



JURIJ POPOVIČ

University of Prešov, Slovakia

<https://orcid.org/0000-0002-7631-7739>

Mixed Marriages with the Orthodox in the Metropolitan Church *sui iuris* in Slovakia — History and Present

Abstract: The issue of intermarriage among believers is very topical nowadays because we have seen a lot of migration recently. The reasons are various, but the main ones are the opening of borders and migration for work. A frequent outcome of these processes is the celebration of mixed marriages. In the past, the Catholic Church has been negative about mixed marriages because it feared that in the future the Catholic side might lose its faith and the Catholic upbringing of children might be threatened. Even today, the Catholic Church is not very supportive of such marriages, but is tolerant of them in view of the progress of ecumenism. This welcoming does not mean, however, that the Church is indifferent to the fate of those who celebrate mixed marriages, since the celebration of such marriages is governed by the prescriptions of canon law, which have the task, from the very beginning, when such marriages are instituted, of being of help to those who celebrate them, so that they may live in them in peace and without offending the Creator, and so form a happy marriage despite their differences. The attitude of the Orthodox Church towards mixed marriages has been negative in the past and remains unchanged at the present time, and if a marriage is not celebrated in the Orthodox Church, it is not recognized as valid.

Keywords: Catholic Church, Orthodox Church, marriage, mixed marriage, canon

Introduction

The question of celebrating marriage in the Metropolitan Church *sui iuris* between the faithful of the Greek Catholic Church and the Orthodox Church in Slovakia causes various animosities even today.

Despite the fact that relations between the Greek Catholic Church and the Orthodox Church have been outwardly adjusted, as property matters have been settled with the help of the state, tensions and misunderstandings still arise on the question of the celebration of marriage. With this article we want to shed more light on this issue through recent historical developments up to the present time when the CCEO regulations have begun to be applied in this matter. It is important that the Church's view on this issue is known not only by pastors but also by the People of God.

1. Brief historical development of mixed marriage

The ancient canonical discipline had no precise terminology regarding the issue of mixed marriages. We can only speak of a kind of continuity on the question of celebrating marriages with the unbaptized and with the heterodox, that is, with persons baptized not in the true Church but in an already separated sect at that time. The canons of the first ecumenical councils and the synods of the various local churches forbid marriage between one baptized in the Church of Christ and the unbaptized or those baptized in the various heretic sects. Although at that time we can still speak of an undivided Church in the view of the later divisions, yet even in antiquity we find many separated communities, especially in the East, under the influence of the various heresies which had arisen in the Church from its beginnings.¹ The ancient canons which we shall present either lay down the basis of the obstacle of a distinct cult, or forbid the celebration of mixed marriages.² After the Second Vatican Council and the issuance of the two codices, there was a change in the canonical discipline in the Catholic Church regarding mixed marriages, but in the Orthodox Church the prescriptions of the ancient law are still applied to mixed marriages today.³

The canonical rules of the Synod of Laodicea (343—381) contain two canons concerning the prohibition of celebrating marriages with heretics. The prescription of canon 10 states: “Let not the members of the Church

¹ J. IVAN: *Miešané manželstvo v kánonickej normatíve východných katolíckych cirkví*. Michalovce 2008, p. 66.

² I. BELEJKANIČ: *Pravoslávne dogmatické bohoslovie II*. Prešov 1996, p. 137. Cf. P. I. BOUMIS: *Kánonické právo pravoslávnej cirkvi*. Prešov 1997, p. 119.

³ P. I. BOUMIS: *Kánonické právo pravoslávnej cirkvi...*, p. 119.

indifferently give their children in marriage to heretics.”⁴ Canon 31 of this synod prescribes: “They shall not marry any heretic, nor give them in marriage their own sons and daughters, unless they promise to become Christians.”⁵

Both of these canons are general and admit of no exception. The prohibition is absolute and applies to all heretics without distinction. Should such a case arise, however, the necessary condition is that the heretic must promise to convert to Christianity.⁶ A similar norm was necessary to defend the faith in the early centuries when various heresies were disrupting the Church.⁷

The Ecumenical Council of Chalcedon (451) in canon 14 contains the following prescription: “Since in some provinces it is lawful for lectors and cantors to marry, this holy council has decreed that it is not lawful for any of them to marry a woman of another faith (*heterodoxon*) [...] Nor may they give their children in marriage to a heretic (*hairetikó*), a Jew or a pagan, unless the person who associates with the orthodox party (*to orthodóxon*) declares conversion to the true faith (*eis tén orthódoxon pístin*). If anyone transgresses this prescription of the Holy Council, he will be subjected to ecclesiastical sanctions.”⁸

The marriages celebrated between Christians and heretics in antiquity did not have the non-applicable character of these marriages in the sense of contemporary normativity. Rather, they entailed canonical penalties to which those who solemnized such marriages were to be subjected, up to and including their excommunication from the ecclesial community. Furthermore, it should be noted that at that time, clear terminology regarding illicit and invalid marriages was not yet well defined. Only Trullan Council (691) brought clarification on this matter.⁹

The disciplinary rules of the Trullan Council (691) were accepted only in the East; the West did not accept its decisions.¹⁰ The prescription of canon 72 decrees: “It is not lawful for an orthodox man to marry a heret-

⁴ Н. СвЯТОГОРЕЦ: “Пидалион.” In: Правила православной церкви с толкованиями, том. 3: Правила Поместных Соборов. Екатеринбург 2019, p. 156.

⁵ Ibidem, p. 172.

⁶ Ibidem.

⁷ J. IVAN: *Miešané manželstvo...*, p. 67.

⁸ W. GÓRALSKI, E. GÓRECKI, J. KRUKOWSKI, J. KRZYWDA, P. MAJER, B. ZUBER: *Komentarz do Kodeksu Prawa Kanonicznego*. Vol. 3, Księga IV: *Uświęcająca zadanie kościoła*. Poznań 2011, p. 328. Н. СвЯТОГОРЕЦ: “Пидалион.” In: Правила православной церкви с толкованиями, том. 3..., pp. 153—154.

⁹ J. IVAN: *Miešané manželstvo...*, p. 68.

¹⁰ З. ХАНАТЬ: “О мшанных супружествах вообще, особенно же о мшанных супружествах связанных предъ схизматическимъ священникомъ.” In: Душпастырь, ч. 4, 1927. I, p. 29.

ical woman, nor for an orthodox woman to marry a heretical man. And if such a case should occur to anyone, the marriage is to be considered null and void (*ákuron*) and the illicit marriage contract (*áthesmon tó sunoikésion*) is to be dissolved, since one should not mix what is not to be mixed, nor unite the wolf with the sheep and the side belonging to Christ with the lot of sinners. If anyone transgresses what we have decided, he is to be excommunicated [...].”¹¹

The canon explicitly speaks of marriage between the orthodox and heretics. For the Byzantine commentator canonist Zonaras, “orthodox” means a believing Christian, while “heretic” is equated with a pagan, an unbeliever. The canon already explicitly establishes an inapplicable barrier to both intermarriage and different cults, without distinguishing heretics, schismatics, and pagans. Marriages with heretics and pagans are to be considered null and void (*ákuron*) and the illicit marriage contract (*áthesmon tó sunoikésion*) is to be dissolved, while the one who transgresses this norm is to be excommunicated.¹²

2. The attitude of the Greek Catholic Church towards mixed marriages

The attitude of the Greek Catholic Church towards mixed marriages between the faithful of the Eastern Catholic Church and the Orthodox Church has undergone a certain evolution, beginning with a complete prohibition and ending with the modern canonical discipline. Prior to the Second Vatican Council, the attitude toward mixed marriages between Greek Catholics and Orthodox was diametrically opposed to the current canonical prescriptions that are the fruit of the Second Vatican Council. When we look at the canonical legislation of the local Church *sui iuris*, it was governed by the 1917 CIC regulations. This legislation forbade marriage between two baptized persons, one of whom is Catholic and the other of whom belongs to a heretical and schismatic sect.¹³ A mixed marriage was considered to be a marriage contracted between two Christians, that is, validly baptized, one of whom is a Catholic and the other a non-Catholic. The Catholic party was considered to be such a person who had

¹¹ Н. СЯГОГОРЕЦ: “Пидалион.” In: Правила православной церкви с толкованиями, том. 2: Правила Поместных Соборов. Екатеринбург 2019, pp. 312—313.

¹² J. IVAN: *Miešané manželstvo...*, p. 68.

¹³ З. ХАНАТЬ: “О мьшанных супружествах вообще...” In: Душпастьрь, ч. 4..., p. 28.

been baptized in and belonged to the Catholic Church. However, he or she could have been validly baptized outside the Catholic Church, with heretics or schismatics, returned to the Catholic Church after some time, and belonged to the Catholic Church at the time of the marriage. A non-Catholic baptized person was one who had been validly baptized with heretics or schismatics and continued to belong to them.¹⁴

The Greek Catholic Church forbade mixed marriages in the strictest possible manner and repeated this prohibition, although sometimes granting exemptions from this prohibition on the basis of sufficient reason and the provision of certain conditions.¹⁵ By this general stern prohibition she wished to show her condemnation of mixed marriages, which she considered in general to be a great evil. This prohibition applied everywhere,¹⁶ and therefore the faithful, whether their region was more or less religiously mixed, were to abstain from such marriages.¹⁷ The contrary custom was not only disapproved but condemned by the Church. Ordinaries, together with parish priests and other clergymen, were obliged to take care that such custom should be eradicated.¹⁸

The reason why the Church not only disapproved of intermarriage, but also condemned and forbade it, was that intermarriage opposed the second goal of marriage, namely, that spouses should help each other. Since there is no unity between the spouses on the major issues of life, which include the issue of religion, they can hardly, if ever, fully understand each other, they cannot be fully committed to each other and thus help each other. This understanding, however, could also be translated to mean that both spouses become lukewarm towards their religion.¹⁹ The prescription of canon 1062 of the 1917 CIC made it obligatory for the Catholic party to win the non-Catholic party to his or her religion.²⁰ The Catholic party in a mixed marriage was in danger of becoming lukewarm towards his or her own religion or falling away from his or her Catholic religion altogether and joining the religion of the other party. There was a similar danger in such a marriage for the children, who, seeing this religious difference of their parents, might become religiously indifferent

¹⁴ CIC 1917, canon 1060.

¹⁵ З. ХАНАТЬ: “О мшанных супружествах вообще, особенно же о мшанных супружествах связанных предъ схизматическимъ священникомъ.” In: Душпастырь, ч. 2, 1927. II, pp. 75—76.

¹⁶ CIC 1917, canon 1060. Cf. З. ХАНАТЬ: “О мшанных супружествах вообще...” pp. 74—75.

¹⁷ Ibidem, pp. 75—76.

¹⁸ J. IVAN: *Miešané manželstvo...*, p. 70.

¹⁹ Ibidem, pp. 70—71.

²⁰ З. ХАНАТЬ: “О мшанных супружествах вообще...” In: Душпастырь, ч. 2..., p. 76; CIC 1917, canon 1062.

to the religion in general or follow the religion of the non-Catholic party. Since the Church could not allow, much less abet, the faith of the Catholic side to be compromised and the religious life of the children coming from such a marriage to be endangered, she had to strictly forbid such marriages.²¹

From this prohibition the Church only exceptionally granted exemption when it was sufficiently assured that the danger to the Catholic party and the children from the mixed marriage was removed or at least diminished, and, moreover, there was hope that the non-Catholic party would in time become Catholic.²²

In the case where in a mixed marriage the Catholic party and the future children were not only more likely but certainly in danger of apostasy from the faith, then such marriages were forbidden by God's law itself. For the law of God declares that no one may put himself in such danger of sin in which he will surely succumb, nor may anyone help another to fall into such danger. In such a case the Church had no power to dispense from the prohibition of mixed marriage, since she has the power to dispense from those marital impediments which she herself has instituted, but not from those which are determined by the law of God itself.²³

In the case where there was a celebration of the marriage of a Greek Catholic in the Orthodox Church, such a marriage was not valid within the meaning of the prescription of canon 1099 CIC 1917 due to the absence of the form of celebration of the marriage, since according to the prescription of canon 1094 CIC 1917 only those marriages are valid which are celebrated before the local parish priest, hierarch or delegated priest. In the event that children who come from such a marriage are baptized in the Greek Catholic Church, it should be noted in the remarks that the children are illegitimate. The marriage may be redeemed through the institution of *sanatio in radice*. At the same time, this believer was afflicted with the penalty of excommunication *latae sententiae*.²⁴

²¹ Ibidem, p. 75. CIC 1917, canon 1060 § 1.

²² J. IVAN: *Miešané manželstvo...*, p. 71; CIC 1917, canon 1061, 1062.

²³ J. IVAN: *Miešané manželstvo...*, p. 71.

²⁴ З. ХАНАТЬ: "О мѣшанных супружествахъ вообще..." In: Душпастырь, ч. 2..., pp. 137—138; CIC 1917, canons 1099, 1094. 2319. § 1, b. 1.

3. The current canonical discipline of the Greek Catholic Church on the issue of mixed marriage

The change of discipline was influenced by the ecumenical spirit of the Second Vatican Council and the change of the Church's attitude towards respect for the religious freedom of every person. Profound changes in the regulations concerning the celebration of mixed marriages were introduced gradually — first according to the instructions of the Congregation for the Doctrine of the Faith *Matrimonii sacramentum* of 18 March 1966, and then by the *motu proprio Matrimonia mixta* of Paul VI of 31 March 1970.²⁵

In his commentary, Remigiusz Sobański stresses that the norm defining the conditions for obtaining a dispensation and from the impediment of *disparitas cultus* also notes that the far-reaching changes introduced by Paul VI's *motu proprio Matrimonia mixta* in the area of mixed marriages show that the legislator viewed them in the perspective of Christian unity and the enhancement of the dignity of Christian marriage.²⁶

This change in the Catholic Church's attitude toward mixed marriages is reflected in the CCEO, in addition to the Code's abolition of prohibitive impediments, including the impediment of mixed marriages, it places the canonical arrangement regarding mixed marriages under a separate subtitle, clearly distinguishing these marriages from marriages with the unbaptized, for which the non-applicable impediment of a distinct cult is retained, while applying canon 814 CCEO regarding the conditions for the granting of the dispensation.²⁷

The prescription of canon 813 CCEO understands a mixed marriage as the one concluded between two baptized persons, one of whom is Catholic, the other non-Catholic. By "non-Catholic" (although this term is not the most appropriate) the canon understands Eastern non-Catholics (the Byzantine Orthodox and the pre-Chalcedonian) and Western Protestants (those belonging to churches and societies separated in the West after the Reformation started by Luther), who come into the world in these communions and are brought up in them in the faith in Christ, but they do not personally incur responsibility for the sin of schism, and the Catholic Church brings them together with fraternal love. Under the umbrella term of "non-Catholics" the canon does not directly include those Catholics

²⁵ W. GÓRALSKI et al.: *Komentarz do Kodeksu Prawa Kanonicznego...*, p. 328.

²⁶ W. GÓRALSKI: "The Research Activity of Rev. Prof. Remigiusz Sobański in the Field of Substantive Canon Law." *Philosophy and Canon Law* 8 (2022), pp. 1—20.

²⁷ J. IVAN: *Miešané manželstvo...*, p. 72.

who have publicly apostatized from the Catholic faith, that is, apostates, although they have not transferred to any non-Catholic Church or ecclesial community, for whom a special license is required from the hierarch of the place of celebration of marriage, which is not to be granted unless canon 814, regarding the conditions to be guaranteed in the celebration of mixed marriages with reasonable accommodation, is adhered to.²⁸

According to canon 813 of the CCEO, the permission of a competent authority is required for the celebration of a mixed marriage, without their permission the marriage is forbidden.²⁹ So there is no longer an obstacle to mixed marriages in the new legislation, even though it was previously entirely prohibited. What remained, however, was the prohibition against celebrating marriage without explicit license. Legally, however, this is a significant difference. For the barrier created a law that prevented the celebration of marriage. In its case, a dispensation was required from the barrier. Licensure, in turn, is prescribed in order to make the act permissible. The license is not a dispensation from the law, but a requirement for its fulfillment. It is within the power of the local hierarch to grant a license. It is required to be granted expressly; it cannot therefore be a mere implied licence. The hierarch of the place must have just and reasonable cause for granting it. Since it is not a dispensation, just and reasonable cause is not required for validity.³⁰

A local hierarch may grant, despite the legitimate prohibition against celebrating marriage with non-Catholic Christians, a license authorizing a mixed marriage, taking into account the conditions and circumstances of time, place, and persons enumerated in CCEO, canon 814, whenever just cause exists. In granting a license, the Church's continuing concern for the protection of the faith must be kept in mind. The fundamental principles from which the Catholic Church cannot retreat, and which have remained unchanged in the new legislation of the CCEO, relate essentially to the protection of the faith of the Catholic spouse and the education of children in the Catholic Church. The preservation of the faith is an absolute obligation under the law of God. Under the previous legislation, if in a particular case there was a grave danger of the Catholic spouse or the children born of the marriage falling away from the faith of the Catholic Church, the marriage would have been forbidden, since the law of God itself allows no dispensation or license in this matter.³¹

²⁸ D. SALACHAS: *Il sacramento del matrimonio nel Nuovo Diritto Canonico delle Chiese orientali*. Rome 1994, p. 138.

²⁹ G. NEDUNGATT, G. RUYSEN: *A Guide to the Eastern Code. A Commentary on the Code of Canons of the Eastern Churches*. Rome 2020, p. 657.

³⁰ J. IVAN: *Miešané manželstvo...*, p. 78.

³¹ *Ibidem*, p. 79.

In the light of the new CCEO legislation, which is based on the ecumenical spirit of the Second Vatican Council, as noted above, the faith of the non-Catholic side takes on a new value, and the Catholic Church thus does not require an absolute obligation on the Catholic side to have children baptized and brought up in the Catholic Church. The Catholic spouse promises to do everything in his or her power, and if the non-Catholic party does not agree, the license could be granted anyway, with the understanding that the Catholic party will do its best to pass on the Catholic faith to the children. Respecting the non-Catholic party's freedom of belief, the Church does not require any pledge from the non-Catholic spouse. However, it is clear that the license should be refused if the betrothed has already decided against any Catholic upbringing of the children. Nor should a license be granted if the party directly excludes having children, one of the goals of marriage.³² Also, before a mixed marriage license can be obtained by both parties, the candidates are required to accept its basic attributes, which are unity and indissolubility. As with marriage, problems can arise in practice because marriage is not always perceived as an indissoluble union between one woman and one man.³³

The wording of the norm regarding the solemn duty of the Catholic side in mixed marriages, especially on baptism and the education of children in the Catholic Church, is such that it does not ask for more than will be within its power. The truth is that in the East in mixed marriages between Catholics and Orthodox both the celebration of marriage and the baptism of children are, in practice, officiated in the husband's Church. It is therefore quite difficult for a Catholic wife to persuade an Orthodox husband to celebrate the marriage in the Catholic Church and to baptize the children in it as well. That is also why there is a limited circle within which she can do everything in her power to perpetuate her religion. However, a great opportunity remains regarding the possibility of a Catholic woman raising her children in the Catholic Church.³⁴

Finally, let us summarize the content of canon 814 of the CCEO. The granting of a license to celebrate a mixed marriage requires the fulfillment of conditions that cannot be equated with the guarantees or warranties of the previous legislation. Requirements to be met in order to obtain a license include:

³² Cf. D. SALACHAS: *Il sacramento del matrimonio...*, pp. 141—142.

³³ M. GWÓZDŹ: "Aktualność i znaczenie wymagań stawianych nupturientom o różnej przynależności wyznaniowej i religijnej w świetle kan. 1025 Kodeksu prawa kanonicznego 1983." In: *Miłość i odpowiedzialność — wyznaczniki kanonicznego przygotowania do małżeństwa*. Eds. A. PASTWA, M. GWÓZDŹ. Katowice 2013, pp. 160—161.

³⁴ D. SALACHAS: *Il sacramento del matrimonio...*, pp. 142—143.

1. The Catholic party's obligations under divine law ought to be protected. The preservation of the faith is an absolute obligation of the divine law. Thus, if in a particular case there was an imminent danger of losing the faith, the marriage of the Catholic party would be forbidden by divine law without the possibility of ecclesiastical permission. However, the duty to see that all children are baptized and brought up in the Catholic Church is limited by circumstances which do not depend solely on the will of the Catholic parent. He or she may be prevented from fulfilling this duty by law or by social custom. If these circumstances arise, the Catholic spouse has this obligation only to the extent that it is within his or her power to do so.

2. The second condition requires that the non-Catholic party be informed with the appropriate deference and be able to take into account what the other party is obliged in conscience to do. This notification will be made before the Catholic party makes the vows, and in a manner in which the information provided can be clearly established. The local hierarch can never require the same promises from a non-Catholic party.

3. Because the views of non-Catholics on the essential characteristics of marriage, especially its indissolubility, differ from Catholic doctrine, the third condition prescribes that both parties be instructed in the goals and essential characteristics of marriage.³⁵

All things considered, these new conditions represent a maximum softening of the previous legislation and should become a new stage on the path of reconciliation between the Catholic Church and the other Christian sister churches.

4. Mixed marriages in the Orthodox Church

The creation of man, marriage and the foundation of the Church are united in one creative act of God. This fact points to their connectedness. This also explains why the Bible uses marital terminology in those cases where the mystery of the relationship between God and man is explained. The biblical text says: "It is not good for man to be alone" (Gen 2:18). On the basis of this, St. Ambrose of Milan argues that the human race is "good" only in the union of what is masculine with what is feminine.

³⁵ G. NEDUNGATT, G. RUYSSSEN: *A Guide to the Eastern Code...*, p. 658. M. Gwóźdź: "Aktualność i znaczenie wymagań stawianych nupturientom..." pp. 150—165.

Only the human dyad, Adam and Eve, male and female, brings us to an understanding of the greatness of God, who alone speaks of himself as “we” (Gen 1:26). St. John Chrysostom, in turn, assures us that when man and woman unite in the holy mystery of marriage, they do not create the image of something earthly, but the image of God Himself.³⁶ By calling marriage a *mystery*, the Orthodox tradition also affirms the sacramentality of this institution. In Orthodox faith, the sacraments (*mysteria*) are not merely symbolic acts, but events that overcome fallen human nature and bring about the merciful forgiveness of sins. Through the presence and action of the Holy Trinity, they become salvation itself, that is, a theophany and an experience of deification for those who celebrate and receive them. In fact, the concept of *mysteria* has its literal origin in the verb that denotes the closing of the eyes as protection from a bright light; in the case of the sacraments, that light is God Himself.³⁷

The Orthodox Church has always, from the very beginning, had fundamental and unchangeable norms for Christian marriage. Only through the influence of “secular laws” was a special order of granting marriage, the act of *vinchaniya*, established. As a consequence of this influence, marriage was separated from the holy *mystery* of the Eucharist, which is a real union with Christ. By blessing marriage during the Eucharist, the Church clearly documented that marriage is a mystical union in the sense of the mysterious union of Christ with the Church. Likewise, the early Christians believed that marriage was the “domestic church” and that it was the basic unit of the local ecclesial community. As a result of the establishment of a special order for the conferral of the holy *mystery* of marriage, the act of *vincaniya*, which became binding throughout the empire, such awareness of the binding nature of marriage gradually disappeared. Therefore, only a return to the original Christian practice of conferring the holy *mystery* of marriage during the Eucharist will lead us to a correct view of the meaning and purpose of the holy *mystery* of marriage in the life of the Christian. Therefore, the next section will discuss the relationship of the Holy *Mystery* of Matrimony with the Eucharist.³⁸

It must be said, however, that there is a gradual separation of the holy *mystery* of marriage from the Eucharist. The special order for the conferral of marriage, which began to spread and be used in the Church from the 10th century onwards, has brought about this fact. It is therefore necessary to return to the practice of the early Church today that the Holy *Mystery* of Marriage be conferred during the Eucharist. Let the Eucharist

³⁶ I. BELEJKANIČ: *Pravoslávne dogmatické bohoslovie...*, p. 116.

³⁷ K. SCHEMBRI: *Oikonomia. Divorce and Remarriage in the Eastern Orthodox Tradition*. Rome 2017, p. 35.

³⁸ I. BELEJKANIČ: *Pravoslávne dogmatické bohoslovie...*, pp. 126—127.

be the seal that gives Christian marriage its proper meaning and proper understanding.³⁹

Unity of faith and a shared readiness to live together in the Orthodox Church is, according to canon law, a condition for an ecclesial marriage. The canons (Laodicean, Rules 10 and 31, Carthaginian, Rule 21, Chalcedonian, Rule 14, and *in Trullo*, Rule 72) prohibit Orthodox believers from marrying another Orthodox believer. Such marriages are to be an obstacle to receiving an ecclesiastical marriage. Of course, we cannot judge these rules formally either. It is clear that there will be understanding between two young people in all areas without being members of the same Church. But the question is whether two young people can transform human love into the joy of the Kingdom of God without a common faith, whether there is a sense of the reality of the kingdom even when they do not share a common faith. Whether it is possible to live as “one flesh” without receiving the body and blood of Christ together.⁴⁰ Therefore, one of the conditions of Christian marriage is that the man and the woman are not only united by their love for one another, but that they are also united by their life in Christ. For this reason, the early Church associated the holy *mystery* of marriage with the Eucharist, because there was a union with the new man, Christ. Therefore, the Eucharist was considered the seal of the holy *mystery* of marriage. Outside of union with Christ, there is no Christian marriage, no *mystery* of marriage.⁴¹

Despite the clear position of the Orthodox Church on mixed marriages, we still see a certain degree of flexibility on this issue. Examples of this flexibility are the decisions of the Russian Orthodox Church in 1721 (when it allowed the marriage of Orthodox brides to Swedish captives) and in 1803 and 1811 (when it dealt with mixed marriages in provinces annexed from Poland and Finland); the decision of the Church of Greece in 1869; and the decisions of the Church of Constantinople in 1782 (when it allowed Orthodox migrants in India to marry Armenians), in 1879 (when it reversed the strict 1869 decision), and in 1887 (when bishops were given the freedom to judge emerging cases and to bless such marriages in a non-scandalizing manner). In 1967, the Russian Church recognized the validity of a mixed marriage with a Catholic that is contracted before a Catholic priest and with the consent of the Orthodox bishop in question. More recently, the Russian Church has opened this up to Eastern Orthodox and Protestant Christians as well, and has made marriages between Orthodox and non-Christians legal.⁴²

³⁹ Ibidem, pp. 130—131.

⁴⁰ Ibidem, p. 137.

⁴¹ Ibidem, p. 135.

⁴² K. SCHEMBRI: *Oikonomia...*, p. 71.

Today, Protestant denominations allow and, more accurately, encourage the communion of separated Christians. At the same time, they do not require unity in faith as a condition for communion. The same is evident among Roman Catholics after the Second Vatican Council. They too began to practice *intercommunion*. Practically, this means that the Eucharist is no longer an expression of the fullness of truth. The Orthodox Church, which rejects intercommunion, in this way defends the Eucharist as an expression of unity in truth. On the other hand, it does not reject cooperation among all those who believe in Christ. This is precisely the position that the Orthodox Church takes in the case of the holy mystery of marriage. It sees to it that the unity between the newlyweds is also full unity in Christ. A mixed marriage cannot meet these criteria. Only a marriage in which a man and a woman are united by love, faith and the Eucharist can be a true mystery.⁴³

In recent decades, the topic of mixed marriages has been the subject of various official studies carried out in preparation for the Great and Holy Council of the Orthodox Church. These studies have revealed that there are different opinions on the subject among the various Orthodox Churches, mostly depending on the situation in which these churches lived. For example, the Russian Church (which conducts its ministry in a multi-denominational atmosphere) held that such a marriage could be blessed in the temple provided the non-Orthodox party recognizes the importance of the Orthodox blessing. The Greek Church (which lives in a mono-ethnic and mono-denominational environment) argued that it would be better to avoid mixed marriages regardless of churches and denominations and to permit them only in exceptional circumstances. The Polish Church (which lives in a non-Orthodox environment) suggested that a mixed marriage with any baptized person should be considered valid in the spirit of ecumenism and on the basis of local inter-faith relations.⁴⁴

On the other hand, with regard to the question of mixed marriages with non-Christians, the Russian Church considered that, in view of the new pastoral situations and the fact that there is no prohibition in the oldest canons concerning this question, the Orthodox discipline should return to the practice of the first three centuries of Christianity, namely, to follow Paul's teaching (cf. 1 Cor 7:12, 14, 16) and to treat mixed marriages with condescension. The Church of Cyprus simply reinforced and emphasized the prohibition of the 14th Canon of the Synod of Chalcedon (451). The Greek Church proposed the application of *oikonomia*.

⁴³ I. BELEJKANIČ: *Pravoslávne dogmatické bohoslovie...*, pp. 137—138.

⁴⁴ K. SCHEMBRI: *Oikonomia...*, p. 72.

The Polish Church called for a discussion on the possibility of blessing only one of the parties. The Czechoslovak Church reiterated its ban on blessing mixed marriages.⁴⁵

For this reason, the Inter-Orthodox Preparatory Commission in 1971 proposed that relative latitude be allowed in dealing with these issues on the basis of local conditions, and that the application of *oikonomia* be further explored in marriages with non-Orthodox Christians. In 1982, the Pan-Orthodox Preconciliar Conference endorsed this position and added two points. First, marriages to non-Orthodox Christians are to be rejected because of acrimony, but are to be blessed because of leniency and love for people, on the condition that the children of such marriages be baptized and raised as Orthodox; and secondly, marriages with non-Christians are to be absolutely forbidden for the sake of acrimony, but in certain cases and depending on specific pastoral needs, local autocephalous Orthodox Churches may exercise pastoral *oikonomia*.⁴⁶

Exceptions for marriages with non-Orthodox Christians are usually granted under three conditions: first, the mixed marriage must be contracted by an Orthodox priest and according to the Orthodox Rite of Marriage; second, the children born of the marriage must be baptized and raised in the Orthodox faith; and third, the marital problems must be resolved by the Orthodox Church. However, some authors urge the Orthodox Churches to be even more lenient with this rule, especially in light of the growing number of mixed marriages. According to Constantelos, “the Church should act and allow the blessing of such marriages, provided that the Orthodox member so desires and the non-Christian has no objection to such a blessing.” He adds that “the practice of the early Church, which believed that the unbeliever is sanctified through his union with the believer, should be restored to practice.”⁴⁷

According to Belejkaňič, many of the problematic issues associated with mixed marriages would be clarified if the Orthodox Church were to restore the union of the holy mystery of marriage with the Eucharist. The holy mystery of marriage between two members of the Orthodox Church would be confirmed by the Eucharist. Mixed marriages, second and third marriages would not be joined with the Eucharist, but would be blessed outside the Eucharist. This would express the relationship of the Orthodox Church to this issue.⁴⁸

⁴⁵ Ibidem, p. 72.

⁴⁶ Ibidem, p. 73.

⁴⁷ Ibidem.

⁴⁸ I. BELEJKANIČ: *Pravoslávne dogmatické bohoslovie...*, p. 139.

Conclusions

One motif that requires a deeper study of the Orthodox Discipline concerns the growing number of mixed marriages between Catholic and Orthodox believers. Official statistics show that during the last decades, especially after the fall of the Iron Curtain, the number of such marriages has increased drastically, even in regions with a Catholic majority.⁴⁹ Therefore, the growing number of mixed marriages reveals the need for fraternal cooperation between Christian churches, and therefore also at the local level between the Greek Catholic Church and the Orthodox Church in Slovakia, by a careful study of the doctrine of marriage in the canonical and pastoral situation and the ecumenical implications thereof. This issue is serious and important because both Churches require the same conditions with regard to their own faith. Even today, the legislation on mixed marriages of the Orthodox Church remains less flexible than that of the Catholic Church. Therefore, at present the competent authorities of the Orthodox Church face a great challenge to adapt the ancient discipline on mixed marriages to contemporary conditions. Otherwise, many families living in this way will forever be marked by the deficit of the validity of their own marriages celebrated elsewhere than in their own Church, or even by the loss of the integrity of ecclesial belonging to their own Church.

Bibliography

- BELEJKANIČ I.: *Pravoslávne dogmatické bohoslovie II*. Prešov 1996.
- BOUMIS P. I.: *Kánonické právo pravoslávnej cirkvi*. Prešov 1997.
- Code of Canons of the Eastern Churches. Latin — English edition*. Washington 1995.
- GÓRALSKI W., GÓRECKI E., KRUKOWSKI J., KRZYWDA J., MAJER P., ZUBER B.: *Komentarz do Kodeksu Prawa Kanonicznego*, Vol. 3/2. Księga IV: *Uświęcające zadanie Kościoła*. Poznań 2011.
- GÓRALSKI W.: "The Research Activity of Rev. Prof. Remigiusz Sobański in the Field of Substantive Canon Law." *Philosophy and Canon Law* 8 (2022), pp. 38—57.
- GWÓZDŹ M.: "Aktualność i znaczenie wymagań stawianych nupturientom o różnej przynależności wyznaniowej i religijnej w świetle kan. 1025 Kodeksu

⁴⁹ K. SCHEMBRI: *Oikonomia...*, p. 237.

- Prawa Kanonicznego (1983).” In: *Miłość i odpowiedzialność — wyznaczniki kanonicznego przygotowania do małżeństwa*. Eds. A. PASTWA, M. GWÓZDŹ. Katowice 2013, pp. 160—161.
- ХАНАТЬ З.: “О мѣшаныхъ супружествахъ вообще, особенно же о мѣшаныхъ супружествахъ связанныхъ предъ схизматическимъ священникомъ.” In: Душ-пастырь, ч. 2, 4. 1927, pp. 28—138.
- IVAN J.: *Miešané manželstvo v kánonickej normative východných katolíckych cirkví*. Michalovce 2008.
- NEDUNGATT G., RUYSSSEN G.: *A Guide to the Eastern Code A Commentary on the Code of Canons of the Eastern Churches*. Rome 2020.
- SALACHAS D.: *Il sacramento del matrimonio nel Nuovo Diritto Canonico delle Chiese orientali*. Roma 1994.
- SCHEMBRI K.: *Oikonomia. Divorce and Remarriage in the Eastern Orthodox Tradition*. Rome 2017.
- СВЯТОГОРЕЦ Н.: “Пидалион.” In: Правила православной церкви с толкованиями, том. 2: Правила Поместных Соборов. Екатеринбург 2019.
- СВЯТОГОРЕЦ Н.: “Пидалион.” In: Правила православной церкви с толкованиями, том. 3: Правила Поместных Соборов. Екатеринбург 2019.

JURIJ POPOVIČ

Les mariages mixtes avec des orthodoxes dans l'Église métropolitaine *sui iuris* en Slovaquie Histoire et actualité

Résumé

La question des mariages mixtes parmi les croyants est très actuelle, en raison notamment de la grande migration observée récemment. Les raisons en sont diverses, mais parmi les principales figurent l'ouverture des frontières et la migration économique. Un effet fréquent de ces processus est la conclusion de mariages mixtes. Dans le passé, l'Église catholique était réticente à l'égard des mariages mixtes, craignant notamment que la partie catholique puisse perdre la foi et que l'éducation catholique des enfants puisse être compromise. Même aujourd'hui, l'Église catholique ne soutient pas ces mariages, mais elle y fait preuve de tolérance en raison du progrès de l'œcuménisme. Cette bienveillance ne signifie cependant pas que l'Église soit indifférente au sort de ceux qui contractent de tels mariages, car leur conclusion est réglementée par le droit canonique, qui vise dès le début de leur célébration à aider ceux qui les contractent à vivre en paix et sans offense envers le Créateur, et ainsi à construire un mariage heureux malgré les différences. La position de l'Église orthodoxe à l'égard des mariages mixtes était négative par le passé et demeure inchangée à ce jour, de sorte qu'un mariage non célébré dans l'Église orthodoxe n'est pas reconnu comme valide.

Mots-clés: Église catholique, Église orthodoxe, mariage, mariage mixte, canon

JURIJ POPOVIČ

Matrimoni misti con ortodossi
nella Chiesa metropolitana *sui iuris* in Slovacchia
La storia e il mondo presente

Sommario

La questione dei matrimoni misti tra credenti è molto attuale, poiché recentemente stiamo osservando una grande migrazione. Le ragioni sono varie, ma le principali sono l'apertura delle frontiere e la migrazione per lavoro. Un effetto frequente di questi processi è la celebrazione di matrimoni misti. In passato, la Chiesa cattolica era negativamente predisposta verso i matrimoni misti, poiché temeva che in futuro la parte cattolica potesse perdere la fede e l'educazione cattolica dei figli potesse essere messa a rischio. Anche oggi la Chiesa cattolica non sostiene tali matrimoni, ma li tollera per via del progresso dell'ecumenismo. Tuttavia, questa tolleranza non significa che alla Chiesa non importi il destino di coloro che contraggono matrimoni misti, poiché la celebrazione di tali matrimoni è regolata dalle norme del diritto canonico, che fin dall'inizio, quando tali matrimoni vengono contratti, hanno lo scopo di aiutare i coniugi a vivere in pace e senza offendere il Creatore, creando così un matrimonio felice nonostante le differenze. L'atteggiamento della Chiesa ortodossa verso i matrimoni misti era negativo in passato e rimane invariato al momento, e se il matrimonio non è celebrato nella Chiesa ortodossa, non è riconosciuto come valido.

Parole chiave: Chiesa cattolica, Chiesa ortodossa, matrimonio, matrimonio misto, canone