

**"The Sacramentality of Second Marriages
in the Catholic Church and the Orthodox Church"**

Summary of the dissertation

The scientific problem of this work was formulated in the following question: Do the theological and canonical doctrines of the Catholic Church and the Orthodox Church recognize the sacramentality of the second marriage? In response to this question, a thesis was put forward that there are fundamental differences in terms of theological and canonical doctrine between the Catholic Church and the Orthodox Church concerning the understanding of the sacramentality of the second marriage. The topic of this doctoral dissertation is crucial in the context of the almost universal belief that the Catholic Church and the Orthodox Church equally recognize the indissolubility of sacramental marriage, and in view of contemporary proposals to treat the Orthodox practice of *oikonomia*, connected with the admission to Holy Communion of the faithful who are divorced and remarried, as an alternative to the Catholic doctrine.

The following doctoral thesis has a parabolic structure. The first chapter serves as an introduction, the culmination of the dissertation in the form of a solution to a scientific problem takes place in the second and third chapters, while the summary comprised in the fourth chapter provides a canonical and pastoral synthesis. Each chapter begins with an introduction and has a summary presenting partial conclusions. The general conclusion is formulated at the end of the dissertation.

The first chapter takes up the issue of the sacramentality of marriage in the theological and canonical doctrines of both Churches. It is an indispensable foundation of this thesis, as it shows an essential aspect through which the institution of remarriage will be presented and explained in the dissertation. According to the Catholic concept, based on the principle of identity between contract and sacrament, sacramentality is an essential dimension of marriage between the baptized persons. According to the Orthodox concept, originating from the two-act rite of the sacrament of marriage – which implies two stages of shaping the marriage between the baptized – sacramentality is an essential element of the first ideal marriage, inseparable from the contract.

The second chapter presents the understanding of the institution of the second marriage in the doctrines of both Churches against the background of the evangelical ideal of lifelong monogamy, in juxtaposition with the essential marital attributes of unity and indissolubility.

The third chapter shows the authority of both Churches in relation to granting the faithful the right to remarry, and brings the final explanation of the sacramental quality of the second marriage in the doctrines of both Churches as well as its canonical status.

The fourth chapter analyzes non-sacramental second marriages and new unions in relation to the Eucharist – the original sacramental seal of marriage – in the broader context of ecclesial communion. It also addresses a practical and extremely topical issue, i.e., a comparison of the stances of both Churches on the issue of the admission to Holy Communion of the faithful who have divorced and remarried – those who betrayed the ideal of monogamy – in the broader context of the penitential process and the return to full ecclesial communion and Eucharistic connection.

The Orthodox Church, adopting the dichotomous concept of the sacramental marriage, which originates from the two-act rite of the sacrament of marriage, does not recognize the identity between the contract and the proper sacrament, but treats them as two essential elements. The consequence of this is the recognition of the possibility of destroying the matter of the sacrament, which is love, through sin, the rejection of grace, then the termination of the contract with divorce and allowing lay people to remarry (up to the third marriage). The Orthodox Church does not recognize the sacramentality of remarriage of widowers and divorcees, treating them equally as a betrayal of the ideal of lifelong monogamy. It only grants them a certain degree of canonicity and thus protects the principle of absolute uniqueness of the first sacramental marriage. The permission, in accordance with the principle of *oikonomia*, of canonical non-sacramental remarriage, and the admission to Holy Communion of remarried persons, both widowers and divorcees, is the choice of the "lesser evil" to prevent adultery and preserve ecclesial communion of the Orthodox faithful. The doctrine and pastoral practice of the Orthodox Church are so different from those of the Catholic Church that they cannot be used as an alternative solution in the Catholic Church without the danger of doctrinal chaos among the faithful, and a serious violation of the principle of absolute indissolubility of the sacramental marriage bond.

The Catholic Church, adopting the monolithic concept of the sacramental marriage based on the principle of identity between contract and sacrament, acknowledges the sacramentality of every validly contracted marriage between baptized persons, and therefore also of every second marriage. The Catholic Church recognizes the sacramentality of the second marriage of widowers but does not permit canonical marriage for the civilly divorced, because there can be no marriage between baptized persons that is not a sacrament at the same time. The Admission to Holy Communion of the faithful who are divorced and remarried but have not broken the ecclesial communion, is possible in the ordinary way by breaking the

union and receiving the sacrament of penance and reconciliation, or in the extraordinary way through the declaration of complete continence. Within the Catholic Church it is not the non-canonical nature of a new civil union which is an obstacle to receiving sacraments, but persisting in sin, even if it is a "lesser evil" than ordinary concubinage. The Catholic Church, in case of a valid but unsuccessful marriage, that has actually broken down, does not definitively close off the access to the Eucharist for the divorced and remarried persons. These persons themselves, by usurping the right to be *una caro* with a new partner and thus breaking, through sin, the communion with Christ, have limited their access to sacramental communion. The Catholic Church does not exclude them from the community and accompanies them in their prolonged eucharistic fast and their remaining in a state of incomplete fundamental ecclesial communion. The Catholic Church patiently waits for their conversion, their real contrition, and an actual realization of the firm resolution to refrain from sinning again, i.e., a declaration of complete continence in the new relationship. The solution introduced in *Familiaris consortio* and upheld in the Magisterium in *Amoris laetitia*, in practice implements the principle of *oikonomia* in the Catholic order, because, in an extraordinary way, it does grant the admission of the faithful who are divorced and live in new relationships, to the Eucharist – the Sacrament of Sacraments. This solution, put forward by the Magisterium of the Catholic Church, goes a step further than the Orthodox practice, because it does not require the external assertion of canonicity for the new union, but refers directly to the biblical *metanoia*. In the Catholic Church, there is no tension – so characteristic of the Orthodox Church – between the ancient doctrine and the modern pastoral care, that would require neutralization with the use of the principle of *oikonomia*. The contemporary Catholic pastoral care, faithful to the truth of Revelation, follows the immutable Magisterium that constantly reads signs of the times, with the assistance of the theological and canonical doctrine (continually deepening and expressing itself in an updated language) and the consistent ecclesiastical discipline whose ultimate justification is the *salus animarum*.