

Robert Samsel

Roman Catholic–Anglican Mixed Marriages in Ecumenical Dialogue and Pastoral Practice

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ROBERT SAMSEL

Saint Jan Kanty Theological Institute, Bielsko Biała, Poland

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In Jolanta Szarlej's opinion, protection from predators, easier foraging for nutrients, more accessible reproduction partner, taking care of the weaker and the elderly and information exchange, have become the genesis of social structure, and, at the same time, initiated a way which led to the birth of family based on a relationship between a man and a woman. The attitudes to marriage and the relationship between a man and a woman have changed over the centuries, for instance Jewish patriarchy or Roman pragmatism with respect to marriage (Romans saw a strong and healthy family as a source of power of the nation, permanence of nation and personal happiness of its members). Both Jewish and Roman Catholic tradition include accents of faith in God with reference to marriage, however, it is Christianity which displays the religious aspect of a relationship between a man and a woman and soteriological dimension of marriage, it also considers it a sacrament.¹

Nevertheless, an astute scholar will not concur with the salvific and sacramental character of marriage stressed by Christianity. Following the history of Christianity, we become aware of conflicts of doctrinal character, as well as schisms and changes which became a permanent part of the reality of the followers of Christ. Therefore, when discussing the idea

¹ Cf. J. SZARLEJ: "Małżeństwo — monogamia — dziewictwo — zmierzch idei? [Marriage — monogamy — virginity — twilight of idea?]." In: *O zmierzchu myśli różne* [Various thoughts on twilight]. Eds. E. GAJEWSKA, A. MATUSZEK, B. TOMALAK. Bielsko-Biała 2014, pp. 233—237.

of marriage, it should be elaborated on how it is understood by Catholicism, the Orthodox Church and Protestantism. Addressing the issue of the Roman Catholic-Anglican mixed marriages, in this article I want to look from this perspective on natural, but also religious relationship between a man and a woman in the Anglican Catholic Church, on the possibility of ecumenical dialogue about marriage, points of contact of teachings and practices of life, as well as on difficulties which may arise in mixed relationships. I will also discuss the practice established in the Roman Catholic Church with respect to marriages between Christians of different denominations.

Roman Catholic marriages

When looking for fundamental statements on marriage in the Roman Catholic Church, I will refer to two representative texts dealing with this subject, namely *Casti connubi* encyclical of Pope Pius XI from (promulgated in) 1930, and a more contemporary *Familiaris consortio* apostolic exhortation of John Paul II, signed in 1981.

Pius XI highlights fundamental features of marriage at the very beginning of the document he handed over to the Catholic Church. He describes matrimony as a special gift from God: “[...] matrimony was not instituted or restored by man but by God; not by man were the laws made to strengthen and confirm and elevate it but by God, the Author of nature, and by Christ Our Lord by Whom nature was redeemed, and hence these laws cannot be subject to any human decrees or to any contrary pact even of the spouses themselves. This is the doctrine of Holy Scripture; this is the constant tradition of the Universal Church; this the solemn definition of the sacred Council of Trent, which declares and establishes from the words of Holy Writ itself that God is the Author of the perpetual stability of the marriage bond, its unity and its firmness.”² This does not mean, however,

² *Matrimonium non humanitus institutum neque instauratum esse, sed divinitus; non ab hominibus, sed ab ipso auctore naturae Deo atque eiusdem naturae restitutore Christo Domino legibus esse communitum, confirmatum, elevatum; quae proinde leges nullis hominum placitis, nulli ne ipsorum quidem coniugum contrario convento obnoxiae esse possint. Haec Sacrarum Litterarum est doctrina, haec constans atque universa Ecclesiae traditio, haec sollemnis Sacrae Tridentinae Synodi demnitio, quae perpetuum indissolubilemque matrimonii nexum eiusdemque unitatem ac firmitatem a Deo auctore manare ipsis Sacrae Scripturae verbis praedicat atque confirmat.* POPE PIUS XI: *Litterae Encyclicae “Casti connubi.”* Vatican 1930.

that God determined man to marriage, with or without the possibility of making a choice, even such an important choice as love of the other: "Yet although matrimony is of its very nature a divine institution, the human will, too, enters into it and performs a most noble part. For each individual marriage, inasmuch as it is a conjugal union of a particular man and woman, arises only from the free consent of each of the spouses."³

Therefore, fundamental features of marriage include indissolubility, unity and its origin in God, who at the same time gives it "power," so to speak empowers spouses to take specific actions whilst retaining their act of goodwill. What tasks does God give to spouses? Pius XI gives priority to the gift of their progeny: "Thus amongst the blessings of marriage, the child holds the first place. And indeed the Creator of the human race Himself, Who in His goodness wishes to use men as His helpers in the propagation of life, taught this when, instituting marriage in Paradise, He said to our first parents, and through them to all future spouses: "Increase and multiply, and fill the earth." As Saint Augustine admirably deduces from the words of the holy Apostle Saint Paul to Timothy when he says: "The Apostle himself is therefore a witness that marriage is for the sake of generation: 'I wish,' he says, 'young girls to marry.' And, as if someone said to him, 'Why?,' he immediately adds: 'To bear children, to be mothers of families'."⁴

Marriage is also based on mutual love of the spouses, which, in turn, includes such features as unity, matrimonial love and obedience. While the first two are understandable, obedience may raise questions about its scope and character: Is there a particular hierarchy in marriage, a matriarchal or patriarchal relation? Although the Pope points to submission of wife and children to husband, he immediately explains what he has in mind: "This subjection, however, does not deny or take away the liberty which fully belongs to the woman both in view of her dignity as a human person, and in view of her most noble office as wife and mother and companion; nor does it bid her obey her husband's every request if

³ *At, quamquam matrimonium suapte natura divinitus est institutum, tamen humana quoque voluntas suas in eo partes habet easque nobilissimas; nam singulare quodque matrimonium, prout est coniugalis coniunctio inter hunc virum et hanc mulierem, non oritur nisi ex libero utriusque sponsi consensus [...], Ibidem.*

⁴ *Itaque primum inter matrimonii bona locum tenet proles. Et sane ipse humani generis Creator, qui pro sua benignitate hominibus in vita propaganda administris uti voluit, id docuit cum in paradiso, matrimonium instituens, protoparentibus et per eos omnibus futuris coniugibus dixit: «Crescite et multiplicamini et replete terram». Quod ipsum Sanctus Augustinus ex Sancti Pauli Apostoli verbis ad Timotheum perbelle eruit, dicens: «Generationis itaque causa fieri nuptias, Apostolus ita testis est: «Volo, inquit, iuniores nubere. Et quasi ei diceretur: «Utquid?, continuo subiecit: Filios procreare, matres familias esse». Ibidem, I, 1a.*

not in harmony with right reason or with the dignity due to wife; nor, in fine, does it imply that the wife should be put on a level with those persons who in law are called minors, to whom it is not customary to allow free exercise of their rights on account of their lack of mature judgment, or of their ignorance of human affairs. But it forbids that exaggerated liberty which cares not for the good of the family; it forbids that in this body which is the family, the heart be separated from the head to the great detriment of the whole body and the proximate danger of ruin. For if the man is the head, the woman is the heart, and as he occupies the chief place in ruling, so she may and ought to claim for herself the chief place in love.”⁵ The Pope’s emphasis is on the fact that the level of wife’s subordination to her husband can differ — depending on attitude to people, places and time. If a husband neglects his duties, then wife should replace him in the family’s government.⁶

In his encyclical Pius XI also highlights the indissolubility of marriage: “But this accumulation of benefits is completed and, as it were, crowned by that blessing of Christian marriage which in the words of Saint Augustine we have called the sacrament, by which is denoted both the indissolubility of the bond and the raising and hallowing of the contract by Christ Himself, whereby He made it an efficacious sign of grace.”⁷ The issue of sacramental nature of marriage is also brought up by John Paul II, who writes: “Receiving and meditating faithfully on the word of God, the Church has solemnly taught and continues to teach that the marriage of the baptized is one of the seven sacraments of the New Covenant. [...] this indestructible insertion that the intimate community of conjugal life and love, founded by the Creator, is elevated and assumed into the spousal charity of Christ, sustained and enriched by His redeeming power. By virtue of the sacramentality of their marriage, spouses are bound to one

⁵ *Haec autem obtemperatio non libertatem negat neque aufert, quae ad mulierem tam pro humanae personae praestantia quam pro nobilissimis uxoris, matris, sociae munere pleno iure pertinet; neque obsecundare eam iubet quibuslibet viri optatis, ipsi forte rationi vel uxoris dignitati minus congruentibus; nec denique uxorem aequiparandam docet personis, quae in iure minores dicuntur, quibus ob maturioris iudicii defectum vei rerum humanarum imperitiam liberum suorum iurium exercitium concedi non solet; sed vetat exaggeratam illam licentiam, quae familiae bonum non curat, vetat in hoc familiae corpore cor separari a capite, cura maximo totius corporis detrimento et proximo ruinae periculo. Si enim vir est caput, mulier est cor, et sicut ille principatum tenet regiminis, haec amoris principatum sibi ut proprium vindicare potest et debet.* Ibidem, I, 2c.

⁶ Cf. ibidem.

⁷ *Attamen tantorum beneficiorum summa completur et quasi cumulatur illo christiani coniugii bono, quod Augustini verbo nuncupavimus sacramentum, quo denotatur et vinculi indissolubilitas et contractus in efficax gratiae signum per Christum facta elatio atque consecratio.* Ibidem I, 3.

another in the most profoundly indissoluble manner. Their belonging to each other is the real representation, by means of the sacramental sign, of the very relationship of Christ with the Church.”⁸ In their documents both the Popes Pius XI and John Paul II draw attention to tasks as well as threats which marriage and family are faced with in the contemporary world. Since it is not the main subject of this article, I will not discuss those subjects furthermore.

Anglican concept of marriage vs. ecumenical dialogue

I will now present marriage from the Anglican perspective⁹ in the context of Roman Catholic and Anglican dialogue since on its basis it is

⁸ JOHN PAUL II: *Apostolic Exhortation “Familiaris consortio,”* no. 13. Vatican 1981.

⁹ Despite the fact that the Anglican Church is sometimes considered as a reform of Protestantism, in the minds of the faithful it never considered itself as a denomination arising from Reformation of the 16th century. Apart from the mainstream of reformation restoration, it is characterized by a conscious strive to ensure continuity with *Ecclesia Anglicana* established by Augustine of Canterbury. Circumstances in which the schism took place were related to King Henry VIII. The pope gave him dispensation from the impediment of affinity, so that he could marry the widow of his brother, Arthur — Catherine of Aragon. After 19 years of marriage Henry decided to marry lady-in-waiting Anne Boleyn and asked the pope to annul his marriage to Catherine. In order to exert pressure on the outcome of the trial, he referred to opinions of universities, of which English, French and Northern Italian ones supported the king, and Spanish, Southern Italian ones and Wittenberg together with Martin Luther, maintained that the marriage was valid. In 1531 Henry VIII gathered synod of clergy who acknowledged him as the only master and the head of the Church of England. Thomas Cranmer declared king’s marriage to Catherine as invalid. In this situation the pope excommunicated the king, Anne Boleyn and Archbishop Cranmer. In 1534 the Parliament declared the “Act of Supremacy” which declared the king the only supreme head of the Church of England. As a result, the pope lost his authority as the source of law for the Church in England. Participating in the theological tradition of universal Church, Anglicans did not create their own dogmas or teachings applicable in the Anglican Church. They do not have in their ecclesial structure a centralised management centre nor universally applicable religious law, nor central educational authority which would guarantee stability of education. When describing their identity, they talk about Anglican consciousness of faith, which in the end fluctuates in the sphere ranging from Catholic interpretations to extreme evangelical and liberal and modernist interpretation. Their rule is not to define something which has been defined by God in the Holy Scripture. The fundamental sources of Anglican theology include the Bible, early Christian profession of faith, Common Prayer Book and 39 articles of religion. Cf. P. JASKÓŁA: “Anglican community.” In: *Towards the Christianity of tomorrow. An introduction to ecumenism.* Eds. W. HRYNIEWICZ, J. GAJKA, S KOZA. Lublin 1997, pp. 178—188.

clearly visible what points of contacts of both confessions are and what basically differs them.

“The thirty-nine articles of Religion” of 1563¹⁰ does not list marriage among sacraments. In Art. XXI we read that: “Sacraments ordained of Christ be not only badges or tokens of Christian men’s profession, but rather they be certain sure witnesses, and effectual signs of grace, and God’s good will towards us, by the which he doth work invisibly in us, and doth not only quicken, but also strengthen and confirm our Faith in him.

There are two Sacraments ordained of Christ our Lord in the Gospel, that is to say, Baptism, and the Supper of the Lord.

Those five commonly called Sacraments, that is to say, Confirmation, Penance, Orders, Matrimony, and Extreme Unction, are not to be counted for Sacraments of the Gospel, being such as have grown partly of the corrupt following of the Apostles, partly are states of life allowed in the Scriptures, but yet have not like nature of Sacraments with Baptism, and the Lord’s Supper, for that they have not any visible sign or ceremony ordained of God.

The Sacraments were not ordained of Christ to be gazed upon, or to be carried about, but that we should duly use them. And in such only as worthily receive the same, they have a wholesome effect or operation: but they that receive them unworthily, purchase to themselves damnation, as Saint Paul said.”¹¹

I quoted this extensive passage in full since it summarises Anglican sacramentology in addition to referring to marriage, the sacramental character of which Anglicanism denies together with all the privileges and commitments which result from this fact.

In the Catholic Church the canonical form of marriage is in force. The approach of the Anglican Church to this matter is different: “It is not necessary that Traditions and Ceremonies be in all places one, or utterly like; for at all times they have been divers, and may be changed according to the diversity of countries, times, and men’s manners, so that nothing be ordained against God’s Word.”¹² However, this is not an appeal for total freedom of choice: “Whosoever, through his private judgment, willingly and purposely, doth openly break the Traditions and Ceremonies of the Church, which be not repugnant to the Word of God, and be ordained and approved by common authority, ought to be rebuked

¹⁰ 39 *Artykułów Wiary Kościoła Anglikańskiego z 1563 r.* [Thirty-nine articles of Religion of 1563]. In: *Wyznania wiary protestantyzmu* [Anglican profession of faith]. Ed. L. SĄDKO. Kraków 1995, pp. 88–95.

¹¹ *Ibidem*, pp. 91–92.

¹² *Ibidem*, p. 94.

openly, (that others may fear to do the like) as he that offendeth against the common order of the Church, and hurteth the authority of the Magistrate, and woundeth the consciences of the weak brethren.”¹³ This is an unquestionable gesture towards Roman Catholics since Anglicanism puts itself between Protestantism and Roman Catholicism. Nevertheless, the subsequent paragraph of Art. XXXIV clearly states the tendency in the directions of the churches and post-reformation communities: “Every particular or national Church hath authority to ordain, change, and abolish, Ceremonies or Rites of the Church ordained only by man’s authority, so that all things be done to edifying.”¹⁴

The Catholic Church keeps reminding clergy about the fundamental canonical standard which forbids solemnizing a mixed marriage without the permission from clerical authority. Marriage should be a unity, and in case of a mixed marriage spouses differ in terms of understanding of and approach to faith, which may result in conflicts, especially when first fascination passes and they have to face the reality of life. In order to exclude those inconveniences and dangers in the course of direct preparation for marriage, the parish priest of the church in which the couple intends to marry, has to perform canonical activities, which are necessary to enter into a mixed marriage.¹⁵ These include the necessity to prepare a protocol of canonical and pastoral talks with the prospective bride and groom, along with the supplement for mixed marriages, with a non-Christian, non-believer and a person who is not engaged in religious practices in which the following questions are asked:

1. The Catholic party:

- (a) Do you realize that harmonious life together in marriage is threatened because of differences between most internal matters, which is not perceived as a result of emotional engagement?
- (b) What will you do if in case of conflict none party will not be willing to compromise, for instance in cases of moral matters and religious education of children?
- (c) Will you agree to act against God’s law, namely sinful life to protect the unity of marriage?

2. The non-Catholic party:

- (a) Are you aware of differences in beliefs, various moral judgment in numerous matters?

¹³ Ibidem.

¹⁴ Ibidem.

¹⁵ Cf. T. WOJNOWSKI: “Małżeństwo mieszane w pracach synodów polskich po Soborze Watykańskim II.” In: *Małżeństwo w świetle dialogu kultur* [Mixed marriage in works of Polish synods after the Second Vatican Council].” In: *Marriage in the light of dialogue of cultures*. Eds. W. NOWAK, M. TUNKIEWICZ. Olsztyn 2009, p. 174.

- (b) Are you aware of the natural duty of tolerance towards beliefs and commitments of the Catholic party?
- (c) Do you know your spouse's conscience duties?
- (d) Do you accept the indissolubility and monogamy of marriage and its purposes: spouses' well-being and conceiving and raising children?¹⁶

I have quoted the above-mentioned issues in detail since they constitute an important element in the development of spousal unity if spouses are of different confession. Those are questions which should not be asked to individuals, but which should appear in ecumenical dialogue of doctrinal character, so that they can help to pursue the unity of Christians, and before this unity is obtained, to support Christians in creating spousal bonds despite some religious differences.

This article is written from the perspective of Poland where the Anglican Church is a small minority. Economic emigration of Polish people, largely to England, where, for obvious reasons, the majority of population is Anglican, is the reason why ecumenical dialogue with this Christian community, as well as interest in Roman Catholic-Anglican mixed marriages (which may happen more and more often) should be developed and deepened.

Przemysław Kantyka presents an outline of the ecumenical Roman Catholic-Lutheran dialogue in a synthetic manner. He highlights the role of Anglican-Roman Catholic International Commission (ARCIC) that started operating in 1970, which had been preceded by works of the Preparatory Commission in the years 1968—1969. The commission prepared a number of important documents: *Agreement on Eucharistic Doctrine* — 1971, *Ministry and holy orders* — 1973, three documents on the subject of ministry of authority and management in Church: *Authority in Church* — 1976, *Authority in Church II* — 1981, *The Gift of Authority. Authority in Church III* — 1999. Soteriological and ecclesiological issues have been taken up: *Salvation vs. church* — 1986 as well as *Church as a Communion* — 1990. The subject of moral life has been taken up in the document entitled: “Life in Christ: moral rules, community and Church” — 1993. What is more, an agreement on Mariology has been published: “Mary, grace and hope in Christ” — 2005. ARCIC has also published explanations to earlier published documents when it gathered critical opinions and questions from the proper Church authorities and theologians. In

¹⁶ III Synod Gdański. *Misja ewangelizacyjna Kościoła Gdańskiego na początku Nowego Tysiąclecia. Załączniki* [III Synod of Gdańsk. Gdańsk gospel mission at the beginning of the New Millennium. Attachments]. Gdańsk 2001, quoted after: T. WOJNOWSKI: “Małżeństwo mieszane w pracach synodów polskich po Soborze Watykańskim II,”... pp. 174—175.

1981, along with the publication of “Final report”, which is the fruit of the first phase of the dialogue, also “Clarifications” were published. The work of commission is still in progress, and simultaneously, since 2000, the International Anglican-Roman Catholic Commission for Unity and Mission (IARCCUM), consisting of bishops of both parties, established to seek roads to unity on the basis of dialogue, has been operating. In 2006, it published the document entitled *Being Raised Together in Unity and Mission*. The document which is of highest importance to us is the agreement published by ARCIC on mixed marriages: “Marriage theology and its application to mixed marriages” — 1975.¹⁷

Analysing the above-mentioned document, we find out that it is the fruit of eight-year’s work of the commission established in 1967 with the authorization from Pope Paul VI and the Archbishop of Canterbury. The Commission held six meetings: in St. Georges House, Windsor Castle, April 16—18, 1968; in Pineta Sacchetti, Rome, November 27—30, 1968; in London, November 22—25, 1971; in Haywards Heath, in Priory of Our Lady of Good Counsel, April 9—12, 1973; in Divinity Hostel, Dublin, April 1—5, 1974; and in Casa Cardinale Piazza, Venice, June 23—27, 1975, when the final report was prepared.¹⁸

As fascinating as history may seem, what is more relevant for us is the theological and practical perspective of mixed marriages. The Roman Catholic-Anglican dialogue concerning doctrine has always been based on three fundamental theological rules shared by both confessions:

- i. That Holy Baptism itself confers Christian status and is the indestructible bond of union between all Christians and Christ, and so of Christians with one another. This baptismal unity remains firm despite all ecclesiastical division.
- ii. That in Christian marriage the man and the woman themselves make the covenant whereby they enter into marriage as instituted and ordained by God; this new unity, the unity of marriage, is sacramental in virtue of their Christian baptism and is the work of God in Christ.
- iii. That this marriage once made possesses a unity given by God to respect which is a primary duty; this duty creates secondary obligations for

¹⁷ Cf. P. KANTYKA: “Dialog ekumeniczny katolicko-protestancki — założenia, zakres, rezultaty [Roman Catholic-Protestant ecumenical dialogue — premises, scope, results].” In: *Ekumenizm w posoborowym półwieczu. Sukcesy i trudności katolickiego zaangażowania na rzecz jedności chrześcijan* [Ecumenism in post-council half century. Successes and difficulties of Catholic engagement for the unity of Christian]. Eds. M. SKŁADANOWSKI, T. SYCZEWSKI. Lublin 2013, pp. 35—36.

¹⁸ Cf. *Anglican-Roman Catholic Commission on the Theology of Marriage and Its Application to Mixed Marriages, 1968—1975*, Introduction, http://www.prounione.urbe.it/dia-int/arcic/doc/e_arcic.classific.html (accessed 13.06.2015). Relevant link: http://www.prounione.urbe.it/dia-int/arcic/doc/e_arcic_classific.html

the Church in both its pastoral and its legislative capacity. One is the obligation to discourage marriages in which the unity would be so strained or so lacking in vitality as to be both a source of danger to the parties themselves and to be a disfigured sign of or defective witness to the unity of Christ with his Church. Another is the obligation to concert its pastoral care and legislative provisions to support the unity of the marriage once it is made and to ensure as best it can that these provisions be not even unwittingly divisive.¹⁹

Therefore, the basis for joint discussions and Christian life of both Catholics and Anglicans is holy baptism. It includes a person into the supreme divine life and empowers them to accept the gifts God has for him or her. Marriage is so to speak started and ordained by God, but it can come into existence only by means of a free act of a man and a woman — it is they who conclude this holy alliance, which is of sacramental character by virtue of Baptism. Marriage is a unity, therefore pastoral concern should focus on the protection of this unity, its stability and indissolubility.

The participants of Roman Catholic-Anglican dialogue point also to the necessity to change the mutual attitude of the Roman Catholic and Anglican Churches, their relations and language they use — especially in case of ecclesiology, which, from the Catholic perspective, is very exclusive.²⁰

An important element of the agreement is differentiating between current references to canon law and state law — they differ in the Roman Catholicism and Anglicanism. The authors of the agreement point to historical differences: “Behind these differences lie others, less tangible but real. Even before the Reformation co-existence between the canon law of the Church and the common law of England was never easy. Not only did they differ in substance; not only had they different sources of ultimate authority and courts of final appeal, the Papacy in the one, the Crown in the other; they differed radically in procedure and even more in that sensitive area of the relation of authority to consent. The common law tradition was quicker to respond to public opinion, through the interplay of parliamentary legislation, judicial interpretation and the jury system, than was the canonical tradition with its closer involvement with a curial, and predominantly clerical, structure. These facts of history have influenced the unspoken attitude of Anglicans to the proportionate place of law in the government of their Church. The Anglican canon law does indeed state obligations incumbent on the laity as well as the clergy. Yet

¹⁹ *Ibidem*, 6.

²⁰ Cf. *ibidem*, pp. 15—20.

these obligations are legally enforceable on laymen only in respect of their holding ecclesiastical office, for example, as churchwarden, or as judge in an ecclesiastical court. In his ordinary Christian living the Anglican accepts the authority of the Church as a moral obligation; the sense of their being a law to keep seldom occurs to him.”²¹

It needs to be highlighted that the commission does not see a fundamental doctrinal difference between the two churches in reference to the issue of the marriage’s character as “ordained to serve.”²² Unfortunately, there are also fundamental differences between the two churches, for example remaining in unity and indissolubility: if (for different reasons) problems and misunderstandings appear in marriage and there is reluctance to continue to live together — the Anglican Church allows for the possibility of a split up. These rules are so to speak adapted to current pastoral situation rather than universal truths.²³ Anglicans believe that in case of various problems in marriage, various steps should be taken by a parish priest, theologian or a lawyer. They do not accept explicitly Catholic claim on the indissolubility of the sacrament of marriage: “Catholic teaching is that all marriages are intrinsically indissoluble. This means that the marrying parties effect something that they themselves cannot undo and which cannot of itself perish except by the death of a partner. In this sense the Church makes no distinction between natural and sacramental marriage. Similarly all marriages are held to be extrinsically indissoluble by any human power” (CIC, can. 1118).²⁴ Anglicans agree with Catholics on the discussed issue only in two cases: annulment of marriage or it being “non-consummated.”²⁵ At the same time, they allow for a greater possibility of annulment of validly solemnized marriages: “[...] the third situation is where there is a breakdown of relationship within a valid marriage, which is brought into cognizance, whether of the law or of the pastoral discipline of the Church, because relief is sought by one or both of the parties from a situation judged no longer tolerable. For these the only relief known to the canon law of the Church of England and, until recently, of the other Churches of the Anglican Communion, is a separation *a mensa et thoro*, without liberty to remarry during the lifetime of the other spouse. In the Anglican theological tradition, however, there have always been those who, accepting as legislative the words of Jesus including the so-called Matthaean Exception, would have allowed re-marriage after a divorce occasioned by adultery, had the canon law

²¹ Ibidem, pp. 24—25.

²² Cf. ibidem, pp. p. 21.

²³ Cf. ibidem, pp. 28—31.

²⁴ Ibidem, 34.

²⁵ Cf. ibidem, 40.

permitted, which it did not. This tradition is still alive today, maintaining the possibility of a discipline, faithful to the words of Jesus, based on the principle of what might be called a modified exceptive indissolubility; that is, on the principle that while marriage is properly indissoluble, the authority of Jesus would allow of exceptions where sin of some sort had invaded or destroyed the marriage bond. This position is maintained in disregard of the exegesis of the critical passages of Scripture generally maintained among New Testament scholars.”²⁶ Besides, Anglicans allow for the possibility of remarriage of people who had been divorced, solemnized in Church, with the right to participate fully in the life of Church (e.g. receive Holy Communion).²⁷

It also needs to be noted that the duty to raise children in Catholic faith in a mixed marriage is not an absolute prerequisite, what is more important is retaining the unity of family. In this conflict the necessity to raise children in the Christian faith rather than as Roman Catholics or Anglicans.²⁸ The authors of the agreement also paid attention to the necessity to preserve the canonical form when entering into marriage. However, it has been concluded that this is not entirely ecumenical issue since such practice has been in effect in Church before schism and it would be worth resign from this commitment.²⁹

As far as pastoral recommendations are concerned, the authors basically point to a single issue: respect for a different confession, not depreciating it and — this allusion may be implied — not “winning” believers to one’s side: “Local Ordinaries and parish priests shall see to it that the Catholic husband or wife and the children born of a mixed marriage do not lack spiritual assistance in fulfilling their duties of conscience. They shall encourage the Catholic husband or wife to keep ever in mind the divine gift of the Catholic faith and to bear witness to it with gentleness and reverence and with a clear conscience (cf. 1 Peter 3:16). They are to aid the married couple to foster the unity of their conjugal and family life, a unity which, in the case of Christians, is based on their baptism too. To these ends it is to be desired that those pastors should establish relationships of sincere openness and enlightened confidence with ministers of other religious communities.”³⁰

The above-mentioned provision is not incompatible with rules which are in force in the Catholic Church, which is emphasized by Wojciech Góralski, who cites can. 1128 CL. Priests have been obliged to spiritual

²⁶ *Ibidem*, 41.

²⁷ Cf. *ibidem*, 42 f.

²⁸ Cf. *ibidem* 56 f.

²⁹ Cf. *ibidem*, 62 f.

³⁰ *Ibidem*, 74.

care of Catholic spouses and children born in a mixed marriage. At the same time, they are obliged to strengthen the unity of spousal and family life in such a marriage.³¹

In line with developments in the ecumenical area, one has to pay attention to the documents of the Catholic Church which normalize the rules of entering into a mixed marriage. The first of them — *Matrimonii sacramentum*³² — published by Congregation for the Doctrine of Faith in 1966, was of rather provisional character. It indicates difficulties and threats related to mixed marriages, however it does not define precisely what a “mixed marriage” is. It argues for the necessity to soften the law related to marriages of people of different confessions. However, for fear of losing Catholic identity, it was difficult to meet the expectations of the non-Catholic side.³³

*Motu proprio. Matrimonia Mixta*³⁴ by Pope Paul VI of 1970 was a groundbreaking document in the appraisal of mixed marriages. Pope’s care concerns the right formation of teenagers and couples who intend to enter into a mixed marriage or already live in such a relationship. Pope Paul VI points to differences between Christian marriages and marriages of people of mixed confessions. He also assesses the difficulties that may come up in mixed marriages, namely differences between religious matters, raising children and moral issues.³⁵

On the basis of the above-mentioned teaching as well as changing canonical legislation (Canon Law of 1983) the Polish Episcopacy published *Recommendations of the Polish Episcopacy on the implementation of Motu proprio of Paul VI “Matrimonia mixta”* (April 1, 1971) first, and then *The instruction of the Polish Episcopacy on the preparation to enter into marriage in the Catholic Church* (March 11, 1987) and at the same time *The instruction of the Polish Episcopacy on pastoral care of marriages of dif-*

³¹ Cf. W. GÓRALSKI: *Kanoniczne prawo małżeńskie* [Canonical matrimonial law]. Warsaw 2000, pp. 160—161.

³² Full text: CONGREGATION FOR THE DOCTRINE OF FAITH: *Instrukcja „Matrimonii sacramentum”. O małżeństwach mieszanych* (18 marca 1966) [“Matrimonii sacramentum” Instruction. On mixed marriages (March 18, 1966)]. In: *Małżeństwa mieszane* [Mixed marriages]. Ed. Z. KIJAS. Kraków 2000, pp. 97—101.

³³ Cf. P. JASKÓŁA: *Problem małżeństwa w relacjach ewangelicko-rzymskokatolickich* [The issue of marriage in Evangelical-Roman Catholic relations]. Opole 2013, pp. 181—182.

³⁴ Full text: PAUL VI: *Motu proprio „Matrimonia mixta” ustanawiające przepisy odnośnie do małżeństw mieszanych* (20 marca 1970) [Motu proprio “Matrimonia mixta” establishing provisions related to mixed marriages (20 March 1970)], In: *Małżeństwa mieszane* [Mixed marriages]..., pp. 103—109.

³⁵ Cf. P. JASKÓŁA: *Problem małżeństwa...*, pp. 182—183.

ferent confessions (March 11, 1987).³⁶ On the basis of these documents Piotr Kroczek and Stanisław Lubaszka prepared, for the Bielsko-Żywiec diocese, a “clerical textbook” containing rules of entering into mixed marriages, apart from purely clerical and canonical comments, it is worth to cite those which at the same time outline the above-mentioned documents and Catholic teachings. The authors of the textbook draw attention to the fact that a marriage between a Catholic and a non-Catholic is a sacrament. Pastoral care of mixed marriages should be carried out in the ecumenical spirit by highlighting what is common to both parties, apart from polemics, and at the same time one should beware of artificial blurring of differences. They also point to the fact that marriage solemnized by a non-Catholic baptized party with a Catholic party — as a result of being sacramental — is an obstacle to remarry after being granted civil divorces. Then only ecclesiastical court can investigate if the previous marriage was valid if there is a basis to declare its invalidity.³⁷

It needs to be indicated that the declaration of Canon Law in 1983 also contributes to softening the previous practice in the Catholic Church and so to speak opens up to “mixed marriages.” The provisions of the new law abolish the obligation to maintain the canonical form by obtaining a dispensation from the local bishop.

An obligation to baptize a child in the Catholic Church and raise it in the Catholic faith has been left as an obligation in conscience only of the Catholic party.³⁸ In its “softening” activities Canon Law refers to pastoral needs: “Local bishops and other priests should make effort to ensure that a Catholic spouse and children born in a mixed marriage are provided with spiritual help to fulfill their duties. Besides, they should support spouses in strengthening the unity of marriage and family life.”³⁹

“Directory on the implementation of rules and standards related to ecumenism” also confirms the care of the unity of marriage: “[...] in each marriage the fundamental care of the Church consists in supporting the stability and permanence of the indissoluble marriage and family life resulting from it [...]”.⁴⁰ An important element of these actions is

³⁶ Full texts of those documents can be found in: *Matżeństwa mieszane* [Mixed marriages]..., pp. 111–144.

³⁷ Cf. P. KROCZEK, S. LUBASZKA: *Podręcznik kancelaryjny dla duchowieństwa diecezji bielsko-żywieckiej (wybrane zagadnienia)* [Clerical textbook for the clergy in the Bielsko-Żywiec diocese]. Bielsko-Biała 2006, pp. 41–42.

³⁸ Kodeks Prawa Kanonicznego z 25 stycznia 1983 (Cf. Code of Canon Law of January 25, 1983), (henceforth CL), Poznań 1994, can. 1124–1127.

³⁹ CL 1128.

⁴⁰ PONTIFICAL COUNCIL FOR PROMOTING CHRISTIAN UNITY: *Dyrektorium w sprawie realizacji zasad i norm dotyczących ekumenizmu* (25 marca 1993) [Directory on the imple-

assisting both spouses in living their common Christian legacy, reminding them about the value of common prayer and the meaning of reading and study of the Holy Scriptures.⁴¹

Conclusions

The aim of this article was to present the issues of Roman Catholic-Anglican mixed marriages. This is not an easy task, especially in a country where Anglicanism is a small minority. What is more, it is an important and current issue — for instance, as I have already mentioned, in the face of economic emigration, the easiness of communication, travelling, making friends and, at the same time, entering into relationships with followers of other confessions. This article does not claim the right to exhaust this subject, but rather initiates further and more detailed studies. First I have shown representative teachings on marriage from the Catholic perspective, which has become a starting point in the search for the road to unity with Anglican confession, mainly by presenting the works of Catholic-Anglican Commission and its report of 1975 on the subject we are interested in. By means of analysis of its content, I have presented fundamental points of contacts related to marriage from the Catholic and Anglican perspective, as well as remaining differences — that can or cannot be overcome, which is proven by subsequent documents of the Catholic Church introducing another practice related to entering into and pastoral care of mixed marriages.

A proper closure of our investigation should be important words quoted from the *Catechism of the Catholic Church*, which surely fills us with hope, but at the same time, calls for greater effort to take care of spouses of mixed marriages: “Differences of religion do not constitute an impassable obstacle to enter into marriage if spouses can share what each has received from their community and if one will learn from the other a way of living out their fidelity to Christ.”⁴²

mentation of rules and standards related to ecumenism (25 March 1993)], no. 144, quote after: *Małżeństwa mieszane* [Mixed marriages]..., p. 147.

⁴¹ Cf. *ibidem*, no. 149.

⁴² *Katechizm Kościoła Katolickiego* [Catechism of Catholic Church]. Poznań 1994, no. 1634.

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ROBERT SAMSEL

Roman Catholic-Anglican Mixed Marriages in Ecumenical Dialogue and Pastoral Practice

Summary

The article entitled “Roman Catholic-Anglican Mixed Marriages in Ecumenical Dialogue and Pastoral Practice” presents the teachings of the Catholic Church with respect to marriage based on the encyclical of Pope Pius XI *Casti connubi* and apostolic exhortation by John Paul II *Familiaris consortio*. Presenting marriage with its fundamental features: unity, indissolubility, sacramentality, as being a natural union between a man and a woman, blessed by God and empowered to take on matrimonial and parental tasks, constitutes a basis for deliberations on mixed marriages between people baptized in various Christian confessions, in this case Roman Catholic and Anglican ones. The issue of the mixed marriage between people of those two confessions has become an element of works by the Anglican-Roman Catholic International Commission, ARCIC, which in 1975 published a document entitled *Theology of Marriage and Its Application to Mixed Marriage*. Its content became a basis for the presentation of the Anglican vision of marriage in the context of the ecumenical dialogue: points of contacts and differences. Because of schism, out of concern for spouses’ religious identity as well as the unity and stability of marriage, it is necessary to introduce the right rules of pastoral care and confession discipline, which constitute the final part of the presented material.

ROBERT SAMSEL

Les mariages mixtes anglo-catholiques dans le dialogue œcuménique et dans la pratique pastorale

Résumé

L'article *Mariages mixtes anglo-catholiques dans le dialogue œcuménique et dans la pratique pastorale* présente l'enseignement de l'Église catholique à propos du mariage, basé sur le texte de l'encyclique du pape Pie XI *Casti connubi* et l'exhortation apostolique de Jean-Paul II *Familiaris consortio*. La présentation de la communauté entre époux avec ses traits fondamentaux : unité, indissolubilité, sacramentalité, étant une communauté naturelle d'un homme et d'une femme bénie par Dieu et capable de remplir ses devoirs conjugaux et parentaux, constitue la base pour les réflexions sur les mariages mixtes conclus entre les personnes baptisées dans différentes croyances chrétiennes, dans ce cas-là : catholique et anglicane. La question relative au mariage mixte de ces deux croyances est devenue le thème des publications de la Commission internationale anglicane-catholique romaine (ARCIC) qui en 1975 a publié le document intitulé *Théologie du mariage et son application aux mariages mixtes*. Son contenu est devenu la base pour présenter la vision anglicane du mariage dans le contexte du dialogue œcuménique : points communs et différences persistantes. Pour garantir l'identité religieuse des deux époux ainsi

que l'unité et la stabilité de leur mariage, il est nécessaire — vu la scission au niveau confessionnel — d'établir des principes du soin pastoral et d'une discipline confessionnelle ; cette question constitue la dernière partie du présent article.

Mots clés : mariage, mariage mixte, œcuménisme, anglicanisme, catholicisme, prêtrise

ROBERT SAMSEL

I matrimoni misti cattolico-anglicani nel dialogo ecumenico e nella pratica pastorale

Sommario

L'articolo *I matrimoni misti cattolico-anglicani nel dialogo ecumenico e nella pratica pastorale* presenta l'insegnamento della Chiesa cattolica sul matrimonio basato sul testo dell'enciclica di Papa Pio XI *Casti connubi* e dell'esortazione apostolica di Giovanni Paolo II *Familiaris consortio*. La presentazione della comunità coniugale con le sue caratteristiche fondamentali: unità, indissolubilità, sacramentalità, essendo una comunità naturale tra un uomo e una donna, benedetta da Dio e capace di intraprendere i compiti coniugali e genitoriali, costituisce il fondamento per le riflessioni sui matrimoni misti contratti tra persone battezzate di diverse confessioni cristiane, in questo caso cattolica e anglicana. La questione del matrimonio misto di tali confessioni diventò l'argomento dei lavori della Anglican-Roman Catholic International Commission (ARCIC) che nel 1975 emise il documento intitolato *La Teologia del matrimonio e la sua applicazione ai matrimoni misti*. Il suo contenuto divenne il fondamento per rappresentare la visione anglicana del matrimonio nel contesto del dialogo ecumenico: dei punti comuni e delle differenze rimanenti. Considerato lo scisma confessionale, avendo premura per l'identità religiosa dei coniugi e nel contempo per l'unità e la durata dell'unione maritale sono necessari principi adeguati di cura pastorale e disciplina della confessione; essi costituiscono il contenuto dell'ultima parte del materiale presentato.

Parole chiave: matrimonio, matrimonio misto, ecumenismo, anglicanesimo, cattolicesimo, pastorale