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NEW MIXED MARRIAGE NORMS: PRACTICAL AND PROCEDURAL ASPECTS FOR CHANCERY PERSONNEL

REV. MSGR. PAUL J. SCHIERSE*

Introduction

BY now most of us by necessity and interest have become acquainted with the new approach to and legislation governing Mixed Marriages. Since the documentation on the subject seems clear enough, the logical question might well be, "Why have a workshop for Chancery personnel? It almost seems to be a waste of time." When I am finished with the formal presentation today, you may well consider that it has been a waste of time. I don't know. Only you can judge. Our discussion period will tell. I trust that all will participate and feel free to add, enlarge upon, disagree and give the results of your experience and insights. We need the cross ventilation of ideas. I do not profess to be *the* expert on the subject assigned. In fact, I approach my task with a bit of fear and trembling.

In preparing for the thoughts I will express, I was first tempted to send questionnaires to the Chanceries of the country. I abandoned the idea, however, because I am up to here, and perhaps you are, too, with surveys—although I suppose that they are necessary in this day and age of pooled knowledge and inter-disciplinary sharing.

Since this segment of the conference is billed as a Chancery Workshop, my purpose is to make it just that. The sharing of our knowledge,

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experience, problems, disagreements, solutions and so forth should be done here rather than by mail. Face to face discussion and communication is much more efficacious and meaningful, it seems to me. I plan to share with you my ideas on Mixed Marriages and then hope that you will share yours with me and with every other person here.

Brief History of Contemporary Legislation

The best historical review I have seen in English so far is the article *Mixed Marriage: Review and Preview* by Father John Hotchkin of Chicago in the HOMILETIC AND PASTORAL REVIEW for February, 1971 (Volume LXXI, No. 5, pp. 335-347), which I am sure that most if not all of you have read. Some of you may have come across something better and I hope you will share that experience with us.

As with most changes and developments in the Church recently, it has been only within the last six or seven years that visible strides have been made. Until the Second Vatican Council was completed, we were restricted by the law of the Code since 1918 (and for the Oriental Church by *Crebrae Allatae* since February 22, 1949) and the prescriptions of the Canons on Mixed Marriages.

As an aside, I might state that it is my fervent hope that when the new code is completed and promulgated, some system as that suggested in the Apostolic Constitution of Pope Benedict XV in announcing the 1918 Code will be put into operation. As you will recall, his plan (which was never acted on) called for a periodic redaction of Canon Law every few years.

Each new edition would contain the law as promulgated originally and any changes occurring since the previous redaction but keeping the same enumeration of Canons, with the additions of "bis," "ter," etc., and the date of enactment. Perhaps a system similar to civil codes of law might be adopted between redactions, namely, pocket parts for each year which would contain new elements, deletions, and revisions to keep all of us up to date.

With that suggestion out of the way, let me return to the point at issue. The first noticeable change on mixed marriages was made by the *Second Vatican Council Decree on Eastern Catholic Churches*, November 21, 1964, (n.18), which deleted the canonical form as a requirement for validity in marriages between Eastern Catholics and non-Catholic Christians of the Eastern Rites. This was widened to include Latin Catholics as well by the Decree of the Sacred Congregation for the Oriental Church on Catholic-Orthodox Marriages (*Crescens Matrimoniorum*, February 27, 1967).

On March 18, 1966, we received the provisional *Decree of the Sacred Congregation for the Doctrine of the Faith on Mixed Marriages* which changed the nuance of the "cautiones" from a direct promise on the part of the non-Catholic party to an indirect one; namely, that he or she would not interfere with the responsibilities of the Catholic to practice the Catholic faith and to share it with any children born of the marriage. We all know from experience that in cases where a non-Catholic refused to give such promises—and recourse was made to the Holy See as required by the 1966 decree—

permission was granted for a dispensation from mixed religion or disparity of cult by the Local Ordinary provided that the Catholic party *alone* made the promises required of him or her. The other important feature was the possibility for a dispensation from the canonical form by the Holy See and for non-Catholic ministers to take part in a mixed marriage ceremony by prayers, greetings and blessings after the Catholic ceremony was completed.

The *Ecumenical Directory* of May 14, 1967 allowed witnesses (best man—maid of honor) to be people of other Christian religions (cf. nn.49 and 58) although most American Dioceses had made accommodations on this point long before.

In the meantime various Protestant conglomerates met to discuss the provisions of the 1966 Decree on Mixed Marriages and gave their reactions which were not too favorable. Such were the findings of the 1966 consultation by the Secretariat for Faith and Order and the Department of Family and Society of the World Council of Churches and the 1968 Executive Committee of the World Alliance of Reformed Churches. Both questioned the need for promises at all and indicated that the conscience of the non-Roman Catholic was still violated even with the mitigated form of the promises. The non-essential function of the Protestant minister at Catholic marriage ceremonies was not appreciated either.

The International Synod of Bishops in Rome in October 1967 was the next step in the historical process. The Bishops voted in favor of retaining the canonical form for validity, although they suggested

that the faculty to dispense be given to Local Ordinaries rather than have that matter reserved to the Holy See which was then the practice.

Other questions raised at the Synod were: a) Should impediments for mixed marriages be maintained? b) What if the non-Catholic promises not to interfere with the Catholic upbringing of the children but still wants some non-Catholic training? c) What if the Catholic makes promises but envisions that "all in his or her power" may not produce the desired results?

After further consultation and consideration and after sharing the proposed text of his statement with the Presidents of Episcopal Conferences for suggestions, Pope Paul VI on March 31, 1970 issued the *Motu Proprio, Matrimonia Mixta*. The main features of this document restricted the "cautiones" to the Catholic party, with the provision that the non-Catholic be informed of the Catholic's obligations. Also the suggestion of the Bishops' Synod became law, *i.e.*, Local Ordinaries were given the faculty to dispense from the canonical form of marriage for serious reasons. Further ecumenical aspects were enhanced as well. The Holy Father called for cooperation with ministers in the pre-nuptial preparation of couples and the participation of non-Catholic ministers in the marriage ceremony. The latter approach, however, was not too much of a development beyond the 1966 Decree of the Sacred Congregation for the Doctrine of the Faith. The implementation date was set for October 1, 1970. However, in many countries, including the United States, cer-

tain areas to be determined by National Episcopal Conferences had to be delayed.

This brings us to the *Statement on the Implementation of the Apostolic Letter on Mixed Marriages* issued by the National Conference of Catholic Bishops on November 16, 1970 with an effective date of January 1, 1971. There was an attempt to settle things prior to the October 1, 1970 date by mail ballots circulated among the United States' Bishops but the effort failed for lack of majority and was held over till the November 1970 plenary session.

In the development of the present legislation, the element of episcopal collegiality through national hierarchies played an important role. How much participation in the decision making process there was for non-Catholic consultation remains a question. Major problems still remain to be examined; namely, should we insist on mixed marriage impediments? Should there be a promise required even of the Catholic as to practice of faith and Catholic religious upbringing of children? What about Eucharistic sharing by parties to mixed marriages? What about the necessity of the canonical form for validity?

My opinion is that some guarantee is needed for the Catholic's practice of faith and the children's education if we are not to fall into the trap of seeming to state religious indifferentism by action. The canonical form may not be as necessary for validity as the investigation into the free status of the parties and their preparation for a meaningful relationship, sacramental and otherwise. Perhaps psychological tests and evaluations should be made a requirement for prenuptial prepara-

tion as is now the case for candidates for Holy Orders and the Religious Life.

As to Eucharistic sharing I am disturbed by the proposition that reception of the Eucharist should be opened up to those who believe differently than we. Such a procedure, in my estimation, again leaves us in the dilemma of teaching the objective fact of Christ's real presence and yet in effect saying that one's personal belief determines this real presence. I must claim to be a traditionalist in this.

Pastoral Responsibility

The principals of subsidiarity and shared responsibility become evident in the *Motu Proprio Matrimonia Mixta* of Pope Paul VI and in the N.C.C.B. Statement of Implementation.

The need for appropriate informational programs to explain both the reasons for seeming restrictions on mixed marriages and the positive spiritual values to be sought in ecumenical marriages is pointed out. This places on diocesan and parochial personnel great responsibility which cannot be shirked, overlooked or avoided. Involved in this also is the direction to seek cooperation of and to cooperate with the minister or religious counselor of the non-Catholic. Perhaps some diocesan-wide effort on this aspect through Ecumenical Commissions have been or should be implemented.

I refer you to "Questions Answered" by Rev. Aidan M. Carr, in the April 1971 issue of the *HOMILETIC AND PASTORAL REVIEW* (Volume LXXI, No. 7, pp. 71-73) for insights into this matter. He cites the Massachusetts Commission on Chris-

tian Unity as endorsed by the Archdiocese of Boston and other dioceses of New England as the best approach he has seen to date on this subject. Perhaps you can add some input from your diocese on this matter in our discussion period later today.

Obviously, as I alluded to previously, there is still a need to have a thorough prenuptial investigation into the free status of the parties concerned. The responsibilities of the priest or deacon preparing the mixed marriage couple are great. The couple's impression of the Church's attitude is made or broken by their personal contact with the minister who represents the institutional Church. I suggest that the first meeting may be the opportune time for discussion of the Catholic party's obligations and promises and the acquaintance of the non-Catholic to these points. We might learn that the parties have not even discussed the matter before. It is true that there are several options relative to the notification of the non-Catholic listed in the *Motu Proprio* and the N.C.C.B. Statement of Implementation. I am of the opinion that this matter should be handled by the priest or deacon who is preparing the couple.

Arrangements for the couple's participation in Pre-Cana Conferences should be made. The priest or deacon should not consider himself absolved, however, from supplementing and enlarging upon whatever instruction and insights the engaged couple may have gained at the Pre-Cana Conferences.

Both parties are to be clearly instructed about the purposes and essentials of marriage, especially the fidelity, unity and un-

breakableness of the bond, which are essential to the contracting parties' intentions.

The priest's or deacon's personal interest in the couple entering marriage, particularly a mixed marriage, will remain with the couple and be of great aid to them. His own appreciation of the dignity and sublime vocation of marriage will communicate itself to the couple and be of great influence as the couple make ready for their new relationship.

Special emphasis and pastoral concern are required for Catholic-Jewish marriages. The Jews are more strongly opposed to mixed marriages than we are because they see such marriages leading to the ultimate extinction of the Jewish religion. Jewish authorities distinguish between *Inter-Marriage* and *Mixed Marriage*. *Inter-Marriage* for the Jews is one between a Jew and a Gentile where the Gentile converts to Judaism before the marriage. *Mixed Marriage* is one where the Christian does not convert prior to marriage. Consequently, a Rabbi will officiate at an inter-marriage but not at a mixed marriage. Also no mixed marriage is allowed in a Synagogue nor may a Rabbi say prayers, give a blessing or read scripture at a mixed marriage. These are important pastoral points to keep in mind. Also, although mixed marriages of Jews and Gentiles are recognized as valid (because they are civilly recognized), children are regarded as Jewish if the mother is Jewish but not if the father only is Jewish. In the latter case, the children are Jewish upon their conversion, usually at age 16, in a confirmation ceremony as it is called.

A final aspect of pastoral responsibility is that which deals with follow-up. Some system of parochial surveillance, or perhaps a better phrase would be pastoral awareness, for those in mixed marriages needs to be developed not only by the individual priest or deacon but also by Diocesan policy.

Declaration and Promise

The explicit promise of the Catholic party under existing law consists of two parts. One refers to the reaffirmation of faith in Jesus and, with God's help, the intention to continue living that faith in the Catholic Church. The second is a sincere promise to do all in his or her power to share the faith he or she received with the children of the marriage by having them baptized and reared as Catholics.

The N.C.C.B. Statement gives a special form but allows a substantial equivalent for the promises. I personally prefer the form suggested in the N.C.C.B. document because it covers all the necessary prescriptions of the *Motu Proprio*.

A question which arises with regard to these promises is this. Under Code Law and the interpretation of the Pontifical Code Commission (Canon Law Digest II, 286), the promise refers to children to be born of the marriage, that is, subsequent to the marriage. It would seem that the same interpretation could be given to the present promise of the Catholic party. However, in view of the abrogation of the prescriptions of Canon 2319 which will be treated later, one wonders if the promise might not now refer to all children born

of the marriage even those prior to a validation.

I prefer to have the promises in writing, although the alternate of verbal promise is certainly open to the Catholic. In most cases, written promises are acceptable to most Catholics. It seems that reasons should be given if the Catholic prefers to give oral promises, although this is strictly not required.

With regard to the certification by the priest or deacon that the promises were made by the Catholic and that the non-Catholic has been informed of the matter, again I prefer the wording of the N.C.C.B. Statement although a similar alternative is permissible. The presumption of sincerity on the part of the Catholic in making the promises is a nuance which bespeaks a renewed personalistic approach and, therefore, to a certain extent is a change from the presumption of law evident in the 1918 Code which presumes institutions rather than persons. The safeguard built into the new guidelines is that in questions of doubt, all particulars should be made known to the Local Ordinary. A question arises in this matter. If the presumption is in favor of sincerity of the promises, and sincerity is required for the validity of the dispensation, what stance should be taken for cases of attacking the validity of a marriage which involves Disparity of Cult dispensations on the grounds of insincerity of promises?

Also there would seem to be nothing to militate against exposing the children of a mixed marriage to the beliefs of the non-Catholic parent as a part of the child's religious education. This, it seems to me,

should be done in the informal setting of the home rather than in formal Sunday School classes in a non-Catholic Church.

Dispensation from Mixed Religion and Disparity of Cult

It seems advisable that local guidelines should distinguish for the benefit of the clergy:

- a) marriages between a Catholic and a baptized non-Catholic, which involve *only* dispensation from *mixed religion*.
- b) marriages between a Catholic and a certainly non-baptized non-Catholic, which involve *only* a dispensation from *disparity of cult*.
- c) marriages between a Catholic and a doubtfully baptized (whether the doubt is of fact or validity) non-Catholic, which involve a dispensation from mixed religion and *as a caution* disparity of cult.
- d) marriages involving a Catholic and one who was baptized a Catholic but not raised as a Catholic. Unless a person formally joined a Protestant ecclesial body, by profession of faith, regular reception of Holy Communion, a confirmation ceremony or registration of membership in a non-Catholic Church, no mixed religion impediment would be present and only bans of marriage should be announced or dispensed.

Reasons for Dispensations

The N.C.C.B. Statement gives no list of reasons for mixed marriage impediment

dispensations as it does for the dispensation from the canonical form. The reasons we have used up to now certainly remain appropriate:

1. Danger of invalid marriage (either before a civil official or Protestant Minister). This reason I believe is usually present.
2. Spiritual good of the parties.
3. Validation of an invalid union.
4. Legitimation of children already born.
5. Well-founded hope of conversion of the non-Catholic.
6. Lack of suitable Catholic marriage partner in the vicinity. (This may be a relative or absolute lack.)
7. Pregnancy. Caution is needed here, especially where this is the only reason and the parties have known each other a relatively short time.

Since the validity of a dispensation depends on the truth of at least one reason, it seems advisable that there should be several reasons listed. I prefer to have these printed on the dispensation request form with the opportunity for the priest or deacon who applies to check off the appropriate reason or add his own.

Canonical Form of Marriage

The intent of the *Motu Proprio Matrimonia Mixta* and the N.C.C.B. Statement of Implementation indicate that a dispensation from the Canonical Form is to be considered only as a last resort. The canonical form should be preserved if at

all possible. The case of the Catholic-Byzantine Orthodox marriage is the exception as far as validity is concerned (cf. *Crescens Matrimoniorum*). A question which arises in this matter is whether the blessing of *any minister* or only an Orthodox minister constitutes the source of validity for Catholic-Orthodox marriages since the 1967 Decree of the Sacred Congregation of the Oriental Church says "for validity the presence of a sacred minister suffices." The presumption is that an Orthodox priest only is meant. Interpretation could allow that any "sacred minister" would mean a Protestant minister other than an Orthodox priest provided a blessing were given.

Dispensation from the Canonical Form

A. *Concept*—It is important to get across to the general public that the canonical form of marriage is still required for validity of marriages involving a Catholic unless a dispensation is granted by the proper Ordinary. Again the only exception is the Catholic-Orthodox marriage mentioned above. Even in those cases a dispensation is necessary for lawfulness. In some places, young people as well as their parents have the impression that marriage before a priest is an option. Some even distinguish marriage before a minister as valid but not before a civil official, such as a mayor or a judge.

B. *Reasons for Dispensation*—The N.C.C.B. Statement on Implementation of the Motu Proprio lists *types* of reasons for dispensation from the canonical form. The list is not exhaustive and other reasons may be accepted. Care should be taken by the

priest that he does not suggest a dispensation from the canonical form if the couple does not ask about it. I am concerned that some priests, in an attempt to appear liberal, take the initiative when the couple was not even thinking of a dispensation from the form. Since dispensation from the form is to be a last resort, it seems inconsistent for the priest to make it a first resort.

Also, it seems to me, that the priest should not volunteer or suggest reasons. The reasons should be presented by the parties to the marriage. Possible reasons are:

1. To achieve family harmony and avoid family alienation.
2. To obtain parental agreement to the marriage.
3. To recognize the significant relationship or special friendship of one of the parties with a non-Catholic minister.
4. To permit the marriage in a church that has a particular importance to the non-Catholic.

When a dispensation from canonical form is granted, it is important to determine that the service to take place will fulfill civil regulations. Ordinarily the dispensation will presume a religious ceremony. In certain Catholic-Jewish cases dispensation is granted for a civil ceremony only.

The dispensation from canonical form may be granted by the Ordinary of the Catholic party or the Ordinary of the place of marriage. Just as we have a custom in this country that a dispensation from the

impediments of mixed religion or disparity of cult is normally granted by the Ordinary of the Catholic party, I believe that the same procedure should be the case for dispensations from the canonical form. If the Ordinary of the Catholic party is different from the Ordinary of the place of marriage then the latter must be notified of the grant of the dispensation from the form. This, I believe, is the responsibility of the Chancery which granted the dispensation.

If a dispensation from the form is granted, a priest may participate in the ceremony, if invited by the Protestant minister, by reading scriptures (if the marriage is not celebrated during the Lord's Supper or the principal celebration of the Liturgy of the Word in the Protestant Church), by blessings, giving words of greeting and exhortation. Always it must be understood that no simultaneous or successive celebration of Catholic and/or Protestant rites involving renewal of matrimonial consent is allowed.

Priest as Officiant in a Non-Catholic Church

Although the *Motu Proprio* of Pope Paul VI doesn't consider the possibility of a priest as officiant at a mixed marriage other than in a Catholic Church or related place, the N.C.C.B. Statement of Implementation does. For serious reasons, the local Ordinary may permit the celebration of a mixed marriage in a Protestant Church according to the Catholic ritual, provided proper delegation is obtained by the priest or deacon from the local Ordinary or territorial pastor and no scandal results

among the people of the area. This provision had been the practice in many dioceses prior to January 1, 1971 and it is good to see the national guidelines take cognizance of this. Ecumenically speaking, permission for a Catholic priest to witness the celebration in a non-Catholic church should not be given unless the agreement of the Protestant pastor is obtained beforehand. There are some denominations which will not allow such a procedure. If the agreement of the Protestant pastor is obtained, he should definitely be clued in on the manner of celebration and should be invited to read scripture and give the homily before the Catholic marriage ritual, and to give a blessing to the couple afterwards. This does not contravene the prohibition that no joint or successive ceremonies of the respective ritual by priest and minister is allowed.

The delegation or subdelegation needed by the priest or deacon for valid officiating should, in my opinion, normally be obtained by *him* from the pastor or assistant of the Catholic territorial parish. Shared responsibility and subsidiarity seems to call for this procedure rather than for the local Ordinary to grant the delegation in each case. If the local Ordinary chooses, however, he might want to grant delegation in each case. A question which arises here—and your practice might be helpfully shared—can Chancery officials be delegated generally by the Ordinary to grant subdelegation to a specific priest or deacon for specific marriages in the diocese? There is some difference of opinion here. I think he can. Despite the response of the Pontifical Code Commission on January 25, 1943 that an episcopal delegate cannot be

given general delegation to assist at marriages which implies the power to subdelegate, I think that local Ordinary who has ordinary jurisdiction for marriage can delegate another to subdelegate even though the delegate himself may not assist at the marriage for which he is granting subdelegation.

Possibility of Second Ceremony

Since there is the prohibition against joint or successive celebration of Catholic and Protestant rituals for mixed marriages, it might seem at first that no second religious ceremony would ever be allowed. However, what is forbidden is renewal of matrimonial consent in a second or subsequent ceremony. In some instances the purpose of a second ceremony is merely to provide a blessing by the non-Catholic's minister. This is particularly true of the Orthodox. Such a procedure would not be out of order, even if the second ceremony were to take place in a non-Catholic church.

Mixed Marriage in a Catholic Church

The normal place for a mixed marriage should be a Catholic Church. The priest is the official witness of the couple's consent but the minister of the non-Catholic should be invited to participate by reading scripture and/or giving the homily (provided that the marriage is not celebrated during Mass) and by giving additional prayers, blessings and/or words of greeting or exhortation to the couple and congregation. The place for this could be immediately after the marriage ceremony, even during Mass (since the marriage

ceremony is separable from the liturgy of the Mass) or, prior to dismissal at the end of Mass.

Mixed Marriages During Mass

Although mixed marriages could be celebrated during Mass, consideration should be given to the celebration only outside of Mass in view of the fact that the non-Catholic is not allowed to receive Holy Communion by the general discipline of the Church. We should not dramatize the lack of unity already present in a mixed marriage because of the difference of religious commitment by having the Catholic receive Holy Communion, which is a sign of unity, while the non-Catholic is unable to do so.

Recording and Notification of Mixed Marriages

- a. *When the mixed marriage takes place in a Catholic Church:*
 1. The pre-marriage file of documents attesting to the freedom of the parties should be kept at the church of marriage.
 2. The record of marriage is also to be kept at the church of marriage.
 3. Notification of civil authorities and the church of the Catholic's Baptism is also the responsibility of the priest who officiates.
- b. *When the mixed marriage takes place in a non-Catholic church with a priest or deacon officiating:*
 1. The pre-marriage file should be

- kept in the *territorial parish* in which the non-Catholic church is located.
2. The record of the marriage should be placed in the *register of the territorial parish* as well as in the non-Catholic church books.
 3. Notification of the civil authorities and the church of the Catholic's Baptism is the responsibility of the officiating priest.
- c. *When the mixed marriage takes place with a dispensation from the canonical form of marriage:*
1. The pre-marriage documents should be kept on file at the *Catholic parish from which the request for the dispensation from the form originated.*
 2. A certificate of marriage or at least a notification that the marriage took place and before whom should be sent to the chancery which granted the dispensation from the form. This may be done by the minister or other official who witnessed the marriage or by the priest who arranged for the dispensation from the canonical form.

Some chanceries might prefer to have a special registry for marriages contracted with a dispensation from the form. A more practical approach, it seems to me, would be to keep the mixed marriage impediment dispensation from the form and the record of the marriage together. A loose

leaf binder set-up for all three is a possible suggestion.

3. The priest who sought the dispensation from the form should be responsible for notifying the church of the Catholic's Baptism.

Some chanceries may prefer to do this for the priest. I do not agree. The chancery should not assume a responsibility which belongs to another, especially today when priests are clamoring to be treated as responsible persons.

4. The minister who officiated at the marriage has the responsibility of notifying the civil authorities after the marriage.

Place of Marriage

The N.C.C.B. Statement calls for the ordinary place of mixed marriages to be in the parish church or other sacred place. We have already treated the possibility of a mixed marriage in a Protestant church. The next question to arise is: Should we permit mixed marriages, or any marriages for that matter, in private chapels, chapels of religious houses or schools, private homes or even in the open air? Technically there is nothing to prevent this. Pastorally speaking, however, I would restrict the place of marriage to the parish church or to the church of the non-Catholic since they are the ordinary places for marriage. As we all know peculiar circumstances, such as a Catholic-Jewish marriage, may call for the marriage in a home or hall. The fad of marriages in the open air or in the woods, so common today among young people, should not be encouraged. We all

know how exceptions tend to become the rule if granted too often. Since marriage is a community celebration and sacramental when entered into by baptized people, not just a private affair, I think it should be celebrated at the community center which is still the parish church of either party.

Penalties of Canon 2319 Abrogated

The *Motu Proprio Matrimonia Mixta* of Pope Paul VI abrogated retroactively as of October 1, 1970 the automatic excommunications of Canon 2319. This means that those who were married before a non-Catholic minister, those who made an explicit promise or agreement to have any or all children educated in other than the Catholic Church, those who offered their children for baptism in a non-Catholic Church, or those who had their children educated or instructed in a non-Catholic religion are no longer under censure. The abrogation of the penalty of excommunication does not excuse the Catholic party from his obligation to do all in his or her power to have the children of a mixed marriage baptized and educated as Catholics.

This could cause complications for people especially where there are grown children or children already enrolled in non-Catholic churches. The hope is, of course, "to do all in his or her power," (and perhaps all that one can do is to give good example, pray and by calm discussion try) to influence the children toward Catholicism.

Validations and Sanations

Because of possible misunderstandings initiated by faulty press reports, for ex-

ample, about the abrogation of the penalties of Canon 2319 (particularly regarding marriages attempted before a minister), some people may be of the opinion that their marriages have been automatically validated since they are no longer excommunicated.

We must prudently but definitely inform them that unless a marriage was entered into before an authorized Catholic priest and two witnesses or with a dispensation from the canonical form by the proper authority, the marriage needs to be validated either in the normal way of renewal of consent *coram ecclesia* or by way of sanation when the non-Catholic cannot be persuaded to renew his or her consent according to the regular validation procedure. The dispensation from mixed religion and/or disparity of cult is needed and the promises of the Catholic and the notification of the non-Catholic are still required even for a sanation.

Witnesses for Mixed Marriages

If at all possible one witness for a mixed marriage should be Catholic. However, when the couple has already arranged for two non-Catholics to be the principal witnesses, this arrangement should not be disturbed because of the embarrassment to the couple or to the witnesses which could easily result.

What about allowing witnesses who are not validly married? Should we allow them to be principal witnesses for a mixed marriage, or any marriage in the Catholic Church?

With regard to a mixed marriage en-

tered into with a dispensation from the canonical form, there is no reason why two Catholics could not be the principal witnesses of such a marriage, any more than they would be prohibited from witnessing the marriage of two good faith Protestants who are not bound in any way to the Catholic form of marriage.

Special Problems

a) *One or Both Parties under the Age of 18*

It is suggested that in view of the increased tendency for those under 18 years of age to consider marriage, some special consultation and evaluation of the couple prior to the preparation for marriage should be set up in each diocese. The facilities of professional marriage counselors, preferably under the auspices of Catholic Social Services, if they handle such matters, should be employed. The considered opinion of the priest who has been approached about arrangement for marriage should also be taken into account. If we are to be pastorally responsible to prepare a couple for marriage, we should use every means at our disposal to assure that, as far as is humanly possible, a successful marital relationship begins. The divorce statistics for marriages entered into too early should give us pause.

b) *Marriages Outside of a Sacred Place*

I have touched on this point when discussing the place of marriage and I reiterate my position again. Marriages normally should take place only in parish churches or in non-Catholic places of worship, although there may be exceptional

circumstances at times, which would dictate otherwise.

c) *Marriages Involving the Disagreement of the Parties as to the Baptism and Religious Education of the Children*

Pastorally as well as legally we must do our best to encourage mixed marriage couples to come to a mutual understanding before marriage about the important matter of the baptism and religious education of the children. We must keep in mind that the conscience of both the Catholic and the non-Catholic must be respected. The responsibilities of the Catholic are spelled out in the declaration and promise he or she must make to obtain the dispensation to marry. If there is serious disagreement between the parties, prudence suggests that they reconsider marrying each other because something so vital as their plans for religious upbringing of children is an indicator of other problems which could develop as a bar to marital harmony. If the couple is determined to raise the children other than Catholic, unfortunately, we would have to decline to witness their marriage under present regulations.

d) *Attendance at Each Other's Liturgical Services after Marriage*

Since the Ecumenical Directory of 1967 indicates that Catholics are permitted to attend liturgical services of other churches if there is a reasonable cause, such as relationship and the desire to become better informed, there would seem to be no objection for the Catholic party to accompany the non-Catholic party to the latter's liturgical services. Participation in the reception of the Eucharist is excluded, ex-

cept in special circumstances when the separated Eastern Churches are concerned. Catholics should be advised that attendance at the liturgies of other Churches does not ordinarily fulfill the obligation of Catholics to assist at Mass on Sundays and Holy Days of Obligation. However, those who occasionally, for the reasons mentioned above, attend the liturgy of separated Eastern Churches need not attend Mass in a Catholic Church. In fact it seems appropriate that Catholics should attend

the Sacred Liturgy of the Orthodox Church when participation at Mass in a Latin Catholic Church is impossible.

Conclusion

I know that you have probably many reactions to share as a result of what has become a rather lengthy presentation. I thank you for your kind attention and your evident interest. The floor is now yours.