

FAITH AND THE
SACRAMENT OF MARRIAGE
A RESPONSE TO THE PROPOSAL OF A
NEW “*MINIMUM FIDEI*” REQUIREMENT



What role does faith play in marriage? Is a conscious, deliberate assent to the truths of faith in one or more of the spouses-to-be a requirement for a valid celebration of the sacrament of marriage? Does a lack of faith at the time of the wedding represent grounds (*post hoc*) for a declaration of nullity? The difficult question concerning the relationship between faith and the sacrament of marriage has recently gained a new prominence and a new urgency as a result of the 2014 and 2015 Synods on the family, which Pope Francis called to address what is generally recognized as the profound state of crisis into which marriage and family have fallen in the contemporary world. In response to the suffering of those in complicated marital situations who seek to heal their relationship with the Church, the *Relatio synodi* of the 2014 Synod (included as part of the *Instrumentum laboris* for the 2015 Synod), proposes discussion of the question concerning faith and the sacrament as a possible way forward:

Among other proposals, the role which faith plays in persons who marry could possibly be examined in ascertaining the validity of the sacrament of marriage,

all the while maintaining that the marriage of two baptized Christians is always a sacrament.¹

The form the question takes here, in other words, is this: To what extent is “personal faith”—which is understood in this particular discussion to mean an individual’s conscious, deliberate act of specifically Christian commitment²—required, in addition to the simple fact of having been baptized, for the confection of a validly sacramental, and therefore indissoluble, marriage? The proposal formulated, for example, in the *Relatio synodi* answers this question by requiring the presence of a “*minimum fidei*” in the spouses at the time of their wedding as a condition for the sacramental validity of their marriage. For the same reason, evidence of an absence of this “*minimum fidei*” could accordingly count as sufficient grounds for the declaration of nullity in existing marriages.³

1. Third Extraordinary General Assembly of the Synod of Bishops, “The Pastoral Challenges of the Family in the Context of Evangelization” (5–19 October 2014), *Relatio synodi*, 48.

2. We will take issue here with the phrase “personal faith,” insofar as it suggests that the individual’s conscious, deliberate embrace of some specifically Christian commitment is required for the validity of sacramental marriage. It is worth noting that “personal faith” is an extremely open-ended and, indeed, vague term. One might be forgiven for thinking that, for some at least, it means nothing more than an ill-defined attitude of “seriousness.” What, then, is the precise content of “personal faith”? Is it, say, an “acknowledgment of the existence of God,” a “personal relationship with Jesus,” “participation in the body of Christ,” or “personal assent to all the teachings of the Catholic Church,” or a “belief in the specific sacramentality of Christian marriage”? It is difficult to see how any of these convictions (even the last) would add anything to the one personal act that, according to Church teaching, is directly relevant to contracting a valid (sacramental) marriage: *the simple, publicly manifest intention to marry* in the ordinary, natural meaning of the word. Such an intention, in this context, is already personal faith enough.

3. In the recently promulgated Motu Proprio, *Mitis Iudex Dominus Iesus*, Pope Francis mentions, among the various conditions that would permit a bishop to declare a marriage null without the need for the proceedings of a tribunal, the following: “is fidei defectus qui gignere potest simulationem consensus vel errorem voluntatem determinantem,” i.e., “such a lack of faith as is able to generate a mere appearance of consent or a determinant error of will” (art. 14, §1 of the “Procedural Rules”). It is important to note that a “lack of faith,” in and of itself, is not being affirmed here as a condition invalidating a marriage, but only such a lack as impairs the marital consent or causes a determinant error in the will (both of which are traditional grounds for a declaration of nullity). In other words, it remains necessary to demonstrate that in a

The desire to clarify the relationship between faith and sacrament has arisen not only in response to complicated situations in the Church and the crisis in marriage and family generally, but also from a renewed sense of the importance of the role of faith in the sacramental economy.⁴ This renewed sense goes hand-in-hand with a desire to recover the Church's teaching on the unity between nature and grace. According to the christocentric vision of the Second Vatican Council, "Christ, the new Adam, by the revelation of the mystery of the Father and his love, fully reveals man to himself and makes his supreme calling clear" (*Gaudium et spes*, 22). Along these lines, the *Instrumentum laboris* for the 2015 Synod has insisted that, because

natural realities must be understood in the light of grace, one cannot fail to remember that the order of redemption illuminates and celebrates the order of creation. Natural marriage, therefore, is fully understood in light of its realization in the sacrament of Matrimony. Only in fixing one's gaze on Christ can a person come to an in-depth knowledge of the truth of human relationships.⁵

In this regard, the proposal to add a "*minimum fidei*" to the conditions for valid sacramental marriage seeks to recall the centrality of Christ for a proper understanding of the relationship between nature and grace. At this point, it is important to note a further implication of trinitarian christocentrism not mentioned explicitly in the passage just cited: Natural realities, in turn, can help to illuminate the saving mysteries of our faith and the plan of God to recapitulate all things in Christ (cf. Eph 1:9–10). This is especially true of natural marriage, which bears a theological

given case a lack of faith has also caused some exclusion of an essential property or properties of the marital sacrament. The statement thus stands in continuity with the teaching formulated by John Paul II that we will elaborate below, namely, that the lack of faith invalidates marriage "only if it undermines its validity on the natural level on which the sacramental sign itself takes place" (cf. John Paul II, "Address to the Roman Rota," 30 January 2003).

4. As *Sacrosanctum concilium* teaches, "the sacraments not only presuppose faith, but by words and objects they also nourish, strengthen and express it" (59).

5. Fourteenth Ordinary General Assembly of the Synod of Bishops, "The Vocation and Mission of the Family in the Church and the Contemporary World," *Instrumentum laboris*, 40.

significance precisely in its original constitution as a reality pertaining to creation. We will return to this crucial point when we develop our central thesis below.

All Christians ought to welcome the new attention to the importance of faith in the constitution of the marital sacrament. We wish to argue, however, that, for all of the good intentions motivating it, the inner logic of the proposal to introduce “personal faith” as a new requirement for the validity of marriage in fact implicitly undercuts the christological interpretation of marriage rightly called for by the *Instrumentum laboris*. In failing to do justice to the theological significance intrinsic to the natural institution of marriage itself, this proposal also fails to do justice precisely to the role of faith in constituting valid sacramental marriage. Indeed, we contend that this new proposal not only undermines the foundations of the Church’s doctrine on marriage *tout court*, but that it also fragments the Catholic understanding of the world in general as a reality created in view of the gift of grace in redemption. In subtle but profound ways, the proposal would reinforce the very crisis it is intended to resolve. The question at stake here, then, is not simply an abstract problem of doctrine, but has far-reaching practical and pastoral implications. It is therefore a matter that requires the utmost care and prayerful discernment.

The thesis that we will argue for here is, to put it succinctly, that the position John Paul II adopted in *Familiaris consortio* and elaborated in addresses given to the Roman Rota represents the proper christological vision of the unity of faith and sacrament in marriage, one that affirms, and gives new theological depth to, the principles that have been central to the Church’s teaching on marriage from time immemorial. More specifically, we will argue that the personal faith that all recognize in some respect as a *conditio sine qua non* for the validity of the sacrament is not first and most essentially the subjective disposition of the individuals involved; rather, it is principally their participation, through baptism, in the *faith of the Church*. We will also argue that the role ecclesial faith plays in constituting the sacramentality of marriage both presupposes, and does justice to, a further crucial point of Catholic teaching on matrimony. We can summarize this further point as follows: The objective institution of marriage is already itself, by virtue of its created nature as what John

Paul II has called the “primordial sacrament,” ordered to fulfillment in the mystery of Christ’s union with the Church.

This double claim has two implications for the proper approach to marriage in the context of the current crisis: 1) We must recognize that, for the baptized, consent to the natural institution as such, assuming the proper conditions, involves an implicit act of “personal faith” that suffices to confect the sacrament; 2) the unity of sacrament and institution obliges us, both doctrinally and pastorally, to do full justice to the meaning of marriage *already in the natural order*, and indeed reveals that this natural reality in itself represents a key resource for responding to the current crisis, a resource able both to shed light on the nature of this crisis and to guide our pastoral care of the individuals who are suffering because of it.

In the pages that follow, we will describe the “status quaestionis,” culminating in a brief presentation of John Paul II’s reformulation of the Church’s traditional teaching in light of current developments. We will then sketch in broad outline some arguments in support of John Paul II’s position and some of the problematic implications of the alternative proposal to add the “*minimum fidei*” as a new requirement for the validity of sacramental marriage.

I.

The traditional doctrine of the Church, which informs its current practice, may be summarized as follows: In order to enter into a valid sacramental marriage, there are basically three things necessary: both spouses must be baptized; both spouses must consent to marriage with its essential properties of exclusivity, indissolubility, and openness to life; and, finally, if either of the spouses is Catholic, then the celebration of the rite must follow canonical form.⁶ Within this traditional framework, the personal faith of the spouses is not considered a distinct or separate requirement for the validity of the sacrament of marriage. While it is necessary for the spouses “to intend

6. Cf. Council of Trent, XXIV Session, “Decree Concerning the Reform of Marriage.” It is also necessary that the spouses be free of impediments.

to do what the Church does” in order for the sacrament of marriage to be valid, the question of intention is distinguished from the question of “personal faith,” understood, in this context, as explicit individual appropriation of the faith belonging to the Church. Analogously, a priest who “intends to do what the Church does” validly celebrates the Eucharist even if his “personal faith” is radically deficient;—such a celebration of the Eucharist remains efficacious “*ex opere operato*.”⁷ Despite the difference between the Eucharist and matrimony, we can nonetheless say that “personal faith,” while necessary for the fruitful effects of the marital sacrament, is not necessary for its validity. Finally, Catholic doctrine affirms that the institution of marriage is inseparable from the sacrament: “A valid marriage cannot exist between baptized persons without its being by that very fact a sacrament.”⁸ John Paul II explained the theological basis of this inseparability in the following terms: “The spouses participate in [the sacrament of matrimony] as spouses, together, as a couple, so that the first and immediate effect of marriage (*res et sacramentum*) is not supernatural grace itself, but the Christian conjugal bond, a typically Christian communion of two persons because it represents the mystery of Christ’s incarnation and the mystery of his covenant.”⁹

In the modern era, the confusions and novel phenomena produced by the “secularization” of a public life previously suffused with the truth of the faith have prompted more detailed theological reflection on the relation between faith and the marital sacrament. The need for this reflection has become particularly urgent because of the existential difficulties in which

7. Cf. International Theological Commission, “Propositions on the Doctrine of Christian Marriage,” 2, 3: “Just like the other sacraments, matrimony confers grace in the final analysis by virtue of the action performed by Christ and not only through the faith of the one receiving it. That, however, does not mean that grace is conferred in the sacrament of matrimony outside of faith or in the absence of faith. It follows from this—according to classical principles—that faith is presupposed as a ‘disposing cause’ for receiving the fruitful effect or the sacrament. The validity of marriage, however, does not imply that this effect is necessarily fruitful.”

8. *Code of Canon Law*, can. 1055, §2.

9. John Paul II, Address to the Delegates of the Centre de Liaison des Equipes de Recherche (3 November 1979), 4.

the faithful find themselves as a result of changing cultural attitudes toward marriage and family, the emergence of “religious pluralism,” and the explosion of civil divorce. It was in order to clarify Church teaching on marriage in light of these new problems that the International Theological Commission (ITC) produced, in 1977, the document entitled “Propositions on the Doctrine of Christian Marriage,” which pointed to a new pastoral dilemma calling for discernment and theological reflection:

The existence today of “baptized nonbelievers” raises a new theological problem and a grave pastoral dilemma, especially when the lack of, or rather the rejection of the faith, seems clear. The intention of carrying out what Christ and the Church desire is the minimum condition required before consent is considered to be a “real human act” on the sacramental plane. The problem of the intention and that of the personal faith of the contracting parties must not be confused, but they must not be totally separated either. In the last analysis the real intention is born from and feeds on living faith. Where there is no trace of faith (in the sense of “belief”—being disposed to believe), and no desire for grace or salvation is found, then a real doubt arises as to whether there is the above-mentioned general and truly sacramental intention and whether the contracted marriage is validly contracted or not. As was noted, the personal faith of the contracting parties does not constitute the sacramentality of matrimony, but the absence of personal faith compromises the validity of the sacrament. This gives rise to new problems for which a satisfactory answer has yet to be found.¹⁰

As noted by the ITC, the relatively new phenomenon of “baptized non-believers” represents a challenge or a dilemma for the traditional approach to marriage. How can the sacrament be given and received by individuals who profess no faith in Jesus Christ, the Church, or the sacramental meaning of marriage? As we know, the Second Vatican Council teaches that “the sacraments not only presuppose faith, but by words and objects they also nourish, strengthen and express it.”¹¹ If, however, the sacraments presuppose faith, and if faith belongs to the essence

10. ITC, “Propositions on the Doctrine of Christian Marriage,” 2, 3.

11. *Sacrosanctum concilium*, 59.

of the sacraments, how can someone without such faith receive the sacrament of marriage? The ITC document makes a strong statement in this regard—"the absence of personal faith compromises the validity of the sacrament"—but such statements need to be measured and interpreted in the context of the doctrine and practice summarized at the beginning of this section. What *exactly* does "personal faith" mean? Is not baptism itself a person's participation in the faith of the Church, a participation that guarantees an objective presence of personal faith, even if this objective reality is not (yet) accompanied by conscious appropriation? And what exactly does "compromise" mean? Are we to interpret it in the strongest sense as meaning "undermine," or should we read it in a broader sense as meaning, say, "impair the effectiveness of"?

The question has continued to generate interest and debate.¹² As we noted earlier, a number of theologians have expressed support for the idea of introducing a minimum of personal faith (*minimum fidei*) as a distinct requirement for the validity of the sacrament of marriage.¹³ Among the prominent supporters of this notion is Cardinal Walter Kasper. In his address to the Consistory in February of 2014, Kasper proposed this notion in the form of a question:

Many pastors are in fact convinced that many marriages, which were concluded in ecclesial form, are not validly contracted. For as a sacrament of faith, marriage presupposes faith and consent to the essential characteristics of marriage—unity and indissolubility. But can we, in the present situation, presuppose without further ado that the engaged couple shares the belief in the mystery that is signified by the sacrament and that they really understand and affirm the

12. For an updated bibliography on the relationship between faith and marriage, see *Fides–Foedus: La fede e il sacramento del matrimonio*, eds. Alexandra Diriart and Stefano Salucci (Sienna: Edizioni Cantagalli, 2014). See also, José Granados, "The Sacramental Character of Faith: Consequences for the Debate on the Relation Between Faith and Marriage," *Communio: International Catholic Review* 41 (Summer 2014): 245–68.

13. Cf. Ladislav Örsy, "Faith, Sacrament, Contract, and Christian Marriage: Disputed Questions," *Theological Studies* 43 (1982): 379–98; Michael G. Lawler, "Faith, Contract, and Sacrament in Christian Marriage: A Theological Approach," *Theological Studies* 52 (1991): 712–73.

canonical conditions for the validity of their marriage?¹⁴

It is worth noting that the need to reflect in greater depth on the relation between faith and the marital sacrament has also been noted by persons at the center of the Church's teaching office. In an essay written in 1998 and republished in *L'Osservatore Romano* in 2011, "The Pastoral Approach to Marriage Should Be Founded on Truth," Cardinal Joseph Ratzinger called attention to the current pastoral dilemma and voiced tentative support for the thesis that a minimum of personal faith should be considered a distinct requirement for the validity of the marital sacrament:

Further study is required, however, concerning the question of whether non-believing Christians—baptized persons who never or who no longer believe in God—can truly enter into a sacramental marriage. In other words, it needs to be clarified whether every marriage between two baptized persons is *ipso facto* a sacramental marriage. In fact, the Code states that only a "valid" marriage between baptized persons is at the same time a sacrament (cf. CIC, can. 1055). Faith belongs to the essence of the sacrament; what remains to be clarified is the juridical question of what evidence of the "absence of faith" would have as a consequence that the sacrament does not come into being.¹⁵

Proponents of the "*minimum fidei*" requirement commonly cite this statement by Ratzinger as confirmation of support from the center, and it is not hard to see why. It has to be recognized, however, that Ratzinger's own position on this particular question continued to evolve. Seven years after making the statement cited just now, Ratzinger returned, now as Pope Benedict XVI, to the question of faith and the sacrament of marriage in an address to the diocesan clergy of Aosta:

I would say that those who were married in the Church

14. Walter Kasper, *The Gospel of the Family*, trans. William Madges (New York: Paulist Press, 2014), 28.

15. Joseph Ratzinger, "The Pastoral Approach to Marriage Should Be Founded on Truth" (30 November 2011), <http://www.osservatoreromano.va/en/news/the-pastoral-approach-to-marriage-must-be-founded->.

for the sake of tradition but were not truly believers, and who later find themselves in a new and invalid marriage and subsequently convert, discover faith and feel excluded from the Sacrament, are in a particularly painful situation. This really is a cause of great suffering and when I was Prefect of the CDF, I invited various Bishops' Conferences and experts to study this problem: a sacrament celebrated without faith. Whether, in fact, a moment of invalidity could be discovered here because the sacrament was found to be lacking a fundamental dimension, I do not dare to say. I personally thought so, but from the discussions we had I realized that it is a highly complex problem and ought to be studied further.¹⁶

As Joseph Ratzinger had noted already in his 1998 address, the question of the relation between faith and marriage is “highly complex” and fraught with implications. It is no wonder, then, that he called for “further study” in his 2005 talk in Aosta. Some such further study may also explain why Benedict himself eventually reversed his earlier tentative support for the proposal to introduce faith as a distinct requirement for the validity of a sacramental marriage. A few weeks before he announced his resignation in 2013, in fact, he returned to the question of the relationship between faith and marriage in an address to the Roman Rota:

The indissoluble pact between a man and a woman does not, for the purposes of the sacrament, require of those engaged to be married, their personal faith; what it does require, as a necessary minimal condition, is the intention to do what the Church does. However, if it is important not to confuse the problem of the intention with that of the personal faith of those contracting marriage, it is nonetheless impossible to separate them completely. As the International Theological Commission observed in a document of 1977: “Where there is no trace of faith (in the sense of the term ‘belief’—being disposed to believe), and no desire for grace or salvation is found, then a real doubt arises as to whether there is the above-mentioned and truly sacramental intention and whether in fact the contracted marriage is validly contracted or not.” However, Blessed John Paul II, addressing this tribunal ten years ago, pointed

16. Benedict XVI, Address to the Diocesan Clergy of Aosta (25 July 2005); original Italian text in *Acta Apostolicae Sedis* 97 (2005): 844–59, in particular 855–57.

out that “an attitude on the part of those getting married that does not take into account the supernatural dimension of marriage can render it null and void only if it undermines its validity on the natural level on which the sacramental sign itself takes place.”¹⁷

With these words, pronounced near the end of his pontificate, Pope Benedict XVI clearly reaffirmed the position articulated by Pope John Paul II, who consistently taught that it would be a grave mistake, and “deeply contrary to the true meaning of God’s plan,” to “introduce requirements of intention or faith for the sacrament that go beyond that of marrying according to God’s plan from the beginning.”¹⁸

It should be noted that the key issue at stake in this discussion is not whether or not faith is essential to the sacrament of marriage. There is general agreement that faith is necessary for each of the sacraments, including the sacrament of matrimony. The crucial issue, then, is whether “personal faith” should be introduced as a separate or distinct criterion for the validity of the marital sacrament beyond the requirements currently in place (i.e., baptism, acceptance of the goods of marriage, observance of canonical form, and the like). The current teaching and practice of the Church, confirmed by John Paul II, is that the sacrament of baptism, together with “the decision of a man and a woman to marry in accordance with [the] divine plan,”¹⁹ contain an implicit faith that suffices for the validity of the marital sacrament. In an important text in *Familiaris consortio*, John Paul II addresses the role of faith in marriage as follows:

The faith of the person asking the Church for marriage can exist in different degrees, and it is the primary duty of pastors to bring about a rediscovery of this faith and to nourish it and bring it to maturity. But pastors must also understand the reasons that lead the Church also to admit to the celebration of marriage those who are imperfectly

17. Benedict XVI, Address to the Tribunal of the Roman Rota (26 January 2013) (citing John Paul II, Address to the Tribunal of the Roman Rota [30 January 2003]).

18. John Paul II, Address to the Tribunal of the Roman Rota (1 February 2001).

19. John Paul II, *Familiaris consortio*, 68.

disposed. The sacrament of Matrimony has this specific element that distinguishes it from all the other sacraments: it is the sacrament of something that was part of the very economy of creation; it is the very conjugal covenant instituted by the Creator "in the beginning." Therefore the decision of a man and a woman to marry in accordance with this divine plan, that is to say, the decision to commit by their irrevocable conjugal consent their whole lives in indissoluble love and unconditional fidelity, really involves, even if not in a fully conscious way, an attitude of profound obedience to the will of God, an attitude which cannot exist without God's grace. They have thus already begun what is in a true and proper sense a journey towards salvation, a journey which the celebration of the sacrament and the immediate preparation for it can complement and bring to completion, given the uprightness of their intention. . . . These engaged couples, by virtue of their Baptism, are already really sharers in Christ's marriage Covenant with the Church, and that, by their right intention, they have accepted God's plan regarding marriage and therefore at least implicitly consent to what the Church intends to do when she celebrates marriage. Thus, the fact that motives of a social nature also enter into the request is not enough to justify refusal on the part of pastors. Moreover, as the Second Vatican Council teaches, the sacraments by words and ritual elements nourish and strengthen faith: that faith towards which the married couple are already journeying by reason of the uprightness of their intention, which Christ's grace certainly does not fail to favor and support. As for wishing to lay down further criteria for admission to the ecclesial celebration of marriage, criteria that would concern the level of faith of those to be married, this would above all involve grave risks. In the first place, the risk of making unfounded and discriminatory judgments; secondly, the risk of causing doubts about the validity of marriages already celebrated, with grave harm to Christian communities, and new and unjustified anxieties to the consciences of married couples; one would also fall into the danger of calling into question the sacramental nature of many marriages of brethren separated from full communion with the Catholic Church, thus contradicting ecclesial tradition.²⁰

The crucial premise underlying John Paul II's teaching

20. Ibid.

in this passage is that consent to the natural reality of marriage includes an implicit openness to the mystery of God and his plan of salvation. For the same reason, he can say that in a certain sense the intention to marry itself already represents a “journeying” to full faith that “Christ’s grace certainly does not fail to favor and support.” In a subtle, yet crucially important way, this point (which John Paul developed and amplified in his reflections on the relationship between the natural and supernatural aspects of marriage over the course of his pontificate²¹), reverses the terms of the problematic as set forth in the 1977 ITC document “Propositions on the Doctrine of Christian Marriage.” We can describe the nature of this reversal as follows.

Recall the ITC’s statement that “where there is no trace of faith (in the sense of ‘belief’—being disposed to believe), and no desire for grace or salvation is found, then a real doubt arises as to whether there is [a] . . . truly sacramental intention and whether the contracted marriage is validly contracted or not.” John Paul II, by contrast, interprets the situation described here in exactly the opposite direction. According to the late pope, *the intention to marry according to the plan of God is itself prima facie a sign of God’s grace and the beginning of a journey toward salvation*. Stated differently, where the ITC suggests that the absence of explicit faith introduces a doubt concerning the sacramental intention, John Paul II uncovers the hidden depths of the acceptance of the natural goods of marriage, i.e., the “primordial sacrament” within the order of creation. The consent to marriage involves an implicit openness to God and the mystery of salvation. For this reason, John Paul II could teach that “an attitude on the part of those getting married that does not take into account the supernatural dimension of marriage can render it null and void *only if it undermines its validity on the natural level on which the sacramental sign itself takes place*.”²²

21. This reflection is continued, for example, in his Wednesday catecheses on the *Theology of the Body*, and in his annual addresses to the Roman Rota, of which we republish above those from 2001 and 2003. In the latter, 2003 allocution, we read that the unity of grace and nature in marriage was “a topic very dear to my heart” (John Paul II, Address to the Roman Rota [30 January 2003], 2).

22. John Paul II, Address to the Roman Rota (30 January 2003), 8, emphasis ours.

II.

In one sense, John Paul II's teaching on faith and the marital sacrament is simply an articulation of the Church's traditional understanding of marriage in response to new challenges. In another sense, however, his teaching is a response that, by deepening the traditional doctrine, arguably represents a development. We cannot sound out all of the implications of this development here, but merely wish to highlight a few of its more relevant implications and to offer some reasons in support of it. At the heart of this development, we argue, is the profound unity between the natural and the supernatural—i.e., the sacrament and the institution—that the Church has traditionally recognized in the mysterious reality of marriage. In our view, any genuinely pastoral response to the current crisis of marriage will be informed by the vision of this unity.

Let us first consider the meaning and role of faith implied in the traditional doctrine and practice. To insist, as John Paul II does, that baptism, together with the right intention to marry according to the practice of the Church, suffices for the validity of the marital sacrament recalls the Church's perennial teaching that the faith required for the confection of any sacrament is first of all *the faith of the Church*. In this context, then, right intention means intending in a general way to do what the Church does. Such an intention does involve a certain joining of one's subjectivity to the mind of the Church. Nevertheless, this joining remains different from (though of course not in principle exclusive of) the reproduction in one's own consciousness of the full explicit content of the *mens ecclesiae*.

We hasten to add that our challenge to the "*minimum fidei*" proposal does not rest on the claim that faith is unnecessary for the marital sacrament. Quite the contrary: The sacrament requires *perfect* faith—but this faith is first of all the faith of the Bride of Christ, personified in Mary, which "supplements" in a generous way whatever is lacking in the ministers' own faith. The act of faith on which the sacrament of marriage depends is thus not, in the first instance, a "punctual," subjectively clear decision by the spouses-to-be, but rather a joint acceptance of the ecclesial form that precedes and carries them—which is why the observance of the due *forma canonica*, together with an acceptance

of the traditional goods of marriage, can suffice for the validity of the sacrament. The *fides ecclesiae*, we could say, gives the duly observed canonical form an efficacy analogous to that of a sacrament that is efficacious *ex opere operato*. This is not to downplay the importance of subjectivity in this case—i.e., the value of “personal faith”—but simply to stress that the subjective element does not begin with the couple; instead, it is first received from the ecclesial Bride. Again, personal faith cannot be reduced to the explicit contents of an individual’s consciousness, but has an objective foundation in baptism, which is a participation in the Church’s own faith, and so includes implicitly infinitely more than can be made explicit at any given moment.²³

Second, marriage is unique among the sacraments because of what we might call its “integral natural meaning.” Indeed, it is just this uniqueness that has given rise to the controversies we have been discussing. While the issue of “right intention” is more straightforward in the case of the other sacraments (a priest, for instance, could hardly celebrate the Eucharist without in a very obvious sense intending to do what the Church does), in marriage, the ministers of the sacrament—i.e., the spouses-to-be—are generally focused on the marriage itself, and on all that it portends for their own lives and the lives of their family and friends. So much so, in fact, that the spouses-to-be may regard the Church primarily as a context (though perhaps an indispensable one) for their very human celebration of wedded love.²⁴

Now, it is just this apparently purely “natural” character of marriage that has led some theologians to think of matrimony as, so to speak, less directly theological than the other sacraments. This supposition naturally leads, in turn, to the proposal of a “*minimum fidei*” to ensure natural marriage an otherwise absent

23. Indeed, the positivism dominant in the modern era has lost sight of the significance of the implicit dimension in every act of consciousness *tout court*. On this, see Michael Polanyi, according to whom we always, in every cognitional act, “know more than we can say”: *The Tacit Dimension* (Chicago: University of Chicago Press, 2009).

24. It is certainly true that every sacrament is founded in a natural reality, but the order is different in the other cases: Though the Eucharist is a sacramental expression of the natural reality of a meal, one does not arrange a Mass because one is hungry. Likewise, one does not decide one’s child needs a bath, and then arrange a baptism. By contrast, a couple first decides to get married, and then approaches the priest to prepare the sacrament.

theological significance. But John Paul II shows that marriage, already as a human phenomenon, is not *less* theologically significant than the natural realities of, say, eating, washing, or healing. Rather, it is *more* theologically significant already in itself.²⁵ Indeed, he can go so far as to call marriage the “primordial sacrament,” recalling the Church’s perennial teaching that the Father created Adam and Eve for each other in view of the union of Christ and the Church.²⁶ Jesus “sacramentalized” marriage by accomplishing this union in the Paschal Mystery—but not without both restoring and presupposing the created nature of marriage within God’s original providential plan.

Marriage, then, is a particularly thick embodiment of the unity of nature and grace, in that matrimony bears a christological significance that is, so to speak, “built into” it by virtue of its created nature. The prefiguration of Christ’s union with the Church that is part of its created nature justifies the Church’s traditional teaching that a valid sacramental marriage requires only that the couple be baptized and that they really intend to marry according to the acknowledged canonical form. The same premise also explains why a non-Christian married couple who later discover the faith and receive baptism do not need to marry again in order to sacramentalize their marriage. Insofar as the *natural form of marriage itself* is an openness to Christ, the real intention to marry is already implicitly an act of personal faith, which, given the proper objective context becomes sufficient to confect the sacrament.²⁷

25. Of course, there are no realities that are simply “theologically neutral,” but marriage seems to be unique in having what one might call a “naturally theological” dimension as part of its created essence, a dimension which has been recognized in virtually all traditional cultures.

26. See, for example, John Paul II, *Man and Woman He Created Them* (Boston: Pauline Books, 2006), 503–07. Thomas Aquinas, who is usually quite reluctant to speak of the creation of Adam as a creation “in Christ” in order to preserve the specifically soteriological aspect of the Incarnation, nevertheless explains the original relation of man and woman in just these terms: See Aquinas, ST II–II, q. 2, a.7 and III, q. 1, a. 3, wherein he refers to Adam’s foreknowledge of Christ’s union with the Church in his relation to Eve.

27. To speak of a natural “openness” to Christ is not to say that marriage is sacramental in the strict sense of the term (i.e., one of the seven sacraments of the Church) already by virtue of its created nature. A radical discontinuity has to be affirmed between natural marriages and strictly sacramental marriages, though of course this discontinuity does not eliminate the continuity between them.

The fact that the natural form of marriage is itself an openness to Christ is intimately bound up with the fact that the sacrament embraces the whole of human existence, rather than representing just a part or aspect of our being, or being merely added “on top” of it, so to speak, as a kind of dualistic “second story.” This is one of the implications of the Church’s teaching regarding the inseparability of sacrament and institution. The “matter” of the sacrament is not a discrete thing, such as a piece of bread or a bit of oil, but the whole of two lives that are joined together into a “single existence” through the marital consent.²⁸ Marriage is also unique in that it is both a sacrament and a state of life. We see here the importance of recognizing the natural reality of marriage in its full amplitude precisely as a way of preserving the theological significance of the sacrament.

By contrast, the “*minimum fidei*” logically implies a denial that marriage possesses any theological significance in itself, a position that, in turn, implies that it is bereft of all proper substantial integrity. Consider the general assumption that, if a couple demonstrably lacked “personal faith” in addition to their intention to marry, their marriage can simply be declared invalid or, as some more radical versions of the proposal urge, can even be dissolved. But we cannot forget the fundamental truth that marriage is *naturally* indissoluble, precisely because of the totality of the vows pronounced by the couple, vows that join their lives together in a greater reality no longer subject to their individual

The relationship of natural marriage to sacramental marriage may be said to be analogous to the relation between the literal and the spiritual senses of Scripture. The literal prefigures the spiritual; in a way, it is *nothing but a prefiguration of the spiritual*. However, the literal could not have this purely “figural identity” unless it were also something in its own right. Indeed, the literal must be solid enough to serve as a kind of foundation, or even a sort of “womb,” for the spiritual. This solidity has nothing to do with an extrinsicism between the letter and the spirit; the point is rather that the literal possesses a kind of wholeness that enables it to give birth to the entirety of the spiritual sense under the action of the divine *Pneuma*. Applied to the question at hand: The covenant of creation, *qua* marital, is *as such* not only a prefiguration of the Great Nuptial Mystery, *but also an indispensable foundation and co-source of it*. It is prefiguration in order to be foundation, just as it is foundation in order to be prefiguration.

28. Formally speaking, the matter is the consent that the spouses give, but what is contained in that consent is in fact the whole of their lives—“for better or for worse,” and so forth. This totality includes not only the entire future “till death do us part,” but in a certain respect also their past.

or collective will.²⁹ When John Paul II and Benedict XVI taught that a lack of faith can invalidate a marriage “only if it undermines its validity on the natural level on which the sacramental sign itself takes place,” they underscored the same respect for the integrity of nature within its unity with grace. Grace does not destroy marriage, but *presupposes* and fulfills it. This unity, it should be pointed out, also underlies the Church’s understanding of the declaration of invalidity: To ascertain that a marriage between two baptized Christians is *sacramentally* invalid is always, necessarily, to find that it is *naturally* invalid as well, i.e., that it was never in fact a marriage in the natural sense.

In our view, the proposal of a new “*minimum fidei*” requirement would imply—in spite of the intentions of its exponents—a denial of the theological significance intrinsic to the original meaning of marriage. At the same time (and indeed for the same reason), it would also represent an impoverishment of the natural reality of marriage itself. Only the traditional doctrine and practice of the Church, deepened by John Paul II, respects the full integrity of human freedom and the substantial meaning of nature in these matters. Let us now consider a few unfortunate implications that follow from this fundamental flaw in the “*minimum fidei*” proposal.

First of all, the “*minimum fidei*” proposal would involve the Church in a serious dilemma when dealing with the now common phenomenon of couples who request the sacrament of marriage in spite of the fact that one (or perhaps even both) of the parties, though baptized, does (or do) not have “personal faith.” According to the Church’s traditional teaching, as interpreted by John Paul II, a pastor in such circumstances would affirm the desire for marriage, which he could then use as a positive basis

29. It is true that the “Pauline Privilege” seems to imply that the Church can dissolve a natural marriage “in favor of the faith,” but it does not follow from this that the indissolubility of matrimony depends on an act of “personal faith” over and above the human consent to marry. Whatever the lesson to be drawn from the existence of the “Pauline Privilege”—a topic we cannot enter into here—the lesson cannot be that natural marriage, i.e., marriage as a reality pertaining to the order of creation, is inherently dissoluble (or only provisionally indissoluble). To draw such a conclusion would be to deprive the marital institution of its essential, objective permanence, and so to rob it of any intrinsic capacity for elevation to sacramental representation of Christ’s eschatologically indissoluble union with his Church.

for encouraging the couple in question to embrace the deeper implications of the reality that they in fact already wish to embrace. By contrast, with the “*minimum fidei*” proposal, the pastor would be faced with the following dilemma. *Either* he would be compelled to refuse the sacrament to this couple, and by that fact judge them *incapable of any marriage whatsoever*; or he would have to leave them to their own devices, tacitly allowing them to enter into some form of “marriage” without the sacrament (as if two baptized Catholics could contract a “good and natural marriage” that was *not ipso facto* a sacramental marriage).³⁰ Both options are unacceptable: the first would represent an incredibly harsh, pastorally insensitive response to a good and true natural desire for marriage (and in fact it is scarcely conceivable that such an option would ever in fact be practiced); the second would represent the rejection of an incontestable part of Church teaching, namely, that the only sort of marriage possible for baptized Christians is a sacramental one.³¹ It would represent, in other words, an inadmissible separation of sacrament and institution. It is just here that we see the beauty of John Paul II’s approach: The natural form of marriage, he teaches, is itself an openness to Christ, so much so that the desire for marriage, if it is sincere, is itself already a profound sign of hope that those requesting marriage are “not far from the Kingdom of God.” If a self-professed non-believer genuinely intends to give himself to another person in marriage in a permanent and exclusive way, and is open to the children that may come from this mutual self-giving, we can say with some confidence that his “non-belief” does not, so to speak, go all the way to the core of his person.³² The consent to

30. To refuse marriage to a baptized Catholic on account of his lack of the required *minimum fidei* would seriously injure both the *ius connubii* and the *ius ad nuptias*, because, if he desired to marry, such a person would have no recourse except to a civil marriage ceremony or, worse, cohabitation. Needless to say, both situations would be gravely irregular for both persons involved.

31. Cf. Pius VI, *Deessemus nobis*, DH 2598; Pius IX, *Syllabus* 1864, prop. 66 and 73 (DH 2966; DH 2973); Leo XIII, *Arcanum*, DH 3144–46; “Letter to the Bishops of Venice,” *Il divisamento* (8 February 1893), ASS 25 (1892–1893): 459–74; Pius XI, *Casti connubii*, AAS 22 (1930): 552.

32. To be sure, if a person explicitly and formally rejects what the Church does in the celebration of the rite of matrimony, he is excluding himself from the sacrament, and the pastor must treat the matter accordingly. Cf., *Familiaris consortio*, 68.

marriage, as John Paul II says, is already itself the beginning of a journey to salvation.

Moreover, we need to consider the complications that arise in making judgments regarding the quality, and indeed quantity, of "personal faith" required to establish a "*minimum fidei*." If a such a minimum were introduced as a new condition for valid sacramental marriage, the tribunal tasked with determining sacramental validity would find itself responsible for ascertaining the interior condition of a person's state of mind, i.e., with gauging the subjective contents of an individual's consciousness, at the time of an event that happened perhaps decades earlier. Indeed, this problem would not only concern couples who have applied for a declaration of nullity, but even those who are living as committed Catholics in happy marriages. Can they be sure of their own frame of mind at the precise moment of the celebration of the sacrament? Or, indeed, of the frame of mind of their respective spouse? Years after the fact, one or both of the spouses might start calling into question the quality of their original consent, and be plagued by the thought that their lack of personal faith at the time renders their marriage null. Given the state of things in the contemporary world, and the widespread confusion and ignorance regarding Church teaching, the "*minimum fidei*" proposal would open the door to the supposition that a significant percentage of those who believe they are validly married are in fact mistaken. The resulting seed of doubt would place an undue strain on any marriage, particularly in the moments of difficulty to which every married couple is subject. Such moments of difficulty look quite different depending on whether one can trust that the sacramental quality of marriage rests on an objective and incontestable reality or whether one believes that the grace of marriage depends in a fundamental way on one's state of mind. Logically speaking, the "*minimum fidei*" requirement would mean that a married couple who lacked "personal faith" at the time of their wedding but later discover faith would have to be married again in order to confect the marital sacrament. Indeed, on this proposal, it would make good sense for those whose faith seemed to them deficient at the time of the wedding to get married again and again just to be sure the sacrament "takes." The absurdity of this situation reveals beyond a shadow of a doubt, it seems to us, how untenable the "*minimum fidei*" proposal truly is.

To summarize our contention, the introduction of a new “*minimum fidei*” requirement to the conditions for the validity of marriage would have the following problematic implications:

- it would imply a narrowing and subjectivizing of the meaning of faith;
- it would effectively undermine the christological ordering of marriage within the providential plan of God;
- it would imply the separation of sacrament and institution; and
- it would require a determination concerning something difficult to judge in a clear and responsible manner with any certainty, namely, a person’s subjective state at a particular moment in the past.

In conclusion, we wish to stress that the argument we have sketched in these pages in no way contests the widely held judgment that the Church must rethink its pastoral approach to the preparation of couples for marriage. In other words, we are not calling into question the need to revisit the pastoral care of couples-to-be, but are simply challenging the proposal to introduce a “*minimum fidei*” as a *new requirement* for the validity of sacramental marriage, and thus as a criterion for declaring the nullity of *existing marriages* between baptized. In our view, this proposal undercuts the very principle needed to respond to the current crisis of marriage: a recovery of the theological depth of the natural institution of marriage itself, understood as a reality belonging to the created order, but also as a reality destined for sacramental elevation from the beginning. Indeed, one of the tasks of marriage within the sacramental economy is precisely to embody the way in which the gift of faith enters into the reality of nature from within in order to reveal nature as it truly is: “natural realities,” we read in the *Relatio synodi*, “must be understood in the light of grace . . . and the order of redemption illuminates and celebrates the order of creation. Natural marriage, therefore, is fully understood in light of its realization in the sacrament of Matrimony.” The “*minimum fidei*” proposal, however, effectively denies just this *intrinsic* ordering of natural marriage to its sacramental fulfillment. But if natural marriage represents,

as we believe, a kind of crowning of creation, then the denial of its intrinsic ordination to the marital sacrament implies a more general denial, one affecting the intrinsic ordination of nature to grace *tout court*. What appears at first sight to be no more than a minor shift in pastoral practice turns out to undermine an essential basis of the Church's mission: her confidence that, in preaching the Gospel to all nations, she is not speaking into a void, but into a heart created by God precisely for the good news she is entrusted with announcing.

The proposal to introduce a "*minimum fidei*" as a new criterion for the validity of sacramental marriage seems to offer a pastorally sensitive way of resolving hard cases while respecting the integrity of Catholic doctrine. In our view, however, this proposal illustrates the old adage that hard cases make bad law. The acceptance of the "*minimum fidei*" proposal, in fact, would yoke the Church's pastoral care of married people to an impoverished, and ultimately inhuman, view of marriage. To say that the validity of sacramental marriage depends on "personal faith," in fact, is tantamount to claiming that the reality of the marital institution lacks any substantial depth or permanent reality before God—unless and until it is supplemented by the addition of an explicit, subjectively self-aware faith. Whatever the immediate benefits of the "*minimum fidei*" proposal might be in the short run, in the long run the proposal can only deepen the crisis of marriage, which finds expression precisely in the widespread impression that marriage, after all, is not a solid, permanent reality transcending the velleity of the spouses, but, at best, a fragile, temporary contract that can be dissolved more or less at will. In short, the adoption of the "*minimum fidei*" proposal would be the wrong way to respond to the current crisis of marriage and family; rather than resolving the crisis, it would (unwittingly) commit the Church to embracing the very image of marriage that is at the heart of the crisis in the first place. □

—The Editors