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Introduction To Particular Ecclesial Situations In Marriage Preparation

This section of the *Pastoral Policies and Guidelines for Marriage Preparation* deals with particular concerns for the celebration of marriage which arise from different religious or church-related backgrounds on the part of individuals or couples either in respect to church membership or the practice of their own religion. In this regard, four related ecclesial aspects can be considered.

Marriage Of Catholics Belonging To Different Churches "Sui Iuris"

Goals: To alert pastoral ministers to canonical issues which pertain to the validity of marriage celebrations between Catholics of different Churches "sui iuris" (commonly referred to as "Rites").

To assist couples entering so-called "Mixed Rite" marriages to understand and appreciate the patrimony of their respective Churches "sui iuris" in order that the parties can share the diversity of religious traditions while enjoying the deep unity of a common Catholic Faith.

Guideline:

The Church recognizes the legitimacy and fundamental equality of the Churches "sui iuris" or "Rites". The rites of the Eastern Churches are to be preserved and fostered because they are constitutive elements in the patrimony of the Catholic Church. Pastoral ministers are to encourage the parties to observe their own rite faithfully, to acquire a deeper understanding and a more perfect practice of it. Religious freedom, however, must also be respected.

"Every family has the right freely to organize its own religious life in the home under the control of the parents. They have the right to decide in accordance with their own religious beliefs the form of religious upbringing which is to be given to their children" (Declaration on Religious Liberty, I, 5, Second Vatican Council, 1965).

Pastoral ministers will therefore make every effort to assist parties entering "Mixed Rite" marriages in the early organization of their family life while at the same time not inducing either or both of the parties to transfer to another Church "sui iuris".

Discussion:

- A group of Christian faithful united by a hierarchy according to the norm of law which the Church recognizes as "sui iuris" is called a Church "sui iuris".
- A rite is the liturgical, theological, spiritual and disciplinary patrimony, culture and circumstances of history of a distinct people, by which its own manner of living the faith is manifested in each Church "sui iuris".
- The Eastern rites of the Catholic Church are those which arise from the Alexandrian, Antiochene, Armenian, Chaldean and Constantinopolitan traditions. These rites are manifested in the eparchies/dioceses of the Armenian, Syriac, Syro-Malabar, Maronite, Byzantine-Ruthenian, Byzantine-Melkite, Byzantine-Ukrainian, Byzantine-Romanian Churches, "sui iuris" with parishes in the State of New Jersey. Other Eastern Catholics (e.g. Coptic, Malankarese) are presently assigned to the spiritual care of the local bishop of the Latin Church "sui iuris".
- The marriage of Catholics canonically enrolled in the Eastern Catholic Churches "sui iuris" is governed by the prescriptions of the *Code of Canons of the Eastern Churches*.
- At the time of the initial meeting with the couple the pastoral minister will request recent baptismal certificates from the bride and groom in order to determine the correct canonical enrollments of the parties. Careful review of the information received must be made by the pastor or parish priest. Reception of the sacraments (e.g. Baptism or reception of Holy Communion) in another Church "sui iuris" does not necessarily entail enrollment in that Church.
- Dispensations from canonical impediments, permissions and delegations are obtained by forwarding the application together with copies of the other canonical forms and documentation to one's own chancery for review and presentation to the proper local Ordinary.

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- The *Code of Canons of the Eastern Churches* directs that marriages are to be celebrated before the pastor of the groom unless a just cause excuses. Whenever possible pastoral ministers will also discuss the requested change with the pastor of the groom in order to clarify the reasons and confirm that a just cause excuses. The proper local Ordinary may permit an exception.
 - Requests for permissions, delegations, etc. should also explain why a member of any Church "sui iuris" is requesting to celebrate marriage outside the canonically assigned church "sui iuris". For example, the person may have been canonically enrolled in his or her father's "Rite" but raised entirely in the "Rite" of his or her mother. This fact would constitute a "just cause" which the law requires. The proximity of a parish of the proper Church "sui iuris" could also be a problem. Or, a party may be thoroughly "Americanized" and unable to "fit in" to his or her parish of the proper Church "sui iuris" because of its strong ethnicity and the lack of services in the English language. Such mitigating factors are to be taken into consideration and duly noted when a petition is presented by the pastoral minister.
 - For a priest of one Church "sui iuris" to assist and to bless the marriage of two Catholics of another Church "sui iuris"; or, a Catholic of another Church "sui iuris" and a non-Catholic, whether baptized or unbaptized, it is necessary for validity that the priest be expressly and specifically delegated by the proper local Ordinary or proper pastor of the other Church "sui iuris".
 - A deacon cannot be delegated the faculty to assist and bless the marriage of two Eastern Catholics, a Latin Catholic with an Eastern Catholic or an Eastern Catholic with a non-Catholic.
 - At the celebration of or during the marriage, the wife is at liberty to transfer to the Church "sui iuris" of the husband. If the marriage ends (i.e. through the death of a spouse, etc.) she can freely return to the original Church "sui iuris".
 - At the celebration of or during the marriage, a husband enrolled in the Latin Church "sui iuris" is at liberty to transfer to the Church "sui iuris" of his wife. When the marriage has ended, he can freely return to the original Church "sui iuris".
 - Children born to parents enrolled in different Churches "sui iuris" are enrolled by virtue of baptism in the Church "sui iuris" of the father; or the Church "sui iuris" of the mother if only the mother is Catholic or if both parents by agreement freely request to have their children enrolled in the mother's Church "sui iuris". Notation of the agreement must be made in the parish baptism register.

Marriage Of A Catholic To Another Christian

Goal: To help the Catholic party to appreciate the significance of his or her own faith and religious practice as well as to help the couple see how their shared religious convictions and values can contribute to their life as a married couple as well as to the religious formation of their children.

Guideline:

The pastoral minister works with a couple to help them understand how a Catholic is expected to express commitment to Catholic faith and practice while at the same time encouraging them to appreciate how their shared faith in Jesus Christ, their living out Gospel values and their active participation in the life of the Church can enhance their marriage and family life. Within this context, the pastoral minister will help a couple to face the challenges posed by their respective and differing religious traditions and convictions honestly and constructively.

Discussion:

- The pastoral minister should realize that a couple from different Christian backgrounds may approach the Catholic Church with certain anxiety about how they will be received. The minister should be sensitive to their concerns about how they will be treated when planning a “religiously mixed” marriage.
- The pastoral minister should take into account the actual spiritual condition of each person, their past formation in faith as well as their present religious practice and should respect circumstances particular to a couple, the consciences of each partner and the holiness of the status of marriage itself (Cf. *Ecumenical Directory*, 146).
- The Catholic party as well as his or her intended spouse need to appreciate that the Catholic person’s professed faith is the reason for the Catholic Church’s involvement in their marriage preparation, wedding and future life. The Catholic partner is required to make his or her affirmation of Catho-

lic faith and practice and affirm a personal intention to do all that is in one’s power to share the Catholic faith with children born to the marriage by having them baptized and raised as Catholics. The other partner to the marriage does not need to agree with this commitment but must be aware that the Catholic partner has made such an affirmation. The church recognizes that the non-catholic party may feel a similar obligation to his or her religious commitment (Cf. *Ecumenical Directory*, 150).

- There is a real advantage in the couple discussing their individual beliefs, religious backgrounds and spiritual values. By exploring how these traditions can be shared in their family circle, spiritual values can be integrated in their marriage and family life. The emphasis should be “on the positive aspects of what a couple shares together as Christians in the life of grace, in faith, hope and love, along with the other interior gifts of the Holy Spirit. Each person should continue to be faithful to his or her distinct Christian commitment and the practice of it but should seek to foster all that can lead to unity and harmony, without minimizing real differences and while avoiding an attitude of indifference” (*Ecumenical Directory*, 148).

- “Religiously mixed marriages, despite their particular difficulties, contain numerous elements that can develop their intrinsic value and contribute to the ecumenical movement when both parties are faithful to their religious duties. Their common Baptism and the dynamism of grace provide the spouses with a basis and motivation for expressing unity in the sphere of moral and spiritual values” (*Ecumenical Directory*, 145). The couple’s effort to understand their individual religious and ecclesial traditions and their serious consideration of the differences that exist can lead to greater honesty, charity and understanding of these realities and also of the marriage itself.

- Basic marital catechesis as summarized in the ecumenical “Declaration of Marriage” (in collaboration with the NCCB Committee on Marriage and Family Life) should be reinforced:

- ♦ “A marriage is a holy union of a man and a woman in which they commit with God’s help to build a loving, life-giving and faithful relationship that will last for a lifetime” (Cf. *Christian Declaration on Marriage*, Nov. 2000).

♦ “God has established the marriage state in the order of creation and redemption for spouses to grow with love for one another and for procreation, nurture, formation and education of children” (*Christian Declaration on Marriage, Nov. 2000*).

♦ “In marriage many principles of the Kingdom of God are manifested. The inter-dependence of healthy community is clearly exemplified in loving one another (*John 13:34*), forgiving one another (*Eph. 5:21*) confessing to one another (*James 5:16*), and submitting to one another (*Eph. 5:21*). These principles find unique fulfillment in marriage” (*Christian Declaration on Marriage, Nov. 2000*).

♦ “Marriage is God’s gift, a living image of the union between Christ and His Church and thus, in the Catholic understanding, a sacrament” (*Cf. Christian Declaration on Marriage, Nov. 2000*).

• Both parties should learn more about their partner’s religious convictions and the teaching and religious practice of the Church to which he or she belongs. A Catholic partner may find this experience a practical reason to purchase and study the 1997 edition of the **Catechism of the Catholic Church**.

• The couple should be reminded that prayer together is essential for their spiritual harmony and that reading and study of Sacred Scripture is especially important.

Marriage Of A Catholic To A Non-baptized Person

Goal: To help the Catholic party to appreciate the significance of his or her own faith and religious practice as well as to alert the couple to discover how differing religious convictions and values may affect their lives as a married couple and influence the religious formation of children.

Guideline:

The pastoral minister helps a couple to understand how a Catholic is expected to express commitment to Catholic faith and practice while at the same time encouraging both of them to be informed about and respectful of the religious traditions and values of his or her future spouse (or the lack of such traditions for a person who has no religious belief as such). Within that context, the pastoral minister will help a couple to face honestly and constructively the challenges posed by their respective and differing religious traditions and convictions.

Discussion:

The Catholic partner should appreciate that his or her own practice of the Catholic faith can contribute positively to their marriage and their family life together when he or she lives the faith in a way that is sensitive to the partner's concerns.

• The Church teaches: "all peoples comprise a single community, and have a single origin, since God made the whole human race dwell over the entire face of the earth. One also is the final goal: God, whose providence, manifestations of goodness and saving designs extend to all" (*Declaration on the Relation of the Church to Non-Christian Religions, Documents of Vatican Council II, p 660-661*).

• In a marriage between a Catholic and a non-baptized Christian, emphasis should be placed on any convictions or implicit assumptions of the non-Catholic's belief that may be common to both.

♦ Some non-baptized persons consider themselves to be Christians whether or not they are church-goers. If such persons were disposed, they might be invited to learn

more about the Christian assumptions of their intended Catholic partner by attending Mass together.

♦ Christians, Jews and Muslims all profess a belief in the one true God of Abraham. Efforts at understanding may bring forth common values.

♦ In the case of individuals with other beliefs and even persons who profess no faith, the pastoral minister should encourage the couple to explore together what vision of life they share and cherished values they hold.

• There is a real advantage in the couple discussing their beliefs, religious backgrounds and spiritual values. It is also advantageous for the couple to explore how these traditions can be shared in their family circle and how spiritual values can be integrated in their marriage and family lives.

• The Catholic party as well as his or her intended spouse need to appreciate that the Catholic person's professed faith is the reason for the Catholic Church's involvement in their marriage preparation, wedding and future life. The Catholic partner is required to make his or her affirmation of Catholic faith and practice and affirm a personal intention to do all that is in one's power to share the Catholic faith with children born to the marriage by having them baptized and raised as Catholics. The other partner to the marriage does not need to agree with this commitment but must be aware that the Catholic partner has made such an affirmation. The Church recognizes that the non-Catholic party may feel a similar obligation to his or her religious commitment (*Cf. Ecumenical Directory, 150*).

• The pastoral minister will encourage the couple to discuss before the wedding, the matters of Catholic baptism and formation of the children. The Catholic party's living witness of the Gospel values in their marriage is the most effective way to share the good news of Jesus Christ.

Marriage Of A Catholic Or Catholics Not Practicing Their Faith

Goal: To foster a desire in the couple to deepen their personal faith in God, to bond closer with the Catholic Church community and to appreciate the positive impact their participation will have on their marriage.

Guideline:

When a couple approaches the Church for marriage, it is important that the pastoral minister encourage their renewed participation in Church life; or at least, to nurture a more informed faith by building on the roots of their Catholic faith.

Discussion:

- If one of the partners is a practicing Catholic, the pastoral minister will try to help the Catholic appreciate the significance of his or her own faith and religious practice and will try to help the couple see how Church practice and shared religious values can contribute to their life as a married couple and to the religious formation of their children.
- If neither partner is very committed to the practice of the Catholic faith, the pastoral minister will seek to renew within one or both an understanding of the value of a Catholic's commitment to faith, religious practice and appreciation of how Jesus Christ can enhance their marriage and family life. It can be important to explore the reason, perhaps painful, why people are not active Catholics. The pastoral minister can help a couple to face honestly and constructively problems posed by indifference to their religious tradition and a lack of conviction.
- Since a pastoral minister is concerned about the authenticity of faith in those persons who present themselves for marriage, the perspective offered by Pope John Paul II is to be kept in mind. In the preparation for the sacrament very special attention must be devoted to the moral and spiritual dispositions of those being married, in particular their faith. We must deal here with the not too infrequent difficulty in which the pastors of the Church can find themselves in the context of our secularized society.

In the Apostolic Exhortation, **The Role of the Christian Family in the Modern World**, in a section entitled, "Cele-

bration of Marriage and Evangelization of Non-believing Baptized Persons," Pope John Paul II wrote:

"In fact, the faith of the person asking the Church for marriage can exist in different degrees, and it is the primary duty of pastors to bring about a rediscovery of this faith and to nourish it and bring it to maturity. But pastors must also understand the reasons that lead the Church to admit to the celebration of marriage, those who are imperfectly disposed" 68.

- Encouraging dialogue with them may lead a couple to a better understanding of the short and long term effects of religious participation on their marriage and family life. The minister can reflect on the benefits of Sunday worship; he can invite them to participate in adult education opportunities that familiarize people with the life of the Church, and he might utilize a faith inventory that will help them explore their faith.

John Paul II continues,

"The sacrament of Matrimony has this specific element that distinguishes it from all the other sacraments: it is the sacrament of something that was part of the very economy of creation; it is the very conjugal covenant instituted by the Creator 'in the beginning'. Therefore the decision of a man and a woman to marry in accordance with this divine plan, that is to say, the decision to commit by their irrevocable conjugal consent their whole lives in indissoluble love and unconditional fidelity, really involves, even if not in a fully conscious way, an attitude of profound obedience to the will of God, an attitude which cannot exist without God's grace. They have thus already begun what is in a true and proper sense a journey towards salvation, a journey which the celebration of the sacrament and the immediate preparation for it can complement and bring to completion, given the uprightness of their intention."

"On the other hand, it is true that in some places engaged couples ask to be married in the Church for motives which are social rather than genuinely religious. This is not surprising. Marriage, in fact, is not an event that concerns only the persons actually getting married. By its very nature it is also a social matter, committing the couple being mar-

celebrated according to the Catholic form ordinarily takes place outside the eucharistic liturgy. For a just cause, however, the diocesan bishop may permit the celebration of the Eucharist. In the latter case, the decision as to whether the non-Catholic party of the marriage may be admitted to Eucharistic Communion is to be made in keeping with the general norms existing in the matter for Eastern Christians and for other Christians, taking into account the particular situation of the sacrament of Christian marriage by two baptized Christians” (*Ecumenical Directory*, 159).

“Although the spouses in a mixed marriage share the sacraments of baptism and marriage, eucharistic sharing can only be exceptional and in each case the norms stated above concerning the admission of a non-Catholic Christian to eucharistic communion, as well as those concerning the participation of a Catholic in eucharistic communion in another church, must be observed” (*Ecumenical Directory*, 160).

When marrying a person who is not a baptized Christian, the Church expects that the celebration of the marriage will take place in a Catholic Church. In some circumstances, however, the marriage ceremony may take place outside of a church. Moreover, if it is especially important to a spouse of some other religion or to that person’s family, the Bishop of the Catholic party may be requested to provide that the marriage ceremony may take place before a religious official of that person’s persuasion. A dispensation of this kind, nevertheless, is only granted when all of the other prerequisites of marriage preparation have been fulfilled.

The *Rite for Celebrating Marriage Between a Catholic and an Unbaptized Person* provides that the blessing and exchange of rings and its accompanying recitations of the Trinitarian formula may be omitted.

Mixed Marriage Dispensation Or Permission

Goal: To help the pastoral minister to understand the requirements in petitioning any marriage dispensations or permissions which may be needed in order for a particular couple to have their marriage lawfully and validly celebrated.

Policy: *The pastoral minister is responsible for identifying the proper diocesan bishop from whom any dispensation or permission is to be sought, explaining what dispensation or permission is needed in the manner prescribed by that diocesan bishop and providing the necessary facts as well as reasons in support of a dispensation or permission.*

Discussion:

• In all instances, for validity, any **dispensations from impediments are to be properly obtained:** namely, insufficient age (*CIC 1083, CCEC 800*); disparity of worship (*CIC 1086, CCEC 803*); sacred orders (*CIC 1087, CCEC 804*); vow of chastity (*CIC 1088, CCEC 805*); abduction (*CIC 1089, CCEC 806*); crime (*CIC 1090, CCEC 807*); consanguinity (*CIC 1091, CCEC 808*); affinity (*CIC 1092, CCEC 809*); public propriety (*CIC 1093, CCEC 810*); spiritual relation (*CCEC 811*) or legal adoption (*CIC 1094, CCEC 812*) and **any permissions needed for lawfulness are to be secured;** namely, mixed marriages (*CIC 1124, CCEC 813*) and marriages of persons who are transients, marriages which can not be recognized in civil law, marriages of persons with natural obligations to a third party or to children, marriages of minors if the parents are unaware or opposed, marriages of persons forbidden by a juridical sentence to enter a new marriage and marriages of persons who have publicly rejected the Catholic faith (*CIC 1071, CCEC 789*) or marriages by proxy or for a person who is under an ecclesiastical censure (*CIC 1071*).

• For a marriage involving **Catholics of different Churches sui iuris**, the minister who witnesses the marriage must have canonical jurisdiction over at least one of the Catholics or be properly delegated by the diocesan bishop and have any necessary permission to witness the marriage ac-

ording to his own Rite of Marriage.

• For **ecumenical marriages** between a Catholic and a baptized person who belongs to another Church or ecclesial community, the mixed religion affirmations must be made by the Catholic party and the non-Catholic party must be aware of that fact (*CIC 1125, CCEO 814*) and permission of the proper diocesan bishop must be obtained.

• For **inter-faith marriages** between a Catholic and a person who is not baptized the mixed religion affirmations must be made by the Catholic party and the non-Catholic party must be aware of that fact (*CIC 1125, CCEO 814*) and the dispensation from disparity of worship by the proper diocesan bishop must be obtained.

• For marriages involving a **Catholic or Catholics not practicing the faith**, the practice is to secure the equivalent of the mixed religion affirmations, if possible, by at least one of the parties (*CIC 1125, CCEO 814*) or to refer the question of celebrating the marriage to the proper diocesan bishop for his permission (*CIC 1071, CCEO 789*).

♦ When for a just and reasonable cause permission for a mixed marriage is requested, both parties are to be instructed on the essential ends and properties of marriage which are not to be excluded by either party.

♦ The Catholic party will be asked to affirm that he or she is prepared to avoid the dangers of abandoning the faith and to promise sincerely to do all in his/her power to see that the children of the marriage be baptized and educated in the Catholic Church.

♦ The other partner is to be informed of these promises and responsibilities. At the same time it should be recognized that the non-Catholic partner may feel a like obligation because of his/her own Christian commitment or no faith commitment. No formal written or oral promise is required of this partner in canon law.

• “Those who wish to enter into a mixed marriage...should be invited and encouraged to discuss the Catholic baptism and education of the children they will have and where possible come to a decision on this question before the marriage” (*Ecumenical Directory, 150*).

• “In carrying out the duty of transmitting the Catholic faith to the children, the Catholic parent will do so with

respect for the religious freedom and conscience of the other parent and due regard for the unity and permanence of the marriage and for the maintenance of the communion of the family. If, notwithstanding the Catholic's best efforts, the children are not baptized and brought up in the Catholic Church, the Catholic parent does not fall subject to the censure of canon law. At the same time, his/her obligation to share the Catholic faith with the children does not cease, and may be fulfilled by contributing to the Christian atmosphere in the home: e.g. by witnessing by word and example to the specific values of the Catholic tradition; by being well informed about his/her own faith so as to be able to explain and discuss it; and by praying with the family for the grace of Christian unity as the Lord wills it" (*Ecumenical Directory, 151*).

- When a Catholic marries a person who has never been baptized, a dispensation from the Catholic party's Bishop must be obtained in order for the marriage to be valid. In presenting this request to the Bishop's office, the pastoral minister must affirm that all aspects for marriage preparation have been completed, that the Catholic party has given the required assurance of his or her own faith as well as commitment to share the Catholic faith with children and the other partner's awareness of those promises and that there is an adequate canonical reason to grant dispensation from disparity of worship.