

**Mixed Marriage  
in the Code of Canons of the Eastern Churches  
and the Particular Law of the Syro-Malabar Church**

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Pope John Paul II in his Apostolic Exhortation, *Familiaris consortio* (§§ 1&4), stated:

Marriage and family constitute one of the most precious of human values [...]. Since God's plan for marriage and the family touches men and women in the concreteness of their daily existence in specific social and cultural situations, the Church ought to apply herself to understanding the situations within which marriage and the family are lived today, in order to fulfill her task of serving.

Therefore, the Church has always exercised her unique role in regulating the discipline concerning the marriages of the faithful. This is particularly obvious in the Church's approach to mixed marriages.

Mixed marriages have always been the object of special pastoral concern for the Church. The problem with respect to mixed marriages first arose when a Jew or a Gentile was converted to Christianity. St. Paul in his first letter to the Church of Corinth (1 Cor 7:12-16) addresses the pastoral problem of when a Christian could not cohabit in peace with a non-Christian. The theology underlying the norms on mixed marriage, in a broad sense, is expressed in this scriptural passage. The key factors are peace in the family and the faith of the believer. For this reason, the Church prohibited Christians from marrying non-baptized persons.

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During the early years of the Church, this prohibition was conveyed principally through the teachings of the Church Fathers. The Eastern Catholic Churches, for centuries, followed, besides the regulations enacted by the Popes, the legislation that emerged from ecumenical councils, patriarchal synods, or assemblies of each Eastern Catholic Church *sui iuris*. However, a systematic and unified legislation was enacted exclusively for the Eastern Catholic Churches only in the *motu proprio Crebrae allatae* of 1949.

A mixed marriage presupposes that one of the spouses to be married is not a Catholic, whether baptized or non-baptized. The present study, however, concentrates only on the mixed marriage in a restricted sense, i.e., a marriage between a Catholic and a baptized person not in full communion with the Catholic Church.

The principal question that stands out in this study is: What values do the legislations on mixed marriage intend to promote and safeguard? Furthermore, we analyze the Church's pastoral obligation toward families ensuing from mixed marriages, proposing some concrete steps to prepare spouses for such marriages without unduly burdening their conscience, and finding the ways and means to continue rendering effective pastoral assistance to such families.

This study has got two principal dimensions, namely, juridical and pastoral. The juridical aspect has its focus primarily on the legislative norms governing the canonical form of marriage as found in the *Code of Canons of the Eastern Churches*. The pastoral dimension comprises mainly the practical life of mixed marriage families, both within the Church and within the society.

The entire work is divided into three chapters. Chapter one contains, in part one, a brief survey of the canonical legislation on mixed marriages from the early Church until the promulgation of *CCEO* and, in part two, a systematic analysis of the norms on mixed marriages as presented in the *CCEO*. According to this study, the *Code of Canons of the Eastern Churches* both obliges the members of the Eastern Catholic Churches to preserve their tradition and Catholic faith and offers positive pastoral support to those choosing to enter mixed marriages. Recognizing the reality of mixed marriages and reflecting on the principles of ecumenism declared by the Vatican Council II, the *CCEO* seeks to strike a balance between the juridical requirements and pastoral care of the faithful.

The second chapter, after providing a succinct history of the Syro-Malabar Church, analyzes the legislations recently promulgated by

the Syro-Malabar Church on mixed marriage. The history offers a glimpse of the identity of the Syro-Malabar Major Archiepiscopal Church *sui iuris*, its ecclesiastical tradition, and the ordering of Christian life. All the elements that constitute this patrimony and ritual identity have had their genesis in the life of the St. Thomas Christians from the apostolic times.

The particular law of the Syro-Malabar Church explicitly discourages mixed marriages, as the Church desires that the Catholics attain perfect union of mind and full communion of life, including their faith. The Church, nevertheless, clearly recognizes that everyone has a natural right to marry and beget children. We find a conscious effort on the part of the legislator to align the particular legislation on mixed marriage with the common norms contained in the *CCEO*. The particular law acknowledges the importance of the Eastern theological understanding of the sacrament and its liturgical celebration and also of the socio-cultural aspects of marriage.

From the very beginning of this project, the goal has been the more in-depth examination of the practical and pastoral aspects of the mixed marriage rather than to formulate theoretical paradigms. Therefore, the third chapter is more practical and pastoral in nature and explores the relationship between the Churches and reflects on the ecumenical developments that have taken place since the Vatican Council II. It also examines the canonical and theological questions that relate to marriage within the contemporary society and apply the principles derived there from into pastoral practice.

Both the *CCEO* and the particular law of the Syro-Malabar Church contain reasonably flexible norms governing mixed marriages. Now, there is a greater recognition of the religious freedom of the non-Catholic partner in mixed marriages. However, it may be noted that greater emphasis is placed on the responsibility of the Catholic partner to hand on to his or her children the gift of the Catholic faith.

The particular norms directed toward the pastoral care of mixed marriage families are not restricted solely to pastoral care, but they insist also on the juridical prerequisites for a valid and lawful celebration of marriage in view of facilitating a healthy and holy family life. Thus, these norms proclaim the fact that Christian marriage is a path to sanctity, thus, declaring that a Christian family is *an ecclesia domestica*, a special vocation, 'a church within the Church'.