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The problem of mixed and similar marriages in the context of the synod's message on the family (2014/2015)

Problem małżeństw mieszanych i im podobnych
w kontekście przesłania synodu na temat rodziny
(2014/2015)

Abstract

The problem of marriages between persons belonging to different Christian Churches and Communities, as well as those between Christians and non-Christians, has been a special subject of pastoral concern for the Churches for centuries. The modern processes of world-wide globalization, the result of which is the free movement of people, have caused a significant increase in mixed and similar marriages. It seems that both church legislation and pastoral practices in this area do not show sufficient sensitivity. What was an opportunity here was the 2014-2015 Synod on the Family.

The aim of the research undertaken was, in the first place, to determine precisely the content of important concepts such as: 'mixed marriages' and 'similar marriages', and to present the canonical-pastoral situation in the area under study. The next research step was to analyze the relevant documents of the Roman Catholic Church related to the 2014-2015 Synod on the Family in terms of addressing / or not addressing the issue of mixed and similar marriages in these documents, and the development of guidelines of a pastoral nature in this area. Methods of comparative analysis based on the search for key concepts and phrases for the issue and their use in individual documents were used. This made it possible to synthetically examine them and draw research conclusions. As a result of the research, it was found that the synod formulated a clear support of the Church for people

living in mixed and similar marriages. It also confirmed the urgent need for increased pastoral care for them. They were seen as having great ecumenical potential. They were even called 'fruitful opportunities.' What is also important is the Synodal Fathers' recommendation that 'critical points' in the case of mixed and similar marriages should be resolved primarily at the pastoral, rather than normative, level. The objective power of the Gospel and the testimony of faith was also emphasized, especially in cases where one of the parties is a non-believer.

A certain deficit in the presented synodal documents can be seen in the absence of even a slight encouragement addressed to the Christian Churches and Communities and to the heads of non-Christian religions to contemplate together, in their dialogues, the issue of marriage in general and to make a more coordinated attempt to develop a pastoral program aimed at mixed and similar marriages.

Keywords: mixed and similar marriages, synod, Church, ecumenism, *Amoris laetitia*.

Abstrakt:

Problem zawierania małżeństw przez osoby należące do różnych Kościołów i Wspólnot chrześcijańskich, a także tych zawieranych między chrześcijanami i niechrześcijanami, od wieków stanowi szczególny przedmiot pastoralnej troski Kościołów. Współczesne procesy światowej globalizacji, których efektem jest swobodne przemieszczanie się ludzi, spowodowały zdecydowany wzrost zawierania małżeństw mieszanych i im podobnych. Wydaje się, że zarówno prawodawstwo kościelne, jak i praktyki duszpasterskie w tym obszarze nie wykazują wystarczającej wrażliwości. Szansą był tu synod o rodzinie 2014/2015.

Celem podjętych badań było w pierwszym rzędzie precyzyjne ustalenie treści istotnych pojęć, takich jak: „małżeństwa mieszane” i „im podobne” oraz prezentacja kanoniczno-pastoralnej sytuacji w badanym obszarze. Kolejny krok badawczy to analiza istotnych dokumentów Kościoła rzymskokatolickiego związanych z synodem o rodzinie 2014/2015 pod kątem podejmowania / lub niepodjęmowania w nich problematyki związanej z zawieraniem małżeństw mieszanych i im podobnych oraz z wypracowaniem wytycznych o charakterze pastoralnym w tym obszarze. Zastosowano metody analizy porównawczej opartej na wyszukiwaniu kluczowych dla problematyki pojęć i fraz oraz stosowaniu ich w poszczególnych dokumentach. To pozwoliło na syntetyczne ich przebadanie i wyciągnięcie wniosków badawczych. W wyniku przeprowadzonych badań ustalono, że synod sformułował wyraźne wsparcie Kościoła dla osób żyjących w małżeństwach mieszanych i im podobnych. Potwierdził też pilną potrzebę zwiększenia pastoralnej troski o nie. Dostrzeżono w nich duży ekumeniczny potencjał. Nazwano je wręcz „owocnymi możliwościami”. Ważne jest także zalecenie ojców synodalnych, by „punkty krytyczne”

w przypadku małżeństw mieszanych i im podobnych rozwiązywać przede wszystkim na poziomie duszpasterskim, a nie normatywnym. Podkreślono również obiektywną moc Ewangelii i świadectwa wiary, zwłaszcza w przypadkach, gdzie jedna ze stron jest niewierząca.

Pewien deficyt prezentowanych dokumentów synodalnych można dostrzec w braku choćby niewielkiej zachęty skierowanej do Kościołów i Wspólnot chrześcijańskich oraz do zwierzchników religii niechrześcijańskich, aby w prowadzonych dialogach wspólnie pochylić się nad kwestią małżeństwa w ogóle i by wspólnie podejmować bardziej skoordynowane próby wypracowania programu pastoralnego skierowanego do małżeństw mieszanych i im podobnych.

Słowa kluczowe: małżeństwa mieszane, synod, Kościół, ekumenizm, *Amoris laetitia*.

1. Introduction

The current social situation in Europe and the World contributes to the increasing number of instances of contracting the so-called mixed and similar marriages. (The concept of marriages similar to mixed marriages is introduced by the *Instruction of the Polish Episcopate on Preparation for Marriage in the Catholic Church* (13.12.1989). In the section entitled: *Mixed marriages and marriages similar to mixed marriages* (pp. 71-93), it is explained that the following are considered to be marriages similar to mixed marriages: marriage of a Catholic party with a non-baptized person, with persons who, although they have not left the Church by a formal act, declare themselves non-believers, with adherents of other religions, etc.; KEP, 1989). Contemporary migration processes are not without significance here. It means that the issue is very current. Apart from that, the problem of mixed marriages is one of the most sensitive ecumenical topics. It also constitutes quite a pastoral challenge. It seems obvious, therefore, that in such a situation this problem should have become one of the weighty topics addressed during the deliberations of the 2014-2015 Synod of the Roman Catholic Church on the Family¹. The most important reasons validating such opinion are:

1. Statistics, confirming an increasing number of such marriages being contracted.
2. The ecumenical problem that non-Roman Catholic Churches have to face due to the legal provisions of the Roman Catholic Church regarding the

¹ Pope Francis announced the convocation of the Synod on the Family in October 2013. He explained that there will actually be two synods: an Extraordinary Synod (5-19 Oct. 2014) and an Ordinary Synod (4-25 Oct. 2015).

conclusion of such marriages, above all, as they claim, the ‘discriminatory’ nature of the vows made by the Catholic party.

3. The need to extend pastoral care to such marriages. It should be of an ecumenical nature, and today increasingly interreligious. As for today, such care is insufficient. It is more of an incidental and confessional nature. Thus, the Roman Catholic Church and other Churches and Ecclesial Communities, as well as Religious Communities, need to undertake a huge task of building such pastoral structures.

It seemed that the needs and challenges of contracting and pastoring mixed marriages would not only be recognized by the Synodal Fathers, but also duly contemplated, and that attempts would be undertaken to address such an ecumenically important issue as mixed marriages. It was indicated in the transcript of the preparatory document for the Synod. To be precise, among the most important current problems concerning marriage and the family, the issue of marriages between persons of different denominational and religious affiliations was listed in the first place (KEP, 2013, no. 1). Meanwhile, it turned out that the problem did not actually appear in the final document of the 2014 Extraordinary Synod (Synod of Bishops, 2014). The President of the Pontifical Council for Promoting Christian Unity, Cardinal Kurt Koch, called for particular sensitivity in this matter during the 2014 synodal deliberations. His voice was taken into consideration during the synodal deliberations in 2015. At that time, a debate was held on the topic of mixed and similar marriages, and its fruits were logically and substantively reflected in the 2015 *Relatio synodi* (Synod of Bishops, 2015), and in Pope Francis’ post-synodal exhortation *Amoris laetitia* (Francis, 2016).

2. The concept of mixed and similar marriages

The 1983 Code of Canon Law, in six canons (Johannes Paulus, 1984, Canons 1124-1129), provides legal norms for the conclusion of mixed marriages. According to the content of canon 1124, the concept of a mixed marriage (*matrimoniae mixtae*) is used to describe a matrimonial union between a man and a woman contracted by two baptized persons, one of whom has been baptized in the Catholic Church or has been accepted into it after baptism by public profession of faith and has not undertaken apostasy by formal act (i.e., belongs to the Catholic Church), while the other belongs to a Church or Ecclesiastical Community that does not maintain full communion with the Catholic Church. It has

been emphasized that entering into such a marriage is forbidden without the authorization of a competent authority (Johannes Paulus, 1984, canon 1124). The term 'mixed marriage' in the strict sense of the term does not include marriage of a Catholic party to a non-baptized person, to a baptized but non-believer, to a follower of a religion other than Christianity, etc. (Johannes Paulus, 1984, canons 1086, 1129). Canon 1129, however, stipulates that 'the prescripts of canons 1127 and 1128 must be applied also to marriages which the impediment of disparity of cult mentioned in can. 1086, §1 impedes' (Johannes Paulus, 1984, canon 1129). Such approach was accepted due to the many similarities that exist between these categories of marriages. Taking this fact into account, the authors of the 1989 *Episcopal Instruction on Preparation for Marriage in the Catholic Church* introduced the term similar marriages to mixed marriages (The section of the document dedicated to mixed marriages bears the title: *Mixed Marriages and Similar Marriages*; KEP, 1989, nos. 71-93).

It is specified what situations the term specifically refers to:

1. with the non-baptized (diriment impediment);
2. with persons who by formal act have undertaken apostasy from the Catholic Church;
3. with persons who have not by formal act undertaken apostasy from the Catholic Church, but declare themselves non-believers;
4. with persons who have withdrawn from the Church, although not formally, but practically and publicly, so that this fact cannot be hidden;
5. with visibly non-practicing (KEP 1989, no. 71; 77).
6. consider themselves atheists or non-believers;
7. persist notoriously in church censures' (KEP, 1989, no. 71).
8. Such will be the meaning of the term of marriages similar to mixed marriages in this article.

The authors of the 1989 *Instruction of the Polish Episcopal Conference* explained in detail the important terminology used in the document. According to it, 'a Catholic, is a person who was baptized in the Catholic Church or after baptism was admitted to it by public profession of faith and by a formal act did not leave it' (KEP, 1989, no. 72, p. 1). Thus, a Catholic is not a person who by a formal act has left the Catholic Church, i.e., has done so in writing before witnesses, or has disclosed his actual withdrawal from the Church to representatives of the Church authority, if this external decision corresponds to his internal convictions. The term of apostasy is understood the same way (Johannes Paulus, 1984, Canon 1086 § 1, 1117, 1124; KEP, 1989, no. 72, p. 3). If such a person wishes to marry a Catholic party, the Church will require the Catholic party to make appro-

priate declarations and vows, the aim of which will be to defend and preserve his or her faith.

The 1989 *Instruction of the Polish Episcopal Conference* defines a non-believer as follows: 'It is a Man baptized into the Catholic Church, who afterwards practically withdrew from it and is known to be a deviant or who fights against the Church; in particular, he is one who has made a public abandonment, so that this fact cannot be concealed, and whose conduct is a cause of widespread scandal to the faithful, or who has brought upon himself Church penalties for apostasy (Johannes Paulus, 1984, canon 1364, § 1) and persists persistently in these penalties' (KEP, 1989, no. 72, p. 2).

The *Instruction of the Polish Episcopal Conference* states that in the case of marriage to a person who has abandoned the Church and the faith, or who publicly does not practice it, is consciously a non-believer (KEP, 1989, no. 77), the danger of violating God's law (after marriage to a Catholic party) is greater than in marriage to a believer who belongs to non-Catholic Christian Churches and Communities, or even a non-believer in good faith (KEP, 1989, no. 78). In the second case, the opposition of the non-Catholic party to the vows made by the Catholic party is only probable, at least in theory, and does not invalidate the sincere statement of the Catholic party. On the other hand, in the first case, where the other party is a conscious non-believer, the threat to God's law is greater and consequently its defense must be stronger (KEP, 1989, no. 78). Thus, situations in which the existence of good faith and the absence of misappropriation of previously held beliefs can be reasonably presumed should be treated differently from those in which good faith cannot be presumed, because there has been an abandonment of faith, most often intentional and voluntary, for example, for extra-religious gain (KEP, 1989, no. 73).

This difference, according to the 1989 *Instruction of the Polish Episcopal Conference* (KEP, 1989, nos. 77, 83), which expands the norms of the Code, is that a person who previously belonged to the Catholic Church and then abandoned the faith (KEP, 1989, no. 77), is to be informed by the priest not only of the vows given by the Catholic party, but also himself - in front of witnesses - should make a declaration of will not prevent his spouse from fulfilling the vows he or she has given.

The norms given in numbers 77, 78 and 79 of the *Instruction* are supplemented by the provisions of Canons 1067, 1117, 1124 and 1126. However, the Polish Episcopal Conference does not limit the possibility of the local ordinary, based on Canon 1071, § 2 and Canon 1126, to issue other *praeter legem* (in addition to the law) independently of these norms, if the spiritual good of the faithful demands it (KEP, 1989, no. 77).

3. 2014 Extraordinary Synod on mixed and similar marriages

I find it symptomatic that in the '*Relatio synodi*' of the 2014 *Third Extraordinary General Assembly of the Synod of Bishops*, the phrases ecumenism, ecumenical, mixed marriages appeared only twice, in item 7 and in item 54. The context of the statements I quoted is also significant. In point 7 of the '*Relatio synodi*' we can read:

'Some cultural and religious contexts pose particular challenges. In some places, polygamy is still being practiced and in places with long traditions, the custom of "marriage in stages". In other places, "arranged marriages" are an enduring practice. In countries where Catholicism is the minority, many mixed and interreligious marriages take place, all with their inherent difficulties in terms of jurisprudence, Baptism, the upbringing of children and the mutual respect with regards to difference in faith. In these marriages there can be a danger of relativism or indifference; but there can also be the possibility of fostering the spirit of ecumenism and interreligious dialogue in living together of diverse communities in the same place. In many places, and not only in the West, there has been a widespread increase in the practice of cohabitation before marriage or simply cohabitating with no intention of a legally binding relationship. In addition to this, there is often civil legislation which compromises marriage and the family. Because of secularization in many parts of the world, the reference to God is greatly diminished and the faith is no longer shared socially'. (Synod of Bishops, 2014, no. 7).

Reading the above quoted text prompts several questions:

- What made the Synodal Fathers put the discussion of mixed and similar marriages and such problems as polygamy, the practice of 'marriage in stages' or arranged marriages on one level?
- Why was the problem of mixed and similar marriages referred only to countries in 'which the Catholic Church is a minority'? Why was a sociological criterion taken as essential in this case? Would the issue of mixed marriages be obsolete for regions where the Roman Catholic Church sociologically constitutes a majority?
- Why was the issue of mixed marriages taken up essentially in a negative context, enumerating the numerous difficulties it entails (baptism, raising offspring, the threat of mutual respect in the context of difference of faith, the danger of relativism and indifferentism)?

Only, as if in passing, it was noted that mixed marriages can provide 'a chance to promote the spirit of ecumenical and interreligious dialogue in a harmonious

co-existence of communities, living in the same place' (Synod of Bishops, 2014, no. 7). That is all from the positive things mentioned in number 7 about mixed and similar marriages.

Another mention of mixed marriages appeared in point 54 of the 2014 *Relatio synodi*. We can read there: 'The problems relative to mixed marriages were frequently raised in the interventions of the Synod Fathers. The differences in the matrimonial regulations of the Orthodox Churches creates serious problems in some contexts, which require due consideration from the point of view of ecumenism. Analogously, the contribution of the dialogue with other religions would be important for interreligious marriages' (Synod of Bishops, 2014, no. 54).

The quoted text serves to prove that the problem was nevertheless noted during the synodal deliberations, as is evident from the mention that: 'often in the speeches of the Synodal Fathers, issues related to mixed marriages recurred'. Indeed, this was the case. Among others, Cardinal Kurt Koch, president of the Pontifical Council for Promoting Christian Unity, spoke on the subject during the synodal discussions (Koch, 2015). He expressed surprise that in the *Instrumentum Laboris* the issue of mixed and similar marriages was taken up in the context of the problem of broken marriages, where phrases such as: 'break-down', 'healing of wounds', 'new relationships', 'single parents', etc. For Cardinal Koch, it is surprising that the issue of mixed and similar marriages was ranked at such a problem level. He stresses that we are dealing here with an important problem of an ecumenical nature. Hence his demand that the synod recognize the positive aspects of such marriages, especially the fact of their divine vocation and anchoring in the Church. In his synodal statement, Cardinal Koch also points out that such matrimonial unions expect recognition and support from the synod. This is especially true of mixed marriages in the strict sense. They are united first and foremost by common baptism, which is the sacrament of faith, the sacrament of incorporation into the Body of Christ. Cardinal Koch referred to the statement of the Second Vatican Council's Decree on Ecumenism, where we read: 'For men who believe in Christ and have been truly baptized are in communion with the Catholic Church even though this communion is imperfect' (DE 3). He also stressed that because of its sacramental rooting, marriage is a 'domestic Church'. So, it has its own special vocation and mission that it carries out in the Church and in the World. In such marriages, due to their nature, the essence of 'ecumenical life' should be expressed. Therefore, the Church's shepherds should not merely identify them with a multifaceted social and ecclesiastical problem, but should give them their various support to encourage them to be zealous in their faith and to become a practical area for actualizing full

visible unity in Christ's Church. Cardinal Koch encouraged a more precise distinction between mixed marriages in the strict sense and marriages between people of different religious affiliations. He raised awareness that mixed marriages should be seen first and foremost not as a problem, but as a 'laboratory for ecumenism of life'. Cardinal Koch thus postulated that the synod should encourage the deepening of the theology of marriage in ecumenical dialogues and the development of a coherent pastoral program aimed at mixed and similar marriages.

When interpreting Cardinal Kurt Koch's synodal postulates in the perspective of the 2014 *Relatio synodi* summarizing the work of the Third Extraordinary General Assembly of the Synod of Bishops, a question comes to mind: was it not 'the voice of one crying in the wilderness'?

4. 2015 Ordinary Synod on mixed marriages and similar marriages

Referring to the postulates made by Cardinal Kurt Koch during the Third Extraordinary General Assembly of the Synod of Bishops in 2014, a question should be asked: which of these were taken into account by the Synodal Fathers? The answer to the above question is provided by the *Final Report of the 2015 Synod of Bishops to the Holy Father Francis*. (Synod of Bishops, 2015). Its careful reading allows us to draw some important conclusions:

4.1. Point 25 of the 2015 *Relatio synodi* largely reiterates the content of paragraph 7 of the *Final Document* of the 2014 Extraordinary Synod: 'Some societies still maintain the practice of polygamy; in other places, arranged marriages are an enduring practice. In countries where the presence of the Catholic Church is in the minority many mixed marriages and marriages of disparity of cult exist, with all the difficulties they entail with regard to the form required by canon law, Baptism, bringing up the children and mutual respect from the vantage point of the differences of belief. Where relativism or indifference may pose a threat to such marriages, there may also be a chance to promote the spirit of ecumenical and interreligious dialogue in a harmonious co-existence of communities, living in the same place. In many places, not only in the West, the practice of living together before marriage is widely spreading as well as a type of cohabitation which totally excludes any intention to marry. In addition, civil legislation often undermines marriage and the family. Secularization in many parts of the world is greatly diminishing any reference to God and inhibiting any sharing of the faith socially' (Synod of Bishops, 2015, no. 25). Here we can draw the rather obvious conclusion that the negative context of the statements about

mixed and similar marriages is still preserved, as well as the problem level at which the issue was addressed.

4.2. The issue of mixed and similar marriages is addressed somewhat more extensively in Chapter III of the 2015 *Relatio synodi*, entitled *The Family and Pastoral Accompaniment*, (Synod of Bishops, 2015, nos. 69-86), in the subsection entitled *Complex Situations* (Synod of Bishops, 2015, nos. 69-76). Point 72 was dedicated entirely to mixed marriages in the strict sense. It reads as follows: ‘Issues related to mixed marriages require specific attention. Marriages between Catholics and other baptized persons “have their own particular nature, but they contain numerous elements that could well be made good use of and developed, both for their intrinsic value and for the contribution that they can make to the ecumenical movement.” For this purpose, “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” (FC, 78). Concerning sharing the Eucharist, one needs to remember that “the decision as to whether the non-Catholic party of the marriage may be admitted to Eucharistic communion is to be made in keeping with the general norms existing in the matter, both for Eastern Christians and for other Christians, taking into account the particular situation of the reception of the Sacrament of Matrimony by two baptized Christians. Although the spouses in a mixed marriage share the Sacraments of Baptism and Matrimony, Eucharistic sharing can only be exceptional and in each case...” (Pontifical Council for Promoting Christian Unity, 1993, pp. 159–160; Synod of Bishops, 2015, no. 72).

The above text should be received with due satisfaction. We can see in it a clear reference to Cardinal Kurt Koch’s calls for a positive attitude toward mixed marriages, the need for support for them and the need to extend heartfelt ecumenical pastoral care to them. Moreover, the question of the possibility of joining the Lord’s Supper was also raised in a very moderate way. Prudence and far-reaching pastoral rationality were rightly recommended here, but without stigmatizing or excluding anyone. It is unfortunate that the issue of the content of the vows that the Catholic party is required to make before entering into a mixed marriage has not been addressed at all. The plainly applied content of the vows demands a profound revision in the spirit of respecting the conscience and ecclesiastical obligations of both parties. A good proposal in this matter was prepared as part of the work of the Group for Contacts between the Polish Bishops’ Conference and the Polish Ecumenical Council on the document on marriages of persons with different church affiliations (The suggested text of the vows is as follows: ‘I declare that I will abide/remain in my faith and recognize the right of my spouse to abide in his/her own faith. I pledge to do

what I can to ensure that all children are baptized and raised in the faith of my Church, taking into account that my spouse has the same right and obligation in his/her Church. Therefore, I will seek agreement with my spouse in making choices for the good of our community and the spiritual life of our children'; Polish Ecumenical Council, 2011, no. V,2). Unfortunately, this document, for reasons that are little understood, has so far not received official approval from the Holy See.

4.3. Points 73-74 of the 2015 *Relatio synodi* more extensively address issues related to the conclusion and pastoral care of so-called 'marriages similar to mixed marriages'. First of all, reference was made to the situation of difference in religion. It was stated that such marriages 'represent a privileged place for inter-religious dialogue in everyday life and can be a sign of hope for religious communities, especially where there are situations of tension' (Synod of Bishops, 2015, no. 73). The Synodal Fathers see such an opportunity in the fact that 'each one shares his/her spiritual experiences or the journey of seeking a religion' (Synod of Bishops, 2015, no. 73), and in situations where one of the parties is a non-believer, they can become a special opportunity in the process of religious search (Synod of Bishops, 2015, no. 73). A number of difficulties that may be associated with marriages similar to mixed marriages have also been recognized. These primarily concern 'the Christian identity of the family and the religious upbringing of the children' (Synod of Bishops, 2015, no. 73). The Synodal Fathers thus reiterated that, according to the Christian understanding of marriage and family, 'the spouses are called to transform more and more their initial feeling of attraction in a sincere desire for the good of the other. This opening also transforms belonging to various religious persuasions into an opportunity to enrich the quality of the relationship' (Synod of Bishops, 2015, no. 73). They also noted the fact that there is an increasing number of families in the World today consisting of spouses between whom there is a difference of religion. This situation, they said, poses an urgent challenge for the Church to provide them with proper pastoral care, 'differentiated according to various social and cultural contexts' (Synod of Bishops, 2015, no. 73). They also called for respect for religious freedom for all, especially in countries where serious deficits in this area are observed (Synod of Bishops, 2015, no. 73).

4.4. The Synodal Fathers, without losing sight of the difficulties that may be associated with mixed and similar marriages and with the formation of family life within such marriages, preserved - proposed by Cardinal Koch - a positive way of approaching these situations, seeing in them not only threats but also opportunities. This can be seen in the following statements of the 2015 *Relatio synodi*. In paragraph 74, it was emphasized that 'mixed marriages and

marriages of disparity of cult can be potentially fruitful, they can also lead to critical situations which are not easily resolved, more on the pastoral rather than the normative level, namely, the religious upbringing of the children, participation in the liturgical life of the spouse and the sharing of a spiritual experience. To deal constructively with differences in the order of faith, attention needs to be given to the persons who make up the marriage, not only in the period before the wedding. Unique challenges face couples and families in which one partner is Catholic and the other is a non-believer. In such cases, witnessing the ability of the Gospel to immerse itself in these situations will make possible the upbringing of their children in the Christian faith' (Synod of Bishops, 2015, no. 74).

In the next point the following was considered to be a difficult issue: 'Particular problems arise when persons in a complex marital situation wish to be baptized. These people contracted a stable marriage in a time when at least one of them did not know the Christian faith' (Synod of Bishops, 2015, no. 75). In such situations, the bishops were obliged to 'exercise a pastoral discernment which is commensurate with their spiritual good' (Synod of Bishops, 2015, no. 75), since the Church's primary task is to stay 'close to the family as a companion on the journey' (Synod of Bishops, 2015, no. 77). This means to 'assume an attitude which is wisely nuanced' in such situations (Synod of Bishops, 2015, no. 77).

The value of the pastoral inspiration contained in the 2015 *Relatio synodi* with regard to mixed and similar marriages should be seen in the positive logic of the Synodal Fathers, expressing the Church's support for and pastoral concern for those living in mixed and similar marriages. With full awareness of the problems that come with living in such marriages and families, the Synodal Fathers recognized their positive possibilities. They even called them 'fruitful opportunities'. What is also important is the Synodal Fathers' recommendation that the 'critical points' in the case of mixed and similar marriages should be resolved primarily at the pastoral level, rather than at the normative level. The objective power of the Gospel and the testimony of faith was also rightly emphasized, especially in cases where one of the parties is a non-believer.

5. The issue of mixed and similar marriages in Pope Francis' apostolic exhortation *Amoris laetitia*

Pope Francis presented the fruits of the synodal debates and decisions on marriage and the family in his post-synodal apostolic exhortation *Amoris laetitia* addressed to bishops, priests and deacons, to consecrated persons, to Christian

spouses and to all the lay faithful. Francis addressed the issue of mixed and similar marriages in Chapter VI of the exhortation, entitled *Some Pastoral Perspectives* (Francis, 2016, nos. 199-258), in the section where he discusses 'crises, worries and difficulties' (Francis, 2016, nos. 231-252), under the heading *Certain complex situations*. (Francis, 2016, nos. 247-252). Numbers 247-249 of the exhortation are a repetition of the text contained in paragraphs 72-75 of the 2015 *Relatio synodi*. This means that Pope Francis has fully approved the findings of the Synodal Fathers with regard to mixed and similar marriages, without adding any new content to them.

6. Conclusion

Summarizing the above analyses, it is important to note a clear evolution in the thinking and statements of the Synodal Fathers with regard to mixed and similar marriages. This can be clearly seen by comparing the *Final Document* of the 2014 Extraordinary Synod with the 2015 *Relatio synodi*. In the *Relatio synodi*, both the context and the tone and logic of the statements regarding the matter of interest have been changed. It is only a pity that point 25 of the 2015 *Relatio synodi* was not subjected to a deeper rewrite. Also, the issue of the content of the declarations that the Catholic party is required to make before entering into such marriages was not addressed. Perhaps this is due to the provision in Canon 1126 of the Code of Canon Law that this matter is within the competence of the individual Episcopal Conferences ('It is for the conference of bishops to establish the method in which these declarations and promises, which are always required, must be made and to define the manner in which they are to be established in the external forum and the non-Catholic party informed about them'; Johannes Paulus, 1984, canon 1126). A certain deficit in the synodal documents presented can also be seen in the absence of even a slight encouragement to the Christian Churches and Communities, as well as to the heads of non-Christian religions, to lean together in their dialogues on the question of marriage in general and to make a mutual attempt to develop a more coordinated pastoral program aimed at mixed and similar marriages.

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