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Consequences of Marriage Performed in Restrictive Circumstances

The article discusses the circumstances that arise in a marriage relationship established in violation of canon law. In real life marriages are frequently performed in disregard of the requirements of canon law. Due to the nature of canon law, compliance with such requirements is mandatory for all members of the Orthodox Church, and since a large part of the population of Georgia is Orthodox, the issue is quite topical. In a number of cases, lack of complete understanding of the matter in question leads to neglect of the requirements for starting a marriage, which can lead to disastrous results. Failure to follow the circumstances hindering the marriage will result in certain negative consequences, both the married couple and the priest who performed such marriage ceremony. The consequence may range from an ecclesiastical punishment to separation of the couple. The separation of the couple raises the issue of the canonical legal status enjoyed by their children and this matter deserves special interest. In this case, too, the issue of canonical oeconomy (pardon) should be considered which, if necessary, was applied by the clergy of the appropriate authority. The article explores all of the issues above based on relevant legal norms and existing practices.

Key words: Marriage, divorce, monogamy, clergymen, oeconomy, church.

1. Introduction

It is not that uncommon nowadays when a marriage ceremony is performed against the requirements of the canon law a member of the Orthodox Church has to comply with; and since a large part of the population in Georgia is Orthodox, it is quite a topical issue.

The canon law strictly defines the requirements and circumstances whose violation results in declaring a marriage illegal. These circumstances are called obstacles to marriage, which optionally can be classified as follows: positive and negative circumstances, universal and individual circumstances, separation and non-separation circumstances. Each of them leads to the consequent results that vary due to different circumstances. The result means a circumstance that arises during a marital relationship established despite the prohibition. Such a situation can be resolved or the relationship can be restored as a legal one in different ways, which determines the nature of the violation. For this purposes, the study shall focus on the requirements of the canonical norms that establish the conditions that prevent marriage, on the basis of which we must determine the legal solution to the created situation, which, to a large extent, are declared in the law itself. In some cases the law imposes ecclesiastical punishment without requiring divorce; In some cases, divorce is mandatory, after which the person is additionally sentenced to ecclesiastical punishment; and in other cases the law and ecclesiastical practice provide for the possibility of ecclesiastical oeconomy or

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pardon. “Canonical oecumeny” is a phenomenon when the impact of ecclesiastical legislative norms is mitigated, which aims to avoid possible obstacles caused by the strict application of the requirements of the law. In the event when close adherence to law may push the believer (especially a new convert) to deviate from the goal and be hindered, in some cases, mercy is shown to those who have strayed from the path and the punishment provided by the law is reduced.¹

The consequence of a marriage performed in restrictive circumstances is associated with a sensitive issue such as the canonically legal status of children. The purpose of this article is to determine the canonical legislation related to legal rights of the children born as a result of a marriage performed and consummated against law, their status, and access to church benefits.

The topicality of the issues in question is also related to the activity of the World Patriarchate in recent years. In 2016, one of the issues on agenda of the Holy and Great Council was revision of obstacles to marriage, including the issue of granting the clergymen the right to remarry in case of widowhood and marriage between an orthodox and unorthodox, which has provoked mixed response among local churches. Some of them, including Georgia, refused to participate in the meeting with this agenda.²

The article discusses the obstructive circumstances for marriage and the most frequent cases of neglect. The reason for this is mostly the lack of knowledge about these obstructions.

2. Obstacles to Marriage

Different sex. In accordance with the Orthodox Christian teachings, same-sex sexual relations, including marriage, is considered a grave crime – the so-called sin of sodomy. The definition of marriage stipulates the following: “Marriage is a union of a man and a woman, a unity for entire life, a unity of divine and human laws” (Syntagma Letter Γ, Chapter 2)³ – this clearly shows that the canon law labels concept “marriage” only relationship between people of the opposite sex. The canonical norm is given in the third canonical epistle of Archbishop Basil of Caesarea-Cappadocia (hereinafter referred to as the “Law of St. Basil the Great”), to Bishop *Amphilochius of Iconium*: “*Those who commit sin of mixing men shall atone in the same way as it is prescribed for adultery.*”⁴ Thus, homosexual intercourse, in any form, is viewed as equal to sin of adultery, and a canonical punishment assigned in the same capacity and same period. In this case, we are not dealing with marriage in general and it is illegal from the start.

Existing marriage. According to Orthodox teaching, a Christian family is strictly monogamous. A legally effective marriage excludes parallel marital relations. Canon 80 of St. Basil the Great calls polygamy ‘a deed of an animal’ – “It is an animalistic deed and is completely alien to

¹ For more extensive information on this issue see, *Bumis P.I., Canonic Law, Garakanidze I. (Trans.)*, Tbilisi, 2013, 46-47 (in Georgian).

² <www.interfax.ru/world/627665> [27.10.2020]; <patriarchate.ge/news/1575> [27.10.2020].

³ *Vlastar M., Alphabetical Sintagma, Ilyinskiy N. (Trans.)*, Moscow, 1892, 56 (in Russian).

⁴ *Saint Basil the Great, Canon 62 – Canon of Orthodox Church with commentary by Bishop Nikodim (Milaš)*, Vol. 2, Tbilisi, 2011, 386 (in Georgian).

men ...". According to Bishop Nikodim (Milash), "the law identifies as polygamy not only when one has multiple wives at the same time, but also when one marries multiple times."⁵

Third marriage. The Old Church sought to pursue the Orthodox Christian teaching on single marriage relations. The second and third marriages were viewed as a criminal weakness that were subject to punishment by church, and therefore, no permission (blessing) was issued for the second and subsequent marriages for an extensive period.⁶ "According to the law, only the first marriage is considered sacred and blessed by God. The second marriage deserves a canonical punishment. The third marriage in the church is considered a filth and can only be accepted, for it is better than perverted fornication...", explains Bishop Nikodimos.⁷ After some time, the church took more tolerant approach to this issue as a "concession to human weakness"⁸ and the second marriage was no longer considered illegal; however, the church still viewed such marital relationships as unreliable which was reflected in the canon law. In particular, the following restrictions were agreed upon: 1. Second-time married persons are subject to ecclesiastical punishment or penance; 2. The wedding ceremony differs from the first marriage and is less festive (served without ceremonial crowns). 3. Clergymen are forbidden to join the festive table of the second married couple. 4. Second-time married persons are prohibited from becoming the clergy.⁹ Considering the aforementioned rules, it becomes clear how strict the canon law is towards second marriages. Accordingly, extremely severe norms apply to the third marriage. Canon 4 of St. Basil the Great stipulates "... those who cross the line of the second marriage are no longer worthy to be called a husband or wife ..."¹⁰ Guidance concerning the third marriage is provided in Canon 50 by St. Basil the Great, which states: "there is no law on the third marriage; thus, the third marriage is not blessed by law. We view such things as filth in the church, but we do not subject it to public judgment it is viewed to be better than perverted fornication."¹¹ According to Canon 50 by St. Basil the Great, "... every subsequent marriage is called polygamy" he calls it an inhuman act committed by an animal considers it a sin worse than fornication.¹² The fourth marriage is completely forbidden under the Orthodox Church law; even the third can be allowed only in exceptional cases and solely with the permission of the ruling bishop.¹³

The obstacles to marriage such as the existing and the fourth marriages are closely related to the so called religious engagement. Engagement is a pre-wedding event preceding the church wedding ceremony. According to Trull's Canon 98,¹⁴ it is forbidden to marry a person engaged to someone else. The engaged ones equal to the married ones in status. Regardless of whether an engagement is

⁵ Canon of Orthodox Church with commentary by *Bishop Nikodim (Milaš)*, Vol. 2, Tbilisi, 2011, 395 (in Georgian).

⁶ *Suvorov N. S.*, A Textbook in Canon Law, Moscow, 1908, 351 (in Russian).

⁷ *Bishop Nikodim (Milash)*, mentioned work, Vol. 2, 295.

⁸ *Ibid*, 336.

⁹ *Nikodim Bishop of Dalmatia*, Canon of Orthodox Church, Saint Petersburg, 1897, 594 (in Russian).

¹⁰ *Bishop Nikodim (Milash)*, mentioned work, Vol. 2, 335.

¹¹ *Ibid*, 379.

¹² *Ibid*, 395.

¹³ *Ibid*, 338.

¹⁴ Orthodox Canon Law, with comments by *Bishop Nikodimos (Milash)*, Vol. 1, *Hegumen Dositheos (Bregvadze) (ed.)*, Tbilisi, 2007, 553 (in Georgian).

followed by a marriage, the parties are considered to have been in marriage and this is counted in a number of marriages.

Clergymen status. According to the requirements of the canon law, marriage is prohibited for clergymen.¹⁵ Persons who have been ordained to the ordination (deacon, priest¹⁶) are allowed to marry only before the ordination, and are no longer allowed to marry after this stage is reached, i.e. after their promotion to the clergy. After the blessing, the canon also puts a ban on marriage for those with ecclesiastical status such as subdeacons (same as assistant deacons)¹⁷. Law 60 of the Council of Trull commands: “since the law of the apostles states that only bible readers and psalm singers may marry among the unmarried members of the church, so we too share this and declare: from now on, after ordination, subdeacons, deacons, or priests are no longer allowed to marry. Those who follow their pride and violate this ruling, they shall be withdrawn from the church. If any of those who are ecclesiastical in law wish to marry lawfully, he must do so before he can be ordained a deacon, deacon, or priest.”¹⁸ For example, Acts 26 states, “We command that among the unmarried clergymen, only book readers and psalm singers are allowed to marry” According to these regulations, a person holding a clerical degree, after ordination, is prohibited from marrying in any circumstance, regardless of widowhood or divorce.

The law on second marriage is stricter with regard to the clergy. They are required to strictly adhere to orthodox teaching on marriage, and unlike secular persons, “human weaknesses” are not considered in this respect. The canon bans not only the second marriage for the clergy, but also the acquisition of the clerical rank by a person if he or his spouse is in the second marriage (before ordination). Acts 17 states that “a person who has been married twice after the Holy Epiphany or eats kharcha can not be consecrated a bishop, priest or deacon and, moreover, is entirely banned from being a member of the clergy”¹⁹, as well as Acts 18 states: a person who marries a widow, an outcast, a prostitute, a servant or an actor loses the right to become a bishop, a priest, a deacon, and a member of the clergy in general.²⁰ Provisions of the same content are stipulated in the Canons 3, 12 of Trull and Canon 12 by St. Basil the Great.

Monasticism. It is a spiritual oath when a person, woman or man, in addition to another oath (vow), also makes a vow of chastity, which bans any sexual life, including legal marriage for life. Canon 16 of the 4th World Council of Chalcedon stipulates that “a virgin who has sacrificed herself to Lord, as well as a nun, shall not get wed...”²¹ The norms of the same content are given in Law 44 of the World Council of Trull, Law 19 of the Local Council of Anciria and Laws 19 and 60 of St. Basil the Great. Monasticism is a way of life based on the biblical orthodox teaching of sacrificing oneself

¹⁵ This means the so called “white clergy” or “married” clergy who have not made a vow of chastity.

¹⁶ The head of the priests, Bishop makes a vow of chastity.

¹⁷ Despite the fact that subdeacons do not belong to the clergy hierarchy, their work is highly regarded and thus they bear the same limitations. This restriction does not apply to the book readers and psalm singers. See the interpretation of Canon 6 of Trull, *Bishop Nikodimos (Milash)*, mentioned work, Vol. 1, 416-421.

¹⁸ *Bishop Nikodimos (Milash)*, mentioned work, Vol. 1, 416.

¹⁹ *Ibid*, 56.

²⁰ *Ibid*, 58.

²¹ *Ibid*, 340.

to Lord. One of the fundamental requirements of this teaching is chastity and . A nun may be legally married before making a nun vow and have children, but after making a vow she terminates cohabitation with family members. The status of a “nun” is maintained for the rest of her life, it is impossible to change. Even if he leaves the monastery and violates all the covenants, he retains this status and is subject to all the obligations and prohibitions that accompany nunhood, including those related to marriage. Monasticism is a way of life, while priesthood is a spiritual quality. A nun, of course, can also hold a clerical degree. Deprivation of the clergy is one of the forms of ecclesiastical punishment.

Kinship. Canon law distinguishes five types of kinship: 1. *Blood kinship*, which is divided into three: ascending, descending, and lateral. Marriage is prohibited up to the seventh degree of blood relationship inclusive, and allowed for the eighth degree and further; 2. *Kinship through marriage*; in order to determine the degree of kinship by marriage, it is necessary to calculate the degree of kinship of the husband’s relatives in relation to the husband, the degree of kinship of the wife’s relatives in relation to the wife, and then to add. Under canon law, marriage for in-laws is allowed in the sixth degree of kinship and further; 3. *Double Affinity*; this kinship is the same as kinship through marriage, which refers to the affines of the affines; for example, the degree of kinship of the wife's parent with the relatives of the husband's brother's wife. Likewise, what needs to be calculated is the degree of kinship of the wife’s relatives in relation to the wife and the degree of kinship of the husband’s relatives in relation to the husband separately, and then they are added. In such cases, marriage is permitted in the fourth degree. 4. *Spiritual (baptismal) kinship*; spiritual, baptismal kinship is achieved through baptasing. A godfather becomes the father's brother and there is the same degree of kinship between them as between the brothers in blood; and a godson and a godfather become a father and a son.²² According to Law 53 of the 6th Ecumenical assembly, relations through baptasing is considered as prevailing upon the blood relations²³; 5. *Relationship through adoption (name-giving)*; the basis of such kind of kinship is adoption. There is the same degree of kinship between an adopter and an adoptee as there is between a parent and a child, and there is the degree of closeness between an adopted and children related in blood is of siblings. Another concept related to adoption is the so called stepchildren. The counting of degree of relation follows the same principle as between children related in blood, with one difference though: in ancestors a wife and a husband are counted separately.²⁴

Free will. A fundamental element of marriage is consent by the parties. It is an expression of their free will. Generally, the issue of freedom of will bears crucial significance in Orthodoxy. It is impossible and inadmissible to exercise any sacrament or priesthood action without an individual’s free will. Therefore, when the issue is related to marriage as one of the most important ecclesiastical and legal institutions, the issue of freedom is as important. In marriage, the parties express their

²² For the detailed information on the family relations, see Ioan Crifilinos-Paputsashvili’s work “Marriage for Clergy” *Dolidze I.*, Works in Georgian Law, Vol. 2, Tbilisi, 1965, 151-164 (in Georgian).

²³ *Bishop Nikodimos (Milash)*, mentioned work, Vol. 1, 500.

²⁴ *Abesadze G.*, Legal Foundation for Marriage and Related Problems, *Chelidze E. (ed.)*, Tbilisi, 2002, 36 (in Georgian).

consent, first in engagement, and then at the time of the marriage ceremony. Free expression of will may be hindered by several factors: an individual's health condition; enforcement or intimidation; deception or mistake.

Free expression of will may be restricted due to *an individual's health condition*. This implies mental illnesses interfering with the conscious and free expression of will, i.e. an individual's legal capacity and sanity. Those willing to wed should be able to understand what kind of obligations are affiliated to the marital relationship.²⁵ Such circumstances hinders the performance of marriage ceremony. Matthew Blastar's Syntagma Γ, Chapter 15 which specifies the obstacles to engagement, of the engagement, states that "madness hinders the engagement"; however, if it occurs after the engagement, the latter is not terminated by this."²⁶ The second case defines the circumstances when free will is restricted in the result of *enforcement*, which can manifest itself in both physical and psychological, and moral abuse: threats and intimidation. Canon law contains a number of provisions prohibiting abuse of women; thereof, a severe canonical punishment for kidnapping a woman for the purpose of marriage. Law 27 of the 4th Council of Chalcedon and Law 92 of the World Council of Trull include identical provisions: "the Holy Council defines the following for those who kidnap a woman for marriage, those assisting or serving advice in this deed: if they are clergy, they shall be dishonored; and if they are laymen, they shall receive damnation."²⁷ The law imposes the most severe punishment, both for the clergy in the form of withdrawal of the clerical degree, as well as excommunication for the laity, both of which are the highest measures of punishment under canon law. Interesting provisions regarding the abduction of a woman are given in the canonical epistle of Basil II, Archbishop of Caesarea-Cappadocia, to Amphilochus, Bishop of Iconium (Law 22 of St. Basil the Great). The Holy Father states that "... if an unengaged one is kidnapped with the intention to wed, then she shall be taken away from the kidnapper, returned to her family and the decision lies with them ... and if they choose to give her away, let them not force her. If a wife is kidnapped, if she has been acted upon in secret or in force, then the ecclesiastical punishment for fornication shall be effected."²⁸ St. Basil the Great has more tolerant approach in case of this law: if a woman wishes so, the marriage may take place for the couple in question. A comment is made in the same stipulation concerning the kidnapper, who is subject to the ecclesiastical punishment for fornication even in the case of marriage.

An issue closely related to expressing a will to wed is the rule of canon law which states that a minor, persons under the guardianship of a parent (or other legal representative) are prohibited from marrying without the permission of a parent or a guardian. Canon 38 of St. Basil the Great stipulates that "young women who marry without the father's permission commits adultery..."²⁹ If this rule is viewed from today's prospect, it applies only to a group of people who were "under the authority of another" such as a father or an owner. This refers to children, persons under guardianship, and slaves.

²⁵ *Bishop Nikodim of Dalmatia*, Orthodox Canon Law, Saint Petersburg, 1897, 591 (in Russian).

²⁶ *Vlastar M.*, Alphabetical Sintagma, *Ilyinskiy N. (Trans.)*, Moscow, 1892, 74 (in Russian).

²⁷ *Bishop Nikodimos (Milash)*, mentioned work, Vol. 1, 360, 544.

²⁸ *Bishop Nikodimos (Milash)* mentioned work, Vol. 2, 358.

²⁹ *Ibid*, 371.

In today's reality, only minors with limited legal capacity (obviously not in the form and degree that took place when the relevant law was enacted) are under such "authority". The purpose of the law is to protect the interests of an inexperienced child. According to the Christian teaching, this also pays respect to parents (guardians), especially at such an important phase in life like starting a family. As we can see, Laws 38 by St. Basil the Great regards such liberties as sin of fornication and subjects to the respective punishment. However, the second part of the law establishes leniency if the couple reconciles with the parents: "but the situation with reconciliation with the parents, I think, is remedied."³⁰ The final part of the law, despite the legalization of reconciliation and marriage, provides for ecclesiastical punishment: "however, they are not allowed to make confession at that point, but are excommunicated for three years."³¹

In addition to the marriage restricting circumstances, canon law provides for various circumstances which limit marriage possibilities and which have been introduced into the ecclesiastical traditions from the Byzantine civil law. These include reaching the age of marriage, differing religions, performing marriages during the forbidden times of the year (including fasting, as well as mourning for the widow), physical incapability of cohabitation, and the fact that the couple fell into adultery before marriage. However, these are cases that do not create a complete obstacle to marriage. In such cases, depending on a particular situation, it is possible to use the canonical economy and overcome the existing obstacle as an exception. For example, a couple that has not yet reached the marital age are allowed to wed upon the consent from their parents or if they already have a child; according to Law 14³² of the 4th World Council, marriage between a non-Orthodox person and an Orthodox person may be permitted if a non-Orthodox party vows to convert to Orthodoxy; in exceptional cases, the couple may be allowed to marry have a church ceremony during the fasting period; for example, if the couple is elderly or one of them is seriously ill, etc. Such cases can be considered only in individual cases, with exceptions and without violating the fundamental orthodox canonical norms or by following the principles of application of economy.

3. Consequences of a Marriage Performed in the Obstructive Circumstances

The circumstances that were studied are the conditions which are Principally important to be followed in orthodox teaching. The fundamental principle of the monogamy of marriage includes the prohibition on the issues such inadmissibility of parallel marriages, as well as inadmissibility of multiple marriages. For centuries, the Church has followed the principle stated by Apostle Paul as reflected in the entire canon law, according to which the second marriage is a deviation from the Christian norm and is allowed only because of human weakness (I Cor. 7.9). The church strongly advocates a single marriage to be an ideal, and it is precisely this positive principle that is reflected in laws and god service, rather than just the negative legal principle of an "unbreakable" marriage until both parties are alive. Second marriages are allowed only as a departure from the ideal, as a surrender

³⁰ Ibid.

³¹ Ibid, 372.

³² *Bishop Nikodimos (Milash)*, mentioned work, Vol. 1, 335.

to human weakness, or as a new opportunity to remedy a mistake or atone for sin. The church's doctrinal "eoconomy" also allows for a third marriage but the fourth one is formally forbidden. The laws of St. Basil the Great makes no mentioning of the possibility for the fourth marriage. A well-known case involving the fourth marriage of Emperor Leo VI the Wise (886-912) that was followed by an extensive ecclesiastical dispute, resulted in publishing "Tomos of Unity"³³ (920), which banned the fourth marriage. Clearly, there is no theological reason for limiting the number of marriages to three: it is simply a disciplinary limit that the ecclesiastical "eoconomy" should not go beyond. The point of the whole ecclesiastical tradition is not in this formal limitation, but in adherence to the basic New Testament norm: Christian marriage is one in the form of Christ and the Church, and every repetition of marriage is linked to the needs of the "old man." These needs may be tolerated and even respected as lesser evil; however, it is impossible to relate it to the God's kingdom as such.³⁴

The principle of single marriage was applied in full by the church in relation to the clergy. The issue of eoconomy is entirely inadmissible. As we have seen, a clergyman is not only forbidden to remarry while he is in the rank, but he must not have been in a marriage twice before the blessing. Another, equally important aspect is to consider that he is not allowed to remarry after being expelled from the clergy. The actual existence of a marriage cannot give it a legal appearance. The church's approach to priestly marriage is strict and uniform, as reflected in the norms of canon law. As for the marriage of monks and nuns, i.e. those who have vowed to remain unwed, the issue in this case is as clearcut. What deserves interest is the issue of marriage when clergy (both the ones with wives, as well as nuns) are stripped of their status. Does losing such status open way to legal marriage? Those who provide interpretations of the ecclesiastical canon, Bishop Nikodimos (Milash) and Balsamon leave no chance for alternative interpretation and state that ordained clergymen remain under the grace of the Holy Spirit, and shall abide to the single marriage principle: "what is sacred, shall remain pure".³⁵ Canon 6 of Trull states that "from now on, after the ordination, subdeacons, deacons or priests no longer have the right to marry..."³⁶ Since joining the clergy, which is performed by ordination, is one of the mysteries of the Church and is fulfilled by the transfiguration of the Holy Spirit into a person participating in the mystery, and it is impossible to limit his action in time or under any circumstances. As a result of violating the provisions in law (in this case the ones concerning marriage), clergymen face the threat of being withdrawn from the clergy. However, loss of a clerical degree does not place marriage within the legal framework. For a marriage committed in violation of the law, a clergyman is stripped of the rank, and in one case he becomes a layman, and in the other case, remains a monk/nun. However, separation from the clergy does not allow him to be in a marriage. The actually established marital relationship, for which he/she was removed from the church service, cannot be made a lawful act. Also, a person separated from the clergy cannot marry for the second time even if the status was withdrawn for other reasons. The issue is very complicated and

³³ *Vlastar M.*, *Alphabetical Sintagma, Ilyinskiy N. (Trans.)*, Moscow, 1892, 61 (in Russian).

³⁴ *Meiendorf I.*, *Marriage and the Eucharist, Abashidze L. (Trans.)*, "Journal Dialogue", № 1-2 (6-7), 2007, <www.orthodoxtheology.ge> [27.10.2020] (in Georgian).

³⁵ *Bishop Nikodimos (Milash)*, mentioned work, Vol. 2, 375.

³⁶ *Bishop Nikodimos (Milash)*, mentioned work, Vol. 1, 416.

sensitive towards monks/nuns, among other crimes, their condition is aggravated additionally for breaking their vows.

As for the consequences of marital relations without regard to kinship. In this case, too, the law is quite strict and provides for the annulment of such marriages and the separation of the couple. Laws 53 and 54 of the Council of Trull state in this case: "... (a couple) must refrain from illegitimate act and then be subject to the punishment imposed on prostitutes", as well as "... they must be subject to seven years of punishment, obviously after the annulment of an illegal marriage."³⁷

Children born out of wedlock are, of course, full members of the church. Due to the philanthropic and tolerant nature of the Church, they are not named as illegitimate children and are not subject to any kind penance or restrictions. There is no norm in this matter regulated by canon law. The regulation of the relationship between parents and children is given in Laws 14, 15 and 16³⁸ of the Local Council of Gangri, where the law obliges both parties, regardless of their religious beliefs, to take care of each other.

4. Conclusion

When establishing marital relations, the couple should remain careful and observant in their deeds. Ignoring the obstacles limiting the marriage can lead to withdrawal from the church and a ban on approaching Lord's sanctuaries. Even a person such as St. John Chrysostom states: "after frequent deprivation from communion to you, I have become a prey for a wise wolf."³⁹ Therefore, for those who consider themselves members of the Orthodox Church, it is vital to consider these restrictions.

A much more difficult situation is created when the clergy is involved. They have more responsibilities and the law provides for more severe punishments. In this respect, the position of the World Patriarchate, which is making attempts to legalize the second marriage for the clergy, is interesting, though unclear. In 2016, the World Patriarchate initiated and organized the Holy and Great Council of the Orthodox Churches was held in Crete, and one of the issues discussed at the assembly was the obstacles to marriage, the most notable of which are: the second marriage of the clergy, same-sex marriage, and marriage between the orthodox and unorthodox ones. The Georgian Orthodox Church has refused to participate in the assembly for its views on last two issues had not been shared.⁴⁰ Regarding the issue of the second marriage of the clergy, it should be noted that during the preparatory stage of the World Patriarchate, it actively sought to revise the draft in order to include the stipulation for granting the right to remarry to the widowed clergy. However, due to the opposition of the majority of the Orthodox church representatives, this provision was not even included in the final draft of the assembly. In September 2018 though, the World Patriarchate, which exercises jurisdiction over the Ecumenical Patriarchate of Constantinople, granted the right to remarry to the clergy

³⁷ Ibid, 500, 502.

³⁸ *Bishop Nikodim (Milash)*, mentioned work, Vol.1, 40.

³⁹ John Chrysostom's pray, Psalms and prayers, Tbilisi, 2009, 399 (in Georgian).

⁴⁰ Minutes of the Session of the Holy Synod, May 25, 2016, < patriarchate.ge/news/1575 > [27.10.2020].

belonging to its flock, secular clergy, priests and deacons, if they are widowed or abandoned by their spouses.⁴¹

The article discusses the aggravation of the situation and the routes the Orthodox teaching going deep into the Bible, derailing from these is not admissible.

As for children born out of wedlock, they are no different from other children and are not being discriminated in any capacity by the canon law.

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⁴¹ <www.interfax.ru/world/627665> [27.10.2020]; <ria.ru/20180904/1527826946.html> [27.10.2020]; <www.romfea.gr/oikoumeniko-patriarxeio/23626-apofasi-tou-oikoumenikou-patriarxeiou-gia-deutero-gamo-iereon> [27.10.2020].