

## **The Pastoral Care of Mixed Marriages: Neither Yours nor Mine—but Ours**

Orthodox and Catholics have engaged in a fruitful dialogue for more than half a century throughout the world. Our churches are working to overcome and heal the centuries-old separation. Today, there exists a true spirit of fraternal affection among our hierarchs, clergy, religious, monastics, and laity, especially in North America, where our churches regularly come into close contact.

Nevertheless, we cannot fall into false irenicism, with the attitude that all our differences are resolved and that we are about to enter into full communion. We still stand before the Lord and sadly confess that our estrangement is not healed. Despite this separation, while recognizing the ecclesial reality of baptism in both Churches, we must shepherd our flocks and care for the people of God, especially when Catholic and Orthodox faithful enter into mixed marriages, where our estrangement is often most visible and our division is too often a painful reality for the mixed families.

### **Past Major Joint Statements on Marriage**

The North American Orthodox-Catholic Theological Consultation has issued two agreed statements and a set of joint recommendations regarding marriage.

1. “An Agreed Statement on Mixed Marriage” (issued 1970 and revised 1971);
2. “An Agreed Statement on the Sanctity of Marriage” (1978);
3. “Joint Recommendations on the Spiritual Formation of Children in Marriages between Orthodox and Roman Catholics” (1980).

In 1990 the Joint Committee of Orthodox and Catholic Bishops issued “A Pastoral Statement on Orthodox-Roman Catholic Marriages” (1990), in Johnstown, Pennsylvania.

Consistent with changing times and circumstances, one notes an evolution in the approach taken by our Churches in these documents towards mixed marriages.

In the 1971 agreed statement, marriages between Orthodox and Catholics were characterized both as posing serious theological and pastoral problems and as generally discouraged in the two churches. The statement contained pastoral recommendations for counseling such couples and a theological recommendation that the Catholic Church, as a normative practice, allow the Catholic party of a proposed marriage with an Orthodox to be married with the Orthodox bishop or priest officiating. This recommendation represented a large step forward from the time of the 1917 *Code of Canon Law* that subjected Catholics to “excommunication *latae sententiae*...who contract marriage before a non-Catholic minister” (canon 2319). This recommendation expresses what is now standard Catholic practice.

Motivated by the “sacred character of married life [being] radically threatened by alternative lifestyles,” the 1978 statement affirmed shared understandings on the sacramental character, vocation, and redeeming effects of Christian marriage. Although differences in canonical practice between our Churches were acknowledged on the dissolution of the marital bond, as well as in our

understanding of the constitutive elements necessary for its formation, an affirmation was made that, in both our traditions, sacramental marriage takes place in an ecclesial context through the ministry of the Church. Given these common understandings, the statement asserted “that the present differences must be considered to pertain more to the level of secondary theological reflection than to that of dogma.” A recognition was made “that pastoral problems remain to be studied in depth, such as the liturgical celebration of weddings between Orthodox and Roman Catholic partners and the religious upbringing of children in such families.”

The 1980 statement affirmed that mixed Orthodox-Catholic marriages could be a means of spiritual growth for both partners and children. The statement recommended that considerations for the spiritual welfare of children guide all decisions on their confessional upbringing and that pastoral counseling prior to marriage emphasize, for all parties involved, the avoidance of religious indifference. However, the statement also appeared to accept the pastoral recommendation that one parent, in practice, relinquish the chief responsibility of the child’s spiritual welfare to the other, a point derived from the fact that “today each of our churches insists that the children of such marriage be raised within its own communion.”

The 1990 “Johnstown Statement” reviewed the progress made and affirmed a shared understanding by both our communions of matrimony’s sacredness, sacramentality, life-altering character, and redeeming effects. An important discussion of the ecclesial context as “constitutive of the Christian sacrament of marriage” reiterated the previous 1980 statement that the current “difference of practice and theology concerning the required ecclesial context for marriage pertains to the level of secondary theological reflection rather than to the level of dogma.” Recommendations were offered to assist Catholic and Orthodox couples “to fulfill more responsibly the requirements of their churches regarding the marriage ceremony, married life in Christ, and the spiritual formation of children.”

It is, therefore, appropriate that a new statement issued by our Theological Consultation build on past documents, especially revisiting the Johnstown statement further emphasizing the sacredness of all Christian marriage, the lifelong nature of matrimony, remarriage, the importance of the spiritual formation of children, and the need for shared and continuing pastoral care.

### **Our Documents: Changes and A New Context**

Over three decades have passed since the Joint Committee of Orthodox and Catholic Bishops issued the 1990 statement on marriage.

The Catholic Church promulgated the *Code of Canons of the Eastern Churches* only two weeks after the 1990 joint statement and issued a revised *Directory for the Application of Principles and Norms on Ecumenism*.

After decades of preparations, the Orthodox Church held a Great and Holy Council that convened from June 19 – 26, 2016 in Kolymvari, Crete. The Council approved as among other official documents: *The Sacrament of Marriage and its Impediments*<sup>1</sup>. The Ecumenical Patriarchate also blessed the publication of *For the Life of the World: Towards a Social Ethos of the Orthodox*

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<sup>1</sup> For those interested, the full document can be found at <https://www.holycouncil.org/-/marriage>.

*Church* in 2021 addressing some of the contemporary issues related to family and marriage. Meanwhile, the Assembly of Canonical Orthodox Bishops of the United States of America, one of thirteen bishops' assemblies that have been established in different geographical regions throughout the world, replaced the Standing Conference of Canonical Orthodox Bishops in the Americas (SCOBA), and assumed its ministries, including the current theological consultation and discussion of pastoral concerns with the Catholics.

One cannot ignore the changes that have taken place in the wider world regarding marriage. Many increasingly view the institution of marriage as superfluous and unnecessary, whether it is sanctioned by the state or by religion. Where matrimony does occur, civil marriage is becoming normative for many people. It is in this context that our churches must continue to shepherd the flock.

In light of such changes, it is appropriate that our Theological Consultation revisits the notions of marriage and the pastoral recommendations articulated in the 1990 "Johnstown Statement." We propose that instead of dividing the parties in a mixed marriage into *yours* and *mine*, to adopt, as a starting principle, a joint solicitude for the spouses and embark on the pastoral care of each mixed marriage as *our* concern. Such an attitude of joint caring should imbue our understanding of mixed marriages and the recommendations that we make.

## **I. Fundamental Assumptions.**

We shall first revisit certain fundamental notions of marriage and re-articulate the recommendations of 1990 in the hope of providing a fresh impetus.

### **1. The Sacredness of Marriage**

One of the most complex challenges for the Church is to express the evangelical premises of Christianity on marriage in a manner that serves contemporary societies and families. The Church is called to illustrate the meaning and scope of marriage in today's social, cultural, and legal contexts, while remaining true to its own theological, canonical, and pastoral tradition.

The Church maintains, as her fundamental and indisputable teaching, that marriage is sacred. So, the Church calls upon husbands and wives to be shining examples of shared virtue and holiness. We continue to affirm Christian marriage as a vocation from God, in which the liberating effect of divine love, a gift of the Holy Spirit, is experienced through human love. This love is expressed through commitment to marital unity, lifelong fidelity and sharing of all life, and mutual assistance towards salvation. This love may also be expressed through the generation of new life, namely, in the procreation and nurturing of children. When raising children, husband and wife assume new roles in leading and nurturing their families within the community of the faithful. Such a union of man and woman in Christ constitutes "a small church" or an icon of the Church.

A necessary condition of Christian marriage is faith in Jesus Christ, which must be shared by the bridegroom and the bride, man and woman. Consequently, unity in Christ is the foundation of marital communion and unity. Thus, marital love blessed by the Holy Spirit enables the couple to reflect the love between Christ and the Church as a mystery of the Kingdom of God and an opportunity to fulfill our vocation to salvation.

The question of church divisions is a painful one for spouses in mixed marriages, who are often called upon to choose between conflicting teachings in our Churches that relate to their daily lives, even those that may be viewed as regulating their most intimate moments. In order to promote a healthy view of these realities beforehand, we recommend extensive pastoral preparation and joint decision-making prior to the formation of such marriages. We also recommend that prior to marriage both partners must commit themselves to participation in the worship life of at least one church and thus avoid spiritual indifference altogether.

## **2. The Sacramentality of Marriage**

Catholic and Orthodox teaching holds that, although the involvement of ecclesiastical authority in marriage was not explicitly known for the first seven centuries, today in both our Churches the celebration of a sacramental marriage requires an ecclesiastical context. This ecclesiastical intervention has taken different forms throughout history.

The Catholic Church views marriage as rooted in the exchange of consent of the man and woman, which is thus considered a constitutive element that cannot be dispensed with or replaced by any human authority. In the Latin Catholic Church, ecclesiastical intervention also normally takes the form of the presence and blessing of a priest, but also allows a deacon or even – in special circumstances – a non-ordained person to act as an official representative of the Church. The Catholic Church provides that in extraordinary circumstances, the man and woman can marry without the blessing of a priest. This can also take the form of a dispensation, granted only for most grave reasons by the patriarch or the Roman Pontiff in the case of Eastern Catholics.

In the Orthodox Church, matrimony is considered the oldest institution of divine law because it was established with the creation of the first human beings (Genesis 2:23). Since its origin, this union has implied the spiritual communion of a married couple—a man and a woman—and assured the continuation of the human race. As such, the marriage of man and woman, which was blessed in Paradise, became a holy mystery. As mentioned in the New Testament, Christ performs His first sign at the wedding in Cana of Galilee, turning water into wine and revealing His glory (John 2:11).

Thus, the Christocentric typology of the sacrament of marriage, witnessed to by St. Paul, explains why an Orthodox bishop or a priest is required to be present at a wedding, to bless this sacred union with special prayers. In his letter to Polycarp of Smyrna, Ignatius the God-Bearer stressed that those who enter into the communion of marriage must also have the bishop's approval, so that their marriage may be according to God, and not after their own desires. Therefore, the sacredness of the God-established union and the lofty spiritual content of married life explain the affirmation: "So that marriage should be honored among all, and the bed undefiled" (Hebrews 13:4).

## **II. Our Positions Today.**

### **1. Current Marriage Practices.**

The Catholic Church views marriage as a covenant / contract arising out of the irrevocable consent of a man and a woman to establish between themselves a partnership of the whole life. The purposes of marriage are the good of the spouses and the procreation and education of the children. A valid marriage between two baptized persons is an image of Christ's union with the

Church and therefore sacramental. The essential properties of a sacramental marriage are unity and indissolubility.

In Orthodoxy, the exchange of matrimonial consent is viewed as a presupposition to receiving the sacerdotal blessing but does not establish the mystery. The mystery of Orthodox marriage is considered to be established through the sacerdotal blessing. Thus, in the Orthodox tradition, formal betrothal with a sacerdotal blessing is regarded as a form of marriage, in which the obligation for fidelity is established. A marriage “contract” is recognized as a definition of legal matrimony often cited in Orthodox canonical works where the union takes place for a lifetime through a blessing, crowning or contract.

So, both churches continue to affirm, in different ways, that the ecclesial context is constitutive of the Christian sacrament of marriage.

## **2. Practical Realization.**

Like the 1990 pastoral statement on marriage, we continue to affirm our fundamental agreement regarding the sacramentality and uniqueness of marriage. At the same time, we do not wish to underestimate the seriousness of differences in practice and theological explanation as these disparities dramatically affect how both our churches view the formation and dissolution of the nuptial union.

At this time, in order to allow the Orthodox spouse continued participation in the sacramental life of his or her church, we recommend that the Catholic party of the proposed marriage with an Orthodox be married with the Orthodox bishop or priest officiating, after consultation by the partners with their pastors, and with an official dispensation, for the Catholic partner, from ecclesiastical form.

We also recommend that Orthodox hierarchs consider the extension of ecclesiastical economy to Orthodox parties in legal contractual unions that have been established through the exchange of matrimonial consent and made with the intention of a lifelong bond in the Catholic liturgical and canonical tradition. Such an economy would be extended solely to the Orthodox spouse for the purpose of his or her canonical standing in the Orthodox Church, reflected in continued eucharistic participation and subsequent sacraments offered in the life of the Church such as the ability to serve as godparent at a baptism or sponsor at a wedding, and full participation in parish ministry life, including serving on the parish council, and so forth.

## **3. The Lifelong Nature of Marriage and Remarriage**

Although our churches affirm a common teaching on the lifelong nature of marriage, there is fundamental disagreement between us regarding remarriage.

Many Orthodox canonists do not consider the Scriptural passages of Matthew 5:31-32 and 19:3-9; Mark 10:2-12; and Luke 16:18 to be ontological statements regarding the nature of marriage as an unbreakable contract, but rather as moral standards to be observed by disciples who marry. Certainly, Orthodox theological texts contain affirmations that the marriage is lifelong. Nevertheless, exceptions can be made to this moral norm in the canonical life of the Orthodox Church, grounded in a pastoral recognition of the factors of frailty and error that too often characterize human life and that can result in the spiritual death of a marriage.

The grounds for ecclesiastical divorce and permissions granted for remarriage are viewed as instances in which the Church bestows the mercy of God, dissolving marriages, or rather recognizing those whose spiritual foundation has already been destroyed through human frailty, and whose continuance in name alone would result in the moral and spiritual harm of the former spouses and any children. Hierarchical permissions for remarriage allow for unions of divorced spouses, which include marriages to Catholics, who may or may not be divorced themselves. A marriage that is not completely dissolved constitutes an absolute impediment to entering into matrimony.

In dealing with failed consummated marriages, on the other hand, the Catholic Church does not permit divorce and remarriage, but conducts inquiries as to whether there may have existed some initial defect in the marriage covenant that provides grounds for annulment - a declaration on the part of an ecclesiastical authority that an impediment or defect of consent rendered the original marriage non-existent from the outset. Such a declaration of nullity consequently is a declaration that both parties to such a flawed marriage are free to marry.

Given the increasing number of civil divorces among Catholics and Orthodox, we must actively cultivate our pastoral work together to comfort the suffering, fortify their hope, and help spouses find support in our worship communities.

We recommend that Catholic hierarchs seek ways to receive the pastoral decisions of Orthodox spiritual courts and hierarchs and not only recognize, with the Orthodox hierarchy, the remarriages, in some carefully examined cases, of divorced spouses in mixed marriages, but also allow such divorced and remarried Catholic parties in mixed marriages with Orthodox Christians eucharistic participation in the Catholic Church.

#### **4. Spiritual Formation of Children in Mixed Marriage**

Both the Catholic and the Orthodox Churches view the family as one of the fundamental loci for the faith formation of children. Parents should be unafraid to share the commonalities of their faith and be open and respectful where their faith diverges. Appreciation of diversity can provide a positive model for childhood development.

The issue of the children's membership in one or another of their parents' Churches is sensitive and can have ramifications in the extended family. However, this decision on membership rests ultimately with the parents first of all. The 1980 joint recommendations indicate that the decision:

should take into account the good of the children, the strength of the religious convictions of the parents and other relatives, the demands of their consciences, the unity and stability of the family, and other aspects of the specific context. In some cases, when it appears certain that only one of the partners will fulfill his or her responsibility, it seems clear that the children should be raised in that partner's church. In other cases, however, the children's spiritual formation may include a fuller participation in the life and traditions of both churches, respecting, however, the canonical order of each church. Here particularly the decision of the children's church membership is more difficult to make. Yet we believe that this decision can be made in good conscience.

Nevertheless, membership in one church does not necessarily exclude some participation in the life of the other church. A child should be made aware of the faith traditions of both churches, even as the parents decide how to approach such an awareness together.

Ideally, both churches are jointly responsible for the pastoral care of spouses and children in mixed marriages. This responsibility must also be carried out in a spirit of love and mutual respect.

### **5. Common Pastoral Care of Spouses and Families in Mixed Marriage**

When a Catholic and an Orthodox are joined in matrimony, they will have many opportunities to illustrate the spiritual and theological closeness of both churches. However, such closeness does not at present include common views on the sharing of the Eucharist.

Both churches have the conviction that only those united in the same faith can share the Eucharist. For Catholics, the level of unity in faith that already exists with the Orthodox allows such sharing to take place “given suitable circumstances and the approval of church authorities,” recognizing that “Eastern churches, on the basis of their own ecclesiological understanding, may have more restrictive disciplines in this matter, which others should respect” (*Ecumenical Directory*, §122).

For the Orthodox, church unity has not yet been achieved and full communion does not exist. The purpose of receiving these sacraments under the unique liturgical circumstances of a mixed marriage is unclear. There remains a concern that the deeper meaning of receiving Holy Communion will be lost, namely, that the mysteries or sacraments are signs of the unity of the church and an integral part of ecclesial life.

### **6. Continuing Pastoral Care.**

Protecting the sacredness of Christian marriage has always been crucially important. Unity achieved through the sacrament of marriage is an essential spiritual force and can ensure the safety and spiritual formation of children. Towards these ends, we must adopt a joint solicitude for spouses and any children, that is, the pastoral care of each mixed marriage family as our common concern. Such an attitude should imbue our understanding of mixed marriages and the guidance that we give to the pastors of our parishes. We must encourage mutual consultation at all levels.

This implies that we must encourage, in the spouses of a mixed marriage, a mutual recognition of their shared life in Christ and their assistance of each other on the way towards salvation as a foundation of their marital unity. We also recommend that materials for Christian marriage and family life be updated and jointly developed, both for the guidance of the clergy and for the use of the people involved in Orthodox-Catholic marriages. These materials must accurately reflect both the pastoral preparation necessitated and the decision-making required prior to any wedding to avoid indifferentism and spiritual confusion.

## **Summary of Recommendations**

1) That for the present the Catholic party of the proposed marriage with an Orthodox be married with the Orthodox bishop or priest officiating, after consultation by the partners with their pastors, and with an official dispensation, for the Catholic partner, from ecclesiastical form.

- 2) That Orthodox hierarchs consider the extension of ecclesiastical economy to Orthodox parties in legal contractual unions that have been established through the exchange of matrimonial consent and made with the intention of a lifelong bond in the Catholic liturgical and canonical tradition. Such an economy would be extended solely to the Orthodox spouse for the purpose of his or her canonical standing in the Orthodox Church, reflected in continued eucharistic participation and subsequent sacraments offered in the life of the Church such as the ability to serve as godparent at a baptism or sponsor at a wedding, and full participation in parish ministry life, including serving on the parish council.
- 3) That Catholic hierarchs seek ways to receive the pastoral decisions of Orthodox spiritual courts and hierarchs and not only recognize, with the Orthodox hierarchy, the remarriages, in some carefully examined cases, of divorced spouses in mixed marriages, but also allow such divorced and remarried Catholic parties, in marriages with Orthodox Christians, eucharistic participation in the Catholic Church.
- 4) That both churches exercise their responsibilities for the pastoral care of spouses and their children in mixed marriages jointly in a spirit of love and mutual respect.
- 5) That the spouses of a mixed marriage have a mutual recognition of their shared life in Christ and their assistance of each other on the way towards salvation as a foundation of their marital unity.
- 6) That materials for Christian marriage and family life be updated and jointly developed, both for the guidance of the clergy and for the use of the people involved in Orthodox-Catholic marriages.
- 7) That these materials accurately reflect both the pastoral preparation and the decision-making required prior to any wedding to avoid indifferentism and spiritual confusion.

May 17, 2023