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Institution of the Family according to the Teaching of the Orthodox Church

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The year 1994 was declared by the United Nations the Year of the Family and, at the same time, the UN resolution established on 15 May as the International Family Day to be observed worldwide. This eventful moment was genuinely an “important one,” but perhaps “slightly festive,”¹ too. However, it is certain that, by this act, the member states of the world have finally realized, all in the same vain, a deep crisis of this institution of divine and man-made law. Of course, ignorance, refusal or failure to observe the religious, spiritual and moral values of the families have had negative effect not only upon the basic social unit as an institution, but also on the environment in which the family thrives. Indeed, “the family planning, abortion, drugs, alcohol, prostitution, violence, all degrade the institution of family, diminishing the fullness of its manifestation.”²

Family, which accompanies the human being over his/her entire existence — has proved to be one of the “oldest and most stable forms of human community.”³ The term itself comes from Latin *familia* which, in turn, is derived from *famulus* signifying a “servant.”⁴ To the Romans, this

¹ I. CHELARU: *Căsătoria și divorțul. Aspecte juridice civile, religioase și de drept comparat*. Iasi, p. 7.

² Ibidem.

³ B. DUMITRU MOLOMAN: *Căsătoria civilă și religioasă în dreptul român*. Bucharest 2009, p. 13.

⁴ As cited in G. GUȚU: *Dicționar latin-român*. Bucharest 1983, p. 461.

term originally encompassed all servants (slaves) living under the same roof. Subsequently, the term began to describe the entire community or house, which included the master of the house (*pater familias*), wife, children and servants (slaves). By extension of meaning, “the Roman family came to include both paternal relatives (*Agnati*) and maternal ones (*Cognati*), becoming synonymous with *Gens*,” that means “a community of people related through blood bonds.”⁵

In antiquity, the factor of cohesion and unity of the family was “the religion of the house and of the forefathers.”⁶ In Christianity, this factor is due to the religious marriage, because its sacredness is obtained through the grace acquired by the sacrament of marriage. As a matter of fact, through the sacrament of wedding, the marriage becomes — according to St. John Chrysostomos — “the mystical icon of the Church” (PG. LXIV, 387), because through this sacrament of the Church, the natural (normal) and free bond between a man and a woman, which represents all humanity, is sanctified and raised to the dignity of spiritual union between the Church and Christ (cf. Eph. V, 28—32).

Family — whose origin lies in the social, communitarian nature of the human stated by God upon his creation (Gen. I, 27—28) — is founded through marriage, meaning through the bond between freely consenting spouses. According to Roman law, it is a relationship of a man and a woman that “consists in the community of life, which is indissoluble (*virī et mulieris coniunctio, individuam consuetudinem vitae continens*).”⁷ In other words, this inextricable connection involves both a monogamous form of marriage and its durability throughout lifetime of both spouses, hence the indissoluble character of marriage, and *ipso facto*, of the family.

In the Orthodox Church, the indissoluble character of marriage and the fact that the spouses are co-sharers of the gifts with which they were endowed by God, are attested by the liturgical gesture made by the priest during the Holy Matrimony Service, when he touches with each of the wedding crowns — a sign of honour of their marital fidelity as well as of them being worthy of dignity before God and men — the forehead of these two (the bride and groom), calling their name, so it can really be said that “each one carries his own crown because he is united with the other one, as it is united with that of the other one.”⁸ It actually refers to the monogamous unity, which the biblical text also gives eloquent testimony about (cf. Mt. XIX, 5; I Cor. VII, 2, Eph. V, 21—33).

⁵ B. DUMITRU MOLOMAN: *Căsătoria civilă...*, p. 13.

⁶ *Ibidem*.

⁷ *Justiniani Institutiones*, lb. I, IX, 1, trans. by V. HANGA. Bucharest 2002.

⁸ D. STANILOAE: *Teologia dogmatică ortodoxă*. Vol. III. 2nd edn. Bucharest 1997, p. 133.

According to the teaching of the Orthodox Church, the family, which results from the marital relationship between a man and a woman blessed by God through His priests, before the Holy Altar, during the administration of the Holy Sacrament of Marriage — is destined to last for the lifetime of both spouses. It stems from the commandment of Christ the Saviour that says: “therefore what God has joined together, let no one separate” (Mt. XIX, 6). Also, following St. Paul’s testimony, it is God who commanded “to those married” that the wife should not separate from her husband (but if she does separate, let her remain unmarried or else be reconciled to her husband), and that the husband should not divorce his wife (I Cor. VII, 10—11). Therefore, the Church does not allow dissolution of the bond between spouses, or divorce (apart from cancellation), “except for similar moral reasons such as death of the body, unfaithfulness (adultery) and any other forbidden physical relations (Mt. XIX, 9).”⁹ Thus, their marital relationship — consecrated through the Sacrament of Marriage — can only come to an end through their bodily death (cf. Mt. XIX, 6, I Cor. VII, 10—11).

Following the teaching of the same Orthodox Church, the family, as well as marriage, must be based only on the bond of one man and one woman, just as the word of Scripture provides (cf. I Cor. VII, 2). Therefore, the Orthodox Church not only does not allow “the relationship between man and several women,”¹⁰ but it considers woman a human being equal in honour and in dignity with man, because she was created after “the image of God” as well, and as the Apostle of the Nations said “there is no longer male and female; for all of you are one in Christ Jesus” (Gal. III, 28). That is why it has to be emphasised that only the Christianity — for the first time in human history — recognized that women have the same dignity as man,¹¹ preceding in this way by about two millennia the feminist movements claiming equal social rights of men and women.

According to the teaching of the Christian Orthodox Faith, the family is “a divine institution,”¹² because it was established in Paradise along with the creation of the first parents, Adam and Eve — and therefore, it appeared as such at simultaneously with the human race. Consequently, the family is “the first form of communal life,” on which, in fact, “all other forms of communal life” are based.¹³ But, for the Orthodox Church, the

⁹ FIRMIAN, ARCHBISHOP OF CRAIOVA, and JOSEPH, BISHOP OF RAMNIC AND ARGES: *Învățătura de credință creștină ortodoxă*. Craiova 1952, p. 429.

¹⁰ Ibidem, p. 428.

¹¹ Ibidem, p. 400.

¹² Ibidem, p. 428.

¹³ Ibidem, pp. 429—430.

family is “the first environment of man’s moral growth,” actually considered by the Church as indispensable for “the welfare of the society”¹⁴ (the human society). But the same teaching of the Christian Orthodox Faith tells us that the family established by God in Paradise has also a natural origin, since it derives from the human nature itself.

In line with the teaching of the Orthodox Church, the foundation act of the family institution has a threefold¹⁵ purpose, that is:

1. “A helper as his partner, for the ease of life” (cf. Gn. II, 18).
2. Giving birth to children, to multiply the human race and the faithful of the Holy Church (cf. Gn. I, 28).
3. “Physical moderation,” seen as a remedy against fleshly passions or as a “protector against lust” (Mt. XIX, 6).

The same “teaching of the Orthodox Christian Faith” concludes that “all these are for the glory of God,”¹⁶ that is, in other words, these have only one aim, the glorification of God, the Father, the Son and the Holy Spirit.

As for the purpose of marriage, we may say that they find their ground state in the divine law. For example, about “the mutual help of the spouses,” the Book of Genesis, Chapter II, verse 18, says that: “the Lord God said, ‘It is not good that the man be alone,’” so “He made him a helper as his partner.” “The man was so from the very beginning created to live life in society (in community), and not for a self-centred one in which he is not aware that he has to give, not to *alterum non laedere* (harm the others), and *cuique tribuens*¹⁷ (to give to each what one ought to have).” However, the basic unit of any society, the family, is what gives to the spouses the possibility and necessity, obviously, to work together for the needs of its members, to help each other, as spouses, and share their joys and sorrows.

Giving birth to children — which perpetuates the human race — is regarded by the Orthodox Church as a gift from God that makes the woman and mother “no longer to remember the anguish because of the joy of having brought a human being into the world” (Jn XVI, 21).

As for the physical moderation, it has the gift to contribute effectively to the protection of “spouses’ morality,”¹⁸ thus preserving the character of “holiness” of the relationship that spouses have acquired through the Sacrament of Matrimony.

¹⁴ Ibidem, p. 430.

¹⁵ Ibidem, p. 429.

¹⁶ Ibidem.

¹⁷ *Justiniani Institutiones*, lb. I, I, 3.

¹⁸ FIRMIAN, ARCHBISHOP OF CRAIOVA, and JOSEPH, BISHOP OF RAMNIC AND ARGES: *Învățătura de credință creștin ortodoxă...*, p 401.

Following the teaching of the Orthodox Church, “in addition to parents and children, the family also includes other relatives, however distant they may be,” and “all the relatives have to love, respect and help one another, and this way of life to enter into the life of the whole human community (society), which is nothing else but the great family of the human race”¹⁹ in which all people have a common Father and they are brothers through Christ our Lord.

In the perception of secular world, the term marriage expresses only a state and a contract legitimised in front of secular authorities between a man and a woman. This understanding derives from the Latin *matrimonium* and indicates a civil marriage, not a religious one. That is why *matrimonium* does not find its expression in the Romanian language as wedding, that is the Sacrament of Matrimony, but only as marriage, is the state based only on the contract. Of course, the Sacrament of Matrimony also has a constitutive element with a contractual nature to it, namely, the consent of the spouses, but, besides this, the Sacrament of Matrimony (the wedding) has first of all the blessing of the Church, which the betrothed receive through the priest who officiates the sacrament. However, through this blessing, the couple’s consent is “consecrated by the Church and the Divine Grace descends upon it,” and “the contract is raised to the rank of Sacrament.” Therefore, any consent or agreement — without the blessing of the Church — “is not considered a sacrament, but only a natural institution.”²⁰

It was considered by the Roman jurists a simple natural institution, who claimed that from *jus naturale* [...] *descendit maris atque feminae coniugatio* (the natural law derives and the union between a man and a woman), which they called *matrimonium* (matrimony) and *liberorum procreatio et educatio*²¹ (the conception of children and their education). For the Roman law, the link between a man and a woman through marriage, whereby results the family institution, has its basis only in the natural law, and not in the divine one.

The fact that the relationship between a man and a woman has its first and foremost reason in the divine law, is also attested by Scripture which says that God created “man” in his “image”: “male and female he created them and God blessed them, and God said to them: Be fruitful and multiply, and fill the earth and subdue it” (Gen. I, 27—28). The same scriptural text tells us that according to these laws (divine and natural), “man will leave his father and mother and be joined to his wife, and the

¹⁹ Ibidem, p. 431.

²⁰ N. CHIŢESCU et al.: *Teologia dogmatică și simbolică*. Vol II. Cluj-Napoca 2005, p. 259.

²¹ *Justiniani Institutiones*, lb. I, II, ..., p. 12.

two will become one flesh” (Eph. V, 31), in order to multiply (cf. Gn. I, 28), for their mutual help (cf. Gn. I, 2, 18) and remedy against passions, or “protection against lust” (I Cor. VII, 2).

In Christianity, *matrimonium* is also a *nuptia* (matrimony), that is a marriage, but a holy one, a sacralised one, through the blessing of the priest, by which the spouses (male and female) become the basic “unit” of the Church, the depository of Christ’s grace.

Cives Romani (Roman citizens) ended a lawful wedlock (*iustas nuptias*) if married *secundum praecepta legum*²² (according to the law). So, likewise the first Christians did not marry according to the “new covenant” — brought by the Lord Jesus Christ — if it was not consistent with the principles set out or provided by its text. However, among other things, this law requires that such a Christian religious marriage (Wedding) has to be officiated by the priests of the Church. Therefore, in the Orthodox Church, the marriage is not concluded through “the consent of spouses,” in terms understood and expressed by the Roman law, namely *consensus fecit nuptias*” (Modestin). Resultantly, as an Orthodox theologian noted, “considering marriage completed only through the consent of the spouses, as in Catholicism, where the priest is only a witness, only means to see the marriage as a natural liaison.”²³

The fact that, since the apostolic age, those who officiated the marriages were bishops and priests is shown to us thanks to a post-apostolic Father, St. Ignatius, who in his *Epistle to St. Polycarp* (2nd century) taught that “those who marry should bring into effect their relationship only with the approval of the bishop” (Chapter V, 2). That this was the reality in the Pre-Nicene Church, is attested to us by the Fathers of Neo-Cezarea Council (315) in canon 7, in which it is expressly mentioned the *presbyter* (priest) also as the person that officiates the Sacrament of Matrimony.

In the Orthodox Church, the celebrant of the marriage is therefore a bishop or a priest, but Christ himself is the one who seals “the natural link” between a man and a woman who marry freely and not forced by anyone. Moreover, according to the teachings of the Orthodox faith, the grace being only “the work of Christ,” “the unseen celebrant” of the Sacraments is Christ.²⁴

God, being the one who, through the Sacrament of Matrimony blesses and unites the bride and groom is also certified by the liturgical tradition of the Eastern Church. For example, during the engagement, after the priest puts the wedding rings in the hands of the nupturients — he reads

²² Ibidem, lb. I, X, pp. 26—27.

²³ D. STANILOAE: *Teologia dogmatică ortodoxă...*, p. 131.

²⁴ Ibidem, p. 14.

the prayer, “Lord, our God...” in which he invokes the Lord to bless “the engagement of thy servants” (N), “to strengthen” the word that they gave “and to unite them with the Holy Union of Thee” because “You from the beginning created the male and the female and from You the woman joins the man to support him and for the existence of the humankind.”²⁵ The same reality is stated within the prayer that the priest pronounces during the service of the Holy Matrimony (wedding) after having previously prayed to God to remember his “servants” (the marrying couple) and to bless them.²⁶ Among other things, during this prayer, the priest utters the words “Thyself, Lord, lay thy hand from the height of thy holy habitation and unite your servants (N) because by Thee the man joins his woman, and unite them in one mind, crown them in one body, give them [...] good children.”²⁷

So it is God who blesses and unites them into one thought and crowns the bride and the groom in one body. Therefore, everything happens in the presence of God and His uncreated grace, the priest being only the servant of the Lord, which invokes this presence and through the power that was given to him, administers the Sacrament of Matrimony.

Some Orthodox dogmatist theologians say that by the first four sacraments of the Church, that is Baptism, Confirmation, Eucharist and Confession, “man is placed in a direct relationship with Christ and only indirectly in a service relationship with other people,” but through “the Sacrament of the Matrimony, man is first placed into a close relationship with his neighbour and through the Extreme Unction it is given help for his body.”²⁸ About the grace received through the four Sacraments the theologians say that the man’s salvation depends on them, and that they are used “fully through priesthood and marriage.”²⁹ However, the fact is that this valorisation is only possible with a marriage sanctified and raised to the rank of Sacrament of the Church, that is a matrimony having its original, holy character, from the Edenic state, strengthened and then sanctioned by Christ at the Wedding in Cana of Galilee, attested by St. Augustine, who said that “Christ strengthened in Cana what He has instituted in Paradise.”³⁰

In the second half of the previous century, some Orthodox theologians also claimed that “the state of marriage is the natural state,” but

²⁵ *Molitfelnic*. Bucharest 2006, p. 83.

²⁶ *Ibidem*, p. 93.

²⁷ *Ibidem*, p. 94.

²⁸ D. STANILOAE: *Teologia dogmatică ortodoxă...*, p. 118.

²⁹ *Ibidem*, p. 119.

³⁰ ST. AUGUSTINE. In: Gospel according to Jn IX, 2, cited in D. STANILOAE: *Teologia dogmatică ortodoxă...*, p. 123.

it is not, at the same time, founded by the Lord. He only raises it to a higher level making it a sacrament. Therefore, we say that the Sacrament of Matrimony is founded by the Saviour. It is true that in the Holy Scripture, clarify the theologians, we find no fragment that would directly make us see when and how the Lord established this Sacrament, but the attitude that he has towards the matrimony and how he speaks about it, along with the Apostles, clearly shows that it is a sacrament. It was the consideration for the marriage, that made the Lord attend the wedding in Cana of Galilee. The Holy Fathers say that this participation was made in order to sanctify the matrimony.³¹ Yet, according to the words of the Holy Fathers of the Orthodox Church, the Lord Jesus Christ participated — together with his disciples — in the matrimony taking place in Cana of Galilee “to sanctify the cause of human birth,” meaning “the bodily birth” because “it behooved — wrote St. Cyril of Alexandria — to be there for the One who had to renew human nature itself and make it better, to bless not only those who were born, but to prepare the Grace also for those who were to be born later and make their origin holy.”³² Moreover, according to the teachings of Orthodox faith, the matrimony — from which the Family results — has fallen from its original purity “because of the original sin,”³³ and this fall has had negative consequences on the family. But, it was restored by the Lord Jesus Christ by raising the value of the matrimony to the rank of Sacrament.

According to St. Paul, the union between the spouses must have as a model the spiritual connection between Christ and His Bride, the Church (Eph. V, 32). In fact, only then we can say that the Sacrament of Matrimony is great “in Christ and in the Church (εἰς Χριστὸν καὶ εἰς τὴν ἐκκλησίαν).” Therefore, only the matrimony that is made in Christ (I Cor. VII, 39) may share the divine grace, which is the unseen part of the sacrament, while the spouses’ consent and the words that the priest pronounces when he puts the wedding crowns on the heads of the spouses are the visible part.

In the opinion of some Orthodox theologians, the scriptural text according to which, through matrimony a man and a woman “shall become one flesh” (Mt. XIX, 5, Eph. V, 31), “should not be interpreted literally, but morally in the sense that the man and the woman share the joys and sorrows, as if they were one person”³⁴ that by the mutual love

³¹ N. CHÎTESCU et al.: *Teologia dogmatică și simbolică...*, p. 260.

³² ST. CYRIL OF ALEXANDRIA: *Commentary on the Gospel according to John*, II, v. 1. In: PG LXXI, 223—226.

³³ METROPOLITAN PHD NICOLAE MLADIN et al.: *The Orthodox Moral Theology*. Vol. II. Alba Iulia 2003, p. 290.

³⁴ *Ibidem*, p. 297.

between the spouses, and their devotion to each other, promised before the Holy Altar, have the vocation to keep “on a moral-Christian basis the obedience of woman to man — according to the divine will — without impairing the human dignity of woman.”³⁵

The leadership in the family belongs to man (Eph. V, 22—23), yet “the woman is not a slave, but a companion of man [sic!], sharing with him the parental authority,”³⁶ because “spouses are in an equal relation, with common authority towards children.”³⁷ Such a concept concerning the relationship between a man and a woman and the “parental authority,” appears evidently revolutionary compared to the Roman one, that was reaffirmed even by the jurists of the last Roman emperor and the first Byzantine emperor, Justinian the Great (527—565), to whom *jus potestatem* (the legal power) of parents claimed over the born children *ex iustis nuptiis* (from a lawful marriage) was proper only for *civium romanorum*,³⁸ which were the only who had the capacity to be *patres familias*.³⁹ The same Roman-Byzantine juridical doctrine stated in respect to children resultant of a marriage that they were *in tua potestate* (in your power) that means in the power of *pater familias*. Also in his power was “that which is born by your son and his wife, the nephew and the niece (your nephew and niece) [...] as well as the grandson and granddaughter and so on. The child born by your daughter — the Institutions of Justinian’s specified — is not in your power, but in the power of the child’s father (*in tua potestate non est, sed in patris eius*).”⁴⁰

For the Orthodox theologians, “the right of existence of the family and the rights of the parents over the children has a divine origin.” And, in their view, these rights lie in “the fact that in the early history of mankind it was God who founded the family” (Gen. I, 28).⁴¹

The State is entitled to intervene in the institution of family, because it is a part of the society. This intervention would be required — claim the theologians — especially when “the family found itself in a very poor condition and cannot fend for itself,” or when within the family serious infringement of the mutual rights have taken place, because “the duty of the state is to defend the violated right.”⁴²

³⁵ Ibidem.

³⁶ Ibidem, p. 290.

³⁷ Ibidem.

³⁸ *Justiniani Institutiones*, lb. I, IX, 2.

³⁹ Ibidem, I, X.

⁴⁰ Ibidem, lb. I, X, 3.

⁴¹ METROPOLITAN PHD NICOLAE MLADIN et al.: *The Orthodox Moral Theology...*, 2003, p. 290.

⁴² Ibidem, p. 297.

The human society — and its forms of institutional organization, such as the state — certainly have the obligation to help each and every family, regardless of its religious denomination, because the human rights and their legal and social protection⁴³ primarily relate to the basic unit's, that is the family's, members. However, this intervention should be not displayed in areas such as, for example, the Christian religious education,⁴⁴ where the state is likely to commit acts of interference into the “internal forum” area. Or, *de internis non judicat praetor*, because it can affect both the freedom of conscience and religious freedom, two of the fundamental freedoms.⁴⁵

Christian Orthodox moralists say that the parents exercise their “natural right” of parental authority over children “until the full age,” that is until they are eighteen years old.⁴⁶ According to scripture, this author-

⁴³ See also N.V. DURĂ: “Drepturile și libertățile fundamentale ale omului și protecția lor juridică. Dreptul la religie și libertatea religioasă.” *Ortodoxia* LVI (2005), nos. 3—4, pp. 7—55; IDEM: “The European juridical thinking, concerning the human rights, expressed along the centuries.” *Acta Universitatis Danubius. Juridica* 2 (2010) (VII), pp. 153—192; IDEM: “Dreptul la demnitate umană (dignitas humana) și la libertate religioasă. De la ‘Jus naturale’ la ‘Jus cogens’.” *Annals of Ovidius University: Law and Administrative Sciences* 1 (2006), pp. 86—128; IDEM: “Les droits fondamentaux de l’homme et leur protection juridique.” *Annals of Dunarea de jos Galati University. Fascicle XXII: Law and Public Administration* 2 (2008), pp. 19—23; IDEM: “The Rights of the Persons who lost their Autonomy and their Social Protection.” *Journal of Danubius Studies and Research*, vol. II, 1 (2012), pp. 86—95.

⁴⁴ N.V. DURĂ: “Instruction and Education within the themes of some International Conferences. An evaluation of the subjects approached by these from the angle of some Reports, Recommendations and Decisions.” International Conference: *Exploration, Education and Progress in the third Millennium*. Galați, 24—25 April 2009, vol. II, pp. 203—217.

⁴⁵ IDEM: “‘Conștiința’ în percepția Teologiei și a Filosofiei.” *St. Apostle Andrew Theological Review*, XIII, 1 (2009), pp. 27—37; IDEM: “The Theology of Conscience and the Philosophy of Conscience.” *Philosophical-Theological Review* 1 (2011), pp. 20—29; IDEM: “Proselytism and the Right to Change Religion: The Romanian Debate.” *Law and Religion in the 21st Century. Relations between States and Religious Communities*. Eds. S. FERRARI, R. CRISTOFORI. Ashgate Publishing Limited, England 2010, pp. 279—290; IDEM: “About the ‘Religious’ Politics of Some Member States of the European Union.” *Dionysiana*, III, 1 (2009), pp. 463—489; IDEM: “Despre libertatea religioasă și regimul general al Cultelor religioase din România.” *Annals of Ovidius University of Constanta, Theological series* 1 (2009), pp. 20—45; IDEM: “The Law no. 489/2006 on Religious Freedom and General Regime of Religious Cults in Romania.” *Dionysiana* II, 1 (2008), pp. 37—54; IDEM: “‘Privilegii’ și ‘discriminări’ în politica ‘religioasă’ a unor State membre ale Uniunii Europene.” *Annals of Ovidius University: Law and Administrative Sciences* 1 (2007), pp. 20—34; IDEM: “Law and Morals. Prolegomena (I).” *Acta Universitatis Danubius. Juridica* 2 (2011), pp. 158—173; IDEM: “Law and Morals. Prolegomena (II).” *Acta Universitatis Danubius. Juridica* 3 (2011), pp. 72—84.

⁴⁶ METROPOLITAN PHD NICOLAE MLADIN et al.: *The Orthodox Moral Theology...*, p. 290.

ity must manifest itself first of all through the feeling of love of parents towards their children (Titus II, 4). However, by the virtue of this natural love, parents have the duty to give them shelter, to feed them, to provide them with clothes, and to offer them a good education for body and soul, because, according to scripture: “whoever does not provide for relatives, and especially for family members, has denied the faith,” meaning the faith of Church in Christ, “and he or she is worse than an unbeliever” (I Tim. V, 8, II Cor. XII, 14).

The teaching of the Orthodox Church on faith was formulated and expressed in those *oroi* or *definitiones fidei* with a dogmatic content, and generally in all of her synodal decisions both on morals and Christian cult and its organizing and directing forms, including those that have an administrative and disciplinary character, known as *κανονες* (*regulae*). These decisions were preserved and transmitted both through the written text and tradition, in all its manifestations, that is dogmatic, canonical, and liturgical one.

However, regarding family the Church’s teaching was expressed in the same way, and its formulation experienced the same threefold aspect of manifestation (dogmatic, canonical, and liturgical), even if its doctrine often has an inter- and multidisciplinary content. But Orthodox theologians — whether they are dogmatist, canonists or liturgists — have the same point of view on marriage and family, since the teaching of the Church is uniform in this respect, just as it was confirmed by the encyclical of the patriarchs of the Orthodox Churches in 1848, addressed to “all the bishops and Orthodox Christians, true sons of the Church, One, Holy, Catholic and Apostolic Church,”⁴⁷ which remained normative regarding the teaching of the Orthodox faith.

Among other things, this encyclical stated that “the preaching of the gospel [...] should be heralded properly (unaltered) by all and forever to be believed, as it was disclosed by our Saviour to His holy divine disciples, [who] having become seeing and hearing teachers, sounded like strong trumpets worldwide, and, finally, unaltered, as it was delivered to us by many great holy fathers of the Catholic [universal, ecumenical] Church [...] who repeated the same idioms and taught us in the Councils” (§ 1).

The same patriarchs of the Orthodox Churches reaffirm us that “our Orthodox faith is not from the people and through man, but through

⁴⁷ The encyclical was signed by the hierarchs present at the Council of Constantinople on 6 May 1848, namely, the patriarchs and bishops of the Greek Patriarchate of Constantinople, Antioch and Jerusalem. The full text of this encyclical was translated from Greek into Romanian by Professor Theodore M. Popescu (Faculty of Orthodox Theology in Bucharest) and published in the *Romanian Orthodox Church Review* in 1935 (pp. 545—688).

the revelation of Christ, which was preached by the divine Apostles, reinforced by the Holy Ecumenical Councils, and transmitted through succession by the great wise Teachers of the world and it was confirmed by the shed blood of the saints martyrs” (§ 20).

In the same Encyclical, it is stated that “for us [Orthodox Christians] they never could introduce new things, neither the patriarchs nor the councils [or dare to] change our dogmas and liturgies or anything else, [because] the defender of the religion is the very Head of the Church who wants that the religion be eternally unaltered, the same with this of his Parents” (§ 17). Therefore, the Eastern Orthodox Church — composed of its three constituent elements, that is clergy, laity and monks⁴⁸ — remained, as it is testified in the text of the Encyclical of the Patriarchs of the Orthodox Churches, in 1848, loyal to the teachings formulated and strengthened by its councils, through their decisions with dogmatic, canonical and liturgical content, and about family, and, *ipso facto* matrimony.

We also need to emphasise the fact that the teaching of faith of the Orthodox Church about family — both based on Revelation as well as on its expression and its formulation by its competent authorities, collegial-synodal or individual (Church hierarchy), over the centuries — does not differ in its essence from the teachings of the Catholic Church, because both of them have as their source the Holy Scripture and the Holy Tradition. In fact, even the traditionalist Orthodox dogmatist theologians admit that “the sacrament of marriage officiated in the Roman Catholic Church is recognized as such by the Orthodox Church, since the Matrimony is considered a sacrament in the Latin Church.”⁴⁹

The same Orthodox theologians believe that if “two pagan spouses” want to convert to Orthodoxy, “they are not obliged to receive the Sacrament of Matrimony/Marriage since they receive the Baptism. Through Baptism they enter in communion with Grace which cleanses them of all sins and makes them sons of God [...]. This means that their marital bond was raised to a higher state of holiness, and therefore, it is no longer necessary to receive the Sacrament of Matrimony. It is not a mistake if they receive it, but — those dogmatist theologians concluded — it is not necessary.”⁵⁰

Undoubtedly, we could conclude that, within our theological, ecumenical dialogue, the original teaching of faith of the Orthodox Church concerning family can be a source of documentary information, a first-

⁴⁸ See also N.V. DURĂ: “Monahii, al treilea element constitutiv al Bisericii.” *Romanian Orthodox Church* CXXI, 7–12 (2003), pp. 469–483.

⁴⁹ N. CHIȚESCU et al.: *Teologia dogmatică și simbolică...*, p. 262.

⁵⁰ *Ibidem*.

class one, and it can serve as a common platform for our theological debates, which must certainly be guided by the desire for the restoration of our ecclesial unity — that existed before the regrettable Schism of 1054 — animated by the ecumenical spirit of our times.

Bibliography

- CHELARU I.: “Căsătoria și divorțul. Aspecte juridice civile, religioase și de drept comparat (The Marriage and the Divorce. Legal, civil and religious aspects and of Comparative Law).” A 92 Publishing House, Iasi f.a.
- CHIȚESCU N. ET AL.: *Teologia dogmatică și simbolică (The Dogmatic and Symbolic Theology)*. 2nd vol. Cluj—Napoca, 2005.
- ST. CYRIL OF ALEXANDRIA: *Commentary on the Gospel according to John*. II, v. 1. In PG LXXI.
- DURĂ N.V.: “Drepturile și libertățile fundamentale ale omului și protecția lor juridică. Dreptul la religie și libertatea religioasă (The Rights and the Fundamental Human Freedoms and Their Legal Protection. The Right to Religion and the Freedom of Religion).” *Ortodoxia* LVI (2005), nos. 3—4, pp. 7—55.
- DURĂ N.V.: “The European juridical thinking, concerning the human rights, expressed along the centuries.” *Acta Universitatis Danubius. Juridica*, no. 2/2010 (VII), pp. 153—192.
- DURĂ N.V.: “Dreptul la demnitate umană (dignitas humana) și la libertate religioasă. De la ‘Jus naturale’ la ‘Jus cogens’ (The Right to Human Dignity (Dignitas Humana) and Religious Freedom. From ‘Jus naturale’ to ‘Jus cogens’).” *Annals of Ovidius University: Law and Administrative Sciences* no. 1, 2006, pp. 86—128.
- DURĂ N.V.: “Les droits fondamentaux de l’homme et leur protection juridique.” *Annals of Dunarea de jos Galati University*, Fascicle XXII, *Law and Public Administration*, no. 2, 2008 pp. 19—23.
- DURĂ N.V.: “The Rights of the Persons who lost their Autonomy and their Social Protection.” *Journal of Danubius Studies and Research*, vol. II, no. 1/2012, pp. 86—95.
- DURĂ N.V.: “Instruction and Education within the themes of some International Conferences. An evaluation of the subjects approached by these from the angle of some Reports, Recommendations and Decisions.” In: International Conference, Exploration, Education and Progress in the third Millennium Galați, 24—25 of April 2009, vol. II, pp. 203—217.
- DURĂ N.V.: “‘Conștiința’ în percepția Teologiei și a Filosofiei (The ‘Conscience’ in the Theological and Philosophical Perception).” *St. Apostle Andrew Theological Review*, XIII, no. 1/2009, pp. 27—37.
- DURĂ N.V.: “The Theology of Conscience and the Philosophy of Conscience.” *Philosophical-Theological Review*. Tbilisi, no. 1, 2011, pp. 20—29.

- DURĂ N.V.: "Proselytism and the Right to Change Religion: The Romanian Debate." In: *Law and Religion in the 21st Century. Relations between States and Religious Communities*. Eds. S. FERRARI, R. CRISTOFORI. Ashgate Publishing Limited. England 2010, pp. 279—290.
- DURĂ N.V.: "About the 'Religious' Politics of Some Member States of the European Union." *Dionysiana*, III (2009), no. 1, pp. 463—489.
- DURĂ N.V.: "Despre libertatea religioasă și regimul general al Cultelor religioase din România (About the Religious Freedom and the General Regime of Religious Cults in Romania)." *Annals of Ovidius University of Constanta*. Theological series, no. 1/2009, pp. 20—45.
- DURĂ N.V.: "The Law no. 489/2006 on Religious Freedom and General Regime of Religious Cults in Romania." *Dionysiana*, II (2008), no. 1, pp. 37—54.
- DURĂ N.V.: "Relațiile Stat-Culte religioase în U.E. 'Privilegii' și 'discriminări' în politica 'religioasă' a unor State membre ale Uniunii Europene (The Relations between State and Religious Cults in E.U. 'Privileges' and 'Discriminations' in the 'Religious Policy' of some States of the European Union)." *Annals of Ovidius University: Law and Administrative Sciences* 1, 2007, pp. 20—34.
- DURĂ N.V.: "Law and Morals. Prolegomena (I)." *Acta Universitatis Danubius. Juridica*, no. 2/2011, pp. 158—173.
- DURĂ N.V.: "Law and Morals. Prolegomena (II)." *Acta Universitatis Danubius. Juridica*, no. 3/2011, pp. 72—84.
- DURĂ N.V.: "Monahii, al treilea element constitutiv al Bisericii (The Monks, the third Constitutive Element of the Church)." *Romanian Orthodox Church CXXI* (2003), no. 7—12, pp. 469—483.
- FIRMILIAN, ARCHBISHOP OF CRAIOVA, AND JOSEPH, BISHOP OF RAMNIC AND ARGES: *Învățătura de credință creștină ortodoxă (The Teaching of the Orthodox Christian Faith)*. Metropolitan Centre Publishing House, Craiova 1952.
- GUȚU G.: *Dicționar latin-român (The Romanian-Latin Dictionary)*. The Scientific and Encyclopedic Publishing House. Bucharest 1983.
- Învățătura de credință creștin ortodoxă (The Teaching of the Orthodox Christian Faith)*. The Biblical and Mission Institute of the Romanian Orthodox Church Publishing House. Bucharest 1992.
- Justiniani Institutiones*. lb. I, IX, 1, trans. VL. HANGA, Lumina Lex Publishing House. Bucharest 2002.
- MLADIN N. ET AL.: *Teologia Morală Ortodoxă (The Orthodox Moral Theology)*. Vol. II. Reintregirea Publishing House. Alba Iulia 2003.
- Molitfelnic (Evchologion)*. The Biblical and Mission Institute of the Romanian Orthodox Church Publishing House. Bucharest 2006.
- MOLOMAN B.D.: *Căsătoria civilă și religioasă în dreptul român (Civil and Religious Marriage in the Romanian Law)*. Universul Juridic Publishing House. Bucharest 2009.
- STANILOAE D.: *Teologia dogmatică ortodoxă (The Orthodox Dogmatic Theology)*. Vol. III, 2nd edn. The Biblical and Mission Institute of the Romanian Orthodox Church Publishing House. Bucharest 1997.

NICOLAE V. DURĂ, TEODOSIE PETRESCU

Institution of the Family according to the Teaching of the Orthodox Church

Summary

The teaching of faith of the Orthodox Church about family — both based on Revelation as well as on its expression and its formulation by its competent authorities, collegial-synodal or individual (Church hierarchy), over the centuries — does not differ in its essence from the teachings of the Catholic Church, because both of them have as their source the Holy Scripture and the Holy Tradition. Therefore, we could say that, within our theological dialogue, the authentic teaching of faith of our Churches concerning family can serve as a common platform for our theological debates, which must be certainly guided by the desire for the restoration of our ecclesial unity — that existed before the regrettable Schism of 1054 — animated by the ecumenical spirit of our times.

NICOLAE V. DURĂ, TEODOSIE PETRESCU

Institution de la famille à la lumière de l'enseignement de l'Église orthodoxe

Résumé

L'enseignement de l'Église orthodoxe sur la famille, basé sur la Révélation ainsi que sur son expression et formulation effectuées à travers des siècles par les autorités compétentes de l'Église : autorités collégiales et synodales ainsi qu'individuelles (hiérarques religieux), ne diffère pas dans son essentiel de l'enseignement de l'Église catholique à propos de cette matière parce que pour les deux Églises l'Écriture et la Sainte Tradition constituent la source de leur enseignement. Par conséquent, on peut dire que dans le cadre du dialogue théologique l'enseignement authentique de nos Églises sur la famille peut faire fonction de plateforme pour nos débats théologiques.

Bien évidemment, il faut qu'ils soient dirigés par le désir de renouveler l'unité ecclésiastique qui existait avant le déplorable schisme de 1054 et qui devrait être ranimée par l'esprit œcuménique de notre époque.

Mots clés : institution de la famille, œcuménisme, schisme d'Orient

NICOLAE V. DURĂ, TEODOSIE PETRESCU

L'istituzione della famiglia alla luce dell'insegnamento della Chiesa ortodossa

Sommario

L'insegnamento della fede della Chiesa ortodossa sulla famiglia, basato sulla Rivelazione e sulla sua espressione e formulazione nel corso dei secoli da parte delle autorità competenti della Chiesa: collegiali-sinodali o individuali (gerarchi ecclesiastici), non si differenzia nella sua essenza dall'insegnamento della Chiesa cattolica in tale materia, perché entrambe le Chiese hanno come fonte del proprio insegnamento le Sacre Scritture e la Sacra Tradizione. Pertanto si può affermare che, nell'ambito del dialogo teologico, l'insegnamento autentico della fede delle nostre Chiese sulla famiglia può servire come piattaforma per i nostri dibattiti teologici.

Essi devono essere naturalmente guidati dal desiderio di rinnovare l'unità ecclesistica che esisteva prima del deplorabile Scisma del 1054 e animata dallo spirito ecumenico dei nostri tempi.

Parole chiave: istituzione della famiglia, ecumenismo, Grande Scisma d'Oriente