

DIVORCE, REMARRIAGE AND PASTORAL PRACTICE IN THE GREEK EAST

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Basilio Petrà, an expert on Greek Orthodox moral theology, deals with a subject of great interest today as the Catholic Church is looking for pastoral solutions to the forthcoming General Synod of Bishops scheduled to be held in Vatican in October 2015. Irregular marriage unions have increased and multiplied enormously. Divorce and second or third marriages have become frequent in contemporary society creating a serious pastoral problem for the Church. In this context the article presents and discusses two of Petrà's recent books which complete each other. They draw attention to the solutions found already in the tradition of the undivided Church and are still preserved in the Greek East. *Ex oriente lux*: Light from the East.

One of the important differences between the Roman Catholic Church and the Eastern Orthodox Churches concerns divorce and remarriage. For the former, death is the great divider, a separation arranged by nature, which opens the door to a new marriage, which is effectively as normal as the previous one. For the latter things is not so. Keeping to the tradition of the Fathers of the Church and of the ecumenical councils, the Orthodox Churches admit legitimate divorce but do not

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regard a second or successive marriage as fully normal and equal to the first one. Just as the firstborn is unique without a second, the first marriage is unique. This may be “breaking news” for many readers. But it was presented in a book published recently by Basilio Petrà, *Remarried Divorcees and Second Marriage in the Church: Towards A Solution*.¹ The original is in Italian and has not been translated into English.

The author Basilio Petrà is a well-known moral theologian of Greek origin. His Greek name *Basileios Petras* has been Italianised as Basilio Petrà. He is a presbyter of the Diocese of Prato, central Italy. He teaches moral theology at the Theological Faculty of Central Italy and is visiting professor at various academic institutions in Rome and elsewhere. He teaches Orthodox moral theology at the Pontifical Oriental Institute, Rome, where I had often occasion to meet him and interact with him. Free of all craving for ecclesiastical careerism he writes frankly, boldly and critically. His writings are also very timely and often even provocative as the title of an earlier book shows: *Married Priests by the Will of God? Essay on a Church with Two Lungs*.² His latest book is entitled *Divorzio e seconde nozze nella tradizione greca: Un'altra via* (2014).³ (Divorce and Second Marriage in the Tradition of the Greek Church: Another Way).

Petrà's regular medium of written communication is Italian, which inevitably sets limits to the wider outreach of his scholarship. This is really unfortunate. For Petrà has a message to deliver that deserves to be more widely heard. It is quite timely, too. For example, as we know, one of the several complex pastoral problems that engaged the attention of the Extraordinary Synod of Bishops that recently met in Rome (4-20 October 2014) was divorce and remarriage. This problem is scheduled to be discussed again in the Ordinary Synod of Bishops meeting in Rome in October 2015. In this context Petrà's last two books are of particular interest. In them he proposes a solution to the pastoral problem regarding divorcees who have remarried. The problem is worldwide and obviously Petrà's books invite close attention.

¹Basilio Petrà, *Divorziati risposati e seconde nozze nella Chiesa: Una via di soluzione* (Cittadella Editrice: Assisi, 2012).

²See my review of the book, Basilio Petrà, “Preti sposati per volontà di Dio? Saggio su una Chiesa a due polmoni,” *Orientalia Christiana Periodica* 71 (2005) 260-264.

³Basilio Petrà, *Divorzio e seconde nozze nella tradizione greca. Un'altra via*, (Cittadella Editrice: Assisi, 2014).

Petrà is a prolific writer and has authored several works. They include the following. *Tra cielo e terra: Introduzione alla teologia morale ortodossa contemporanea* (1992); *Il matrimonio può morire? Studi sulla pastorale dei divorziati risposati* (1996); *La penitenza nelle Chiese ortodosse: Aspetti storici e sacramentali* (2005); *La Chiesa dei Padri: Breve introduzione all'Ortodossia*, 2nd ed., 2007; *La contraccezione nella tradizione ortodossa* (2009); *L'etica ortodossa: Storia, fonti, identità* (2010); "The Divorced and Remarried: A New State Within the Church?," *INTAMS* 16 (2010) 194-207; *I limiti dell'innocenza: Il peccato involontario nel pensiero cattolico e nella tradizione orientale* (2011); *Preti celibi e preti sposati: Due carismi della Chiesa cattolica* (2011); *Divorziati risposati e seconde nozze nella chiesa: Una via di soluzione* (2012); *Divorzio e seconde nozze nella tradizione greca: Un'altra via* (2014).

In the present article I shall consider the last two works in the above list. First a word about the method of Petrà, which is to deal with the subject matter piecemeal in various, smaller works and not in a single massive volume exhaustively. This has its advantages and disadvantages. Exhaustive treatment may increase the bulk of the volume, which may seem prohibitive to some readers. But piecemeal treatment in smaller volumes can create the uneasy feeling of incompleteness. The back cover of the first book (2012) we are considering features a short text of presentation, obviously prepared by the author himself. I give below a literal translation, which even at the price of difficulty in understanding, may give an idea of the author's intention and method.

In this volume a way of solution is proposed to the pastoral problem consisting in the situation of the divorced faithful who have remarried. It is a way found through a research which the author has undertaken strictly respecting two conditions: that it should be a way that is compatible with the proper tradition of the Roman Church, and contextually should be able to preserve the analogy of faith introducing possibilities that do not modify structurally the Catholic doctrine either from the doctrinal point of view or from the strictly moral point of view.

As is well-known, the situation of divorcees who have remarried constitutes a problem for which the Catholic Church has currently no fully satisfactory solution. This is the life situation (*Sitz im Leben*) which Petrà envisages. According to the commonly accepted Catholic dogmatic theology and canon law a valid marriage union once consummated cannot be rescinded except by death. Therefore there is

no real divorce in the Catholic Church. However, in practice Catholics do resort to divorce. Since divorce does not really rescind a marriage except apparently or in civil law, the enduring marriage link or bond renders invalid a subsequent marriage. According to moral theology sexual intercourse between persons who are not validly married is adultery, and the children born of such union are considered illegitimate popularly and in canon law. The Catholic Church refuses the sacraments to persons living in such invalid marriage unions except the so called “last sacraments” given to those at the point of death or in danger of death. However, in pastoral practice the Church cannot and does not simply abandon them to themselves during their life. Indeed, in order to be of help to bishops and priests in this important matter Pope John Paul II asked the Congregation for the Doctrine of Faith (CDF) to issue norms and guidelines, which it did in 1998. It was republished in a volume containing also some other documents and studies by some scholars whom the CDF consulted. In the original Italian the volume is entitled *Sulla pastorale dei divorziati risposati* (= “Pastoral care of the divorced who have remarried”).⁴ Petrà presents this document in a substantial “Introduction” of his book *Divorziati risposati* (pp. 7-29). The text is by Cardinal Joseph Ratzinger, the then Prefect of the Congregation for the Doctrine of Faith (CDF). Petrà takes this work seriously and begins his book with a critical analysis of it. His criticism is hefty but loyal and respectful (pp. 26-36). It is a good example of the constructive cooperation of theologians with the official magisterium of the Church even while differing from it loyally with religious *obsequium*, a virtue which operates between obedience and loyal dissent.⁵

According to Petrà the pastoral guidelines proposed by the Congregation for the Doctrine of Faith in 1998 do not really offer a

⁴Congregation for the Doctrine of Faith, *Sulla pastorale dei divorziati risposati* (Libreria Editrice Vaticana: Vatican City) 1998.

⁵The meaning of *obsequium* is explained in George Nedungatt, *Renewal of Life and Law: An Indian Contribution* (Dharmaram Canonical Studies, 10) (Bangalore: Dharmaram Publications, 2015); see “Authentic Magisterium and *obsequium religiosum*” (pp. 187-194). This work also cites Ladislav Örsy who writes: “The ongoing attempts to translate *obsequium* by one precise term are misguided efforts which originate in a lack of perception of the nature of that concept” (p. 188). See also Örsy’s *The Church Learning and Teaching*, (Michael Glazier: Wilmington 1987) 89. Attention may be drawn also to his “Magisterium: Assent and Dissent,” *Theological Studies* 48 (1987) 473-497.

satisfactory solution to the problems, which are indeed very complex. They are not new of course. The Church has faced them from the beginning. And the tradition of the Church contains solutions which the Orthodox Churches have preserved but the Catholic Church has largely abandoned or ignored. Thus it has come about that the above mentioned pastoral guidelines do not really offer helpful solutions but effectively leave the people to the judgement of God and of their conscience. Petrà asks: Can't there be a real solution in keeping with the nature of the Church's participation in the redeeming function of the Saviour of the world and the authentic tradition of the Church? He proposes to shed some light especially from the Eastern perspective.

Here let me prefix a terminological note. Petrà regularly uses the term "Oriente" (East), meaning the Christian Orthodox East of the Greek tradition. But as we know "East" is vaster than the Greek East. For example, there is the Syriac East, which qualifies to be specified according to Sebastian Brock as a "third lung" in the metaphor of the "two lungs" of the Church made popular by Pope John Paul II. With this reserve I shall use the term "East" in what follows in the sense intended by Petrà. Similarly, "West" is of course wider than the Roman Catholic Church, but in the present context this term will be used in this restricted sense.

While the West easily allowed second and successive marriages according to canon law, the East set the second marriage on a lower level and frowned upon a third marriage as barely tolerable and a fourth marriage as no better than "bestly." And it was indeed a "bestly" limit, too. But why this limit? In the Old Testament polygamy was normal: Abraham, Isaac and Jacob were bigamous or polygamous. David had seven wives. In course of time, however, monogamy asserted itself as a cultural datum. And by the NT times it had become normative for the Jews and the Christians inherited it. Polygamy could be successive although with increasing depreciation in the East as stated above. In the West, however, there was no such descending hierarchy of successive marriages, although the nuptial blessing imparted to the bride was reserved to the first marriage both in the East and in the West.

Petrà is not concerned with a historical or systematic exposition of the problem of remarriage. His book is mainly a dialogue with his Western interlocutors. After presenting the document of the Congregation for the Doctrine of Faith (CDF), he first criticises the

Introduction by Cardinal Ratzinger by showing (pp. 26-36) that it is an unacknowledged re-edition of an article which Msgr. Tarcisio Bertone, secretary of the CDF, had published earlier in 1997.⁶ Petrà does not rubber stamp it as plagiarism. It is a revised text prepared presumably by Bertone himself and offered to Ratzinger for his signature as the prefect of the CDF for added value. But then something of the halo surrounding this introduction is lost as Petrà explores and lays bare its origins.

Criticizing in incisive terms this document of the CDF, Petrà affirms that it misreads “the doctrine of the Eastern Churches about indissolubility. The East holds that marriage *should not* be dissolved by the sin of the spouse, which is different from the Western doctrine of *ontological* impossibility (that is, marriage cannot be dissolved = it is impossible to dissolve marriage). What the East teaches is *moral* impossibility: you cannot morally dissolve a marriage. Petrà states that it is not proper to say “this coincides with the Latin doctrine” (p. 30). Further it is also methodologically wrong to derive clear and certain conclusions from the teaching of Jesus in the Gospel of Matthew (5:32; 19:9) once you recognize that this teaching is not clear and certain and its exegesis is far from being unanimous. “Why does the document fall into such contradiction and reserve such hasty and unsatisfactory treatment to the position of the East? ... The general direction of the document is determined by a mentality that is more canonical than theological” (p. 32). Besides, the document of the CDF is not really concerned about the much discussed problem regarding the validity of the marriage of the baptized who have no faith at all. This is a thorny issue on which the CDF document has registered no progress. Petrà concludes his criticism by stating that “the pastoral and theological problem regarding those who have remarried after a divorce still awaits a satisfactory solution” (36). As we know, this problem was discussed in the recent Extraordinary Synod of Bishops (Rome, 4-20 October 2014), which has left the final solution to the Ordinary Synod of Bishops scheduled to meet in Rome in October 2015.

Petrà discusses the precise point of St. Paul in dealing with the question of remarriage of widows and widowers (pp. 121-155). Remarriage of widowers and widows was normal for Jews and gentiles alike and presented no legal or moral problem. The problem

⁶Tarcisio Bertone, “La pastorale dei fedeli divorziati risposati: Principi dottrinali del Magistero della Chiesa,” *Familia et Vita* 2 (1997) 21-38.

in the Corinthian community was whether in the context of the expectation of the imminent *parousia* of the Lord and of the end of the world the directive of Paul not to make important changes in life in the "narrow" interim was to be strictly observed or not in the case of marriage even after that expectation did not materialise. Paul discouraged any change of lifestyle without however forbidding a second marriage. But this was later misinterpreted in the West by Pope Innocent III (1198-1216), according to whom the second marriage was only a "faculty granted by the Apostle Paul" (p. 155), a permissive law, which is certainly erroneous.

The Western tradition since the thirteenth century, supported by papal magisterium, has consistently held that whereas the marriage link is dissolved by death, a valid and consummated marriage is not dissolved by the adultery of one or both of the partners, nor can it be dissolved by the supreme power of the pope as the Vicar of Christ (pp. 157-162). However, this limitation of the vicarious power of the pope is questioned by several recent writers (A. Abate, N. Iung, J. H. Provost, P. V. Pinto, L. Chiappetta, J. M. Diaz Moreno). Although this doctrine of limitation is commonly held, it is certainly not a dogma and is open to revision in such a way that the pope may dissolve, for solid reasons involving the good of souls, valid and consummated marriages just like valid and non-consummated marriages, since the difference between the two has not really any *theological* importance. In fact to represent the union between Christ and the Church with the sexual union in the consummation of marriage rather than with the virginal spiritual union of those vowing the monastic or religious life of chastity is a concession to imagination that deviates from the theology which upholds the superiority of virginity over marriage.

The barrier of the concept of marriage that is *ratum et consummatum* (ratified and consummated) is effectively crossed by the second marriage of widows and widowers, affirms Petrà (p. 166). If so, the next step is to recognize that marriage unions may virtually die by moral or psychological death even short of the physical death of a marriage partner. Moreover, even the separation effected by the physical death is not absolute in the light of the communion of saints (p. 167). "The magisterium has not determined how physical death dissolves a marriage.... but has only affirmed that a second marriage can be licitly and validly celebrated" (p. 174). In pastoral practice, however, a special penitential rite may have to be determined as is done in the East. Petrà writes: "A precise penitential procedure may

also be determined in those cases of definite responsibility in the rupture of the marriage union and/or a catechetical preparation in view of the second marriage" (p. 175). In this context Petrà could perhaps have mentioned in some detail the penitential rite in use in the tradition of the early Church (see below).

Petrà considers critically the commonly held Western view that although a marriage once ratified and consummated cannot be dissolved by any human authority, not even by the supreme power of the pope as vicar of Christ, it is dissolved or extinguished by death and only by death (pp. 194-203). This view does not seem to him to cohere with human destiny according to anthropology. The pastoral constitution of the Second Vatican Council *Gaudium et Spes* states as follows.

Christian faith teaches that the bodily death ... will be vanquished when Man is restored by an all-powerful and merciful saviour to the salvation lost through his own fault. For God has called Man and is calling him to cleave to God with all his being in the everlasting communion of an incorruptible divine life.... Faith affords us the ability of being in communion in Christ with our dear ones who have already been taken away by death (GS 18).

If death is the way to ultimate union with God, who will be all in all eschatologically, this will be at the cost of the snapping of personal relations. One's departed parents who are in heaven will continue to be parents; so also brothers and sisters will continue to be brothers and sisters. Why should not this be the case also with married couples?, asks Petrà (p. 219). In the liturgy and in Christian piety Mary is venerated as the Mother of God (*Theotokos*) or Mother of Christ (p. 237) and Saint Joseph is honoured as her chaste spouse. This should mean that glory does not rupture the relationship grace has given to each of the couple as spouse during their earthly life. The common view, radicalised by canon law, that death involves an eschatological rupture or separation would seem to involve a contradiction. If in marriage man and woman become one flesh, in death they should be regarded as becoming one in spirit. In Petrà's words, "Death does not put an end to the sponsal relationship between Christ and the Church, but is its originating act. How then can one say that physical death is the death of the marriage-sacrament?" (201). Appositely Petrà cites a layman, the French philosopher Jean Guiton, who wrote: "Death of one of the couple does not dissolve the marriage bond... The conjugal

relationship snapped by death is not simply abolished..... It may even be asked whether there is not a kind of immortality of the couple."⁷ Petrà further cites an Orthodox married priest expatriate from the former Soviet Union, Alexander Schmemmann: "In view of the eternal Kingdom, the marriage vow is not made 'till death does part' but till death unite us fully."⁸ A final citation is from Karol Wojtyła, the future Pope John Paul II, who wrote that choosing to remain as a widow is praiseworthy "because thus is best expressed the union with the dead person. The value of the person is not ephemeral, and the spiritual union can and should last even when that of the bodies has stopped."⁹ Petrà has argued with great force that marriage bond is also destined to last beyond death into eternity like blood relations. This can be consoling for spouses united in love. But on the other hand how will it be for the disunited ones for whom death was a relief?

Petrà cites also several texts of Pope Paul VI and of John Paul II that speak of the married couples as "one flesh" according to the biblical idiom, or of "the call of the body and of the instinct, force of sentiment and affectivity ..., normal traits of every conjugal love." These texts may make the reader smile or wonder how celibate clerics presume to speak with authority and with such confidence about the dynamics of married love. Ecclesiastical magisterium had once presumed to its cost to teach Galileo the laws of astronomy, ordering him to abide by the traditional geocentrism and to eschew the novelty of heliocentrism. Now will celibate magisterium sit at the feet of married magisterium and be ready to be taught?

Before concluding Petrà engages in dialogue with a critic of his, Rodríguez-Luño, who had written an article raising objections against Petrà's thesis that physical death of the marriage partner does not mean death of the marriage (207-221). The tone of the dialogue is admirably respectful even when Petrà registers his total disagreement with his critic. He begins by thanking his critic, thus showing a courtesy that is not common in controversy and is worth citing.

The attention with which Rodríguez-Luño analyses my book and my article cannot but honour me. Writers know how difficult it is to

⁷J. Guiton, *La famiglia e l'amore* (Milano: Cinisello Balsamo, 1995) 69.

⁸A. Schmemmann, *For the Life of the World: Sacraments and Orthodoxy*, (New York: 1973) 91.

⁹Carol Wojtyła, *Amore e responsabilità. Morale sessuale e vita interpersonale* (Marietti: Casale Monferrato, 1968) 199.

find readers and cannot but feel grateful towards a careful reader. The very criticism becomes a stimulus to deepening the themes dealt with and helps their further clarification. It is in this spirit that I would like to dialogue with Rodríguez-Luño... (p. 207).

Further in the general conclusion entitled "A Way of Solution" (223-240) one could have expected a synthesis or summary leading to a conclusion of the whole work as is usually done. Instead, the discussion carries on with fresh material and abundant footnotes leaving the reader rather disoriented. Indeed, it would have been helpful if the author had stated in the beginning of the book what he was going to deal with (proposition) and the arrangement of the treatment (division) in various chapters or sections. And after the discussion (argumentation) in the end a summary of the matter dealt with (conclusion). Such a procedure would have helped readers take in the message in a coherent whole. In the present work the *Indice* or Contents given at the end of the book following the Italian style sheet (p. 271) indicates a division amounting to eight chapters. Although they are not called chapters they are in reality so considering their contents. But this reader failed to see any logical progression of themes or ideas.

The "Appendix: Power of the Church and Failed Marriages" (241-269) is an interesting study in canon law. Petrà considers almost exclusively the canon law of the Latin Church ignoring practically the counterpart of the Eastern Catholic Churches. But this is a methodological restriction an author is entitled to especially when the latter does not differ from the former in the specific area one is interested in. Space forbids me to summarise here this interesting chapter. I shall only mention a few details.

The idea of marriage conceived in the West as a contract comes from the XI-XIII centuries. In antiquity the consent of the bride was presumed to consist in the will of the man (her father or guardian) who gave her in marriage or in the will of the man (husband) who took her as his bride. Secondly, besides death there are other factors which according to canon law can dissolve a valid marriage such as the monastic or religious profession. This ancient canonical provision has had a phenomenal growth since the XVII century. Non-consummation came to be regarded as ground for annulment of the bond, which, however, has no biblical foundation. The first pope to dispense from the sacramental bond of a non-consummated marriage

is Pope Martin V (1417-1431). Petrà gives also several other historico-canonical details, which are indeed interesting. However, it needs also to be remembered that just as there is development of dogma there is also development of discipline or canon law. Petrà concludes by reiterating, "The Church has not so far given a satisfactory explanation why death dissolves marriage. According to Christian faith death is not the end of the person" (p. 265).

Petrà has written a scholarly work, which, however, is not very easy to read. The reader puts it down with the feeling of having had in hand a volume containing a medley of ill-sorted studies than a tome of methodically developed argument. That is partly because the author is engaged in dialogue with several writers who hold diverse views. Books and articles appear with accelerated speed, which does not seem to allow Petrà time to reflect calmly before responding. This haste has left its mark all through the volume, which is not, and perhaps was not meant to be, a systematic exposition of the subject. At times it gives the impression of a collage, an impression supported by the author himself who, for example, refers to his criticism of the view of F. X. Durrwell that, although marriage is indissoluble, it is not indestructible: "see the criticism of this thesis in my *Il matrimonio può morire?*, 194-198, pages reproduced in the present work" (p. 266, note 43).

The complex life context (*Sitz im Leben*) of the volume *Remarried Divorcees and Second Marriage in the Church* has probably influenced its haphazard methodology. The author is also in a haste with a sense of mission. He supplies no bibliography at the end of his book. Books and articles are cited in abundance in the course of the discussion. But when they are cited subsequently with shorter titles it is hard to trace them back if you want to note down the full title and pursue it or check the source. Because of this defective style sheet you cannot read any chapter selectively or reread a particular portion which has interested you without running into the difficulty of checking the bibliographical references. The short titles become a puzzle. Footnotes abound and often fill the greater part of the page reminding one of the proverbial German *Wissenschaft*, which used to delight in the number, length and abundance of footnotes. Some may be impressed by such heavyweight scholarship, others may find it an irritant depending on taste. One serious irritant is the lack of indentations of citations longer than four lines as prescribed by most style sheets of international standard. The result is the risk that the reader gets confused between

the citation and the author's own thought. I have often had to retrace and check where a particular quotation began. Moreover, the citations are not printed in a different point, which could have obviated the above mentioned difficulty: for example, the use of 12, 11, 10 points for running text, citations and footnotes, respectively. Probably Professor Petrà left these matters to be attended to by the publisher or by the press, or perhaps he followed the ancient Roman adage *praetor non curat de minimis* (the praetor is not concerned with minutiae). He is indeed passionately in grips with his subject and apparently does not care about style sheet. Readers who let themselves be deterred or discouraged by such details, however, risk losing access to a wealth of scholarship.

The problems of remarriage and the relationship between a dead partner and the living partner was addressed in the test question put to Jesus by the Sadducees, who did not believe in the resurrection. They narrated a parable-story about seven brothers, who in obedience to the levirate law regarding a childless marriage (Dt 25:5-7) married the same woman and died each before the woman, too, died in the end. This parable-story is recounted by all the three synoptics (Mk 12: 18-27; Mt 22: 23-32; Lk 20: 27-39). Luke's version includes the reasoning behind Jesus' answer that she would be wife to none of the seven. "Those who belong to this age marry or are given in marriage; but those who are considered worthy of a place in that age and in the resurrection from the dead neither marry nor are given in marriage. Indeed *they cannot die anymore*, because they are like angels and are children of God, being children of the resurrection" (Lk 20 34-36). Death is the decisive factor. In the present age people are subject to death, and they marry or are given in marriage for the continuation of the human race through procreation. Without procreation the present age will come to an end. Marriage prevents it. After death in the age of the resurrection, "*they cannot die anymore*, because they are like angels and are children of God, being children of the resurrection." The conclusion is: after death in the new age beyond the reach of death there is no need to marry and reproduce children. The new age is that of an angel-like humanity.¹⁰ It is the condition of the children of God beyond the reach of death, of "the children of the resurrection."

¹⁰According to Thomas Aquinas, unlike men and women who are individual members of the human species, each angel is a species, not an individual of a species. If after death human beings are like angels, each being

But what is the condition of a marriage partner who is left behind on earth, a widower or a widow? That was not the concern of the Sadducees. But widows in particular became a concern of the Church when the expected imminent *parousia*, the return of the Lord Jesus in glory, did not take place. That hour was uncertain but could break in at any moment as was expected even as late as the end of the first century (2Pt 3: 8-14). However, as the Lord delayed in coming, Paul's answer was that each one should continue to lead the life that the Lord had assigned at the time of his/her call (1Cor 7: 17). In Corinth with its proverbial penchant for sensuality and sexual indulgence the problem of marriage was acute. Paul's general counsel that no change of state of life was to be made needed adaptation in individual cases. It is better to marry than be a celibate burning with passion. But all should know that marriage established a life-long relationship. "A wife is bound as long as her husband lives. But if the husband dies, she is free to marry anyone she wishes, only in the Lord" (1Cor 7:39). That applied to widows, but obviously also to widowers. Later the question of a widower marrying again came up; and the canonical solution was that such a person was no more eligible for the office of bishop (1Tm 3: 2; Tit 1:6). This apostolic rule points to a canonical distinction between the first marriage and the second marriage and implicitly any successive marriage. Petrà argues strongly that just as blood relationship between parents and children does not come to an end with death, even so married people are joined in a bond that is not simply snapped by death, an idea that may be consoling news to many spouses.

Given Petrà's personal background and specialization in the Eastern tradition, readers of his *Divorziati risposati* (2012) may rightly expect that more attention would be given to this tradition. But he reserved this treatment to his subsequent work without, however, announcing it. The result is that the book creates the impression of a truncated work. There are ancient canons about the reconciliation of penitents who are guilty of an unlawful second or successive marriage. Petrà does not deal with them in the present work *Divorziati risposati*, in which the Eastern penitential discipline is mentioned summarily as follows.

a species, will the blood relationship (father, mother, children, brothers, sisters) survive death albeit in a spiritualised form? The same question may be raised also about the survival of the relationship between husband and wife.

In the first centuries, as we have seen, it was not easy to accept the second marriage of widows especially in the East. Even today the marriage of widows includes penitential aspects; it is not permitted to marry more than three times. And if there is controversy regarding the sacramental value of the second marriage, the third marriage is not generally considered to have sacramental value (p. 223).

This matter is dealt with in the second book we shall now consider, namely, *Divorce and Second Marriage in the Greek Tradition: Another Way*.¹¹ This book has four parts. Part I, Imperial legislation and the nomocanons (pp. 11-44); Part II, 1) The Canons of the Apostles and of the ecumenical councils (pp.47-66); 2) The writings of the Fathers and Other Ecclesiastical Writers till the tenth century (pp.67-135); Part III, The praxis of the Greek Church and some cases of divorce, XI-XV centuries (pp. 139-158); and Part IV, The evidence from the liturgical celebration of the second marriage (pp. 161-169). General Conclusion (pp. 171-173). Appendices: 1) Divorce and the Matthean exception: 2) Divorce in the *Pedalion* (pp. 175-195); Bibliography (pp. 197-202).

Petrà summarises his new book as follows on the back cover. The Greek tradition has always seen in certain texts of the Gospel of Matthew (5:32; 19:9) the proof that the Lord himself permitted the second marriage after the repudiation of the wife on account of *porneia* (adultery). The entire praxis of the Greek Church regarding divorce is marked by the spirit of economy. It is born of the conviction that a marriage can be destroyed in its reality by a human action like *porneia*. What God has joined together should never be separated; however, sin can violate this commandment of the Lord creating irreparable situations of collapse.

In the last sentence Petrà avows that, although the Greek Church did follow a less rigid legislation and praxis than the Western Church, there can be limit cases or “irreparable situations of collapse.” The question is so complex that a summary here would risk being partial, inadequate and misleading. This is all the more so since there are various and conflicting exegeses of the crucial Gospel text, Mt 5:32 and

¹¹*Divorzio e seconde nozze nella tradizione greca. Un'altra via*, (Cittadella Editrice: Assisi, 2014).

Mt 19:9. Petrà follows and amply cites (pp. 175-184) Corrado Marrucci, S. J.'s work,¹² the best study to date on the question.

Petrà gives an overview of the legislation of Roman law on marriage and divorce, especially mentioning the *Lex Iulia de maritandis ordinibus* and the *Lex Iulia de adulteriis coercendis*, both issued by Emperor Augustus in B. C. 18. Perhaps the *parektos* clause in the Matthean pericope is to be read in the context of the provision of the *lex Iulia*, which made it mandatory for a husband to divorce his adulterous wife under penalty of being accused of being a pimp. Pimps made very profitable business with commerce in sex, which Augustus saw as weakening public morals and threatening the very foundation of the empire. To curb adultery, therefore, he made it a crime to pimp, the statutory punishment of which was exile. Now for Christians who were Roman citizens in the Matthean community of Antioch the evangelist interpreted authentically the teaching of Jesus as allowing divorce in the said circumstances, so that an innocent husband is not punished for the sin of his adulterous wife. All in all, it has been said that Roman law, which was pursued later by the Byzantine empire, marked the high point of reason put to the service of humanity.

Petrà gives a summary overview of the canonical legislation of local and ecumenical councils and of the Fathers of the Church (pp. 47-135). Among the Fathers, Basil the Great, Archbishop Metropolitan of Caesarea, is pre-eminent in this matter and is given due prominence (pp. 88-96). The Church imposed penance on those who entered into illicit marriages successively but later repented. This discipline had a long-standing tradition in the Church of the Fathers. Basil is an authoritative witness and interpreter of this tradition of the institution of public penance in the Church. His fourth canon states that bigamists, that is, persons who married for a second time (*bigamus / digamus*) or a third time (*trigamus*) were to be admitted to graduated public penance for two or three years. *Trigami* were subject to public penance for a maximum of four years according to the canon, or even five years by custom. During this penitential period they were

¹²C. Marucci, *Parole di Gesù sul divorzio*, (Naples), 1982 (= The Words of Jesus on Divorce). The Italian subtitle is significant and may be rendered as follows: "Prior scriptural research in view of a theological, canonical and pastoral rethinking of the Catholic doctrine of the indissolubility of marriage." I find this work of Marucci, whom I was privileged to have as a colleague at the Pontifical Oriental Institute, Rome, the most exhaustive, scientific and reliable.

excluded from the Divine Liturgy (Holy Mass) but were admitted to the liturgy of the word (“listeners”), after which they had to leave the assembly (“minor excommunication”). At the end of the period of their public penance they were admitted to the Eucharist. The third marriage, however, was not deemed to be truly marriage but “limited fornication,” that is, different from although better than promiscuity; hence it was tolerated. Basil expressed himself in his fourth letter or canon on digamy (second marriage) and trigamy (third marriage) as follows.

As regards trigamy and polygamy the rule is the same as in the case of digamy but keeping due proportion. For the digamous it is one year, though some others impose two years. The trigami are barred from communion for three years and often for four years. Indeed such a marriage is no longer called marriage but polygamy, or rather controlled fornication. For the Lord also told the Samaritan woman, who had five husbands one after the other, “He whom you have now is not your husband” (Jn 4: 18), meaning that those who cross the limit of digamy are not worthy to be called husband or wife. It is the custom to segregate the trigami for five years, but there is no canon to this effect; we follow our predecessors. It is surely proper not to exclude them completely from the Church, but let them be listeners for the space of two or three years, and thereafter they may be permitted to be among the *standers* but forbidden to receive Holy Communion. Thus, on showing some fruit of repentance, they are to be restored to the condition of those entitled to communion.¹³

Basil takes up the matter again in his ninth canon, which is quoted textually in Italian by Petrà (pp. 95-96). This canon does not require the parties involved in a second or third marriage to separate before being admitted to the canonical penance. They are dealt with first as “hearers” or those who were admitted to the liturgy of the word but

¹³Basil the Great, *Canonical Epistle 4*, PG 32, 673. My translation. For a French translation see Périclès-Pierre Joannou, *Discipline générale antique* (Fonti, Fascicolo IX, ed. Pontificia Commissione per la redazione del Codice di Diritto Canonico Orientale), vol. II, *Les canons des Pères grecs*, 1963, pp. 101-102. For an English translation in use among the Orthodox see *The Rudder of the Orthodox Catholic Church: The Compilation of the Holy Canons by Saint Nicodemus and Agapius* (New York: Luna Printing Co., 1983) 792. Surprisingly Petrà does not indicate the above mentioned Joannou’s edition in the series *Fonti*.

had to leave before the liturgy of the Eucharist; second, as "standers," that is, those who were not sent away after the liturgy of the word but were not allowed to receive the Eucharist; and "weepers," those who were required to implore the Christian faithful to pray for them. At the end of such public penance the penitents were admitted to full communion. It is to be noted that the condition of a man abandoned by his wife is different from that of the man who abandons his wife: such a man may enter into a second union with another woman, for which he is not considered an adulterer.

It may be noted as an aside that legend linked Basil and Ephrem, making the latter even write a panegyric of the former, which is a tribute posterity paid to both although history cannot confirm their ever meeting each other. Apart from legend it may be interesting to see how Ephrem, the greatest of the Syriac Fathers, regarded the Samaritan woman mentioned by Basil as an example of a polygamous sinner, who had crossed the limit and was no more wife to any husband. St. Ephrem instead perceived the situation differently with a more benign interpretation of the conduct of the Samaritan woman. She had indeed five husbands in succession and the one she was living with was not her husband (Jn 4: 18). Ephrem does not see her as an adulteress but as a replica of Sara in the Old Testament story of Tobias. Sara's father Raguel hesitated to give her to Tobias for wife because "seven men had died one after another on the first night of their wedding when they went in to her (Tobit 7: 11). For they were attacked by a demon (8: 3). But just as Sara was saved by the angel Raphael, the hapless Samaritan woman was saved by Jesus whom she confessed as "the Saviour of the world" (Jn 4: 42). That is the benign interpretation by Ephrem, the "Harp of the Spirit," the greatest representative of the Church's "third lung" (Sebastian Brock), the Syriac tradition. Basil states in his ninth canon as follows:

Equally men and women are to follow the Lord's directive that it is not allowed to break off a marriage except for unchastity (Mt 5: 32). But the custom is different. ... Custom bids even men living in adultery or fornication to be tied to their wives. Therefore I do not know whether a woman living with a man abandoned by his wife can be called an adulteress. For the fault is on the part of that woman who left her husband whatever be the cause of her departure. Perhaps she was beaten and she could no more endure it; but it was better to endure than separate from the spouse. Or perhaps the harm consisted in money, but even this is no excuse if

that makes him live in fornication. We have no provision for this in the custom of our Church..... She who deserts her husband and goes to another man is an adulteress. The man, however, who was abandoned is excusable, and a woman who cohabits with him is not condemned. If, however, a man deserts his wife and unites to another woman, he is an adulterer because he makes her commit adultery; and the woman cohabiting with him is an adulteress, because she has snatched another woman's husband for herself.¹⁴

What is important to note here is that the party, whether man or woman who is deserted, is not regarded as guilty of the separation and is "not condemned" but "is excusable" if he or she cohabits with a partner without entering into marriage: that is, the active party in separation is guilty but the passive party is excused. Basil presents complex cases, which shows that they are not problems only of modern society.

The canonical discipline mentioned by Basil was taken over in substance and given universal validity by the Council in Trullo (692) with its 87th canon. Significantly this canon starts with a citation of Basil and credits him to interpret well and apply the holy scripture.

The woman who has left her husband is an adulteress, if she has gone to another man, according to the holy and divine Basil, who culled this most aptly from the prophecy of Jeremiah: *If a woman becomes another man's wife, she shall not return to her husband, but being defiled she shall remain defiled* (cf. Jer 3:1); and again: *He who keeps an adulteress is foolish and ungodly* (cf. Prov. 6: 32). If, therefore, it is shown that a woman has left her husband without good reason, he deserves allowance, but she deserves a penalty. Allowance shall be given him, that he may be in communion with the Church. However, he who leaves his lawfully wedded wife and takes another woman is liable to the verdict of adultery in accordance with the decision of the Lord (cf. Mt 5: 32). It has been decreed through canons by our Fathers that such men are to weep for one year, to listen for two years, to prostrate themselves for three years, and in the seventh year are to stand together with the faithful;

¹⁴St. Basil can. 9, PG 32, coll. 677-680 (my translation); Joannou, II, *Les canons des Pères grecs*, pp. 108-109; Rudder, p. 797.

thereupon they are deemed worthy to partake of the offering, if they repent with tears.¹⁵

The Council in Trullo follows and gives ecumenical validity to the tradition testified to by the "holy and divine Basil." What this council disposes regarding men who left their lawful wife and married another and then repent will apply obviously also to similar repentant women. What is important to note here is that in the ancient Church not all irregular man-woman relations outside marriage were beyond a pastoral solution. There was the institution of public penance prolonged for several years. The arithmetic of the years of penance occupied later casuistry. Both in the East and in the West public penance was gradually replaced by private penance, which was imposed in the sacrament of reconciliation on the confessing penitent. This change helped ensure privacy and avoid unnecessary damage to good name and reputation. But later the Western Church discarded the Council in Trullo for its "anti-Roman" canons, and slipped into moralism by departing from the authentic sense of the Church as "the household of God" (1Cor 3:9), whose pastoral practice is to be notable not only for its fidelity to the teaching of Jesus about the indissolubility of marriage but also for imitating his compassion and mercy even in difficult cases of divorce and remarriage.¹⁶ Unlike the woman, who was caught in adultery and risked being stoned to death but was rescued by the merciful Redeemer (Jn 8: 11), the Christian faithful suffered the rigour of a Church that was more zealous for law than for mercy. Thus the West departed from the tradition of the Church Fathers represented by Basil the Great and from the discipline sanctioned by the Council in Trullo.

As regards the Council in Trullo (called by the Byzantine canonist Balsamon also "Quinisext" council, meaning that it was the completion of the fifth and the sixth ecumenical councils, neither of which had issued any canons) it may be noted that this council was long misunderstood and neglected in the West. But it is now widely

¹⁵George Nedungatt and Michael Featherstone, eds., *The Council in Trullo Revisited* (Kanonika 6) (Rome: Pontificio Istituto Orientale, 1995) 166-168. Curiously this modern translation of the canons of the Council in Trullo seems to have escaped the attention of Petrà, who mentions instead *Pedalion*.

¹⁶Walter Kasper, *Mercy: The Essence of the Gospel and the Key to Christian Life* (New York: Paulist Press, 2014); *The Gospel of the Family* (Paulist Press: Mahwah, NJ, 2014).

recognized also by Western scholars as an ecumenical council albeit *sui generis*. The turning point was its seventh centenary (1992) when scholarly studies established its ecumenical character.¹⁷ Consequently the commonly used two-volume Alberigo-Tanner¹⁸ has turned out to be neither complete (because the Council in Trullo is not included) nor updated because the general councils held in the West after the East-West separation, namely Lateran I – Vatican II, are called in this work ecumenical without qualification whereas scholars now tend to call them general councils.¹⁹ However, in his very useful handbook *The Councils of the Church: A Short History*, Tanner rightly locates the Council in Trullo (wrongly called “of Trullo”) among the ecumenical councils as the second session of the Sixth Ecumenical Council.²⁰ Surprisingly, Petrà does not seem to be updated on this matter of Western progress and bibliography.

The discussion could be deepened in the light of the biblical theology of marriage as a covenant of love between a man and a woman who establish a permanent partnership of their entire life (cf. CCEO c. 776 §1). It is a type (*typos*) of the covenant union between God and the people of Israel in the Old Testament, which is renewed and deepened in the covenant union between Christ and the Church in the New Testament. Since the married couple become “one flesh” (Gen 2:24; Mt 19:6; Eph 5:31), divorce is excluded. According to the Old Testament prophets, however, Israel with its idolatry and service of other gods, committed adultery, broke the Sinai covenant and was divorced by God (Jer 3:1; Ez 16: 59; Hos 1:9; 2:2). In fact a husband may or even should divorce an adulterous wife (Mt 5: 32; 19:9), and that under penalty of being regarded as conniving at her sin and

¹⁷George Nedungatt and Michael Featherstone, eds., *The Council in Trullo Revisited*, (Kanonika 6) (Rome: Pontifical Oriental Institute, 1995); also George Nedungatt, “The Council in Trullo Revisited: Ecumenism and the Canon of the Councils,” *Theological Studies* 71 (2010) 651-676.

¹⁸Norman P. Tanner, ed., *Decrees of the Ecumenical Councils* (Sheed and Ward: Washington: London / Georgetown University Press, 1990).

¹⁹Giuseppe Alberigo, ed., *Conciliorum oecumenicorum generaliumque decreta*, vol. 1 (Brepols Publishers: Turnhout) 2006; see Introduction/Editors’ note as well as George Nedungatt and Silvano Agrestini, “Concilium Trullanum 691-692,” pp. 203-215; (Alberto Melloni, ed.,) *Conciliorum Oecumenicorum Generaliumque Decreta*, vol. II (Istituto per le Scienze Religiose, Bologna / Brepols Publishers: Turnhout) 2013.

²⁰Norman P. Tanner, *The Councils of the Church: A Short History* (Herder/ Crossroad: New York, 2001) 36-37, 41-43.

being accused of being a pimp according to a law of the Roman Emperor Augustus. Since the wife was regarded as the man's property, she was treated differently by law and not on a par with her husband. Thus while an adulterous wife could or should be divorced, a wife could not divorce her adulterous husband.

Those Fathers of the Church who were steeped in the theology of the covenant regarded the adultery of the wife as punishable with divorce. For example, John Chrysostom says that with the adultery of the wife, "the man ceases to be her husband, the marriage is dissolved, and the adulteress is no one's wife."²¹ St. Cyril of Alexandria says marriage is not dissolved by a mere writ of repudiation without a justifying evil conduct,²² which implies the legitimacy of divorce.

In the West, Augustine is certain that a man has the right to repudiate his adulterous wife, but is not sure whether he can remarry.²³ Ambrosiaster, commenting on 1Cor 7:10 says that a wife is not to abandon her adulterous husband, but a husband may repudiate his adulterous wife and remarry.²⁴

According to the Synod of Neocaesarea (314 ca), a priest whose wife committed adultery must repudiate her (can. 8), nothing being said about his adultery. On the whole, however, the Orthodox canonical tradition adheres more faithfully to holy Scripture and to the canonical tradition of the Fathers,²⁵ although the practice has often varied in conformity to imperial law. Catholic canonical discipline is uniform but its fidelity to scripture and tradition is debatable. Indeed, without the compass of the theology of the covenant even erudite writings may miss the mark.²⁶

Petrà's trenchant criticism of the CDF (pp. 26-36) in his first book would have gained greater force by showing that the Vatican magisterium neglects authentic first millennium conciliar

²¹PG 48: 352-363; 51: 207-242; 57: 259: 58: 595-604: 61: 151-160.

²²PG 72: 380.

²³PL 4: 221.

²⁴PL 17: 218. See Juan Chapa, *Comentario de Ambrosiaster a las epistolas de san Pablo* (Pamplona 1986).

²⁵Peter L'Huillier, "L'indissolubilité du mariage dans le droit et la pratique orthodoxe," *Studia Canonica* 21 (1987) 251.

²⁶Cyril Vasil' and George Gallaro, "Remarriage in the Orthodox Church Challenges Catholic Church," *Studia Canonica* 47 (2013) 119-143.

magesterium dealt with in his second book. The Roman Catholic Church today seems to plead inability to deal with problems for which the ancient Church had pastoral solutions, which are still applied in the Orthodox Churches. The greatest malaise of the West is its amnesia of the East. The directive given by the Second Vatican Council to the Eastern Catholic Churches to return to their ancestral traditions (OE 6) may perhaps be applied also to the Western Church as a whole in an extensive interpretation of this conciliar text.

A remnant of the ancient penitential discipline of the Church has been preserved in the new Code of Canons of the Eastern Churches, which foresees that “penalties can be imposed requiring some demanding work of religion or piety or charity to be performed, such as prescribed prayers, pious pilgrimage, special fast, alms, spiritual retreats” (CCEO c. 1426 §1). This canon, however, does not apply to the situation of broken marriages. The Orthodox Churches generally impose some penance before admitting persons to a second or third marriage, the latter being rather tolerated by *oikonomia* than permitted.

The Second Vatican Council launched the refreshing idea about the hierarchy of truths. “In Catholic doctrine there exists an order or ‘hierarchy’ of truths, since they vary in their relation to the foundation of the Christian faith” (UR 11). What is said of truths may be said also of the sacraments and of the canons that they are not all equal, that there is a gradation or hierarchy of sacraments and of canons. Among the sacraments, for example, it is traditional doctrine that the eucharist is the crown and summit of the sacramental order, and that baptism is related to it as condition and entry into the Church. Marriage is a sacrament that in various degrees signifies fruitfulness and the union of Christ the Redeemer with the Church and the redeemed humanity. The canonical provision that a non-consummated marriage can be dissolved by the pope unlike a consummated marriage shows that there is a hierarchy of marriage, too. The second marriage is supplementary and “secondary,” so that formerly the bride was not given the solemn nuptial blessing following a liturgico-canonical practice (CIC 1917 c. 1143).²⁷ In the Orthodox tradition the very

²⁷The original purpose of the nuptial blessing was prayer and invocation of fruitfulness of the marriage. According to old genetics, whether a marriage was fruitful or not depended on the woman. But since according to modern genetics unfruitfulness may be due either to the woman or to the man, the new code has simply omitted the canon about the nuptial blessing. In the

sacramentality of the second marriage is disputed, some even denying it. In any case the second marriage is viewed as set on a lower grade in the hierarchy of the sacrament of marriage as Petrà has shown in his latest book (2014).

In conclusion some reflection is in order. Quite timely are the two books of Basilio Petrà we have considered: *Divorziati risposati e seconde nozze nella chiesa: Una via di soluzione / Remarried Divorcees and Second Marriage in the Church: Towards A Solution* (2012) and *Divorzio e seconde nozze nella tradizione greca: Un'altra via / Divorce and Second Marriage in the Greek Tradition: Another Way* (2014). These two works are complementary to each other. They deal with a topic that is of contemporary interest and is engaging the attention of the whole Catholic Church. The problem of divorce and of divorced people entering into a second marriage or a third marriage or successive marriages is indeed as old as the Church and even older. Solutions were sought and found by the Church as attested by Basil the Great. The Church Fathers followed the principle of mercy that "it is not proper to exclude them completely from the Church, but on showing some fruit of repentance, they are to be restored to the condition of those entitled to communion." In the seventh century the ecumenical Council in Trullo sanctioned the tradition of the Church Fathers that after due penance the offenders were to be restored to Eucharistic communion. The arithmetic of the duration of public penance stretching over several years and even the public nature of penance are surely open to revision while preserving the principle of restoring communion. Public penance was long replaced in the East and in the West by private confession and absolution. But the current pastoral practice sanctioned by the Roman Apostolic See and by canon law leaves the solution in many cases practically to the deathbed or to the tribunal of God. This has long been felt to be pastorally unsatisfactory. Moral theologian Vimal Tirimanna from Sri Lanka, who teaches at Alphonsianum in Rome, pins his hopes for a change of doctrine:

"There are doctrines even on marriage and family that cannot change, and there are also doctrines on marriage and family that

reformed rite of marriage fruitfulness is invoked on the marriage, hence on the couple.

can do change, and in fact have changed or evolved in the course of the Church's history."²⁸

Some hold effectively that while dogmatic theology does not and cannot change, pastoral theology can and does change. And moral theology? The fact is that what is unchangeable is revelation and faith, not theology or dogma. Catholics recognize that dogmas have developed,²⁹ sometimes even in a short time. Norman Tanner, writes:

"The Creed of Nicaea was re-thought as Constantinople's version; the Council of Ephesus reaffirmed the Nicene Creed while citing Mary's role in our salvation; and Chalcedon reaffirmed the three earlier councils before proceeding to its own teaching on Christ's humanity and divinity"³⁰

Canon law is generally understood to be changeable except what is of divine law in it (and natural law, which however is conceived as divine law revealed through nature). As regards marriage the following points are worth considering. Jesus did not teach that marriage is indissoluble, but "What God has joined together in marriage let no one separate" (Mt 19:6). But how does one know what God has joined together and what God did not join together? Is whatever joined together according to canon law necessarily joined together also by God? But this is practically what the Church's teaching about the validity and the indissolubility of marriage and the common canonical practice amount to. Here are a few examples.

Age. The minimum age for a valid marriage for men is sixteen and for women fourteen since the 1917 Code of Canon Law (c. 1067; CIC-1983 c. 1083). But formerly marriages at lower age were common and were regarded as valid.

Impotence is a diriment impediment (c. 1081), but the impotence in question is of the physical order (*impotentia coeundi*); whereas the psychic impotence to live together may be equally or even a more

²⁸Vimal Tirimanna, "The Extraordinary Synod: Can the Catholic Doctrine on Marriage and Family Change?," *Vidyajyothi Journal of Theological Reflection* 79 (2015) 7-26, at p. 15.

²⁹For the classical treatment of this question see John Henry Newman, *An Essay on the Development of Christian Doctrine*. Charles Frederick Harold, ed., (New York: Longmans, 1949).

³⁰Norman Tanner, "Orthodoxy in Nicaea-Constantinople and Chalcedon," *Concilium* 2014 / 2, 54-55.

serious obstacle to conjugal and family life. If so, it can render a marriage invalid. But its range of applicability is a matter of jurisprudential discernment.

Married men were once ordained validly even as bishops, and may be validly ordained presbyter today also, except in the Latin Church (CIC c. 1087), but these restrictions on the married men are not of *ius divinum* and are subject to canonical modification.

Consanguinity in indirect line renders marriage invalid till the fourth grade inclusively since 1983 in the Latin Church (c. 1091 §2), whereas previously the nullity extended only to the third degree (CIC 1917 c. 1076 §2). This means certain marriages involving consanguinity have become invalid just because the Church has made them so. Contrariwise, affinity in collateral line is no more an impediment whereas according to the previous code it rendered marriage invalid till the second degree inclusively (CIC 1917 c. 1077 §1). In the Old Testament, however, a different discipline obtained with the levirate law requiring a man to raise up offspring for his dead brother from the widow (Dt 25:5), a law which is not retained in canon law.

These are a few examples of marriage discipline where changes have occurred across time. Although the current canonical provisions may have their justification, not all of them affect the essence of marriage and therefore are subject to further change. They cannot be regarded as opposed to a different discipline that may be more reasonable and pastorally more suitable.

Petrà has shown that the Catholic Church need not invent new solutions to the problems of marriage and family but may draw on a forgotten tradition, which is still alive in the East. *Ex oriente lux* (light from the East). To use the metaphor dear to St. John Paul II, the Church must breathe again with both its lungs, the Eastern and the Western, in order to be healthy, and we may add pastorally well-informed and Christlike.

Petrà has continued to publish his views and proposals with persistence in new publications such as "Welcoming Divorced and Remarried People: A Formal Proposal," *INTAMS Review* 20 (2014) 138-144; "Questioni problematiche sul matrimonio. I divorziati risposati," *Rivista di Teologia Morale* 46 (2014) n. 183, 363-368; "Le 'seconde nozze' sono sacramento?," *Settimana* (2014) n. 21, 12-13. His proposals have been summarised and presented in an Italian journal specially devoted to publishing and making known documents: "Sull'accoglienza dei

divorziati risposati. Una proposta formale di Basilio Petrà," *Il Regno. Documenti* (2014) n. 11, 369-372. It will be interesting to see what impact these publications will have on the forthcoming Ordinary Synod of Bishops scheduled to meet in October 2015.