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## ENCYCLICAL

### Concerning Marriage and Divorce

Beloved Fathers and Brethren in Christ,

Beloved children in the Lord,

One of the Mysteries of our Holy Orthodox Church is the Mystery of Marriage, which is called “Great” (Eph. 5:32). It exists in order to bless the willing, lifelong bond of the spouses: one man and one woman who are members of the Church, so that their married life may be sanctified for mutual assistance in their common life, and their Christian path, and for the legitimate birth of children and their education.

Marriage is a path God has given us to achieve the ultimate aim for which man was created and exists, namely his sanctification (see Leviticus 20:7, 26 and 1 Peter 1:16).

This Mystery is clearly described in Holy Scripture: “therefore shall a man leave his father and his mother and shall cleave to his wife, and they two shall be one flesh” (Gen. 2:24, Matt. 19:5-6, Eph. 5:31). However, it is a means and not an end for man’s perfection and salvation, it is certainly not meant to be for his falling away and the loss of his soul. It is a very important means from which are derived important good things in life

and man's blessing (childbearing, companionship, security, protection, filling up one another's deficiencies, communal living, etc.). So that with the aid of Divine Grace, the spouses' life being spiritual and pure may imitate the spiritual marriage which the members of the Church have with Christ the Bridegroom. In this way man partakes in the creative love of God, Christ's sacrificial love for the Church.

There exists a hierarchy in marriage, which when it is not taken into consideration causes dysfunction and problems. The man is placed as the head, and imitating Christ he loves his wife and his family sacrificially, while the woman as a member of equal honor who has been called to the enjoyment of the same eternal good things, is obligated to exhibit respect and submission to her husband. In this way they constitute a blessed married couple, a "house-Church" where the peace and love of God reign, and where the children God sends them are accepted as His most-valued gifts, they are products and proofs of the couple's love for one another.

The married couple's love, as the impenetrable harmony of souls and bodies, completes and perfects them in Christ, Whose perfection is everlasting. With the Holy Mysteries and the cultivation of the virtues it is fed and given life, so that the married couple as one soul and one body can cooperate together toward the growth of the Church and the betterment of society. Their unbreakable bond has such importance and gravity that our Lord absolutely forbids even the possibility of separation and division, saying: "What God hath joined together, let not man put asunder." (Matt. 9:16, Mark 10:19) And the Apostle Paul stresses: "Let not the wife depart from her husband... and let not the husband put away his wife." (1 Cor. 7:10-11)

However, man's goodwill is not sufficient to achieve this, in order to grow and succeed continuous human effort is needed to activate the Divine Gift, but primarily the invocation of Divine assistance is necessary. Only in Christ can a married couple hope for perfection in love, because only His Grace provides the possibility to accomplish such a lofty aim. Only Christ transforms relationships just as He changed the water into wine at the wedding in Cana. He deepens relationships and He cleanses them from the danger of being corrupted into sinful and profane relationships. Only Christ redeems us from the shockwaves of life which strike at us from various directions, both internally and externally, they strike at the relationship of even the most loving married couple.

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The insolubility of marriage is lifted, naturally, only by death. They are only separated in body because the one party has gone on to the next life. The other party who remains in the present life properly should have the feeling that the marital connection does not exist in the next life as we know it here, but the spouses' spiritual communion has an eternal outlook, since it is completed in eternity as a communion of true love and unity. In the lifting of the Crowns at the Marriage Service we surrender them to God that He may "undertake" them in His Kingdom, declaring precisely this essential truth.

If, however, in the case of widowhood there are serious reasons to perform another marriage, then this is permissible and ecclesiastically acceptable, even if it is not compulsory and obligatory. After all, the Apostle Paul suggests, for example, that it is better for younger widows to marry in order to avoid scandals and physical falls caused by careless behavior (see 1 Timothy 5:14).

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As concerning Divorce, we know that in the Old Testament, the Law of Moses allowed the man, when he found some “unbecoming” thing in his wife he could not endure, to give her a “bill of divorcement,” i.e. a divorce (Deut. 24:1-4). However, even then he had to bring forward evidence because otherwise he was compelled to pay a fine and he was not permitted to divorce his wife. The customs were very strict and divorce was considered “hated” by God (Malachi 2:13-16). That is why the Law commanded “Thou shalt not commit adultery” (Exodus 20:13) and “Thou shalt not covet thy neighbour’s wife... nor his maid” (Deut. 5:21)

The Lord, in the period of Grace, answering a relative question from His Disciples confirmed the indissolubility of Marriage and He reminded them that although divorce had been allowed it was due to their hardheartedness and barbarism, in order even to avoid murder. Only because of marital infidelity is divorce allowed (“saving for the cause of fornication” Matt. 5:32), but once again divorce is not obligatory, because the Lord’s word allows for separation in the instance where the faithful spouse cannot endure what is happening and certainly for the unfaithful spouse there is no possibility for a second Marriage. Even in such instances permission to marry again is not granted immediately to the faithful spouse, awaiting the repentance of the adulterer and the couple’s reconciliation. And only if this does not occur then properly **only the innocent party may receive permission to enter into a second Marriage and not the guilty party**. Because they are obligated to weep over their fall for the rest of their life (see the commentary of St. Nicodemus of the Holy Mountain on the 48<sup>th</sup> Apostolic Canon).

Anyway, when it is deemed to be unavoidable, the Divorce decree is issued under preconditions. From of old in the history of the Church the innocent party and not the guilty party submitted a petition for Divorce to the Ecclesiastical Authority

so that the case can be considered, and an attempt at reconciliation can be made by the Bishop. Only when this attempt fails is the Divorce decree issued. This act has always been the exclusive responsibility of the Ecclesiastical Court where properly no extraneous persons may interfere in its proceedings.

Nevertheless, the issuance of an Ecclesiastical Divorce has always been considered an abhorrent act. In the early years of Christianity a second marriage, even in the case of widowhood, was called "permitted adultery" (See the Apology of Athenagoras Concerning the Christians § 33).

As concerning the forbiddance of Divorce in order to enter into a second Marriage, the 48<sup>th</sup> Apostolic Canon is clear: "If any layman who has divorced his wife takes another, or one divorced by another man, let him be excommunicated." For this reason if any separate not because of marital infidelity on the part of the spouse but rather in order to enter into another relationship they should be penalized as adulterers until they repent (namely, they are not permitted to receive Holy Communion for seven years according to the 87<sup>th</sup> Canon of the Sixth Œcumenical Council, the 20<sup>th</sup> Canon of the Synod in Ancyra, and the 77<sup>th</sup> Canon of St. Basil the Great).

The 113<sup>th</sup> Canon of the Synod in Carthage says that the married couple who separates without adultery being the cause should either remain unmarried after separating or they should reconcile. This certainly resembles the teaching of Holy Scripture that if a woman separates from her husband she should remain unmarried after separating. If she cannot remain unmarried, then she should reconcile with her husband. And the man should not abandon his wife (1 Cor. 7:10-11).

He who separates from his wife not because of marital infidelity on her part becomes the cause of the separation

because, morally speaking, he is the instigator of the separation. She will be considered an adulteress if she should marry another (Matt. 5:31-32) as likewise she who abandons her husband in order to marry another (Mark 10:12).

The Lord's word is absolutely strict: "Whosoever putteth away his wife, and marrieth another, committeth adultery: and whosoever marrieth her that is put away from her husband committeth adultery" (Luke 16:18). The clear conclusion is that divorced couples who are remarried (except for the aforementioned marital infidelity) are properly considered as adulterers.

The prohibition of Divorce is particularly important when there are children, especially underage children. This applies also to those who wish to abandon the marriage "for ascetical reasons" – that is, to become monastics.

For the serious problems which exist in marriages which sometimes shake them to their foundations, such as injustices etc., the recommendation of the Church is that the married couple ought to endure whatever they suffer from one another. Exceptions are made only in specific, extraordinary circumstances when, for example, we have a proven attack against the one's life, namely a death threat or some other reason which is addressed in the Canonical Tradition of the Church (such as heresy, close familial or spiritual affinity, dedicating themselves to the monastic life by mutual agreement, disappearance for a long period of time, abandonment of the family house, captivity, entering into an adulterous relationship, enticement to commit unnatural acts, false accusation of adultery, cohabitating with a paramour, abortion in spite of the other party's objection).

Now, due to human failings and weaknesses, in certain cases a second Marriage is performed and the Orthodox Church shows

condescension and elasticity in the spirit of *Oikonomia*, but certainly without undermining the basic Scriptural and Canonical principals concerning this sensitive issue.

However, the second Marriage, even in the few instances it is allowed, is an exception, without always being proper and blameless. For this reason whoever enters into a second Marriage, even if it is justified, receives a penalty: they are not permitted to receive Holy Communion for one or two years (4<sup>th</sup> Canon of St. Basil the Great). Also, in the second Marriage Service properly Crowns are not used (2<sup>nd</sup> Canon of St. Nikephoros of Constantinople), even though the Service Books in use foresee the Crowning of second Marriages, the Priest who performs the second Marriage is not permitted to attend the Marriage Banquet which follows (7<sup>th</sup> Canon of Neocaesarea) because it is not proper to rejoice in something that is punishable.

In connection to this, it is appropriate to remind you that for those dedicated to God in Monasticism, namely Monks and Nuns, Marriage is absolutely forbidden, even if they put off the Schema of Repentance (6<sup>th</sup> Canon of St. Basil the Great, 16<sup>th</sup> Canon of the Fourth Œcumenical Council), and married Priests and Deacons are not permitted to enter into a second Marriage even if they are widowed or if they are deposed from the Priesthood/Diaconate (26<sup>th</sup> Apostolic Canon, 6<sup>th</sup> and 44<sup>th</sup> Canons of St. Basil the Great, 6<sup>th</sup> Œcumenical Council).

But the third Marriage, which also exists, is considered “unlawfulness” by St. Gregory the Theologian, and “rotten fornication” by St. Basil the Great. St. Nicodemus of the Holy Mountain calls it “shameful.” Whoever enters into a third Marriage receives a penalty: they are not permitted to receive Holy Communion for five years (3<sup>rd</sup> Canon of Neocaesarea, 4<sup>th</sup>

Canon of St Basil the Great), and afterward they are only permitted to receive Communion three time a year.

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We remind you, the Clergy and Laity of our Church, of all this not so as to cause some legalistic or scholastic fear within you, but to proclaim from our Holy Synod the salvific, evangelical, and canonical exactitude concerning the serious subjects of Marriage and Divorce because generally there exists ignorance of basic things concerning our Faith, as well as attempts sometimes to bypass whatever is in force using secular and extra-ecclesiastical criteria.

Nowadays we know that many are gripped by worship of the flesh, both the married and the unmarried, and this is projected in every way and by every means, as something natural, acceptable, and even necessary! The ecclesiastical principals of our Faith and Ethics are shaken to the core, relationships are being tested, the family's unity and cohesion is wounded in every way. This is why it is urgent to preserve at all costs the Traditions of Holy Orthodoxy in order to preserve ourselves from falling into that which is forbidden.

Unacceptable *economies*, allowances and infringements may seem to put "at ease" modern people who usually seek to satisfy their sinful desires, but even though they receive false assurance for their consciences, it is not possible for them to have the Approval and Blessing of God, nor certainly should they be taught that they will thus attain eternal salvation.

We live in an age where the tragedy of "easy" and "no-fault" divorce reigns. With bureaucratic procedures the State now very easily and quickly resolves the legal side of Marriages, even those Marriages properly performed by our Church. This is because people, even those considered to be faithful



members of the Church, have sold the standard and criterion of their choices. Instead of the Eternal God and His indestructible Teaching and Law, the following prevail: human will and passions, impatience, an inclination to descend from the Cross, abandonment of responsibilities, disturbance of balance, and preference for that which satisfies over that which is proper.

The easy recourse is to the courts, to the secular authorities in order to “dissolve” the marriage, so that after the fact the Ecclesiastical authorities, sometimes even by court order, are forced to “certify” spiritually that which was achieved secularly. The terms have unfortunately been reversed. What should happen first, as always, is that an attempt should be made ecclesiastically to avoid the Divorce, and only if this repeatedly fails would it be possible to start the process of dissolving the Marriage. If the continuous cohabitation of the married couple is deemed by the Spiritual Fathers/Clergy of our Church to be impossible and their separation unavoidable, then with a heavy heart and deep pain the Ecclesiastical Divorce is issued by the Local Hierarch.

As concerning the possibility of performing a second Marriage, it is necessary that a careful examination take place of whether or not this is permissible. And if there really is a need –to avoid worse things – such permission is granted. This should indeed constitute a pastoral *economy* and not an obvious lawlessness which only brings a burden and not the repose and blessing of the Holy Spirit upon those involved.

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Beloved Children in the Lord,

It is an urgent necessity that we: Clergy and Laity, endeavor to establish the proper awareness of the blessings, and the obligations which the Mystery of Marriage brings to those who

chose it, so that its sanctity and indissolubility can be safeguarded at all costs since it has been given to us by God as a means for our salvation, even if it is difficult and martyric. It has not been given to us for our destruction. The denial of this path, even by only one member of the Married couple, perhaps against the will of the other member, possibly because the necessary transition from “I” to “we” has not taken place, is a tragedy and a betrayal with very serious consequences both in the present life and in the future life.

As difficult and seemly different as the conditions of modern life may be, the essence of things does not change, the word of God and the voice of the Church are not distorted nor do they adapt to man’s sinful habits, but on the contrary they protect the true nature of man, and his eternal salvation in Christ. They do not consent to his deprivation and disobedience, in spite of the benevolent *economy* that is applied in certain cases to safeguard and correct the one who has fallen, *economy* is not applied in order to accept and “legalize” that which is not permissible.

May the Grace of our Lord guide us to the knowledge and the consistent execution of His Divine Will in our life, to our eternal salvation. Amen!

## THE HOLY SYNOD

### The Archbishop

† KALLINIKOS of Athens

### The Members

† ATHANASIOS of Larisa and Platamon

† JUSTIN of Euripus and Euboea

† GERONTIOS of Piraeus and Salamis

† CHRYSOSTOMOS of Attica and Boeotia

† GREGORY of Thessalonica  
† PHOTIOS of Demetrias  
† MOSES of Toronto  
† DEMETRIUS of America  
† AMBROSE of Philippi and Maroneia  
† CYPRIAN of Oropos and Phyle  
† AMBROSE of Methone  
† SILVANO of Luni  
† CLEMENT of Gardikion  
† AUXENTIOS of Etna and Portland  
† THEODOSIOS of Bresthena  
† CHRISTODOULOS of Theoupolis  
† MAXIMUS of Pelagonia

Translated from the Greek:

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