

## *Oikonomia* and Marriage Dissolution in the Christian East

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### Abstract

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After briefly reviewing the basic components of sacramental theology, the author first reflects on the Trinitarian and iconic nature of marriage before turning his attention to the questions of marriage and its nature – as both procreative and unitive – and its impediments, which include consanguinity and affinity, monastic vows, and holy orders. The author next asks whether these (and other) impediments have always been consistently understood as such in the course of Byzantine and later Eastern marital and canonical practice or whether the Church has made use of her power to “bind and loose” and so to “dispense” or tolerate certain less than ideal practices. Such toleration is known as *oikonomia* or “economy,” whose etymological and patristic definitions are briefly reviewed before this practice is applied as a framework to interpret Eastern marriage practices and the relevant canons on such questions as second (and subsequent) marriages, adultery, and divorce, which, contrary to what some have maintained, the Christian East has never officially tolerated. The author compares Western practices and canons on several of these questions before drawing fourteen conclusions.



### *Introduction*

Each Christian sacrament entails a transformation of the subject and, in most cases, a transformation of the matter through the action of the Holy Spirit, who elevates both the matter and the subject from a natural order to a supernatural

one. This transformation takes place by virtue of the Incarnation: God became fully human, body and soul, spirit and matter, not as a sort of a commingling of the two elements but in the form of an inseparable union with the divine person of the Logos/Word. The assumed human nature, united to God, was deified from the first instant of conception. As Saint Maximus the Confessor<sup>1</sup> and Saint John of Damascus<sup>2</sup> aptly explain, the assumed nature is human and created, but it is deified, just like an iron placed in the fire becomes fire itself while still remaining iron.

Something similar takes place in every sacrament which perpetuates the mystery of the Incarnation by the power of the Holy Spirit. It is a true and real transformation which takes place in every sacrament although in different degrees. The matter thus transformed is enabled to effect the supernatural mystery.

The Holy Spirit is the true minister of each sacrament: He builds up the mystical body of Christ, assigning to all the members their proper role until the body is complete, in accordance with the teaching of Saint Paul. The invocation of the Church (that is, the total Christ) is absolutely necessary for the completion of the mystery, because the Spirit is sent by the Father through the Son. The work of sanctification is effected by the three Divine Persons, the Father, the Son, and the Holy Spirit.<sup>3</sup>

The visible aspect of every sacrament always carries with it an iconic role. As divine revelation tells us, the essence of an icon is to be the faithful reflection of its invisible prototype. If *all* the constitutive elements of the supernatural mystery are present, but the reflection of some of its aspects in the visible action is not perfectly manifest (provided it is somehow there and not totally absent), then the sacrament exists and it is not void, but it could be ineffectual (we say *ineffectual* but not

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<sup>1</sup> PG 91: 337; Maximus Confessor, *Selected Writings*, trans. George Berthold (New York: Paulist Press, 1985).

<sup>2</sup> PG 94; John of Damascus, *Writings*, trans. Frederic Chase (Washington: Christian Heritage Press, 1958).

<sup>3</sup> Nicholas Cabasilas, *Life in Christ*, trans. Carmino DeCatanzaro (Crestwood, NY: St. Vladimir's Seminary Press, 1974).

*illicit*). To further clarify this point, we might say that in the case of *nullity*, with the absence of the essential conditions or of the elements of the prototype, grace is not present.

On the other hand, in the case of simple *invalidity*, the action of the Holy Spirit has occurred inasmuch as the visible liturgical action has been ritually performed, albeit in an imperfect manner. This imperfection, however, is not due to the absence of the revealed elements which constitute the sacrament, but to various other circumstances which make it impossible for the Church to see that a supernatural fact has occurred. In such cases, the Church can apply mercy after the Lord's example, taking into account man's infirmity caused by original sin. This application of mercy or, as it is known in the canonical literature, *oikonomia* (henceforth "economy"), can be done in a generic manner in cases which are well established in the Church's tradition as well as in other individual limited cases. Such applications by the Church cannot make valid a sacrament which is *null* inasmuch as it does not exist, but she can make valid an *invalid* sacrament in the sense explained above. This principle will be clarified in the application of the sacramental mystery of marriage.<sup>4</sup>

The essence of the sacrament of matrimony according to Christian doctrine consists in the fact that the two spouses are constituted by the Holy Spirit, who has been invoked by the Church, as living icons reflecting the supernatural mystery of the union between God-the-Word and human nature, or, in Saint Paul's words, between Christ and the Church. The union man-woman which results from the sacrament is the icon of the Word Incarnate.

This can be achieved in two ways. The first is by keeping virginity not as a selfish denial of love, but as a more total way whereby the icon is already placed in the after-life, as it were, inasmuch as the soul is united directly to God precisely as if the body were already made spiritual. Thus the virgin anti-

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<sup>4</sup> AA.VV., *Kanon VI: Oikonomia* (Vienna: Society for the Law of the Eastern Churches, 1983). Also see Ladislav Orsy, "In Search of the Meaning of Oikonomia: Report on a Convention," *Theological Studies* 43 (1982): 312-319.