

## **THE POPE SPEAKS**

An Apostolic Letter  
issued "Motu Proprio"  
determining norms for

### **MIXED MARRIAGES**

Mixed marriages, that is to say marriages in which one party is a Catholic and the other a non-Catholic, whether baptized or not, have always been given careful attention by the Church in pursuance of her duty. Today the Church is constrained to give even greater attention to them, owing to the conditions of present times. In the past Catholics were separated from members of other Christian confessions and from non-Christians, by their situation in their community or even by physical boundaries. In more recent times, however, not only has this separation been reduced, but communication between men of different regions and religions has greatly developed, and as a result there has been a great increase in the number of mixed marriages. Also a great influence in this regard has been exercised by the growth and spread of civilization and industry, urbanization and consequent rural depopulation, migrations in great numbers and the increase in numbers of exiles of every kind.

The Church is indeed aware that mixed marriages, precisely because they admit differences of religion and are a consequence of the division among Christians, do not, except in some cases, help in re-establishing unity among Christians. There are many difficulties inherent in a mixed marriage, since a certain division is introduced into the living cell of the Church, as the Christian family is rightly called, and in the family itself the fulfillment of the gospel teachings is more difficult because of diversities in matters of religion, especially with regard to those matters which concern Christian worship and the education of the children.

For these reasons the Church, conscious of her duty, discourages the contracting of mixed marriages, for she is most desirous that Catholics be able in matrimony to attain to perfect union of mind and full communion of life. However, since man has the natural right to marry and beget children, the Church, by her laws, which clearly show her pastoral concern, makes such arrangements that on the one hand the principles of Divine law be scrupulously observed and that on the other the said right to contract marriage be respected.

The Church vigilantly concerns herself with the education of the young and their fitness to undertake their duties with a sense of responsibility and to perform their obligations as members of the Church, and she shows this both in preparing for marriage those who intend to contract a mixed marriage and in caring for those who have already contracted such a marriage. Although in the case of baptized persons of different religious confessions, there is less risk of religious indifference, it can be more easily avoided if both husband and wife have a sound knowledge of the Christian nature of marital partnership, and if they are properly helped by their respective Church authorities. Even difficulties arising in marriage between a Catholic and an unbaptized person can be overcome through pastoral watchfulness and skill.

Neither in doctrine nor in law does the Church place on the same level a marriage between a Catholic and a baptized non-Catholic, and one between a Catholic and an unbaptized person; for, as the Second Vatican Council declared, men who, though they are not Catholics, "believe in Christ and have been properly baptized are brought into a certain, though imperfect, communion with the Catholic Church".<sup>1</sup> Moreover, although Eastern Christians who have been baptized outside the Catholic Church are separated from communion with us, they possess true sacraments, above all the Priesthood and the Eucharist, whereby they are joined to us in a very close relationship.<sup>2</sup> Undoubtedly there exists in a marriage between baptized persons, since such a mar-

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<sup>1</sup> Decree on Ecumenism *Unitatis Redintegratio*, 3, AAS 57 (1965), p. 93; cf. Dogmatic Constitution on the Church *Lumen Gentium*, AAS 57 (1965), pp. 19-20.

<sup>2</sup> Cf. SECOND VATICAN COUNCIL: Decree on Ecumenism *Unitatis Redintegratio*, 13-18, *l.c.*, pp. 100-104.

riage is a true sacrament, a certain communion of spiritual benefits which is lacking in a marriage entered into by a baptized person and one who is not baptized.

Nevertheless, one cannot ignore the difficulties inherent even in mixed marriages between baptized persons. There is often a difference of opinion on the sacramental nature of matrimony, on the special significance of marriage celebrated within the Church, on the interpretation of certain moral principles pertaining to marriage and the family, on the extent to which obedience is due to the Catholic Church, and on the competence that belongs to ecclesiastical authority. From this it is clear that difficult questions of this kind can only be fully resolved when Christian unity is restored.

The faithful must therefore be taught that, although the Church somewhat relaxes ecclesiastical discipline in particular cases, she can never remove the obligation of the Catholic party, which, by divine law, namely by the plan of salvation instituted through Christ, is imposed according to the various situations.

The faithful should therefore be reminded that the Catholic party to a marriage has the duty of preserving his or her own faith; nor is it ever permitted to expose oneself to a proximate danger of losing it.

Furthermore, the Catholic partner in a mixed marriage is obliged, not only to remain steadfast in the faith, but also, as far as possible, to see to it that the children be baptized and brought up in that same faith and receive all those aids to eternal salvation which the Catholic Church provides for her sons and daughters.

The problem of the children's education is a particularly difficult one, in view of the fact that both husband and wife are bound by that responsibility and may by no means ignore it or any of the obligations connected with it. However the Church endeavours to meet this problem, just as she does the others, by her legislation and pastoral care.

With all this in mind, no one will be really surprised to find that even the canonical discipline on mixed marriages cannot be uniform and that it must be adapted to the various cases in what pertains to the

juridical form of contracting marriage, its liturgical celebration, and finally, the pastoral care to be given to the married people, and the children of the marriage, according to the distinct circumstances of the married couple and the differing degrees of their ecclesiastical communion.

It was altogether fitting that so important a question should receive the attention of the Second Vatican Council. This occurred several times as occasion arose. Indeed, in the third session the Council Fathers voted to entrust the question to us in its entirety.

To meet their desire, the Sacred Congregation for the Doctrine of the Faith, on the 18th March, 1966, promulgated an Instruction on mixed marriages, entitled "Matrimonii Sacramentum",<sup>3</sup> which provided that, if the norms laid down therein stood the test of experience, they should be introduced in a definite and precise form into the Code of Canon Law which is now being revised.<sup>4</sup>

When certain questions on mixed marriages were raised in the first General Meeting of the Synod of Bishops, held in October 1967<sup>5</sup> and many useful observations had been made upon them by the Fathers, we decided to submit those questions to examination by a special Commission of Cardinals which, after diligent consideration, presented us with its conclusions.

At the outset we state that Eastern Catholics contracting marriage with baptized non-Catholics or with unbaptized persons are not subject to the norms established by this Letter. With regard to the marriage of Catholics of whatsoever rite with Eastern non-Catholic Christians, the Church has recently issued certain norms,<sup>6</sup> which we wish to remain in force.

<sup>3</sup> Cf. AAS 58 (1966), pp. 235-239.

<sup>4</sup> Cf. *ibidem*, l.c., p. 237.

<sup>5</sup> Cf. *Argumenta de quibus disceptabitur in primo generali coetu Synodi Episcoporum*, pars altera, Typis Polyglottis Vaticanis, 1967, pp. 27-37.

<sup>6</sup> Cf. SECOND VATICAN COUNCIL: Decree on Eastern Catholic Churches *Orientalium Ecclesiarum*, 18, AAS 57 (1965), p. 82; Sacred Congregation for the Eastern Churches: Decree *Crescens Matrimoniorum*, ASS 59 (1967), pp. 165-166.

Accordingly, in order that ecclesiastical discipline on mixed marriages be more perfectly formulated and that, without violating divine law, canonical law should have regard for the differing circumstances of married couples, in accordance with the mind of the Second Vatican Council expressed especially in the Decree *Unitatis Redintegratio*<sup>7</sup> and in the Declaration *Dignitatis Humanae*,<sup>8</sup> and also in careful consideration of the wishes expressed in the Synod of Bishops, we, by our own authority, and after mature deliberation, establish and decree the following norms:

1. A marriage between two baptized persons, of whom one is a Catholic, while the other is a non-Catholic, may not licitly be contracted without the previous dispensation of the local Ordinary, since such a marriage is by its nature an obstacle to the full spiritual communion of the married parties.

2. A marriage between two persons, of whom one has been baptized in the Catholic Church or received into it, while the other is unbaptized, entered into without previous dispensation by the local Ordinary, is invalid.

3. The Church, taking into account the nature and circumstances of times, places and persons, is prepared to dispense from both impediments, provided there is a just cause.

4. To obtain from the local Ordinary dispensation from an impediment, the Catholic party shall declare that he is ready to remove dangers of falling away from the faith. He is also gravely bound to make a sincere promise to do all in his power to have all the children baptized and brought up in the Catholic Church.

5. At an opportune time the non-Catholic party must be informed of these promises which the Catholic party has to make, so that it is clear that he is cognisant of the promise and obligation on the part of the Catholic.

6. Both parties are to be clearly instructed on the ends and essential properties of marriage, not to be excluded by either party.

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<sup>7</sup> ASS 57 (1965), pp. 90-112.

<sup>8</sup> ASS 58 (1966), pp. 929-946.

7. Within its own territorial competence, it is for the Bishops' Conference to determine the way in which these declarations and promises, which are always required, shall be made: whether by word of mouth alone, in writing, or before witnesses; and also to determine what proof of them there should be in the external forum, and how they are to be brought to the knowledge of the non-Catholic party, as well as to lay down whatever other requirements may be opportune.

8. The canonical form is to be used for contracting mixed marriages, and is required for validity, without prejudice, however, to the provisions of the Decree *Crescens Matrimoniorum* published by the Sacred Congregation for the Eastern Churches on 22nd February, 1967.<sup>9</sup>

9. If serious difficulties stand in the way of observing the canonical form, local Ordinaries have the right to dispense from the canonical form in any mixed marriage; but the Bishops' Conference is to determine norms according to which the said dispensation may be granted licitly and uniformly within the region or territory of the Conference, with the provision that there should always be some public form of ceremony.

10. Arrangements must be made that all validly contracted marriages be diligently entered in the books prescribed by canon law. Priests responsible should make sure that non-Catholic ministers also assist in recording in their own books the fact of a marriage with a Catholic.

Episcopal Conferences are to issue regulations determining, for their region or territory, a uniform method by which a marriage that has been publicly contracted after a dispensation from the canonical form was obtained, is registered in the books prescribed by canon law.

11. With regard to the liturgical form of the celebration of a mixed marriage, if it is to be taken from the Roman Ritual, use must be made of the ceremonies in the *Rite of Celebration of Marriage* promulgated by our authority, whether it is a question of a marriage between a Catholic and a baptized non-Catholic (39-54) or of a mar-

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<sup>9</sup> Cf. AAS 59 (1967), p. 166.

riage between a Catholic and a unbaptized person (55-66). If, however, the circumstances justify it, a marriage between a Catholic and a baptized non-Catholic can be celebrated, subject to the local Ordinary's consent, according to the rites for the celebration of marriage within Mass (19-38), while respecting the prescription of general law with regard to Eucharistic Communion.

12. The Episcopal Conferences shall inform the Apostolic See of all decisions which, within their competence, they make concerning mixed marriages.

13. The celebration of marriage before a Catholic priest or deacon and a non-Catholic minister, performing their respective rites together, is forbidden; nor is it permitted to have another religious marriage ceremony before or after the Catholic ceremony, for the purpose of giving or renewing matrimonial consent.

14. 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.<sup>10</sup> 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.

15. The penalties decreed by canon 2319 of the Code of Canon Law are all abrogated. For those who have already incurred them the effects of those penalties cease, without prejudice to the obligations mentioned in number 4 of these norms.

16. The local Ordinary is able to give a "sanatio in radice" of a mixed marriage, when the conditions spoken of in numbers 4 and 5 of these norms have been fulfilled, and provided that the conditions of law are observed.

<sup>10</sup> Cf. *I Peter* 3:16.

17. In the case of a particular difficulty or doubt with regard to the application of these norms, recourse is to be made to the Holy See.

We order that what we have decreed in this Letter, given in the form of "Motu Proprio", be regarded as established and ratified, notwithstanding any measure to the contrary, and is to take effect from the first day of October of this year.

Given at Rome, at St. Peter's the thirty-first day of March in the year 1970, the seventh of our pontificate.

*Paulus pp. vi*