

DIVORCE AND REMARRIAGE IN THE EASTERN ORTHODOX TRADITION Concept of *Oikonomia* and the Theology of Second Chance

Sajan Thomas, OIC[♦]

KU, Leuven

Abstract

The concept and practice of *oikonomia*, in the Eastern Orthodox tradition, addresses the practical inferences of Christian belief, but it does not compromise or dilute the truth. It is more convincingly functionalized in the context of divorce and remarriage. The fundamental principle is that God knows the human fragility. However, one is reminded that the release of the couple is not an arbitrary act, nor it promotes the secular tones. Rather, the act is done in the name of Christ, so that the church allows the faithful, those who are concerned, to experience the compassionate and continuing love and care of God, expressed through His son Jesus Christ. Thus, it is convinced that a clear distinction is made between sacramentality and indissolubility in the Orthodox thinking. This must be the reason for allowing in certain circumstances divorce and consequently another union can be initiated without breaking the ecclesial association. The whole summary of Jesus' earthly ministry was that of a ministry of calling back people and offering them chances to live in the presence of God. An appreciation and application of both *oikonomia* and theology of second chance can be discussed and suggested in the upcoming Synod of Bishops, to accommodate the faithful in the Catholic Church.

[♦]Sajan Thomas, OIC is a Syro-Malankara Catholic religious priest from Kerala, India, belonging to the Order of the Imitation of Christ. He secured a Licentiate in Moral Theology from Dharmaram Vidya Kshetram, Bangalore in 2013. His Licentiate thesis was on "Divorce and Re-Marriage in the Catholic Church: A Study of the Concept of Divorce and Re-Marriage in the Catholic Church and the Concerns of the Divorced and Re-Married Couples." In 2013-14 he secured a Masters Degree in Theological Ethics at KU, Leuven and at present is doing his Advanced Masters in Theological Ethics at KU, Leuven. Email: fr.sajanoic@gmail.com

Introduction

While expressing his will to convene a Synod of Bishops to reflect about the pastoral challenges that the contemporary families confront, Pope Francis said, “the church is a mother, and she must travel this path of mercy.”¹ From that moment, a good number of people are hopefully waiting for the Synod to come out with some life enhancing solutions by which the faithful may receive a new directionality with their existing struggles. The motherly character of the Church demands more compassion and mercy, in the place of traditionally kept rigidity of norms and complexity of teachings. In order to grow in the path of mercy, it would be helpful to learn from the views and practices of other Christian denominations, with which they successfully and comprehensively address serious pastoral issues like divorce and remarriage and continued full-fledged communion in the church.

This article aims at providing an account of the theology and practice of the Eastern Orthodox Churches with regards to divorce and remarriage, based on the concept of *Oikonomía* and its resultant practice of allowing a second chance for the victim. Faithfulness to the teaching and compassion and mercy to the people of God are the two dimensions on which the Church of Christ has to exist in this world. However, sometimes, commitment to be faithful to the teaching detached and denied compassion to the faithful in their daily struggles. In order to maintain a healthy balance between these two aspects of faithfulness and compassion, a look in to the Eastern Tradition would be helpful.

Oikonomia

Up to the eleventh century, there was no difference between the Eastern and Western Churches in the question of divorce. It was permitted on many grounds, although, isolated voices were heard. However, with the Gregorian Reformation, the Western Church in the Twelfth century “accepted theoretically that all divorces of sacramental marriages are forbidden.”² This total prohibition in the

¹Pope Francis, Quoted by Francis X. Rocca in *Catholic News Service*, <http://www.catholicnews.com/data/stories/cns/1304231.htm> (Accessed on 30/6/2014).

²Victor J. Poschiphil, *Divorce and Remarriage, Divorce and Remarriage*, New York: Herder and Herder 1967, 48.

West enforced the Eastern Churches especially the Orthodox denomination to develop a theology that could bring a constructive solution to the concern over the divorced and remarried. In the Eastern Orthodox Churches, separated from Rome, "this development progressed farther in the second millennium and led to an increasingly more liberal praxis."³ One finds the foundation for this liberal praxis in the development of the concept of *Oikonomia*.

On the very onset, it is better to understand what *Oikonomia* does mean, basically. According to John Meyendorff, the term *Oikonomia* "does not belong originally to legal vocabulary, [but] it designates in the New Testament and the divine plan of salvation."⁴ The word *Oikonomia* refers to the running of God's household (*oikos*) of the Church by the steward (*oiknomos*) of the Church, namely, the local bishop. In particular, it refers to a relaxation of the strict application of a law in favour of a relaxation of that law in a particular case, in what is then called the practice of '*oikonomia*'. It was considered as "an expression of divine mercy for the repentant sinner."⁵ The fundamental principle behind such an understanding is that God knows the human fragility. The law in the household is meant not to show the rigidity of the law but to enable and enhance the life of the people by giving relaxation to the same law (Mk 2:27). It is worth to note that the concept and practice of *oikonomia* addresses the practical inferences of Christian belief, but it does not compromise or dilute the truth.

After having considered the concept of *Oikonomia*, it would be good to see how it is associated with the divorce and remarriage in the Orthodox tradition. According to their understanding there can only ever be one "true" "unique"⁶ marriage. The second marriage is not the "true" marriage. Divorce and remarriage is a sin, it breaks God's law. However, the local bishop can make a judgment in *oikonomia* to not apply the law forbidding remarriage strictly, and

³Congregation for the Doctrine of the Faith, "Concerning Some Objections to the Church's Teaching on the Reception of Holy Communion by Divorced and Remarried Members of the Faithful," no.2, 1998.

⁴John Meyendorff, *Fr. John Meyendorff on the Use of Oikonomia in Byzantium*, <http://solzemli.wordpress.com/2008/10/29/fr-john-meyendorff-on-the-use-of-oikonomia-in-byzantium/> (Accessed on 2/7/2014).

⁵John Meyendorff, "Christian Marriage in Byzantium: The Canonical and Liturgical Tradition," *Dumbarton Oaks Papers*, 1990, Vol. 44, 102.

⁶Bishop Athenagoras, "Economia and Pastoral Guidance" (2005), http://www.orthodoxresearchinstitute.org/articles/liturgics/athenagoras_remarriage.htm#1 (Accessed 23/2/14).

thus the couples are permitted to remarry in church, though with a penitential ceremony that reflects the fact that their behaviour does not accord with what Christ has commanded. Thus there is a “condescending to human weakness while still holding that the moral law is the ideal.”⁷

Two Major Presumptions

Orthodox theologians like Richard Demetrius Andrews explain two major presumptions on which the canonical regulations on divorce and remarriage are situated traditionally in the church. The first one is that marriage is a “sacrament conferred upon the partners in the Body of the Church through the priest’s blessing.”⁸ The sacramental theology of marriage elucidates that this sacrament signifies the eternal life in the Kingdom of God. Consequently, the marital bond is not dissolved by the death of one partner. Secondly, “as sacrament, marriage is not a magical act, but a gift of grace. The partners, being humans, may have made a mistake in soliciting the grace of marriage when they were not ready for it; or they may prove to be unable to make this grace grow to maturity.”⁹ In such cases, the Church accepts the reality and inability of the people for not responding adequately to the grace that they have received. Here, the church considers the possibility of separation and allowing a remarriage. Indissolubility of marriage is considered essential characteristic in marriage. Consequently, according to Andrews, “a legitimate marriage is dissolved only through death, or through an event which revokes the ecclesiastical significance of marriage, refutes its religious and moral foundation, and is in other words religious or moral death.”¹⁰

The Orthodox Church affirms two things, namely accepting marriage as a sacrament first, and then, in certain circumstances allowing dissolution. They hold that “we believe firmly in the sacramental character of the marriage union, but according to the Orthodox view sacramentality does not entail indissolubility. The Church has power to permit a divorce followed by a second

⁷Bishop Athenagoras, “Economia and Pastoral Guidance.” See also, Dylan James, <http://fatherdylanjames.blogspot.ch/2014/02/divorce-and-remarriage-oikonomia-and.html> (Accessed on 29/06/2014).

⁸Richard Demetrius Andrews, *Divorce in the Orthodox Church*, <http://www.stgeorgegoc.org/divorcePastoralGuidelines.htm> (Accessed on 1/07/2014).

⁹Richard Demetrius Andrews, *Divorce in the Orthodox Church*.

¹⁰Richard Demetrius Andrews, *Divorce in the Orthodox Church*.

marriage.¹¹ It seems that a clear distinction is made between sacramentality and indissolubility in the Orthodox thinking. This must be the reason for allowing in certain circumstances divorce and consequently another union can be initiated without breaking the ecclesial association.

A Communitarian Theology of Image and Likeness

The Orthodox Church looks at human person as a being created and made for mutual love. Accordingly, they developed a relational and communitarian theology of image and likeness. "The image of God is given, not to the man alone or to the woman alone, but to the two of them together. It comes to its fulfilment only in the 'between' that unites them to each other. To say 'I am in God's image' is to affirm: 'I need you in order to be myself.' The divine image is in this way a 'relational' image, manifested not in isolation but in community."¹² This relationality and necessity of the other add to the charm of the sacrament of marriage.

However, for many, there is a difficulty in accepting this 'confused' approach of the Orthodox Church. They ask how it can affirm the sacramental character and accept the possibility of divorce. The reason and distinction is very evidently articulated by theologians from the Church:

The Orthodoxy sees the sacrament of marriage, not primarily as a juridical contract between the two partners, but as a divine action, effected by Christ within the Church through the blessing of the priest. Needless to say, the Roman Catholic Church also regards the sacramental blessing of a marriage as a divine action; but in the West far greater emphasis has been placed on the partners as ministers of the marriage, and this has contributed to a different attitude towards divorce. The basic principle underlying the Orthodox practice is the conviction that Christ has entrusted to the Church full power to regulate the administration of sacraments. If each sacrament is a divine action, effected by Christ within the Church, then the Church as the steward of the sacraments and by virtue of the authority to bind and loose conferred upon it by Christ himself has the right to release the couple of the marriage bond and to permit a remarriage.¹³

One is reminded that the release of the couple is not an arbitrary act. Nor it promotes the secular tones. Rather, the act is done in the

¹¹Robin Gill, *A Text Book of Christian Ethics*, Edinburgh: T & T Clark, 1995, 522.

¹²Robin Gill, *A Text Book of Christian Ethics*, 522.

¹³Robin Gill, *A Text Book of Christian Ethics*, 530.

name of Christ, so that the church allows the faithful, those who are concerned, to experience the compassionate and continuing love and care of God, expressed through His son Jesus Christ. Paul Evodokimov, a famous Orthodox theologian, writes that “purity of heart is to show love for those who fall.”¹⁴ In the words of Christ himself, “I did not come to call the virtuous, but sinners” (Mk 2:17). It is in such a perspective that the Orthodox Church and its theology take marriage, divorce and remarriage.

The Orthodox Church foresees the complexities of the time and fragility of human beings simultaneously. They realized the need for an appropriate response towards the complexity in which the faithful live. It has been remarked that “the orthodox have not remained unaffected by the changes through which churches and families have been moving in recent years. They are attempting to meet the challenge within their tradition and their understanding of the Gospel.”¹⁵ The indication is clear that the Church is open to take and continue the dynamic and creative approaches to confront the demands and challenges of the age.

***Oikonomia* in the Context of Grace and Understanding**

Appreciating and suggesting the concept and practice of *oikonomia* in the Eastern tradition, Michael G. Lawler states that “*Oikonomia* flourishes within a context of grace and Spirit and not on the context of law.”¹⁶ It would mean that the grace must have predominance over the law and law is to be interpreted to enhance the well being of the person. Such a perspective brings signified relationship of *Oikonomia* with the question of divorce and remarriage. According to Lawler, the Orthodox churches, while holding firmly to the belief that the Gospel presents an indissoluble marriage, they also acknowledge that “men and women sometimes do not measure up to the gospel.”¹⁷ This acknowledgement is to be seen as the outcome of grace. He continues by saying that “they acknowledge that marriages die and when they die it makes no sense to argue that they are still binding.”¹⁸ When it is

¹⁴Robin Gill, *A Text Book of Christian Ethics*, 529-530.

¹⁵John Charles Wynn, “Prevailing and Countervailing Trends in the Non-Catholic Churches,” In *Divorce and Remarriage in the Catholic Church*, ed. Lawrence G. Wrenn, New York: Newman Press, 1973, 80.

¹⁶Michael G. Lawler, *Marriage and the Catholic Church Disputed Questions*, Minnesota: The Liturgical Press, 2002, 111.

¹⁷Michael G. Lawler, *Marriage and the Catholic Church Disputed Questions*, 111.

¹⁸Michael G. Lawler, *Marriage and the Catholic Church Disputed Questions*, 111.

realized that a marriage is dead, though the spouses are alive, “*Oikonomia* impels the church to be not only sad, [...] but also compassionate for the church represents the merciful God.”¹⁹ Thus, the faithful are called to experience the mercy and compassion of God in and through a graceful intervention.

The distinctiveness of the Eastern approach is observed in this way: “A firm but sensitive understanding of penitential discipline, a history of liturgical creativity, a tradition of openness to culture and to the problems of society, an approach to the sacraments not entirely imprisoned in scholastic theories, a pastoral theology solidly grounded in dogmatic theology,”²⁰ etc., helped the Eastern tradition to confront the threatening challenges of the faithful. Now the question to be asked is what if we accept this Eastern position. Or are we waiting to formulate a pastoral theology by which nothing will be missed from the doctrinal or dogmatic positions, by which we can accommodate the catholic faithful in their struggles?

It is observed by many theologians that “the Catholic Church often refer the position of the Eastern Orthodox churches on divorce and remarriage, but less often is correctly understood.”²¹ The pastoral approach that has taken and followed by these churches is well accepted and used in appropriate manner. Therefore the faithful, who had the misfortune of the death of their first marriage, are well accommodated in the church without forcing them in to more painful struggles.

Divorce as a Declaration of the Absence of Love

In the context of marriage in the Orthodox Church, it is clearly indicated that “love is possible only when there are two persons.”²² This would mean that a reciprocal love is taken for granted in the marital relationship and if it is absent, one may find it difficult to live his/her marriage as a sacrament of love. Marriage in the Orthodox Church is perceived rather as “a spiritual path, a seeking after God, the mystery of oneness and love, the preparatory portrayal of the Kingdom of God, than a necessity for reproduction.”²³

¹⁹Michael G. Lawler, *Marriage and the Catholic Church Disputed Questions*, 112.

²⁰John H. Erickson, “Eastern Orthodox Perspectives on Divorce and Remarriage,” in *Divorce and Remarriage: Religious and Psychological Perspectives*, ed. William P. Roberts, Kansas City: Sheed & Ward National Reporter Publishing Company, 1990, 25.

²¹John H. Erickson, “Eastern Orthodox Perspectives on Divorce and Remarriage,” 15.

²²Paul Evdokimov, *The Sacrament of Love: The Nuptial Mystery in the Light of Orthodox Tradition*, New York: St Vladimir’s Seminary Press, 2001, 186.

²³Taken from a paper presented by Bishop Athenagoras, “Economia and Pastoral Guidance,” *International Congress Catholic University of Leuven (18-20 April 2005)*.

Divorce is the dejected status of marriage in which one or both the parties are unable to give, to receive and to experience the very substance and matter of marriage that is, as we have seen already, love. In such situations divorce is considered in the church as the “declaration about the absence, disappearance and the destruction of love.”²⁴ There is no content to build up a fruitful marriage. When such situations are convincingly understood both by the partners and the ecclesiastical authority, they allow separation and welcome the person to enter into a new relation, where he/she can find the content and matter of the sacrament of marriage, love. It is also worth to note the fact that by permitting divorce in the church in such situations, “the Church shows its infinite respect for the person and for the sacrament of charismatic love.”²⁵ In the absolute absence of love, marriage turns to be a prison for many. Jack Dominican tells it clearly that “there are plenty of people who see marriage as a prison in which human distortion, not love, are mobilized. For them, divorce is a liberating experience, the more the merrier.”²⁶

With regard to the covenantal relationship and permanence of marriage, Rubio opines that “if one person breaks the covenant and leaves, the remaining person cannot be expected to keep the covenant alone. Neither is marriage unbreakable as a sacrament, for the sacrament is in the relationship; if the relationship is over, the sacrament no longer exists.”²⁷

The Holy Scripture attributes divorce to the “insensitivity of man.”²⁸ This is seen as a fall and sin. And yet the Orthodox Church can however permit divorce and remarriage on the grounds of interpretation of what the Lord says in Mat 19:9: “I tell you that anyone who divorces his wife, except for marital unfaithfulness, and marries another woman commits adultery.”

²⁴Paul Evdokimov, *The Sacrament of love: The Nuptial Mystery in the Light of Orthodox Tradition*, 189.

²⁵Paul Evdokimov, *The Sacrament of love: The Nuptial Mystery in the Light of Orthodox Tradition*, 189.

²⁶Jack Dominican, *Passionate and Compassionate Love*, Landon: Darton, Longman and Todd Ltd, 1991, 167.

²⁷Julie Hanlon Rubio, *A Christian Theology of Marriage and Family*, New York: Paulist Press, 2003, 171.

²⁸“Moses permitted you to divorce your wives because your hearts were hard. But it was not this way from the beginning” (Mt 19:8).

Remarriage as a Healing Process

In the light of the Eastern perspective, remarriage is to be seen as a healing process.

In some instances the only setting in which effective healing might be found is a second marriage. Experience seems to show that this can and does happen. When it does happen, it must surely be God's healing touch which is being experienced since all genuine human healing comes ultimately from him.²⁹

The fact is that many Catholics are becoming more conscious of this healing at work in the second marriages of their friends and dear ones. More than taking the risk of continuing in the sufferings and struggles, they do feel that this is their choice before God.

Mercy and Compassion in the House of God

In many countries a high percentage of believers are abandoned by their spouses or are divorced. In this context Bernard Häring begins his reflections on the pastoral care and approach by asking "How the church can be faithful both to the particular strong saying of Jesus about divorce and to his all embracing law,"³⁰ "Be merciful as your heavenly Father" (Lk 6:36). An answer to this question is the need of the hour. Though many Biblical scholars, theologians, pastors and canonists are suggesting many solutions, according to Häring in all these there can be a possibility to lose sight of basic principles which can never be ignored.

The basic principle therefore according to Häring is that "The Church has no right to dissolve any true marriage, whether of non-Christians or of Christians of other communities."³¹ By true marriage he would mean that a relationship where there the couples found mutual love, intimacy and support. In other words a true marriage would be where the covenantal aspects are visible. They are according to Häring, "the good of the persons, their capacity to love, the fostering of conditions that favor their growth in love, the experience of redemption and redeeming love, the readiness to forgive, etc."³²

²⁹Kevin T. Kelly, *Divorce and Second Marriage: Facing the Challenge*, London: Geoffrey Chapman, 1996, 27.

³⁰Bernard Häring, *Free and Faithful in Christ: Moral Theology for Priests and Laity*, Vol. 2, London: St Paul Publications, 1978, 543.

³¹Bernard Häring, *Free and Faithful in Christ*, Vol. 2, 543.

³²Bernard Häring, "A Theological Appraisal of Marriage Tribunals," in *Divorce and Remarriage in the Catholic Church*, ed., Lawrence G. Wrenn, New York: New Man Press, 1973, 19.

To the question whether remarriage is possible if the earlier one is hopelessly dead and the person is not able to continue as a celibate for the rest of the time due to many reasons, Häring replies: "If the marriage has already hopelessly failed and there are good reasons to presume that it was doomed to failure from the very beginning — for instance because of psychological immaturity or complete lack of sincerity of one of the partners — then it is right and just to grant an annulment."³³ However, he reminds us that the official Church will have to make great efforts to respond to new insights. By new insights he means biblical theology, tradition, the behavioural sciences, and the various situations in different parts of the world.

With regard to the admission of the spouses to the sacraments of penance and Eucharist, he reflects compassionately and more practically. The wish of the new partners to live in good faith and their decision to give good education and atmosphere must be heard and accepted by the church. Hence, according to him, they "should be admitted to the sacraments of Penance and Eucharist if they are longing sincerely for regular participation in the sacramental life of the Church, live in good faith regarding their new situation, have forgiven the wrong they have suffered, and are trying to give their children a good education."³⁴

He also sometimes regrets about the use of the tag 'divorced'. It is important that such a label is not used for totally different situations. The reasons he sets for such an observation is significant. The difference it makes is this, "On the one hand, there are those who have frivolously divorced their spouse, while on the other hand there are people who have most generously forgiven and have constantly tried to preserve the marital unity."³⁵ It is not in the light and spirit of the gospel to put both under the same law and to judge an eventual marriage by the same measure.

What is evident in all these is that the Church has a positive tone and concern for the divorced and remarried people. A good number of bishops and regional conferences, considering the pastoral difficulties in excluding these men and women from the reception of the sacrament, urge the Church to have more discussion about the present discipline. It is clear from the words of Archbishop Peter Seiichi Shirayanagi, as quoted by Richard McCormick, that "the

³³Bernard Häring, *Free and Faithful in Christ*, Vol. 2, 543.

³⁴Bernard Häring, *Free and Faithful in Christ*, Vol. 2, 543.

³⁵Bernard Häring, *Free and Faithful in Christ*, Vol. 2, 543.

exclusion from the sacraments of the divorced and irregularly remarried seemed to be an especially cruel measure.”³⁶ Here, in what way the Church can become merciful to the divorced and remarried? Concrete and tangible actions will have more force than the verbal sympathy in the moments of pain and anguish.

A Theology of Second Chance

Along with the concept of *Oikonomia*, it is better to have a look on biblical characteristic of offering a second chance to come back. The Bible is known for offering chances to revisit the love of God. It is filled with the theme of second chances. We have seen in the Old Testament that God is again and again inviting his people to him to enter in to the original love relationship. “Despite their sinfulness, God gives humans a second chance by inviting Noah to build the ark in which his family can survive the Flood. During the exile period the theme of a redeemer is first heard, the promise of a savior or messiah who will set right what is wrong and give Israel a second chance at greatness.”³⁷ A loving God is not leaving them alone for the sins they have committed. He follows them and finds them, and He brings them back to His presence. He never closes the door against anyone.

In the NT, Paul differentiates Jesus with Adam. Through Jesus, God offers human kind a second chance. For, God knew that through the righteousness of Jesus, the humanity can attain the righteousness which was lost through Adam’s disobedience (Rom 5:12-21). “The God of the NT, like the God of the OT, is one who loves people so much that he offers them second chance after their failures. God does not hold grudges, but he does demand that people change their lives when offered a second chance” (Acts 2:38, Gal 5:1-26, Eph 4:17-5:20).³⁸

This theology of the second chance that we find in both the Old and New Testaments call us to take up the challenge of offering in love the chances for coming back to the state of peace and harmony. The whole summary of Jesus’ earthly ministry was that of a ministry of calling back people and offering them chances to live in the

³⁶Richard A. McCormick, “Divorce, Remarriage, and the Sacraments,” in *Sexuality, Marriage and Family*, ed., Paulinus Ikehukwu Odozo, Notre Dame: University of Notre Dame Press, 2001, 385.

³⁷Pierre Hegy and Joseph Marthos, “Divorce and Remarriage as Second Chances,” in *Catholic Divorce: The Deception of Annulments*, eds. Pierre Hegy and Joseph Marthos, London: Continuum, 2002, 219.

³⁸Pierre Hegy and Joseph Marthos, “Divorce and Remarriage as Second Chances,” 219.

presence of God. Jesus not only preached God's forgiveness, he also taught mutual forgiveness. Christians are to love one another as Jesus loved. This implies that they are to forgive one another. "If Jesus' was a ministry of second chances, remarriage that is undertaken with the proper attitude can be regarded as a gift from God to start again. People in a second marriage need to let go of self-recrimination as well as blame directed toward their former spouse."³⁹ Accusations and mutual blaming are not the solutions for the troubles.

However it does not mean that by entering in to a new and fresh union in the light of the theology of second chance, the road ahead to them is broad and flat. It somehow enables them to be aware of the imperfectness and fragility of their life situations. Jack Dominian observes appropriately that people who enter in to second marriage, "still imperfect and broken, but more self aware, so that their second marriage becomes the healing process that their first one was not able to be."⁴⁰ Through the second chances one may come in to the conviction of God's providence about them individually, in protecting and guiding them to the fullness of love and life. Second chance is not the powerlessness of God, rather His concern for the individuals, whose well being is the primary interest of God about human beings.

Gospel Morality Expressed in *Oikonomia* and Second Chance

The focus and interest of the Church are certainly on commitment and fidelity to the words of Jesus, her Lord. Fidelity to the teaching of Jesus does not mean that the Church should remain locked within the cultural practices of his time and culture. The same is to be converted in to the new time where the faithful have new challenges which were unknown in the time of Jesus. The word of God has the saving and comforting dynamism. This dynamism is to be brought out of the clutches of unnecessary legal and formal hurdles. "In fact the church today can only be truly faithful to his teaching by presenting it enriched by the best insights of our own age and culture. This does not imply any dilution of his teaching."⁴¹ Today we have a new way of understanding marriage, in which love and intimacy are highlighted. It is not something contrary to the will or plan of God.

³⁹Pierre Hegy and Joseph Marthos, "Divorce and Remarriage as Second Chances," 220.

⁴⁰Pierre Hegy and Joseph Marthos, "Divorce and Remarriage as Second Chances," 218-219.

⁴¹Kevin T. Kelly, *Divorce and Second Marriage: Facing the Challenge*, 42.

Therefore, the radical teachings and demands of Jesus must become incarnate within our new way of understanding marriage.

Another matter to be acknowledged is that many who suffer the tragedy of marriage breakdown are often victims of sin rather than perpetrators of sin. It means it is not because of their irresponsibility or lack of initiatives that they lost the much expected and dreamt relationship; rather they become victims of the irresponsibility of others. If one is not responsible for the failure that has taken place, the moral culpability is not to be charged on the person. Here, the suffering and pain of the innocent party is doubled when he/she is denied the due from the Church. It is here the heart of Jesus has to shine through the eyes of the Church. It is the responsibility of the Church to bring them back to the healing experience and new life through the active participation in the sacramental life of the Church.

Theologians like Bernard Häring have made the observation that the Church is very much occupied with the legal formalities of marriage than communicating the morality of the gospel.⁴² The gospel morality is that of bringing back the person in to the fullness of life. The abundance of love, care, support, concern, personal intimacy, etc. is to be experienced by these people. The shepherding role of the Church would be more appreciated if she goes after the lost one and brings it back in to the community. Here, the shepherd becomes the healer than the ruler. The Church has to take all the possible initiatives in order to communicate the morality of the Gospel in this regard. The inclusive approach that Jesus took, communicated and accomplished throughout his earthly ministry has to become the point of reference for our deliberations in this matter. He did not stop anyone to come to his presence. While allowing the people to come to his divinely oriented human presence, he touched, and cured them and as a result they all felt the beginning of a new phase of their life. In other words, they all were transformed by the understanding attitude of Christ.

The attempt in one way or the other that we are trying to make is to consider whether there is a need to reconsider the policy towards the divorced and remarried, especially in matters regarding their sacramental participation in the Church. The person is aware of the seriousness of the matter, namely he/she could not keep the indissoluble character of the previous marriage, if he/she was responsible for the same. But now we must be able to read the mind

⁴²Bernard Häring, "A Theological Appraisal of Marriage Tribunals," 17.

and conscience of the individual. He/she is really sorry for it and would like to have a good relationship with God in his/her inner self and is sincerely willing to be part of the Church. If that is an honest and genuine wish and right of the person how can we negate it? Secondly, if he/she plans to initiate a second union, in which he/she is personally convinced that there he/she finds more meaning of the marital relationship, and that too he/she lives in public by fulfilling all the mandates of a good relationship as husband and wife, how can we say that it contradicts the will of God?

The validity of the marriage is to be reviewed not through certain set external measures like the once given consent and once fulfilled consummation. We have to really doubt how successfully one can assess the depth of a marriage through these particular signs or actions. Rather, the heart of the relationship and its inner currents are the matters to be evaluated and observed in counting the life and scope of a marriage. The argument is not for the sake of pleasure or any other purpose. Rather, it is for genuine reasons with the application of prayer and prudence.

In relation to our discussions on divorce and remarriage, the Church being the sacrament of Christ on earth, how far she is able to communicate this gospel morality of transformation to the wounded and suffering couples? Are we allowing the people to come to His divine presence through the sacramental participation in the Church or keeping them away as eternal sinners? The constant saying of Jesus to the people whom he met, especially to the sinners of his time "Your sins are forgiven," is not heard sometimes in the Church, due to a lot of formal and canonical complexities. While Jesus was inviting the Samaritan woman, who had many husbands, to the real worship in Truth and Spirit, the Church is negating the participation in true worship (Eucharist) to the people who really need it.

Conclusion

Based on the genuine experience of the people, as theologians like Charles E. Curran observe, there are reasons to accept marriage breakdowns in the contemporary life.⁴³ What we are told in the scriptures about marriage is an eschatological ideal view of marriage. Each and every marriage is to be modelled after this ideal one presented in the scripture. Now the question is how a Church which

⁴³Charles E. Curran, *The New Perspectives in Moral Theology*, London: University of Notre Dame Press, 1976, 279.

is holy and sinful at the same time live up to the expectations of an eschatological ideal with a lot of struggles in front of the faithful to go through. Another question is what we would do if mutuality is completely absent in a union. A unilateral initiative and self sacrificing⁴⁴ approach would not end up or turn to be a successful and meaningful union. This one-sided initiative may not be sufficient to save a marriage from its failure. Considering these elements the Catholic Church can think about reconsidering its approach towards divorce and remarriage, in genuine cases. There is a need to look beyond the failure that happens in certain marriages. Here comes the need for adapting the concept of *Oikonomia* from the Eastern Tradition and the need for developing and practising a theology of Second Chance. The tradition of the Eastern Orthodox practice of *Oikonomia* needs to be reflected with much significance, in order to accommodate the people who lost the relationship from the first union unfortunately. In all these what we expect is the communication of the compassionate love of Jesus to the people who are under threat.

In both *Oikonomia* and in the theology of second chance we see the heart of a loving God who is allowing his people again and again to come to his divine and caring presence, even though they are going away from him through their weaknesses. Here, God never closes the door of his mercy against anyone until he/she reaches in his presence. Remarriage may give one more chance to the concerned one so that he/she may have the opportunity to experience the grace and providence of God even through the errors that happen directly or indirectly. Jesus did not make any differentiation in sharing the table with him. In a situation if the faithful are really sorry for the failings, that have taken place in their life, why the Church does not allow them to receive the Holy Communion, through which one experiences the divine presence in a very personal and unique manner? If we say that for the sake of common good divorce and remarriage should not be allowed, the good of the people in trouble also is to be evaluated. To have good and life enhancing relationship is certainly part of the common good of the divorced and remarried

⁴⁴Bonnie J. Miller-McLemore, "Generatively, Self-Sacrifice, and the Ethics of Family Life," in John Witte, Jr., M. Christian Green and Amy Wheeler, eds., *The Equal Regard Family and its Friendly Critics: Don Browning and the Practical Theological Ethics of the Family*, Cambridge: William B. Eerdmans Publishing Company, 2007, 37.

couples. Therefore, in this "season of mercy"⁴⁵ the people expect something pastorally significant and accommodative as far as the divorced people and their life situations are concerned. The words of Pope Francis bring lot of expectations, especially with regard to the people who are denied the communal participation in the church, due to divorce. He states very prophetically and openly with the mind of Jesus that "the Church is not a toll house; it is the house of the Father, where there is a place for everyone, with all their problems."⁴⁶ It is time for the faithful to realize and experience the fact that they are living in the House of the Father, in the nearing synod of bishops.

⁴⁵Pope Francis, in his interview during the return journey from Brazil after world youth day, <http://culbreath.wordpress.com/2013/11/30/pope-francis-still-intends-to-admit-remarried-divorcees-to-the-eucharist/> (Accessed on 3/7/2014).

⁴⁶Pope Francis, *Evangelii Gaudium* (2013), no. 47.