Πρός τούς Ευλαβεστάτους Ιερεῖς
tῆς Ιερᾶς Αρχιεπισκοπῆς Αμερικῆς

Αγαπητοί αδελφοί,

Τὸ θέμα τῶν διαζύγιων μεταξύ τῶν Ὀρθοδόξων μας πιστῶν εἶναι σοβαρὸν θέμα κανονικῆς καὶ ποιμαντικῆς φύσεως, τὸ ὁποῖον ἁπατεῖ τὴν ἀμέριστον προσοχήν καὶ ποιμαντικὴν μας φροντίδα. Ὄς ἀσφαλῶς γνωρίζετε, αἱ περιπτώσεις αἰτήσεως διαζύγιων ἀντιμετωπίζονται αὐτοτροφῶς ἐπὶ τῇ βάσει τῶν ὑπὸ τῶν θείων καὶ Ἱερῶν Κανόνων τῆς Ὀρθοδόξου Ἐκκλησίας προβλέψεων, ὡς ἐφημοδόθησαν οὕτω ἐν τῇ μακραίων πράξει αὐτῆς.

Ἡ Ἱερά Ἐπαρχιακή Σύνοδος, εἰς τὴν προσπάθειάν της νὰ σὰς ψήθῃ εἰς τὴν ἱερατικὴν σας διακονίαν, ἔρμηνευτικῶς δὲ τῶν κατὰ πάντα τὴν ἱσχύν αὐτῶν διατηροῦντων σχετικῶν Ἰ. Κανόνων, ἐπανεξήγησε τὸ Ἑγκύκλιον Γράμμα περὶ Ἐκκλησιαστικῶν Διαζύγιων, τὸ ὁποῖον ἐστάλη ὑπὸ τοῦ ἀειμνήστου Ἀρχιεπισκόπου Βορείου καὶ Νοτίου Αμερικῆς κυρίου Ίακώβου, καὶ προσφέρει τὰς ἀκόλουθους ἀναθεωρημένας ὁδηγίας, ἀλλὰ οἴκει ἔφαρμοσται κατὰ περίπτωσιν καὶ κατὰ τὴν σύστασιν τοῦ μόνου ἔχοντος ἀρμοδίωτη νὰ ἀποφασίζῃ ἕκδοσιν διαζύγιον Πνευματικοῦ Δικαστηρίου.

Εἶναι πολὺ σημαντικόν τὸ νὰ ἐφοδιάζωμεν τὰ ζεύγη τὰ ὁποῖα προτίθενται νὰ εἰσέλθουσι εἰς κοινωνίαν γάμου, μὲ ἑπάρκεις συμβουλές καὶ πνευματικὴν καθοδήγησιν διὰ τὸν ἐπικείμενον γάμον τῶν. Πάντως, πρέπει νὰ ἔχωμεν κατὰ νοῦν ὅτι, πρὸ τῆς παρουσιάσεως εἰς τὰ ζεύγη τῆς περὶ γάμου διδασκαλίας τῆς Ἐκκλησίας, θὰ πρέπει προτίτως καὶ κυρίως νὰ τὰ ἀκούσωμεν, νὰ μάθωμεν τὴν ἱστορίαν καὶ τὰς προθέσεις τῶν διὰ τὸν γάμον τῶν, καὶ κατόπιν νὰ προσφέρωμεν εἰς αὐτοὺς τὰς καταλλήλους ὁδηγίας. Αν καὶ δὲν ὑπάρχει ἐγγύσης ὅτι ἡ προγαμμαία προπαρασκευὴ ἡ ἀποφράξη μελλοντικῶς διαζύγια, ὡσποδήποτε δίδει τὴν δυνατότητα εἰς τὰ ζεύγη νὰ γνωρίζουν προσωπικῶς τὸν ἱερέα τῶν, οὕτως ὅτε δὲν τὰς ὑπάρξῃ ἀνάγκη κατὰ τὴν διάφορον τῶν ἕποιον περὶ τῶν δυσκολιῶν τοῦ γάμου τῶν, νὰ ζητήσουν κατὰ πᾶσαν πιθανότητα τὴν βοήθειαν τοῦ ἱερέως εὰν προϋπάρχῃ ὁ σύνδεσμος μετ’ αὐτοῦ.
Μέρος τῆς διακονίας σας εἶναι ἡ γνωριμία μετά τῶν ἐνορίτῶν σας καὶ τῶν ἀναγκῶν αὐτῶν. Βεβαιώς, ὑπάρχουν περιπτώσεις κατά τὰς ὅποιας ἀρισμένα ζεύγη δὲν ἀποκαλύπτουν ἢ καὶ δὲν ἀντιλαμβάνονται ὅτι ὁ γάμος τῶν ὁδηγεῖται εἰς διαζύγιον, ἀλλὰ εἰς πλείονας ἄλλας περιπτώσεις, ὑπάρχουν ἐνδείξεις, αἱ ὅποιαι εἴδοσον ὅτι οἱ γάμοι τῶν διέρχονται κρίσιν. Εἰς ὅλας πάντως τὰς περιπτώσεις, εἶναι ἰδικὴ σας εὐθύνη νὰ θέσετε τὸν ἐαυτὸν σας εἰς τὴν διάθεσιν τῶν, νὰ τοὺς ἀκούσετε καὶ νὰ τοὺς συμφιλιώσετε ὅπου τοῦτο καθίσταται δυνατόν. Ἀλλὰ ἁκόμη καὶ ἢ συμφιλίως δὲν εἶναι δυνατή, σὰς δίδεται μεγάλη ποιμαντική εὐκαιρία νὰ συνδέσετε τὰ ζεύγη μὲ τὴν Ἑκκλησίαν, ἐὰν δὲν ἤσαν ἐπαρκῶς συνδεδεμένα, καὶ νὰ προσφέρετε τὴν ἀναγκαίαν ποιμαντικὴν φροντίδα.

Ὅταν προετοιμάζετε πρὸς ὑποβολὴν τὴν ποιμαντικὴν σας ἐκθέσειν, εἰς περιπτώσεις ἐκκλησιαστικοῦ διαζυγίου, θὰ πρέπει νὰ συμπεριλαμβάνετε εἰς αὐτὴν τὰς ἀπαντήσεις εἰς τὰ κάτωθι ἐρωτήματα:

α) Πότε ἔλαβετε γνώσιν ὅτι τὸ ζεύγος, τὸ ὅποιον καταθέτει αἰτησιν διαζύγιο, ἡρῴσασε νὰ διάγη ἐν οὐσιαστικῇ διαστάσει;

β) Εἰς ποιὰς συγκεκριμένας ἐνεργείας προέβητε διὰ νὰ τοὺς κάμετε νὰ συνειδητοποιήσουν τὴν ζημίαν, ἢ ὅποια θὰ προέκυπτε διὰ τοὺς ἰδίους, τὰ τέκνα τῶν, τὴν Ἑκκλησίαν καὶ τὴν σχέσιν τῶν μετὰ τοῦ Θεοῦ, ὁ Οἰκοποιὸς τοὺς ἢνωσε διὰ τοῦ μυστηρίου τοῦ γάμου;

g) Ἐξηκομίσατε τὴν ἀλήθεια τῶν αἰτιῶν, τὰ ὅποια τοὺς ὠδήγησαν εἰς τὸ πολιτικὸν καὶ τὸ ἐκκλησιαστικὸν διαζύγιον;

Συμφώνως πρὸς τὴν Ἁγίαν Γραφήν, ὁ Κύριος λέγει: Ἐρρέθη δὲ ὅ ἐστι ἀπολύσῃ τὴν γυναίκα αὐτοῦ, δότω αὐτὴν ἀποστάσιον. Ἐγὼ δὲ λέγω ύμῖν ὅτι ὅ ἐστι ἀπολύσῃ τὴν γυναίκα αὐτοῦ παρεκτὸς λόγων πορνείας, ποιεί αὐτὴν μοιχᾶσθαι, καὶ ὅ ἐστι ἀπολελυμένη γαμβή, μουχάται (κατὰ Ματθαίου 5, 31-32). Ἐκκλησιαστικὸν διαζύγιον παρέχεται, κατ’ ἄρχηθ, μόνον διὰ λόγους μοιχείας καὶ συζύγους ἀπιστίας.

Παρὰ τὸ ὅτι ἡ Ἑκκλησία μας συγκαταβατικῶς καὶ κατ’ οἰκονομίαν ἠνέχθη καὶ δεύτερον γάμον, εἰς τινὰς περιπτώσεις, καὶ μετὰ τὴν ἐκδοσιν ἐκκλησιαστικοῦ διαζυγίου, αὐτὴ ἔνεκα εἰδικῶν λόγων δὲν ἐπιτρέπει δεύτερον γάμον.

Εκκλησιαστικά διαζύγια ἐκδίδονται ἐπίσης εἰς περιπτώσεις κατὰ τὰς ὅποιας ἐξεδόθη πολιτικῶν διαζύγιον, καὶ τὰ σχετιζόμενα ἀτομα ἐπιθυμοῦν τὴν ὁμαλοποίησιν τῆς ἐκκλησιαστικῆς καταστάσεως τῶν, διὰ λόγους συμμετοχῆς τῶν εἰς τὴν μυστηριακὴν ἑωθὴν τῆς Ἑκκλησίας.

Εἰς περιπτώσεις μικτῶν γάμων, κατὰ τὰς ὅποιας τὸ μὴ ὀρθόδοξον μέλος ἄρνεται νὰ συμμετάσχῃ εἰς τὴν διαδικασίαν τοῦ ἐκκλησιαστικοῦ διαζύγιον, τὸ διαζύγιον παρέχεται εἰς τὸ ὀρθόδοξον μέλος.
Με βαθειάν θλίψιν καὶ ὀδύνην, ἡ Εἰκκλησία ἐπιτρέπει τὴν διάλυσιν τοῦ γάμου ἑνεκα σοβαρῶν λόγων. Μεταξὺ αὐτῶν, οἱ κάτωθι συνιστοῦν βασίμους λόγους πρὸς αἰτησιν ἐκκλησιαστικοῦ διαζυγίου:

1. Μοιχεία
2. Ἀποστασία
3. Διγαμία
4. Ἐξαπάτησις, ἐξαναγκασμός, φόβος, διανοητική, συναισθηματική καὶ σωματική κακοποίησις
5. Ψυχικά ἀσθένεια
6. Ἀνακανότητα ἢ γενετήσιοι μεταδοτικαὶ ἀσθένεια (αἱ ὅποιαι ἀπεκφύβησαν πρὸ ἢ κατὰ τὴν διάρκειαν τοῦ γάμου)
7. Έκτρωσις
8. Ἐπιβουλή κατὰ τῆς ζωῆς ἢ τιμῆς τῆς/του συζύγου
9. Μακροχρόνιος χωρισμός ἢ ἐγκατάλειψις τοῦ/τῆς συζύγου
10. Νόμιμος καταδίκη ἢ φυλάκισις ἕνος ἐκ τῶν συζύγων διὰ μεγάλην χρονικῆν περιόδον
11. Ἀνήθικος συμπεριφορά μετὰ ἄλλων προσώπων
12. Ποικιλαὶ ἔξαρτήσεις, αἱ ὅποιαι ὀδηγοῦν εἰς καταστροφήν τῶν ἀρμονικῶν οἰκογενειακῶν σχέσεων
13. Ἀρνήσις τεκνογονίας

Με τὴν βεβαιότητα τῆς ἐπιμελημένης καὶ πλήρους συνεργασίας σας εἰς τὸ ἔργον ἀποτροπῆς διαζυγίων, εἰς τὴν προσπάθειαν συμβιβασμοῦ τῶν ἐν διαστάσει συζύγων καὶ εἰς τὴν προσφορὰν τῆς θεραπευτικῆς καὶ συγχωρητικῆς δυνάμεως τοῦ Θεοῦ εἰς τὰς ψυχὰς αὐτῶν οἱ ὅποιοι ἀπεξενώθησαν ἄλληλοι καὶ τοῦ Θεοῦ, διατελῶ ἐξ ὃνύματος τῆς Ἱερᾶς Ἐπαρχιακῆς Συνόδου,

Μετὰ πατρικῆς ἐν Χριστῷ ἀγάπης καὶ εὐχῶν,

[Σενάριο με χειρόγραφο χειρόγραφο]

Γ’ ὁ Ἀρχιεπίσκοπος Ἀμερικῆς Δημήτριος
Πρόεδρος Ἱερᾶς Ἐπαρχιακῆς Συνόδου

Ἀλ/χα
Beloved Brothers,

The subject of divorces among our Orthodox Christian faithful is a serious issue of a canonical and pastoral nature that requires our undivided attention and pastoral concern. As you surely know, cases petitioning for divorce are dealt with strictly according to the provisions of the holy and sacred Canons of the Orthodox Church, as they have been applied throughout the long-standing Orthodox practice.

The Holy Eparchial Synod in an effort to assist you in your priestly ministry, by interpreting the relevant Holy Canons that are always valid, has revisited the Encyclical Letter for Ecclesiastical Divorces that was issued by the late Archbishop of North and South America, Iakovos, of blessed memory, and is offering you the following revised guidelines that are applicable in each case and the recommendation of the Spiritual Court, which alone has the responsibility to issue the divorce.

It is very important to equip couples intending to enter the communion of marriage with adequate counseling and spiritual guidance for their future marriage. We should bear in mind that before we offer couples the teaching of the Church about marriage, first and foremost we should listen to them, hear their personal story and their intentions for their marriage, and then offer them appropriate guidance. Although there is no guarantee that premarital preparation will prevent future divorces, it definitely allows couples to get to know their priest on a personal level. Then if the need arises during their marriage to speak to someone about their marital difficulties, they will most likely seek the priest’s assistance if they have had a connection with him.

Part of your ministry is to get to know your parishioners and their needs. Of course there are cases where certain couples do not reveal or do not realize that their marriage is headed for divorce, but in one way or another put out signals indicating that their marriage is in trouble. In all cases it is your responsibility to make yourself available to listen to them and to facilitate their reconciliation, if possible. But even if reconciliation is not possible, you have a great pastoral opportunity to connect them with the Church, in case they have not been active, and offer them needed pastoral care.

In preparing your Pastoral Report as you file for an Ecclesiastical Divorce you must include answers to the following questions: a) When did you become aware that the couple seeking divorce was seriously estranged? b) What specific steps have you taken to help them realize the potential harm affecting themselves, their children, the Church and their relationship to God Who united them in the Mystery of Marriage? c) Did you analyze the veracity of the reasons that led them to the civil and Ecclesiastical Divorce?
According to the Holy Scriptures, the Lord tells us that “Furthermore it has been said, ‘Whoever divorces his wife let him give her a certificate of divorce’. ‘But I say to you that whoever divorces his wife for any reason except sexual immorality causes her to commit adultery; and whoever marries a woman who is divorced commits adultery”’ (Matthew 5:31-32). Therefore, an Ecclesiastical Divorce can be granted in principle only in the case of adultery, and conjugal unfaithfulness.

While the Church by condescension and for reasons of “oikonomia” accepted a second marriage in certain cases after an Ecclesiastical Divorce had been granted, there do remain instances when a second marriage is never permitted due to special reasons.

Ecclesiastical Divorces are also granted in the instance where a civil divorce has been issued and the individuals involved desire to normalize their ecclesiastical status in order to participate in the sacramental life of the Church.

In the cases of inter-Christian marriage, when the non-Orthodox party refuses to participate in the Ecclesiastical Divorce process, the divorce is granted to the Orthodox party.

With great sorrow and pain, the Church allows the dissolution of marriage for serious reasons. Among them the following reasons constitute valid reasons to file for an Ecclesiastical Divorce:

1. Adultery
2. Apostasy
3. Bigamy
4. Deceit, coercion, fear, mental, emotional and physical abuse.
5. Mental illness.
6. Impotency or sexually transmitted disease (kept secret prior or during marriage)
7. Abortion
8. Conspiring against the life or honor of one’s spouse.
9. Lengthy separation or abandonment of spouse.
10. When one of the spouses is lawfully convicted or imprisoned for a lengthy period of time.
11. Immoral behavior with others.
12. Various addictions which lead to the destruction of harmonious family relationships.
13. Refusal of childbearing.

Anticipating your full and conscientious cooperation in the work for the prevention of divorce, in the effort to reconcile the estranged spouses, and in bringing the healing and forgiving power of God to the souls of those who have estranged themselves from each other and from God, I remain in the name of the Holy Eparchial Synod,

With paternal love in Christ and prayers,

†DEMETRIOS
Archbishop of America
President of the Holy Eparchial Synod