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## ANGLICAN/CATHOLIC STUDY COMMISSION ISSUES ITS REPORT ON THE THEOLOGY OF MARRIAGE

### MIXED MARRIAGE QUESTION STUDIED

WASHINGTON--A high level Roman Catholic-Anglican Commission studying mixed marriages has recommended changes in the Catholic Church discipline which generally requires that marriages between members of the two churches take place in the presence of a Catholic priest and that the Catholic party make a promise to have the children baptized and brought up in the Catholic Church.

The Commission reported that it found "no fundamental difference of doctrine between the two Churches, as regards what marriage of its nature is or the ends which it is ordained to serve." It also raised the question of whether the contrast in the churches' approaches to the matter of the indissolubility of marriage is as "clear-cut" as it once seemed.

The recommendations and observations are contained in a document entitled Final Report of the  
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Commission on the Theology of Marriage and its Application to Mixed Marriages. The Commission was established jointly in 1967 by the Vatican Secretariat for Promoting Christian Unity and by Archbishop Michael Ramsey of Canterbury on behalf of the Anglican Church.

The co-chairmen of the Commission were Roman Catholic Bishop Ernest L. Unterkoefler of Charleston, South Carolina and Anglican Archbishop George O. Simms, Archbishop of Armagh and Primate of all Ireland.

In a forward to the report, John Cardinal Willebrands, president of the Secretariat for Promoting Christian Unity, said "mixed marriages loom large as a problem in inter-church relations and ecumenical dialogue, since the problems they raise touch the daily lives of Christians everywhere.

"It is not always so easily recognized that a calm and fruitful discussion of the subject can only take place against a background of thorough understanding of the marriage doctrine and discipline of the communions concerned," Cardinal Willebrands wrote.

"We must rejoice at the large measure of agreement manifested in the Report, as well as the calm, clear statement of persisting divergences," Cardinal Willebrands continued. "It is the nature of ecumenical dialogue that the Report of a joint commission does not offer the last word on its subject: in a matter touching most people in many parts of the world it will stimulate further reflection, further clarification."

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Also writing a foreward to the report was the present Archbishop of Canterbury, Donald Coggan, who termed it "a valuable document, unique in this field." Praising the report's recommendations for greater joint pastoral care both before and after interchurch marriages, Archbishop Coggan said "Cooperation on these occasions would have the added advantage of bringing the clergy of the two Churches together at a point which could lead to mutual trust and common concern in other areas of our pastoral work to our ecumenical benefit."

The Roman Catholic Church's discipline on mixed marriages was stated most recently in Pope Paul's 1970 Motu Proprio, Matrimonia Mixta. Widely hailed as expressing new pastoral solicitude for mixed marriages, the Motu Proprio eliminated any demand for a promise on the part of the non-Catholic party to a mixed marriage. Moreover, it gave local bishops the power to dispense from "canonical form"--the requirement that such marriages take place before an authorized Roman Catholic minister and two witnesses--but only in cases in which "serious difficulties" arose.

The study Commission situated its recommendations in the context of what the Second Vatican Council and various Roman Catholic documents have termed the "special relationship" between the Anglican and Roman Catholic churches. While the document has relevance to a general discussion of all kinds of mixed marriages, it is most

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directly concerned with Anglican/Roman Catholic marriages.

The 45-page report begins with an introductory section tracing the development of the report through six meetings carried out by the Commission over the course of eight years.

"We were...aware that behind the differences of (Roman Catholic and Anglican) practice, both pastoral and juridical, lay deeper problems of theology," the report said. "Behind the requirement of a promise concerning the baptism and upbringing of children, not simply as Christians and therefore members of a Christian Church (an obligation which none of us would dispute) but particularly as Roman Catholics, lay a doctrine of the Church which Roman Catholics cannot abandon and which Anglicans cannot accept...it was quickly evident that the central theological difficulty that underlay Anglican/Roman Catholic tensions about the discipline governing mixed marriages was ecclesiological--it stemmed from divergent conceptions of the Church."

However, a renewed ecclesiology in the Roman Catholic Church in the wake of Vatican Council II has produced a "new, dynamic way of thinking of the Church" which contrasts with the former "static" and "juridical" one, according to the report.

"While they do not provide ground for supposing that a Roman Catholic may no longer have an obligation

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in conscience concerning the Catholic upbringing of his children, they do mean that insistence on this obligation is not to be seen merely as institutional defensiveness, nor as dismissive of other traditions, nor as overriding all other possible obligations, such as those which arise from the nature of marriage itself," the report stated. "The obligation simply reflects the Church's understanding of itself."

"On marriage itself the Commission finds no fundamental difference of doctrine between the two Churches, as regards what marriage of its nature is or the ends which it is ordained to serve," the report declared.

However, it continued, Anglicans and Roman Catholics traditionally have different attitudes about the proportionate place of law in the government of the Church.

"It follows, therefore, that in a mixed marriage an acceptance of ecclesiastical requirements which seems natural to one party might well occasion surprise and even resentment in the other," the report said. "The Anglican partner would see a wider range of matters which he would think it right that the partners should 'work out for themselves' than the Roman Catholic partner, whose disposition is to recognize the authority of his Church in these matters. This difference would inevitably occur whenever questions of Christian conscience arise."

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Two matters in which the difference particularly affects a mixed marriage are the "requirement of a promise about the baptism and education of children and the requirement of marriage according to the 'canonical form,'" the report said.

In regard to the former, the Commission quoted from one of its earlier reports in which it noted that in Matrimonia Mixta the promise required of the Roman Catholic partner is to provide "pro viribus" for the Roman Catholic education of the children of the marriage. "This Latin adverbial phrase is usually translated into English 'do all in his power,'" the Commission said. "This English phrase might be and often is adduced to justify the Roman Catholic party acting in a way which disregards the equal rights in conscience of the non-Roman Catholic party, and even to justify the Roman Catholic adopting an attitude or pursuing his purpose in ways which might endanger the marriage."

However, the Commission continued, "It is recognized that responsible Roman Catholic commentators on the Letter (including many episcopal conferences) do not put this interpretation on the Latin phrase...The Roman Catholic undertaking pro viribus is given envisaging the marriage situation with all the mutual rights and obligations which the theology of marriage sees as belonging to the married state."

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"It is because (such) facts have not been sufficiently recognized that the application of this obligation has aroused fear of subjection to pressure whether social, psychological or ecclesiastical, not to mention the impression of mere obstinacy," the Commission said. "On neither side have these fears proved wholly unfounded and all of us, on both sides, have reason to examine our consciences."

On the matter of canonical form, the Commission again repeated an earlier recommendation, namely that "on condition that joint pastoral preparation has been given, and freedom to marry established to the satisfaction of the bishop of the Roman Catholic party and of the competent Anglican authority, the marriage may validly and lawfully take place before the duly authorized minister of the Church of either party."

To extend the scope of canonical form to Anglican ministers celebrating the Anglican rite, the Commission said, "would be an ecumenical act of profound significance, giving notable substance to those official utterances which, in various ways, have declared a 'special relationship' to exist between our two churches."

The report said Anglicans object to the requirement of the promise because they do not recognize a distinction between the words "Christian" and "Roman Catholic" in the context of such a force as to justify

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the requirements of an explicitly Roman Catholic baptism and upbringing; because they believe the requirements are insensitive to the conviction and conscience of the committed Anglican partner; and because the requirements ask of one partner "a unilateral decision in a matter so fundamental to the nature and essential properties of marriage as to require the achievement of a joint decision."

"Marital unity grows on the discipline and exercise of achieving a common mind on all that most intimately concerns the common life," the Commission said. "The requirement of the promise lifts one essential matter out and forecloses it."

One possible alternative to the promise, the Commission suggested, would be for the Church to require of the Roman Catholic parish priest responsible for the marriage a written assurance to his bishop that he had duly put the Roman Catholic partner in mind of his obligations concerning the baptism and upbringing of the children and satisfied himself that the other partner knew what these obligations were.

He would not be empowered to exact a promise in the matter from either partner, though he might well ask formally if the obligations were understood, the report suggested. The bishop, if satisfied in other respects, might then issue a dispensation for the

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marriage on the strength of this assurance.

"Such a procedure would be more consistent than the present one with the spirit of Vatican II documents on ecumenical relations and religious liberty, and would, it is believed, earn more respect, and so command more attention from the non-Roman Catholic partner as well as from the Catholic.

"This procedure is offered in an earnest attempt to make possible a real step forward in charitable relations between the two Churches," the Commission said.

The Commission acknowledged near the conclusion of its report that its recommendations for alterations in the law concerning canonical form and the requirement of a promise "presuppose a high degree of mutual understanding and trust between our respective Churches, and particularly between the clergy." The clergy have a duty to lead in this matter, the report said, and "if they are unconvinced themselves they will be unable to convey conviction to others."

In its section on "Defective Marital Situations," the report said the Anglican understanding of the Church's duty in the regulation of such situations "at some points coincides with the Roman Catholic understanding and at some points differs from it."

It said there is no difference in principle between the Roman Catholic and Anglican disciplines in a situation in which the defect is one for which the only

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appropriate action is a declaration of nullity, or in a situation in which a marriage, while not void in itself, is voidable at the instance of one or both of the parties as, for example, a non-consummated marriage.

In regard to other defective marital situations, the report said, the Roman Catholic position remains "unitary" and "solidly indissolubilist." Some churches in the Anglican communion adhere as closely as possible to the strict indissolubilist position; others disclaim the possibility of divorce in itself and of re-marriage after it but accept a "fait accompli" by civil process for all subsequent ecclesiastical purposes; and still others accept and even solemnize re-marriage in particular cases after divorce.

"Now from the Anglican side," the report continued, "it is submitted that these processes, Roman Catholic and Anglican alike, are all means of pursuing a common end, namely the continuance of the Church's pastoral responsibility for its members in a situation in which... the sign of marriage is already marred and in which no course absolutely consonant with the first order principle of marriage as a life-long union may be available. The Church has a duty to work out such procedures and has done so from the beginning."

The report stated further:

"This recognition of the integrity of the other Church's attempts need not carry with it unqualified

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approval of the means in themselves--Roman Catholics may think Anglican admission of re-marriage after divorce too weak, Anglicans may think the logic of Roman Catholic processes too strained. But in the view of the Commission neither attitude of disapproval is of such a degree as seriously to hinder ecumenical convergence in the two fields which are our immediate concern, the growing together of the Roman Catholic and Anglican Churches, and a more positive pastoral approach to the contracting and support of mixed marriages."

"The common ground we have established on the nature, properties and purposes of Christian marriage clearly implies common pastoral aims though not necessarily common methods of achieving those aims," the report said.

The Commission said that in its effort to set the problem of defective marital situations and their pastoral care in the total perspective of the Roman Catholic/Anglican search for unity, it recalled the established principle that "any such form of unity must preserve what is integral and acceptable in both our traditions in a variety-in-unity.

"What is or is not mutually acceptable will emerge in the course of this search," the report stated. "A fact perhaps significant in this context--and in any case one which raises profound questions in itself--is that in the Orthodox Church, whose communion with Rome has been described by Pope Paul VI as 'almost perfect,'

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long established marriage discipline includes the practice  
of re-marriage in church after divorce."

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