

## MIXED MARRIAGE: EMERGING CANONICAL ISSUES IN THE CONTEXT OF PASTORAL CARE

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### Abstract

This article examines the canonical and pastoral complexities of mixed marriages between Catholics and baptized non-Catholics. It analyzes the requisite permissions, sacramental nature, and canonical form, while highlighting the tension between upholding doctrine and respecting religious freedom. The study underlines the pastoral imperative to support these families, facing challenges like faith transmission and inter-church collaboration to foster unity amidst diversity. The author advocates harmonizing the Eastern and Latin Codes regarding the role of a deacon in the canonical form of matrimonial celebration.

**Keywords:** Mixed Marriage, Pastoral Care, Ecumenism, Non-Catholic, Baptismal Validity, Canonical Form, Prohibition.

### Introduction

Mixed marriage, canonically defined as the union between a Catholic and a baptized non-Catholic,<sup>1</sup> has become increasingly prevalent in today's globalized world. It raises numerous canonical issues that challenge traditional norms, especially in the present context of pastoral care. As societies become more diverse and interconnected, mixed marriage raises questions about the religious identity of denominational ascription, family dynamics, and the unity of belief within Christian communities. Addressing these issues demands sensitivity to both theological and canonical principles in the context of pastorally lived experiences of individuals directing the complexities of mixed marriages, especially when it comes to the harmonious coexistence of the parents and the children of the same family in the faith life. The challenges differ from the context of the varied local

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<sup>1</sup> CCEO c. 813; CIC c. 1124; CCC n. 1633.

pastoral situations. This study has four constitutive elements to be discussed: the meaning of mixed marriage, the canonical nexuses of mixed marriage, the pastoral context, and the challenges.

This search not only examines the canonical requirements and implications of mixed marriages but also explores the pastoral care required to support couples of the Christian faith differing within their shared life in faith practices as members of different Christian communities but of members of the same family. It seeks to reconcile theological and canonical principles with practical pastoral realities, emphasizing the importance of maintaining unity in faith while respecting the diversity intrinsic to mixed marriage families. This text aims to explore the canonical framework surrounding mixed marriages and confide the challenges involved in the pastoral strategies needed to foster harmony and mutual understanding within these unions. Some of the canonical nuances implied in mixed marriage, we find, are questionable or contradict the very teachings of the Church, especially in the case of respecting the right and freedom of the non-Catholic partner and the ecumenical unity. They would look more social in nature, but they are theologically and canonically relevant.

In the context of pastoral care, the rise of mixed marriages raises important canonical issues that require thoughtful consideration and compassionate guidance. The emerging challenges should not be seen merely as disqualifying elements of pastoral care, but they present compelling opportunities for growth and understanding for the couples and their families. As pastors of the Catholic communities, we are canonically obliged<sup>2</sup> to provide supportive and inclusive care to mixed-marriage families, and they must cross complex questions around identity, belongingness, and the freedom of religious practice of individuals of the same family. The major challenge, as pastoral caregivers, is to learn to balance the needs and traditions of both partners while also upholding the teachings and principles of their faith communities. Therefore, the question is, as pastors, how can we help couples and their children foster a sense of belonging to one's community while respecting the unique experiences and backgrounds of the other? Hence, this exploration of mixed marriage and canonical issues in pastoral care aims to probe into these questions to understand the challenges and opportunities that arise at the intersection of love,

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<sup>2</sup> CCEO c. 784 §1; CIC c. 1063.

faith, and community. In the context of ecumenical collaborations, the Church cautions the pastors to avoid any possibility of syncretism.<sup>3</sup>

### 1. The Catholic Understanding of Mixed Marriage

"Marriage between two baptized persons, one of whom is Catholic and the other of whom is non-Catholic"<sup>4</sup> is a mixed marriage. Until the Second Vatican Council, the Catholic Church considered a marriage between a Catholic and a baptized person belonging to a Church or ecclesial community not in full communion with the Catholic Church, and a marriage between a Catholic and a non-baptized person as impediments. The former was regarded as an "impedient" impediment, and the latter an "invalidating" impediment. Both needed a dispensation from legitimate ecclesiastical authority for a licit or valid marriage celebration. The present Codes of Canon Law, however, adopts a different approach to mixed marriages in the context of ecumenical relations. Mixed marriage is no longer regarded as an "impediment" but only as a "prohibition," and hence, the marriage of a Catholic and a validly baptized non-Catholic needs only the "permission" of the competent ecclesiastical authority. In contrast, a marriage with a "disparity of worship" impediment requires a "dispensation" from the competent ecclesiastical authority.<sup>5</sup>

Nevertheless, considering the meaning of the term "impediment" in general as a "legal disqualification," mixed marriage can be seen as a "prohibitive impediment,"<sup>6</sup> which is different from a disparity of worship marriage that is a "diriment/invalidating impediment."<sup>7</sup> The "prohibitive impediment" renders a marriage 'illicit' if celebrated without the prior permission of the competent ecclesiastical authority. However, it would remain valid if the canonical requirements for validity were fulfilled.<sup>8</sup> A marriage celebrated in "diriment impediment" renders the marriage "invalid" unless a lawful dispensation is granted. In both cases of mixed marriage and disparity of worship marriage, a relaxation of the law of permission or

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<sup>3</sup> See ED 97 and 156.

<sup>4</sup> CCEO c. 813.

<sup>5</sup> Sebastian Payyappilly, *Mixed Marriage in the Code of Canons of the Eastern Churches and the Particular Law of the Syro-Malabar Church*, Dharmaram Canonical Studies 9, Dharmaram Publications, Bangalore, 2014, 51; CCC n. 1635.

<sup>6</sup> CCEO c. 813; CIC c. 1124.

<sup>7</sup> CCEO c. 803; CIC c. 1086.

<sup>8</sup> The canonical requirements for validity of the celebration of marriage are, the form of the celebration (CCEO cc. 828-842), absence of any diriment impediments (CCEO cc. 800-812), and proper matrimonial consent (CCEO cc. 817-827).

dispensation determines the 'licity' or 'validity' of the matrimonial celebration. All the "prohibitive impediments" can be lawfully relaxed by the competent ecclesiastical authority. However, in the case of "diriment impediments," only those with the force of mere ecclesiastical law, in particular, are relaxed by the competent ecclesiastical authority.<sup>9</sup> One will have to examine carefully the nature of a law in question and determine the effect of the lack of permission on a particular juridic act.

The present legislations for both Eastern and Latin Catholic Churches stipulate that the celebration of marriage between Catholics and members of Christian Churches or the ecclesial communities not in full communion with the Catholic Church is prohibited without the permission of the local hierarchy/ordinary.<sup>10</sup> The law does not expressly say that permission for mixed marriage is necessary for the validity of the marriage. Therefore, the permission is only for licity (cf. CCEO c. 1495). The Catholic party must obtain permission (licentia) from the local hierarchy/ordinary, who may be the proper local hierarchy/ordinary of the Catholic party, where the Catholic party is transient, or where marriage is to take place.<sup>11</sup>

## 2. The Canonical Nexuses of Mixed Marriage

Mixed marriage involves several canonical nuances, namely, the ecumenical relations in fostering unity among all Christians,<sup>12</sup> determining the validity of Baptism of the non-Catholic party,<sup>13</sup> the concept of Catholic and non-Catholic/*acatholicus*,<sup>14</sup> the nature of the laws applicable in mixed marriages,<sup>15</sup> freedom to marry<sup>16</sup> vs. legal prohibition to mixed marriage,<sup>17</sup> the rationale of the conditions applied for the relaxation from the prohibition for a mixed marriage,<sup>18</sup> the canonical form for the validity or licity of the celebration of a mixed

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<sup>9</sup> CCEO c. 1536 § 1; CIC c. 85 §1.

<sup>10</sup> CCEO c. 813; CIC c. 1124.

<sup>11</sup> See CCEO c. 789; CIC c. 1071.

<sup>12</sup> CCEO cc. 902-908.

<sup>13</sup> CCEO c. 675; CIC cc. 842 §1, 849; ED (1993) 95a; CCC nn. 1256 and 1278.

<sup>14</sup> The baptized non-Catholic also involves the difference between Eastern and non-Eastern (See CCEO c. 834 §2).

<sup>15</sup> CCEO cc. 780 and 781; CIC c. 1059; DC art. 4.

<sup>16</sup> CCEO cc. 22 and 778; CIC cc. 219 and 1058.

<sup>17</sup> CCEO cc. 813; CIC cc. 124.

<sup>18</sup> CCEO cc. 814 and 815; CIC cc. 1125 and 1126.

marriage,<sup>19</sup> the sacramental character of a mixed marriage,<sup>20</sup> pastoral care proper to those in a mixed marriage,<sup>21</sup> and the issue of the transfer to another Church *sui iuris* in the context of mixed marriage.<sup>22</sup>

## 2.1. Mixed Marriage and Ecumenical Relation

Ecumenism in the Catholic Church is a movement to rediscover a visible unity among all Christians<sup>23</sup> so as to fulfill the prayer of Jesus, "that all of them may be one, Father, just as you are in me and I am in you. May they also be in us so that the world may believe that you have sent me" (John 17: 21). Ultimately Christian unity is God's will and God's work and not solely our own. In the Catholic understanding, ecumenism is primarily a platform for inter-Ecclesial communion, mutual cooperation among the Churches, and other Ecclesial communities as witnesses of Christian unity in the world. It envisions the communion of the Churches and other Ecclesial communities by accepting and respecting Christian communities' pluralistic and diverse natures. Hence, the unity envisaged in the context of ecumenism is not uniformity or conformity among various Christian communities but cooperation and coexistence among them all.

The stretch of the ecumenical history before the Second Vatican Council is marked by a total pessimistic attitude of the Catholic Church towards ecumenical activities. It was believed that Catholic ecclesiology would not permit such participation since the Catholic position for Christian unity was "Return to Rome." Moreover, the Church criticized the ecumenical movement, considering it founded on "error and illusion," and forbade the Catholics from participating in the ecumenical movement because of the fear of indifference. So, the Church taught that the Ecumenical movement was a Protestant arena of activity and that the Catholic Church had no need to search for unity since it already possessed it with the chair of Peter. However, prominent theologians undertook some significant theological ground works during this period.<sup>24</sup> Seemingly, the Catholic Church always sought to seek full

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<sup>19</sup> CCEO c. 834; CIC cc. 1117 and 1127 §1; The 1996 *Instruction for Applying the Liturgical Prescripts*, n. 82.

<sup>20</sup> CCEO c. 776 §2; CIC c.1055 and 1134.

<sup>21</sup> CCEO c. 816; CIC c. 1128.

<sup>22</sup> CCEO c. 34.

<sup>23</sup> Kuncheria Pathil, *Unity in Diversity: A Guide to Ecumenism*, Dharmaram Publications, Bangalore, 2012, 21.

<sup>24</sup> For a detailed account of the pre-Conciliar understanding of Ecumenism, See, Pope Leo XIII, declaring all Anglican ordinations to be "absolutely null and utterly void," 1896; Pope Leo XIII, *Testem benevolentiae nostrae* Apostolic letter, 1899; Pope Pius

unity with separated fellow Christians and, at the same time, rejected what it saw as the false union that would mean being unfaithful to the teaching of Sacred Scripture and Tradition. The Church strictly instructed that it was illicit for the faithful to assist at or participate in any way in non-Catholic religious functions, and for a serious reason requiring, in case of doubt, the Bishop's approval, for passive or merely material presence at non-Catholic funerals, weddings, and similar occasions because of holding a civil office or as a courtesy can be tolerated, provided there is no danger of perversion or scandal.<sup>25</sup>

Coming to the Second Vatican Council, Pope John XXIII, in his opening speech, rejected the thoughts of "prophets of doom who are always forecasting disaster" in the world and in the future of the Church. He exhorted the Council Fathers "to make use of the medicine of mercy rather than the weapons of severity" in the documents they would produce for the council.<sup>26</sup> As a result, ecumenical relations, a visible unity among all Christians, were one of the key issues discussed by the Council Fathers. In the light of the teachings of the Second Vatican Council, a marriage between a Catholic and a non-Catholic has been canonically distinguished between a "mixed" and a "disparity of worship" marriage. The Catholic Church has taken a more lenient approach towards mixed marriage, unlike the disparity of worship.<sup>27</sup> This approach has been envisaged in the light of the ecumenical understanding of the Church, considering that mixed marriage can contribute to the ecumenical movements.<sup>28</sup>

The Catholic Church considers mixed marriage "even if they have their own particular difficulties, 'contain numerous elements that could well be made good use of and develop both for their intrinsic value and for the contribution they can make to the ecumenical movement. This is particularly true when both parties are faithful to their religious duties. Their common Baptism and the dynamism of grace provide the spouses in these marriages with the basis and motivation for expressing

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XI, *Mortalium Animos*, Encyclical Religious Unity, 1928; CDF (The Holy Office), *An Instruction of the Holy Office*, on the Ecumenical Movement, 1949 Pope Pius XII, *Humani generis*, Encyclical, 1950.

<sup>25</sup> CIC/1917 c. 1258.

<sup>26</sup> Pope John XXIII, *Gaudet Mater Ecclesia*, "Mother Church Rejoices," opening speech of the Second Vatican Council, 11 October 1962.

<sup>27</sup> See, Payyappilly, *Mixed Marriage in the Code of Canons of the Eastern Churches and the Particular Law of the Syro-Malabar Church*, 51.

<sup>28</sup> See FC 78; ED 145 & 147.

unity in the sphere of moral and spiritual values'." <sup>29</sup> However, when it comes to pastoral responsibility, it is not easy to take care of a couple of the same family with different faith practices and to establish contacts with the minister of the other Church or ecclesial community. In spite the Church believes, "in general, mutual consultation between Christian pastors for supporting such marriages and upholding their values can be a fruitful field of ecumenical collaboration." <sup>30</sup>

As part of the ecumenical agreement and the pastoral guidelines agreed upon by the Catholic Church and the Malankara Syrian Orthodox Church, the particular law of the Syro-Malabar Church makes special provisions for the pastoral care and the celebration of the marriage between the members of these two Churches. <sup>31</sup> Some of the salient features of the norms are as follow:

- a) The bride and bridegroom, after mutual consultation, may select the Church in which the marriage is to be celebrated.
- b) Betrothal may be permitted according to the custom of the place.
- c) Banns, which also announces that it is an inter-Church marriage, should be published in the respective parish churches.
- d) Once permission is obtained from the bishops, the respective parish priests are expected to issue the necessary documents for the conduct of marriage.
- e) For the celebration of the marriages, the liturgical minister should be the parish priest of the Church where the marriage is celebrated or his delegate from the same ecclesiastical communion, and no joint celebration of marriage by the minister of both the Churches.
- f) The marriage is to be blessed either by the Catholic or the Syrian Orthodox minister. However, there could be some kind of participation at the liturgical service by the other minister who could read a scriptural passage or preach a sermon.
- g) On the occasion of these celebrations, the couple, and any members of their families who belong to these Churches, are

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<sup>29</sup> ED 145; Cf. FC, n. 78.

<sup>30</sup> ED 147.

<sup>31</sup> *Code of Particular Law of the Syro-Malabar Church*, art. 181.

allowed to participate in the Divine Eucharist in the Church where the sacrament of matrimony is being celebrated.<sup>32</sup>

## 2.2. Determining the Validity of the Baptism of the Non-Catholic

The Catechism of the Catholic Church, in the light of the teaching of the Second Vatican Council,<sup>33</sup> states: "... one cannot charge with the sin of the separation those who at present are born into these communities [that resulted from such separation] and in them are brought up in the faith of Christ, and the Catholic Church accepts them with respect and affection as brothers .... All who have been justified by faith in Baptism are incorporated into Christ; they therefore have a right to be called Christians, and with good reason are accepted as brothers in the Lord by the children of the Catholic Church."<sup>34</sup> The Eastern Code states the competence of the ecclesiastical tribunal to judge the validity of the two-baptized non-Catholics.<sup>35</sup>

For a mixed marriage, the pastor must determine the validity of the Baptism of the non-Catholic party. CCEO c. 675 regulates the validity of the sacrament of Baptism by giving a juridical dimension to the important theological and dogmatic elements of the sacrament of Baptism.<sup>36</sup> Explaining the same, the Ecumenical Directory describes: "Baptism by immersion, or by pouring, together with the Trinitarian formula is, of itself, valid. Therefore, if the rituals, liturgical books, or established customs of a Church or ecclesial Community prescribe either of these ways of Baptism, the sacrament is to be considered valid unless there are serious reasons for doubting that the minister has observed the regulations of his/her own ecclesial Community or Church."<sup>37</sup>

The matter and form of the celebration are absolutely necessary to determine the validity of the sacrament of Baptism. The matter of Baptism is natural or 'true'<sup>38</sup> water, and the form of the celebration of Baptism is the invocation of the name of God the Father, the Son, and the Holy Spirit while washing with the water (immersing or pouring

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<sup>32</sup> See Payyappilly, *Mixed Marriage in Code of Canons of the Eastern Churches*, 186-188.

<sup>33</sup> See UR 3.

<sup>34</sup> CCC n. 818.

<sup>35</sup> CCEO. c. 781.

<sup>36</sup> LG 11.

<sup>37</sup> ED 95a.

<sup>38</sup> See CIC c. 849.



the water, not sprinkling) by the minister of the sacrament.<sup>39</sup> For validity, the same person is required to pour the water and pronounce the baptismal formula. The Church encourages restoring the practice of immersion according to the ancient tradition.<sup>40</sup> Other than the matter and form mentioned in the canon, proper intention of the minister and, if the recipient is an adult, proper intention of the one being baptized is also considered as required for validity.<sup>41</sup> The sacrament of Baptism has an indelible character and cannot be repeated.<sup>42</sup> However, if a prudent doubt exists as to whether Baptism has been truly or validly celebrated, and the doubt remains after a serious investigation, Baptism can be administered conditionally.<sup>43</sup>

### 2.3. The Notion of a Catholic

Another important canonical nuance that emerges in this context is to determine a Catholic as against a non-Catholic or a defected Catholic. There are two ways by which a person becomes a Catholic, namely, by receiving a valid baptism in the Catholic Church,<sup>44</sup> and being received into the Catholic Church after Baptism.<sup>45</sup> Because of the indelible character of the sacrament of baptism, once a Catholic remains always a Catholic. Hence, those who have publicly rejected the Catholic faith, or publicly abandoned Catholic communion, or were punished with major excommunication are considered unsuitable Catholics.<sup>46</sup> In reference to CCEO c. 813, Pospishil terms them as "unsuitable Catholics."<sup>47</sup> CIC cc. 1086 §1, 1117, and 1124 used the term as, 'Catholics defected from it by a formal act.' In 2009 this term is taken away from the canons by Pope Benedict XVI.<sup>48</sup>

### 2.4. Difference between Eastern or Non-Eastern Non-Catholics in Mixed Marriages

In light of Ecumenical relations, the Codes distinguish between baptized non-Catholic/non-Catholic Christians and non-baptized

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<sup>39</sup> Sebastian Payyappilly, "Chapter I: Baptism," in *A Practical Commentary to the Code of Canons of Eastern Churches*, Vol. I, Wilson & Lafleur, Chambly (Qc), 1218.

<sup>40</sup> CCC n. 1239.

<sup>41</sup> See CIC c. 869 §2 and commentary of Frederick R. McManus in Coriden, *Text and Commentary*, 615.

<sup>42</sup> CCEO c. 672 §1; CIC c. 845 §1; LG 11 and 21.

<sup>43</sup> CCEO c. 672 §2; CIC c. 845 §2.

<sup>44</sup> CCEO cc. 293, 834 §1 and 1490; CIC cc. 11, 1117.

<sup>45</sup> CCEO cc. 834 §1, 897, 901, 1490; CIC cc. 11, 1117.

<sup>46</sup> See CCEO cc. 580, 789 6°, 497 §1 1°, and 953, 3°; CIC c. 316 1°, 1071 4°, 694 1°, 171 3°.

<sup>47</sup> Payyappilly, *Mixed Marriage*, 56.

<sup>48</sup> Pope Benedict VI, mp *Omnium in mentem* [2009], arts. 3, 4 and 5.

persons.<sup>49</sup> Again, depending on the degree of communion and the possibility of full communion with other Churches or ecclesial communities, the Church distinguishes the “baptized Eastern non-Catholics”<sup>50</sup> from that of the other baptized non-Catholics. In the case of the canonical form of a marriage between a Catholic and a member of the Eastern Non-Catholic Church, both the Codes permit to have a valid celebration with no dispensation from the form of marriage. For, the norm reads: “If, however, a Catholic party enrolled in some Eastern Church celebrates a marriage with one who belongs to an Eastern Non-Catholic Church, the form for the celebration of marriage prescribed by law is to be observed only for licity; for validity, however, the blessing of a priest is required, while observing the other requirements of law.”<sup>51</sup>

## 2.5. The Nature of Laws Applicable in Mixed Marriages

Regarding the law that regulates a mixed marriage, CCEO states:

In addition to divine law, marriage between a Catholic and a baptized non-Catholic is also regulated by:

- 1° the law proper to the Church or ecclesial community to which the non-Catholic belongs, if that community has its own matrimonial law;
- 2° the law that binds the non-Catholic, if it is an ecclesial community, if proper matrimonial law is lacking.<sup>52</sup>

This norm is to be understood in the context of ecumenical relations and respecting the norms that bind a baptized non-Catholic party. While the divine law is universally applicable with no exception, the merely ecclesiastical law binds only the members of the Catholic Church.<sup>53</sup> Unlike *CIC*, *CCEO* give importance to the ecumenical relation envisaged by the Vatican Council that “non-Eastern Churches had the faculty to govern themselves according to their own discipline (*UR* 16).”<sup>54</sup>

<sup>49</sup> CCEO c. 35, 670 §2, 681 §5, 780 §2, 876 §1, 896-908. *CIC* cc. 868 §3, 1183 §3.

<sup>50</sup> CCEO cc. 685 §3, 834 §2; 781 2°, 833 §1, 897, 898 §1 and 899; *CIC* cc. 1127 §1, 1116 §3.

<sup>51</sup> CCEO 834 §2; See also *CIC* c. 1127 §1.

<sup>52</sup> CCEO c. 780 §2. See also *CIC* c. 1059 and *DC* 2 §2.

<sup>53</sup> See CCEO c. 1 and 1490; *CIC* c. 11.

<sup>54</sup> Pablo Gefael, “Marriage,” in *A Practical Commentary to the Code of Canons of the Eastern Churches*, Vol. I, 1406.

## 2.6. The Laws Applicable in the Matrimonial Tribunal in the Case of Baptized Non-Catholic

The Eastern Code stipulates important principles of substantive law to be considered by an ecclesiastical court while judging a marriage nullity case of a baptized non-Catholic. The norm reads:

If sometimes the Church must pronounce a judgment about the validity of a marriage between baptized non-Catholics:

- 1° regarding the law to which the parties were subject at the time of their wedding, can. 780 § 2 is to be observed.
- 2° regarding the form of the marriage celebration, the Church recognizes any form prescribed or admitted by the law to which the parties were subject at the time of their wedding, provided that the consent was expressed publicly and, if at least one of the parties is a baptized member of the Eastern Non-Catholic Church, the marriage was celebrated with a sacred rite.<sup>55</sup>

The law contains impediments and the form to be observed. The first principle states that a marriage nullity case must be judged according to the substantive laws, e.g., diriment impediments, which bind the baptized non-Catholic party. Similarly, the second principle stipulates that when judging the nullity of marriage of two baptized non-Catholics on the basis of defect or lack of form, the laws governing the form of the Church or ecclesial communities to which the parties belong must be considered. However, the exchange of consent must be done in a public form, if at least one of the parties is a baptized member of the Eastern Non-Catholic Church, the marriage is celebrated with a sacred rite.<sup>56</sup>

## 2.7. Legal Prohibition of Mixed Marriage

In the context of ecumenical understanding, people often raise the question, why is there a legal prohibition<sup>57</sup> on mixed marriage? The present legislation for both Latin and Eastern Catholic Churches stipulates that marriage between Catholics and members of Christian Churches and ecclesial communities not in full communion with the Catholic Church is prohibited without the permission of the local hierarchy/ordinary.<sup>58</sup> The law does not expressly say that permission for

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<sup>55</sup> CCEO c. 781.

<sup>56</sup> Payyappilly, *Mixed Marriage*, 56.

<sup>57</sup> CCEO c. 813; CIC c. 1124.

<sup>58</sup> CCEO c. 813; CIC c. 1124.

mixed marriage is necessary for the validity of the marriage. Therefore, the permission is only for licity (cf. CCEO c. 1495). The fundamental reason for prohibiting marriage with non-Catholics, whether baptized or not, has been the belief that such a union posed a serious threat to the continued practice of the faith by the Catholic party and to the Baptism and Catholic upbringing of any children born of the union.<sup>59</sup> These laws must be notified “before the Catholic party makes the promises,”<sup>60</sup> which should be done during the marriage preparation. The present attitude of the Church towards the non-Catholic party is more pastoral in this respect.

The rationales of this prohibition are to protect the Catholic party’s faith, foster a peaceful relationship among the family members, and sustain the unity and permanence of marriage. These concerns continue to be the priority of the Church in the matter of mixed marriages. The Church, however, teaches that the Catholic spouse must have respect for the religious freedom and conscience of the other spouse and due regard for the unity and permanence of the marriage and the maintenance of the communion of the family. In order to safeguard the faith of Catholics, the Church recommends and encourages marriage between two Catholics. The Directory states that the primary concern of the Church in all marriages “is to uphold the strength and stability of the indissoluble marital union and the family life that flows from it” (n. 144). In this regard, the Directory also makes a practical observation: “Mixed marriages frequently present difficulties for the couples themselves and for the children born to them, in maintaining their Christian faith and commitment and for the harmony of family life” (n. 144). However, the Church is also aware of the growing number of mixed marriages and the need for their pastoral care (see, n. 145).<sup>61</sup>

## 2.8. Conditions for Permission to Celebrate Marriage

In granting permission for a mixed marriage, the Church demands that the Catholic party provides assurance concerning continued adherence to and nurturance of his/her Catholic faith and the Baptism and the education of the children born of a mixed marriage in the Catholic faith.<sup>62</sup> The Church’s cautious approach to this situation is not without foundation since recent studies indicate that a high percentage of

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<sup>59</sup> Payyappilly, *Mixed Marriage in the Code of Canons of the Eastern Churches*, 50.

<sup>60</sup> Prader, “Marriage,” in *A Guide to the Eastern Code*, p. 558.

<sup>61</sup> Payyappilly, *Mixed Marriage in the Code of Canons of the Eastern Churches*, 100.

<sup>62</sup> CCEO c. 814; CIC c. 1125.

Catholics who enter mixed marriages eventually cease practicing their faith.<sup>63</sup>

Further, the conditions also require that the non-Catholic party be informed of the promises that are to be made by the Catholic party because, under the present legislation, the non-Catholic party is to be aware of the obligations the Catholic party has in a mixed marriage and that both the Catholic and non-Catholic parties be instructed on the essential ends and properties of marriage, which are fundamental to the Catholic understanding of the theology of marriage as an exclusive and perpetual "covenantal relation."<sup>64</sup> Hence, express exclusion or denial of any of the elements of the essential ends and properties of marriage by either of the parties would result in the rejection of permission by the local hierarchy.<sup>65</sup>

## 2.9. The Provision of the Particular Law in a Mixed Marriage

According to the common norm, the particular law of each Church *sui iuris* specifies how the pre-nuptial conditions are manifested.<sup>66</sup> The provision for particular laws of each Catholic Church *sui iuris* should enable them to have appropriate ecumenically sensitive norms on the different aspects of the declarations and promises to be made in a mixed marriage. The declaration and promises are to be made, and it does not matter whether or not the Catholic party can fulfill the promise.<sup>67</sup> Since a large number of Eastern Catholics now live outside the proper territories of their respective Churches, it will be more practical if the norms for granting permission for mixed marriages are suitable to the circumstances of each country. <sup>68</sup> The Liturgical Instruction for the Eastern Churches states that the particular law of the Churches *sui iuris* stipulates the "rules for the examination of the parties and the inquiries concerning their Baptism and freedom to marry."<sup>69</sup>

### 2.1.2.10. The Form of the Celebration of Mixed Marriage

Subjecting the validity of marriage to the canonical form, the Eastern Code stipulates a common form for all Catholic marriages in ordinary situations:

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<sup>63</sup> Payyappilly, *Mixed Marriage in the Code of Canons of the Eastern Churches*, 63.

<sup>64</sup> See CCEO c. 776; CIC cc. 1055 and 1056.

<sup>65</sup> CCEO c. 814 3°; CIC c. 1125 3°.

<sup>66</sup> CCEO c. 815; CIC c. 1126.

<sup>67</sup> Payyappilly, *Mixed Marriage in the Code of Canons of the Eastern Churches*, 70.

<sup>68</sup> See Pospishil, *Eastern Catholic Marriage Law*, p. 316.

<sup>69</sup> The 1996 *Instruction for Applying the Liturgical Prescripts*, n. 80.

§1. Only those marriages are valid that are celebrated with the sacred rite, in the presence of the local hierarchy, local pastor, or a priest who has been given the faculty of blessing the marriage by either of them and at least two witnesses, according however to the prescripts of the following canons, without prejudice to the exceptions referred to in cann. 832 and 834.

§2. The very intervention of a priest who assists and blesses is regarded as a sacred rite for the present purpose.<sup>70</sup>

The norm above stipulates that the validity of the celebration of any Catholic marriage in ordinary situations<sup>71</sup> requires a sacred rite in the presence of the local hierarchy or the pastor of the place of marriage and at least two witnesses with due regard for the exception mentioned in CCEO cc. 832 and 834 §2. If needed, the local hierarchy and the pastor can delegate another priest to celebrate the marriage validly.<sup>72</sup> The canon clearly states that for the validity of the marriage of an Eastern Catholic, besides the exchange of consent by the parties in the manner prescribed by law, the blessing of a priest and the presence of at least two witnesses are required. In this respect, the Liturgical Instruction states:

It should be noted that the obligation of the sacred rite, and thus of the priestly blessing, for the validity of the marriage is specific to Eastern law. In the Latin Church, the presence of the local Ordinary, the parish priest, or a priest or deacon delegated by either of them is required. In Eastern tradition, the priest must bless the marriage and assist. To bless means to act as the true minister of the sacrament, in virtue of his priestly power to sanctify, so that the spouses may be united by God in the image of the flawless nuptial union of Christ with the Church and be consecrated to each other by sacramental grace.

Can. 832 § 3 of the Code of Canons of the Eastern Church also specifies that, if for extraordinary circumstances, marriage is celebrated only in

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<sup>70</sup> CCEO c. 828; CIC c. 1108; See also, *Instruction for Applying the Liturgical Prescripts*, n. 82.

<sup>71</sup> The Codes of Canon Law also give the canonical form to be observed in extraordinary situations (See CCEO c. 832; CIC c. 1116).

<sup>72</sup> CCEO c.830.

the presence of witnesses, the spouses must receive the blessing of the marriage from the priest as soon as possible.<sup>73</sup>

Harmonizing the Latin law with the norm of the Eastern Churches, Pope Francis added a third paragraph to CIC c. 1108: "Only a priest validly assists at the marriage between two Eastern parties or between one Latin one Eastern Catholic or non-Catholic."<sup>74</sup> As a result of this, a long-debated question is whether a Latin pastor could delegate a deacon to bless the marriage where at least one of the parties, Catholic or non-Catholic, belongs to an Eastern Church. According to the new norm, it is clear that a Latin Church pastor cannot delegate a deacon to bless the marriage if one of the spouses belongs to an Eastern Church. This norm is also applicable in the case of a mixed marriage if the non-Catholic party belongs to an Eastern Church.

Despite progress, some questions remain unresolved until the Eastern Code is harmonized with the Latin Code. Two key issues persist:

- a) Can a pastor from an Eastern Catholic Church delegate a deacon to officiate at a wedding celebration for a couple belonging to the Latin Church?
- b) Is a deacon from an Oriental Church authorized to officiate a marriage between two members of the Latin Church?

Notably, no explicit norm prevents a deacon from being delegated in the first scenario. The governing law in this regard applies to the couple getting married, not the celebrant. Furthermore, no implicit or explicit norm restricts an Eastern Church pastor from delegating a deacon of the Latin Church to officiate a Latin Church couple's marriage. Consequently, based on the norm governing the couple, an Eastern Church pastor can lawfully delegate a deacon to assist at the matrimonial celebration of Latin Church members.

Regarding the second question, the universal Catholic Church recognizes the same diaconal power for both Latin and Oriental Churches, unless restricted by law. A deacon from an Eastern Church with the proper faculty can be lawfully delegated to assist in a Latin couple's marriage. However, this delegation must be made without prejudice to CCEO c. 674 §2, which states that ministers should celebrate sacraments according to their own Church's liturgical

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<sup>73</sup> Congregation for the Eastern Churches, *Instruction for Applying the Liturgical Prescriptions of the Code of Canons of the Eastern Churches*, 1996, n. 82.

<sup>74</sup> Pope Francis, *mp De Concordia inter codices*, 2016, art. 6.

prescripts, unless otherwise established by law or special faculty from the Apostolic See. This means an Eastern Catholic Church deacon with inter-ritual faculty can be lawfully delegated to officiate a Latin Church couple's marriage. In light of *De Concordia Inter Codices*, adding a third paragraph to CCEO c. 828 is desirable, stating: 'A deacon may validly assist at the marriage between two Latin Catholics or between a Latin Catholic and a non-Eastern non-Catholic.'

## **2.11. Marriage Celebration between a Catholic and Eastern Non-Catholic**

The Codes of Canon Law differentiate the canonical form of mixed marriage based on the marriage between a Catholic and either an Eastern Non-Catholic or a non-Eastern Non-Catholic. Specifically, CCEO c. 834 §2 states: "If, however, a Catholic party enrolled in some Eastern Church celebrates a marriage with one who belongs to an Eastern Non-Catholic Church, the form for the celebration of marriage prescribed by law is to be observed only for licity; for validity, however, the blessing of a priest is required, while observing the other requirements of law." This distinction highlights the unique considerations for marriages between Catholics and Eastern non-Catholics versus non-Eastern non-Catholics, emphasizing the importance of proper canonical form in these unions.

In pursuit of ecumenical relation and harmony of the Codes, CIC c. 1127 §3 is reframed to accommodate the diverse traditions of Eastern Rite communities. The revised norm states: "... a Catholic party contracts marriage with a non-Catholic party of an Eastern Rite, the canonical form of the celebration must be observed for licity only; for validity, however, the presence of a priest is required notwithstanding whatever else is to be observed in accordance with the law."<sup>75</sup> This adaptation reflects the Catholic Church's commitment to fostering unity and understanding with other ecclesial communities.

To this effect the Particular Law of the Syro-Malabar Church stipulates:

A marriage between a Catholic and a member of an Oriental non-Catholic Church is valid if it has taken place with a priestly blessing, while observing the other requirements of law for validity. For lawfulness, the Catholic form of celebration is to be observed.

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<sup>75</sup> *De Concordia Inter Codices*, art. 11. See Sebastian Payyappilly (Ed.), *A Compendium of Revised Norms of Corpus Iuris Canonici*, Dharmaram Canonical Studies 33, Dharmaram Publications, Bangalore, 2023, 84.



Canonical form is required for the validity of marriage between Catholics and members of non-Catholic non-Oriental Churches and ecclesial communities.<sup>76</sup>

In the perspective of the form of marriage, other canonical nexuses are extraordinary form (CCEO cc. 796 §1 and 832 §1; CIC c. 1079 and 1116) and dispensation from the form (CCEO c. 835; CIC c. 1127 §2).

## 2.12. Sacramentality of a Mixed Marriage

CCEO c. 776 §2 stipulates: "From the institution of Christ, a valid marriage between baptized persons is by that very fact a sacrament, by which the spouses, in the image of an indefectible union of Christ with the Church, are united by God and, as it were, consecrated and strengthened by sacramental grace."<sup>77</sup> Accordingly, by the very norm, a valid marriage between any two validly baptized persons is a sacrament. Hence, a validly celebrated mixed marriage, by the very fact, is a sacrament. To this effect, the Latin Code states, "a valid matrimonial contract cannot exist between the baptized without it being by that fact a sacrament."<sup>78</sup>

## 2.13. Spiritual Assistance to Those in Mixed Marriage

In the light of the norms of the Eastern Code,<sup>79</sup> the Liturgical Instruction prescribes that the pastors of souls have "their obligation to take care of the faithful who are preparing for the matrimonial state, so that they may get to know and be informed about the meaning of Christian Marriage, about its characteristics of union and indissolubility in the image of the indefectible union of Christ with the Church and about its duties of union between them and toward their offspring."<sup>80</sup> Further, regarding the ongoing pastoral care of those in mixed marriages, the Eastern Code instructs the pastors that they "are to see to it that the Catholic spouse and the children born of a mixed marriage do not lack spiritual assistance in fulfilling their spiritual obligations, and are to assist the spouses in fostering the unity of conjugal and family life."<sup>81</sup>

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<sup>76</sup> Syro-Malabar Major Archiepiscopal Curia, *Code of Particular Law of the Syro-Malabar Church*, Mount St. Thomas, 2013, art. 177 §§2 and 3.

<sup>77</sup> See also CIC c. 1055 §1.

<sup>78</sup> CIC c. 1055 §2.

<sup>79</sup> CIC c. 783 §1.

<sup>80</sup> *Instruction for Applying the Liturgical Prescriptions*, n. 80.

<sup>81</sup> CCEO c. 816.

## 2.14. Transfer to Another Church *Sui Iuris* in the Case of a Mixed Marriage

With regard to the transfer of a person in a mixed marriage family, CCEO c. 34 reads:

If the parents, or the Catholic spouse in the case of a mixed marriage, transfer to another Church *sui iuris*, children under fourteen years old by the law itself are enrolled in the same Church; if in a marriage of Catholics only one parent transfers to another Church *sui iuris*, the children transfer only if both parents consent. Upon completion of the fourteenth year of age, the children can return to the original Church *sui iuris*.<sup>82</sup>

In a mixed marriage, the norm of the Church is that the children follow the Catholic faith and ascribe to the Church *sui iuris* of the Catholic spouse. Hence, if the Catholic party transfers to another Church *sui iuris*, the children who have not completed fourteen years of age, by law itself, are ascribed to the same Church. Nevertheless, both the Codes of Canon Law give provision for the children the freedom to return to the original Church *sui iuris* once they have completed fourteen years of age.

## 3. The Pastoral Context of Mixed Marriages and the Challenges Therein

The pastoral care of mixed marriages encompasses comprehensive support, pre-nuptial guidance to ensure a valid and licit union,<sup>83</sup> and ongoing spiritual accompaniment to the family. As a canonical imperative, every pastor is responsible for providing diligent pastoral care to all faithful under their charge, with particular attention to those in mixed marriages. The paramount objective of this pastoral care is to preserve the faith of Catholic spouses and empower them to raise their children in the Catholic tradition. The Church urges pastors to prioritize this mission, fostering a supportive environment that nurtures the spiritual growth of these families.

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<sup>82</sup> Referring to the change of the membership to another Church *sui iuris*, CIC c. 112 §1, 3<sup>o</sup> stipulates that before completion of the fourteen years of age the children of those “in mixed marriage, the children of the Catholic party who has legitimately transferred to another Church *sui iuris*; on the completion of their fourteenth year, however, they can return to the Latin Church.”

<sup>83</sup> Remote, proximate and immediate preparation for marriage. See Payyappilly, *Mixed Marriage in the Code of Canons of the Eastern Churches*, 207-228.

Couples living in a mixed marriage have special needs, which can be put under three main headings. In the first place, attention must be paid to the obligations that faith imposes on the Catholic party with regard to the free exercise of the faith and the consequent obligation to ensure, as far as is possible, the Baptism and upbringing of the children in the Catholic faith.<sup>84</sup>

Pastoral care acknowledges and respects differences in worship, belief, and Church structure yet focuses on the shared life in Christ that enables interchurch couples to deepen their common faith in their Christian homes. This approach pioneers a new theological perspective, transforming the narrative from viewing mixed marriage couples as potential threats to salvation to recognizing them as vital contributors to the rich tapestry of the Christian community. The Church is keenly aware of the challenges that arise from faith differences within mixed marriage families and seeks to address them with sensitivity and understanding. The Ecumenical Directory states, "... when members of the same family belong to different Churches and ecclesial communities, when Christians cannot receive Communion with their spouse or children, or their friends, the pain of division makes itself felt acutely and the impulse to prayer and ecumenical activity should grow."<sup>85</sup> Emphasizing the need to maintain harmony in mixed marriage families, the Church advises the pastors, "an effort should be made to establish cordial cooperation between the Catholic and the non-Catholic ministers from the time that preparations begin for the marriage and the wedding ceremony, even though this does not always prove easy."<sup>86</sup>

Given the increasing prevalence of mixed marriages worldwide, the Church is committed to providing urgent pastoral care for couples preparing for or already in such unions. It is the ongoing duty of all, especially priests, deacons, and pastoral ministers, to offer tailored guidance and support to the Catholic partner in living out their faith and the couple throughout their marriage preparation, sacramental celebration, and life together after the ceremony. This pastoral approach should consider each partner's unique spiritual circumstances, faith formation, and practice. Additionally, there should be respect for the specific situation of each couple, their consciences, and the sanctity of sacramental marriage. Where appropriate, diocesan

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<sup>84</sup> FC 78.

<sup>85</sup> ED 27.

<sup>86</sup> FC 78.

bishops, synods of Eastern Catholic Churches, or Episcopal Conferences may develop more detailed guidelines to enhance this pastoral care.<sup>87</sup>

In the spirit of the teaching of the Second Vatican Council<sup>88</sup> and the Codes of Canon Law,<sup>89</sup> the Church reiterates that in preparing a marriage programme for mixed marriages, pastors should emphasize the positive aspects of the couple's shared Christian faith and the gifts of the Holy Spirit, while fostering unity without downplaying differences. Both partners are encouraged to learn about each other's religious convictions and practices and to prioritize shared prayer and scripture study. During preparation, the couple should consider their distinct traditions to promote honesty and understanding. The Catholic partner must commit to ensuring their children are baptized and raised in the Catholic faith, while the non-Catholic partner may feel similar obligations based on their own beliefs. Discussions about Baptism and future children's education should occur before marriage. If permission for a mixed marriage is requested, the local Ordinary will assess the situation, including the non-Catholic partner's stance. Validity of marriage requires adherence to canonical form, although dispensations may be granted for significant reasons. If granted permission, a Catholic priest may participate in the ceremony, ensuring only one wedding service occurs. Typically, mixed marriages are celebrated outside the Eucharistic liturgy to avoid complications, although exceptions can be made. Eucharistic sharing is limited and subject to specific norms, underscoring the distinct sacramental communion between the partners.<sup>90</sup>

The Ecumenical Directory brings to perspective these challenges to tell that marriage in the same ecclesial community is recommended and encouraged.<sup>91</sup> The same idea is expressed in FC 78 and CCC 1633-1634. The Church is aware of the challenges of mixed marriages from the time of the Second Vatican Council making provision for mixed marriage under certain conditions. Through the Instruction on Mixed Marriage in 1966, the Church raised her concern and stated:

Therefore, the pastoral concern of the Church today demands more than ever that the holiness of marriage be safeguarded in conformity

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<sup>87</sup> See *ED*145, 146.

<sup>88</sup> Cf. *UR*, n. 15.

<sup>89</sup> Cf. *CCEO* cc. 814, 815, 834 and 835; *CIC* cc. 1125, 1126 and 1127.

<sup>90</sup> *ED* 148-160.

<sup>91</sup> *ED* 27 §2 and 144.

with Catholic doctrine and that the faith of the Catholic spouse and the Catholic education of the offspring be guaranteed, even in mixed marriages, with the greatest possible diligence and effectiveness. Such pastoral care is even more necessary because, as it has been noted, there are many opinions held by non-Catholics that are at odds with Catholic doctrine about the essential qualities and properties of marriage, in particular regarding indissolubility, and consequently divorce and a subsequent marriage after civil divorce. Thus, the Church recognizes its duty to forewarn the faithful not to run the risk of endangering their faith, either spiritually or materially. The Church therefore takes every precaution to instruct those who intend to contract marriage regarding its nature, its properties, the obligations inherent in marriage itself, and the dangers to avoid.<sup>92</sup>

An important factor one needs to keep in mind is that there can be no universal pastoral solution to the challenges, as the pastoral context varies from place to place. Being hundred percent true to the doctrines and teachings of the Catholic Church, it is difficult to maintain an ecumenical relationship and have sincere pastoral care in the context of mixed marriage. Based on the canonical nuances of mixed marriage, some of the challenges a pastor faces can be drawn as follows:

### **3.1. Determining the Validity of Baptism of the Non-Catholics**

The Catholic Church requires intention, matter, and form for the validity of Baptism. With the increasing number of Churches and ecclesial communities, each with its own baptismal practices, it can be challenging for Catholic pastors to determine the validity of Baptism administered in non-Catholic denominations. A baptismal certificate may not be sufficient, especially from Protestant Churches, Church of North India (CNI), Church of South India (CSI), and other ecclesial communities, as they lack standardized baptismal norms and practices. Each case must be individually evaluated, as local pastors may have discretion over the baptismal form of celebration, making it essential to examine the specific circumstances of each Baptism to determine its validity.

### **3.2. Application of Legal Prohibition in New Mission Territories**

The Church's prohibition is motivated by a desire to nurture and protect the faith of its members. However, finding a partner with the

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<sup>92</sup> Sacred Congregation for the Doctrine of the Faith, *Instruction on Mixed Marriages*, 1966.

same faith can be a significant challenge in regions with a limited Catholic presence. This can lead to disillusionment among young converts, who may feel constrained by the Church's rules and may become disconnected from the community. The pastors in the new mission territories face this challenge.

### 3.3. Sincerity of Pre-Nuptial Promise

In a mixed marriage between a Catholic and a non-Catholic, the Catholic Church requires the Catholic spouse to promise to baptize and educate their children in the Catholic faith, while the non-Catholic spouse is informed of this commitment. Similarly, some Orthodox Churches demand a reciprocal promise from the non-Catholic party, with some even requiring a signed declaration, as seen in the 1996 accord in Lebanon, stipulating that offspring will follow the father's Church.<sup>93</sup> However, this creates tension in ecumenical relations, as both parents have a role in passing on their faith to their children.

This raises questions about how a Catholic spouse can sincerely fulfill their promise without infringing on the non-Catholic spouse's religious freedom and the freedom of the conscience, as guaranteed by *Dignitatis Humanae*, which emphasizes the right to organize one's religious life without coercion. In line with this thought, in the Encyclical Letter, *Fratelli Tutti* states that much suffering is caused by the denial of freedom of conscience and religious freedom and how that wound leaves humanity impoverished because it lacks hope and ideals to guide it.<sup>94</sup> Moreover, the declaration on human dignity *Dignitas Infinita* makes an introductory statement: "Every human person possesses an infinite dignity, inalienably grounded in his or her very being, which prevails in and beyond every circumstance, state, or situation the person may ever encounter. This principle, which is fully recognizable even by reason alone, underlies the primacy of the human person and the protection of human rights. In the light of Revelation, the Church resolutely reiterates and confirms the ontological dignity of the human person, created in the image and likeness of God and redeemed in Jesus Christ."<sup>95</sup> Does the Catholic spouse's pre-nuptial promise potentially conflict with this fundamental principle of religious freedom of the non-Catholic party? The Orthodox Churches, according to their faith

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<sup>93</sup> See Pablo Gefaell, *A Practical Commentary to the Code of Canons of the Eastern Churches*, Vol. 1, 1471.

<sup>94</sup> Pope Francis, Encyclical Letter, *Fratelli Tutti*, on Fraternity and Social Friendship, 2020, n. 274.

<sup>95</sup> Dicastery for the Doctrine of Faith, *Dignitas Infinita*, 2024, n. 1.

practices, are equally concerned about traditional marriage and family, not only for their far-reaching social implications but also for the harm they inflict on individual relationships within families. The most vulnerable victims of these trends are the couples themselves and their children, who often suffer greatly and unjustly. It is a conflicting pastoral situation for those who are canonically obliged to take care of the pastoral needs of the mixed marriage families.

### **3.4. Sacramentality of the Mixed Marriage**

In the Catholic Church, all valid mixed marriages are recognized as sacraments, imbuing the union with spiritual grace and sanctity. However, this perspective diverges from that of many non-Catholic Churches and ecclesial communities, particularly those from non-Eastern Christian traditions. For these groups, marriage is not considered a sacrament, and some individuals may even take offense at the suggestion. This disparity in understanding creates a pastoral challenge for Catholic clergy, who must navigate these differences when providing spiritual care and guidance to interfaith couples. They must approach the topic with sensitivity, balancing the Catholic understanding of marriage as a sacrament with the differing beliefs of the non-Catholic partner, all while emphasizing the beauty and sanctity of the marital union.

### **3.5. Transfer to Another Church *Sui Iuris***

In mixed marriages, the Catholic Church has a guiding principle: children who have not completed 14 years of age typically follow the Catholic faith and are affiliated with the Church *sui iuris* of the Catholic parent. If the Catholic spouse changes their Church *sui iuris* affiliation, their young children automatically follow suit. However, the Codes of Canon Law (Latin and Eastern) offer a provision for these children to return to their original Church *sui iuris* once they complete 14 years of age. Interestingly, the Eastern Code (CCEO c. 29 §1) specifies that young children are tied to the Church *sui iuris* of their Catholic father. So, what happens when a non-Catholic father converts to Catholicism and, as per CCEO c. 35, chooses to retain his original rite and join a different Church *sui iuris* than his Catholic wife? This would canonically create a pastoral challenge to their family's religious dynamics.

## Conclusion

The Church's paramount concern in every marriage is to safeguard the unbreakable bond of matrimony and the flourishing family life that springs from it. When both partners share the same faith, their union is more likely to be a perfect blend of persons and a complete sharing of life. However, mixed marriages often pose significant challenges for couples and their children, making it harder to maintain their Christian faith, commitment, and harmony in family life. Through various interfaith dialogues and real-life experiences, we have observed that shared faith plays a vital role in strengthening marital unity. Therefore, same-faith marriages remain the ideal to be encouraged and promoted.<sup>96</sup> However, in a world where Christian unity remains a work in progress, marriages between spouses from different confessional backgrounds can be a beautiful testament to the power of faith and love. When both partners share their unique experiences and traditions, they can deepen each other's understanding of Christ's teachings. To celebrate the ecumenical significance of mixed marriages, where two Christian spouses fully embrace their shared faith, we should strive for harmonious collaboration between Catholic and non-Catholic ministers from the outset of wedding preparations and the ceremony itself. Although this may present challenges, fostering a spirit of cooperation and mutual respect will enrich the union and foster a stronger bond between the couple and their faith communities.<sup>97</sup>

Nonetheless, the challenges of mixed marriages should not be downplayed. The lingering effects of Christian separation can lead to painful experiences of disunity, even within the home.<sup>98</sup> The Catholic Church acknowledges the fact that "when members of the same family belong to different Churches and ecclesial communities when Christians cannot receive Communion with their spouse or children, or their friends, the pain of division makes itself felt."<sup>99</sup> In today's society, where the institutions of marriage and family face numerous threats, religious leaders must prioritize their pastoral duties to support and strengthen the faithful. They must stand firm against the erosion of these sacred institutions, securing them in the unshakeable foundation of Christ (Mt 7: 25). As the world grapples with rapid socio-cultural and

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<sup>96</sup> See *ED* 144.

<sup>97</sup> See *FC* 78.

<sup>98</sup> See *CCC* 1634.

<sup>99</sup> *ED* 27.



socio-political shifts, the pastoral context of mixed marriages faces an evolving array of challenges in applying canonical norms, necessitating innovative and contextually sensitive solutions. Being fully aware of this fact, the Catholic Church states that it does "not attempt to give an extended treatment of all the pastoral and canonical questions connected with either the actual celebration of the sacrament of Christian marriage or the pastoral care to be given to Christian families, since such questions form part of the general pastoral care of every Bishop or regional Conference of Bishops."<sup>100</sup>

This principle takes on a particular urgency in the Church's mission territories. In these contexts, the Catholic community is often a tiny minority within a vast non-Catholic population. Consequently, the Catholic faithful face a profound practical dilemma: the canonical ideal of marrying within the faith collides with the demographic reality that finding a Catholic partner is exceptionally difficult, and in some cases impossible. This situation transforms mixed marriages from a pastoral exception into a daily norm essential for the community's survival and growth. The challenge, therefore, is not merely about applying canonical norms, but about interpreting them in a way that safeguards the faith of individuals, supports the stability of families, and fosters the growth of these nascent Christian communities without compromising essential doctrine. It is a matter of pastoral vitality. Hence, while upholding the Church's fundamental teachings, a more practical solution lies in retaining the core principles within Common Law and accommodating specific needs through adaptable provisions in particular laws or if required in more particular laws.

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<sup>100</sup> ED 143.