

Response to the Pre-conciliar Document on Marriage and Its Impediments

by Fr. Robert M. Arida, Susan Ashbrook Harvey, David Dunn, Maria McDowell, Teva Regule, and Bryce E. Rich

Source: www.publicorthodoxy.org . Please note that the blog version was edited to a thousand word limit. The unedited version will appear in a book to be distributed to the participating hierarchs at the council.

I. Introduction

The document on marriage does not refer to its long and complex history and accompanying theology. What is offered to the faithful and to the world is a statement that bases marriage on a particular understanding of natural and divine law (sec.I, par.2 and 6). Resting upon this foundation the authors attempt to protect marriage and its inextricable bond to the family from the encroachments of secularism and moral relativism (sec.I, par.1). However, in doing so, the authors appear to have constructed a paradigm of marriage based more on a particular ideology than its theological underpinnings. They present an image of the Church that can only speak of marriage as it is related to the law and not as a bond forged and nurtured by love and divine grace. By virtually ignoring the Church's emphasis on grace the authors have restricted the Church's dexterity in responding to the myriad of pastoral issues related to globalization, not the least being inter-religious marriage. In addition to minimizing the place of love and grace, the authors have also presented marriage as a bourgeois institution without taking into account the safeguarding of children or women in cases of domestic violence, and the possible need for dissolving the marriage bond.

II. Natural and Divine Law, Grace And Marriage

Patristic exegesis recognizes creation as guided by the laws of nature that are derived from God (St. Basil's *Hexaemeron* and St. John of Damascus' *Philosophical Chapters*). To a great extent these laws trace their philosophical and scientific underpinnings to pre-Christian Hellenism. However, within the Hellenistic and patristic writings, these laws gave rise to a closed metaphysics. Modern science has provided a deeper understanding of natural law. The laws of physics continue to reveal the inexhaustible mystery of nature that is inseparably bound to the tri-une God. Given the fluidity of these laws,¹ the Orthodox Church is offered an opportunity to further expound on this concept from a theological perspective whereby the Incarnation becomes the matrix.

As incarnate Logos, Jesus Christ, is Himself the revelation of the pre-eternal and divine Torah. He is the divine law who is the same yesterday, today and forever (Heb.13:8). Consequently, as unchanging Torah, Jesus through the Spirit draws all persons into an infinitely dynamic and ever expanding relationship with the Trinity.

¹ Today, we have a better understanding of the laws of physics. For instance, we know that the laws of physics at the time of the Big Bang are different than now, the laws of physics in a black hole are different than at other times and places, etc.

Although Trinitarian life is stable, the possibility of our participation in this life is endless. While the laws of nature point to and lead one to God, it can then be stressed that these laws, infinitely multifaceted as they are, cannot exhaust systematically, scientifically and logically the very being of God who is “ineffable and incomprehensible.”

The inexhaustible mystery of God extends to the inexhaustible mystery of the human person which allows the mystery of human love, including marriage, to once again stand on a Christological, eschatological and soteriological foundation. Upon this foundation divine grace recovers its place within marriage as well as in the bonds of all human relationships rooted in authentic love for the other which becomes an expression of love for God.

Unlike a static understanding of natural law, the bond of grace removes marriage from being solely bound to biological pro-creation (sec. I, par.5). Consequently, the bond of grace can lead marital love to extend beyond its own physical intimacy and embrace a child or children in the act of adoption. Within the dynamic of marital love adoption offers salvation to children who might otherwise be deprived of love and who might find themselves bound to conditions such as abject poverty, war, disease, and human trafficking.

Furthermore, in linking marriage so strongly to procreation, the authors give no thought to those couples who may be infertile or to those couples who marry beyond childbearing age. The authors also remain silent about the proper use of birth control especially with regards to preventing the spread of genetic diseases (sec.I,par.7).

Divine grace is eternally bound to the New Torah. Therefore, it renders marriage as a sacrament of love within Trinitarian life. The liturgical and biblical sources of the Church stress that it is grace and not the law which allows for new life in Christ—“the shadow of the law passed when grace came...” (Vesperal Dogmaticon, Tone 2).²

III. Globalization, Marriage and Divorce

The authors of the document ignore the pastoral challenges the Orthodox Church faces relative to the reality of globalization and the religious and cultural pluralism that attend it. There is no acknowledgement of how globalization, especially in the West, greatly increases the possibility of mixed marriages including marriage to a non-Christian (sec. I, par. 9). The authors would show the Church to be more involved in and for the life of the faithful if they courageously acknowledged the pastoral challenges that come with religious pluralism. Facing this reality and expressing a desire to investigate the

² Other examples to help illustrate this point include the reading from the Prologue of St. John’s Gospel (vs. 17) at the Paschal liturgy, “the law was given through Moses; grace and truth came through Jesus Christ and the reading from Hebrews (7:12) prescribed for the feast of the Meeting of our Lord, “For when there is a change in the priesthood there is necessarily a change in the law as well.”

acceptance of civil marriages contracted between an Orthodox and non-Orthodox Christian or non-Christian would indicate that the Church of the 21st century like the Church of the 1st century is unwilling to cut itself off from the wider society. Willingness to investigate this particular issue based in part on the Church's acceptance of civil marriages during the first 1000 years of the Christian empire (see for example Justinian's *Institutes* 1.10) would also attest to the Church's care and love for these couples and their children. This gesture of pastoral care might also witness to the Church's desire to draw into its transfiguring life the Orthodox believer and his/her non-Orthodox or non-Christian spouse who, because of canonical restrictions, find themselves cut off from the body of Christ (sec. II, par. 5).

While supporting the sacredness of the family (sec I, par.9) the authors do not address the issue of domestic violence. They are silent about the Church's concern and care for those most often targeted in a violent context—women and children. Tragically, divorce and even the separation of children from one or both parents may be the only solution to protecting the lives of the victims.

IV. Conclusion

A stronger emphasis on divine grace and interpersonal love, a greater awareness of globalization and its challenges to marriage and the translation of living theology into pastoral care would bolster the integrity of the document.