

Article

Does the Biblical Injunction Against Marriage with “Outsiders” (Ezra 9:1–2) Still Bind Catholics Today?

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Abstract

This publication marks yet another interdisciplinary contribution by the authors: a canon lawyer and a biblical theologian. They undertake a joint canonical and exegetical analysis of Ezra 9:1–2, reflecting on whether this passage might be counted among the biblical foundations that have informed the Catholic Church’s doctrine on mixed marriages and the diriment impediment arising from disparity of religion. Already, the title poses the research problem framed as a question, “Does the Biblical Injunction against Marriage with ‘Outsiders’ (Ezra 9:1–2) still Bind Catholics Today?” As a first step, the authors undertake an examination of the biblical pericope with a particular focus on the problem of intermarriage, contextualized within its historical setting and the reform initiated by Ezra. Special attention is given to Deuteronomy 7:3–4, which is considered a fundamental underpinning of Ezra’s position. Subsequently, the authors trace the historical evolution of the concepts of *impedimentum disparitatis cultus* and *impedimentum mixtae religionis*. The authors move on to discuss the contemporary teaching of the Catholic Church concerning mixed marriages and the granting of dispensations from the diriment impediment of disparity of cult. Particular attention is given to the prerequisites for obtaining the permission of the local ordinary and the aforesaid dispensation, nuanced from the perspective of the Catholic party and non-Catholic one. In the final section, the authors articulate the conclusions of their inquiry. Given the interdisciplinary nature of the study, their research methodology integrated scholarly sources from both biblical sciences and the canonical legal tradition.

Keywords: impediments to marriage; disparity of cult; mixed marriage; Ezra 9:1–2

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1. Introduction

The Catholic Church’s reserved stance toward mixed marriages can be traced back to the earliest centuries of Christianity. The rationale behind this attitude is rooted in the teaching of St. Paul, particularly in his admonitions concerning the preservation of doctrinal purity (cf. Galatians 1:9; Titus 3:10),¹ his directive that widows may enter into marriage only with fellow believers who “belong to the Lord” (1 Corinthians 7:39), and his prohibition of being “yoked together with unbelievers” (2 Corinthians 6:14)² (Pawluk 1996, p. 132). The early Church’s stance on interfaith marriages is evidenced by the rulings of several ecclesiastical assemblies. The Synod of Elvira (AD 306) prescribed five years of penance for parents who let their daughters marry a heretic. The Synod of Hippo (AD 393) explicitly forbade mixed marriages, while the Council of Chalcedon (AD 451) prohibited lectors and

cantors from marrying individuals of a different confession. Should such a union nevertheless occur, the children were to be “baptized in the Catholic faith.” The Quinisext Council (Council in Trullo (AD 692)) decreed excommunication for mixed marriages and declared them null, although, with only minor exceptions, its doctrinal pronouncements failed to be received. On the whole, the legal norms of the early centuries of the Church, though often severe, did not challenge the validity of mixed unions. The Church tended rather to consider them illicit than invalid (Biskupski 1956, pp. 146–47).

It must be noted, however, that in the ancient Church the impediment of different worships was not explicitly defined. Until the 13th century, no clear distinction was made between the impediment of disparity of cult (*impedimentum disparitatis cultus*) and that of mixed religions (*impedimentum mixtae religionis*), and the penalties imposed for contracting marriage in the presence of such impediments were not uniform (Góralski 2006, p. 127).

The post-Second Vatican Council period marked a notable relaxation in the Church’s position on mixed marriages. On 18 March 1966, the S. Congregation for the Doctrine of the Faith issued the instruction *Matrimonii sacramentum*³, followed by Pope Paul VI’s *motu proprio Matrimonia mixta*⁴, announced on 31 March 1970. The provisions set forth in these documents were incorporated into the 1983 Code of Canon Law.

Contemporary canon law draws a clear distinction between the impediment of disparity of cult and the prohibition of entering into a mixed marriage. The Catholic Church introduced diriment impediments and matrimonial restrictions with a view to safeguarding the sanctity of marriage, the well-being of the couple and their future children, and the interests of third parties and of the ecclesial community into which the family—established through the nuptial bond—is to be integrated (Majer and Adamowicz 2021, p. 94). Nonetheless, notwithstanding the formal distinction, it remains the case that, for a Catholic, such a union entails marriage with an “outsider.” This “outsider” status, of course, refers solely to the individual’s religious affiliation and not to cultural difference. The idea of “otherness” might even be subject to gradation. For a Catholic, an unbaptized person is the most distant in religious terms; less distant seems a baptized non-Catholic, that is, one who has never been a member of the Catholic Church, meaning that they do not share full ecclesial communion with him or her. It must also be noted that a person may become an “outsider” by renouncing or departing from the Catholic Church.

Any inquiry into the sources of the Church’s stance on such forms of marriage must not ignore the teachings of the Bible, which the Church holds as the revealed Word of God, particularly the Book of Ezra.

2. Historical Background

The Book of Ezra explores themes related to the return of the people of Israel from exile in Babylon⁵ (Shanks 2018, pp. 303–6; Berquist 1995, pp. 134–37). The narrative is set against the backdrop of Persian hegemony, which extended from the 6th to the 4th century BC. A turning point was the conquest of Babylon by King Cyrus the Great of Persia in 539 BC. The event realizes the oracles of the prophets⁶ who foretold Israel’s return to the Promised Land, the renewal of Jerusalem, and, most significantly, the reconstruction of the Jerusalem Temple, which had been razed by Nebuchadnezzar in 586 BC.

A fuller understanding of the situation described in Ezra 9:1–2 requires a consideration of the administrative reforms instituted after the Persian victory over the Babylonian Empire. The territory was reorganized into a large satrapy, which was subsequently divided by King Darius into two smaller provinces: the Babylon and the Trans-Euphrates. The integration of the Jewish population within the broader Persian milieu of Babylon and its satrapies resulted in the traditions and practices of the ruling power beginning to influence the Jewish community. Consequently, it is to be assumed that not all the exiles

preserved fidelity to the faith of their fathers. Some embraced Babylonian culture and became assimilated into the surrounding population (Ezra 8:14–16).⁷ According to J. Jelito, many of the exiles engaged in the worship of Babylonian deities, blending these practices with the cult of YHWH. This tendency intensified as the exile prolonged (Jelito 1961, p. 281). This position is supported by evidence that certain Jews altered their names to conform to Babylonian forms, substituting the theophoric suffix *-jahu* (linked to the name of YHWH) with the more neutral *-el* (Miller 1990, pp. 213–84).

At this juncture, a question arises of how the Jews who managed to avoid deportation to Babylon actually lived. Judah was not entirely destroyed by the Babylonians, which indicates that life in the region continued in some form. Despite the large-scale deportations⁸ (Piwowar 2013, pp. 171–72), the land was not left completely desolate. Apparently, the Babylonians were less interested in dismantling Judah's socio-economic structure than in delivering a decisive blow to its political and military capacity. Accordingly, the Babylonians first deported the king, his court, the priesthood, and the societal elites (Soggin 1984, p. 385). Significantly, they did not provide the weakened territory with any military protection, leaving Judah vulnerable to incursions by hostile neighbouring peoples⁹ (Soggin 1984, p. 383). Over time, those who had escaped the Babylonian sword gradually began returning to Jerusalem. Though bereft of the necessities of life, the people exhibited a sense of solidarity in adversity, employing every possible means to sustain themselves and endure. Remarkably, Temple worship continued even under these dire circumstances. According to J. Bright, the ruined Temple still fulfilled its religious function, as pilgrims from northern Israel are said to have journeyed to Jerusalem to offer sacrifices to God amid the ruins. While such sacrifices may have been performed sporadically, they nonetheless symbolized a continuing bond with the brothers in exile. This perspective clearly suggests that the issue of unions between Jews and non-Jews was primarily considered a violation among those who had been taken into Babylonian captivity (Bright 1994, pp. 356–57).

In the first year of King Cyrus's reign, a decree was issued permitting the restoration of the Jewish community and the reestablishment of worship in Palestine. This occurred in 538 BC¹⁰ (de Vaux 1937, pp. 29–57). It is likely that the vast majority of Jews chose to return to their ancestral homeland at that time.¹¹ The priest Ezra held a position of considerable significance, having been appointed as the Persian king's delegate and authorized representative in matters of religion. He arrived in Jerusalem in the seventh year of King Artaxerxes' reign (Ezra 7:8)¹² (Zawiszwski 1969, pp. 313–18). Upon his arrival, he was confronted with a host of religious and juridical issues, chief among them the pressing problem of mixed marriages. It is worth asking at this point: Were such connotations a matter of concern exclusively for Jews who stepped beyond the bounds of their own religious law?

The matter of intermarriage in the Persian Empire proves to be considerably more intricate than it may seem. I. Yang argues that marriages across cultural and ethnic lines gave rise to increasing pressure and controversy in Babylon, apparently to the detriment of the city's indigenous inhabitants. Mixed unions were seen as undermining order and introducing chaos in the empire. The Persians tended to avoid mixed marriages, viewing such restraint as a means of safeguarding their national identity and property. This attitude was particularly characteristic of the aristocracy and higher-ranking social groups. Eventually, attempts were made to prohibit intermarriage across both the upper and lower classes inhabiting the imperial colonial provinces (Yang 2022, pp. 49–63). Consequently, the fairly common, albeit progressively disapproved, practice of mixed marriage across the Persian Empire likely affected the Jewish population. It can be reasonably inferred

that Ezra's resistance stemmed chiefly from religious convictions, though it may also have been informed by political considerations.

3. Ezra's Reform: The Problem of Mixed Marriages

Ezra 9:1–2 reads as follows¹³:

וּבְכָלוֹת אֱלֹהֵי נָגְשׁוּ אֵלַי הַשָּׂרִים לֵאמֹר לֹא־נִבְדְּלוּ הָעָם וְיִשְׂרָאֵל וְהַכֹּהֲנִים וְהַלְוִיִּם מֵעַמִּי הָאֲרָצוֹת כְּתוּעַבְתִּיהֶם
לְכַנְעֲנֵי הַחִתִּי הַפְּרִזִּי הַיְבוּסִי הָעַמֹּנִי הַמֹּאָבִי הַמִּצְרִי וְהָאֲמֹרִי

כִּי־נִשְׁאָאוּ מִבְּנֹתֵיהֶם לָהֶם וּלְבָנֵיהֶם וְהִתְעַרְבוּ וְנָרַע הַקֹּדֶשׁ בְּעַמִּי הָאֲרָצוֹת וְיָד הַשָּׂרִים וְהַסֹּגְגִים הֵיטָה בַּמַּעַל הַזֶּה
רָאשׁוֹנָה: ¹⁴

Intermarriage was regarded as a grave offense against the Law of God. Ezra, acting as the leader of the Jewish community after the return from exile, sought to address this doubtful practice through the exercise of his authority. The Bible explicitly reads that the problem affected not only the ordinary people (הָעָם וְיִשְׂרָאֵל), but also the priests (הַכֹּהֲנִים), the Levites (הַלְוִיִּם), and the leaders and officials (הַשָּׂרִים וְהַסֹּגְגִים). This conduct by members of virtually every social class among the People of Israel was denounced and explicitly identified as infidelity (מַעַל) (Wróbel 2010, pp. 120–21).

Noteworthy is the phrase “after this” (וּבְכָלוֹת אֱלֹהֵי) opening phrase nine, quite common in the chronicler's narrative (2 Chronicles 7:1; 20:23; 29:29, 31:1). This literary device may have served to conceal a discontinuity within Ezra's record, yet biblical scholars more commonly attribute this shift to a public proclamation of the Law of God, which is presented in the third-person singular narrative (Ezra 8:35–36). In this way, the end of Chapter 8 and the beginning of Chapter 9 reveal an uninterrupted whole in terms of both grammar and subject (Blenkinsopp 1988, p. 174).

Undeniably, the royal delegate was intent on addressing this matter, for the intermingling of the “holy seed” with outsiders represented not merely a violation of the Law of God but also facilitated the acquisition of pagan worship practices and beliefs. Such actions amounted to a breach of the covenant that God had established with Abraham, Isaac, and Jacob, and thus threatened the core of Israel's monotheistic identity. From the perspective of the divine law, the issue of mixed marriages that arose during the Babylonian captivity must be regarded as a most grievous transgression. Evidence of this is found in Ezra's response upon hearing of the God's people's actions: he tears his “tunic and cloak” and pulls hair from his head and beard (Ezra 9:3). It is worth noting that in the biblical narrative such gestures signify mourning and profound anguish (Leviticus 10:6; 21:5; Deuteronomy 14:1). Ezra thereby aligns himself with the great charismatic figures of the Old Testament, who, in the face of covenantal violations by the Jews, performed comparable dramatic gestures (Langhammer 2000, pp. 127–28).

The issue of mixed marriages is brought to Ezra's attention by the members of the community¹⁵ (Southwood 2012, pp. 66–68), namely the leaders (שָׂרִים) (Ezra 9:1). The book also reports that this information was disclosed in front of “the house of God” (Ezra 10:1–6). This denunciation may suggest that the violation weighed heavily upon certain leading families who could no longer remain silent in the face of their brothers' sinful practices. At the same time, it should be assumed that they themselves were observant of the Law of God and not involved in mixed unions. It is also very likely that Ezra had been previously made aware of the situation, and that only now was the information formally substantiated (Langhammer 2000, pp. 126–27).

Ezra 9:1 contains a list of nations with whom the Israelites entered into mixed marriages. Ezra strongly implies that these unions also entail the adoption of “detestable practices” of those idolatrous peoples. The severity of the expression in the original text is heightened by the use of the term תוֹעֵבָה. It denotes an abomination or some-

thing utterly detestable. In this context, the term applies to the Canaanites, who were accused of committing abominations, particularly in the realm of sexual conduct (Leviticus 18:26–30) (Koehler et al. 2013, 639*). The Canaanites appear at the head of the list of nations with whom the Israelites formed intermarital unions.¹⁶ In addition, the author mentions women from the Hittites, Perizzites, Jebusites, Ammonites, Moabites, Egyptians, and Amorites. These nations represent the indigenous inhabitants of the land of Canaan. They occupied the Promised Land prior to Israel's arrival. Biblical scholars note that the author is alluding to the list of seven native peoples repeatedly named across the Old Testament¹⁷ in the context of intermarriage prohibitions. Particularly relevant here is 1 Kings 11:1–2, where the biblical historian reproaches Solomon for marriages not only with Pharaoh's daughter but also with Moabite, Ammonite, Edomite, Sidonian, and Hittite women, i.e., nations with whom the Lord had explicitly forbidden to intermarry (Blenkinsopp 1988, pp. 175–76). The reference to the people of Egypt appears to bear especially adverse connotations, both from the standpoint of Jewish tradition and the Persian Empire. When Ezra set out from Babylon to Jerusalem, Egypt was regarded as one of the empire's most problematic regions. During the initial phase of Artaxerxes I's reign, Egypt had allied with Greece and had mounted a rebellion against Persian authority. According to J. L. Berquist, the alliance forged by Pericles with Egypt significantly curtailed the Persian Empire's access to the Mediterranean Sea. Is therefore the hypothesis that one of Ezra's principal tasks may have been to ensure Judah's presence within imperial borders plausible? G.A. Yee argues that Egypt, as a formidable power on the empire's distant frontier, represented a persistent threat. Thus, the prospect of losing territories situated further from Babylon must have been a source of considerable concern for the Persian monarch (Yee 2010, p. 215). The Amorites, listed last in Ezra 9:2, were among the ancient peoples who inhabited the land of Canaan well before the formation of the Israelite monarchy. Traditionally associated with a pastoral way of life, they operated across a vast land of the Fertile Crescent (Arnold and Strawn 2022, pp. 32–62). The Amorites are commonly grouped in the Bible with peoples such as the Canaanites, Hittites, Perizzites, and Jebusites. Still, it has been suggested that their placement at the end of the list in Ezra 9:2 may reflect either a scribal lapse, or that the term "Amorites" should have originally been replaced by the Edomites (Malachi 1:2–5; Lamentations 4:21ff) (Langkammer 2000, p. 127).

4. Deuteronomy 7:3–4 as a Foundational Text for Ezra's Stance

Undeniably, Ezra 9:1–2 draws directly upon the legal precepts of the Mosaic Law as articulated in Deuteronomy 7:3–4.¹⁸ Ezra aims to impress upon the transgressing Israelites that the commandment is not a fabricated or arbitrary regulation, but a divine command embedded within the sacred tradition. Deuteronomy records Moses' explicit reminder to the Israelites of God's clear prohibition against contracting marriage with the nations dwelling in the Promised Land. In addition, Deuteronomy 7:3–4 enjoins the Israelites to annihilate and subdue the surrounding nations, to demolish their altars and sites of worship, and to ensure that any remaining survivors are kept at a distance. The uncompromising prohibition of marrying members of these peoples is accompanied by a warning of divine wrath and destruction that will befall those Israelites who fail to observe the Law (Baranowski 2022, pp. 265–66).

With the exception of the Egyptians, the enumeration of nations with whom such unions are prohibited closely mirrors the list presented in Ezra 9:2. It is true that Deuteronomy 7:1 enumerates only seven nations, despite the fact that the land of Canaan was originally populated by more peoples. Still, the number seven in this context conveys symbolic completeness, i.e., a total number of all nations whose members Jews must not marry. The

biblical narrative leaves no doubt: any nation that rejects being a witness to the one, true God ceases to be either pleasing or necessary to Him (Klukowski et al. 2023, p. 314).

5. Mixed Marriages

Broadly speaking, long before the currently binding ecclesiastical legislation, the Church acknowledged that marriages between Catholics and baptized non-Catholics could be valid, assuming no other diriment impediment under divine or ecclesiastical law was present. Yet, such unions were simultaneously considered detrimental and “illicit.” This assessment arose from the fact that a Catholic entering into marriage with a non-Catholic was thereby participating in an “illicit” *communicatio in sacris*, and risked lapsing into heresy or religious indifferentism. There was also concern that children born of such wedlock might not be brought up in the Catholic faith, or that their faith could be weakened by the poor example of one of the parents. Moreover, religious difference was feared to endanger mutual love and the stability of family life (Pelczar 1898, pp. 107–8; Kałwa 1928, pp. 134–44).

Under contemporary canon law, the term “mixed marriage” has been more clearly defined. Strictly speaking, a mixed marriage refers to the union of a Catholic, that is, someone baptized in the Catholic Church or formally received into it after baptism through a profession of faith, with a person who has been validly baptized but who neither currently belongs to nor has ever been a member of the Catholic Church (Majer and Adamowicz 2021, p. 170). Among the Churches and ecclesial communities not in full communion with the Catholic Church are the various Protestant Churches and communities (the Reformed Churches: Lutheran, Calvinist, and Anglican; and Free Churches (such as the Waldensians, Baptists, Methodists, Congregationalists, and Quakers)), as well as the Eastern Churches that remain separated from Rome (the Orthodox and the non-Chalcedonian Churches). In other words, these are all Christian ecclesiastical communities that, over the course of history, have broken communion with the Catholic Church. The condition for a mixed union to occur is that they share a confession of faith in Christ and the acceptance of the Holy Scriptures as divinely revealed (Kodeks Prawa Kanonicznego. Komentarz 2023, p. 687).

Mixed marriages (i.e., between Catholics and baptized non-Catholics) are not permitted without the express permission of the ordinary of the place (Can. 1124).¹⁹ However, this prohibition pertains to the licitness (lawfulness) and not the validity of such a marriage. The presumption of its validity rests upon the fact that both parties have received the sacrament of baptism. This prohibition is grounded in the challenges that couples whose religious affiliations differ may be confronted with. Among these, there are conflicting concepts of marriage, the risk of disloyalty toward one’s own Church, the risk of religious indifferentism, impediments to religious practice, and difficulties in ensuring the religious formation of children (Majer and Adamowicz 2021, pp. 170–71).

The Church may permit the celebration of such a marriage if a well-founded and reasonable cause is present, there is no genuine risk of the Catholic party abandoning the faith, and the Catholic spouse’s rights with respect to religious practice and formation of the children are duly protected (Majer and Adamowicz 2021, p. 170). To obtain permission for intermarriage, the Catholic party is required to make a formal statement and a promise, and to ensure that the non-Catholic party is duly informed about it. In addition, both prospective spouses must accept the fundamentals of marriage as rooted in divine natural and positive law and, most notably, its indissolubility (Majer and Adamowicz 2021, p. 172). Through the statement, the Catholic party expresses a deliberate intention to guard against any threat to their faith arising from marriage to a non-Catholic. The promise, in turn, pertains to making every effort to have the offspring baptized and brought up in the Catholic faith. Such commitments may be regarded as guarantees. The non-Catholic party must be duly informed, prior to the celebration of the marriage, of the nature of the

statement and promise, so as to be fully aware of the obligations undertaken by the future Catholic spouse (Góralski 2006, p. 283).

One of the obligations assumed by a Catholic is to maintain communion with the Church (Can. 209).²⁰ Accordingly, the Catholic party must be consciously committed to upholding this obligation, including after contracting a marriage with a non-Catholic partner. This is especially pertinent in cases where the non-Catholic's religious affiliation entails a demand for conversion. As a minimum condition, it must be established that the non-Catholic party is aware of and respects the Catholic spouse's obligations concerning the practice and preservation of the Catholic faith (Majer and Adamowicz 2021, p. 171).

As regards a mixed marriage, a central concern is the religious formation of the offspring. Accordingly, the Catholic party must, at a minimum, make a formal declaration that every effort will be made to have all their children baptized and brought up in the Catholic faith. In the doctrine of the Church, renouncing the right to have one's children baptized and raised in the Catholic faith is regarded as a grave violation of the faith. Moreover, handing over children to be baptised or brought up in a non-Catholic religion is a punishable act (Can. 1367).²¹ It would not be deemed a canonical delict if the obligation were ultimately unmet, so long as the Catholic spouse demonstrated sincere efforts to meet it (Majer and Adamowicz 2021, p. 172). Among the threats that may hinder a Catholic from fulfilling his or her responsibilities related to the welfare of children in a mixed marriage, the following should be highlighted: the likelihood that some or all of the children might be raised in the non-Catholic faith, particularly if the non-Catholic spouse exerts a stronger personal influence; the total neglect of religious education ("let the child make an independent choice in adulthood"); dissolution of the marriage due to disagreements over the ultimate religious affiliation of the children; the decision not to have children at all due to an impasse concerning their upbringing; the risk that the Catholic spouse may fall into apostasy or schism; and the inability to meet the promise because of the non-Catholic partner's religious doctrines and/or intolerance (Adamowicz 2014, p. 78). It is noteworthy that, at present, the obligation regarding the religious formation of the offspring is formally undertaken only by the Catholic spouse. By contrast, under the provisions of the 1917 Code of Canon Law, the Catholic party was required to eliminate any danger of perversion, i.e., loss of faith (*periculum perversionis*), and to guarantee the Catholic baptism and upbringing of their children. Moreover, the promise was not only made by the Catholic, but baptized non-Catholics were also required to pledge that the children would be baptized and raised in the Catholic Church. This latter requirement was removed by the instruction *Matrimonii sacramentum* issued by the Sacred Congregation for the Doctrine of the Faith on 18 March 1966, following the doctrinal teaching of the Second Vatican Council. Since then, the guarantee is provided only by Catholics (Adamowicz 2014, pp. 67–68; Gajda 2001, pp. 167–69). Hence, perhaps, in the early years following the promulgation of the 1983 Code of Canon Law, requests addressed to the diocesan ordinary for the celebration of intermarriages were, in some dioceses, more descriptive in form. Members of the clergy who submitted such requests on behalf of the prospective spouses often failed to distinguish between the dispensation from the impediment of disparity of cult and the permission for a mixed marriage, as well as between promises and statements. Some pastors also attempted to impose the obligations—which bound solely upon the Catholic party—on the non-Catholic partner (Bzdyrak 2011, p. 438).

Moreover, Catholic pastors of souls have a duty to provide instruction to couples of mixed ecclesial affiliation regarding the unity and indissolubility of marriage. The non-Catholic party is expected to recognize these properties, even if his or her denomination allowed for divorce and remarriage. In Ca. 1125 no. 3²², the ecclesiastical legislator clearly requires that both parties be instructed about the purposes and essential properties of mar-

riage which neither of the contracting parties should exclude. One such property is indissolubility. Consequently, mixed marriages, particularly those involving faithful of the Orthodox Church, may face specific challenges. Under Orthodox canonical discipline, divorce is permitted under certain conditions (Pałka 1977, p. 241; Znosko 1975, pp. 55–68). After the fulfilment of an imposed penance (epithymia), the Orthodox Church allows divorced individuals to remarry. This can create a mindset in which divorce is viewed as acceptable, and the marriage itself can be dissolved (Bzdyrak 2011, p. 447). The Catholic clergy likewise counsel engaged couples on the value of shared faith within marriage, highlighting it as a cornerstone of peace and complete unity. At the same time, they caution that differences in religious affiliation can lead to significant difficulties, particularly with regard to the spiritual upbringing of children. However, such instruction of the clergy must be offered without any trace of proselytism and must fully respect the couple's freedom of conscience in their decisions (Majer and Adamowicz 2021, p. 171).

Despite the fact that the current ecclesiastical legislation has eased the procedural requirements for entering into a mixed marriage, the Catholic Church continues to advise against such unions. The rationale lies in the potential dangers to which spouses may be exposed, such as diminished religious fervour or divisions within the family, both of which may jeopardize the spiritual unity and overall communion of married life. It is important for Catholic spouses to recognize that some Churches, notably the Orthodox Churches, require their members to ensure the religious upbringing of their children within the Orthodox tradition. This fact can pose significant difficulties and may adversely affect the durability of the conjugal bond (Adamowicz 2004, p. 119). A pertinent example comes from Syria and Lebanon where Orthodox canonical norms require that mixed marriages be solemnized before an Orthodox priest, and that Orthodox women undertake to raise their children in the Orthodox faith. The Greek Orthodox Church, on the other hand, mandates a notarized declaration from both spouses affirming their intent to educate their children within Orthodoxy (Adamowicz 2004, p. 120). Mixed marriages are likely to impede the spouses in the practice of their religious duties. The upbringing of children from such unions in fidelity to the Catholic faith and the Church proves more challenging. This often becomes a source of tension, despite the Catholic spouse's duty to safeguard his or her own faith and to ensure the proper religious formation of the offspring. On the other hand, every individual possesses the natural right to marry and to bring forth children. Accordingly, when there are credible assurances that the Catholic spouse will not incur spiritual danger, the Church allows mixed marriages under specific conditions prescribed by ecclesiastical law (Pawluk 1996, p. 201). Moreover, once a mixed marriage has been contracted, the Church encourages the spouses to deepen their mutual understanding of each other's religious traditions, in doctrinal, liturgical, and practical terms, and to engage in shared spiritual practices, such as the reading of the Bible and common prayer (Majer and Adamowicz 2021, p. 173). An informed understanding of each other's rites and customs allows the spouses to distinguish between forms of worship that permit joint participation and those reserved exclusively for the faithful of a particular confession, for instance, the reception of the Eucharist.

Another category of persons entering into marriage with Catholics includes those who have formally left the Church, i.e., baptized Catholics who do not profess faith, as well as those who no longer live in accordance with the faith that they once received. With respect to matrimony, they are treated on a par with non-Catholics. Therefore, a priest requires the permission of the local ordinary in order to lawfully officiate at such ceremonies. The Catholic spouse must provide a written statement affirming continued fidelity to the Catholic faith and promise to make every effort to have all children from the marriage baptized and educated in accordance with the Catholic faith. The other party, whether they have defected from the Catholic faith, profess no religious belief, or no longer practice the

faith, must, in addition to acknowledging the essentials of marriage as understood by the Catholic Church and being informed of the Catholic party's obligations, give an assurance that they will not obstruct the Catholic spouse or the children, who are to be baptized and raised in the Catholic faith, from practicing their religion. Furthermore, the non-Catholic party is to affirm their willingness to contract the marriage according to the law of the Catholic Church (Majer and Adamowicz 2021, pp. 176–77).

6. The Impediment of Disparity of Cult

A diriment impediment is a personal circumstance that renders a marriage invalid.²³ In Canons 1073–1094, the Code of Canon Law²⁴ enumerates twelve such impediments, while the Code of Canons of the Eastern Churches²⁵ (Canons 790–812) identifies one more. Among them, there is the impediment of disparity of cult (Can. 1086/803). In the case of a marriage between a Catholic and a non-baptized person (a non-Christian or one professing no religion), a diriment impediment occurs on grounds of disparity of worship (cult) (Can. 1086 § 1).²⁶ The impediment arises when a person has not received a valid baptism, i.e., there is no baptism at all or it was administered invalidly (Kodeks Prawa Kanonicznego. Komentarz 2023, p. 651). The legislative rationale behind this impediment is the safeguarding of the spiritual interest of the Catholic party and the offspring born of the marriage.

The impediment may be removed either by natural means, namely, the reception of baptism by the unbaptized party, or by a dispensation by a competent Church authority. Since the impediment is of ecclesiastical (man-made) law, it may be dispensed (Kodeks Prawa Kanonicznego. Komentarz 2023, p. 650). A dispensation from the local ordinary is necessary for the marriage to be valid; in its absence, the marriage is rendered invalid. In T. Pawluk's view, the prohibition on a Catholic marrying an unbaptized person was established by the Church. However, in cases where the Catholic party faces a real threat of losing the faith, and the children risk being raised outside the Church, such a prohibition would stem from divine law. The sanction of nullity in such cases is of ecclesiastical origin (Pawluk 1996, p. 133). In Catholic theology, the attribute of sacramentality is intrinsically linked to marriage between two baptized individuals. Although a marriage entered into with an unbaptized individual is not a sacrament, it is nevertheless regarded as a valid and indissoluble union (Kowal 2002, p. 488). When, after a pastoral consultation with the pastor of the Catholic partner, the non-baptized partner refuses or declines to be baptized before the solemnization of marriage, a dispensation must be obtained from the impediment of disparity of cult. Should the intended marriage take place outside the Catholic Church, it is incumbent upon the pastor to petition for a dispensation from the canonical form on behalf of the couple (Bzdyrak 2013, pp. 121–22).

The conditions for the dispensation from the impediment of disparity of cult mirror those governing the permission for mixed marriages; hence, the same canonical norms apply to unions between Catholics and unbaptized individuals (Can. 1086 § 2)²⁷ (Majer and Adamowicz 2021, pp. 115–16). Consequently, it is only the Catholic party who is required to provide the guarantee, whereas the unbaptized partner need only be duly informed of the promises made by the former. In addition, both parties are instructed about the purposes and the essential properties of marriage.

In the course of preparation for marriage, it is crucial to verify that the person claiming to be unbaptized has indeed never received the sacrament. This precaution is intended to forestall attempts by baptized Catholics, whose marriage is already duly recorded in the baptismal register, to falsely pose as unbaptized in order to obscure the existence of a prior marriage. Therefore, when faced with such circumstances, members of the clergy overseeing the canonical and pastoral preparation for marriage request the prospective spouse to offer a rational explanation for the absence of baptism during their childhood. In matters of this nature, a priest may seek a declaration from the marriage candidate's parents or investigate whether any record of baptism was made in the parish of the person during his or her infancy (Majer and Adamowicz 2021,

p. 116). In cases where, at the time of the celebration of marriage, one party was generally regarded as baptized, or their baptism was subject to reasonable doubt, the validity of the marriage is presumed (in accordance with Can. 1060).²⁸ This presumption stands unless it is definitively established that one party was baptized and the other was not (as stipulated in Can. 1086 § 3)²⁹ (Góralski 2006, p. 128).

While a dispensation from the impediment of disparity of cult may be granted, the Catholic Church consistently underscores that the challenges and potential threats to the conjugal bond are significantly greater in unions where the spouses do not profess faith in Christ, compared to those between baptized Christians. Catholic pastors of souls regularly emphasize to engaged couples the essential divergences between the Catholic concept of marriage and that found in, for example, Islamic traditions or among individuals unaffiliated with any religion. An example of this is dissimilar interpretation of natural law, especially with regard to the monogamous and permanent nature of matrimony (Majer and Adamowicz 2021, p. 174). Marriage with an unbaptized person may involve tensions within conjugal life, resulting from substantial divergences in religious belief, the idea of marriage, differences in religious outlook, and, most notably, the approach to the religious upbringing of children born. The risk of religious indifference remains a significant concern. Additional challenges may stem from cultural and social disparity (Bzdyrak 2013, p. 122). The Catholic Church has noted an increasing number of Catholic–Muslim marriages across Europe. Some Episcopal Conferences have even issued particular norms addressing the issue. A key document in this regard is the study of the Committee on Islam in Europe, operating under the Council of Bishops’ Conferences of Europe (CCEE)³⁰, which offers detailed pastoral directives concerning such union. The document discusses the circumstances prevailing in various Islamic countries, explores the sociological challenges encountered by European societies in the context of Islam, and looks at the understanding of the concepts of marriage and family within Islamic cultural and religious frameworks (Adamowicz 2004, pp. 124–25). Similar guidance regarding marriages entered into by Catholic women and adherents of Islam is found in Paragraph 67 of the Instruction *Erga Migrantes Caritas Christi*³¹, issued on 3 May 2004 by the Pontifical Council for the Pastoral Care of Migrants and Itinerant People. The document highlights the importance of addressing the difficulties stemming from interreligious differences, mandates a particularly careful and comprehensive preparation prior to the celebration of the sacrament of matrimony, and encourages ongoing support from the Catholic faithful for such existing marriages (Kodeks Prawa Kanonicznego. Komentarz 2023, p. 651).

7. Conclusions

The two closing chapters of the Book of Ezra focus on interfaith marriages, an aftermath of the Israelites’ time in what is commonly referred to as the Babylonian captivity (or exile). A. Alt observes that the Jewish community only began to enjoy greater autonomy once Cyrus authorized their return to the ancestral land and Nehemiah assumed the position of governor of Judah (Alt 1953, pp. 316–37). The issue of interfaith unions, however, should be interpreted not merely through a theological lens. The phenomenon was likewise embedded in the cultural and traditional framework that the exiled Jews had to face while in Babylon and subsequently within the Persian Empire. Apparently, such intermingling of peoples proved undesirable not only on a political level, but also on a religious level. The Persians imposed prohibitions on mixed marriages, especially among the upper classes, driven by concerns that foreign influences might undermine the established social and political framework. Within the Jewish community, however, such unions were considered a serious religious transgression. The breach of divine law and the mingling of the blood of the chosen people with that of pagans were tantamount to the withdrawal of God’s favour and the outpouring of His wrath. The passage in Ezra 9:1–2 engages with

the challenges of assimilation and the impact of foreign religious practices on Israel. The chronicler clearly anchors his view in Deuteronomy 7:3–4. It is a foundational passage within the Mosaic Law, which underscores the imperative of maintaining both religious and ethnic integrity. The urge to protect Israel's faith rendered the notion of intermarriage entirely unacceptable. The primary obstacle lay in the fact that foreign peoples worshipped pagan gods, a reality that posed a tangible threat of drawing the Israelites away from their faith in YHWH.

Arguably, the impediment of disparity of cult and the prohibition of mixed marriages within the Catholic Church are rooted in the examined passage from the Book of Ezra. Since its earliest centuries, the Church has consistently disapproved of mixed marriages, i.e., unions between the faithful and those who do not belong to the communion of the Church. This stance stemmed from a desire to safeguard the Catholic faith. Throughout the centuries, the strict canonical discipline in this area was reaffirmed by popes, councils, and synods (Góralski 2006, p. 127). In contemporary times, the Catholic Church continues to draw attention to significant aspects that may pose obstacles to such marital unions or even prevent the valid conclusion thereof. Among these, there are different understandings of natural law and divine positive law, particularly with regard to the essential elements, purposes, and properties of marriage. In particular, this is true about the indissolubility of marriage, and even the divergent understanding of and differences between sexes (Majer and Adamowicz 2021, p. 171). A union with an unbaptized person or involving a disparity of cult may present significant challenges for conjugal life, rooted in divergent views on faith, the understanding of marriage, distinct religious mentalities, and, above all, the approach to the religious formation of offspring. There is also the risk of impeded religious practice or of religious indifference. Cultural and societal disparities may further compound these difficulties.

Aware of these concerns, the Catholic Church maintains that the faithful are to seek marriage with persons from the same ecclesial tradition (Majer and Adamowicz 2021, p. 170). It must also be kept in mind that the norms of canon law aim to safeguard the integrity of the Catholic faith and to make the faithful aware—or remind them—of the obligations that flow from their belonging to the Catholic Church (Majer and Adamowicz 2021, p. 173).

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Notes

- ¹ Galatians 1:9: As we have already said, so now I say again: If anybody is preaching to you a gospel other than what you accepted, let them be under God's curse! Titus 3:10–11: Warn a divisive person once, and then warn them a second time. After that, have nothing to do with them. You may be sure that such people are warped and sinful; they are self-condemned.
- ² 2 Corinthians 6:14: Do not be yoked together with unbelievers.
- ³ S. Congregatio Pro Doctrina Fidei. 1966. *Instructio de Matrimonii Mixtis Matrimonii Sacramentum*. AAS, vol. 58, pp. 235–39.
- ⁴ Paulus VI. 1970. *Litterae Apostolicae Motu Proprio Datae Matrimonia Mixta*. AAS, vol. 62, pp. 257–63.

- 5 Contemporary scholarship indicates that the Jewish presence in Babylon does not fully warrant to be referred to as captivity. It appears, in fact, that the deported population did not live under conditions of bondage. The Judeans were settled on abandoned agricultural land where they were free to “build houses and settle down; plant gardens and eat what they produce” (Jeremiah 29:5). Moreover, they enjoyed unrestricted access to education and full religious freedom.
- 6 Isaiah 44:28; 45:1; Jeremiah 21:10; Ezra 20:42; 34:28; 36:8.
- 7 Isaiah 44:9–17; Zechariah 5:5–11; 13:2–6.
- 8 The biblical record is not consistent regarding the number of individuals deported to Babylon. According to Jeremiah 52:28–30, 3023 people were exiled along with King Jehoiachin in 597 BC; a further 832 in 586 BC; and another 745 in 582 BC. In contrast, 2 Kings provides no figures for 586 BC and makes no mention of any exile deportations in 582 BC, following the death of Gedaliah. 2 Kings 24:14 reads that 10,000 people were relocated with Jehoiachin, whereas 2 Kings 24:16 gives the figure of 7000.
- 9 The Edomites caused the most damage. Nebuchadnezzar offered them the south region of Judah, which they had previously conquered and taken over.
- 10 The Book of Ezra reports this event in Ezra 1:2–4 and 6:3–5. The latter passage derives from Aramaic materials, likely kept within the Temple itself. These were incorporated by the chronicler himself into his work, and as such, there is no substantive reason to doubt their credibility.
- 11 The upper echelons of society, especially the Levites, understood well the challenging circumstances in Judah, thus showing little interest in coming back. However, as Ezra sought to reestablish a religious life in Jerusalem, the presence of priests was indispensable. He therefore sent a delegation of nine “men of learning” to Iddo, the head of the community in Kasiphia, to convey Ezra’s detailed message (Ezra 8:15–19).
- 12 Interestingly, Nehemiah, who held the office of cupbearer to Artaxerxes I, is reported to have come to Jerusalem in the twentieth year of the monarch’s rule, i.e., later than Ezra. Historically, however, Nehemiah is often regarded as Ezra’s predecessor. Supporting this view is the observation that by the time of Ezra’s arrival, the city appears well-organized, and its Jewish population enjoys relative peace and stability (Nehemiah 7:4). This has led certain scholars to purport that Ezra might have arrived in Jerusalem under Artaxerxes II, given that, historically, three Persian kings bore the same name. Moreover, Ezra 7:8 offers no precise identification of which Artaxerxes he dealt with. Consequently, it is conceivable that the original canonical order of the biblical books may have been reversed.
- 13 Ezra 9,1–2: After these things had been done, the officials approached me and said, “The people of Israel and the priests and the Levites have not separated themselves from the peoples of the lands with their abominations, from the Canaanites, the Hittites, the Perizzites, the Jebusites, the Ammonites, the Moabites, the Egyptians, and the Amorites. 2 For they have taken some of their daughters to be wives for themselves and for their sons, so that the holy race has mixed itself with the peoples of the lands. And in this faithlessness the hand of the officials and chief men has been foremost.
- 14 1. “After these things had been done, the leaders came to me and said, The people of Israel, including the priests and the Levites, have not kept themselves separate from the neighbouring peoples with their detestable practices, like those of the Canaanites, Hittites, Perizzites, Jebusites, Ammonites, Moabites, Egyptians and Amorites. 2. They have taken some of their daughters as wives for themselves and their sons, and have mingled the holy race with the peoples around them. And the leaders and officials have led the way in this unfaithfulness” Ezra 9:1–2. *The Holy Bible, English Standard Version*, 2016. Good News Publishers.
- 15 Merton purports that in antiquity those who entered into mixed marital unions were regarded as “social deviants,” that is, departing from established norms and rules. As a result, third parties were expected to discourage such relationships through various means: obstructing the couple’s contacts, fabricating obstacles or excuses, inducing a sense of guilt, or subjecting the individuals involved to public criticism.
- 16 The Book of Nehemiah mentions relationships between Jews and women from Ashdod, Ammon, and Moab (Nehemiah 13:23–28).
- 17 Genesis 15:19–20; Exodus 3:8, 17; 33:2; 34:11; Deuteronomy 7:1; 20:17; Judges 3:5; Nehemiah 9:8.
- 18 Deuteronomy 7,3–4: 3 You shall not intermarry with them, giving your daughters to their sons or taking their daughters for your sons, 4 for they would turn away your sons from following me, to serve other gods. Then the anger of the LORD would be kindled against you, and he would destroy you quickly. *The Holy Bible, English Standard Version*, 2016. Good News Publishers.
- 19 CIC/83 Can. 1124: Marriage between two baptized persons, one of whom was baptized in the Catholic Church or received into it after baptism, and the other a member of a Church or ecclesial community not in full communion with the Catholic Church, cannot be celebrated without the express permission of the competent authority.
- 20 CIC/83 Can. 209 § 1: The Christian faithful, even in their own manner of acting, are always obliged to maintain communion with the Church.
- 21 CIC/83 Can. 1367: Parents and those taking the place of parents who hand over their children to be baptised or brought up in a non-Catholic religion are to be punished with a censure or other just penalty.
- 22 CIC/83 Can. 1125 no. 3: Both parties are to be instructed about the purposes and essential properties of marriage which neither of the contracting parties is to exclude.

- 23 CIC/83 Can. 1073: A diriment impediment renders a person unqualified to contract marriage validly.
- 24 Ioannes Paulus II. 1983. *Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus*. AAS, vol. 75, pars II, pp. 1–317.
- 25 Ioannes Paulus II. 1990. *Codex Canonum Ecclesiarum Orientalium, auctoritate Ioannis Pauli PP. II promulgatus*. AAS, vol. 82, no. 11, pp. 1033–363.
- 26 CIC/83 Can. 1086 § 1: A marriage between two persons, one of whom was baptized in the Catholic Church or received into it, and the other of whom is not baptized, is invalid.
- 27 CIC/83 Can. 1086 § 2: A person is not to be dispensed from this impediment unless the conditions mentioned in cann. 1125 and 1126 have been fulfilled.
- 28 CIC/83 Can. 1060: Marriage possesses the favor of law; therefore, in a case of doubt, the validity of a marriage must be upheld until the contrary is proven.
- 29 CIC/83 Can. 1086 § 3: If at the time the marriage was contracted one party was commonly held to have been baptized or the baptism was doubtful, the validity of the marriage must be presumed according to the norm of can. 1060 until it is proven with certainty that one party was baptized but the other was not.
- 30 Islam in Europe Committee of the Conference of European Churches. 2000. Marriages between Christians and Muslims: Pastoral Guidelines for Christians and Churches in Europe. *Journal of Muslim Minority Affairs* 20: 147–60.
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