

# Tadeusz Kałużny

---

## Indissolubility of Marriage from the Lutheran Perspective

---

Ecumeny and Law 1, 19-30

---

2013

Artykuł został opracowany do udostępnienia w internecie przez Muzeum Historii Polski w ramach prac podejmowanych na rzecz zapewnienia otwartego, powszechnego i trwałego dostępu do polskiego dorobku naukowego i kulturalnego. Artykuł jest umieszczony w kolekcji cyfrowej [bazhum.muzhp.pl](http://bazhum.muzhp.pl), gromadzącej zawartość polskich czasopism humanistycznych i społecznych.

Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

TADEUSZ KAŁUŻNY

The Pontifical University of John Paul II in Cracow, Poland

## Indissolubility of Marriage from Lutheran Perspective

**Keywords:** marriage, Lutherans, ecumenism, Catholic-Lutheran ecumenical dialogue

When comparing the Catholic and the Lutheran tradition, it is easy to notice the differences in both the theology and the practice of marriage. Among the numerous issues constituting the specifically Lutheran view of marriage, the issue of its indissolubility has particular significance.

Obviously, within a single article, it is not possible to offer a comprehensive presentation of this important and complex problem as met with in various churches and communities cultivating the Lutheran tradition. Therefore, we must resort to certain simplifications and concentrate on the main trend of the Lutheran tradition, considering especially the views of Martin Luther (1483—1546) himself and skipping the divergences in this matter among the Lutheran faithful.<sup>1</sup>

Taking into account the difficulties mentioned, I will start this reflection with showing the basic elements of the Lutheran conception of marriage (1). Next, I will present the Lutheran view of the indissolubility of marriage (2). Finally, I will point out to the presence of this issue in the ecumenical Catholic-Lutheran dialogue (3).

---

<sup>1</sup> As a matter of fact, the churches following the Lutheran tradition differ in some moral and marital issues. Besides the majority of Lutheran churches associated in the Lutheran World Federation, there are also conservative churches of this tradition like, e.g., the Lutheran Church — Missouri Synod in the USA. Cf. P. JASKÓŁA: *Podstawy ekumenizmu*. Opole 2010, p. 117; T. TERLIKOWSKI: “Mężczyzną i niewiastą stworzył ich. Etyka seksualna Kościoła Luterńskiego Synodu Missouri.” *Przegląd Powszechny* 10 (2004): pp. 14—25.

## 1. The Elements of the Lutheran Conception of Marriage

The basic difference between the Lutheran and Catholic theology of marriage is in the fact that for Luther and the Lutheran tradition, marriage is not a sacrament in the strict sense, that is, it is not a sign bestowing grace but a “secular thing,” meaning some natural reality concerning all people.<sup>2</sup> Luther admits that the Fathers of the Church conceived of matrimony as of a sacrament. Initially, the reformer himself seemed to see it in the same way.<sup>3</sup> In the course of time, however, his views of justification led him to rejection of the sacramental character of marriage. Indeed, in his polemical work *The Babylonian Captivity of the Church* (1520), he questioned the sacramental character of marriage and the competences of the Pope and Church concerning it.<sup>4</sup>

On the one hand, this followed from the fact that, according to Luther, marriage was neither established by Christ nor given a promise of grace (the New Testament does not contain any clear confirmation of this truth), but it was established by God in the act of creating man and woman who are called to multiply the human race (cf. Gen 1:27). At the same time, Luther emphasized that there were two essential elements constituting every sacrament: the word of God, that is, being established by Christ, and including His promise of grace, and the visible sign — like water in the sacrament of baptism or bread and wine in the Eucharist. This ruled out some of the so-called sacraments, including marriage.<sup>5</sup> Thus, the words of the marriage vows, according to Luther, do not contain any matter that could testify to sacramental character of marriage. To be true, marriage was established by God, but in itself, according to the reformer, it does not bestow God’s grace to the human as the latter

<sup>2</sup> Luther did not write any systematic study on matrimony and family life. He formulated his views on these matters in the following writings: *A Sermon on the Estate of Marriage* (1519), *The Babylonian Captivity of the Church* (1520), *The Estate of Marriage* (1522), *Commentary on 1 Corinthians 7* (1523), *Wedding Book* (1529), *Large Catechism* (1530), *On Marriage Matters* (1530), *A Marriage Sermon on Hebrews 13:4* (1531). They are quoted here after the critical Weimar Edition: *Martin Luthers Werke. Kritische Gesamtausgabe*. Weimar 1883—1948, the so-called Weimarer Ausgabe (this edition is usually referred to as WA). Cf. J. MOTYKA: “Luter o rodzinie i w rodzinie.” W: *Z problemów reformacji*, t. 6. Red. E. OETARZEWSKA-WIEJA. Bielsko-Biała 1993, p. 88; C. MARUCCI: *Matrimonio e divorzio nella teologia di Martin Lutero*. In: G. LORIZIO, V. SCIPPA (eds.), *Ecclesiae sacramentum. Studi in onore di P. Alfredo Marranzini S.J.* Napoli 1986, pp. 38—40.

<sup>3</sup> Cf. M. LUTHER: *A Sermon on the Estate of Marriage*. WA 2, p. 168; C. MARUCCI: *Matrimonio e divorzio...*, p. 44.

<sup>4</sup> Cf. M. LUTHER: *The Babylonian Captivity of the Church*. WA 6, pp. 550, 553.

<sup>5</sup> Cf. *Ibidem*, p. 560; J. PELIKAN: *Tradycja chrześcijańska. Historia rozwoju doktryny*, t. 4: *Reformacja Kościoła i dogmatów 1300—1700*. Kraków 2010, p. 216.

receives it only owing to his or her faith in Jesus Christ. Religious faith, according to Luther, fulfills the same functions as the sacramentality of marriage.<sup>6</sup> Commenting on the Letter to Ephesians (5:32), Luther holds that the bond of Christ and the Church is a “mystery” while the marital bond is not.<sup>7</sup>

Therefore, his rejection of the sacramental character of marriage follows from Luther’s view of marriage as a “secular thing” or “secular state.” This does not mean at all that the reformer excluded marriage from God’s plan of salvation altogether, but that it was not established within the order of the New Testament. Thus, marriage belongs to the order of creation, not redemption. This view has its foundations in Luther’s teaching on the two kingdoms: the spiritual and the secular one. Both the realms (kingdoms) are spheres of God’s activity: in the secular one, He is the Lord of creation; in the spiritual one, He is the Lord of salvation. The spiritual kingdom is ruled only by Christ, the Saviour of mankind. Christ’s salvific activity aims at the “inner” man. The “outer” or “secular” sphere of life belongs to the kingdom of God as the Creator of the world. Keeping this sphere of life in order has been committed by God to secular rule. Institution of marriage also belongs to the latter order.<sup>8</sup> The secular character of marriage then does not by any means signify godlessness to Luther, but it means submitting it to the secular regiment of God. Essentially, due to its origin, marriage is “the work of God” which enjoys His care and blessing.<sup>9</sup>

When we confront the words of Luther concerning the marital bond and Christ’s covenant with the Church with the ideas of contemporary Evangelical theologians (e.g. K. Barth, J. von Allmen, O. Piper), we can

<sup>6</sup> Luther writes: “One cannot read anywhere that one who marries a woman receives grace.” M. LUTHER: *The Babylonian Captivity of the Church*. WA 6, p. 550. Cf. W. PABIASZ: *Małżeństwo i etyka seksualna w teologicznej refleksji Marcina Lutra*. Częstochowa 1993, p. 133.

<sup>7</sup> Cf. M. LUTHER: *The Babylonian Captivity of the Church*. WA 6, pp. 551—557; W. PABIASZ: *Małżeństwo...*, p. 133.

<sup>8</sup> Cf. A. SKOWRONEK: “Dwie teologie małżeństwa.” *Więź* 2 (1975), pp. 70—71; C. MARUCCI: *Matrimonio e divorzio...*, pp. 48—49; M. HINTZ: “Poglądy etyczne Lutra.” *Studia i Dokumenty Ekumeniczne* 1 (1997): 24.

<sup>9</sup> Cf. M. LUTER: *Duży Katechizm. Szóste przykazanie*. In: *Księgi Wyznaniowe Kościoła Luterskiego*. Bielsko-Biała 2003, p. 82; A. SKOWRONEK: “Dwie teologie...,” pp. 70—71. For the sake of the especial dignity of marriage, Luther criticizes all attempts at holding marriage in contempt which are based on the conviction that the state of virginity is superior to the state of marriage. Cf. *Wyznanie Augsburgskie*, XXVII. In: *Księgi Wyznaniowe...*, pp. 15—158; P. HOLC: “Małżeństwo w ‘Księgach Symbolicznych’ luteranizmu.” In: *Sakramentalność małżeństwa*. Red. Z. KIJAS, J. KRZYWDA. Kraków 2002, pp. 75—77. Luther himself entered marriage with an ex-Cistercian, Katherine von Bora (June 13, 1525). Cf. J. MOTYKA: “Luter o rodzinie...,” pp. 88, 99—102.

notice a remarkable development of the Lutheran doctrine concerning the matter. K. Barth, for example, sees marriage as a living sign of the covenant with God although he does not consider it as a salvific event — he only perceives its image in it.<sup>10</sup> At the same time, J. von Allmen is inclined to believe that, in the light of the classical text of Eph 5:21—32, one can regard marriage as *mysterium* and sacrament in a similar way as one can regard Christ and Church as sacrament.<sup>11</sup> Although such attempts at reinterpreting the Paulinian text which are undertaken by contemporary Protestant theologians do not mean clear acknowledgement of the sacramental character of marital bond, one can consider them as an attempt at including this reality in the dynamism of the history of salvation.<sup>12</sup>

At the end of the day, the contemporary Evangelical theology, though rejecting the sacramental character of matrimony, does not deny that it has certain “sacramental structure.” So, marriage is not a “secular thing” strictly speaking. Some theologians are even prone to acknowledge its sacramental character provided, however, that one accepts the scholastic distinction between the major sacraments (*sacramenta maiora*), entailing baptism and the Eucharist, and minor sacraments (*sacramenta minora*), entailing the rest of the Catholic sacraments.<sup>13</sup>

However, the fact that Luther regards marriage as a part of the order of creation, and not of grace and salvation, has definite implications.

While the Catholic theology recognizes marriage itself as a sacrament, that is, an effective sign bestowing grace, the Evangelical tradition perceives marriage as an earthly community of persons oriented to God’s word and sacrament which sanctify people.<sup>14</sup> According to Luther, marriage as a life’s relationship and institution does not mediate in sanctification and salvation. Husband and wife obtain grace and life, first of all,

<sup>10</sup> Cf. K. BARTH: *Die Kirchliche Dogmatik*, Vol. III/4. Zürich, 1945, p. 241; L. SCHEFFCZYK: “La dottrina del matrimonio di Karl Barth sotto l’aspetto ecumenico.” In: IDEM: *Ecumenismo. La rapida via della verità*. Roma 2007, pp. 193—225.

<sup>11</sup> Cf. J. VON ALLMEN: “Maris et femmes d’après saint Paul.” *Cahiers théologiques* 29 (1951): 61.

<sup>12</sup> Cf. C. RYCHLICKI: *Sakramentalny charakter przymierza małżeńskiego. Studium teologiczno-dogmatyczne*. Płock 1997, pp. 278—280.

<sup>13</sup> Cf. J. DUSS-VON WERDT: “Teologia del matrimonio. Il carattere sacramentale del matrimonio.” In: J. FEINER, M. LÖHRER (eds.): *Mysterium Salutis*, Vol. VIII. Brescia 1975, p. 575; P. HOLC: “Małżeństwo...,” p. 81; F. COURTH: *I sacramenti. Un trattato per lo studio e per la prassi*. Brescia 1999, p. 466.

<sup>14</sup> “A Catholic believes — writes Fr. Alfons Skowronek — that it is through marriage that one is granted grace and becomes sanctified together with one’s spouse whereas an Evangelical believes that it is through word and sacrament that one receives grace — not through but in marriage.” A. SKOWRONEK: “Dwie teologie...,” p. 71.

due to the mediation of the proclaimed Gospel. Sanctification of marriage as a state comes only in the course of common life when realizing the two basic aims of marriage: marital intercourse and breeding children.<sup>15</sup> As a result, while, according to the Catholic doctrine, sanctity of marriage follows from its sacramental character, that is, its objective element — the sanctity of marriage, according to Luther, can only follow from subjective elements, that is, from a personal act of faith in God's word on marriage in the Scripture.<sup>16</sup>

Rejection of the sacramentality of marriage by Luther and regarding it as a part of the "secular" or "outer" order also leads, as a consequence, to making it independent of the Church law and dependent on the Civil Code. At the foundation of this position of Luther and the Lutheran tradition, there is a conviction that, as a result of original sin, marriage has lost its direct dependence on the Creator. Original sin makes it impossible for the human to come to know God's law. Therefore, there must be an appropriate authority, established by God, which shall interpret that law properly. This authority belongs to the state whose head is also a "minister of God" who should look after it that God's commandments are observed in the world. Consequently, marriage as a "secular thing" becomes subordinated to the secular rule, and not that of the Church.<sup>17</sup>

This doctrine was grounded by Luther elaborating his notion of the Church as an invisible spiritual community of the faithful. According to this conception, marriage cannot be "part" of the Church or be subject to her competence because, by its nature, it concerns the outer order. Only the very life in marriage belongs to Church management. Luther did not make a clear distinction between the range of competence in the secular and in the Church rule, but, in any case, he did not grant the state a complete and exclusive rule over marriage. On the one hand, he was absolutely opposed to the Church interfering in married couples' issues; on the other hand, however, he realized that their possible moral conflicts, which definitely belong to the inner range, can be solved only within the Church community. In this way, the Church should look after the salvation of the married couples. Marriage should also be established

---

<sup>15</sup> Cf. K. KARSKI: *Symbolika. Zarys wiedzy o Kościołach i wspólnotach chrześcijańskich*. Warszawa 1994, p. 138; S. JANKOWSKI: "Kwestia nierozzerwalności małżeństwa w kontekście ekumenicznym." *Ateneum Kapłańskie* 139 (2002), B. 1: 132; J. MOTYKA: "Luter o rodzinie..." pp. 93—96.

<sup>16</sup> Cf. W.B. ZUBERT: "K. Suppan, *Die Ehelehre Martin Luthers (...)* (review)." *Prawo Kanoniczne* 17, nos. 3—4 (1974), p. 315.

<sup>17</sup> Cf. IDEM: "Prawno-historyczne przesłanki nowej wykładni kan. 1082 KPK." *Śląskie Studia Historyczno-Teologiczne* 10 (1977), p. 266.

in the presence of the community of the faithful. The ecclesiastic form of marriage, however, has no strict legal character, but its task is to stimulate the faith in the spouses as it is only owing to faith that married life can contribute to their sanctification.<sup>18</sup>

Following this general brief presentation of the Evangelical concept of marriage, we can set the question: What — having the above as the background — can we say about the dissolubility of marriage and acceptability of it being dissolved in the Lutheran tradition?

## 2. Indissolubility versus Acceptability of Marriage Dissolution

The Evangelical Lutheran Church teaches firmly that matrimony is a permanent bond established for a lifetime in accordance with Jesus' words: "What God has joined together, man must not separate" (Mt 19:6). This was also the stand of Martin Luther who considered marriage to be indissoluble by nature.<sup>19</sup> In this case, indissolubility of the bond follows from the essential value pertaining, in the light of the Bible, to God's faithful love. It is His love that the love of husband and wife blessed by God should become witness of. Thus, marriage appears as a whole life's community — however, not in legal but in existential categories: as a fulfillment of the plan of God the Creator.<sup>20</sup>

Divorce is abandonment of God's will and order. It is a great evil, and therefore it is accepted only as the final solution when the conjugal union breaks down for some important reasons.<sup>21</sup> In such a situation, the Evangelical Lutheran Church does not forbid the procedure of divorce but it leaves it to the civil court. She emphasizes at the same time that a human

<sup>18</sup> Cf. IDEM: "Prawno-historyczne przesłanki...", p. 265; A. SKOWRONEK: "Dwie teologie małżeństwa...", p. 71.

<sup>19</sup> Cf. K. KARSKI: *Symbolika...*, p. 139. This idea was expressed by Luther in the form of the act of contracting matrimony given in his *Wedding Book* (WA 30, III, pp. 74—80). Cf. W.B. ZUBERT: "Prawno-historyczne przesłanki...", p. 268, note 29.

<sup>20</sup> Cf. A. CONCI: "Matrimonio e divorzio nella tradizione protestante." *La Scuola Cattolica* 2009, no. 3: 450—452. Considering this, Evangelical theologians are critical about the views of the Roman Catholic theologians according to whom marriage is more susceptible to dissolution when sacramentality is not recognized. The Evangelicals emphasize that grounding indissolubility of marriage in the faithful love of God is not less obliging than seeking for its grounds in sacramentality of marriage. Cf. *Ibidem*, p. 451.

<sup>21</sup> Cf. B. TRANDA: "Ewangelicki pogląd na małżeństwo." *Przegląd Powszechny* 1996, no. 1, p. 33.

is personally responsible before God for the dissolving of his or her marriage, and the secular authority only states in public that the marital bond has been dissolved according with the Scriptures. In the Lutheran Church, remarriage is possible after the ruling of the divorce by a civil court.<sup>22</sup>

“Lutheranism, then — K. Karski writes — regards marriage as a life-long relationship, but it is not blind to the fact that many people are not able to remain faithful to the partner according with the marriage vows. This experience leads one to the conviction that the state legislation should allow for divorces, and that, generally, a wedding of the divorced in the Church should be possible.”<sup>23</sup>

It was exactly these fairly practical reasons that induced Luther to present a theoretical justification of the possibility of divorce. Initially, he based his views of divorce not on biblical arguments but on referring to the principle of lay character of marriage and on rejection of its sacramentality. However, when confronting the Catholic theology, which referred to texts of the New Testament for its doctrine of indissolubility of marriage, also Luther began searching for a theological confirmation of his opinion on this matter in the Holy Scripture.<sup>24</sup>

As far as understanding of clauses is concerned, Luther and his followers accepted their literal interpretation, that is, as exceptions from the principle of indissolubility. Such an exception and a basis for divorce is — according to the Holy Scripture — found, first of all, in adultery, which thwarts marriage.<sup>25</sup> In his works, *The Babylonian Captivity of the Church* (1520) and *On Married Life* (1522), Luther also added more reasons justifying divorce — which testified to his understanding of human weakness: impotence, being abandoned by one’s spouse, and the spouse’s constant refusal to fulfill the marital duty.<sup>26</sup>

<sup>22</sup> Cf. Ibidem, p. 33; W.B. ZUBERT: “Prawno-historyczne przesłanki...,” p. 268.

<sup>23</sup> Cf. K. KARSKI: *Symbolika...*, p. 139. We can add that Evangelical circles do not consider separation as a satisfactory solution of marital problems. To their mind, it is a partial solution, and one that is practically impossible to put into life because chastity is a unique gift of God received by few people. Cf. W.B. ZUBERT: “Prawno-historyczne przesłanki...,” pp. 266—267; B. TRANDA: “Ewangelicki...,” pp. 32—33.

<sup>24</sup> Cf. W.B. ZUBERT: “Prawno-historyczne przesłanki...,” p. 267.

<sup>25</sup> Cf. M. LUTHER: *A Sermon for the Sixth Sunday after Easter (Exaudi)* [May 8th, 1524]. WA 15, p. 561. Luther considered adultery as the greatest theft and robbery. Cf. M. HINTZ: “Poglądy...,” pp. 22—23.

<sup>26</sup> Cf. W. PABIASZ: *Małżeństwo...*, pp. 80—84; S. JANKOWSKI: “Kwestia nierozzerwalności małżeństwa...,” p. 133; A. BELLINI: “Il matrimonio in Lutero e Calvino.” In: V. MELCHIORRE (ed.), *Amore e matrimonio nel pensiero filosofico e teologico moderno*. Milano 1976, pp. 67—69. According to other reformers, one should count among the reasons justifying a divorce also mistreatment by the spouse, incompatibility, apostasy and heresy. Cf. J. WRÓBEL: “Małżeństwo w dokumentach Soboru Trydenckiego.” *Roczniki Teologiczne* (KUL) 54 (2007), B. 3, pp. 66—67.

Luther believed that the secular authority could inflict the capital punishment on the guilty spouse in all these cases. In this way, he interprets the above mentioned reasons for dissolubility of marriage in terms of civil death: the guilty spouse should be considered as dead. This opinion is part of Luther's general view of marriage as an interpersonal event. Consequently, any serious destruction caused in the relation with the spouse and God should be considered as killing of the marriage.<sup>27</sup>

It should be noted that the question of the reasons which justify dissolution of marriage is not always clearly presented. On the one hand, they are formulated on the grounds of the Holy Scripture. On the other hand, we can see the tendency to increase the number of the reasons which takes into account the existential factor, that is, the whole sphere of human co-existence. All this leads to the conclusion that Luther and his followers, and also the Orthodox Church, are marked by realism, that is, awareness that not all people can afford to meet the requirements of the Gospel teaching on marriage. This is why the Evangelical Lutheran Church allows for divorce as a lesser evil. It is not without significance for the development of the practice of divorce in Protestantism that sacramentality of marriage has been rejected and marriage has been left under the management of civil law.<sup>28</sup>

In answer to the reformers' views, the Council of Trent spoke against dissolubility of marriage, even in case of adultery. The Council confirmed the sacramental character of matrimony and the Church's competence in dealing with its issues.<sup>29</sup>

### 3. Indissolubility of Marriage from the Ecumenical Perspective

Issues concerning marriage, including its indissolubility, became subject of some of the theological ecumenical dialogues between Catholics and Christians of other denominations in the West. Considering the scope of our topic, we should pay attention especially to the document of

<sup>27</sup> Cf. M. LUTHER: *The Estate of Marriage*. WA 10, II, p. 289; W.B. ZUBERT: "Prawno-historyczne przesłanki...", p. 268; A. BELLINI: *Il matrimonio...*, p. 68; A. CONCI: *Matrimonio e divorzio...*, p. 456; C. MARUCCI: *Matrimonio e divorzio...*, pp. 53, 57.

<sup>28</sup> Cf. M. HINTZ: "Poglądy...", p. 23; A. BELLINI: *Il matrimonio...*, p. 71; S. JANKOWSKI: "Kwestia nierozzerwalności małżeństwa...", p. 134.

<sup>29</sup> Cf. THE COUNCIL OF TRENT: Session XXIV (1563), Can. 1—12. W: *Breviarium fidei. Wybór doktrynalnych wypowiedzi Kościoła*. Red. S. GŁOWA, I. BIEDA. Poznań 1998, pp. 504—506; L. BRESSAN: *Il canone tridentino sul divorzio per adulterio e l'interpretazione degli autori*. Roma 1973, pp. 193—199; Cf. J. WRÓBEL: "Małżeństwo...", pp. 72—78.

the Scholarly Commission of the Roman Catholic Church, the Lutheran World Federation and the World Alliance of Reformed Churches: *Theology of Marriage and the Problems of Mixed Marriages* published in 1976.<sup>30</sup>

All the authors of the document agreed that marriage is a lifelong obligation. At the same time, an essential difference between Roman Catholics, on the one hand, and the Lutherans and the Reformed Christians on the other, was noticed, for instance, in their view of the “sacramental” character when discussing divorce or remarriage.<sup>31</sup>

If the marriage has been validly contracted and consummated, the Roman Catholic Church considers it as “the sacrament or sign of the union of Christ with the Church, and thus, [...] indissoluble as this union.” “If in the end the continuation of conjugal life seems impossible,” the Catholic Church allows for physical separation. “But if the spouses decide to obtain a divorce, then the Catholic Church considers that it has not the right to view the second marriage which might follow as a Christian marriage or even as a valid one. That is, it denies that this second marriage, following upon a divorce, can represent the union of Christ with the Church, a union which lasts for ever.”<sup>32</sup>

As for the Reformation Churches, “even though they hold that marriage is a sign of the Covenant, they do not consider Christian marriage to be a sacrament in the full sense of the word.” To be true, they see the union of Christ and the Church as the prototype of Christian marriage, but this does not imply for them that, in case of a total disruption, a divorce should contradict the mystery of Christ. “That is why when it seems that the marriage cannot continue any longer, the Reformation Churches consider that the bond of marriage has been destroyed, a fact which is ascertainable, like death. Therefore, nothing remains of the first marriage that could prevent remarriage. This does not mean that in this way the Reformation Churches resign themselves to divorce; but once divorce exists, they would not consider themselves bound to hold that a new Christian marriage is always impossible.”<sup>33</sup>

<sup>30</sup> The Polish translation of the document: “Teologia małżeństwa a problem małżeństw międzywyznaniowych. Sprawozdanie końcowe Komisji Naukowej Kościołów Rzymskokatolickiego, Luterańskiego i Kalwińskiego za rok 1976.” W: *Ekumenia a współczesne wyzwania moralne*. Red. T. KAŁUŻNY, Z. KIJAS. Kraków 2009, pp. 199—241; W. HANC: “Problem małżeństw mieszanych oraz próby rozwiązań na przykładzie międzywyznaniowych dialogów.” *Studia Oecumenica* 3 (2003), pp. 90—91.

<sup>31</sup> Cf. “Teologia małżeństwa a problem małżeństw międzywyznaniowych...,” nos. 24—25.

<sup>32</sup> Ibidem, nos. 26—27.

<sup>33</sup> Ibidem, nos. 29—30. Cf. K. KARSKI: “Kwestie moralne w dokumentach dialogu katolicko-protestanckiego oraz Wspólnej Grupy Roboczej Światowej Rady Kościołów i Kościoła Rzymskokatolickiego.” W: *Ekumenia...*, pp. 108—109.

At the same time, the representatives of the Reformation Churches stated that they perceived certain events in the history of the Roman Catholic Church as confirmation of their convictions. They pointed to the fact that “at the Councils in Florence and Trent, the Catholic Church strengthened her notion of marriage dissolubility, on the one hand, however, on the other, she did not want to evaluate the position of the Orthodox on the issue.”<sup>34</sup>

We find similar arguments in the document of the official Catholic-Lutheran dialogue conducted at the world forum: *Facing Unity* (1984).<sup>35</sup> We read in it: “In the area of ethical decisions, it appears important that the Catholic Church right up to and including the Council of Trent did not condemn the practice of divorced persons remarrying in the Eastern Orthodox churches although it did reject this practice for itself.”<sup>36</sup>

Certain topics referring to dissolubility of marriage can be also found in local dialogue documents of Catholics and Evangelicals. One document is worth mentioning here first of all — on baptism and marriage (1972) — a result of the dialogue among the Roman Catholic, Lutheran and Reformed Church in France.<sup>37</sup> In its last point, the document takes up the issue of indissolubility and divorce, pointing to the differences between Catholics and Protestants in this matter.<sup>38</sup>

<sup>34</sup> “Teologia małżeństwa a problem małżeństw międzywyznaniowych...,” no. 32. Cf. K. KARSKI: *Kwestie moralne...*, p. 109.

<sup>35</sup> Cf. “Jedność przed nami. Raport Wspólnej Komisji Rzymskokatolicko-Ewangelicko-luterańskiej” (1984). W: *Blżej wspólnoty. Katolicy i luteranie w dialogu 1965-2000*. Red. K. KARSKI, S.C. NAPIÓRKOWSKI. Lublin 2003, pp. 283—345; K. KARSKI: *Kwestie moralne...*, p. 109.

<sup>36</sup> “Jedność przed nami...,” no. 65.

<sup>37</sup> Cf. COMITATO MISTO CATTOLICO-LUTERANO-RIFORMATO DI FRANCIA: “Battesimo e matrimonio. Dichiarazione e accordo dottrinale.” *EOe* (1972), vol. 2, pp. 261—268.

<sup>38</sup> Cf. *Ibidem*, pp. 267—268. Referring to this, another document is also worth mentioning, namely, the one signed by the Italian Episcopal Conference and the evangelical Churches of Waldenses (Union of the Methodist Church and the Waldenses’ Church) and published in 1993, titled: *Common text of pastoral directions for mixed marriages of Catholics, Methodists and Waldenses in Italy*. Cf. ASSEMBLEA GENERALE DELLA CONFERENZA EPISCOPALE ITALIANA — SINODO DELLE CHIESE VALDESI E METODISTE IN ITALIA: “Testo comune per un indirizzo pastorale dei matrimoni misti,” *EOe*, vol. 8, pp. 1000—1023. In 2000, this document was appended with a “Text on application” (“Testo applicativo”), which offers practical indications concerning civil aspects of the issue, celebration of mixed marriages, baptism and religious education of children. Cf. CONFERENZA EPISCOPALE ITALIANA — CHIESA EVANGELICA VALDESE: “Testo applicativo del Testo comune per un indirizzo pastorale dei matrimoni tra cattolici e valdesi o metodisti in Italia.” *EOe*, vol. 8, pp. 1024—1043. The project of the document on mixed marriages which is being prepared in Poland by the Churches assembled in the Polish Ecumenical Council — makes reference to the Italian document. Cf. *Małżeństwo chrześcijańskie o różnej przynależności wyznaniowej* (draft, version of March 9th, 2009, typescript, 4 pp.).

Thus, there exist serious divergences between Catholics and Protestants on the issue of indissolubility of marriage. Within the dialogue conducted, the sides did not manage to solve the controversial issues, but they limited themselves to juxtaposing the differences in views on marriage and its indissolubility. At the same time, they indicated the necessity of pastoral cooperation in relation both to mixed marriages and marriages within one denomination.<sup>39</sup>

Summing up, we should say that in the light of the Lutheran tradition, marriage is not a sacrament in the strict sense, but order established by God. The Evangelical Lutheran Church is for permanence of marriage, but in the situation of irreparable collapse of the bond, she accepts divorce and does not rule out a possibility of remarriage of persons divorced. The differences that exist in this matter are an object of the Catholic-Lutheran dialogue. The efforts taken up on the way of the ecumenical dialogue have not led to agreement in this issue so far, and they need to be continued.

---

<sup>39</sup> Cf. "Teologia małżeństwa a problem małżeństw międzywyznaniowych...", no. 53; COMITATO MISTO CATTOLICO-LUTERANO-RIFORMATO DI FRANCIA: *Battesimo e matrimonio...*, pp. 267—268.

TADEUSZ KALUŻNY

## Nierozzerwalność małżeństwa w perspektywie luterńskiej

### Streszczenie

Pośród wielu zagadnień składających się na specyficzne dla luteranizmu postrzeganie małżeństwa znajduje się przede wszystkim kwestia jego nierozzerwalności. Opowiadając się za trwałością małżeństwa, w sytuacji nieodwracalnego rozpadu małżeństwa Kościół ewangelicko-luterński dopuszcza rozwody i nie wyklucza możliwości ponownego zawarcia związku przez rozwiedzionych. Gdy chodzi o rozumienie klauzul, Luter i jego współwyznawcy przyjęli ich dosłowną interpretację, czyli jako wyjątków od zasady nierozzerwalności. Takim wyjątkiem i podstawą do rozwodu jest przede wszystkim cudzołóstwo, które niweczy małżeństwo. Luter dodał jeszcze inne racje usprawiedliwiające rozwód, będące dowodem wyrozumiałości „dla ludzkiej słabości”. Rozpatrując zagadnienie nierozzerwalności małżeństwa w dokumentach dialogu katolicko-luterńskiego, na szczególną uwagę zasługuje opublikowany w 1976 roku dokument Komisji Naukowej Kościoła Rzymskokatolickiego oraz Światowej Federacji Luterńskiej i Światowej Federacji Kalwińskiej pt. *Teologia małżeństwa a problem małżeństw międzywyznaniowych*.

**Słowa kluczowe:** małżeństwo, luteranie, ekumenizm, katolicko-luterński dialog ekumeniczny

TADEUSZ KAUŻNY

## L'insolubilité du mariage dans la perspective luthérienne

### Résumé

Parmi de nombreuses questions concernant la perception du mariage, spécifique pour le luthérianisme, la place prépondérante est occupée par le problème d'insolubilité. L'Église luthérienne, en optant pour la durée du mariage, dans la situation de la désintégration irréversible du mariage, accepte des divorces et n'exclut pas la possibilité d'un nouveau mariage des divorcés. Quant à la compréhension des clauses, Luther et ses confrères ont admis une interprétation littérale, c'est-à-dire des exceptions du principe d'insolubilité. Une telle exception, et la base du divorce, est avant tout l'adultère qui détruit le mariage. Luther a ajouté autres causes justifiant le divorce, preuves de l'indulgence pour « les faiblesses humaines ». En analysant le problème d'indissolubilité du mariage dans les documents du dialogue catholique et luthérien, il faut accorder l'attention particulière au document publié en 1976 de la Commission scientifique de l'Église Catholique, de la Fédération mondiale Luthérienne et l'Alliance réformée mondiale, intitulé « La théologie du mariage et le problème des mariages mixtes ».

**Mots-clés:** mariage, luthériens, oecuménisme, dialogue oecuménique catholique-luthérien

TADEUSZ KAUŻNY

## L'indissolubilità del matrimonio nella prospettiva luterana

### Sommario

Tra le numerose questioni che compongono la particolare visione del matrimonio nel luteranesimo troviamo soprattutto la questione della sua indissolubilità. Pur sostenendo l'indissolubilità del matrimonio, nel caso di una rottura irreversibile del matrimonio, la Chiesa evangelica luterana permette il divorzio e non esclude la possibilità che i divorziati contraggano un nuovo matrimonio. Per quanto riguarda la comprensione delle clausole, Lutero e i suoi seguaci hanno ammesso la loro interpretazione letterale, cioè in quanto eccezioni alla regola dell'indissolubilità. Una simile eccezione e motivo di divorzio è soprattutto l'adulterio che distrugge il matrimonio. Per dimostrare che la Chiesa è comprensiva riguardo alla "debolezza umana", Lutero ha aggiunto altri motivi che giustificano il divorzio. Merita una particolare attenzione per lo studio del problema dell'indissolubilità del matrimonio, nei documenti che dimostrano il dialogocattolico-luterano, l'opera della Commissione di studio della Chiesa Cattolica Romana e della Federazione Luterana mondiale come pure dell'Alleanza Riformata mondiale, pubblicata nel 1976, intitolata "La teologia del matrimonio e i problemi dei matrimoni interconfessionali".

**Parole chiave:** matrimonio, luterani, ecumenismo, dialogo ecumenico cattolico-luterano