

Chapter VI

Changing Ecumenical Horizons: Their Impact on Canon Law, Especially the 1983 Latin Code

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The centuries before Vatican Council II were marked by sharp and inimical conflicts among the Christian churches and communities. None of them paid much attention to the unity that results from our common baptism and common beliefs in many mysteries. The council moved away from such hostile attitudes and came to a better understanding of an existing bond of unity, notwithstanding our differences. This movement gave a new direction to the Catholic church in ecumenical matters and created a much more favorable climate for the work of reunion.¹

It is difficult to translate changed theological perspectives or practical ecumenical developments into precise canonical language. However, the 1983 Latin code reflects the Church's postconciliar ecumenical concerns in its own distinctive way. Personal and corporate conversion of heart *metanoia* is an integral element of a genuine ecumenical commitment.² Such an ecumenical commitment was mentioned by John Paul II as a key ecclesiological theme underlying the code.

The code is clearly the primary source of legal obligations for members of the Latin church.³ However, if it is to have a positive effect on church life, other official church documents of lesser legal significance are sometimes necessary to explain the code's implications. For example, this is true for ecumenical leaders such as bishops, diocesan ecumenical officers, and ecumenical commission members.

A particularly significant document in this regard is the 1993 directory of the Pontifical Council for Promoting Christian Unity.⁴ The directory neither replaces the code nor can it contradict its provisions. Rather the directory gathers together the essential principles and norms guiding the Church's ecumenical activities. This should help the aforementioned ecumenical leaders put the code into practice and discharge their various ecumenical responsibilities more effectively.⁵

The directory frequently addresses issues not explicitly mentioned in the code, which not surprisingly lacks detailed ecumenical provisions precisely because it deals with a broad range of canonical issues. Fortunately the directory comprehensively deals with various dimensions of ecumenical policy and practice (218 paragraphs and 198 footnotes.)

In fulfilling their varied tasks, the aforementioned ecumenical leaders need to be informed about the theological, historical, and pastoral factors affecting ecumenical ministry. However, certain canonical issues also affect responsible ecumenical policy-making. The following reflections attempt to provide some basic canonical information to guide such decisionmaking.

These observations will discuss neither the code⁶ nor the directory in detail.⁷ Rather the organization of the directory will be used as a basic frame of reference to examine canonical issues of particular relevance to such ecumenical leaders, especially diocesan ecumenical officers.⁸

Hence the following issues will be addressed fairly briefly: ecumenical organization and ecumenical formation. The primary focus of the following reflections will be various sacramental-liturgical issues precisely because they are most pertinent to ecumenical officers on a regular basis. Finally these observations very briefly consider ecumenical cooperation, dialogue and witness.

(A) Ecumenical Organization (directory, nn. 37-54)

The call to ecumenical involvement of all believers is ultimately rooted in the will of Christ (Jo. 17: 21), which was reaffirmed especially in the conciliar decrees on ecumenism and the Eastern churches. However, the code generally emphasizes the distinctive ecumenical leadership role of the bishops and their advisers (CIC 755, 2).

Such ecumenical involvement assumes different forms at various levels, e.g., diocese, nation, or universal church. Understandably the particular ecumenical context notably affects such involvement. Ecumenical policy differs depending on whether the Church exists in a milieu which is heavily Catholic, mixed but heavily Christian, or non-Christian. Likewise there will be policy differences depending on whether one is dealing principally with Eastern or Western Christians. Finally political, social, cultural, or ethnic factors also significantly shape ecumenical policy.⁹

In the diocese church unity is gradually built up in parishes and other groupings of believers under episcopal leadership. Canon 383, 3-4 of the code speaks about the diocesan bishop's ecumenical role when it mentions various pastoral constituencies outside the mainstream of his normal pastoral ministry efforts. Ecumenical sensitivity on his part entails sharing the Catholic faith in charity with others and a willingness to learn from them about their religious traditions.¹⁰ He is also called to determine ecumenical policy for his diocese within the broad context of Holy See and episcopal conference (hereafter conference)¹¹ decisions (CIC 755, 2; CCEO 904, 1).

In fulfilling his ecumenical responsibilities, the bishop needs properly trained ecumenical personnel. First of all, paragraph 41 of the directory, calls for him to appoint a diocesan ecumenical officer with various tasks.¹² For example, one might note coordinating ecumenical activities, encouraging ecumenical initiatives, representing the Catholic community at ecumenical events, advising the bishop and other diocesan and parish officials on ecumenical issues and maintaining contacts with ecumenical officers elsewhere, e.g., National Association of Diocesan Ecumenical Officers (NADEO).

The bishop should also set up a diversified diocesan ecumenical commission to implement his ecumenical directives and promote ecumenical activity throughout the diocese. Such a commission, composed of ecumenically expert clergy, religious and laity, has various responsibilities. It is to cooperate with existing ecumenical institutions, support the ecumenical officer, be available to other diocesan offices or committees for an exchange of information, and make contact with parishes,¹³ religious communities of all types,¹⁴ and other associations of the faithful, e.g., ecumenical prayer groups.¹⁵

In this general connection one might note the possibility of inviting ecumenical observers to participate in various diocesan policy-setting ventures. The law makes possible such ecumenical participation in diocesan synods, which are geared primarily to determining particular law adapted to the pastoral needs of a given diocese (CIC 463, 3; CCEO 238, 3). While such ecumenical participation is not explicitly envisioned for diocesan pastoral councils, it might be helpful in view of their pastoral planning function (CIC 511; CCEO 272). Such systematic ecumenical input should help to clarify the concerns of those not in full communion with us regarding Catholic teaching and polity. This would be somewhat comparable to Vatican II itself, which was characterized by notable involvement of observers from other Christian churches and ecclesial communities.¹⁶

At the national level the Latin conference NCCB, (National Conference of Catholic Bishops) reflects the communion of Latin Catholic dioceses. The NCCB is to foster relationships with other Christian churches and ecclesial communities in light of regional or national ecumenical factors. It is to set ecumenical policy within the parameters of its competency.¹⁷

To enable it to act effectively, each conference should have an ecumenical commission with a permanent secretariat, e.g., Bishops' Secretariat on Ecumenical and Interreligious Affairs in Washington.¹⁸ Such a commission is to give guidance on ecumenical affairs and determine concrete ways of acting in view of existing legislation, directories and customs.¹⁹ For example, the Secretariat plays an especially significant ecumenical role in coordinating the various bilateral dialogues.

At the level of the universal Church, the Council for Promoting Christian Unity gathers and evaluates ecumenical experiences, maintains ties with the various conferences, coordinates ecumenical resources, and guides and regulates ecumenical activities such as the bilateral and multilateral dialogues.²⁰ This council offers a proper interpretation of the principles and norms of ecumenism and appropriate ways of implementing them, e.g., through the issuance of the 1993 directory.

(B) Ecumenical formation (directory, nn. 55-91)

A significant feature of the ecumenical directory is its forceful emphasis on ecumenical formation at all levels (paragraphs 55-91). For diocesan ecumenical officers, however, perhaps the most significant passage is paragraph 91 on the permanent formation of ordained ministers.²¹

If the laity are to be ecumenically involved, their pastors must be knowledgeable ecumenically and open to and skilled in fostering ecumenical relationships. This is an essential part of their priestly formation given their key ecclesial leadership role. Such ecumenical formation, spiritual, doctrinal and pastoral, is to be structured in accord with appropriate episcopal norms.

For example, one might note the continuing importance of instruction in the ecumenical movement, interconfessional meetings, ecumenical courses offered by universities and other research centers, the updating of information on ecumenical developments, dialogue on spirituality and periodic evaluations of diocesan, regional and parish ecumenical activity.

(C) Communion in Life and Spiritual Activity among the Baptized (directory, nn. 92-160)

Part IV of the directory on communion in spiritual life and activity among the baptized (92-160) is clearly the section of the directory of greatest relevance to ecumenical officers on a regular basis. It raises numerous complex sacramental-liturgical questions, which can be mentioned only relatively briefly in the subsequent reflections. There is no substitute for a careful reading of the relevant codes, the directory and the pertinent literature in the attached bibliography.

The following reflections will be organized as follows:

- (1) sacraments other than marriage/other acts of worship, and
- (2) mixed marriage.

(1) Sacraments other than Marriage

1. Sacramental Sharing (CIC 844; CCEO 671)

The sacraments establish, strengthen and manifest ecclesial communion (CIC 840, 1). Church authorities play a noteworthy though hardly exclusive role in protecting that value. One of the most tension-producing ecumenical issues is sacramental sharing. The key Latin code text is canon 844, which will be considered briefly.²²

Two key principles underlie current church teaching. The first states that sacramental sharing should normally reflect full communion in faith, worship and ecclesial life. Hence, given the lack of such full communion, such sharing is usually precluded and is not to be used indiscriminately to foster Christian unity. Such sharing is principally a sign of existing ecclesial unity rather than a means to achieve such unity.

However, the second principle affirms the need to respect the imperfect communion existing among Catholics and other Christians. At times ministry to those in spiritual need who share an imperfect communion with Catholics may call for such sacramental sharing.²³

Perhaps the legitimate options for such sharing have not been utilized as broadly as they might be. In recent years there seems to have been a more forceful official emphasis on pro-

hibitions of sacramental sharing based on the need for the sacraments to reflect full Christian unity. Yet paragraph 129 of the directory indicates that both of the aforementioned principles are to govern responsible ecumenical decision-making.

Canon 844 regulates the reception of penance, anointing and Eucharist.²⁴ It defines the outer limits of permissible sacramental sharing. Among its key concerns are ensuring the good faith of believers, precluding the risk of indifferentism, educating the faithful, and facilitating pastoral reciprocity. The text also recognizes the special relationship of Eastern Christians to the Catholic Church as differentiated from other Christians not in full communion and affirms the indispensable ecumenical leadership role of the bishops.

Paragraph 1 states the basic principle that Catholic ministers normally are to share the sacraments only with Catholics, who are to receive them normally only from Catholic ministers. However, paragraphs 2-5 indicate various exceptional situations when Catholics may receive the sacraments from ministers who are not Catholics or when those who are not Catholics may receive the sacraments from Catholic ministers. A word or two about each paragraph seems appropriate.

Paragraph 1 states a basic principle of Catholic ecumenism: *Catholic ministers share the sacraments licitly or legally only with Catholics*. Likewise Catholics receive the sacraments licitly or legally only from Catholic ministers. A key issue here is the value of ritualizing full Catholic communion between the minister and the recipient of the sacrament.

Paragraph 2 mentions the first exception to the aforementioned principle: *Catholics receiving the sacraments from other Christian ministers*. There is no explicit distinction between Eastern and Western Christians.²⁵ However, Catholics may approach only ministers of churches with valid sacraments, particularly the Eucharist and orders although such sacraments are not explicitly stated as such in the canon. It is not stated here who judges that a given church's sacraments are valid. However, it is probably the Holy See, i.e., the Council for Promoting Christian Unity and the Congregation for the Doctrine of the Faith.

There are slightly more conditions for sacramental sharing by Catholics here than in paragraph 3 on Eastern Christians and comparable believers receiving Catholic sacraments. For example, as reasons for such sharing, the canon speaks of simple 'necessity' or 'spiritual advantage'. Any danger of error or indifferentism on the part of Catholics is to be avoided. Furthermore, the Catholic must be unable to approach a Catholic minister. Finally Catholics must respect the discipline of churches which may prohibit such sharing.²⁶

Paragraph 3 mentions the second exception to the principle stated in paragraph 1: *the reception of Catholic sacraments by Eastern Christians or others in a comparable legal situation according to the Apostolic See*.²⁷ The sacramental options here are quite broad theoretically despite practical problems due to the resistance of Eastern Christian authorities to such sharing. No reference is made to 'necessity' or 'spiritual advantage', nor need it be impossible to approach one's own minister.²⁸ Such faithful are to be properly disposed and seek the sacra-

ments spontaneously. This openness to Eastern Christians reflects notable sacramental and ecclesiological unity with them on the substance of eucharistic teaching, the sacrament of orders and apostolic succession.

Paragraph 4 provides the third exception to the principle stated in paragraph 1: *the reception of Catholic sacraments by Western Christians*, e.g., Anglicans, Lutherans or Reformed Christians. The restrictiveness of this and other comparable ecumenical provisions reflects significant sacramental and ecclesiological differences separating such ecclesial communities from the Catholic Church despite contemporary ecumenical progress.

The bases for such sacramental sharing are ‘danger of death’ or ‘grave necessity’, e.g., prison or persecution among other factors.²⁹ While any authorized Catholic minister may function in a danger of death situation, the diocesan bishop is normally to judge whether such a ‘grave necessity’ is verified in individual instances outside of danger of death. However, it is possible and perhaps desirable for the ecumenical officer or some other diocesan official to be authorized to make such decisions according to diocesan norms.

Another pertinent condition is the inability of the Western Christian to approach his or her own minister. Such a person must spontaneously seek the sacrament lest there be any semblance of proselytism and must manifest a substantially Catholic faith in it. Unlike Eastern Christians, such faith is not automatically presumed; and if it is lacking or seriously deficient, such sharing is unwarranted and therefore not permitted.

Paragraph 5 stresses the legislative or policy-setting role of diocesan bishops and conferences in regulating the aforementioned exceptions in diverse ecumenical situations. Understandably the code does not specify in detail situations warranting such sharing e.g., perhaps at a mixed marriage or during an ecumenical dialogue meeting.

Interestingly the code calls for consultation with the corresponding hierarchs of the churches or ecclesial communities affected by Catholic norms.³⁰ This seems prompted by a concern for ‘reciprocity’, a respect for the sacramental discipline of other Christians, and a desire to avoid scandal or suspicion of proselytism. However, the bishops can still issue norms although the results of such consultations are not favorable.

2. Baptism (directory, nn. 92-101)

(a) General Observations

While neither code discusses the ecumenical implications of baptism in any detail, the directory devotes ten paragraphs to the issue. A few general observations should suffice for our purposes.

Given the ecumenical importance of baptism, continuing dialogue is warranted in view of possible mutual recognition of the sacrament in various churches.

(b) Celebration

Baptism incorporates one into Christ and the Church through a specific community; therefore it is theologically and liturgically inadmissible to have a joint baptism involving ministers of different communions. However, for good reason a non-Catholic minister may read a lesson or offer a prayer at a Catholic baptism. A Catholic minister may reciprocate only if baptism in another church or ecclesial community contradicts neither Catholic principles nor discipline.³¹

(c) Sponsorship

In principle godparents liturgically and canonically are to be from the church or ecclesial community in which the baptism is celebrated. This is because sponsorship means more than ties of blood or friendship but rather entails representing a faith community. Exceptionally, however, a given believer may function as a ‘Christian witness’ at baptism in another church or ecclesial community; nevertheless, there must also be present a godparent from that church or ecclesial community. In the case of Eastern Christians, however, as differentiated from Western Christians, a Catholic may theoretically function as a ‘godparent’ at an Eastern Christian baptism and vice-versa. Practically speaking, however, such functioning may be precluded by the discipline of the Eastern Christian church in question.³²

(d) Reception into full communion/conditional baptism

If an individual wishes to be received into full Catholic communion, the issue of the validity of a prior baptism may surface. The directory³³ deals with this matter somewhat more in detail than either code.³⁴ A few brief observations seem sufficient here.

The law accepts the validity of Eastern Christian baptism. Furthermore, confirmation (chrismation) is presumably conferred at the same time despite the lack of a specific notation in the baptismal register.³⁵

As regards Western Christians, perhaps a mutual recognition of baptism agreement has been worked out between the Catholic Church and the other church or ecclesial community. However, in the absence of such, the invalidity of the baptism is not necessarily to be presumed. On the contrary, a key value now underlying church law is a respect for the sacraments celebrated authentically in other churches or ecclesial communities.

If an official baptismal certificate is available, the validity of the baptism is not to be doubted unless serious questions arise about the sacramental matter or form or the pertinent intentions of the minister or adult recipient.

If a careful investigation cannot remove a serious doubt about the validity of baptism, the Catholic minister is to baptize conditionally and privately, explaining to the parents or the adult candidate the reason for doing so.

3. Eucharist

(a) **Concelebration** (CIC 908)

Unlike canon 844 admitting some possible options for sacramental sharing, canon 908 prohibits concelebration with priests or ministers of churches or ecclesial communities not in full communion.³⁶ This prohibition is related to the centrality of the eucharist in signifying and fostering fullness of faith and ecclesial communion (CIC 897).³⁷ In the absence of such unity, concelebration even with validly ordained priests would be an inauthentic sign and might even be interpreted as celebrating existing ecclesial divisions.

(b) **Sunday/holyday obligation**

Paragraph 115 of the directory restates the Sunday/holyday obligation given its liturgical centrality in Catholic life.³⁸ Accordingly it may be expedient not to conduct ecumenical services on Sundays. In any event participation in such services does not excuse Catholics from observing that liturgical obligation.

(c) **Sharing of Facilities** (CIC 933)

This provision reflects the general principle that the Eucharist is to be celebrated in a sacred place (CIC 932, 1). For a just cause (e.g., absence of Catholic Facility) and with the express permission of the local ordinary,³⁹ a priest may celebrate the Eucharist in a sacred edifice of other Christians provided there is no scandal.⁴⁰

While the Latin code is silent on the issue, canon 670, 2 of the Eastern code states that the bishop may permit Catholic churches, other buildings and cemeteries to be used by other Christians if there is a genuine spiritual need.⁴¹ This provision would certainly be applicable to Latin bishops as well should they choose to grant such permissions.

4. Other acts of divine worship

(a) **Catholic participation in liturgical celebrations of other Christians/ preaching and reading the scriptures**

The Latin code does not explicitly address the issue of Catholics worshipping with other Christians. However, canon 670, 1 of the Eastern code appropriately notes that for a just cause Catholics may attend and take part in the liturgical worship of other Christians. The scope of such participation is governed by official Catholic ecumenical norms.

In this connection several paragraphs from the directory on preaching and reading the scriptures by Catholics and other Christians seem pertinent.

Catholics are encouraged to take part in the prayers and hymns during non-sacramental liturgical services in other churches or ecclesial communities. They may even read a lesson or preach if invited to do so.⁴²

There is somewhat more of a differentiation between Eastern and other Christians regarding sacramental liturgical services. Catholics or Eastern Christians may read lessons in the other church's liturgical services if invited to do so.⁴³ However, as regards Western Christians, Scripture readings during the Eucharist are normally to be done by Catholics; exceptionally other Christians may do so with the diocesan bishop's permission.⁴⁴ Finally, during a Catholic Eucharist only a priest or deacon may preach the homily illustrating the mysteries of faith and the norms of Christian living according to traditional Catholic doctrine.⁴⁵

(b) Burial (CIC 1183, 3)

Canon 1183, 3 permits burial services for other Christians under certain circumstances, i.e., unavailability of their minister, no contrary intention on their part, and the prudent judgment of the local ordinary (CIC134).⁴⁶ Among the values underlying the current law are respect for the wishes of the deceased and avoidance of any semblance of proselytism.

(2) Marriage

1. General Approach to Marriage Law

Of ecumenical significance is the Latin code's view of marriage as a covenant, articulated especially in the introductory canon 1055.⁴⁷ Some other points of Catholic marriage teaching may also be well regarded ecumenically, e.g., the stress on the marital properties of love, unity, faithfulness, indissolubility and fruitfulness reflecting Christ's relationship to the Church. The couple shares in Christ's redemptive work, which is manifest in their mutual love and care for any children born of the union. Another ecumenically positive note is a more relational, less institutional and overly procreative perspective on marriage.

2. Mixed Marriages (CIC 1124-1129; 1086;)⁴⁸

(a) Approach to Mixed Marriages

The code does not explicitly call mixed marriages an obstacle to full conjugal communion but this concern underlies the corresponding legal-pastoral provisions. Such communion can usually be more easily assured if the spouses belong to the same religious tradition.⁴⁹ However, mixed marriages are extremely common especially in certain socio-cultural settings.

Furthermore, there can be a genuine ecumenical value to such unions if the partners strive to live a genuinely Christian life, educate their children in the faith and realize ever deeper conjugal unity.⁵⁰ The common baptism of such couples and the dynamism of grace may motivate them to express their unity in the sphere of moral-religious values.⁵¹

(b) Conditions for Permission or Dispensation

A catholic wishing to marry another baptized Christian needs the local ordinary's 'permission' to do so licitly or legally (CIC 1124). However, if marriage is contemplated with a non-baptized non-Catholic, a 'dispensation' is necessary for its validity. If such a dispensation is

not granted, the marriage is not recognized by the Church as having the proper legal effects (CIC 1086, 1).⁵²

To obtain such a permission or dispensation the Catholic party must sincerely promise to preserve the Catholic faith and do all in his or her power to see to the Catholic baptism and education of any children.⁵³

Fulfilling this obligation may pose serious relational problems especially since the Catholic partner must respect the religious freedom, conscience and good faith of the non-Catholic partner. Before the marriage the latter is to be informed of the Catholic's obligations, which hopefully may preclude or minimize future conflicts. Yet the non-Catholic partner need not make any formal written or oral promise in that regard.⁵⁴

One needs to interpret sensitively the aforementioned obligation of the Catholic partner in different circumstances. It is not an absolute promise to be interpreted so rigidly as to jeopardize the marriage itself. In transmitting the faith, the Catholic partner needs to consider the religious freedom and conscientious commitment of the non-Catholic partner, the stability of the union, and the maintenance of family communion. Unsuccessful good faith efforts to have the children baptized and raised Catholics do not warrant penal measures against Catholic spouses. Yet there is a continuing obligation to share the faith by word and example, family prayer, and a deepening of the Catholic partner's faith commitment.⁵⁵

(c) Place of Marriage (CIC 1118)⁵⁶

Marriages of Catholics and baptized non-Catholics are normally to be celebrated in the Catholic party's parish church. However, they may be celebrated in another church or oratory or even in another fitting place with appropriate permission. Marriages of Catholics and the non-baptized may be celebrated either in a church or some other fitting place; no particular permissions are required probably because such marriages are not sacramental.⁵⁷

(d) Eucharistic Sharing at Mixed Marriages

The aforementioned rules on Eucharistic sharing⁵⁸ are relevant to mixed marriages as well. While there would be a general openness to an Eastern Christian spouse receiving the Eucharist, the discipline of his or her church might preclude such sacramental sharing. Because of the restrictions on Western Christians receiving Catholic sacraments, it is ordinarily advisable pastorally and ecumenically that a marriage between a Catholic and a Western Christian be celebrated with a service of the word but without a Eucharist.

However, paragraph 159 of the directory might be interpreted as admitting the possibility of Western Christians receiving the Eucharist at a mixed marriage if the conditions of canon 844, 4 for a 'grave necessity' situation are met. In other words such persons cannot approach a minister of their community, seek the Eucharist of their own accord, manifest Catholic faith in the Eucharist and are properly disposed. However, such an option would not apply to other Western Christian guests at the wedding given the difficulty of the Catholic minister's ascertaining whether they meet the aforementioned conditions.⁵⁹

While it might be theoretically possible for the non-Catholic spouse to receive the Eucharist on the day of the wedding, it might be ecumenically undesirable. This is because a division would be introduced between the spouse able to receive communion and his or her family unable to do so, and this on a day celebrating the unity of the couple and their families.

(e) **Canonical form** (CIC 1108; 1117; 1127, 1-2)⁶⁰

The different relationship of other churches and ecclesial communities to the Catholic Church is reflected in the norms on the canonical form of marriage. This normally means the exchange of marriage vows in the presence of an authorized Catholic minister and two witnesses (CIC 1108).⁶¹

However, such canonical form is technically required only for liceity in marriages of Catholics with Eastern Christians not in full communion. The Church recognizes the validity of such marriages if a sacred minister (i.e., priest) blesses the union and all other legal requirements are met (CIC 1127, 1; CCEO 828). Such a provision reflects significant common elements uniting Catholics and such Eastern Christians, e.g., sacraments, ecclesiology, apostolic succession.⁶²

If Catholics marry Western Christians, the marriage will normally be recognized as valid only if it takes place in the presence of an authorized Catholic minister and two witnesses. Yet the Latin code authorizes the granting of a dispensation from such canonical form by the local ordinary⁶³ of the Catholic party if there are serious difficulties in observing it (CIC 1127, 2).⁶⁴ The dispensation may be granted to maintain family harmony, obtain parental consent to the marriage or respect the particular religious commitment of the non-Catholic among other reasons.⁶⁵ If it is feasible, the Catholic minister working with the couple should collaborate with the pertinent non-Catholic minister in preparing the marriage.

Occasionally the wedding may take place outside the territory of the local ordinary who grants the dispensation from canonical form. In this instance, out of professional courtesy, the local ordinary of the place of marriage must be consulted before the dispensation is granted. However, his approval is not necessary for the granting of such a dispensation.⁶⁶

A Catholic minister may be present at such a celebration with the permission of the local ordinary of the Catholic party; the Catholic minister may offer prayers, read a scripture lesson, give an exhortation, or bless the couple.⁶⁷ However, there is to be no simultaneous reception of vows by the Catholic minister along with the official non-Catholic witness to the marriage or a double expression of consent in two separate ceremonies (c. 1127, 3).⁶⁸ This would contradict the desired integrity and unity of the celebration.⁶⁹

If the marriage is to be considered valid or recognized by the Church, there must be a public form of the celebration, i.e., one conforming to the pertinent religious or civil regulations and entailing subsequent official recognition. The celebration of the marriage is subsequently to be duly recorded in the marriage register at the chancery office (at least theoretically) and in the parish of the Catholic party.⁷⁰

(f) Marriage preparation and Support

A key ecclesial concern is fostering the stability of all marriages and families.⁷¹ Accordingly pastoral ministers are to offer special assistance to couples entering mixed marriages. This assistance will differ depending on local circumstances and special pastoral factors such as the spiritual condition of the couple, their practice of the faith, and their unique characteristics.⁷²

Providing such ongoing pastoral support is an area of potential collaboration with other Christian ministers despite difficulties at times due to problematic relationships among the churches. The diocesan ecumenical officer might play a significant role in facilitating such collaboration.⁷³

(D) Ecumenical Cooperation, Dialogue and Common Witness
(directory, nn. 161-218)

This rather extensive section of the directory clarifies various concrete options for ecumenical collaboration, none of which are mentioned in the two codes of canon law. For the information of diocesan ecumenical officers a few general observations on such collaboration seem sufficient.⁷⁴

Whatever may be their effectiveness in practice, the directory encourages Catholic involvement in councils of churches and Christian councils yet warns against blurring distinctive Catholic identity in the process. Such institutions may be potentially quite useful in facilitating conflict resolution, overcoming misunderstandings among Christians, and fostering common witness and service.

The pastoral advisability of such council membership is a key factor to be considered before the Catholic Church joins such a council. Such councils are neither to proclaim themselves churches nor claim the authority to confer the ministry of word and sacrament. There is a need for clarity about how they make decisions and what is the authority of their statements.

The decision to join such councils normally rests with the local diocesan bishop; however, if such entities are national in character, the decision is that of the NCCB after consultation with the Pontifical Council for Promoting Christian Unity.

Continuing Catholic participation in such collaborative projects must be expedited in accordance with the norms of the diocesan bishop with due regard for higher level policies. Periodic meetings of church leaders can represent a witness to the community and enhance efforts to deal with common ecclesial concerns.

Catholic representatives on such councils should be duly expert in the areas of conciliar discussion and possess a clear mandate from and line of communications to the authority figure appointing them.

Conclusion

Hopefully the preceding canonical reflections may assist diocesan ecumenical officers in fulfilling their varied responsibilities. Canonists need to work together with theologians, ecumenists and pastoral leaders in maximizing the effective use of current church structures and norms in fostering various ecumenical goals. They also need to collaborate in reforming Catholic structures and norms which may be obstacles to deeper communion among the churches, as well as within the Catholic Church.

Footnotes

- ¹ Ladislav Orsy, **Theology and Canon Law: New Horizons for Legislation and Interpretation** (Collegeville, MN: The Liturgical Press, 1992) 13. In this wide-ranging series of essays on different themes, especially the relationship between values and laws, Orsy deals with various ecumenical themes. See *ibid.*, 15; 20; 29; 59; 87; 93; 130.
- ² **Decree on Ecumenism**, 7.
- ³ Since the author of the following reflections is a Latin Catholic and since most NADEO members are probably Latin Catholics, the 1983 Latin code is the primary subject of the following reflections. However, occasionally the 1990 Eastern code will be referred to because of its ecumenical importance. The Latin code will be cited CIC and the appropriate canon; the Eastern code will be cited CCEO and the appropriate canon.
- ⁴ Pontifical Council for Promoting Christian Unity, **Directory for the Application of Principles and Norms on Ecumenism**, March 25, 1993. (hereafter directory) (Washington: Office for Publishing and Promotion Services: USCC, 1993)
- ⁵ For a brief overview of the text by the under-secretary of the Council see Eleuterio Fortino, "The Revised Ecumenical Directory: Process, Content, Supporting Principles," **Information Service** n. 84 (1993/III-IV) 138-142. See also volume 30, no. 117 (1995) of the Canadian ecumenical journal **Ecumenism**, which is devoted to the directory.
- ⁶ See the selected references to the Latin code in the attached bibliography. Although these reflections do not focus significantly on the Eastern code, a few references to it are also given in the bibliography. It is presumed that diocesan ecumenical officers have access at least to the 1983 code for the Latin church. If not, they can order a copy through: Canon Law Society of America, Catholic University of America, Caldwell Hall 431, Washington, D.C. 20064 (202-319-5718 or 202-269-3491, fax: 202-319-5719). Copies of the Eastern code are also available.

- ⁷ See especially the articles by Green and Huels on the directory in the attached bibliography.
- ⁸ Despite the significant theological-historical-pastoral considerations underlying ecumenical law, limitations of space require our focusing exclusively on distinctly canonical concerns.
- ⁹ On the complexity and diversity of the ecumenical situation see directory, nn. 30-34. It is important for bishops and other ecumenical leaders to be aware of the distinctiveness of their own ecumenical situation and to shape their policies accordingly. What works well in one diocese or with a given Christian church may not work well in another diocese or with another Christian church.
- ¹⁰ See also CCEO 192, 2-3.
- ¹¹ For the United States this means the National Conference of Catholic Bishops (Hereafter NCCB).
- ¹² The Latin code mentions neither such an officer nor an ecumenical commission. However, canon 904, 3 of the Eastern code views such an officer as an alternative to an ecumenical commission if this cannot be established.
- ¹³ Directory, nn. 45 and 67. Unfortunately neither code refers explicitly to the ecumenical responsibilities of pastors although the Latin code states that they are to make their parishioners aware of their membership not simply in a parish but also in a diocesan community and in the universal church (CIC 529, 2). However, since pastors have various pastoral responsibilities comparable to bishops, they obviously have comparable ecumenical responsibilities.
- ¹⁴ Directory, nn. 50-51.
- ¹⁵ Ibid., n. 52. For a list of nine functions of the commission see *ibid.*, n. 44.
- ¹⁶ The codes explicitly refer to the value of such ecumenical input in calling for consultation with hierarchs of other churches or ecclesial communities in shaping diocesan or national policy on sacramental sharing (CIC 844, 5; CCEO 671, 5). The code does not clarify what is meant by ‘churches’ as distinct from ‘ecclesial communities.’ However, the former term refers to other Christian groups with whom the Catholic Church shares particularly close sacramental and ecclesiological ties, e.g., Orthodox. The latter term refers to other Christian groups with whom there is not such close sharing because of sacramental and ecclesiological differences among others, e.g., Reformed churches.
- ¹⁷ The NCCB has a somewhat secondary ecumenical legislative or policy-setting role vis-à-vis the diocesan bishop. For example, canon 844, 5 empowers the former to legislate regarding sacramental sharing; however, the NCCB has not issued formal norms in this regard. Furthermore, canon 1126 requires it to specify certain formalities for the declarations and prom-

ises Catholics must make before entering a mixed marriage. In September 1983, just before the Latin code took effect, the NCCB Administrative Committee reaffirmed the particular norms on mixed marriage issued by the NCCB on November 16, 1970. See NCCB, **Implementation of the 1983 Code of Canon Law Complementary Norms** (Washington: USCC, 1991) 16; 35-45.

¹⁸ Directory, n. 46. See also CCEO 904,2.

¹⁹ For ten possible functions of such national commissions see directory, n. 47.

²⁰ Directory, nn. 29; 53-54; John Paul II, apostolic constitution **Pastor bonus**, June 28, 1988, nn. 135-138. See also CIC 755, 1; CCEO 904, 1.

²¹ Both codes speak of continuing education and formation as a basic clerical obligation in view of more effective pastoral service (CIC 279; CCEO 372). However, this obligation also binds laypersons who are playing an increasingly significant ecumenical role (CIC 231, 1; CCEO 409, 1). Likewise church authorities have an institutional responsibility to facilitate the achievement of such continuing formation.

²² See also CCEO 671, which is generally similar to the Latin code. See also directory, nn. 122-136.

²³ Two key conciliar texts in this connection are **Decree on Ecumenism**, 8 and **Decree on the Eastern Catholic Churches**, 27.

²⁴ Paragraphs 104 and 129 of the directory briefly treat key issues regarding such sharing.

²⁵ Paragraph 123 of the directory deals with Eastern churches while paragraph 132 treats of Western ecclesial communities.

²⁶ Directory, nn. 122; 124.

²⁷ This provision would apply to Polish National Catholics. See “Sacramental Sharing Extended to the Polish National Catholic Church,” **Canon Law Society of America Newsletter** (June 1993) 3. See also March 13, 1996 cover letter of Archbishop Oscar Lipscomb to American bishops accompanying guidelines on Polish National Catholics receiving Roman Catholic sacraments.

²⁸ Paragraph 125 of the directory cautions Catholics to respect Eastern discipline and not engage in proselytism.

²⁹ In clarifying the meaning of ‘serious spiritual need’, the June 1, 1972 Secretariat for Christian Unity instruction **In quibus rerum circumstantiis** spoke as follows: “This spiritual need should be understood in the sense defined above: a need for an increase in spiritual life

and a need for a deeper involvement in the mystery of the Church and of its unity.” **Vatican Council II: The Conciliar and Postconciliar Documents**, ed. Austin Flannery Volume 1 (Northport, N.Y.: Costello Publishing Company, 1984) 557.

³⁰ Directory, nn. 130 and 106.

³¹ *Ibid.*, n. 97

³² CIC 874, 2; CCEO 685, 3; directory, n. 98.

³³ Directory, nn. 95; 99. While the following remarks focus on the latter text, it should be noted that the prior text addresses the following issues: the matter and form of baptism, the faith of the minister and the baptismal practice of a given community.

³⁴ CIC 845, 2; 869; CCEO 672, 2.

³⁵ Up to this point there is no agreement between the Catholic Church and the Western Christian churches on confirmation. Hence whenever believers from such churches are received into full communion, they are to be confirmed. See directory, n. 101.

³⁶ See also CCEO 702; directory, n. 104e.

³⁷ See CCEO 698.

³⁸ See CIC 1247; CCEO 881, 1.

³⁹ See CIC 134. A ‘local ordinary’ is the diocesan bishop, his vicar general or an episcopal vicar, who functions somewhat comparable to the vicar general yet on a specialized basis, e.g., only in ecumenical matters. Such vicars have fairly broad administrative authority in the diocese, somewhat comparable to the bishop. However, in some particularly significant matters such as permitting sacramental sharing they require the bishop’s special authorization.

⁴⁰ See CCEO 705, 1. Surprisingly such a provision is not explicitly restated in the directory although paragraphs 138-140 speak about the possible joint use of facilities by Catholics and other Christians.

⁴¹ See also directory, n. 137.

⁴² Directory, n. 118.

⁴³ *Ibid.*, n. 126.

⁴⁴ *Ibid.*, n. 133.

- ⁴⁵ *Ibid.*, n. 134, See also CIC 767, 1; CCEO 614, 4.
- ⁴⁶ See also CCEO 876, 1; directory, n. 120.
- ⁴⁷ See also CCEO 776, 1-2.
- ⁴⁸ See also directory, 143-160. There is no exact correspondence of a block of canons in the Eastern code to their Latin code counterparts on mixed marriage. However, see CCEO 813-815; 834, 2; 835; 839; 804.
- ⁴⁹ Directory, n. 144.
- ⁵⁰ John Paul II, apostolic exhortation **Familiaris consortio**, November 22, 1981, n. 78. **Vatican Council II More Postconciliar Documents**, ed. Austin Flannery Volume 2 (Collegeville, MN: Liturgical Press, 1982) 883-885.
- ⁵¹ Directory, 145.
- ⁵² See CCEO 803, 1.
- ⁵³ See CCEO, 804.
- ⁵⁴ See directory, 150. See also *ibid.*, 149 on instructing the spouses on the ends and properties of marriage and on the importance of a mutual understanding of their respective religious traditions.
- ⁵⁵ See directory, n. 151. The directory mentions canon 1366 of the Latin code. This states that parents or their surrogates are to be punished with a censure or another just penalty if they hand their children over to be baptized or educated in a non-Catholic religion. As unlikely as this might be, what might make a Catholic spouse liable to such a penalty is his or her positive initiative, serious culpability, and bad faith in handing over the children for non-Catholic baptism and/or education. Frankly pastoral efforts at revitalizing the faith of such a Catholic spouse would probably be much more effective than any penal measures.
- ⁵⁶ See CCEO 838.
- ⁵⁷ On the possible involvement of the minister of the other party in the celebration see directory, n. 158.
- ⁵⁸ See *supra*, pp. 8-12.
- ⁵⁹ See Huels, 120-121. On the possible occasional reception of the Eucharist by other Christian spouses during their marriage see directory, n. 160.

- ⁶⁰ See CCEO 828; 834-835; directory, nn. 153-156.
- ⁶¹ There are no restrictions on Catholics serving as witnesses (best man or maid/matron of honor) at legitimate marriages in other churches or ecclesial communities. See directory, n. 136. Likewise there are no restrictions on those who can serve as witnesses at Catholic marriages as long as they are mature enough to testify to the exchange of consent. Of course civil law provisions need to be taken into account here.
- ⁶² See directory, nn. 152-153.
- ⁶³ As indicated in note 38, the broad term ‘local ordinary’ refers not simply to the bishop but also to his vicar general or to an episcopal vicar in a specialized area, e.g., ecumenical affairs. Generally speaking the bishop does not personally grant such dispensations but acts through a member of this chancery or tribunal staff.
- ⁶⁴ Directory, n. 154. Canon 835 of the Eastern code is much more restrictive regarding such dispensations. Only the Apostolic See or the patriarch may dispense from the form, and the latter may not do so except for a most grave reason.
- ⁶⁵ Directory, 154-155.
- ⁶⁶ For example, a Catholic man from the Diocese of Bridgeport may wish to marry a Jewish woman from the Archdiocese of New York, and the marriage is going to take place in New York. The bishop of Bridgeport must consult the archbishop of New York before granting the dispensation from form; but the former does not need the latter’s approval to grant the dispensation.
- ⁶⁷ Directory, n. 157. The local ordinary may also permit a cleric from another church or ecclesial community to do the same at a Catholic ceremony. See *ibid.*, 158.
- ⁶⁸ Directory, n. 156.
- ⁶⁹ However, it is legitimate to have a subsequent ceremony involving the blessing of the couple without a renewal of vows.
- ⁷⁰ CIC 1127, 2; 1121, 3.
- ⁷¹ See directory, n. 144.
- ⁷² *Ibid.*, n. 146.
- ⁷³ See CIC 1128; CCEO 816; directory, n. 147.
- ⁷⁴ See especially directory, nn. 163-171.

