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Marriage between Catholics and Buddhists in Vietnam
from a Cultural-Canonical-Pastoral Perspective

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INTRODUCTION

Interfaith marriage in general, and especially marriage between a Buddhist and a Catholic, has been prohibited by the Catholic Church for a long time. However, in the light of Second Vatican Council (1962-1965) as well as the *Đổi Mới* Policy (Renovation Policy) of Vietnam in 1986,¹ interfaith marriage between Catholics and Buddhists and new converts from Buddhism, have become more common in Vietnam. With the increase of interfaith marriages, the rate of divorce of parties to such marriages is also on the rise due to intolerable conflicts in the conjugal life and differences between the teachings of Buddhism and Catholicism. As a result, more cases have been brought to the diocesan tribunals asking for annulments. The consequent inability to resolve their marital status leads many young people to question the teachings of the Church. Thus, in recent decades, interfaith marriage and marriage between Catholics and converts have been challenging the Church in Vietnam in both pastoral and canonical ministries.

Many questions regarding such marriages have been raised for both pastoral ministers and canonical ministers. Have the local churches provided sufficient programs to prepare young people for their interfaith marriages or marriages with converts? Are the pastoral workers/ministers sufficiently well-prepared and educated to guide people in their interfaith marriages? What can the canon lawyers and canonical ministers do to help those couples to deal with their post-marriage issues? Is it unfair, as many people think, for the Catholic spouses to remain bound by the conjugal bond while their Buddhist spouses have divorced them and walked away happily into a new marriage? Is there any way that the Church can solve this

¹ Oanh Xuan Nguyen, *The Making of Doimoi – The New Economic Policy of Vietnam* (Ho Chi Minh city: Nha Xuat Ban Tre, 2002).

complicated problem? In this thesis, I will attempt to go deeper into the issues of interfaith marriage life. I will exam how the teaching of the Church as well as the norms of the current law can help the interfaith couples and the couples of Catholics and converts as they prepare for their marriage and deal with their post-marriage life.

This thesis is divided into five chapters. The first chapter will unpack the relationship between Catholicism and Buddhism in Vietnam to see how it affects marriages between members of the two religions. Chapter two will look at the reality of interfaith marriage and explore the reason for its increase in recent decades. Chapter three exams the challenges such marriages create. Chapter four will look at the teaching of Church about interfaith marriages throughout the history of the Church and in particular the regulation of the current Code. Finally, chapter five will exam how the local churches in Vietnam are implementing the teaching of the 1983 Code of Canon Law and the pastoral teaching of the Church into accompanying the faithful in their interfaith marriage life, and see what else the Catholic church in Vietnam can do to aid those mixed couples.

CHAPTER ONE: THE RELATIONSHIP BETWEEN CATHOLICISM AND BUDDHISM IN VIETNAM

According to World Atlas in 2018, Vietnam has three major religions: Vietnamese folk religion (73%), Buddhism (12.2%) and Catholicism (7%).² However, some forms of folk religion are rooted in Buddhism, and “Buddhism is also frequently interwoven with folk religious beliefs. This interweaving has increased the number of Buddhists in the South, making Buddhist the most widely practiced tradition in Vietnam.”³ Thus, this paper focuses on the relationship between Buddhism and Catholicism because Catholic-Buddhist marriages and marriages consisting of Catholics and converts from Buddhism have become more popular in Vietnam.

A. The Entry of Buddhism into Vietnam

Indian monks through trading routes introduced Buddhism into Vietnam during the third century BC in Do Son, Hai Phong. Buddhism became the state religion that was practiced and promoted by the kings, mandarins and the Vietnamese people during the dynasties of Dinh, Ly, Le, Tran.⁴ However, from the thirteenth century to the present, Buddhism was no longer considered the state religion. Since it had been practiced for a long time in Vietnam, many practices and teachings of Buddhism have left their strong influence on the culture and spirit

² Gregory Sousa, "Major Religions in Vietnam," *WorldAtlas*, accessed on December 28, 2019, <https://www.worldatlas.com/articles/religious-beliefs-in-vietnam.html>.

³ Hieu Duy Tran, “An Analysis of Factors in the Rise of Buddhist-Catholic Marriages in Vietnam,” *International Journal of Scientific and Engineering Research* 8 (2017) 230.

⁴ Hung Thanh Nguyen, “Buddhist-Catholic relations in Ho Chi Minh City,” *International Journal of Dharma Studies* 5 (2017) 1.

of the Vietnamese. Thus, Buddhism has become the inner-religious life of the Vietnamese and has been actively and widely practiced in their daily lives.

B. The Introduction of Catholicism into Vietnam

Catholicism came to Vietnam much later. In 1533, it was first introduced to Vietnam by a European missionary Inekhu and later by Dominican missionaries from the Philippines and Spain. It spread throughout the country through the work of French missionaries around the seventeenth century. While Buddhism was the state religion for a long time, Catholics were constantly persecuted from the sixteenth to the eighteenth centuries.⁵ Since the Catholic teaching was very different and many aspects seemed to conflict with the teaching and practice of ancestor worship of native people, Catholicism was not warmly welcomed. In addition, it was prohibited by the feudal court because Catholic teaching challenged and conflicted with the feudal system in Vietnam. While the teaching of Catholicism focuses on the worship of the One Creator, the traditional ancestor worship was highly regarded as the traditional practice rooted in the people's spiritual lives. In this practice Vietnamese families worshiped their ancestors and the historical heroes of the country.⁶

Furthermore, the teaching of the Catholic Church on monogamy also caused the Vietnam feudal court to dislike Catholicism. While Vietnamese kings and lords had many wives so that they could have more children to extend their family tradition and reputation, the Catholic Church teaches followers to be faithful to only one spouse.⁷ Thus, under the Nguyen

⁵ Tran, "An Analysis of Factors," 231.

⁶ Ibid.

⁷ Ibid.

Dynasty (1802-1945), many Catholics, in particular missionaries and priests, were persecuted because they worshipped God and undermined traditional Vietnamese norms.⁸ In 1888 with the intervention of France, King Tu Duc was forced to stop killing Catholics, and with the collapse of the Van Than movement, the Vietnamese Catholics began to gain their freedom and developed into a well-organized institution in the nineteenth century.⁹ However, because French missionaries came to Vietnam through the French invasion, Catholicism was seen as having a close link with the French. Thus, Catholicism and Catholics “are still considered even today by many as being foreign and antinational.”¹⁰

C. The Conflict between Buddhism and Catholicism in Vietnam

Buddhism and Catholicism in Vietnam were seen as incompatible from the introduction of Catholicism in the sixteenth century until the late twentieth century. Conflicts were often caused by the governments in power at different times which either favored Buddhism over Catholicism or Catholicism over Buddhism.

Buddhism was practiced in Vietnam long before the entry of Catholicism. “Conversion to Catholicism sometimes caused conflict by which the lords and the kings often issued edicts to control and even ban the spread of Catholicism.”¹¹ On the other hand, the Catholic missionaries were afraid that if their newly baptized Catholics continued to live within the villages of Buddhists, they would be influenced by the activities of Buddhism. It would be easy

⁸ Ibid., 232.

⁹ Peter C. Phan, *Vietnamese-American Catholics* (New Jersey: Paulist Press, 2005) 15.

¹⁰ Tran, 231; see more in Nguyen Hong Duong, “A Study of Organizations of Catholic Parishes and Sub-Parishes in Northern Vietnam from the 17th to the 20th century,” *Religious Studies Review* 1 (2007) 51-63.

¹¹ Nguyen, “Buddhist-Catholic Relations,” 1.

to return to their traditional ancestor worship, which was prohibited by the Church because it stood against the Catholic doctrine of worshiping God alone. To avoid this, missionaries set up parish churches modeling the form of traditional villages of Northern Vietnam to gather Catholics into “*xóm đạo*” – Catholic villages. In these *xóm đạo*, the Catholics lived separately from non-Catholic people.¹²

In 1868, King Tu Duc issued an edict in which he divided Vietnamese people into two classes: *Lương Dân* and *Dữu Dân*.¹³ *Lương Dân* were those who were Buddhists and seen as good citizens, and *Dữu Dân* were those who were Catholics and seen as antinational. This edict created disparity and tension between Buddhists and Catholics since the King favored Buddhism and opposed Catholicism. This tension continued to grow in the nineteenth and twentieth century, during the periods of the French rule (1884-1954) and particularly in the Diem regime (1954-1963). During this period a great number of Buddhists converted to Catholicism because of privileges bestowed upon the Catholics.¹⁴ Many Buddhists converted to Catholicism because “they were allowed to attend school or had a chance to receive higher education, good food and money, obtained colonial echelons and assistance of the missionaries.”¹⁵

In 1954, Vietnam was divided into two parts, the North was governed by communist party under the leadership of Ho Chi Minh, and the South remained a non-communist state

¹² Tran, “An Analysis of Factos,” 232.

¹³ Dung Anh Tran, “Luoc Su Giao Hoi Cong Giao Viet Nam” (History of Catholic Church in Vietnam), accessed on December 21, 2019, <http://www.simonhoadalat.com/HOCHOI/GiaoHoiVN/LichSu/LichSuGHCGVN.htm>.

¹⁴ Nguyen, “Buddhist-Catholic relations,” 4.

¹⁵ Ibid.

governed by King Bao Dai and then by Ngo Dinh Diem, a devout Catholic. With the support of United States, Diem became the president of the South of Vietnam, called the Republic of Vietnam, in 1956.¹⁶ Under the Diem government, the Catholicism in the South gained favor over Buddhism. While the Catholic Church was supported and promoted with honors and privileges, Buddhism was repressed. Facing the unjust policies issued by Diem, Buddhist monks demonstrated in a number of protests demanding the freedom of religion. As a result, several Buddhists were arrested and killed.¹⁷ The tension between Buddhism and Catholicism was generally caused by the governments in power as they took side with one and banned the other. The tension was rarely caused directly by the religious leaders and followers themselves. But, the tension “remained intense until after the unification of Vietnam in 1976, affecting Buddhist-Catholic relationships throughout the country, especially in marriage.”¹⁸

D. The Relationship between Catholicism and Buddhism after the Unification of Vietnam in 1976 to the Present

After the unification of Vietnam in 1976, the tension between Catholicism and Buddhism began to decrease. In recent years, the relationship between the two religions has begun to be more open, as Buddhists and Catholics have become more friendly with each other. Through my visiting and interviewing different Buddhist and Catholic people during the summer of 2016, I learned that in some areas they have established a very friendly relationship. For example, on the special holidays, Catholic priests invite Buddhists to attend their

¹⁶ Tran, “An Analysis of Factors,” 232.

¹⁷ Nguyen, “Buddhist-Catholic relations,” 5.

¹⁸ Tran, “An Analysis of Factors,” 233.

celebration, and vice versa. John Khang, the pastor of Tan Khan parish, shares that since 2014 the local Buddhists and Catholics have been helping each other in building the local church and temple as well as working together to fix roads and clean rivers in the local areas. In addition, several activities of charity are extended to the followers of all religions.

However, a new cause has emerged that is creating tension between these two religions. Religious conversion has become a main cause of the tension. In contemporary times, conversion is no longer forced by the political power nor by the political privileges as in the previous centuries. However, in most cases, people convert to Catholicism in order to marry a Catholic partner or to celebrate their wedding in the Catholic Church. In the study conducted by a Buddhist monk, Hung Thanh Nguyen, in 2016, on the issue “Buddhist-Catholic relations in Ho Chi Minh City,” he interviewed Buddhist monks, Catholic priests and lay people from both religions. In his study, he points out that Catholic people do not see any problems with the conversion of Buddhist members to Catholicism, but, for Buddhist people, conversion is seen as one of the major reasons for continued conflict between Buddhism and Catholicism. They are concerned about the loss of their community members due to marriage.¹⁹ Nguyen concludes that “conversion to Catholicism through marriage can be said to be as an effective way for Catholics to expand their community in Vietnam today.”²⁰

¹⁹ Nguyen, “Buddhist-Catholic relations,” 10.

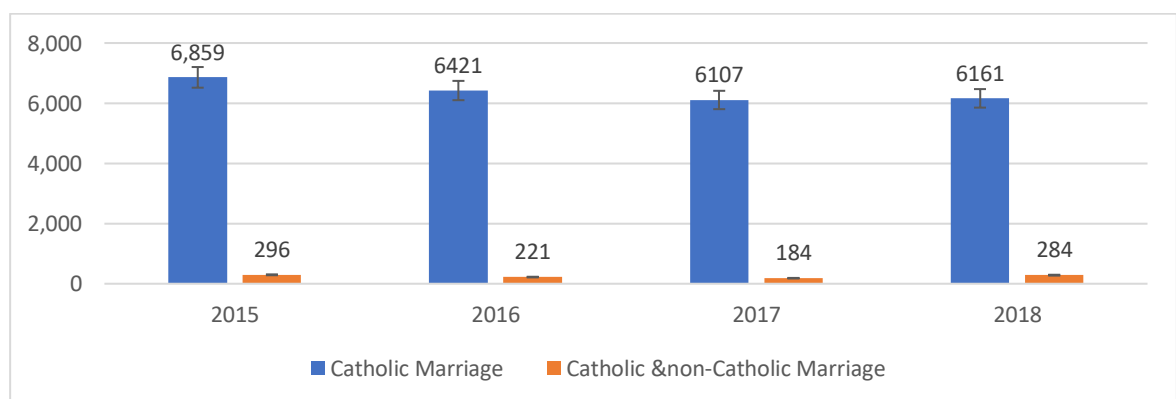
²⁰ Ibid., 5.

CHAPTER TWO: REALITY AND REASONS FOR THE RISE OF INTERFAITH MARRIAGE BETWEEN BUDDHISTS AND CATHOLICS IN VIETNAM

In the previous centuries, inter-faith marriage was extremely rare in Vietnam because it was prohibited by the universal Catholic Church, even though dispensations for such marriages were available. To Vietnamese Catholics, whoever entered into such marriage was seen as bringing the evil or bad taboo to the family. Because of this taboo, whoever wanted to marry a Catholic had to convert to Catholicism. Nevertheless, the rate of inter-faith marriage in these recent decades has been increasing.

A. The Reality of Buddhist-Catholic Marriage

While there are no statistics about marriages between Catholics and Buddhists in Vietnam, there are statistics for marriages between Catholics and non-Catholics, in general. According to the Vietnam Catholic Church, the number of marriages between Catholics and non-Catholics has increased, particularly since the Second Vatican Council, when the Church somewhat relaxed its discipline.²¹ The statistics of interfaith marriages of Buichu Diocese from 2015 to 2018 shows the increase in interfaith marriages in recent years:



²¹ Tran, "An Analysis of Factors," 235.

The Diocese of Buichu also does not have statistics about the number of marriages between Catholics and converts, because once a person is baptized in a Catholic Church, he/she becomes a Catholic, thus their marriage is considered to be between the two Catholics. According to the statistics of the Catholic Church in Vietnam, for the period of 2000-2008, the number of converts per year is about 35,000 people, among those 80-90% converted to Catholicism in order to marry a Catholic.²²

B. The Reasons of The Rise of Interfaith Marriage in Vietnam

Not only has interfaith marriage increased in Vietnam, but that increase is a global trend. According to Vimal Tirimanna, there are three main reasons for this change: the rapid transformation of social realities, globalization, and increasing secularization.²³ Using Tirimanna's insights, Tran Duy Hieu applies these main reasons to the reality of Vietnam in the modern times. He points out the four main factors that create the increase of Buddhist-Catholic marriages in Vietnam. These factors are 1) the effect of the new policy of secular government on the freedom of religions; 2) the revival of religions, 3) the impact of immigration waves from rural areas to cities; and 4) a change of Vietnamese youth's attitudes towards traditional family life.²⁴

²² Thong Huy Pham, "Nếp sống người Công Giáo: Sự giao thoa giữa đức tin và văn hóa dân tộc (Life of Catholics: the interference between Faith and national Culture), *VietCatholic News* (2010), accessed on December 20, 2019, <http://vietcatholic.com/News/Home/Article/83171>.

²³ Vimal Tirimanna, "A Few Theological and Pastoral Perspectives of Interfaith Marriages," *FABC Papers* 127 (2009) 7.

²⁴ Tran, "An Analysis of Factors," 230.

1. The Change in Government's Policies toward Religions

As we see in chapter one, the practice of different religions was prohibited in Vietnam in different periods of its history. In the first decades after Vietnam gained independence, all religions were restricted from their religious activities “because the communist leaders considered religious beliefs and practices to be impediments to modernization.”²⁵ One of the communist policies was that only declared atheists could qualify to work for the government. For the communist party, religion is seen as the “opium of the people,” the product of superstition (*mê tín dị đoan*), and as incompatible with the Marxism.²⁶ Regarding Buddhism, the government only permitted a certain number of men and women of a certain age to become Buddhist monks.²⁷ This policy of the government was aimed to prevent young people from participating in religious activities and to focus more on secular works. Even now, young people claim to be Buddhists, in line with their family's tradition, but often do not go to the temple until they reach retirement age. Similar to Buddhism, Catholicism was closely controlled by the government but their religious activities were even more restricted. Only a certain number of Catholic men and women were allowed to enter seminaries and religious convents. The candidates for ordination and episcopal consecration had to receive the approval from the local government prior to ordination. Thus, many religious sisters, brothers and priests were secretly accepted into the communities or ordained to the priesthood at night. All Catholic schools were banned; they were either forced to close or handed over to the government.

²⁵ Ibid., 238.

²⁶ Canh Van Nguyen, *Vietnam under Communism 1975-1982* (Stanford University: Hoover Institute Press, 1983) 186.

²⁷ Tran, “An Analysis of Factors,” 238.

Religious activities continued to be very restricted until the end of the twentieth century and the beginning of the twenty-first century, when the Vietnamese Communist Party began opening up a bit to the outside world. The freedom of religions was one of the requirements for Vietnam to join the World Trade Organization, as well as to enter into trade relations with the United States. In Article 70 of the 1992 Constitution of the Socialist Republic of Vietnam, the freedom of religion was protected for the first time in the history of Vietnam:

Citizens have the right to freedom of belief and religion, and may practice or not practice any religion. All religions are equal before the law. Public places of religious worship are protected by law. No one has the right to infringe on the freedom of faith and religion or to take advantage of the latter to violate State laws and policies.²⁸

While this policy was enacted in 1992, the freedom of religion clause existed more in the Constitution than in reality. Nevertheless, it provided Catholics and Buddhists more freedom in practicing their faith. With increasing freedom of religion, the religious diversity has been more freely embraced and increased the numbers of followers in the various religious traditions. “Encounters of people with different religious backgrounds have thus become common. It is not uncommon for them to fall in love, enter into marriage and establish families, and inter-religious marriage is more likely to take place.”²⁹

In addition, the Marriage and Family Law of 1959 prohibited the traditionally arranged marriage and polygamy, which contributed to the rise of the interfaith marriage. Articles 3 and 4 governed that parents could not force their children to marry a partner of their choosing, adult

²⁸ “1992 Constitution of the Socialist Republic of Vietnam,” accessed on December 30, 2019, [http://www.vietnamlaws.com/freelaws/Constitution92\(aa01\).pdf](http://www.vietnamlaws.com/freelaws/Constitution92(aa01).pdf).

²⁹ Tran, “An Analysis of Factors,” 239.

children have the right to determine who they marry, and equality between men and women must be respected.³⁰ These norms are reinforced by the current law of Vietnam.

2. The Revival of Religions

Since Catholicism arrived in Vietnam, Catholics have tended to live in their own Catholic villages, isolated from other religions, and in particular, from followers of Buddhism. Children were banned from making friends with Buddhist children and interfaith marriages were banned by both the Church and families. But by the end of the twentieth century, the Catholic Church in Vietnam was slowly opening to encounter and welcome people from other religions. This was in response to guidance of the Vatican II, in which the universal Church sought to renew the Church's life in response to the needs of the contemporary world.

In document *Gaudium et Spes*, Vatican II encouraged the local churches to promote the inculturation of the faith. "It is a feature of the human person that it can achieve true and full humanity only by means of culture, that is through the cultivation of the goods and values of nature."³¹ In the encyclical *Redemptoris Missio*, Pope John II also taught that "the process of the Church's insertion into people's cultures... is not a matter of purely external adaptation, for inculturation 'means the intimate transformation of authentic cultural values through their

³⁰ "The Marriage and Family Law," Office of the Prime Minister (1959), accessed on December 30, 2019, <https://thuvienphapluat.vn/van-ban/Quy-en-dan-su/Luat-Hon-nhan-va-gia-dinh-1959-2-SL-36857.aspx>, Điều 3: Cấm tảo hôn, cưỡng ép kết hôn, cản trở hôn nhân tự do, yêu sách của cải trong việc cưới hỏi, đánh đập hoặc ngược đãi vợ. Cấm lấy vợ lẽ. Điều 4: Con trai và con gái đến tuổi, được hoàn toàn tự nguyện quyết định việc kết hôn của mình; không bên nào được ép buộc bên nào, không một ai được cưỡng ép hoặc cản trở.

³¹ Second Vatican Council, pastoral constitution *Gaudium et Spes*, December 7, 1965: AAS 58 (1966) 53: "Ad ipsam personam hominis pertinet ut non nisi per culturam, hoc est bona naturae valoresque colendo, ad veram plenamque humanitatem accedat. Ubi cumque ergo de vita humana agitur, natura et cultura quam intime connectuntur;" English translation from *Vatican Council II: The Basic Sixteen Documents: The Constitutions, Decrees, Declarations*, ed. Austin Flannery (Northport, N.Y.: Costello, 1996) [hereafter Flannery] 229.

integration in Christianity and the insertion of Christianity in the various human cultures.”³²

These teachings of Vatican II and post-conciliar popes led the Catholic Church in Vietnam to adapt many traditional rituals into their religious rites and practices.

One of the most prominent examples of inculturation of the faith was when Catholics were allowed to return to the practice of ancestor veneration. On 14th November 1974, the Episcopal Conference of Vietnam wrote a pastoral letter clarifying the teaching of the Church on the matter of worshipping God and venerating their ancestors. In the decree issued on 7th October 2019, the Vietnamese Bishops cite the pastoral letter of 1974 to emphasize the importance of the filial respect and ancestor veneration, as well as royal veneration of the kings in Vietnamese culture. They indicate: “the burning of incense, candles on the altar of the ancestors and kowtows in front of the altar are the gestures of reverent attitude and are allowed to be done.”³³ The bishops characterize the royal veneration of the kings not as an act of superstition, but an act of gratitude.³⁴

Although many Catholic villages still exist, the Catholics have gradually changed their attitude toward other religions. Instead of seeing Buddhists as pagans or non-religious, under the light of Vatican II and following the teachings of *Evangelii Nuntiandi* and *Redemptoris Missio*, the Episcopal Conference of Vietnam began to address other religions as friends (*Ton*

³² Pope John Paul II, encyclical letter *Redemptoris Missio*, December 7, 1990: AAS 83 (1991) 52: “Ratio et processus inserendae Ecclesiae in populorum culturas longa exigit temporum intervalla. Non enim de exteriori sola agitur aptatione, quoniam inculturatio ‘intimam significat transfigurationem verorum cultus humani bonorum per ipsam eorum receptionem in rem christianam itemque nominis christiani insertionem varias in culturas.’”

³³ The Episcopal Conference of Vietnam, “Công Bố Văn Kiện Hướng Dẫn Việc Tôn Kính Tổ Tiên” (Declaration of the instruction on the Veneration of Ancestors) (2019), accessed on December 30, 2019, <http://daminhvn.net/hieu-de-song-duc-tin/cong-bo-van-kien-huong-dan-viec-ton-kinh-to-tien-20274.html>, n.2: “Việc đốt nhang hương, đèn nến trên bàn thờ gia tiên và vái lạy trước bàn thờ, giường thờ tổ tiên, là những cử chỉ thái độ hiếu thảo tôn kính, được phép làm.”

³⁴ *Ibid.*, n.6.

giao ban). In response to the call of Pope John Paul II in *Novo Millenio Ieunte* and *Ecclesia in Asia*, the Episcopal Conference of Vietnam issued a pastoral letter in 2003 calling Catholics to befriend other religions, in particular, to welcome Buddhists into their homes. They emphasize that “visiting with people from other religions and especially visiting with non-Catholic families and individuals is the concrete way of presenting the Gospel.”³⁵ In addition, they indicate that “each Catholic family should make friends with a non-Catholic family near their village. Friendship can be enhanced through prayers, visiting, communication and material sharing.”³⁶ In response to this pastoral letter, many inter-religious activities have been organized to deepen the relationship between Buddhists and Catholics such as interfaith dialogue, charitable works, and visits on special occasions for both religions.

Furthermore, the ban on the interfaith marriage was relaxed by post-conciliar reforms issued by Pope Paul VI and continued in the 1983 Code of Canon Law. Although marriages between Catholics and pagans are still prohibited by the Church, the pastoral practice and discipline regarding dispensation of such marriage has become more open. This will be discussed further in chapter four.

3. The Impact of Immigration Waves from Rural Areas to Cities

Most colleges, universities and factories are located in big cities such as Hanoi and Ho Chi Minh. As people migrate to these cities for higher education or for better jobs, they tend to

³⁵ Episcopal Conference of Vietnam, “Thư Mục Vụ của Hội Đồng Giám Mục Việt Nam Gửi Cộng Đoàn Dân Chúa” (Pastoral Letter of the Episcopal Conference of Vietnam to the faithful), October 2003, accessed on December 30, 2019, <http://www.chungnhanduckito.net/tulieu/thumucvu2003.htm>, n.11: “Việc thăm viếng các thành viên tôn giáo bạn và nhất là thăm viếng các gia đình cũng như cá nhân ngoài công giáo là trình bày Phúc Âm một cách cụ thể.”

³⁶ *Ibid.*, n.12: “Mỗi gia đình công giáo nên kết nghĩa với một gia đình ngoài Công Giáo trong địa bàn dân cư của mình. Việc kết nghĩa được thực hiện cụ thể qua cầu nguyện, thăm viếng, giao lưu, chia sẻ vật chất.”

locate near their schools or their workplaces rather than with their own religions. The immigration wave has played an important role in bringing people from various religions into contact with each other: in living quarters, neighborhoods, workplaces and schools. Settling into diverse religious environments has provided Catholics and Buddhists more opportunities to make friends with each other. “Such common activities may lead to romantic relationships,” and have contributed to the increase of the number of inter-faith marriages.³⁷

4. The Change of Attitudes towards Traditional Family Life and Faith

The Vietnamese family structure used to be very strict, particularly regarding marriage. Under the influence of the feudal system, three or four generations lived in the same house governed by the father, the head of the family with authority over the entire family. Children were completely dependent upon their parents and the senior members in the family. Thus, marriage was arranged by parents and grandparents, and in particular by the fathers in the families. Marriage was not a matter of mutual love but of relationship between two families and of producing offspring to inherit the tradition of those families. Needless to say, marriage was typically arranged by two families of the same religion and of the same class. However, with the revival of the Marriage and Family Law 1959 and especially after 1975, with the impacts of globalization on various social and economic conditions, the structure of the traditional family has been changing.³⁸ Large families with multiple generations have been replaced by nuclear families. This model has given children more independence. Parents and elders in the family no longer arrange marriages of their children, although they still play a role

³⁷ Tran, “An Analysis of Factors,” 241.

³⁸ Ibid.

as advisors. Adults are free to choose their own spouses but often ask their parents' advice and permission to marry.

As young people leave their homes to earn a living in big cities, often at a very young age, they have more freedom to practice their faith, to make friends with people from different faiths, and to choose their spouses. "While they are exposed to diverse cultures and religions, life away from home can make young people become disconnected from their family traditions such as customs, manners, kinship, and spiritual activities."³⁹ So, immersion into the new environment of mixed religions has also changed the attitude of young people toward marriage. Marriages have become a matter of free choice and mutual love, not to be arranged by parents. For most of them, "it is not religious faith or their partner's background family, but true love that is a necessary and sufficient factor to determine the joys of married life."⁴⁰

In addition, befriending people from other religions and being taught mostly by non-religious professors tends to change attitudes of young people about religion, they become less concerned about differences of religions. Now young people have tendency to think of all religions as good because they teach people to be good. They are less concerned about religious differences. According to a 2010 survey of more than two thousand young people from both rural and urban areas, 60.1% did not really care about religions.⁴¹

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ Tung Hong Pham, "Characteristics and Major Tendencies in the Lifestyle of Vietnamese Youth Today," *Social Science Information Review* 5 (2011) 23.

CHAPTER THREE: CHALLENGES IN CATHOLIC-BUDDHIST MARRIAGE AND MARRIAGE BETWEEN CATHOLICS AND CONVERTS

To better understand the lives of Catholic-Buddhist couples and the marriages between Catholics and converts from Buddhism, I surveyed 50 couples either of Catholic-Buddhist marriages or marriages of newly baptized Catholics converted from Buddhism and Catholics.⁴² The twenty respondents were Catholics and converts from Buddhism, no Buddhist partners responded. From this survey and subsequent interviews, four main challenges emerged in the conjugal life of these couples.

A. Differences in Belief and Practice between Catholicism and Buddhism

These days, Buddhist-Catholic marriages are not uncommon amongst Vietnamese. However, the differences in beliefs and in teachings about morality and life between Catholicism and Buddhism have created difficulties which challenge marital life.

First, Buddhism does not believe in a God who governs human life, for them living a good life is determined by *karma*. For Buddhists, the present life is the consequence of one's actions in the past, just as actions taken now determine one's future life. By contrast, Catholicism teaches that God is the Creator of all things and the source of all life, so the salvation of people is granted by God.

⁴² The survey consisting of ten questions was sent to the couples, either through emails or through Facebook Messenger. 1) How long have you been married? 2) Did you celebrate your marriage in the Catholic Church? 3) How long were you prepared for your marriage? 4) For the converts, why did you choose to receive Baptism in the Catholic Church? 5) For Catholic spouse, why did you choose to marry a spouse from a religion different from yours? 6) Have you faced any challenges in your marital life? If yes, please share them and explain the reasons for your challenges. 7) If you could go back to the moment of your pre-marriage, would you still choose your spouse now, or would you prefer to choose another spouse who shares the same religion with you? 8) What else should the local church do to accompany you in your marriage life? 9) What do you think about the teaching of the Catholic Church regarding the marital bond? 10) What would you want to share if a person is planning to enter a mixed marriage and asks for your advice?

Second, the teaching of Buddhism is not dogmatic, not coercive but only suggestive. The Buddha gave religious power to no one, but guided his disciples to rely on his teachings, which are rooted in real life as a guide to help every person, family and society find peace and happiness.⁴³ No law about marriage exists because “marriage is regarded as entirely a personal, individual concern and not as a religious duty.”⁴⁴ Since it is an individual matter, the Buddhist texts are silent on the subject of monogamy or polygamy. The Buddhist laity are advised to limit themselves to one wife and to refrain from committing adultery. There are no religious laws in Buddhism compelling a person to be married or to procreate. Separation or divorce is also not prohibited in Buddhism. Men and women are free to separate if a marriage becomes untenable. In contrast, the primary teaching of Catholicism is based on Jesus’ life, death and resurrection. Catholicism is rooted in the covenant between God and God’s people, who are bound to be faithful to God’s commandments, a doctrine based on divine laws. In Catholicism, marriage is “a matrimonial covenant, by which a man and a woman establish between themselves a partnership of the whole of life ... ordered by its nature to the good of the spouses and the procreation and education of offspring, ... raised by Christ the Lord to the dignity of a

⁴³ *Tìm Hiểu Văn Hóa Tín Ngưỡng Tôn Giáo* (Tp HCM: Nxb Lao Động, 2012) 105.

⁴⁴ “Buddhist Views on Marriage,” accessed on December 10, 2019, <https://www.budsas.org/ebud/whatbudbeliev/237.htm>.

sacrament between the baptized.”⁴⁵ Thus “the essential properties of marriage are unity and indissolubility.”⁴⁶

Third, in Buddhism, marriage is a personal issue so partners “are at liberty to use any of the old or modern measures to prevent conception.”⁴⁷ Further, it is seen as unreasonable to argue that using birth control is against God’s law. In contrast with Buddhist teaching, Pope Paul VI in the encyclical *Humanae Vitae* taught that using artificial birth control methods is intrinsically wrong. The Pope stated that “it is a serious error to think that a whole married life of otherwise normal relations can justify sexual intercourse which is deliberately contraceptive and so intrinsically wrong.”⁴⁸

Obviously, these differences create many obstacles for Catholic-Buddhist couples as they share a communal and conjugal life, which affects both spouses and must be determined by both. It is very hard to find the common ground if the two spouses do not share a fundamental belief about the essential property of marriage. While a Buddhist spouse believes that divorce is acceptable and reasonable, the Catholic spouse believes in the indissolubility of

⁴⁵ *Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus* (Vatican City: Libreria Editrice Vaticana, 1983) [hereafter 1983 *CIC*] c.1055, §1: “Matrimoniale foedus, quo vir et mulier inter se totius vitae consortium constituunt, indole sua naturali ad bonum coniugum atque ad prolis generationem et educationem ordinatum, a Christo Domino ad sacramenti dignitatem inter baptizatos evectum est;” English translation from *Code of Canon Law, Latin-English Edition: New English Translation* (Washington, DC: CLSA, 2012). All subsequent English translations of canons from this code will be taken from this source unless otherwise indicated.

⁴⁶ *Ibid.*, c.1056: “Essentiales matrimonii proprietates sunt unitas et indissolubilitas, quae in matrimonio christiano ratione sacramenti peculiarem obtinent firmitatem.”

⁴⁷ “Buddhist Views on Marriage.”

⁴⁸ Pope Paul VI, encyclical letter *Humanae Vitae*, July 25, 1968: AAS 60 (1968) 14: “erret omnino, qui arbitretur coniugalem actum, sua fecunditate ex industria destitutum, ideoque intrinsece inhonestum, fecundis totius coniugum vitae congressionibus comprobari posse.”

marriage. This disparity explains why the interfaith couples are more likely to end their marriage in divorce than the couples of the same faith.

One of the questions in my survey and interviews of the Buddhist-Catholic couples and couples of Catholics and converts from Buddhism was that “If you could go back to the moment of your pre-marriage, would you still choose your spouse now, or would you prefer to choose another spouse who shares the same religion with you?” It is interesting to see that most female Catholics say that they regret marrying a Buddhist spouse or marrying a convert from Buddhism. If they could choose again, they would prefer husbands who share their faith.

There are two sources of this regret on the part of Catholic female spouses. First, they cannot share with their husbands all of their struggles in life without referencing their faith. For Catholics, faith is their life and life is a journey of living their faith. It is very difficult for the spouses to understand each other well if each lives their own faith. Catholic female spouses find it more frustrating when their faith is disrespected, which leads to quarrels between the spouses. Second, the Catholic spouses have two common fears. They fear that their Buddhist husbands will not be faithful to them since their husbands can easily end their marriage with divorce because of Buddhist teaching. They also fear that their children will not be baptized and raised in the Catholic faith even when their Buddhist husbands promised to do so prior to getting married.

Nguyen, a Catholic married to a Buddhist, shared that her husband and parents-in-law do not want their children to be baptized and raised in the Catholic faith before they turn 18, when the children can decide for themselves what religion to follow. Also, they “have

threatened to turn her out of their home if she takes the children to church.”⁴⁹ Duyen, whose husband converted from Buddhism to Catholicism at her family’s request, shared sadly that her husband renounced Catholicism and forced her to take down the Catholic altar in their house some months after their wedding. She added, “I am wrong to have married a husband of a different religion. He converted to Catholicism to marry me, not for faith.”⁵⁰

However, all female converts who responded to the survey say that they are happy with their Catholic husbands and would choose again to marry to Catholic husbands. They feel secure because their marital bonds are protected by Catholic law and teachings. Interestingly, all male spouses – whether Catholic or converts from Buddhism – responded that they have no regrets about their choice to marry. Vu, a husband who converted from Buddhism to Catholicism in 1971 at the time of his marriage, shared that “I am very happy with my marriage. Because of my love for my wife, I volunteered to become a Catholic. I appreciate that Catholic teaching always supports and protects the bond of marriage.” It is notable that female Catholics find married life challenging because of differences in belief and practice from their husband’s religion, while neither female converts nor male spouses regret marrying spouses from different religions. This can be explained through the lens of the Vietnamese culture, which generally favors men.

⁴⁹ Ucanews.com reporter, “The Secret Lives of Vietnam’s Catholic Mothers,” *Lacroix International: The World’s Premier Independent Catholic Daily* (2019), assessed on September 19, 2019, <https://international.lacroix.com/news/the-secret-lives-of-vietnams-catholic-mothers/10738>.

⁵⁰ Ibid.

B. The Vietnamese Culture which Favors Male Roles

Although Buddhism does not ban its followers from entering into an interfaith marriage, the traditional culture of Vietnamese families has presented significant challenges to the marital life of interfaith couple. Traditional values of the Vietnamese family have been deeply rooted in Confucian philosophical beliefs. Even now, although legally abolished, these values still hold strong in many Buddhist families, particularly in rural areas. At the core of the traditional family is the culture of ancestor worship, which is rooted in the culture of male superiority, patrilineal family, and patrilocal post-marriage residence patterns. The culture of ancestor worship has resulted in a strong Vietnamese son-preference in the family ancestral line, which leads to a number of issues.⁵¹ A common Vietnamese saying exemplifies this: “*Nhất nam viết hữu, thập nữ viết vô.*” This means “if a couple has one son, they can say that they have a descendent, but they cannot say so even if they have ten daughters.” In addition, Vietnamese people see that “marriage is necessary for continuation of the family and society, for old age support for oneself and general support of one’s parents.”⁵² Many people still blame women for not being able to give birth to a son. The economic value of sons, care for elderly parents, and the son’s crucial role in ancestor worship still motivate the preference for male offspring. This cultural preference challenges couples who do not have a son. This attitude holds strong in Buddhist families, so that the failure to produce a child, particularly a son, may lead couples, especially interfaith marriages, to end in divorce.

⁵¹ Thi Thi Minh Tran, “Prevalence and Patterns of Divorce in Vietnam: Tradition, Modernity, and Individualism,” *Journal of Literature and Art Studies* 6 (2016) 309.

⁵² Linda B. Williams, “Attitudes Towards Marriage in Northern Vietnam: What Qualitative Data Reveal about Variations Across Gender, Generation, and Geography,” *Journal of Population Research* 26 (2009) 291.

Another aspect of the Vietnamese culture that challenges female Catholic spouses in interfaith marriage is the culture of patrilineality and patrilocality. An historical virtue ascribed to Vietnamese women which continues to be considered praiseworthy is “*tại gia tông phụ, xuất giá tông phu, phu tử tông tử.*” An unmarried daughter must obey and depend on her father until she is married, at which point she must be dependent upon her husband and be responsible to her husband’s family. When her husband passes away, she becomes dependent upon her sons. Under this cultural framework, women are expected to live with their husband’s families and take care of their parents-in-law, at least during the early years of their marriage. They are also expected to be obedient to their parents-in-law. This frequently causes tension between mother-in-law and daughter-in-law not only in matters of daily life, but also in issues of religious difference.

Ha is a Catholic woman whose husband converted to Catholicism from Buddhism at the time of their wedding in 2008. She had to live with her parents-in-law for their first few years of marriage and found it extremely challenging because of the stark lifestyle differences between Buddhist families and Catholic families. When she gave birth to a son and then a daughter, she began teaching her children how to pray. But whenever she was not home, her mother-in-law took them to the Buddhist temple to teach them the Buddhist rites. Ha considered this a threat to raising her children in Catholic faith and used the excuse of looking for a job in the city to move them away from her parents-in-law’s house.

Father James Hoang Quan, pastor of Trieu Son parish, spoke to this challenge, saying that “patriarchy still predominates in many families where women are considered to belong to their husbands’ families and are expected to obey family norms after marrying. Their children

are often taught to follow the husband's religion."⁵³ Even if the husbands are aware of the obligation of their Catholic wives to raise their children in the Catholic faith, their Buddhist parents have not committed to respect this obligation and are more likely to prioritize the continuation of their family religion. This is especially challenging when a female Catholic marries a Buddhist man who is the only son or the oldest son in the family. She will be even more challenged by the tension between carrying out her responsibility as a daughter-in-law in a Buddhist family and her responsibility to raise her children in the Catholic faith. This tension can be untenable if her husband doesn't respect her religion or lacks the knowledge to understand Catholic teachings about marriage.

C. Lack of Knowledge and Preparation for Marriage

These challenges of different religions and the culture of male superiority are compounded by a lack of knowledge of each other's religions and lack of sufficient preparation for marriage. While Catholics are required to take additional Catechism classes in preparation for marriage (between two weeks to one month), Buddhists who want to convert to the Catholic Church in order to marry only study for three to six months. This is a very short time for a person to understand a new subject, much less for a Buddhist to gain a firm grasp of and deep appreciation for the core teachings of Catholicism, which is completely different with their own religion. Although many can pass the test and obtain the marriage certificate, they have little understanding of what the Catholic teaching means. Due to lack of understanding the Catholic teaching, converts are more likely to return to their own religion if the Catholic

⁵³ "The Secret Lives of Vietnam's Catholic mothers."

spouses do not stay strong in their Catholic faith or lack a strong voice in their families. Also, lack of a deep understanding about the Catholic faith and its rites can result in feelings of being left out when participating in the liturgy of the Church.

Kim, a convert from Buddhism, took a Catechism class at his wife's local church for six months and was very happy to become Catholic. He went to Mass every Sunday with his wife for years. Then, Kim and his family moved to a new city far from his home village because of their jobs. At the first Christmas Mass that Kim attended in this city, when the communion minister distributed communion to him, Kim did not respond appropriately because nobody taught him to say "Amen." Because of this, he was turned away and was forced to leave the Church. After this incident, it took his wife a year to persuade him come back to the Church. However, it wasn't too long before he experienced another incident of rejection by the Church. One Sunday, on his way home from work, Kim stopped at the Church for Mass but parish security would not allow him to enter because of his uniform. Since then no matter how hard his wife and others encourage him to go back to the Church, he responds, "I might go back to the Church one day but not now." In Kim's case, he left the Church because of his lack of knowledge about Catholicism that had not prepared him well for Catholic life. He also experienced how members of the Church sometimes do not practice the Church's teaching to welcome and love everyone.

Since Buddhism does not have any laws governing marriage which is seen as a personal matter, Catholic spouses are not required to learn about Buddhism before their marriage. While some think it is unnecessary for Catholic partners to learn Buddhism because they still remain Catholic, I disagree. I think it is important for them to understand something of Buddhism,

which is the background in which their spouses were raised and/or continue practicing in their daily life. Ignorance or lack of the knowledge about the spouse's religion, either Buddhism or Catholicism, can be a great source of dissention in their family.

D. Lack of Support from the Families on the Buddhist Side

Parents typically want their children to follow the religion of their family. There is a tendency not to support those who marry partners from other religion. In particular, Buddhist parents do not want their children to convert to Catholicism for the sake of marriage. Nga, a convert, shares that her parents and siblings strongly opposed her marriage to her Catholic husband. Since she married, they barely tolerate her and have excluded her from family gatherings. Whenever she visits her parents and siblings, they talk harshly about her and Catholicism. She feels rejected by her own parents. Nga adds, "but I am lucky because my husband and my parents-in-law love me and help me to grow in faith."

Needless to say, marriage is not merely a matter of the couple but also a matter of family and of society, especially in the Vietnamese culture where family traditions are central to people's lives. Living in this culture and dealing with the challenges in marital life such as different teachings between Buddhism and Catholicism, male superiority, lack of religious understanding and lack of support from the families, couples in marriages between Catholics and Buddhists or converts are more likely to have many challenges with higher rates of divorce, separations, and unhappy marriages. These challenges point to the basis for the Church's tradition of prohibiting interfaith marriage or protecting her followers through *cautiones*, which is discussed in the following chapter.

CHAPTER FOUR: THE TEACHING OF CATHOLIC CHURCH ABOUT INTERFAITH MARRIAGE

Since the earliest centuries, the Church has been concerned with pastoral care about marriages between Catholics and non-Christians. The fear was “that mixed marriages provide the occasion for Catholics to lapse from the practice of the faith or even to fall into heresy or schism (c.751) and for the loss to the Church of the children born of the marriage.”⁵⁴ In a broad sense, according to Pope Paul VI’s 1970 motu proprio *Matrimonia mixta*, an interfaith marriage or mixed marriage is one entered by a Catholic and a non-Catholic, whether baptized or not.⁵⁵ This paper focuses on interfaith marriages between Catholics and Buddhists. Since Buddhists are not baptized and do not have faith in God, the marriage entered between a Catholic and a Buddhist is non-sacramental and impeded by the disparity of cult. This impediment can render a marriage null if the couple enters into their marriage without receiving the dispensation from a competent ecclesiastical authority.

A. Interfaith Marriages in the Old and New Testaments

Marriage with pagans was prohibited in the Old Testament. In the book of Genesis, Abraham ordered his servant, “That I may make you swear by the Lord, the God of heaven and God of the earth, that you will not take a wife for my son from the daughters of the Canaanites, among whom I live, but that you will go to my own land and to my relatives to get a wife for

⁵⁴ John P. Beal, “Mixed Marriage (cc.1124-1129),” in *New Commentary on the Code of Canon Law*, ed. John P. Beal et al. (New York/Mahwah, NY: Paulist Press, 2000) [hereafter *New Commentary*]1342.

⁵⁵ Pope Paul VI, motu proprio *Matrimonia mixta*, March 31, 1970: AAS 62 (1970) [hereafter *MM*] 257: “*Matrimonia mixta, id est matrimonia initia a parte catholica cum parte non catholica sive baptizata sive non baptizata.*”

my son Isaac.”⁵⁶ The Book of Exodus is also clear on this matter: “you shall not worship any other god, for the Lord – “Jealous” his name – is a jealous God.”⁵⁷ Thus, God’s people are prohibited from entering a marriage with children of pagans lest they will follow the pagans to worship their gods. This prohibition is more explicit in the Book of Deuteronomy where God’s people were banned from marital unions with the seven pagan nations in the land of Canaan:

Make no covenant with them and do not be gracious to them. You shall not intermarry with them, neither giving your daughters to their sons, nor taking their daughters for your sons. For they would turn your sons from following me to serving other gods, and then the anger of the Lord would flare up against you and he will quickly destroy you.⁵⁸

The life of King Solomon was an example of the consequence of marrying the daughters of pagans – he was not faithful to God and fell into worshiping his wives’ gods.

Since the Old Testament taught that marriages of God’s children with sons and daughters of pagans were prohibited because of moral danger that they might be unfaithful to God and worship their spouses’ gods, it would be reasonable to continue that prohibition in the New Testament. Saint Paul in his first letter to Corinthians taught, “a wife is bound to her husband as long as he lives. But if her husband dies, she is free to be married to whomever she wishes, provided that it be in the Lord.”⁵⁹ The term “in the Lord” is interpreted as marrying a man of the same faith, who also worships God. In the second letter to the community, Paul said:

⁵⁶ Genesis 24:3-4 in *Anselm Academic Study Bible: New American Bible Revised Edition*, ed. Carolyn Osiek and Leslie J. Hoppe (Winona, MN: Anselm Academic, 2013). All subsequent biblical verses will be taken from this source.

⁵⁷ Exodus 34: 14-17.

⁵⁸ Deuteronomy 7: 2-4.

⁵⁹ 1 Corinthians 7:39.

Do not be yoked with those who are different, with unbelievers. For what partnership do righteousness and lawlessness have? Or what fellowship does light have with darkness? What accord has Christ with Beliar? Or what has a believer in common with an unbeliever? What agreement has the temple of God with idols? For we are the temple of the living God.⁶⁰

Although Paul was not directly addressing inter-marriages, it is clear that marriage is one of the most intimate kinds of partnership. Thus, if Paul discouraged or warned against partnerships with unbelievers, it is likely that he also meant partnerships in marriage. Nevertheless, in his first letter, Paul also advised against the faithful divorcing their unbelieving spouse, who consented to live with him/her, so that they could also be made holy through their believing spouse.⁶¹

B. Teachings of the Fathers

In the first centuries, when the Catholic Church was newly established and existed in a world dominated by paganism, the mission of the Church was to preach the Good News and baptize those who came to believe.⁶² Since there were few Catholics, they lived and carried out their mission in the same villages and towns with Jews and non-baptized people. In such circumstances, interfaith marriage was a threat because “marriage for Christians at that time demanded a harmony of religious convictions and hence any mixed union was opposed.”⁶³ There were several reasons that the Church Fathers, such as Ignatius, Tertullian, Cyprian, Ambrose, and Jerome, strongly opposed mixed marriages and considered them intolerable:

⁶⁰ 2 Cor 6:14-16.

⁶¹ 1 Cor 7: 12-14.

⁶² Mark 16:15

⁶³ Vincent Joseph Doyle, *The Pre-nuptial Promises in Mixed Marriages: An Historical and Canonical Analysis*, Canon Law Studies 461 (Washington DC: The Catholic University of American Press, 1968) 1-2.

Firstly, that such marriages stood in a different and even lower level than marriages “in the Lord”; secondly, those marriages could cause positive harm to the faith and to the Church by dividing a Christian household between service to God and pagan worldly lusts; and thirdly, such unions could cause profanation of the Church through idolatry on the part of non-baptized.⁶⁴

Hence, the Church saw it as necessary and important to safeguard the faith of the Church by preventing her faithful from losing their faith through their marriage. In the fourth century the Church gained freedom and became the state religion under the authority of Constantine the Great, so a great number of pagans converted. In these circumstances, mixed marriage was allowed, but only when the pagans were baptized into the Catholic Church.⁶⁵

C. The Teachings of the Councils

Following the teaching of early Church Fathers about protecting the faith, “the Church repeated the warning of Sacred Scripture, and in her councils legislated practical prohibitions to such marriages as were perilous to the Faith.”⁶⁶ However, in the norms enacted by the first councils, “there was no indication that any formal dispensation was ever given. The only way to enter into such a marriage, though with great difficulty, was that the non-Catholic must agree to convert.”⁶⁷

⁶⁴ Benyamin Y. Bria and Theriault Michel, *The Development of Mixed Marriage Legislation through Missionary Law from 1622 to the Present* (Ottawa: ProQuest Dissertations Publishing, 1993) 58; Doyle, *The Pre-nuptial Promises*, 2-9.

⁶⁵ Bria, “*The Development of Mixed Marriage Legislation*,” 59.

⁶⁶ Francis J. Schenk, *Matrimonial Impediments of Mixed Religion and Disparity of Cult*, Canon Law Studies (JCD Thesis, Washington, D.C., Catholic University of America, 1929) 17.

⁶⁷ Bria, “*The Development of Mixed Marriage Legislation*,” 60; Schenk, *The Matrimonial Impediments*, 17-25.

The Spanish Council of Elvira (305-306), which seemed to be the first to issue norms for mixed marriages, strongly condemned them. It distinguished marriages between Catholics and non-baptized from marriages between Catholics and heretics or schismatics. Both kinds of marriages were forbidden and punishable; however, marriage between Jews and heretics was particularly opposed and seen as severely dangerous to the Catholic faith. Marriage with pagans was opposed but could be tolerated for several reasons: 1) the large number of young Catholic women of marriageable age; 2) strict prohibitions against marriage with non-Catholics might result in adultery; 3) the pagan faith might be less strident; and 4) marriage to a pagan was considered less dangerous than marriages with Jews or heretics.⁶⁸ In 314 at the Council of Arles, young women who married pagans were banned from receiving communion.⁶⁹

The Council of Hippo (393) prohibited marriages between the children of bishops and other clerics and gentiles, heretics, or schismatics.⁷⁰ This norm was strengthened by canon 12 of the Third Council of Carthage (397), which banned offspring of bishops and other clerics from marrying heretics or schismatics.⁷¹ The Council of Chalcedon (451) is believed to be the first ecumenical council to deal directly with the issue of mixed marriage. It banned lectors and cantors from marrying non-Catholics (Jew, Greek or pagan) “unless of course the person who is to be married to the orthodox party promises to convert to the orthodox faith. If anyone

⁶⁸ Ibid., *The Development of Mixed Marriage Legislation*, 60-61.

⁶⁹ Ibid., 61.

⁷⁰ Council of Hippo (393), *Sacrorum Conciliorum nova et amplissima collection*, tomus 3, ed. Joannes Dominicus Mansi (Florentiae, 1759) 921, c.XII “Ut gentilibus, vel etiam haereticis, & schismaticis filii Episcoporum, vel quorumlibet Clericorum matrimonio non jungantur.”

⁷¹ The Third Council of Carthage (397), *Canones Apostolorum et Conciliorum*, vol.1, ed. Herm Theod Bruns (Berolini: Typis et sumptibus G. Reimeri, 1939) 125, c. XII: “Item placuit, ut filii vel filiae Episcoporum vel quorumlibet clericorum gentibus vel haereticis aut schismaticism matrimonio non jungantur.”

transgresses this decree of the sacred synod, let him be subject to canonical penalty.”⁷² This was also the first council to address the offspring in such marriages, calling to bring them back into communion with the Church.⁷³ The early Church made no clear distinction between marriage with unbaptized and marriage with non-Catholic baptized. All marriages with non-Catholics were considered mixed marriages and were universally prohibited.

The Council of Trullo (691) distinguished between marriages to heretics and to unbelievers. Although both marriages cause the impediments, the Council dissolved marriages between the faithful and heretics but relaxed the discipline regarding marriages to unbelievers: “the unbelieving woman is pleased to cohabit with the believing man, or the unbelieving man with the believing woman, let them not be separated.”⁷⁴ Even though its canons were not formally recognized by the churches of the West, “its diriment impediment of mixed religion remained the law of the Eastern churches for many centuries.”⁷⁵

In the twelfth century, Gratian – based on the teaching of St. Ambrose (397) – characterized baptism as an essential element for a marriage in his *Concordia discordantium canonum* and stated that marriage between a Catholic and a non-baptized person was invalid because one party lacked baptism.⁷⁶ This marked the first time that a distinction was made

⁷² Council of Chalcedon (451), in *Decrees of the Ecumenical councils*, vol. 1, ed. Norman P. Tanner (London: Sheed & Ward, 1990) 94, c. 14: “nisi forte promittat se ad orthodoxam fidem orthodoxe copulanda persona transferre. Si quis autem hanc definitionem sanctate synodi transgressus fuerit, correptioni caonicae subiacebit.”

⁷³ Schenk, *Matrimonial Impediments*, 25.

⁷⁴ Council of Trullo (691), in *Sacrorum Conciliorum nova et amplissima collection*, tomus 12, ed. Joannes Dominicus Mansi (Florentiae: Expensis Antonii Zatta Veneti, 1766) 54, c.72: “Si quis frater uxorem habet infidelem, o haec consentit habitare cum illo, non dimittat illam;” English translation in *The Seven Ecumenical Councils of the Undivided Church*, ed. Henry Percival (New York: Scribner, 1901) 397.

⁷⁵ Beal, *New Commentary*, 1342.

⁷⁶ Bria, *The Development of Mixed Marriage Legislation*, 150.

between the two impediments: one of mixed religion, which did not invalidate marriage since both parties were baptized; and one of disparity of cult, which rendered a marriage invalid due to the unbaptized partner. Still, despite the distinction, the Church still strongly prohibited both kinds of marriages. The only option for entering a mixed marriage was to convert.⁷⁷

The Council of Trent did not directly address the issues of mixed marriages or the impediment of disparity of cult; however, according to its decree *Tametsi*, all marriages in places where it had been promulgated, for its validity, must observe the canonical form, which required the presence of a pastor and at least two witnesses.⁷⁸ This new norm of Trent “caused an increase of marriages invalid for failure to observe the canonical form due to the scarcity of Catholic pastors and the refusal of Catholic pastors to assist at marriage.”⁷⁹

When the Church reached nations in Asia, Africa and America in the sixteenth century, these issues of mixed marriages between Catholics and non-Catholics emerged with many of the same challenges as in early centuries.⁸⁰ The challenges and grave difficulties faced by missionaries and laity in those nations regarding marriages with non-baptized people led the Church to enact new norms in response to the needs. These new norms resolved the issue of dispensation and faculty to dispense from the impediment of disparity of cult. On 23 January 1669, Bishop Francois Pallu, who was titular bishop of Heliopolis, vicar apostolic of Tonkin and the adjacent territories in China and Laos, received the special faculty from Pope Clement

⁷⁷ Ibid., 151.

⁷⁸ Council of Trent., session XXIV, *Decretum de reformatio, matrimonii*, cap. I, November 11, 1563: Mansi, *Sacrorum Conciliorum nova et amplissima collection, tomus 33* (Parisiis: Expensis Huberti Welter, Bibliopolae, 1902) 152-153.

⁷⁹ Beal, *New Commentary*, 1342.

⁸⁰ Bria, *The Development of Mixed Marriage Legislation*, 96.

IX (1667-1669) to dispense couples of interfaith marriages. Such dispensation required the following conditions: first, it would only be granted for certain grave causes; second, it was only given for individual cases; third, it would only be given in the places where the unbaptized outnumbered Catholics; fourth, there must be no offense to the Creator; and fifth, the children must be raised Catholic.⁸¹

On 15 February 1756, Pope Benedict XIV went further as he granted all bishops and apostolic vicars in missionary lands the faculty of dispensation from the impediment of disparity of cult for two years in particular cases under certain circumstances. Dispensation could be granted: 1) for a marriage between two unbaptized persons in cases where one of them was later baptized in the Catholic church, they lived together without offending the Creator, and have raised their children in the Catholic church; 2) for the marriage would be contracted by a Catholic and an unbaptized, when the parties would live together without offending the Creator, their children would be raised Catholic, and lived somewhere that the unbaptized outnumbered Catholics; 3) for a marriage between a Catholic and an unbaptized person which was contracted invalidly, in cases where they lived together without offending the Creator and raised their children in the Catholic faith.⁸² This faculty was also later granted to the missionaries in China by Pope Clement XIII in 1767.⁸³

There was a significant development regarding the impediment of disparity of cult when, in its 4th June 1851 decree to the apostolic vicar of Manchuria, the Holy Office stated that the impediment of disparity of cult ceased in extraordinary circumstances. For example,

⁸¹ Ibid., 97.

⁸² Ibid., 98.

⁸³ Ibid., 99.

where it was impossible to marry other Catholics or to seek dispensation, Catholics could validly and licitly marry unbaptized without dispensation.⁸⁴ Nevertheless, in 1907, in its decree *Ne temere*, the Sacred Congregation of the Council required the Tridentine form for all Catholics anywhere in the world:

Only those marriages are valid that are contracted before the parish priest, or the local Ordinary, or a priest delegated by either of these, and at least two witnesses, according to the rules laid down in the following articles, and subject to the exceptions mentioned below, n. VII and VIII.⁸⁵

In summary, from the first century to the promulgation of the 1917 Code of Canon Law, the Church prohibited marriages between Catholics and non-Catholics, whether baptized or not. But in the twelfth century, began distinguishing between marriages with non-baptized partners from marriages with baptized non-Catholics. While both were still banned by the Church, the former was invalid and the latter was valid. When the Catholic Church moved into Asia, Africa and America, the Holy See began granting the faculty to dispense from the impediment of the disparity of cult to certain Ordinaries and missionaries in certain places. But this faculty did not apply to the universal Church.

D. The 1917 Code of Canon Law

In the 1917 Code, which was the first Code of Canon Law of the universal Church, prohibition of interfaith marriages continued due to the threat it posed to the faith of the

⁸⁴ *Ibid.*, 157.

⁸⁵ Sacred Congregation of the Council, decree *Ne temere*, August 2, 1907, III: “Ea tantum matrimonia valida sunt, quae contrahuntur coram parochi vel loci Ordinario vel sacerdote ab alterutro delegato, et duobus saltem testibus, iuxta tamen regulas in sequentibus articulis expressas, et salvis exceptionibus quae infra n. VII. et VIII. Ponuntur;” English translation from *The New Matrimonial Legislation: A Commentary on the Decree of the Sacred Congregation of the Council, Ne temere, published on the 2nd of August 1907, by order of Pope Pius X, on Betrothal and Marriage*, Charles John Cronin (New York: Benziger brothers, 1909) 13.

Catholic spouse as well as to the faith of the children. Canon 1070 §1 ordered “That marriage is null that is contracted between a non-baptized person and a person baptized in the Catholic Church or converted to her from heresy or schism.”⁸⁶ Hence, such a marriage was prohibited by the impediment of disparity of cult, but its impediment could be removed by a competent ecclesiastical authority once all the conditions of canon 1061 were fulfilled, namely:

§1. The Church does not dispense from the impediment of mixed religion, unless:

1. just and grave causes so urge;
2. The non-Catholic spouse gives a precaution to remove the danger of perversion from the Catholic spouse, and from both spouses [there is a promise] that all children will be baptized only Catholic and so educated;
3. There is moral certitude that cautions will be implemented.

§2. These cautions are regularly required in writing.⁸⁷

As canon 1061 ordered, the dispensation could only be granted in cases of just and grave causes. In those cases, the *cautiones* were required to be made at least orally, but regularly were also required in writing. Although the third *cautio* which was made by the Catholic to work for the conversion of the non-baptized party was dropped, canon 1062 still bound the Catholic partner to work for the conversion of the non-Catholic.⁸⁸ Normally, the authority to dispense the impediment was reserved to the Holy See. However, under some

⁸⁶ *Codex Iuris Canonici Pii X Pontificis Maximi iussu digestus Benedicti Papae XV auctoritate promulgatus* (Rome: Typis Polyglottis Vaticanis, 1917) [hereafter 1917 *CIC*] c.1070 §1: “Nullum est matrimonium contractum a persona non baptizata cum persona baptizata in Ecclesia catholica vel ad eandem ex haeresi aut schismate conversa;” English translation from *The 1917 Pio-Benedictine Code of Canon Law in English Translation with Extensive Scholarly Apparatus*, trans. Edward N. Peters (San Francisco: Ignatius Press, 2001). All subsequent English translations of canons from this code will be taken from this source unless otherwise indicated.

⁸⁷ *Ibid.*, c.1061: “§1. Ecclesia super impedimento mixtae religionis non dispensat, nisi: 1° Urgeant iustae ac graves causae; 2° Cautionem praestiterit coniux acatholicus de amovendo a coniuge catholico perversionis periculo, et uterque coniux de universa prole catholice tantum baptizanda et educanda; 3° Moralis habeatur certitudo de cautionum implemento. §2. Cautiones regulariter in scriptis exigantur.”

⁸⁸ *Ibid.*, c.1062: “Coniux catholicus obligatione tenetur conversionem coniugis acatholici prudenter curandi.”

serious and particular circumstances, the competency might go to ordinaries, pastors or quasi-pastors, delegated priests or confessors, for example:

1) In danger of death, the local ordinary could dispense from the canonical form and the impediment of disparity of cult for his subjects anywhere and for other people living within his territory. In granting these dispensations certain conditions must be met: a) the need to provide for the conscience of one of the parties or of legitimating children; b) the removal of all scandal; and c) the *cautiones* must be given.⁸⁹

2) In the circumstances described above, if the ordinaries of the place could not be reached, then “the same power of dispensing belongs to the pastor, to the priest who assists at the marriage in accordance with canon 1098, n.2, and to the confessor for the internal forum and in the act of sacramental confession only.”⁹⁰

3) The ordinary of the place was also competent to dispense the canonical form and the impediment to his subjects and to all other people residing in his territory if “the impediment is discovered when everything is already prepared for the marriage, and it cannot, without probable danger of grave harm, be deferred until a dispensation is obtained from the Holy See.”⁹¹ Under these conditions, a pastor or a quasi-pastor could also have the same authority,

⁸⁹ Ibid., c.1043: “Urgente mortis periculo, locorum Ordinarii, ad consulendum conscientiae et, si casus ferat, legitimationi prolis, possunt tum super forma in matrimonii celebratione servanda, tum super omnibus et singulis impedimentis iuris ecclesiastici, sive publicis sive occultis, etiam multiplicibus, exceptis impedimentis provenientibus ex sacro presbyteratus ordine et ex affinitate in linea recta, consummato matrimonio, dispensare proprios subditos ubique commorantes et omnes in proprio territorio actu degentes, remoto scandalo, et, si dispensatio concedatur super cultus disparitate aut mixta religione, praestitis consuetis cautionibus.”

⁹⁰ Ibid., c.1044: “In eisdem rerum adiunctis de quibus in can. 1043 et solum pro casibus in quibus ne loci quidem Ordinarius adiri possit, eadem dispensandi facultate pollet tum parochus, tum sacerdos qui matrimonio, ad normam can. 1098, n. 2, assistit, tum confessarius, sed hic pro foro interno in actu sacramentalis confessionis tantum;” English translation from *Canon Law: A Text and Commentary*, trans. T. Lincoln Bouscaren and Adam C. Ellis (Milwaukee: The Bruce Publishing Company, 1946).

⁹¹ Ibid., c.1045 §1: “Possunt Ordinarii locorum, sub clausulis in fine can. 1043 statutis, dispensationem concedere super omnibus impedimentis de quibus in cit. can. 1043, quoties impedimentum detegatur, cum iam

but only for occult cases in which the ordinary of the place could not be reached or for occult cases in which reaching the local ordinary might endanger violating the secret.⁹²

The faculty to dispense the impediment of disparity of cult in normal situations was extended to missionary ordinaries as long as canonical causes existed.⁹³ The Propaganda in its instruction *Cum dispensation sit* of 9 May 1877 outlined the six canonical causes which sufficed for dispensation from the disparity of cult:

1. A grave scandal arising from defamation, pregnancy, or from some other source, that cannot be prevented except through a mixed or dispar marriage.
2. The predominance of heretics or schismatics (or infidels) in a given region, provided that Catholics are secure and free in professing their religion.
3. If a mixed or dispar marriage is the only means whereby children born of another mixed or dispar marriage will be educated in the Catholic faith.
4. Danger of apostasy of the Catholic party if the dispensation is denied.
5. Danger of a civil marriage, or of contracting the union before a non-Catholic minister.
6. The cause of conversion: a) a probable hope that a favorably disposed non-Catholic family will come into the Church together as the result of a mixed or dispar marriage; b) a written promise, or an oral promise before witnesses made by the non-Catholic party to embrace the Catholic faith after the marriage; c) hope of the conversion of the non-Catholic party.⁹⁴

This matrimonial faculty was also generally part of quinquennial faculties granted by the Apostolic See to diocesan bishops, who could dispense in normal situations for just and grave reasons.⁹⁵ In all cases, the *cautiones* must be obtained from both parties for the dispensation of the marriage between a Catholic and an unbaptized person to be valid. Thus, a

omnia sunt parata ad nuptias, nec matrimonium, sine probabili gravis mali periculo, differri possit usque dum a Sancta Sede dispensatio obtineatur.”

⁹² Ibid., c. 1045 §3.

⁹³ Peter Byong-bo Chyang, *Decennial Faculties for Ordinaries in Quasi-Dioceses*, Catholic University of America Press (1961) 227-228; Bria, *The Development of Mixed Marriage Legislation*, 190.

⁹⁴ Chyang, *Decennial Faculties*, 230-231; Bria, *The Development of Mixed Marriage Legislation*, 192.

⁹⁵ Supreme Sacred Congregation of the Holy Office, response [private], April 25, 1918: *CLD* 1, 61-64.

priest could not validly, or at least licitly, officiate a mixed marriage without dispensation from the impediment of the disparity of cult in question.⁹⁶

There were still restrictions around interfaith marriage. Even if the ecclesiastical authority granted the dispensation, interfaith couples were excluded from some ecclesiastical rights. Marriages between two baptized Catholics would be publicized on three consecutive Sundays and other well attended feast days.⁹⁷ However, publications were prohibited for marriages contracted with a dispensation from the impediment of disparity of cult, “unless the local Ordinary in accord with his own prudent judgment, and all scandal being removed, thinks it opportune to permit them, provided apostolic dispensation has been obtained and mention of the religion of the non-Catholic party is omitted.”⁹⁸

E. The Teaching of Vatican II

Recognizing the need to renew the Catholic Church from within, Pope John XXIII convoked the Second Vatican Council through his apostolic constitution *Humanae Salutis* on December 25, 1961. It was the first time in its history that the Church paid special attention to its relationship with other religions, especially non-Christian religions. The council not only recognized the existence of elements of the Church of Christ outside the Catholic Church, but also acknowledged truth and holiness in non-Christian religions. The Declaration on the Relation of the Church to Non-Christian Religions *Nostra Aetate*, issued on October 28, 1965,

⁹⁶ Bria, *The Development of Mixed Marriage Legislation*, 211.

⁹⁷ 1917 *CIC* c.1024.

⁹⁸ *Ibid.*, c. 1026: “Publicationes ne fiant pro matrimoniis quae contrahuntur cum dispensatione ab impedimento disparitatis cultus aut mixtae religionis, nisi loci Ordinarius pro sua prudentia, remoto scandalo, eas permittere opportunum duxerit, dummodo apostolica dispensatio praecesserit et mentio omittatur religionis partis non catholicae.”

declared that “The Catholic Church rejects nothing of what is true and holy in [civilization such as Buddhism and Hinduism].”⁹⁹ While the Church sees that the practices, training, and teaching of other religions have many differences from the teaching of the Church, she recognizes that these religions also bring the light of truth in their own ways.¹⁰⁰ Hence, the Church encourages Catholics to recognize the good in these spiritualities, in their moral justice, and in the cultural values of other religions through dialogue with their followers and, in doing so, to become the testimony of faith in Christian life to them.¹⁰¹ The Church rejects all forms of discrimination or persecution due to religion as contrary to Jesus’ teachings.¹⁰² Accordingly, the Council recognizes and promotes freedom of religion. In *Dignitatis humanae*, issued on 7th December 1965, the Church declares:

the human person has a right to religious freedom. Freedom of this kind means that everyone should be immune from coercion by individuals, social groups and every human power so that, within due limits, no men or women are forced to act against their convictions nor are any persons to be restrained from acting in accordance with their convictions in religious matters in private or in public, alone or in association with others.¹⁰³

Respecting the dignity of each person, the Council declares that “the individual must not be forced to act against conscience nor be prevented from acting according to conscience,

⁹⁹ Second Vatican Council, declaration *Nostra Aetate*, October 28, 1965: AAS 58 (1966) 2: “Ecclesia catholica nihil eorum, quae in his religionibus vera et sancta sunt, reicit;” Flannery, 570-571.

¹⁰⁰ *Ibid.*, 1.

¹⁰¹ *Ibid.*, 2.

¹⁰² *Ibid.*, 5.

¹⁰³ Second Vatican Council, declaration *Dignitatis Humanae*, December 7, 1965: AAS 58 (1966) 2: “Haec Vaticana Synodus declarat personam humanam ius habere ad libertatem religiosam. Huiusmodi libertas in eo consistit, quod omnes homines debent immunes esse a coercitione ex parte sive singulorum sive coetuum socialium et cuiusvis potestatis humanae, et ita quidem ut in re religiosa neque aliquis cogatur ad agendum contra suam conscientiam neque impediatur, quominus iuxta suam conscientiam agat privatim et publice, vel solus vel aliis consociatus, intra debitos limites;” Flannery, 552-553.

especially in religious matters.”¹⁰⁴ At the same time, the Council recognized how the teaching on religious freedom was incompatible with the Church’s traditional practices around the issue of mixed marriages since they required non-Catholics and unbaptized parties to make promises for the dispensation from the impediments to be valid. Thus, after the issue of mixed marriages had been studied and discussed by the 1967 Synod of Bishops on 31st March 1970, Paul VI promulgated the motu proprio *Matrimonia mixta* which completely revised the discipline governing mixed marriage.¹⁰⁵ In the motu proprio, the Church still requires Catholic partner to make a promise, but also loosens the requirements so that “At an opportune time the non-Catholic party must be informed of these promises which the Catholic party has to make, so that it is clear that he is cognizant of the promise and obligation on the part of the Catholic.”¹⁰⁶

There was also a significant change in who had authority to dispense from universal laws. For a long time, the Church held the strict rule that only the supreme authority could dispense from universal laws; other members enjoyed it only through their faculties granted by the Roman Pontiff. This began to change once the Council recognizes the diocesan bishops as ambassadors of Christ with proper, ordinary, and immediate power to care for particular churches entrusted to them. The Council declares that diocesan bishops, by virtue of their office, have full authority to dispense the faithful from universal and particular disciplinary laws without prejudice to the matters reserved to the supreme authority of the church.¹⁰⁷

¹⁰⁴ Ibid., 3: “Non est ergo cogendus, ut contra suam conscientiam agat. Sed neque impediendus est, quominus iuxta suam conscientiam operetur, praesertim in re religiosa;” Flannery, 554.

¹⁰⁵ Beal, *New Commentary*, 1343.

¹⁰⁶ *MM* 5: “e his promissionibus a parte catholica faciendis, pars non catholica tempestive certior fiat, adeo ut constet ipsum vere consciam esse promissionis et obligationis partis catholicae.”

¹⁰⁷ Second Vatican Council, decree *Christus Dominus*, October 28, 1965: *AAS* 58 (1966) 8b: “Singulis Episcopis dioecesanis facultas fit a lege generali Ecclesiae in casu particulari dispensandi fideles in quos ad

Pope Paul VI further clarified the dispensing power of diocesan bishops and those equivalent to them in law by listing those dispensations reserved solely to the Roman Pontiff in his motu proprio *De Episcoporum muneribus*.¹⁰⁸ One matter reserved to the Roman Pontiff is “the dispensation from all matrimonial impediments if there be question of mixed marriages as often as the conditions required in n. I. of the Instruction *Matrimonii Sacramentum* ... cannot be observed.”¹⁰⁹ Thus, it is clear that the diocesan bishops and those equivalent to them by virtue of their office all have the power to grant the faithful dispensation from the impediment of disparity of cult but not for cases when the one or both partners cannot observe the conditions required.

The dispensing power of the diocesan bishops from the impediment of disparity of cult was reinstated in *Matrimonia mixta*. “A marriage between two persons of whom one has been baptized in the Catholic Church or received into it, while the other is unbaptized, entered into without previous dispensation by the local Ordinary, is invalid.”¹¹⁰ This was later incorporated into the 1983 Code.

normam iuris exercent auctoritatem, quoties id ad eorum bonum spirituale conferre iudicent, nisi a Suprema Ecclesiae Auctoritate specialis reservatio facta fuerit;” Flannery, 297.

¹⁰⁸ Pope Paul VI, motu proprio *De Episcoporum Muneribus*, June 15, 1966: AAS 58 (1966) 467-472.

¹⁰⁹ Ibid., IX. 16: “Ab omnibus impedimentis matrimonialibus, si agatur de matrimoniis mixtis, quotiescumque servari nequeunt condiciones requisitae in n. I Instructionis *Matrimonii Sacramentum*;” English translation in *De Episcoporum Muneribus: Motu Proprio, June 15, 1966, Norms Regarding the Power to Grant Dispensations* (Washington DC: National Catholic Welfare Conference, 1966) 11.

¹¹⁰ See *MM* 2: “Matrimonium inter duas personas, quarum altera sit baptizata in Ecclesia catholica, vel in eandem recepta, et altera non baptizata, initum sine praevia Ordinaria loci dispensatione, est invalidum;” and also see the 1983 *CIC* c.1125.

F. The 1983 Code of Canon Law

The 1983 Code prohibits the marriage between a Catholic and an unbaptized person and considers it to be invalid due to its impediment of disparity of cult unless a dispensation is granted.¹¹¹ In response to the teaching of the Church on religious freedom, the current code saw a significant change related to the authority of dispensing power and the required conditions for obtaining dispensation. As the Council of Vatican II recognized the authority of the local ordinaries and the conferences of bishops to govern the particular churches, the 1983 Code declares that the local ordinaries of all particular churches, in virtues of their offices, have power to grant the dispensation from the impediment of mixed marriage as well as the impediment of disparity of cult in normal circumstances once the canonical requirement has been fulfilled.

According to canon 1086 §2, a dispensation from this impediment can only be granted upon fulfillment of the conditions mentioned in canons 1125 and 1126, namely:

Can. 1125 The local ordinary can grant a permission of this kind if there is a just and reasonable cause. He is not to grant it unless the following conditions have been fulfilled:

1° the Catholic party is to declare that he or she is prepared to remove dangers of defecting from the faith and is to make a sincere promise to do all in his or her power so that all offspring are baptized and brought up in the Catholic Church;

2° the other party is to be informed at an appropriate time about the promises which the Catholic party is to make, in such a way that it is certain that he or she is truly aware of the promise and obligation of the Catholic party;

¹¹¹1983 *CIC* c.1086 §1.

3° both parties are to be instructed about the purposes and essential properties of marriage which neither of the contracting parties is to exclude.¹¹²

Can. 1126 It is for the conference of bishops to establish the method in which these declarations and promises, which are always required, must be made and to define the manner in which they are to be established in the external forum and the non-Catholic party informed about them.¹¹³

The conditions to grant dispensation are: a) a just and reasonable cause; b) the Catholic party must make a promise to maintain the Catholic faith and to baptize and educate the children in the Catholic faith; c) the unbaptized party must be informed of the promise made by the Catholic party; and d) both parties receive pre-nuptial instruction according to the particular law of each episcopal conference. Unlike the 1917 Code, which required that *cautiones* were made by both Catholic and unbaptized parties, the present Code only requires the non-Catholic to be informed about the promise made by the Catholic party. However, the declaration and promise from the parties are required for the validity of the dispensation from the impediment of disparity of worship.

According to canon 1126, the episcopal conferences may establish laws regulating the proper manner in which the universal law on disparity of cult marriage is applied in their own

¹¹² Ibid., c.1125: “Huiusmodi licentiam concedere potest Ordinarius loci, si iusta et rationabilis causa habeatur; eam ne concedat, nisi impletis condicionibus quae sequuntur:

1° pars catholica declaret se paratam esse pericula a fide deficiendi remove et sinceram promissionem praestet se omnia pro viribus facturam esse, ut universa proles in Ecclesia catholica baptizetur et educetur;

2° de his promissionibus a parte catholica faciendis altera pars tempestive certior fiat, adeo ut constet ipsam vere consciam esse promissionis et obligationis partis catholicae;

3° ambae partes edoceantur de finibus et proprietatibus essentialibus matrimonii, a neutro contrahente excludendis.”

¹¹³ Ibid., c.1126: “Episcoporum conferentiae est tum modum statuere, quo hae declarationes et promissiones, quae semper requiruntur, faciendae sint, tum rationem definire, qua de ipsis et in foro externo constet et pars non catholica certior reddatur.”

particular circumstances. Under the guide of canon 1126, two different forms are used in Vietnam by different dioceses today.

For Hue Diocese, in the form requesting the dispensation from the impediment of disparity of worship, there are two parts: 1) The Catholic party: I promise to be faithful to the Catholic faith and I promise to try with all my abilities to have my children baptized and raised in the Catholic faith. 2) The unbaptized party is informed by the pastor of the promise made by the Catholic partner.

This form is signed by the Catholic partner and confirmed with the signature of his or her pastor before it is sent to the diocesan bishop.¹¹⁴ The pastor must also assure that there are no other impediments existing in the relationship.

Requesting dispensation in the Buichu Diocese also includes these two parts, but the unbaptized party is also required to make a promise:

A. The Catholic party:

1. I promise to be faithful to the Catholic faith
2. I promise to try with all my abilities to have my children baptized and raised in the Catholic faith.

B. The unbaptized party:

1. I promise to avoid any offense to my spouse's religion and to allow my spouse to practice and keep the teaching of the Catholic Church.

¹¹⁴ Van Phong Hon Nhan Giao Phan Hue, "Don Xin Chuan Ngan Tro Hon Nhan Khac Dao," accessed on January 10, 2010, tgphue.net/tulieu/nam2014/don_xin_chuan_ngan_tro_hon_nhan_khac_dao.pdf.

2. I am informed of my spouse's obligations and promises in conjugal life and to bring up our children in the Catholic Church.

This form is signed by both parties and by the pastor of the Catholic partner before being sent to the diocesan marriage office, and then to the diocesan bishop.¹¹⁵

G. Summary

Mixed marriages between Catholics and non-Catholics, either baptized or non-baptized, has been a challenge to the Church since its earliest days because they can threaten the faith of Catholics and their offspring. In order to respond to the difficulties presented by new cultures and complicated situations, the Church law regarding this issue has evolved over the history of the Church and as it has expanded geographically. Early on, the Church strictly prohibited all marriages between Catholic and Jews or pagans, punishable by excommunication. There was no dispensation from this prohibition and the only way to enter such marriages was if the non-Catholic converted to Catholicism. There was no distinction between mixed religion and disparity of worship: all marriages with non-Catholics were condemned and banned by the same prohibition. In the twelfth century, based on St. Ambrose's teachings on baptism, Gratian stipulated baptism as a fundamental element for a marriage to be valid and sacramental.¹¹⁶ This led to the distinction between mixed marriages to baptized non-Catholics and marriages to unbaptized partners. The first one considered valid but

¹¹⁵ Van Phong Hon Nhan Giao Phan Bui Chu, "Don Xin Chuan Hon Nhan Khac Dao," accessed on January 10, 2020, <http://gpbuichu.org/news/Mau-don-tu/Don-chuan-hon-nhan-khac-dao-2483.html>.

¹¹⁶ Bria, *The Development of Mixed Marriage Legislation*, 279-280.

intolerable, while the second one was considered invalid but could be tolerable if the non-baptized party promised to convert to Catholicism.

In the sixteenth century, when the Church expanded into Asia, South Africa and America, marriages between Catholics and members of non-Christian religions became a growing challenge for the Church. The new canonical form issued by Council of Trent made it even more challenging. Requiring this canonical form for the validity of marriage where the Tridentine form had been promulgated gave rise to a high number of invalid marriages. In response to this challenge, the Church expanded the faculty of dispensation from the impediment of disparity of cult so that marriages under certain circumstances could be validated by the Church after fulfilling the *cautiones*.

In the late nineteenth century, the Church's stance on mixed marriages shifted to accommodate particular and extraordinary circumstances. Where it was impossible for the parties to seek a dispensation or where it was unrealistic for a Catholic to marry another Catholic based on numbers, the impediment of disparity of cult was not binding.

In the 1917 Code of Canon Law, the impediment of disparity of cult was still among major impediments reserved for the power of the supreme authority to dispense. However, local ordinaries, pastors, assisting pastors and confessors were competent to dispense in specific cases. In normal situations, the diocesan bishops could dispense with quinquennial faculties granted by the Apostolic See.

Under Vatican II, and later reflected and incorporated into the 1983 Code of Canon Law, the diocesan bishops were recognized as vicars of the particular churches and given their own authority in legislating particular laws within the universal law. Furthermore, under the

universal law local ordinaries have authority by the virtue of their offices to dispense the impediment of disparity of cult, with the requirement of making the *cautiones*. In addition, the norms from the 1983 Code no longer require promises from both partners, but only a promise from the Catholic partner to continue living the Catholic faith and to raise their children as Catholics. The non-baptized partner does not have to make the promise but instead must be informed about the promise made by their Catholic spouse.

Still, the 1983 Code leaves space for the episcopal conferences to each discern how the universal law on interfaith marriage is to be applied, so methods and manners of making the *cautiones* vary between nations and even between dioceses. In Vietnam, some dioceses only require the Catholic to make a promise while others still require the promise from both parties before granting the dispensation.

CHAPTER FIVE: PASTORAL CARE OF INTERFAITH COUPLES, COUPLES OF CATHOLICS AND CONVERTS FROM BUDDHISM, AND THEIR FAMILIES IN VIETNAM

The previous chapters studied 1) the challenges posed in the Vietnamese culture by interfaith marriages between Catholics and Buddhists, and marriages between Catholics and converts from Buddhism, 2) the evolution in the Catholic Church of prohibitions on the disparity of cult marriages, 3) and the canonical requirements for granting the dispensation from the impediment. Carrying out the mission of caring for the salvation of the souls, the Church is always responsible for assisting her children's growth in faith, hope and love. Therefore, this chapter will explore how the local ordinaries, the pastors, pastoral workers/ministers and Christian communities in Vietnam can best provide the pastoral care for the faithful in preparing for interfaith marriages or marriages with converts from Buddhism to successfully live out their conjugal life and raise their children in the Catholic faith.

A. Pastoral Care

Although the Church discourages Catholics from entering into mixed marriages, it respects the free choice and natural right of each member in their marital life. At the same time, the Church has responsibility to provide the pastoral care and assistance to both partners before and after the wedding.

1. Preparation for Marriage

As was discussed in the previous chapters, interfaith married couples face many challenges in their marital life and in exercising their faith. One of the most effective ways to support them is to adequately prepare them for these challenges before the marriage. This

presents two questions: 1) who is responsible to help prepare the faithful for marriage? 2) for what, exactly, should the faithful be prepared?

First of all, it is the responsibility of the Christian community in helping prepare the faithful for marriage. Second, each partner and their families are also key in this important task. Recognizing the importance of marriage preparation and the crucial role of the community in this task, the Pontifical Council for the Family in 1966 called for the whole diocese to participate in marriage preparation. It highly recommended that each and every diocese create a “diocesan Commission for marriage preparation, including a group for the pastoral care of the family.”¹¹⁷ Third, canon 1063 entrusts pastors of souls, primarily bishops and priests, with the pastoral care of a community and with ensuring that their Christian communities provide marriage preparation for the faithful.

Although canon 1063 does not give a clear direction about how pastors and the Christian community should provide the marriage preparation, it does order that marriage preparation must be provided by different means throughout different stages of the Christian life. The various means could include homilies, catechesis, discussion groups, talks, social media and other programs that respond to the pastoral needs of the faithful and suit the local resources. The canon also highlights the importance of providing marriage preparation not only to adults, but also to minors and youth. It is important and more effective to teach the faithful the meaning of Christian marriage, the obligations of Christian spouses, and the responsibilities of parents early because then they “will be better able to apply those teachings to their own

¹¹⁷ Pontifical Council for the Family, “Preparation for the Sacrament of Marriage,” May 13, 1996: *Enchiridion Vaticanum* 15 (1966) 20: “L'ideale sarebbe creare una Commissione diocesana per la preparazione al matrimonio, integrata da un gruppo per la pastorale familiar.”

lives when they marry.”¹¹⁸ Still, prior to a couple getting married a more intensive program needs to be provided. The Synod Fathers at the Synod on the Family in 2014 also emphasized the importance of the whole Christian community in preparing those who are about to be married by “stressing the witness of families themselves” and by providing “specific programs of marriage preparation aimed at giving couples a genuine experience of participation in ecclesial life and a complete introduction to various aspects of family life.”¹¹⁹

However, as mentioned in chapter three, the catechesis for marital preparation to those is normally conducted over a period of two weeks to one month prior to the marriage in most dioceses in Vietnam. Since marriage in the Church is not a temporary contract, but it is a covenant and a lifelong commitment, preparing a couple for interfaith marriages in just a few weeks or so seems insufficient. As a result, the pastoral workers/ministers must effectively use the brief time available by focusing on the issues most critical for the couple’s future married life. Pope Francis, in his apostolic exhortation *Amoris Laetitia*, teaches that “they do not need to be taught the entire Catechism or overwhelmed with too much information.”¹²⁰ On 18 March 1966, the Congregation for the Doctrine of Faith expressed concern:

The Church feels that it is her duty to protect the faithful lest they fall into danger regarding the faith, or suffer spiritual or material harm. Therefore,

¹¹⁸ Lynda Robitaille, “Pastoral Care and Those Things Which Must Precede the Celebration of Marriage,” in *New Commentary*, 1263.

¹¹⁹ Third Extraordinary General Assembly of the Synod of Bishops, *Relatio Synodi*, October 18, 2014: AAS 106 (2014) 39: “Si è parimenti evidenziata la necessità di programmi specifici per la preparazione prossima al matrimonio che siano vera esperienza di partecipazione alla vita ecclesiale e approfondiscano i diversi aspetti della vita familiare.”

¹²⁰ Pope Francis, apostolic exhortation *Amoris Laetitia*, March 19, 2016: AAS 108 (2016) [hereafter *AL*] 207: “Non agitur de toto eis tradendo Catechismo neque eis plurimis argumentis cumulandis.”

persons about to marry must be carefully instructed on the nature, properties, and obligations of marriage and on the dangers to be avoided.¹²¹

This concern is echoed in canon 1125, which states clearly that, before granting the dispensation for the disparity of cult marriage, the local ordinary must be sure that both parties are instructed about the nature, properties and ends of marriage.¹²² Commenting on the importance of instruction prior to interfaith marriages, John Beal advises:

This catechesis should be positive in tone and should highlight those areas where the couple's respective traditions share a common vision of marriage and married life. However, it should not overlook areas where their religious traditions espouse divergent positions. This catechesis should establish a context for ascertaining that neither party excludes an essential end or property of marriage from his or her consent.¹²³

The Catholic-Buddhist couples can have very different perspectives rooted in their religious teachings. While the Buddhist tradition accepts the use of contraceptives and divorce, the Catholic doctrine on marriage does not. Canon 1055 teaches the essential ends of marriage are for the good of the spouses and for the procreation and education of offspring. Canon 1056 affirms that “the essential properties of marriage are unity and indissolubility.”¹²⁴ Thus, pastoral workers/ministers must instruct interfaith couples carefully about the religious differences, and need to assure that both partners understand the Catholic teachings on the essential goods and properties of marriage. It is the pastors' responsibility to remind Catholic

¹²¹ Congregation for the Doctrine of Faith, Instruction *Matrimonii Sacramentum*, March 18, 1966: AAS 58 (1966) [hereafter *MS*] 236: “Quare Ecclesia suum esse officium censet fideles suos tueri, ne in periculum fidei inducantur aut damna sive spiritualia sive materialia patiantur. Nupturientes igitur accurate erudiantur de natura, proprietatibus, obligationibus matrimonii et de periculis quae sunt vitanda;” English translation in *The Canon Law Digest* 6: 593.

¹²² 1983 *CIC* c. 1125.

¹²³ Beal, *New Commentary*, 1347.

¹²⁴ 1983 *CIC* c. 1056: “Essentiales matrimonii proprietates sunt unitas et indissolubilitas.”

partners of their obligations and to inform the Buddhist partners of those obligations and the promise made by their future spouse. These are major differences between Catholic teaching and the Buddhist perspective on marriage, so “the informing should be done early in the marriage preparation process to allow sufficient time to explain and discuss the reasons for the requirement and any personal concern from both parties.”¹²⁵

In addition to this instruction about the nature, properties and essential goods of marriages in Catholicism, “[pastoral workers/ministers and] the pastors should help them to be aware of the potential problems and all dangers in their future married life. They need to discuss and resolve all the conflicts in their mutual living and in the upbringing of their children prior to their marriage.”¹²⁶ When people are in love, they tend to see everything through “rose-tinted glasses.” It may be true that all difficulties can be overcome if they truly love each other, but romantic love can change when circumstances change or because of differing expectations. Thus, the pastors and pastoral workers/ministers should help them to anticipate the difficulties inherent in their interfaith marriage so that they will not be shocked but will better know how to deal with the problems in their marital life when and if they emerge. In addition, they should also help the parties to see and to build their future family on the common ground of moral teachings from both Catholicism and Buddhism so that both parties learn to respect each other’s religion.

This pastoral care of preparing for interfaith marriage also applies to marriages between Catholics and converts from Buddhism since many of the same dangers and difficulties will

¹²⁵ Huyen V. Nguyen, “The Marriages of Vietnamese Catholics and Buddhists: Issues of Concerns” (JCL Thesis, The Catholic University of America, 2001) 28.

¹²⁶ Beal, *New Commentary*, 1345-1346.

emerge in their conjugal life – converts from Buddhism still have perspectives about life and marriages that are rooted in Buddhist tradition. Although they convert to Catholicism, many receive baptism for the sake of their marriage. Thus, the following ongoing pastoral care is helpful for both interfaith couples and the couples of Catholics and converts from Buddhism.

2. Ongoing Pastoral Care

The Church teaches that marriage is a lifelong commitment; likewise, the pastoral care for married couples should continue beyond the wedding celebration. It must be ongoing to assist in deepening the couple's love and overcoming problems and difficulties in their marriage.¹²⁷ Chapter three discussed many of the challenges faced by the Catholic partners in both interfaith marriages and marriages with converts from Buddhism. Female converts often feel isolated and rejected by their own families, while female Catholics fear that their Buddhist husbands will divorce them or that their children will not be baptized and raised in the Catholic faith. Many couples of such marriages experience frequent conflicts and tension due to lack of understanding of or respect for each other's religion.

At the Third Extraordinary General Assembly of the Synod of Bishops in October 2014, which is also known as the synod on the family, the Synod Fathers acknowledged this fact with great concern: “the initial years of marriage are a vital and sensitive period during which couples become more aware of the challenges and meaning of married life. Consequently, pastoral accompaniment needs to go beyond the actual celebration of the sacrament.”¹²⁸ Seeing

¹²⁷ *AL* 211.

¹²⁸ *Relatio Synodi* 40: “I primi anni di matrimonio sono un periodo vitale e delicato durante il quale le coppie crescono nella consapevolezza delle sfide e del significato del matrimonio. Di qui l'esigenza di un

the importance of providing the ongoing pastoral care, canon 1128 reminds the local ordinaries and other pastors of souls of their responsibilities: “[They] are to take care that the Catholic spouse and the children born of a mixed marriage do not lack the spiritual help to fulfil their obligations and are to help spouses foster the unity of conjugal and family life.”¹²⁹ Obviously, providing the ongoing pastoral care to these couples is the Church’s concern and responsibility, to be carried out by the pastors of the souls and by the Christian community, itself. What kinds of pastoral care should be provided to help these marriages thrive and to fulfill their obligation of raising children in the Catholic faith?

First, pastors or the diocesan bishops with the Christian communities should create the post-marriage programs to aid these couples for at least two or three years after their weddings. These programs primarily aim to support the converts to grow in faith, to help the Buddhist spouses to understand more about the Catholic teachings, and to assist the interfaith couples to deal with religious differences. Doanh Nguyen, a Catholic husband who married a convert from Buddhism, shares that “the Church should provide post-marriage courses for the newly married couples, in particular for those who are new converts to help them to grow in their faith and to deal with their post-marriage problems.” Doanh explains, “We frequently had conflicts in the first two years after our wedding, because my wife did not understand the teachings of the Church and she often felt confused. On my part, it is very easy to become angry with her because she is like a child. Although she had a month to learn catechesis, it was too short.”

accompagnamento pastorale che continui dopo la celebrazione del sacramento (cf. *Familiaris Consortio*, parte III).”

¹²⁹ 1983 *CIC* c.1128: “Locorum Ordinarii alique animarum pastores curent, ne coniugi catholico et filiis e matrimonio mixto natis auxilium spirituale desit ad eorum obligationes adimplendas atque coniuges adiuvent ad vitae coniugalis et familiaris fovendam unitatem.”

Doanh and his wife were lucky to have the full support from his mother, but it still took more than two years of education living the Catholic life before his wife felt more comfortable in her daily Catholic life. The post-marital program for interfaith couples and couples of Catholics and new converts from Buddhism is an urgent pastoral need that is still not addressed by most dioceses in Vietnam.

Second, in order to aid those couples to strengthen marital bonds and overcome the challenges, the pastors with the Christian communities should organize talks, discussion groups or marriage conferences led by the experts on specific issues to help interfaith couples to understand their challenges. Creating interfaith marriage counseling groups is also an effective way to provide guidance to couples and their families.¹³⁰ Interfaith marriage counseling groups can be established in the parishes or in the diocese. In these groups, “spouses in mixed marriages who have lived out the same reality can be invited to collaborate with the pastors of souls in this ministry, like other experts in the field of marriage and family,” so that the new interfaith couples can learn from the more experienced ones.¹³¹

Third, the Christian community and “pastors should be particularly attentive to supporting and assisting the Catholic spouse to remain faithful to the commitments he or she made in the declaration and promises.”¹³² Difficulties and tensions between spouses can easily arise from the issue of religious education for their offspring. Many female Catholic spouses have been struggling to fulfil their promise of raising their children in the Catholic faith. Not

¹³⁰ Emmanuel Olakunle Fadeyi, *Pastoral Care of Families in Mixed Marriage (can. 1128): A Juridical-Pastoral Study in the Context of the Archdiocese of Ibadan, Nigeria* (Romae: Pontificia Universitas Urbaniana, 2011) 181.

¹³¹ Ibid.

¹³² Beal, *New Commentary*, 1351.

only must they fulfill their obligation to try with all their abilities to have their children baptized and raised as Catholics, but there is also pressure from their Catholic families to fulfill this promise. Often, there is tension around this promise of the Catholic spouses when it is opposed by the Buddhist spouses and the Buddhist parents. Moreover, these Catholic spouses tend to hide this struggle from other members of their families for fear of being criticized in their marriage choice. When they can no longer bear this struggle, they may drop out of the Christian community altogether. Therefore, pastors and pastoral ministers need to work closely with both families and with the ministers of Buddhism in the area to promote mutual understanding between Buddhist and Catholic families. It is crucial that pastors and Christian community members, if they want to help these couples, pay more attention to these struggles of interfaith marriages with compassionate hearts, rather than criticizing them.

Fourth, the pastoral care should also be provided to the children of these couples and abandoned spouses. When parents fight about religious differences or have a conflict with one another which may end in separation or divorce, their children are most vulnerable, particularly when they are poor. The Synod Fathers at the synod on the family called the local community and pastors to accompany the children and abandoned spouses of these marriages, spiritually and financially if it is possible, in order to help them to heal their wounds.¹³³

B. Challenges to Pastors and Christian Communities

In his apostolic exhortation *Amoris Laetitia*, Pope Francis stressed that “the Church wishes, with humility and compassion, to reach out to families and ‘to help each family to

¹³³ *Relatio Synodi* 50.

discover the best way to overcome any obstacles it encounters.”¹³⁴ How have the particular churches in Vietnam been fulfilling this duty? It is sad to say that many interfaith couples and married couples consisting of Catholics and converts are not adequately prepared for their marriage and there is no ongoing pastoral care on the part of the pastors to assist these married couples in many dioceses. In many parishes, the program of marriage preparation is simplistic and the pastoral workers/ministers try to avoid the issues that are conflicts between Catholicism and Buddhism, and only focus on the basic teachings of the Church due to their having very little knowledge about Buddhism. Pastoral workers/ministers cannot prepare Catholic parties for their interfaith marriage without a basic understanding of the Buddhist perspectives on marriage and its nature. They cannot dialogue with the Buddhist parties and their families without knowing their belief. Confidence to engage in interfaith dialogue and being comfortable in teaching the interfaith couples to prepare them for their marriages are both challenges for pastors and pastoral workers/ministers in Vietnam.

1. Pastoral Workers/Ministers Training in Theology and Interfaith Dialogue

Pope Francis emphasizes the need for “a more adequate formation... of priests, deacons, men and women religious, catechists and other pastoral workers.”¹³⁵ He asserts that they need to be provided with sufficient training to deal with the complex problems currently facing families, in particular of interfaith marriages.¹³⁶ It is clear that in order to help the pastors

¹³⁴ *AL 200*: “Ecclesia studet attingere familias per humilem intellectionem, et eius desiderium est ‘comitari singulas et cunctas familias ut reperiant meliorem modum difficultates superandi quas inveniunt in suo itinere.’”

¹³⁵ *AL 202*: “institutio magis congrua presbyteris, diaconis, religiosis viris et mulieribus, catechistis aliisque agentibus pastoralibus.”

¹³⁶ *Ibid.*

and pastoral workers/ministers to have sufficient knowledge about non-Christian religions, a basic course in world religions should be added to seminary programs and to programs training for the pastoral workers, who will work with interfaith couples and couples of Catholics and converts from other religions. In addition, seminarians and the pastoral workers/ministers should also be encouraged to engage in interfaith dialogues. The pastoral workers/ministers should also educate themselves through learning from others and through reliable resources from the Church in order to effectively carry out the ministries entrusted to them.

2. The Episcopal Conference of Vietnam Providing Instructions on the Pastoral Care for Interfaith Marriages

The urgent need of ongoing pastoral care challenges the episcopal conference of Vietnam to conduct a serious study in order to provide clear instructions to the pastors, pastoral workers/ministers and Christian communities so that they can help these couples to thrive in their marriages. On one hand, instructions are important because they remind pastors and Christian communities about their responsibility of caring for these married couples. On the other hand, the instructions are helpful because they enable the pastors and the Christian community to more clearly see the struggles of the interfaith marriages and marriages between Catholics and new converts, and to give them guidance.

3. The Pastors and Christian Communities are Challenged to Take Actions

When it comes to providing ongoing pastoral care for married couples, Pope Francis suggests that “The parish office should be prepared to deal helpfully and sensitively with family

needs and be able to make referrals, when necessary, to those who can help.”¹³⁷ But most parishes in Vietnam do not have parish offices to serve the needs of the faithful. In one hand, it is impossible for the pastor of a parish to do everything, from governing the parish to celebrating the sacraments, from raising funds for the parish church to organizing all kinds of activities and programs in the parish. Pastors have limitation like everybody else. The pastor cannot do everything at once and may not even be the best qualified to provide marriage counseling since he has not experienced married life and may not be well-trained in the field. In another hand, it is also the responsibility of the community to provide the ongoing pastoral care for the married couples. This is confirmed by the Synod of Bishops on the Family in 2015. “The main contribution to the pastoral care of families is offered by the parish, which is the family of families, where small communities, ecclesial movements and associations live in harmony.”¹³⁸ Therefore, the pastors should remind the Christian communities of their responsibility, encourage them and ensure that they do their tasks in accord to the teachings of the Church. The Second Vatican Council also calls: “Priests should confidently entrust to the laity duties in the service of the church, giving them freedom and opportunity for activity and even inviting them, when opportunity offers, to undertake projects on their own initiative.”¹³⁹

Lack of sufficient pastoral care on the part of the pastors to assist interfaith married couples is not only an issue for local churches in Vietnam, but also in many other countries.

¹³⁷ AL 229: “Secretariatus paroecialis valeat oportet affabiliter accipere et familiares urgentias prosequi, vel facile dimittere ad eos qui auxilium iis praestare valeant.”

¹³⁸ Fourteenth Ordinary General Assembly of the Synod of Bishops, *Relatio Finalis*, October 24, 2015: AAS 107 (2015) 77: “Il principale contributo alla pastorale familiare lo offre la parrocchia, che è famiglia di famiglie, in cui si armonizzano gli apporti di piccole comunità, movimenti ed associazioni ecclesiali.”

¹³⁹ Second Vatican Council, decree *Presbyterorum Ordinis*, December 7, 1965: AAS 58 (1966) 9: “Item cum fiducia laicis in servitium Ecclesiae officia committant, eis agendi libertatem et spatium relinquentes, immo eos ut opera etiam sua sponte aggrediantur opportune invitantes;” English translation in Flannery, 334.

Witnessing this in Nigeria, Fadeyi Emmanuel Olakunle in his dissertation, *Pastoral Care of Families in Mixed Marriage*, challenged the pastors: “The priests cannot continue to fold their hands. As a matter of grave importance, not just out of charity but out of a deep sense of duty rooted in the pastoral solicitude of the Church, they have to reach out to [interfaith marriage] couples and their families to support them.”¹⁴⁰ His words are also a challenge to the Vietnamese pastors and local ordinaries to take actions.

¹⁴⁰ Fadeyi, *Pastoral Care*, 177.

CONCLUSION

Carrying out the mission of care for the salvation of the soul, the Church has had a long tradition of prohibiting Catholics from marrying non-Catholics including baptized and unbaptized. Under light of the Second Vatican Council and the 1983 Code of Canon Law, the Church's pastoral principles have relaxed about such relations. They may receive dispensation from the impediment of disparity of cult, provided that the Catholic partner makes a promise to be faithful to the Church and raise their children in the Catholic faith, and the unbaptized partners must not oppose this promise. This relaxation has contributed to the increase of interfaith marriages which pose many challenges, not only to the interfaith couples but also to the pastors, pastoral ministers, tribunal ministers and the Christian communities.

Many people question the Church's teachings on marriage and see unfairness when a Catholic spouse remains bound by the marital bond while his/her Buddhist spouse may seek a divorce and even enter a new marriage. In these situations, the unfairness is created by the Buddhist partners, not the teaching of the Church. It is fair and just, because it protects the unity and indissolubility of the marital bond. The problem here is that it seems to be unfair for two possible reasons: 1) Vietnamese people in general still believe that once Catholics get married, they cannot enter a new marriage no matter what; and 2) several diocesan tribunals do not have enough well-equipped personnel. The first perception is not true. The Catholic spouse that entered into a valid interfaith marriage with a Buddhist spouse and was then divorced by the spouse, can request the Roman Pontiff for dissolution of marital bond in favor of faith and then can enter another marriage with a baptized partner,¹⁴¹ as long as the petitioner was not at

¹⁴¹ Congregation for the Doctrine of the Faith, *Normae de conficiendo processu pro solutione vinculi matrimonialis in favorem fidei Potestas Ecclesiae*, April 30, 2001, E civitate Vaticana, 2001, art 7: "...pars catholica novas nuptias cum persona baptizata inire intendat," [hereafter *Potestas Ecclesiae*]; English translation

fault in the marriage breakdown,¹⁴² the third party was not guilty of provoking the separation of the marriage,¹⁴³ and “the marriage itself was not consummated after both spouses have received baptism.”¹⁴⁴ Besides the dissolution in the favor of faith, there is another possible ground that the diocesan tribunals should consider when they receive interfaith marriage cases, that is the invalidity of marriages due to the invalid dispensation granted. According to canon 1086 §2, a dispensation from the impediment of disparity of cult is not to be granted unless the conditions of canons 1125-1126 are fulfilled. According to canon 39, dispensation is an administrative act, thus, if the conditions are not fulfilled, the dispensation would be invalid. If the dispensation is invalid, a subsequent marriage would likewise be invalid.¹⁴⁵

When examining the interfaith marriage cases dealing with people from different faiths or even converts from different religions, it is very important that the judge not only be concerned about his personal culture and Catholic teachings, but also about the impacts of religious teachings from the person’s perspective. The marital consent of a person can be strongly affected by their intellect and their will, which are primarily formed by their religious and cultural perspectives. The marital bonds can be null due to the defects of consent, in which a party excludes the unity, indissolubility of marriage and/or the essential ends of marriage or enters the marriage because of *dolus*, fear or error. These can all be possible grounds to examine the nullity of marriages involving Buddhist partners or converts from Buddhism, which

in *Special Marriage Cases and Procedures*, ed. Wojciech Kowal and William H. Woestman (Ottawa: Faculty of Canon Law, Saint Paul University, 2008) 106.

¹⁴² *Ibid.*, art. 4.

¹⁴³ *Ibid.*

¹⁴⁴ *Ibid.*, art.1: “*dummodo matrimonium ipsum non fuerit consummatum postquam ambo coniuges baptismum receperunt.*”

¹⁴⁵ Thomas Doyle, Title VI: Marriage (cc.1055-1165),” in *The Code of Canon Law: A Text and Commentary*, ed. James A. Coriden et al. (New York/Mahwah, NJ: Paulist Press, 1985) 769.

promotes freedom in using contraceptives and accepts divorce. as an acceptable resolution for unhappy unions.

Interfaith marriages between Buddhists and Catholics not only challenge pastoral ministers, but also challenge tribunal ministers 1) to have deep knowledge about the Catholic teachings on marriages and a fine understanding of Canon Law; and 2) to have a good knowledge of the Buddhist teachings and practice, in particular on matters relating to marriage. It is important for the dioceses to have their own tribunals with culturally, pastorally and canonically well-trained personnel who also have good knowledge of other religions, to support lay people struggling with marriage divisions. Even where marriage cases are rejected in the judicial or administrative process, the diocesan tribunals should provide tender loving care to the parties and patiently help them understand the law of the Church and guiding them to overcome their struggles and difficulties with the marital breakdown.

Finally, interfaith marriages and their struggles challenge the episcopal conference of Vietnam and diocesan bishops to invite lay people to serve at the diocesan tribunals. Most diocesan tribunals in Vietnam primarily consist of clerics, many of whom also are entrusted with other pastoral tasks. Some of these clerics do not have at least a licentiate degree in canon law, while there are religious sisters and brothers who are well-equipped to serve at the tribunals but are not appointed. The large number of Synod Fathers at the Synod on the Family highlights “the need to make the procedure in case of nullity more accessible and less time consuming, and, if possible, free of charge.”¹⁴⁶ Pope Francis also expresses concerns that “The

¹⁴⁶ *Relatio Synodi* 48: “Un grande numero dei Padri ha sottolineato la necessità di rendere più accessibili ed agili, possibilmente del tutto gratuite, le procedure per il riconoscimento dei casi di nullità.”

slowness of the process causes distress and strain on the parties.”¹⁴⁷ Diocesan bishops of Vietnam should attend to the needs and the distress of their faithful by considering these concerns carefully as they govern the tribunals at their dioceses.

¹⁴⁷ *AL 244*: “*Diuturnitas processuum exasperat defatigatque homines.*”

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