

Divorce - An Orthodox Perspective



The Orthodox Church, as any Christian Church, believes in the sanctity of the marriage bond. St. Paul refers to marriage as a "great mystery", likening the relationship of husband and wife to that of Christ and the Church. Our Lord defended the sanctity of marriage through His presence at the Marriage at Cana. Additionally, the Orthodox Church sees marriage as a way that each partner aids the other towards their salvation as is noted by St. Paul.

¹⁴ For the unbelieving husband has been sanctified through his wife, and the unbelieving wife has been sanctified through her believing husband. ¹⁶ How do you know, wife, whether you will save your husband? Or, how do you know, husband, whether you will save your wife? (1 Corinthians 7)

The Church however recognizes the flaws of this Fallen world and that some marriages may become completely unworkable, causing more damage than good, and thus does allow a measure of economy.

• The Orthodox View of Marriage¹

A Joint Committee of Orthodox and Roman Catholic Bishops in 1981 at the behest of His Eminence Archbishop Iakovos affirmed our joint view of marriage as follows:

With regards to Christian marriage [we see it] as a vocation from God in which the liberating effect of divine love, a gift of Holy Spirit, is experienced through human love.

According to Orthodox teaching, one of the essential characteristics of marriage is its indissolubility such that marriage is dissolved only through death, or through an event which revokes the ecclesiastical significance of marriage, refutes its religious and moral foundation, resulting in a spiritual or moral death.

Therefore, the Orthodox Church's canonical regulations on divorce and remarriage are based on two presuppositions.

1) As a Holy Sacrament, Orthodox marriage is not seen as a legal contract, but a gift of Grace conferred upon the partners in the Body of the Church. As any sacrament, marriage pertains to the eternal life in the Kingdom of God and therefore, is not dissolved by the death of one partner. An eternal bond is created between them—"it is bestowed unto them" (Matthew 19:11).

2) The partners, being human and tainted by the Fallen world, may have entered into marriage when they were not ready for it; or they are unable to make this Grace grow to maturity. In those cases, the Church, through Her Economy, may acknowledge that the Grace was not fully "received" and allow remarriage.



Byzantine Marriage Belt
circa 7th cent.

¹ Sections taken from *Marriage: An Orthodox Perspective* by John Meyendorff, St. Vladimirs Seminary Press, 1975

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- **Christ's Words on Divorce**

The Pharisees came to Christ and asked him, "Is it lawful for a man to divorce his wife for any and every reason?" His reply was stern and are the exact words used in the Orthodox Marriage service up to today.:

⁴ "Haven't you read that at the beginning the Creator 'made them male and female,'⁵ and said, 'For this reason a man will leave his father and mother and be united to his wife, and the two will become one flesh'⁶ So they are no longer two, but one flesh. Therefore, what God has joined together, let no one separate...⁸ Moses permitted you to divorce your wives because your hearts were hard. But it was not this way from the beginning.⁹ I tell you that anyone who divorces his wife, except for sexual immorality, and marries another woman commits adultery."

- **The Orthodox View of Divorce²**

Since the Early Church recognized that sin can ultimately destroy marriage, the Church's economy always offered a "new chance," and was ready to return them to the Church if they repented. This is why the Marriage Service for second marriage in the Orthodox Church has a much more repentant tone than the standard Marriage Service.

Dr. Lewis Patsavos³ states that "*divorce caused by religious or moral death occurs by itself when the basis of marriage ceases to function, and the purpose of the marital bond is therefore frustrated... the marriage has lost its basis and has dissolved itself.*"

In each case, prior to the divorce, both *pastoral* and *formal* marital counseling should attempt to regain this lost "*marital basis.*" The Orthodox Church also recognizes, sadly, that sometimes the spiritual well-being of Christians caught in a broken and essentially nonexistent marriage justifies a divorce and also recognizes the right of one or both of the partners to enter into the rite of "second marriage."

A not well-known fact is that the Orthodox Church does not grant "divorce." To balance the words of our Lord with the Church's desire to offer compassion and mercy, the Church grants "*permission to remarry.*" This is formally referred to as **Ecclesiastical Permission to Remarry.**

Orthodox Christians of the Greek Orthodox Archdiocese who have obtained a civil divorce but not an ecclesiastical divorce may not participate in any sacraments of the Church or serve on the Parish Council, Diocesan Council or Archdiocesan Council until they have been granted a divorce by the Church, which includes serving as a sponsor in either a Baptism (Nouno/a) or Wedding (Koubaro/a).

- **Circumstances Which Could be a Consideration for Divorce**

In accordance with the November 21, 1973 encyclical of His Eminence, Archbishop Iakovos, Church Canon Law, **Ecclesiastical Permission to Remarry** is granted and considered valid under the following circumstances:

1. Marriage is entered into by force, blackmail or false reasons.
2. One or both parties is guilty of adultery.
3. One party is proven to be mad, insane or suffers from a social disease which was not disclosed to the spouse prior to the marriage.

² Ibid

³ Professor of Orthodox Canon Law at Holy Cross Greek Orthodox Seminary

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4. One party has conspired against the life of the spouse.
5. One party is imprisoned for more than seven years.
6. One party abandons the other for more than three years without approval.
7. One partner should be absent from home without the other's approval, except in instances when the latter is assured that such absence is due to psycho-neurotic illness.
8. One partner forces the other to engage in illicit affairs with others.
9. One partner does not fulfill the responsibilities of marriage, or when it is medically proven that one party is physically impotent, barred, or as the result of a sexually transmitted disease.
10. One partner is an addict, thereby creating undue economic hardship.

- **The Process for Seeking Ecclesiastical Permission to Remarry in the Orthodox Church**

If the husband and wife cannot be reconciled, and a civil divorce has been obtained, then the Orthodox Christian spouse can petition for a hearing at the Metropolis Level Spiritual Court. This process, referred to as **Request for Ecclesiastical Permission to Remarry**, consists of:

- Meeting with priest to discuss why the divorce became necessary.
- Priest formally (in writing) contacts the other spouse to discuss their views on the breakdown of the marriage.
- If there is no possibility of reconciliation at this point, the priest will petition to proceed.
- Petition will include:
 - Petition From- name, address, phone number of both spouses; date and location of wedding; reasons why marriage ended; signature of petitioner.
 - Ecclesiastical Marriage Certificate (original)- or an official transcript from local church where wedding took place.
 - Civil Divorce Decree (full copy of all pages)
 - Fee for processing documentation and filing
- Sacrament of Confession for petitioner(s).
- Spiritual Court Hearing arranged and conducted (both spouses must be notified and should attend to the extent possible).
- Spiritual Court submits all documents with recommendation to local Hierarchy for final decision.
- Ecclesiastical Decree (if issued) delivered to petitioner. Only after an Ecclesiastical Decree is issued by the presiding Metropolitan (bishop), can either of the partners apply for an ecclesiastical license to remarry, assuming the marriage is to be conducted in an Orthodox Church.

A few notes of caution, however.

- a) The **Ecclesiastical Decree of Permission to Remarry** that is granted by the Greek Orthodox Church is not recognized by the Catholic Church so that the Catholic spouse would still need to obtain permission to remarry from the Catholic Church should they desire to remarry in the Catholic Church.
- b) There is a difference between divorce and annulment. Divorce is concerned merely with the legal effects of marriage. Annulment, however, is also concerned with the reality of whether or not a true marriage was ever formed. This leads to the second difference.

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- **What Happens at Spiritual Court**

Sometimes a petitioner may feel quite justified in seeking an Ecclesiastical Decree as they do not see any fault of their own in the breakdown of the marriage. The process of a Spiritual Court is to uncover, name and heal any brokenness, both small and great, within the heart, mind and soul of the petitioner(s). This will enable them to move forward with peace, grace and maturity to continue their life following Christ in His Holy Church and, God-willing, enter a subsequent marriage.

The purpose of the Spiritual Court is neither to justify nor condemn anyone, but rather to facilitate the process of healing and reconciliation to the Body of Christ. This is a pastoral and healing ministry, rather than a legalistic formality.

The members of the Spiritual Court are selected by the Metropolitan. The Court typically consists of 3 priests each with significant parish and pastoral experience (specifically in marital issues) and have demonstrated an ability to be empathetic, willing to listen, and offer truthful guidance. The priest with whom the couple worked with to reconcile them will typically attend the Spiritual Court to support each partner separately but is not a member of the Spiritual Court.

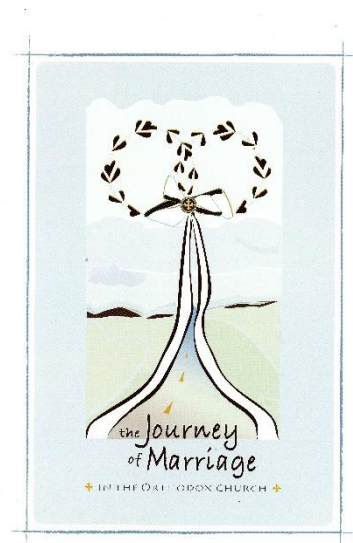
- **The Importance of Pre-marital and Marital Counseling**

The fervent wish of the Church is that all couples work diligently to resolve marital issues and make every effort to preserve the love and respect they had for one another when they were first married and to restore that “marital basis.” Therefore, the best time to seek help is at the first signs of a problem before it degrades the relationship beyond repair.

Premarital counseling, while focusing on the theological and spiritual aspects of marriage should also provide important guidance on recognizing what John Gottman refers to as the *Four Horseman of the Apocalypse*⁴ which, if not recognized and avoided, are proven to be the path from oneness to divorce.

The current program of pre-marital counseling at the Annunciation Greek Orthodox Church is ***The Journey of Marriage*** written by Dr Phillip Mamalakis, professor of Pastoral Theology at Holy Cross Greek Orthodox School of Theology.

This program of lessons plans and practical exercises provides the couple the ability to identify many of the practical issues and problems that may surface in the initial years of a marriage concerning romance and intimacy; in-laws; finances; family life; communication; conflict such as frustration, disagreements, arguments, and disappointments, and The Four Horseman. This program also addresses difficulties associated with couples with different cultural backgrounds.



⁴ Gottman, John, *The Seven Principles for Making Marriage Work*