1, Germany

Mr Michel Dousse
Family Department of the Laity Council
Piazza S. Calisto, 16
00153 Rome, Italy

Rev. Gustave Martelet, SJ
Professor at the Theological Faculty of Fourvière
4, Montée de Fourvière
69 Lyons - 5, France

Mrs Jacqueline Stuyt
Chairman of Commission on Ecumenism
World Union of Catholic Women's Organizations
Flat B - 4 Cleveland Square
London, W2 6DH, Great Britain

Rev. Jérôme Hamer, OP (1971-1972)
General Secretary
Secretariat for Promoting Christian Unity
Città del Vaticano

Msgr Jozef Tomko
S. Congregation for the doctrine of the faith
Città del Vaticano

Rev. Olaf Wand, AA (1971)
Staff member of the Secretariat for Promoting Christian Unity
Città del Vaticano

Dr Wolfdieter Theurer, CSSR (1972; deceased 1973)
Staff member of the Secretariat for Promoting Christian Unity
Città del Vaticano

Msgr Charles Moeller
General Secretary
Secretariat for Promoting Christian Unity
Città del Vaticano

Rev. Pierre-M. de Contenson, OP (1973-1976; deceased 1976)
Staff member of the Secretariat for Promoting Christian Unity
Città del Vaticano

Lutherans:

Mrs Sophia Tung
Lutheran Church in Taiwan
86-1 Section 3
Hsin Shen South Road
Taipei, Taiwan
Republic of China

Prof. Dr Dietrich Rössler Engelfriedshalde 39
74 Tübingen, Germany
Rev. Maurice Sweeting
Lutheran Church
29, rue ds Glaces
25000 Valentigney, France

Rev. Dr Harding Meyer
Research Professor at the Institute for Ecumenical Research
8, rue Gustave Klotz
67000 Strasbourg, France

Reformed:

Rev. Prof. Rachel Henderlite
Austin Presbyterian Theological Seminary
100 East 27th Street
Austin, Texas, 78705 USA

Rev. Prof. Daniel Vidal
Treviño 1 bis 3
Madrid 3, Spain

Rev. Dr Rudolf Ehrlich (deceased 1974)

The Manse
28 Summerside Street
Edinburgh 6, Scotland

Prof. Frank Nichol (1974)
Knox College
Dunedin, New Zealand

Prof. N.H.G. Robinson (1974-76)
Professor of Divinity
University of St. Andrews
St. Andrews, Scotland

Rev. Richmond Smith
Theological Secretary, Warc
150, route de Ferney
CH-1211 Geneva 20, Switzerland

Throughout the sessions the chair rotated between Mrs Jacqueline Stuyt (Roman Catholic), Prof. Dietrich Rössler (Lutheran), Rev. Dr Rudolf Ehrlich (Reformed) 1971-1974, Prof. Rachel Henderlite (Reformed) 1974-1976.

Observers have attended most of the sessions:

The Revd Prebendary Henry Cooper (Anglican), London, the Revd Dr Leslie Clements and the Revd Rex Davies (both from the World Council of Churches), Geneva.

In all the joint study commission has had five meetings: Strasbourg 1971, Madrid 1972, Basel 1973, Strasbourg 1974, Venice 1976. Depending on the nature of the subjects treated specialized resource persons were invited to individual meetings:

I. 1971-theme: "Marriage today from the sociological, psychological and religious points of view". Adviser, Mrs Micheline Hermann-Meric, psychologist (Roman Catholic), Paris.

II. 1972-theme: "The sacramentality of marriage". Adviser, Prof. Dr Hermann Ringeling (Lutheran), Bern.

III. 1973-theme: "The indissolubility of marriage". Advisers: Rev. Bernard de Lanversin (Roman Catholic), Marseille; Prof. N.H.G. Robinson (Reformed), St Andrews.

IV. 1974-theme: "The indissolubility of marriage" - continued. Advisers: Prof. Cyrille Vogel (Roman Catholic), Strasbourg; Prof. Dr D. Hans Dombois (Lutheran), Heidelberg.

V. 1976 - "Review of the work of the commission and final report".

Crisis and challenge

(1) In its discussion of the problems of marriage the Commission has been acutely aware of the contemporary crisis affecting marriage. While acknowledging the magnitude of the present challenge, however, we would wish to keep it in perspective by bearing in mind that there has always been an element of crisis or of tension in marriage, insofar as the actuality has too frequently fallen short of the ideal, what marriage is has often fallen short of what it ought to be, and that this has not seldom been

accepted through corruption of the ideal, such as the double moral standard for husband and wife. Moreover, we are deeply convinced that the churches should not disguise whatever responsibility they may have for contributing to the crisis, partly by their own divisions and divided witness, partly by caring too much for the institution and too little for those involved in it.

(2) None the less, the crisis exists at present, although once again it should not be too rigidly separated from other contemporary movements and trends which call in question accepted standards and authorities, for it is probably not mistaken to see at the root of these the search for a reality and meaning which have been lost by many traditional forms of life and behaviour; and this search commands a degree of sympathetic and appreciative understanding. On the other hand, this search for reality is probably not the only factor in the present situation; and there is no doubt that the emancipation of women has brought great changes to the marital situation, as have technological discoveries affecting this area of human existence. Another factor, operating at a deeper level, is an attitude of the human spirit which has readily emerged at a stage of modern civilization which owes much to scientific achievements and scientific ways of thinking. Perhaps this attitude of the human spirit reflects the detachment of a scientific age, and it is certainly tentative and sceptical, uncommitted and prone to experiment. It fits in well with a period of pluralism and secularism; but it lacks the criteria for gauging the success of the adventure of human life and history. Moreover, in reaction against this emptiness of the human spirit, many in our time have sought participation in reality in a wide diversity of ways. Some of these ways have carried with them peculiar dangers to the human person. Others have had an essentially religious character and have been attempts to recover that existential sense of God the lack of which lies at the deepest root of our present problems.

(3) Yet whatever place there is for experiment here and there in the course of human life, there is no place for it at the very roots of life, in connection with life itself. When we allow ourselves to consider the matter, we experience life both as a gift to us and as something we are enabled to pass on to future generations - as if God had not only called us into existence but has even made us partners with Himself in the promotion and enhancement of human life. With life itself we are given the promise of more life, and the possibility of its development in our children for good or for ill. Moreover, each marriage, with the children who may be given to it, must work itself out, again for good or ill, through a succession of situations in circumstances of sickness and health, of good fortune and bad, of prosperity and adversity, of life and death. It seems impossible to be existentially aware of this basic experience which has something of the character of a mystery and a challenge, without feeling the need for some interpretative vision; and certainly for its part the Christian church has always assigned and must continue to assign, a very great importance and significance to the coming together of the sexes in marriage, which is, as it were, a focus of this basic situation.

(4) In articulating this vision one may fall into all sorts of reductionist errors, and the churches themselves have not always been free of these. They have sometimes treated sexuality as a merely biological means for the sole purpose of procreation; but others may likewise treat it as a merely anthropological language of communication and self-expression to the total exclusion of procreation. Both views, however, are partial and one-sided. Others again may treat sexuality as a sphere merely for self-satisfaction and the obsessive pursuit of pleasure; but this is a double

mistake. It reduces the human personality to nothing more than instinct and sentiment and it isolates the individual from his or her partner, from children, from society, from future generations, and from God.

(5) There are clearly questions at issue here concerning potentiality and genuinely human reality which it would be tragic to allow to go by default; and certainly even if our churches have sometimes seemed unduly legalistic and inward-looking, their present concern in these conversations is to recover the reality and values in their traditions and under the gospel of Jesus Christ, to serve humanity in its needs and responsibilities in a rapidly changing world, which finds it easier to despair than to believe. Believing in the values of our traditions, we must help our people to grasp them afresh, in terms of their contemporary existence, lest they be lost in the confusion of change.

General aspects of marriage

(6) The starting point for our analysis of marriage is the fact that marriage is subject to constant change. The historicity of man comes to the fore also in this matter. Particular changes have been brought about in modern times, and among these changes one must include the transition from the pre-industrial form of life to the complex industrial society of the present time. This transition does not occur simultaneously in all places, and all stages of the process may therefore exist side by side with each other. Examples of this are provided by comparing the characteristic forms of marriage in different cultures and also by the influence that in one way or another is being continuously exerted on individuals in modern society, i.e., in political, moral, economic and other respects. History and ethnology, as well as psychology and sociology, give striking accounts of these factors of transformation, influence and change. In the most recent past this transformation has been considerably influenced by the technological development that has made man independent of nature to an extent hitherto unknown. Other developments therefore occurred in the wake of this technological process, the "sexual revolution" being a case in point.

(7) It is quite astonishing that even a radical change in marriage uses and customs could not destroy the basic character of marriage. The transformation of marriage uses and customs is a consequence of the historicity of man. Culture is not something static or invariable, but is in a constant process of development. The nature of many of these developments is not alien to the church, and indeed many aspects of the transformation only bring her face to face with the effects of her own preaching. Examples of this are provided by the idea of man as a person, the importance of personal freedom, and the preeminence of love. These themes have always stood in the foreground of church teaching. But even in the secularized world they have become dominant concepts governing the general way of life.

(8) A description of the exterior reality of marriage leads to a catalogue of complementary characteristics that are common everywhere:

- Marriage, especially in Western tradition, means a free union based on reciprocity.
- It means cohabitation that involves the life, the work and the interests of the partners.
- It is based on a community of life that embraces and gives security to the persons and becomes enlarged into a community for the

begetting and raising of children.

- The description of marriage as a "spiritual community" expresses the fact that in marriage the fundamental and all-embracing questions of life have to be answered jointly by the partners. Since the community regards the binding and all-of-life-embracing nature of such questions, marriage has a religious character which is essential to its nature.

In the case of an individual marriage, these characteristics never constitute an invariable and fixed inventory. Neither the spouses nor the marriage itself remain stationary at their starting point. The decision of the partners to share their entire existence forms part of a development that permits maturation and growth in all fields.

(9) The lived marriage of the present day cannot therefore by any means be understood as a mere multiplicity of forms of life that having nothing in common and are of quite different stamp. Everywhere in the world marriage is the institution that responds to the fundamental experience of humanity, according to which the human person exists as a sexual being. Notwithstanding all the historical, cultural and psycho-sociological differences, marriage contains a number of common and important elements. One of these lies in the fact that a man and a woman enter into community both with respect to themselves and with respect to society. The fact that marriage as a primary institution confers a social form upon the relationship between the sexes, excludes the arbitrary treatment of the relationship. A man and a woman who enter into a marriage therefore know that - in this marriage - they are accepted, sheltered and protected by society and all social authorities. On the other hand, especially in modern times, it is precisely in the sexual relationship that people seek personal happiness. This emphasis placed on the sexual relationship for personal love and private happiness clearly stands in a state of tension with marriage as an institution: marriage cannot be founded exclusively on the loving sentiments of the spouses and have its fate depend on these sentiments, but it is just as obvious that it cannot be said to be nothing more than a social institution. This polarity may harbour dangers that - in individual cases - lead to the destruction of a marriage. In a successful marriage, on the other hand, the unity of this tension-filled polarity is experienced as an enhancement of the quality of life. A lived marriage is the place where such genuinely human life is attained, where the opposition between institution and person and between self-love and conjugal love becomes cancelled. It is the framework in which one partner accepts the other with all his limitations, but also has the good fortune of being accepted by the other, again with all his limitations. The partners free each other of the fear that this acceptance may be withdrawn and they do so by seeking "institutional support", i.e., by making a public promise of constancy and, consequently, being taken at their word by society.

(10) We can therefore speak of three aspects or dimensions of marriage. These are three aspects of its significance or its function. The first aspect shows the married couple in its own life, its history, and its fate. The second aspect brings the family as such into sharper focus: children are an expression of both the nature of the institution and of personal love, they add nothing alien to the marriage but rather enlarge it to the other dimensions. Lastly, the third aspect throws the limelight on the importance of marriage for society. Marriage represents the living cell, the fundamental element of both civil society and of the religious community. These three dimensions mark the living expression of marriage, and also its significance as going far beyond mere individual interest. But at the

same time, they also indicate aspects of menace for each individual marriage. In each of these three dimensions, indeed, a lived marriage is liable to failure or lack of success; it is menaced to an equal extent by a failure of the conjugal partnership, by a breakdown of the family relationship and by a destruction of its social integration. A marriage is already threatened when one of these dimensions is neglected as compared with the others or is considered to be less relevant. One of the best means of preventing marriage failure is to help individual married people to gain insight into these aspects and to accept responsibility for all dimensions. In this way they become in the full sense fit for marriage.

(11) The third of these aspects merits some additional remarks. The relationship between a marriage and the culture or the society in which that marriage is lived is the result of interaction. On the one hand, marriage represents the formative and effective element out of which society and community are constructed. On the other hand, the values, the yardsticks and the criteria for the orientation of married life are derived from society. And it is precisely within this interaction that both the life of society and the history of each lived marriage unfold. But this makes marriage depend in an altogether particular manner on the things that a given society considers to be valid; society must be open to the vital needs of marriage in all its dimensions. Marriage proves to be vulnerable and sensitive not only to limitation of and interference with its living space ("Lebensraum"), but even to shortcomings in the public support and sustenance that it needs. Although the religious community is able to provide essential foundations for marriage, it can also become a threat in a similar way. Indeed, it is just the religious community that must allow marriage the space and the support to develop its life in all dimensions. A religious community that recognizes only one of these dimensions - the family aspect say - and neglects or undervalues the others represents a menace to the vitality of marriage. In this sense the religious community too must be open to all the vital needs of marriage. In married life, of course, none of these aspects is in practice separated from the others. Together, rather, they form a complex and irrevocable unity.

The relation of Christ to marriage

(12) In treating of the relation of Christ to marriage we touch also on the paradoxical source of our divisions as Christians. What divides us here is not, evidently, Christ himself, but the different conceptions our churches have of his action on us through grace; or at any rate the way these different conceptions are spoken of. According to Catholics the Reformation was particularly radical in its approach to the question of marriage. In the name of a doctrine of grace that was often reduced solely to the act, in itself essential, of justification, the Reformation churches contested the doctrine of the Catholic Church on marriage, founded mainly on a doctrine of sanctification. The Catholic Church on her part developed a sacramental doctrine of marriage which seemed unacceptable to the Reformation churches. To them it appears that the Catholic Church in this way introduced in marriage an - as it were - automatic efficaciousness of grace which is theologically unacceptable and spiritually unverified. It seems to them that in this connection the Catholic Church does not respect the natural ("weltlich") character of marriage which belongs to it by virtue of creation itself and of the civil institutions of man. She also appeared to them to give too much weight in this domain of marriage to the role of the church as opposed to that of the State. Catholic doctrine seems to them, too, to overlook the fact that such a human institution as marriage is itself in need of salvation. In the view of Lutherans and the Reformed churches,

the Catholic Church, in holding that marriage is a sacrament, seems to forget that marriage does not of itself give grace but needs to receive it. Lastly, to the Reformation churches it seems at least doubtful whether Christ himself instituted this sacrament.

(13) Our intention here is not to try to solve all these problems. We simply wish to indicate the direction we may need to take if we are to discover together a Christian view of marriage which might truly become the object of a common teaching of faith.

(14) Revelation teaches us first of all that God, the living and true God, is not only not a stranger to the human greatness of love, but that He personally is its principle and source. In reality only love can explain that God is truly the Creator and it is His plan that there should exist the human family, which is founded on, and lives by, love. God, who desires that humanity should become, at all costs, a community of freedom and love, does not want to accomplish His plan without the conjugal ministry of man and woman. As a project for total communion which has as its consequence the bearing and upbringing of human beings in a human way, conjugal love manifests, therefore, the creative plan of God for a world where human creatures are made according to, and live in, His image.

(15) However, God is not merely at the creative source of the world and of humanity. He has Himself given within history an unequalled, an unsurpassable, example of love. The People of the Covenant loomed up through the centuries as the unique beneficiary and as the prophetic witness for all men of a love without limits which nothing can exhaust or destroy. In fact, this love led God to share wholly in our condition through the Incarnation of His Son. In uniting Himself for ever in the flesh of Christ to our humanity, God reveals that His Covenant love is comparable to conjugal love. As Spouse totally faithful to the People of Israel, God reveals Himself in Christ as the Spouse par excellence, He who gives proof of His absolute love for the church and for humanity by offering Himself up for them on the cross.

(16) We are convinced that such a mystery as this is not, can not, be unconnected with the conjugal relationship. In fact, the Covenant that is projected forward from the world's creation, manifested through Israel, realized in Jesus Christ, announced by the church of the Apostles, and communicated by the Holy Spirit, reveals that God commits Himself in Jesus Christ to lead every form of love to its complete truth. If we are asked who is this Christ who plays such a prominent role in conjugal love, we may answer unhesitatingly: He is the Lord of the Promise, the Lord of the Covenant and of grace. This is why, without ever forgetting the action of the Spirit present in the core of all conjugal love, the fact that Christians belong to the Lord by virtue of being incorporated into his life through baptism, also has a bearing on their conjugal existence.

(17) If we are ready to step out of our conventional formulations of one form or another, we shall see that this relationship of Christ to the conjugal life of Christians is nothing other than what we all of us refer to as grace. In reality grace is the presence of Christ given to men in the Spirit according to the promise. Thus, without being contained in the state of marriage as if it constituted a reality independent of Jesus Christ, or as if marriage were sufficient of itself to produce it, grace is wholly a gift of Christ to the married couple. This grace, which is granted above all as a lasting promise, is as durable as marriage itself is called to be.

(18) This relationship of grace between the mystery of Christ and the conjugal state requires a name. We all of us believe that the biblical term

"Covenant" truly characterizes the mystery of marriage. It is this Covenant that the Catholic Church calls a sacrament. The Reformation churches prefer not to employ this term chiefly because of their definition of what a sacrament is, because of the special character of marriage in relation to the sacraments of baptism and Eucharist, and finally because of the controversies and misunderstandings of the past. We believe, however, that in the light of our different mentalities and historical situations, we can have a view of marriage which is in a profound sense a common one.

(19) In fact we are all equally convinced that marriage is closely connected with God's promise. This promise is nothing other than Christ himself turning to look upon the spouses so that their love too should become a real and lasting union. This promise is not simply an idea, but the reality itself of Jesus Christ. Because it is the face of Christ himself turned toward married life, this promise is never under the power of those who are called to benefit from it. It is given to them without their ever being able to become its masters. Therefore it presupposes an explicit and ever-renewed annunciation of the word which is no more the prerogative of the minister than it is of the beneficiaries of the grace of marriage.

(20) This promise, then, holds the initiative from the beginning and maintains it throughout. It has a kind of autonomy in regard to the spouses. It summons them ceaselessly to allow themselves to be formed by it, without the spouses ever being able to take for granted that they have finally succeeded in wholly identifying themselves with the full measure of its demands and its grace.

(21) To bring together in this way the initiative of the promise in regard to the spouses and the recreative experience which the spouses are called to have of its power over them, is to speak of the sacramental power of marriage considered in the light of the Covenant. It also means that marriage is a sign of the Covenant.

(22) Understood in this manner, marriage confers on Christians a responsibility both as beneficiaries and as witnesses. The spouses accept more particularly to live their love according to this promise of grace which they know makes it possible for them to put their deep longing for each other in concrete form through the unreserved gift of self, as well as to surmount its ambiguities.

(23) In this way Catholics should envisage grace, not as a kind of purely objective gift which acts unconditionally on the spouses, but as an experience of fidelity and life that Christ stimulates in their hearts through the gift of the Spirit. As for Lutherans and members of the Reformed churches, they accept that the promise sealed with the death and resurrection of Christ is active in the hearts and lives of married Christians who live the mystery of Christ, in this way becoming its beneficiaries and witnesses. Both are well aware that in expressing in this manner the "sacramental" aspect of marriage in the light of the promise and the Covenant, we have not resolved all the differences that exist between us. We are merely attempting to get beyond the theological ambiguities which can be, and must be, overcome. We also know that we don't exhaust the wealth of meaning inherent in this mystery of grace, a mystery that goes beyond the frontiers of the Christian life. That is why we should not exclude from the beneficial effects of the Covenant couples who are not believers. In trying to describe the relationship between Christ's grace and Christian marriage, we simply wish to point out what a wealth of grace the mystery of Christ contains that may be put at the service of conjugal love which in this way acquires its true greatness. But this greatness can never be separated from our weakness. The message of our churches, especially

at such a time of crisis as ours, should point at one and the same time to the values which Christ himself proclaimed, and to the weakness which He denounced and from which He wishes to save us. Christ hands us over the grace which both judges and saves us.

Marriage for life

(24) It is our common conviction that in the conjugal union a man and a woman commit themselves for their whole lives, and that the couple is destined through marriage to remain united "as long as life lasts", as is said in our liturgies. Being a reciprocal gift that makes the spouses "one flesh", it must be total, without reserve and unconditional. This is required by the dynamism inherent in any authentic love which by its very nature tends to be life-long. It is a matter of the deep respect for each other of those who mutually commit themselves, and of the good of their children, as well of the common good of the human community. That is why, in our efforts to be in our churches constant witnesses to this conjugal love, we feel we can render a service to humanity and to the individual couples concerned.

(25) Although we have this common conviction, the fact remains that we also have divisions, clear divisions just as we have with regard to the "sacramental" aspect of marriage. In this latter case our divisions are rather of a theological nature. In the present matter our divisions concern, in great measure, pastoral work. They are so important that it is necessary at this point to give a brief exposition of the motives underlying these differences.

(26) The Catholic Church acknowledges it is powerless over a marriage that has been validly contracted and truly agreed upon between two Christians (what is called by the church a marriage *ratum et consummatum*). In fact, in the church's view such a marriage is the sacrament or sign of the union of Christ with the church, and thus it is as indissoluble as this union.

(27) Confronted by the difficulties that such a marriage can encounter, one may ask oneself - from the Catholic Church's viewpoint - whether these may not derive from a certain shortcoming inherent in this marriage, and which in effect renders such a union inexistent or null. If the marriage appears to be truly valid and effected in the normal manner, one tries by every possible means to save the union by having recourse to the grace that the relationship of marriage to the mystery of grace puts at the disposal of the spouses. If in the end the continuation of conjugal life seems impossible, a separation is then considered legitimate. But if the spouses decide to obtain a divorce, then the Catholic Church considers that it has not the right to view the second marriage which might follow as a Christian marriage or even as a valid one. That is, it denies that this second marriage, following upon a divorce, can represent the union of Christ with the church, a union which lasts for ever.

(28) The Catholic Church does not, therefore, consider that the passages in Matthew 5 and 19 imply tolerance of divorce. The purpose of the church's severe exclusion from the sacraments of such spouses is to manifest her disagreement with their behaviour, and to point out how they are acting against the mystery of Christ by contracting a second marriage. But this exclusion (from the sacraments) should not mean withholding the spiritual support which such spouses have the right to find, in any event, within the church.

(29) Even though they hold that marriage is a sign of the Covenant, the Reformation churches do not consider Christian marriage to be a sacrament in the full sense of the word. Undoubtedly they see in the union of Christ with his church the model of Christian marriage. Therefore they too, in accordance with Ephesians 5, endeavour in every possible way that marriage should possess the quality of fidelity which Christ expects of it. But this relationship with Christ does not mean that the spouses who are mutually committed consider incompatible with the mystery of Christ the fact that they might possibly, in the case of a complete failure, seek a divorce.

(30) That is why, when it seems that the marriage cannot continue any longer, the Reformation churches consider that the bond of marriage has been destroyed, a fact which is ascertainable, like death. Nothing remains of the first marriage, therefore, that could prevent re-marriage. This does not mean that in this way the Reformation churches resign themselves to divorce; but once divorce exists, they would not consider themselves bound to hold that a new Christian marriage is always impossible. The second marriage might perhaps achieve what was not possible in the first one, that is, a greater conformity with the love of Christ for the church.

(31) The difference between this and the Catholic position is clear. In the Catholic Church marriage exists as a Christian marriage only insofar as it represents - must and can represent - in its fidelity the love of Christ for the church. The Reformation churches, on the other hand, consider that, since marriage needs to conform to the unity of Christ with the church, the unity that the first marriage has not been able to realize, may possibly be realized in a second marriage after a divorce. They do not therefore view divorce as a radical obstacle to a second marriage.

(32) The presuppositions of such an attitude are numerous. Without entering here into the relation between creation and sin, we shall refer to the following points:

- a. the doctrine of the justification of the sinner;
- b. a view of the gospel which, over and above all its requirements, sees the need for a spirit of mercy and forgiveness;
- c. an interpretation of the passage in Matthew as indicating a Christian tolerance of divorce. As regards these last two points, the Reformation churches adopt a position that is close to the Orthodox practice of *oikonomia*, since they too in their own manner wish to give witness to the gospel by showing mercy toward those who are divorced. And lastly,
- d. there is some support for this doctrine in certain facts in the history of the Catholic Church. Moreover, attention is called to the fact that although the Catholic Church reaffirmed the indissolubility of marriage at the Councils of Florence and Trent, she has never formally condemned the position of the Orthodox.

(33) The differences between our various churches, therefore, are considerable. None of us dreams of denying this, and none imagines that such problems can be resolved by us in an artificial way. But one thing is certain, a thing we all share in common: that we all desire, each in his own way, to be submissive to Christ who indicates for marriage a fidelity which before his time was too often sacrificed. It is therefore in his presence that we must together place ourselves.

(34) When confronted with the problem that divorce presents to the conjugal union, Christ, taking up again the teaching of Genesis, proclaims

formally: "What therefore God has joined together, let no man put asunder" (Mt 19.6). The weakness and "hardness of heart" of men had obscured the plan laid down "from the beginning" by God himself, and the Lord Christ opposes with all His authority the tolerance introduced by Mosaic law. He calls spouses to an irrevocable fidelity with such great force that His disciples take fright, forgetting that what is impossible for men is possible for God.

(35) In reality, just as God goes to meet His people in a Covenant of love and fidelity, one that is described by Hosea and other prophets with symbolism derived from conjugal life, so too Christ, the Saviour of men and the Spouse of the church, goes toward the love of Christian spouses, whose model He is through His union with the church. If He spoke, therefore, about the indefectible union of man and woman, this was not just in virtue of the lucidity of a legislator, but principally because He is in His person the very source of this requirement of married love. Or better, this requirement flows directly from His way of being in regard to men. In His saving power, in effect, He remains ever-present with them so that, as He himself has loved the church and given Himself for her, so too the spouses may be able to love each other faithfully as long as life lasts.

(36) This fidelity to God, which was fully revealed by Christ through the crucifixion and resurrection, renders possible and supports the fidelity of the spouses to the love which they have promised and owe one another. The sexual impulse is assuredly an essential component of this love; but notwithstanding its great importance, it does not suffice by itself to ensure the perennial quality of love. As long as sin exists in the world, conjugal love will remain vulnerable, just as marriage itself is vulnerable. But since the promise made by Christ to the spouses is a promise of fidelity, it is able to make their love durable. This promise which is both a gift and an expression of God's will, a vocation and an exigence, can also become a judgement when it is refused.

(37) The mark of the Christian couple, therefore, consists in this promise which precedes and accompanies them. It is also the fact that this promise is received with faith, is lived out and verified, as it were, every single day. By means of it the conjugal union is enabled to persevere, to grow through joys, as well as perils and sufferings, and even to last throughout life.

(38) The indissolubility of conjugal love is manifested to us from then on as a fruit of the fidelity of God which demands and makes possible a similar fidelity in the spouses. And so, before being a law, indissolubility is a vital requirement of the love which the spouses have for each other and which they also owe to their children.

(39) It is true that we live in a society that tends to question the validity of institutions and of marriage in particular. The aim of a protest of this kind against marriage is to protect couples from what used to be, or seems to be, a mere formality. This is why many young couples refuse to give their relationship any official character, whether civil or religious. Sociology and psychology have contributed to the fact that today perhaps more than in the past marriage is seen as a means to success, personal fulfilment and happiness, a view which tends to make marriage more vulnerable. Also, life together is envisaged as an experience the duration of which one cannot, and does not wish to, guarantee. However difficult it may be to evaluate all the consequences of this calling in question of marriage - consequences which are not all negative and which go beyond the boundaries of marriage itself - our common concern is to see that nothing should damage marriage as a cell of life and of love.

(40) This concern is for Christians and indeed for all men. The problem is such a profound one that it goes beyond our doctrinal and practical differences. Therefore, with one heart and one faith we proclaim once more our common conviction that God wishes marriage to be a bond for the whole of life, in both depth and duration; and this is for the good of humanity. The doctrine and behaviour of our churches should therefore proclaim this message unceasingly, just as it is proclaimed in our liturgies in such a strikingly similar way and with a conviction born of faith.

(41) And yet, however deep this accord, the fact remains that, as we have pointed out, our views and our practical pastoral approaches are opposed to each other in regard to the relation of Christian marriage to divorce. While Christian marriage and divorce remain incompatible in the Catholic Church, this is not always the case for the Reformation churches and for the Orthodox. But each of us is convinced to be faithful to the gospel, even if this does not exclude serious differences between us.

(42) Lutherans and the Reformed churches ask Catholics whether in their approach to the indissolubility of Christian marriage they forget the quality of mercy for the sake of a "mystery" which to their brothers of the Lutheran and Reformed churches seems to have become a "law" that has not much to do with the gospel. Catholics ask Lutherans and members of the Reformed churches whether the way they reconcile divorce and Christian marriage does not contradict the mystery of Christ, and also whether the practice of remarriage after a divorce does not blur the principle itself of indissolubility.

(43) To these questions there are no ready-made answers which could satisfy all concerned. On the one hand it is true that an attitude of mercy should never favour solutions that are destructive of marriage and of love. On the other hand, there is the Orthodox usage of *oikonomia*, and the passage of Matthew is a fact which remains a problem. It is clear, therefore, that we cannot overcome these difficulties by employing any short-cuts which might, mistakenly, be considered ecumenical. It is better to face the fact that our pastoral differences on this matter for the time being remain unreconciled, if not, perhaps, unreconcilable.

(44) However, since we all wish to be faithful to the mystery of Christ, our main concern is with this mystery, and not just with our mutual relations. Consequently, we all need to answer a question which should exclude the possibility of any complacency: how are we serving, and do we truly serve, or do we serve as much as we should, the truth of Christian marriage through our different practical approaches to this matter, above all at a time when this spiritual service, both in regard to marriage and to love, is more than ever necessary in society?

(45) And so we are led to Him whom we have never ceased to discover at the heart and source of Christian marriage: the Christ whose mystery of life and salvation we want to make shine out among us; something we are never completely certain that we are doing, but also never give up hope of doing. It is in any case this desire which should inspire the attitude we have to adopt toward mixed marriages, without minimizing or over-stating either points of agreement or our points of dissent.

Pastoral care

(46) The problem the Commission has been given to deal with are

theological problems and have been dealt with theologically; but the concern of the Commission is also a practical, that is, a pastoral one. The Commission has dealt with the question of the sacramental aspects and life-long character of the marriage of one man and one woman of whatever church, and with what our churches can say and do in the immediate situation in which we live to enable that man and woman live together in marriage under the Lordship of Christ.

(47) The church has always been acutely aware that it does not live in an ideal world, and over the years the different communions have developed their own ways of preparing people for marriage. Generally these provisions for pastoral care have been worked out by the churches in isolation from each other, and even in opposition to each other. However, the crisis the churches face today in a world that has to a considerable extent rejected the Christian faith lays upon all churches the common task of exercising a stronger prophetic and pastoral mission. Needless to say, the pastoral mission should not be concerned exclusively with the casualties of marriage but should aim to play a constructive role in building up individual marriages and in the realization and fulfilment of our human potentialities. Moreover, the mission could be more effectively carried out, it is believed, if it could be regarded as a common task to be dealt with by the churches working together in concrete situations, such as a common approach to mixed marriages and even common celebrations of the marriage rite through the use of common liturgical elements.

(48) Although it is aware that it is working in a constantly changing situation and that the need for pastoral care in relation to marriage can never be precisely anticipated, the Commission has identified a number of areas where special attention must be given to the nature of the pastoral care likely to be required.

1. The nature of pastoral care

(49) In the first place the church must give attention to what it will mean by pastoral care, assisting both pastor and people to come to a deeper understanding. The Commission recognizes the broad dimensions of this pastoral task. It is persuaded that marriage counselling as generally conceived is only a part of the pastoral responsibilities of the church and, in fact, cannot be done apart from the larger job. It is persuaded also that the care for the needs of individuals and families is not the task of the pastor alone but is the responsibility of the whole church. Members of the church have by virtue of their vocation, an obligation of mutual care for one another, of providing insofar as they are able a community of grace in which everyone may find comfort and strength and in which everyone may extend comfort and support to his neighbour. Some churches have come to regard pastoral care as including social and political action in the community, thinking of it as whatever the organized church as individuals and groups may do in the name of the church to improve the conditions in which people live.

(50) It will be the pastor's task to assist members of his congregation in understanding their calling and in equipping themselves to enter into it faithfully. Obviously he will do this through a wide variety of activities - in his preaching from the pulpit, in the teaching in the school of the church, in his special classes for parents, in his own relationship with the children and young people of the congregation, in vocational groups, and in other groups organized to meet particular needs of the larger community. In effect the church provides pastoral café for its members and equips them for marriage by drawing them into a worshipping, studying, witnessing

community where they may know themselves to be a part of the ongoing people of God who have been called to live together under the Lordship of Christ and to minister to the needs of the world.

2. The preparation of the pastor for pastoral care

(51) The second task of the church in its work of pastoral care will be the preparation of the pastor for his authority and the tolerance introduced by the mosaic law. He calls spouses to an irrevocable responsibility of equipping individuals and families for life and therefore for marriage. This will include but will not be limited to couples who will enter mixed marriages or who have already done so, and will thus require of them a new way of looking at church regulations. Time is running out to save Christian marriages of the future and it is urgent that the church interpret its rules as an expression of God's love and concern for human nature as he made it and therefore as written for our good and for our happiness.

(52) It will be no easy task to overcome the limitations of the traditional approaches to marriage. But fortunately seminaries are awakening to the need for providing a broader course of study for their ministerial students, going beyond the traditional biblical, theological and historical studies and including pastoral studies and even apprenticeships in pastorates under capable and experienced pastors. The recent Apostolic Letter issued by Pope Paul VI in 1970 on Mixed Marriages opens new possibilities of understanding the nature of the regulations of the Roman Catholic Church. This letter shows canon law, as is no doubt intended, as an expression of Christ's loving care for his people, and the church's attempt to carry out the love in the daily circumstances of life. Students who hope to enter the pastoral ministry should be encouraged to interpret canon law from this point of view, and to work with pastors of other churches to enable the couple to overcome the difficulties inherent in a mixed marriage.

(53) The nature of pastoral care of mixed marriages presents the churches with an urgent challenge to provide joint pastoral preparation and continuing pastoral care. It presupposes the training of our pastors on the special nature of mixed marriages (Norm 14 of *Matrimonia Mixta*), as to the new approach to presenting rules, in a manner to which married people can relate, and taking into account the vast growth of knowledge and understanding which was not available when many church norms were formulated.

3. The pastoral care of the congregation as a whole

(54) A third situation which calls for pastoral care on the part of the church is the crucial need of all its people in relation to marriage and family life in this period of stress and change. It is clear to the Commission that in marriage as in all areas of life Christ creates a crisis. His presence at one and the same time brings to the world forgiveness and new life and calls into question all accepted values. The churches, then, have with regard to marriage, and especially mixed marriages, a twofold responsibility. The first is to teach all of its people a strongly theological view of marriage as rooted in the covenant of God with his people and of the Christian family as a community of love and a fellowship of faith. The second is to mediate the liberating grace which will assist the members of the church not only to live their own marriage under the Lordship of Christ but to become a supporting, sustaining community for the mutual strengthening of one another.

4. The pastoral care of individuals

(55) In addition to the provisions it makes for the congregation as a whole the church through pastor and congregation must provide pastoral care for individuals as they move through life.

a) *Pastoral care of children*

(56) Preparation for marriage like preparation for all of life should begin at an early stage. The child of a Christian marriage comes into the world as an expression of the couple's love for one another, and knows himself to be the beloved creature of God through the full creative love of his parents. Thus the child's preparation for life and for marriage will not begin with verbal admonitions but he will know the love of God from the experience of living in a community of love and grace from the moment of birth. To assist parents in receiving the grace of God so that their household may become a community of grace is the church's first task in the pastoral care of the child. Knowing from the beginning the meaning of God's grace by living with parents who have themselves experienced God's grace, who have dealt with their own sin and its attendant problems and deficiencies and are able to assist the child in dealing with his/hers, the person may approach marriage with confidence and clear intent, having been set free to enter into a covenant with his marriage partner and having the assurance that in this covenant Christ already awaits them.

(57) Should persons, whose development has occurred in a family and community of grace, love and security, contract a mixed marriage, they will be prepared to enter into it in the love of Christ, the foundation of the grace and faith they know they share. Such a marriage, like any other marriage between Christians, will bear witness to the grace of God in Christ.

b) *Pastoral care of adolescents*

(58) Present-day adolescents, who increasingly reject the institutional churches and their rules, in which they claim not to find Christ, will nonetheless rise to a challenge and an ideal, and it is in this context that the churches must strive to present the theology of marriage and their regulations, in relation to God's plan for those he has created and loves. Marriage must also be presented in relation to the church and secular community.

c) *Pre-marriage counselling*

(59) This will lead naturally to actual pre-marriage training. Sex education should from the beginning be linked to love, which, in marriage, God has made the symbol of the Covenant, seen in the Bible. Training must include factors common to all marriages, but which assume even greater importance in the context of mixed marriages. The pastor must be able to give information about the different churches, particularly the churches of the two partners. The couple will need to know, for example, not only the differences in doctrinal belief in the two churches, but also their different regulations regarding the marriage ceremony. They must be clear about the expectations the churches may have with regard to children. These regulations and expectations are set forth in Chapter VI of this report. A major concern of such intending couples will be to decide on the best way to bring up their children, in the knowledge, love and service of God in the light of these regulations and expectations. This demands mutual understanding of the possible consequences of different theological and practical interpretations of the faith they share, not only in the chosen form of religious instruction, but also on such basic matters as family

planning and abortion.

(60) The Commission lays great emphasis on the need for joint pastoral support for the partners of broken marriages, including cases where there has been a civil divorce, and on a permanent concern for those whose marriages are performed and lived outside the church.

(61) We would refer to the valuable guidelines on joint pastoral care, contained in paras. 73-76 of the final report of the Anglican/Roman Catholic Commission on the same subject as that of the present commission. Examples include the wide diversities between national temperaments and socio-cultural patterns, to which pastoral care must be related and the various experiments in this connection which have been made in different parts of the world. It is stressed that the clergy have a duty to exercise a high degree of mutual understanding and trust, which will help better joint pastoral preparation and support for mixed marriages. Furthermore, there is the need to realize that the solution of delicate personal problems involved in mixed marriages, of which no two are alike, is to be found in the maturing and sensitive growing together of the family itself. This sensitiveness must be matched by any source of outside assistance from which, if joint pastoral care is assumed, all hints of competitiveness, suspicion or possessiveness must be banished, since these would inhibit the necessary sensitiveness from the start.

(62) The Commission has been heartened by the new insights which have come to it through its work together and which hold out to it the hope of even greater understanding of the nature of marriage under the Lordship of Christ. It is the hope of the Commission that through its work this gift of understanding may be reflected day by day in the churches' pastoral care of the People of God. The Commission also hopes that through the common work of the pastors of the various churches, the churches themselves may be brought into a closer fellowship with one another. As the churches make joint provision for training their pastors, as pastors work together across denominational lines in the case of particular couples and particular families who are involved in mixed marriages, it may be that these instances can point us towards oneness which is God's will for his church. Already little ecumenical groups are emerging in places where pastors are discovering that they are already one in understanding the sacramental and life-long character of marriage and one in the call they have from God to minister to his people as they attempt to live out their lives under his Lordship. It may be that the consequences of our work as a commission may bring healing to individuals and families but may also seem in some measure to bring our churches into a unity that is visible to the world.

Statement and discussion of the norms of the Catholic Church regarding mixed marriages

(63) The Commission was able to note in many matters a great deal of agreement between the views of the churches. These agreements exist, above all, in dogmatic matters and in the practical and theological aspects of pastoral care of spouses and families in mixed marriages.

(64) In other matters, however, differences have come to the fore and appear to be rather complex. The Catholic Church sees certain matters against a different horizon, or on a completely different plane from the Lutheran and Reformed churches. This is particularly true in the field of canon law relating to marriage. This is not only a matter of the function

and the weight that the Catholic Church on the one hand and the Lutheran and Reformed churches on the other attribute to such a juridical system. Each of the two sides, quite obviously, sees the juridical system in a different dimension, as belonging to an altogether different plane. The two sides therefore treat canon law in completely different contexts, assess it in different ways, and assign altogether different tasks and functions to it.

(65) But the subject of canon law on marriage is of great importance for ecumenical dialogue about the theology of marriage and, above all, of mixed marriages. The Lutheran and Reformed members of the Commission therefore deem it desirable for the present report to include a detailed statement about the present state of legislation regarding mixed marriages in the Catholic Church. This provides occasion for illustrating the different ideas of the churches in this matter and thus of beginning a dialogue between them.

A. Norms of the Catholic Church on mixed marriages

(66) Like all ecclesiastical laws and rules, the norms on mixed marriages have a pastoral function whose primary and fundamental goal is the salvation of souls. The principle *salus animarum suprema lex* expresses the final end of all the normative activity of the church. On the other hand the regulations on mixed marriages, like other ecclesiastical laws, are an expression of theology, which makes it necessary to examine their motives and their deep roots in relation to the gospel message and its theological explanation.

(67) The Catholic regulations at present in force may be found in Paul VI's *Motu proprio Matrimonia Mixta*, of 31 March, 1970. This document contains a synthesis of the resolutions passed, after prolonged discussion, at the first Synod of Bishops in 1967. It is generally known that the Fathers of Vatican II, unable to treat the question of mixed marriages in a definitive manner, requested the Pope to reform canonical discipline in this regard. This is what the Pope in effect did, after meeting once again with the bishops and in answer to their wishes.

(68) The Pope's document is a kind of general law for the whole Catholic Church which leaves to the episcopal conferences the power of filling in the details in regard to certain aspects such as the concrete form of the promises to be made by the Catholic party, the reason for which a dispensation may be obtained from the canonical form of the marriage ceremony, the way of registering mixed marriages, and the different forms of pastoral care to be adopted in this matter. To learn about these aspects it is essential to have recourse to the complementary norms issued by the various episcopal conferences.

(69) Paul VI's *Motu proprio* is in two parts, one doctrinal, the other normative. The first underlines certain general principles of primary importance for the understanding of the Catholic Church's position on mixed marriages.

(70) 1. The Catholic Church, like other churches, for that matter, advises against mixed marriages insofar as they can easily cause difficulties in families, since in such cases living together can endanger the faith, and divisions in the faith can create problems in married life.

(71) 2. The Catholic Church reaffirms as fundamental and primordial the right of all men to marry and to have children. Respect for this right leads the Catholic Church to take into special consideration the difficulties

encountered by Catholics in finding a Catholic partner in countries where Catholics are a small minority.

(72) 3. "The Church does not place on the same level, either from a doctrinal or from a canonical viewpoint, a marriage contracted between a Catholic and a non-Catholic who is baptized, and a marriage between a Catholic and a non-baptized person. In fact, as was affirmed at Vatican II, those who, among non-Catholics, "believe in Christ and are validly baptized, may be said to be in communion, even if an imperfect one, with the Catholic Church.' There exists therefore in a marriage between two baptized persons - which is a true sacrament - a certain communion of spiritual goods which is lacking in a union where one partner is baptized but not the other" (MM, para. 5).

(73) With regard to the communion of spiritual goods, the Catholic Church distinguishes in theology and in canon law between three kinds of mixed marriages among its members: 1) with members of the Oriental Orthodox churches; 2) with other baptized persons; and 3) with the non-baptized.

(74) Baptism is a fundamental and precious bond of union. It forms the basis of the sacramental character of marriage. The identity between the bond of marriage and the sacrament and sacramental reality of Christian marriage is the reason for the (church's) pastoral concern for the marriage of Catholics as regards its essential presuppositions, its conditions, its preparation and celebration, and for the development of married life.

(75) This sacramental character is also one of the reasons for the different attitude adopted by the Catholic Church in connection with different kinds of mixed marriages. Those of Catholics with *baptized* persons cannot be *licitly* contracted without first obtaining a dispensation from the diocesan authority. For marriages of Catholics with *un-baptized* persons the dispensation is required for *validity*.

(76) Ecclesiastical regulations touch on the following aspects of mixed marriages:

- The promises made by the Catholic partner.
- The canonical form of the celebration.
- The liturgical form of the celebration.
- Regulations concerning pastoral care of mixed marriages.

1. Promises

(77) Catholic regulations underline the responsibility in conscience of the Catholic partner to profess his (or her) faith and to transmit it to the children as a requirement inherent in the faith itself.

From this there follow these rules:

- a. "The Catholic partner should declare himself ready to remove any danger to the loss of his faith", even dangers that may result from a mixed marriage.
- b. The Catholic partner "has a grave obligation to promise sincerely to do everything he can so that his children are baptized and educated as Catholics".

(80) To provide a religious education for the children is viewed as a requirement that derives from the nature of the faith. This obligation, however, is conditioned by circumstances which may escape the control of the Catholic parent. That is why it is stated that he is obliged to do all that

lies within his power, all that is possible.

(81) Abiding by the principles laid down at Vatican II, the Catholic Church does not impose on the non-Catholic partner anything contrary to his conscience. But the church has the duty to support and enlighten the conscience of the Catholic partner (and so also his freedom of conscience), since it is directly responsible for his salvation. Consequently, the church requires that the non-Catholic partner be *informed* of the moral obligations of the Catholic spouse without, however, asking him to make any promises.

2. The canonical form of the celebration of marriage

(82) If a marriage, even a mixed marriage, is to be recognized as valid by the Catholic Church, the church requires its own faithful to celebrate it according to the canonical form. The canonical form consists in the celebration of the wedding in the presence of a Catholic priest or deacon empowered to do so, and in the presence of two witnesses. This law applies to all marriages of Catholics. It was introduced at the Council of Trent, but not with any polemical intention or any wish to defend the Catholic faith against the Reformers.

(83) At the Synod of Bishops of 1967, a large majority of the world's episcopate delegates agreed that this law was still necessary for mixed marriages also, since it offered a greater safeguard of the sacred and sacramental character of marriage, a greater guarantee of the indissolubility of marriage, a greater certitude of the validity of marriage and the respect for its essential qualities, and finally, greater possibilities for the pastoral care of married life. These are reasons which in the course of time have become more important than the original aim of the avoidance of clandestine marriages.

(84) Whenever, in the case of mixed marriages, serious difficulties arise in the implementation of the canonical form, local Ordinaries have the right to grant dispensation from it. But it is the task of each episcopal conference to establish the rules according to which this dispensation may be granted in a licit and uniform manner throughout their region or territory, with due attention to the fact that the celebration should possess a certain public character.

(85) It is evident that dispensation from the canonical form does not mean that the Catholic partner is dispensed from the other obligations concerning the faith and mentioned above.

3. The liturgical form

(86) The canonical form normally coincides with the liturgical form of the celebration of marriage. In the case of a marriage of a Catholic with a baptized person, two possibilities are envisaged:

- a. a celebration without a Mass, according to the rite of the *ordo celebrandi matrimonium* of 1969, nos. 39-54, in the framework of a liturgy of the word, followed by the exchange of promises and the blessing of the spouses;
- b. alternatively, with the consent of the local Ordinary, a celebration during Mass, according to the same *Ordo* nos. ; but in this case for the distribution of Communion the rules concerning inter-communion must be observed.

(87) Paragraph 13 of MM is intended to prevent a form of celebration

which might be to the detriment of sound ecumenism instead of promoting it; or else one that might cause doctrinal confusion. This paragraph forbids a simultaneous celebration in two different rites, or a non-Catholic celebration preceding or following the Catholic one, if this includes a fresh expression or renewing of the marriage vows. In fact, since the church considers as valid the exchange of vows of the spouses in the presence of a Catholic priest or deacon, another exchange of vows either before or after, would be like performing a second marriage, for a marriage is made effective through a single act.

4. Regulations concerning the pastoral care of mixed marriages

(88) Paragraph 14 of MM lays down that diocesan authorities and parish priests should give special attention to mixed marriages, since this pastoral care in the course of the preparation, celebration and the entire development of such marriages, can help to prevent and to resolve numerous problems. More particularly, those who have the care of souls should:

- offer the Catholic partner and the children born of the mixed marriage the spiritual support they need to accomplish their duties in conscience;
- offer this support especially to help him to give witness to his faith;
- offer such help so that the unity of the couple and of the family should grow above all on the basis of their common baptism in Jesus Christ;

Finally, this paragraph supports the wish of the 1967 Synod of Bishops that in mixed marriage ceremonies there should be a loyal and sincere collaboration with the ministers of other religious communities.

(89) Local Ordinaries and parish priests should take care that the Catholic partner and the children born of a mixed marriage should not lack the spiritual help they need to perform the duties they have in conscience. They should also encourage the Catholic partner to always take care of the divine gift of the Catholic faith and to give witness "with gentleness and reverence and with a clear conscience" (1 Pt 3.16); and they should help the spouses to strengthen the unity of their conjugal and family life which, since they are Christians, is founded also on their baptism. For this reason it is desirable that those responsible for souls should establish with ministers of other religious communities relations of sincere loyalty and enlightened confidence. This regulation has encouraged fruitful collaboration at various levels.

(90) The norms in the Apostolic Letter *Matrimonia Mixta* are general laws for the Catholic Church. In different countries these laws are embodied in regulations laid down by the appropriate episcopal conference. From an ecumenical viewpoint these regulations may often be of more interest since they go into detail, facing diverse situations and suggesting possible solutions in particular cases. But particular regulations laid down for a given territory cannot go beyond the limits stated in the general law.

B. Lutheran-Reformed comment

(91) In the Lutheran and Reformed churches we are accustomed to marriages between spouses who belong to different ecclesiastical traditions such as our own and the Anglican, Methodist and Baptist communions; and although at one time these presented problems, and although even yet it is impossible to make unqualified universal judgements, by and large the

problem has disappeared, and conventions have arisen to govern situations of this kind. One such convention, for example, which operates in some areas, is that whereby the wedding takes place according to the form of the bride's church and the married couple thereafter attach themselves to the husband's church. There is no doubt that a major factor in bringing about this state of affairs is the growth of mutual understanding and recognition within the ecumenical movement and the family of churches it has produced.

92) In the past there has been, however, a serious and a difficult problem where one of the intending partners was a Catholic; and it can hardly be disputed that the difficulties stemmed from the legal norms imposed on the situation by the Canon Law of the Catholic Church. This idea of legal norms in this connection is foreign to the spirituality of the Lutheran and Reformed churches. From their point of view these norms seemed to place the first importance upon the fulfilment of the Catholic spouse's obligations to the Catholic Church and, hopefully, upon the fulfilment of similar obligations on the part of the children; whereas it has been possible for Lutheran and Reformed ministers and churches to give the first priority to the Christian good and growth in grace of husband and wife together as a married couple and so of the whole family.

(93) Against this historical background the Lutheran and Reformed churches welcome the changes in the legal norms which have taken place in recent years and which are expressed in *Matrimonia Mixta*; and they appreciate the intention of the Catholic Church to seek the Christian good of the whole family. The Lutheran and Reformed churches recognize further that the legal norms seek to express a pastoral concern and that they have their roots in underlying theological convictions regarding such topics as the nature of the church and of divine revelation.

(94) It is necessary, however, to affirm that the legal norms continue to create problems especially in connection with the provisions concerning the promises and the canonical form. We must raise the question whether especially at these two points the legal norms do not hinder a fully ecumenical solution to the problem of mixed marriages. In other words, in view of the undoubted intention of the Catholic Church to seek the Christian good of the whole marriage and in view of the pastoral concern behind the canon law we would ask whether that pastoral concern is fully and adequately expressed by the legal norms. It is significant to note that the conversations on marriage between Anglicans and Catholics found difficulties at the same points and we venture to suggest that the question may be raised whether the degree of consensus which our own dialogue has achieved does not justify some modification of the legal norms.

C. A Catholic reply

(95) The difficulties of the Lutheran and Reformed churches mentioned above seem to derive from the fact that the theological roots and the eminently pastoral function of the Catholic regulations have not been studied deeply enough. This could lead to two forms of distortion:

- that of thinking that the various churches are united in faith and doctrine concerning mixed marriages and of regarding ecclesiastical regulations as the sole source of differences in this matter;
- that of viewing ecclesiastical laws themselves as "the law" in the formalistic and legalistic Old Testament sense, and of pushing divergent ideas of law to the point of giving the impression that one wishes to reduce the radical character of the gospel to a mere

invitation by Christ which is not binding and which vanishes when confronted with the failure of man's weakness.

(96) In the Catholic view, on the contrary, the laws of the church are a function of theology and an expression of pastoral concern. They express in a practical manner the requirements of the doctrine of the faith, and are intended to introduce Christian values into the life of the faithful. It is therefore true that theological convictions about the nature and obligatory character of the faith, as well as about the nature of the church, influence the characteristic spirit of Catholic regulations: the conception of the church as both visible and invisible, the role of bishops as doctors and guides of the faithful, what in the faith binds believers, the very conception of the Incarnation of Christ and the sacramental nature of His church (as institution and mystery, sign and instrument, of the grace of Christ)..., all this implies a fuller embodiment of theological insights in ordinary practical life, even by means of numerous and detailed rules of behaviour.

(97) The pastoral concern of the Catholic Church is expressed in various ways: through the liturgy, through a great variety of means of evangelization, through the personal contacts of bishops and parish priests with the faithful, as well as through juridical rules. These regulations then do not exhaust the pastoral activity of the church, but their purpose is still profoundly pastoral.

(98) Therefore it may be true that pastoral concern is not totally and fully expressed in juridical rules. Yet it remains true that they have a pastoral function, that of guiding bishops and parish priests and the faithful toward a conduct which introduces into the daily Christian life of married couples values brought by Christ and communicated to us by the church. These regulations, moreover, can at times help to give direction to other pastoral activities (of a non-judicial kind), and in this sense they serve a doubly pastoral purpose.

(99) Apart from the differences in doctrinal and theological convictions on the nature and authority of the church, on the obligatory nature of the faith, and on the sacramental and indissoluble character of marriage, there are certain other differences which create difficulties with regard to mixed marriages. These concern chiefly moral principles.

(100) The Catholic Church possesses a single general law for mixed marriages, which can be applied in a highly flexible manner in different situations in accordance with the directions of national episcopal conferences. But the church is now in relation with the numerous churches that came from the Reformation, churches with diverse theological convictions and sometimes also different legal principles regarding mixed marriages. Hence agreements arrived at by a commission need to be very closely studied, while at the same time seeking their practical expression at various levels.

(101) In spite of difficulties that persist, the present dialogue and the partial progress already made by this Commission would seem to indicate, not that dialogue should be brought to a close, but that it should be continued and made more effective at various levels.

Conclusion: further outlook and tasks

1. (102) Looking back over the course of our discussions as reflected in the present document, one may summarize matters as follows:

starting from an examination of marriage as a human reality, we immediately encountered two questions that are fundamental for the theology of marriage, two questions whose importance became more and more apparent to us as we went along and to which we therefore felt bound to dedicate particular attention, i.e., the problems of the "sacramentality" and the "indissolubility" of marriage. The result of our work is therefore primarily of a theological nature, and we are convinced that it is fundamental for all further dialogue between our churches in matters of marriage and mixed marriages. Even though it did not prove possible to obtain a complete consensus on all points, we did discover or work out agreements that have brought us decisively closer to a common understanding of marriage and also have a positive effect on the problem of mixed marriages. Undoubtedly, however, it is not the aim of an inter-confessional dialogue like our own to heap up a mere series of theological agreements. It will be just as important for our churches to translate on a broad basis theological convergences into the practical life of the churches. In this sense we should like to place particular emphasis on the following points:

- (103) The particular nature of Christian marriage should be clearly stressed in the doctrine and the preaching of our churches and an appropriate liturgical form of contracting marriage should be preserved.
The Lutheran and Reformed churches must use the possibility of re-marrying divorcees in such a manner that this will not obscure their basic conviction and their witness that marriage is of lifelong duration.
- (104) Given the prospect of a theological rapprochement, our churches should endeavour, especially in the field of the problems of mixed marriages, to abandon the mutual mistrust which still often prevails; as far as the Catholic Church is concerned, moreover, every attempt should be made - albeit without interfering with the pastoral responsibility of the competent authorities - to ensure that the possibilities opened by the Apostolic Letter *Matrimonia Mixta* in connection with mixed marriages between Catholics and Lutherans or Reformed will be fully utilized in all countries and not merely applied in a restrictive manner.

3. (105) The Lutheran and Reformed members of our Commission felt that there were two questions that they had specially to formulate for their Catholic partners:

- a. Given the theological agreements that have already been obtained, would it not be desirable to examine very seriously in each country whether a mixed marriage celebrated by a Lutheran or Reformed pastor could not be recognized as valid by the Catholic Church even in the absence of dispensation from canonical form, especially since this would correspond to the practice of the Lutheran and Reformed churches? When examining this question, the non-Catholic members stressed it should be borne in mind that the Catholic Church in its relationship with the Orthodox Church does not make the dispensation from canonical form necessary for validity in the event of a mixed marriage, and this notwithstanding the fact that there are still serious differences between the way in which the two churches understand marriage.
- b. Moreover, would it not be desirable to examine whether the obligation of the Catholic partner of a mixed marriage to baptize and educate his children in the Catholic faith could not be safeguarded in a more pastoral and also more ecumenical

manner than by exacting a formal promise? In this connection the non-Catholic members drew particular attention to the suggestion for an alternative made in the report of the Anglican/Roman Catholic Commission on the theology of marriage with a special reference to mixed marriages (cf. No. 71).

(106) The Catholic members of the Commission showed great understanding for these requests, and stressed their hope that such steps would eventually be taken. But they did feel that the present state of the dialogue could not yet justify these steps, which both sides desire. Quite apart from the ethical questions closely connected with marriage, insufficient consideration had yet been given, above all, to the nature and the intention of the canonical form of contracting marriage. But both sides were convinced that the theological agreements attained in the course of the dialogue were of decisive importance for the treatment of these questions, and indeed, formed a fundamental condition for tackling them.

(107) Over and above this, the results of our dialogue make it possible to tackle jointly a number of questions that our Commission encountered in the course of its work and which should therefore become the subject of further discussions between our churches; they include:

- The religious function of canon law
- The problem of Christian ethics (justification and sanctification; law and grace)
- The concept of man underlying marriage
- The understanding of revelation and the role of Holy Scripture as a binding witness
- The relationship between sociological facts and Christian norms.