

THE SACRAMENTAL  
CHARACTER OF FAITH:  
CONSEQUENCES FOR THE  
QUESTION OF THE RELATION  
BETWEEN FAITH AND MARRIAGE

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“Belonging to the *one flesh* of Jesus and the Church is what makes the *one flesh* of the spouses new, sealing it with the same indissolubility of Christ’s love for his members.”



In his treatise *De sacramentis christianae fidei*, Hugh of St. Victor inquires about the meaning of the expression *sacramentum fidei*. The primary meaning of the term refers to baptism and the other sacraments of the faith. Furthermore, along with this more commonly-accepted meaning, Hugh finds another: *sacramentum fidei* can mean—taking the genitive as epexegetical—the faith itself inasmuch as it is also a sacrament, which is to say, inasmuch as it has a sacramental structure:<sup>1</sup> it prefigures and anticipates, in

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1. Cf. *De sacr. christianae fidei* I, 10, 9: “Sacramentum fidei dupliciter potest

the manner of a real symbol, the full and definitive encounter with God.

Hugh's insight is important in overcoming a subjectivist view of faith, understood as an autonomous conviction of the isolated individual. Recall that faith is one's response to an encounter with the Word of God, which reaches us in our concrete situation in the body and in time, and was manifested fully in Jesus.<sup>2</sup> Thus, according to Hugh's statement we are reminded of all this precisely by the sacraments. Indeed, just as the sacraments are always rooted in the flesh in order to communicate to us the life that springs from the Body of Christ, so too faith—because it originates in the encounter with the incarnate Word—will have a close connection with the sensible perception that situates man in the world; just as the sacraments help us to situate ourselves in history, through the memory of the Crucified and Risen Lord and through the anticipation of his return, so too faith is a light that travels through the ages, revealing our origin in the Father and our definitive impetus toward him; and just as the sacraments are ecclesial events, which build up the Church and are celebrated by her, so too faith will give us its light only from within the community of believers. The encyclical of Pope Francis, *Lumen fidei*, confirmed this twofold bond: “While the sacraments are indeed sacraments of faith, it can also be said that faith itself possesses a sacramental structure” (*LF*, 40).

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intelligi. Sacramentum enim fidei vel ipsa fides intelligitur, quae sacramentum est, vel sacramenta fidei intelliguntur quae cum fide percipienda sunt, et ad sanctificationem fidelium praeparata sunt.” [“Sacrament of faith can be understood in two ways. For the sacrament of faith is either understood as faith itself, which is a sacrament, or else sacraments of faith can be understood as those things that are to be received with faith and were prepared for the sanctification of the faithful.”] On the relationship between faith and sacrament in Hugh of St. Victor, cf. Renzo Gerardi, “Fede e sacramento in Ugo di S. Vittore,” in *Rivista di teologia morale* 12 (1980): 231–52. On this connection between faith and sacrament cf. St. Augustine, *Letter* 98, 9: “Sicut ergo secundum quemdam modum sacramentum corporis Christi corpus Christi est, sacramentum sanguinis Christi sanguis Christi est, ita sacramentum fidei fides est.” [“Therefore, just as in a certain way the sacrament of Christ's Body is the Body of Christ, and the sacrament of Christ's Blood is the Blood of Christ, so too the sacrament of faith is the faith.”]

2. In this essay I refer to the *fides qua*, the faith that informs the heart of the believer; and I consider it only in the act of celebrating marriage (*marriage in fieri*).

Thus the question of the relation between faith and sacrament becomes important, not only for sacramental theology, but also for the theology of faith. In this essay I do not want to discuss this relation in general terms. Instead I will concentrate on its consequences so as to illuminate a particular case and a delicate one: what is the role of faith in the celebration of marriage?<sup>3</sup>

Those who try to insist on the necessity of faith for the validity of Christian marriage usually emphasize that every sacrament is a sacrament of faith, and marriage should not be an exception. In saying this, however, they do not speak about the other side of the relation, which we just mentioned: faith too is sacramental; it too must be understood according to the logic of the sacraments. And just as marriage is one of the sacraments, we can deduce that faith too will have features in common with the structure of conjugal love. It would be one-sided to insist on the necessity of faith for marriage without asking how marriage helps us to understand what faith is.

In particular I want to show how two specific features of marriage remarkably illuminate the act of faith: the relation between marriage and creation, and marriage's ecclesial dimension. Faith will necessarily have its roots in the original experience of created man; faith too will necessarily be in close connection with ecclesial communion. I will therefore try to find in these respective and intimately related aspects of faith a productive way of shedding light on the question about the link between faith and marriage.

This approach will allow us to direct our attention not only to the difficult cases of baptized persons with a poor faith life who are planning to get married—indeed, these cases are becoming less common in many places because there is less social pressure to have a purely formal baptism or to marry in the Church. The interest may be, on the contrary, primarily positive: to underscore the relation between faith and marriage becomes essential for the new evangelization. The family, indeed, has many features that fall within the scope of faith (cf. *Lumen fidei*, 52).

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3. For a general overview of the problem, I take the liberty of referring the reader to: José Granados, *Una sola carne en un solo Espíritu: teología del matrimonio* (Madrid: Palabra, 2014), 255–67, with bibliography.

The course to be adopted, therefore, is not only to strengthen faith so as to be able thereby to enrich matrimonial consent, but also the other complementary course of strengthening family experiences so that faith can mature. In this way, the solution to difficult cases can be one that starts from the center of the Christian message, and not from a “secularization” of love, an adaptation of and to today’s divorce mentality.

After considering briefly the biblical foundations of the sacramental character of marriage (1), I will go on to study its particular relation to creation (2 and 3) and with the Church (4). From there it will be possible to determine the role of faith in the act of matrimonial consent (5) and to draw conclusions for pastoral ministry (6).

#### 1. BIBLICAL FOUNDATIONS: MT 19 AND EPH 5: MARRIAGE ROOTED IN THE EXPERIENCE OF THE NUPTIAL AND ECCLESIAL BODY

Two biblical passages are central in understanding the sacramental character of marriage: Mt 19:8–9 and Eph 5:21–32.

In Mt 19:8–9, the Lord connects the newness of his person and preaching (which is implied in the formula: “Moses allowed you . . . [but] I say to you”) to a recovery of the original truth inscribed in creation concerning the indissoluble *one flesh* between a husband and wife. Faith in Jesus implies, therefore, rediscovering the truth of the beginning. Christ, in bringing the final and definitive proclamation of God’s faithfulness, also opens the way to that beginning where the foundations of the human experience of love are located. The sacramental character of marriage is indicated by this twofold relation (with the origin and with the new fullness of Jesus), because marriage is precisely the sacrament by which the language of creation is included within the scope of redemption. The new life brought by Jesus cannot be lived if we leave behind the ancient relation in the flesh that constitutes family experiences.

In Eph 5:21–32, St. Paul connects the *one flesh* from Genesis with the *one flesh* of Christ and his Church; in this way he mentions a mystery that is inherent in every creaturely marriage, inasmuch as it points toward Jesus and the Church. In this

context, marriages between Christians have a special place: since they belong, through baptism, to the Body of Christ (cf. Eph 5:30: “because we are members of his body”), Christians cannot be united in one flesh except according to the new standard of the flesh of Christ and of the Church; in this way, through their membership in the Body of Christ, they are made capable of representing in their own love the love of Jesus and of his Church, as St. Paul asks them to do.

Therefore, in order to grasp the unity of creation and redemption in marriage, Eph 5:21–32 points out an ecclesiological context. Belonging to the *one flesh* of Jesus and the Church is what makes the *one flesh* of the spouses new, sealing it with the same indissoluble characteristic of Christ’s love for his members. This ecclesial context is present also in Mt 19:1–12 inasmuch as hardness of heart affects not just the individual but the whole People;<sup>4</sup> consequently, it will be possible to experience the redemption brought by Jesus only within the new Israel, which is the Church. Marriage is never a private matter—indeed, the genome of ecclesial and public life is found within it—and everything concerning it ought to have a communal dimension.

In order to understand the sacrament of matrimony, therefore, both the creaturely aspect and the ecclesial aspect are of great importance. We will see that in both cases we have to deal with the essential elements of the relation between faith and sacrament.

## 2. MARRIAGE, BETWEEN NATURE AND REVELATION

One of the scholars who has proposed a renewal of the role of faith in marriage is the noted canonist Eugenio Corecco.<sup>5</sup> He starts from the formula *ius divinum, sive naturale, sive positivum* [the divine law, whether natural or positive], combining the two aspects of the divine institution of marriage, both in creation (which is accessible to human reason) and in revelation (which

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4. See Julián Marías, “Matrimonio y divorcio,” in *Sobre el cristianismo* (Madrid: Planeta, 2000), 90–99.

5. See Eugenio Corecco, “Il sacramento del matrimonio: cardine della costituzione della Chiesa,” in *Ius et Communio* (Facoltà di teologia di Lugano, 1997), 2:564–92 at 573.

can be known by faith). These two aspects, Corecco writes, have been articulated over the course of history in such a way that the aspect of *ius positivum*, belonging to biblical revelation, has gradually lost its force, while the natural aspect, the heritage of Greek philosophy, has gained importance.

Indeed, Corecco is right when he remarks that in the neo-Scholastic theology of marriage grace was measured in terms of the natural properties, which were thought to be the province of philosophical ethics.<sup>6</sup> Thus the unity of the two aspects was accepted, but in practice everything seemed to be reduced to the aspect of nature. The approach was inadequate because it did not take revelation as its point of departure and did not fully identify what was specifically Christian in the sacrament of matrimony. Corecco asks then whether it might not be necessary to start more clearly from the *ius positivum*, which is known only by revelation. This would involve defining the conditions for the validity of the sacrament more decisively in terms of faith.<sup>7</sup>

In response to this proposal, however, it must be said that since the *ius divinum naturale* [divine natural law] is the *ius* associated with creation, it is not merely derived from Greek philosophy, but also has roots in the Bible. Scripture, indeed, is acquainted not only with the revelation of God in history, but also with his constant presence and blessings, which are evident from creation.<sup>8</sup> Nature, from this perspective, is not abstract metaphysical nature (as Corecco seems to think), but rather the expression of the fact that everything proceeds originally from the Creator; and natural laws are understood in terms of the Creator's faithfulness to his work. This is why natural marriage itself contains a reference to God, to "what God has joined," and cannot be reduced to a contract that springs solely from the will of the man and the woman.<sup>9</sup> In natural marital love husband and

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6. See, for example, Francisco Solá, "De matrimonio," in *Patres Societatis Iesu Facultatum Theologicarum in Hispania Professores, Sacrae Theologiae Summa*, vol. 4 (Madrid: BAC, 1953), 831.

7. See Corecco, "Il sacramento del matrimonio," 2:586.

8. In this regard see Claus Westermann, *Blessing in the Bible and the Life of the Church* (Minneapolis: Fortress Press, 1978).

9. This is in contrast to what Corecco seems to think, "Il sacramento del matrimonio," 2:582.

wife open themselves to a mystery that precedes them, embraces them, and elevates them beyond themselves.

To the extent that it originally tends toward God, this mystery points from the beginning toward the fullness of the manifestation of the Father in Christ; this mystery was recovered and revealed in its fullness by Christian revelation. In this approach, nature is always considered in its historical concreteness, in the fact that it comes from God (“nature,” from the Latin verb *nascor*, to be born) and tends toward a fullness in communion with him. Thus Jesus was able to take up human love, not only in order to bring it to its fullness (as the *omega* point of creation), but also in order to show that he himself is its original Lord, the *alpha* point of history, by offering to Christians the key to living fully the creaturely dimension of marriage.

From this it follows that the proper journey of faith leads not only by way of a deepening of the *ius divinum positivum*, but also by way of a return to the nature of marriage, which reinterprets it in greater depth (*ius divinum naturale*). Consequently, in order to increase faith we need to follow both paths: the revelation of the fullness of time in Jesus, and the exploration of every human being’s experience of the origin, which Jesus recovered. Indeed, to insist on faith in a way that leaves out nature could mean basically also a loss of faith and its concrete truth, according to Gnostic forms of living out Christianity.

The proof of this connection may be seen in the correlation between the crisis of faith and the crisis of the family in Western societies, which is a two-way street: secularization leads to the loss of family values, but vice versa as well.<sup>10</sup> Given this secularization, therefore, it is necessary to note not only the question of faith but also the natural human truth about marriage. *Secularization* is not equivalent to a *naturalization* of marriage. On the contrary, secularization comes about by denying the nature of marriage, when a wedding is reduced to a contract established by society, in other words, to civil marriage as it has been understood since the French Revolution.

In conclusion, I agree with Corecco about the need to take the proclamation of Jesus as the point of departure. How-

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10. In this regard see Mary Eberstadt, *How the West Really Lost God: A New Theory of Secularization* (West Conshohocken: Templeton Press, 2013).

ever, precisely this proclamation, when it refers to marriage, tells us about marriage's original nature, according to the statement about the return to the beginning in Mt 19:1ff. and the citation of Gn 2:24 in Eph 5:32. Therefore the relation between nature and sacrament always remains a two-way street, and it becomes impossible to combine both aspects into one. Jesus revealed the full measure of spousal love precisely by means of a return to the beginning, which allows Christians to live out the natural covenant of marriage in its fullness. This natural covenant will always be a reference point for theology and canon law, and taking this reference into account does not mean diluting the theological vision, but rather deepening it according to the words of Jesus and the Apostle to the Gentiles, thus avoiding spiritualistic and Gnostic deviations.

### 3. THE INSEPARABILITY OF CONTRACT AND SACRAMENT

The dynamic unity of these two aspects helps us to consider the question of the inseparability of contract and sacrament for baptized Christians, which is very important for the question about the relation between marriage and faith. Indeed, this inseparability makes it impossible for the bride and groom to have a natural marriage alone, without their union being a sacrament. It is important to explain the reasons for this inseparability.

This doctrine is based on the early Church's constant practice of not requiring a special rite for the validity of the sacrament of matrimony. High Scholasticism considered the seventh sacrament to be remarkable, because in it the natural union itself of husband and wife signified and contained the Christian mystery. The question arises above all in the context of the conflict between the Church and the modern state over the authority of marriage and the regalist claim to reserve to the state the natural contract, which would then be elevated to the status of a sacrament by the Church.<sup>11</sup> In condemning this position the Church intended to affirm that her mission is not something extrinsic to

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11. See Pius VI, *Deessemus nobis*, DH 2598; Pius IX, *Syllabus* 1864, prop. 66 and 73 (DH 2966; DH 2973); Leo XIII, *Arcanum*, DH 3144–3146; 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.



the social order but rather, through her authority over marriage, it has concrete effects for the common good; the connection between ecclesial mission and society is a concrete consequence of the close relation between grace and nature.

The thesis rejected by the Magisterium is the thesis that the two aspects are absolutely separable in a way that would be determined by the spouses themselves or by the state. The Magisterium did not condemn, however, the thesis that they may be separable *per accidens* and not *per se*, which would be permitted by the Church in certain circumstances.<sup>12</sup> However, there are good theological reasons, as I will try to show further on, for maintaining that the inseparability of the natural covenant and the sacrament is absolute, so that it becomes impossible for two baptized persons to enter a merely natural marriage, not only because of the Church's decision, but because of the very nature of the redemption accomplished by Jesus.

Anyone who has been encountered by Christ has encountered the *eschaton*, the last and definitive One; he has met the unsurpassable event of God's love in history; nothing greater than this can occur. Furthermore, Jesus, in revealing the completion of history, reveals also the origin of all creation: he is the last and definitive One because he takes up into himself the origin as well. This means that once a person has encountered Jesus, once he has been touched and transformed by the One in whom the beginning and the end of everything is revealed, it is impossible to turn back, to act as though Jesus had not come into his life. Precisely because Christ reveals the primary foundation, it is not possible now to return to a past time previous to his coming; it is not possible to live natural reality as it was lived before the encounter with him.

To say that (at least in certain cases) the contract and the sacrament are separable would mean that one accepts (in those cases) the hypothesis that for someone who has found Christ it is possible to return to a mere creaturely reality as though Christ had not come into his life; it would mean that the encounter with Christ does not affect radically the totality of human life, because areas remain that are not radically transformed by Jesus.

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12. See Eugenio Corecco, "Il sacerdote, ministro del matrimonio?" *La Scuola cattolica* 98 (1970): 343–72; 427–76.

Moreover, these areas would not be secondary regions of human life, but precisely the crucial dimensions of one's personal identity. Marriage, indeed, is not just any created reality, one that is accidental, so to speak, to a person's identity and vocation and could remain outside of a human being's salvation; on the contrary, this is about the center of creaturely reality, the place where the person's identity is defined in his corporeal rootedness in the world, in his encounter with others, and in his openness to God's transcendence.

The areas that marriage affects are, furthermore, the ones taken up by Christ in order to share our life and to bring us God's full salvation. Can Jesus *not* transform our bodily presence in the world, in its openness toward the other and toward God, when it was precisely this bodily presence that he assumed in order to communicate God's life to us?

Having stated the thesis of inseparability, it is necessary to reply to an objection. What happens if two baptized Christians reject Christ, so that they do not wish to be married from Christ's perspective? Would they then lose one of their fundamental natural rights, the right to be able to marry? It must be said that, in this case, it should not be surprising that the natural right to marry is lost: Someone who has found Jesus Christ gains everything: this includes his nature, his origin, his past; but once someone has encountered Christ, if he abandons the faith, then he also loses access to the origin as it was experienced before finding Christ.

If baptized persons approach marriage as a merely natural reality, explicitly rejecting its connection with Christ, their understanding of their wedding differs from that of non-believers. Indeed, it is one thing to live one's nature with a possible openness to Christ, before finding him; it is something else entirely to approach nature in opposition to Christ. A direct rejection of Christ would make it impossible for the contracting parties to experience marriage in its natural dimension, precisely because it would deny an intrinsic element of natural marriage: its openness, albeit perhaps unconscious, to its definitive fullness in Jesus.

In conclusion, the thesis of the absolute inseparability of the contract and the sacrament for baptized persons must be reaffirmed without any doubt. This follows from the intrinsic unity of nature and grace that belongs to the fullness of time that Je-

sus brings, because he radically recovers the origins and irreversibly transforms Christian life in its deepest layers. This theological conclusion is confirmed both by the centuries-old practice of the Church, which has accepted the sacramental character of creaturely marriage between baptized persons without requiring a special rite for its validity, and also by the doctrine of the irreversibility of baptism, inasmuch as it affects the person's deepest identity.

#### 4. THE ECCLESIAL ROOTEDNESS OF MARRIAGE

We ask ourselves then in what way being rooted in Christ, belonging to his Body, makes a sacramental marriage possible. According to Eph 5:21–33, the sacramental character of Christian marriage is connected with its ecclesial dimension. The *one flesh* of the spouses becomes sacramental because they belong to the Body of Christ, to his flesh (cf. Eph 5:30). The marriage of baptized persons, their act of making themselves *one flesh*, is transformed by the fact that they are members of Christ. Configured to the Body of Christ in their flesh by baptism, they can be united *in one flesh* only if they unite according to Christ's standard. This is how they will be rendered capable of a new love, the love that unites Christ and the Church; this is how they will be able to obey Paul's exhortation to love one another according to the standard of Jesus and his Bride.

Moreover, through this singular connection with Christ and the Church, the spouses are incorporated in a new way (now as *one flesh*) into the ecclesial *one flesh*, and thus help to build it up. For this reason it was possible for matrimonial grace to be described in the Middle Ages (based on the Augustinian teaching) as "becoming members of Christ."<sup>13</sup> If the Church is structured as *one flesh*, if being *one flesh* (the Bride of Christ) contains her fundamental definition, then marriage possesses a singular gift with which to build up the Church.

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13. See the anonymous treatise of the School of Laon: *Conjugium est secundum Ysidorum*, ed. F. Bliemetzrieder, *RThAM* 3 (1931): 273–91 at 275: "Res quippe huius sacramenti est fieri membrum Dei. Qui enim in legitimo conjugio legitime vivunt, per ipsum conjugium Deo etiam serviunt et eius membra fiunt." ["Certainly the reality of this sacrament is becoming a member of God. For those who live in a legitimate marriage by the very fact of their marriage serve God as well and become his members."]

Thus, marriage is a sacrament because the baptized belong to the Body of Christ and the Church and, in joining together, become *one flesh* in the manner of Christ and the Church, thus building up, in a specific way, the communion of the Church, *one flesh* with Christ.<sup>14</sup>

The fact that marriage is thus rooted in ecclesiology clarified an important practical question in the medieval debate about the consummation of marriage. Since the ecclesial *one flesh* is a communion in the flesh (because the union of the Incarnate Word with humanity is the presupposition of his gift on the Cross to the Church), absolute indissolubility comes about only when the spouses are joined in the flesh. From the moment of matrimonial consent there is a sacrament in the true sense (a ratified marriage), but not a full sacrament, because the spouses do not yet belong fully to one another in the incarnate way in which Christ and the Church belong to each other.

I think that these ecclesiological roots of marriage can shed light also on the relation between marriage and faith, inasmuch as we are fully incorporated into the Church by faith. The topic has been examined in depth by theology and by canon law in two different ways:

a) The medieval theological tradition and canonical practice have identified the baptismal character as *the minimum required in order to determine membership in the Church* and the resulting possibility of entering a sacramental marriage. In this regard, St. Thomas Aquinas discusses the case of heretics who, even though they do not have a correct faith, possess the *sacramentum fidei* (baptismal character): this is enough for the validity of their marriage.<sup>15</sup>

b) With the passage of time, another elucidation, acknowledged by canonical jurisprudence, was added to the need for the baptismal character.<sup>16</sup> This develops in terms of the nec-

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14. Concerning the role of the Spirit acting upon the *one flesh*, which complements what we are saying about the ecclesial dimension of marriage, see Granados, *Una sola carne en un solo Espíritu*, 359–82; Marc Ouellet, “The Holy Spirit, Seal of the Conjugal Covenant,” in *Divine Likeness: Toward a Trinitarian Anthropology of the Family* (Grand Rapids: Eerdmans, 2006), 79–101.

15. See Aquinas, *Super Sent.*, IV, d. 39, q. 1, a. 1, ad 5 (ed. Parma, 1024–1025).

16. For an analysis of the jurisprudence, see Giacomo Bertolini, *Intenzione coniugale e sacramentalità del matrimonio*, 2 vols. (Padua: Cedam, 2008), 1:167–

essary intention of the spouses to receive the sacrament. If the bride and groom are opposed to the *intentio faciendi quod facit Ecclesia* [intention to do what the Church does], then their marriage cannot be considered valid. The reasoning is analogous to the argument about the intention of the minister in the other sacraments. The question of intention is distinguished from the question about faith: a priest validly celebrates the Eucharist even if he has no faith: it is enough for him to intend to do what the Church does. According to this comparison, a marriage is considered null if there is deliberate exclusion, by an act of will, of the intention to perform in the marriage the act that the Church intends to perform.

Would it be necessary to require something more of the bride and groom? Although valid, the last argument as regards intention should be examined in greater depth in the case of marriage. The spouses are the ministers but their human acts are also the matter of the sacrament; therefore a minimum of personal acceptance of the sacramental meaning of the act that they are performing (and therefore a minimum of faith) seems necessary, besides the intention to do what the Church does.

The difficulty lies in determining that minimum of faith without falling into a form of subjectivism that would call into question the validity of many marriages and would run the risk of discriminating against many Christians who are arbitrarily judged to be not well prepared, as *Familiaris consortio*, 68 points out.

I think that the ecclesiological roots of marriage allow us to frame the question in a more convincing way. The proposal is to gauge the minimum of faith as the intention to belong to the faith of the Church, to be included in her. What is required of the spouses is that they intend to marry as Christians, as persons belonging to the ecclesial community, conscious that their marriage is not a private matter. The solution would be along the line marked out by infant baptism: this is possible, even though infants cannot make an individual act of faith, through a partici-

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264; the author maintains a minimalist thesis with regard to the role of faith or of sacramental intention: "a correct realistic approach and an authentic personalism postulate the previous ascertainment of the presence or absence of the natural conjugal matter; if it is present, any further investigation concerning the intellectual or volitional dispositions specifically relative to the sacramental character would seem to be misleading" (2:323).

pation of the baptized person in the larger faith of the Church. Nevertheless, the comparison with baptism is valid only up to a certain point: since marriage requires personal consent, it seems that, over and above what is required in infant baptism, there should be an additional requirement of personal consent to belong to the faith of the Church. Not having the intention to do what the Church does would necessarily be interpreted in this case as: not intending to marry as members of Christ and of the Church. This requires then more than a mere intention to do what the Church does; what is required is an involvement in the faith of the Church, willingness to be included in the ecclesial faith. In this way the danger in evaluating different degrees of faith is avoided, because the faith is contemplated inasmuch as it is one and the same for all the members of the Body of Christ. Acceptance of the canonical form of marriage, if it is not feigned, would be sufficient proof in this case of the minimum required for the validity of consent, because what is expected is not a high degree of personal faith, but acknowledgment that one is entering into that great subject of the faith which is the Church.<sup>17</sup> The expression “minimum of faith” therefore does not imply different degrees of faith, but rather refers to a *central nucleus* of the faith, to an essential dimension of the faith, which is one’s insertion into ecclesial faith.

This thesis, I think, could help us to evaluate a hypothesis suggested by Professor Winfried Aymans with regard to the marriage of baptized non-Catholics. According to Aymans, Vatican II states that non-Catholic Christians are incorporated into the Church not by a direct union with the Catholic Church, as was the expectation of the 1917 Code, but through their churches or ecclesial communities.<sup>18</sup> This new approach, Aymans says,

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17. See *Lumen fidei*, 47: “Faith is one because it is shared by the whole Church, which is one body and one Spirit. In the communion of the one subject which is the Church, we receive a common gaze. By professing the same faith, we stand firm on the same rock, we are transformed by the same Spirit of love, we radiate one light and we have a single insight into reality.”

18. See Winfried Aymans, “Die sakramentale Ehe als Gottesbund und Vollzugs-gestalt kirchlicher Existenz: Erwägungen zu einer Reform des kirchenrechtlichen Grundverständnisses von der christlichen Ehe,” *ThJb* 1 (1981): 184–97 and “Die sakramentale Ehe—Gottgestifteter Bund und Vollzugs-gestalt kirchlicher Existenz,” *REDC* 47 (1990): 611–38.

invites us to look differently at the marriage of baptized persons who belong to ecclesial communities in which faith in the sacramentality of marriage has been lost. Since in these cases we observe a way of belonging to the Church that is real yet incomplete because of a lack of the fullness of faith, should we speak about inseparability between the contract and the sacrament? Aymans proposes the possibility of a separation *per accidens* of contract and sacrament; inseparability would be absolute only for Catholics, i.e., for those who belong fully to the Church.

What can be said of this hypothesis? I think that its chief value is that it grasps the ecclesial nature of marriage and argues on the basis of it. The deeper examination of the ecumenical question at Vatican II concludes that it is possible to belong to the Body of Christ in various degrees; in order to enjoy *plena communio* [full communion] in the Body of Christ, baptism is not enough, but other elements are required: the full faith of the Church and incorporation into the hierarchical body, as Aymans notes.

However, insofar as Protestants are incorporated into Christ by baptism, there can be no doubt about the sacramental character of their marriages: they belong to the Body of Christ and therefore are united according to the standard of Christ. For them too it is true that, since they have encountered Christ and profess faith in his redemption, they cannot return to an earlier situation, to a union within creaturely parameters as though Christ had not existed: the inseparability of contract and sacrament is therefore valid in the case of Protestants.

We could, however, consider another hypothesis starting from the new awareness of the relation between marriage and the Church and from the latest developments in the field of ecclesiology. Since non-Catholic baptized persons do not fully belong to the Body of Christ, could we talk about a sacramental marriage that did not attain its fullness? Given that they are not completely incorporated to the *one flesh* of Christ and the Church, their *one-flesh* union might not participate totally in the indissolubility of the union between Christ and the Church. Thus there would be varying degrees in the sacramental character of marriage, not according to the subjective attitude of the bride and groom, but according to the various degrees to which they belong to the Body of Christ—degrees that can be determined objectively (full

membership for Catholics, incomplete membership in the other churches and ecclesial communities).

The decisive point about these baptized persons, then, would not be their lack of faith in the sacramental character of marriage, but their incomplete incorporation into the Body of Christ. The key, it seems to me, is determining that the bride and groom are marrying *as members of the Body of Christ*, based on the fact that they fully belong to the Church.

This distinction between full and incomplete sacramental character could be understood as a development of doctrine similar to the one that occurred in the medieval debate about the consummation of marriage, in which two degrees of indissolubility were identified based on the theological significance of marriage in relation to the incarnate love of Jesus and the Church. In this way the inseparability of contract and sacrament would not be called into question; but it would be possible to recognize degrees of sacramental character depending on the criterion (which, again, can be determined objectively) of full membership in the Catholic Church.

The incomplete sacramental character of Protestant marriages could raise the question of whether these marriages are absolutely indissoluble. Inasmuch as there is a lack of unity with the Church, one might consider the possibility of the Roman Pontiff annulling the sacramental bond in favor of a full faith. The pope can dissolve a ratified but non-consummated marriage even though it is sacramental, because it does not fully reflect the unity of Christ and the Church. And the same can be said about non-sacramental marriage. The Roman Pontiff, on the other hand, cannot dissolve a ratified and consummated marriage because it fully contains the selfsame unity by which the Church lives: dissolving these marriages is ruled out, because it would be an attack against the very being of the Church, as though she intended to self-destruct. John Paul II clarified that this is a doctrine that is to be held definitively.<sup>19</sup> However, the possibility that I invite the reader to take into account does not concern this clear statement of the Magis-

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19. See John Paul II, "Discorso del 22 gennaio 2000," AAS 92 (2000): 355; cf. CEC 1640; cf. Janusz Kowal, "L'indissolubilità del matrimonio rato e consummato: Status quaestionis," *Periodica* 90 (2001): 305–70.



terium, which does not consider the particular case of those who are not fully incorporated into the Body of Christ because they belong to other ecclesial communities. Indeed, the reason for the impossibility of dissolving the bond is precisely the full symbolism of the *one flesh* of the baptized spouses with reference to the unity of the Church.

#### 5. THE ROLE OF FAITH IN MATRIMONIAL CONSENT

What has been said above allows us now to elaborate a synthesis with regard to the elements of matrimonial consent and its relation to faith, combining the main points that we have made. It is important to consider three aspects: 5.1) the natural truth of marriage as a sign of incipient faith and a journey toward faith; 5.2) the baptismal character and its significance in Christian life; 5.3) the participation of the faith of the bride and groom in the faith of the Church.

*5.1. Anyone who accepts the creaturely truth of marriage is thereafter open to the mystery of God in his life and is henceforth on a journey toward faith*

Given the circularity between faith and marriage, and given that an integral element of Jesus' Gospel is the recovery of the truth of creation, anyone who accepts the natural properties of marriage is henceforth situated within the horizon of belief and now employs the language of faith. This connection was present in the medieval discussions on the sacramental character of marriage between unbelievers. Hugh of St. Victor, for example, wonders whether this union can be called a sacrament: "I say," he replies, "that when an unbeliever takes a wife in order to have children, remains faithful to the marital bed, loves his wife and takes care of her, and does not go with others while his spouse is alive . . . , even though in other matters he may be unfaithful, because he does not believe, nevertheless he thereby acts neither against the faith nor against the divine institution."<sup>20</sup> To cite a modern ex-

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20. See Hugh of St. Victor, *De sacramentis christianae fidei*, II, 11, 13 (ed. Berndt, 456). A similar approach is found in St. Bonaventure: see José Granados, "Bonaventure and Aquinas on Marriage: Between Creation and Redemp-

ample, we may recall Wolfhart Pannenberg, who on this point distances himself from Luther's opinion by affirming that acceptance of the indissolubility of marriage is now, in our secularized society, a testimony of Christian faith.<sup>21</sup>

This circularity enables us to understand better the *naturalis inclinatio* to indissoluble marriage, which is affirmed by the theological tradition. This truth should be upheld; the element in question is not merely of philosophical origin but is derived from the Gospel proclamation. Precisely because this *inclinatio* exists, the Gospel can proclaim itself to be the fullness of human experience, as a proclamation that finds verification in the heart of every person.

The classical proof affirming this *inclinatio* was based on the determination of the ends of marriage to which only indissoluble marriage would do justice.<sup>22</sup> From the contemporary perspective, this approach can be proposed again starting with a study of conjugal love and its ability to promise to be lasting.<sup>23</sup> In this sense the *naturalis inclinatio* is connected with the mystery of God who reveals himself in love, and with man's free response, which occurs in history. This is why it remains open, as I noted above, to a possible fulfillment in the definitive love of Christ and the Church.

This is not to deny the fact that in certain cases (infertility, abandonment by the spouse) this natural inclination may be difficult to manifest solely from the perspective of the creaturely analysis of love, considering also the *vulnus* [wound] of concupiscence (the "hardness of heart" that Jesus speaks about); this is why almost all cultures have agreed to exceptions to the prohibition against divorce.

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tion," *Anthropotes* 28 (2012): 339–59.

21. See Wolfhart Pannenberg, *Systematic Theology*, vol. 3, trans. Geoffrey W. Bromiley (Grand Rapids: William B. Eerdmans, 1998), 364: "The Reformation was inclined to view monogamous marriage simply as one of God's created orders, with no constitutive relation to God's revelation in Jesus Christ. Today, however, a lasting marriage has become almost a witness of Christian life in our modern secularized society that has emerged out of Christianity."

22. See, for example, *Summa contra Gentiles*, Book Three: Providence, Part II, trans. Vernon J. Bourke (Notre Dame: University of Notre Dame Press, 1975), ch. 123, pp. 147–50.

23. See Robert Spaemann, *Persons: The Difference between 'Someone' and 'Something'* (Oxford: Oxford University Press, 2007), ch. 17.

Indeed, absolute indissolubility (even in cases of infidelity and infertility) appears historically only in Christianity, and its specific discovery certainly has its origin in the faith. This means that if the faith is not operative, it is more likely that the natural truths of marriage are not grasped. This is a criterion to be considered in admitting candidates to marriage and in processes of the nullity of marriage.<sup>24</sup>

Certainly the *naturalis inclinatio* has been obscured to a greater extent in our society; whereas in almost all cultures divorce is tolerated as an exception, the modern novelty is to affirm a right to divorce, inasmuch as marriage is thought to depend totally on a human decision (in keeping with the culture of “pure” and “liquid” relationships, which depend only on the will of the subject).

However since the creaturely truth about marriage is inscribed in man’s deepest original experience, in his nature, today’s culture has not been able to completely corrupt it; to think otherwise would be to move toward Protestant anthropology, conceding that nature is corrupt—no longer, as Luther said, by original sin, but by postmodern culture. In this sense it does not seem relevant to modify the *praesumptio iuris* [presumption of the law] in favor of validity.

It must be noted, finally, that natural marriage presupposes openness toward the mystery of God, inasmuch as he makes himself present in human love. In this regard it is important to consider the particular case of civil marriage, which results from the rejection of this openness, starting with the French Revolution. If, on the part of the bride and groom, this openness toward the Creator were lacking, one would have to wonder whether that vitiated their natural consent. Indeed, both the ability to say “until death do us part” and openness to the procreation and education of children require a certain openness toward the mystery of God in order to make it possible to accept them. The problem can be stated more clearly with regard to the marriages of baptized non-Catholics who sometimes require no ecclesial rite, and which the Church accepts as sacramental. The lack of any recognition whatsoever of the Creator could be a sign of a

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24. On this topic see Benedict XVI, Discourse to the Roman Rota (26 January 2013).

lack of acceptance of the natural properties of marriage. This absence, however, as we know, should not be identified only at the intellectual level, but must impair the will also.

### *5.2. The baptismal character and its pertinence to the act of faith*

Baptism is an indispensable requirement for the reception of the sacrament of matrimony. It is necessary to recall that baptized persons who rarely practice their religion or who have fallen away from the faith nevertheless possess the baptismal character. Sometimes the baptismal character is conceived as a mere *factum*, something automatically given, with no connection to the person's concrete activity. If the faith has been lost, the baptismal character would remain as an abstract ontological bond, the witness to a fact that has now been forgotten. This, however, is a very reductive view of the baptismal character; rather it has real effects on the experience of the person who has received it.

The baptismal character, in fact, expresses the definitive nature of the encounter with Christ, and this is why the sacrament cannot be repeated. Baptism, as a new and definitive birth, represents the new starting point of the believer's life, just as birth is the starting point of the life of every human being. Indeed, baptism brings with it a new body, a new system of relationships, the one inaugurated by Jesus, which is the background of everything that the believer is and does: just as it is impossible to divest myself from my own body, from the original system of relationships that generated me, so too it is impossible to divest oneself of the new body of baptism. In the same way in which the body is the original receptivity that belongs to all our free actions, the baptismal character too is present in all the acts of the baptized person, even when he is unaware of it or rejects it.

The baptismal character, which is intrinsic to the act of faith, reminds us that faith also has a corporeal aspect. Just as our knowledge is determined by the fact that we belong in a bodily way to the world, and therefore to the set of relationships that our bodily existence has made possible, so too faith is the specific way of looking of the person who has entered into the Body of Jesus, into his network of relationships; it is the specific way of looking of the person who has been defined in the depths of all his "see-

ing” by the fact that he belongs to Jesus.

Thus it is understandable that the baptismal character is not a simple, matter-of-fact datum. A baptized child is not outside the influence of the baptismal character, which reaches him through the presence of his parents and of the culture of his ancestors, through the whole ecclesial environment that surrounds him, and thus becomes part of his identity. This means that the presence of the baptismal character now works toward Christ, introduces the person into the relational circle opened up by Jesus, and places the person against the background of Jesus’ action. Even for a believer who has “lost” the faith and is no longer interested in Jesus (or, *mutatis mutandis*, for the person baptized as an infant who never came to accept the faith freely), this background continues to determine his concept of the world and his situation in it.

### 5.3. *Union with the faith of the Church*

Are the two elements listed above (openness to the natural truth of marriage and the baptismal character) enough to qualify a person to enter a sacramental marriage? As we said, something more seems to be required, precisely inasmuch as marriage signifies a deeper incorporation into the Church, which goes beyond the one brought about in baptism and which requires some personal involvement of the bride and groom. Is it possible then to frame the question more specifically about the essential nucleus of faith required for a valid marriage?

The answer concerns faith as the Christian’s full membership in the Body of Christ. The key then, as was noted before, is not the measure of one’s personal faith (if the question is approached in this way, it would give rise to subjectivism and discrimination), but rather the intention to be included in the faith of the Church (in the sense in which this faith is one for all who belong to the Church). Therefore it is enough that the bride and groom be willing to marry *as* Christians, *as* members of the Body of Christ.

This communal character of faith, which allows us to look through the eyes of others, avoids reducing faith to something individualistic. The case of the baptism of infants, who participate in the faith of the Church through the concrete me-

diation of their parents, can be of help here. St. Bernard compared this case to the Canaanite woman who asked Jesus for a miracle. If she was able to cover her daughter with her faith, cannot the Church cover her children all the more with the mantle of her faith? Certainly she can: “Great is the faith of the Church!” the saint replies.<sup>25</sup> It is true that marriage, inasmuch as it is possible only between adults, does not entirely follow the analogy, since it requires the free participation of the bride and groom. It would be enough, however, for the bride and groom to desire to be included in this great act of the Church’s faith, since she is capable of covering them with her mantle.

Although Corecco proposed requiring consent not simply to creaturely marriage but to *Christian* marriage, that is not what is at stake here. The object of consent in Christian marriage is none other than creaturely marriage, the *one flesh* instituted by the Creator. The question is rather whether the bride and groom are willing to give their consent to natural marriage *as* Christians, *as* members of Christ’s Body. For this it would be enough for the fiancés to accept the fact that they belong to the Church—and are accompanied by her in the celebration of their marriage—even if their faith and their religious practice is weak or seems nonexistent. We might say that the Church does not figure here as the object of faith, but rather as the subject of the faith that the bride and groom consent to receive within their marriage, so that they are covered by the mantle of ecclesial faith. This, it seems to me, is the essential nucleus of faith required in order for them to be able to give their consent in a sacramental way.

Summarizing what we have just said, the engaged couple can be included in the one faith of the Church (which is a relational faith, communicated in unity through her members) in a way analogous to how an infant’s faith is included in the faith of the Church by means of the faith of his parents. The “something more” that is required in marriage, as compared with baptism, inasmuch as a ceremonial wedding is a choice of life that requires free consent, is the free acceptance of this presence of the Church

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25. See St. Bernard, *Sermo super Cant.* 66, 10, in *Opera*, vol. II (Rome: J. Leclercq, 1958), 184; English edition: *St. Bernard’s Sermons on the Canticle of Canticles*, translated by a priest of Mount Melleray (Dublin: Browne and Nolan, 1920), 270. “For surely her [the Church’s] faith is not less than that of the Canaanite woman . . . [who] deserved to hear, ‘O woman, great is thy faith!’”

in their marriage. In this dimension of the faith—the acceptance to belong to the Church’s faith—there are no varying degrees among baptized Catholics, inasmuch as all belong in the same way to the one faith of the Church, even though the personal faith of each one of them is developed in a different way. There could be varying degrees only between Christians from different churches or ecclesial communities.

#### 6. CONCLUSION AND PASTORAL PROSPECTS

Our analysis is meant to shed light on the problems of the relation between faith and the sacrament of matrimony. The following observations can be made:

- With regard to the question of the minimum of faith required for the validity of consent, this question concerns the faith insofar as it makes us members of the Church. Consent, certainly, is determined by the natural properties of marriage, but, in order for it to be sacramental, it must be given by the bride and groom *as* Christians, which is to say, while accepting the fact that they belong to the ecclesial body. In this light one could verify the hypothesis of various degrees of the sacramental character of marriage depending on the various degrees (which can be determined objectively by law) of membership in the Body of Christ.
- With regard to natural matrimonial consent, it is important to note that this must include some openness toward God the Creator, at least implicitly, as a mystery present in love, thus avoiding the reduction of consent to the product of the spouses’ will, which in our cultural circumstances is frequently reduced further to emotional desire. Openness to the mystery is an integral part both of being able to say “until death do us part” to only one person and also of accepting the procreation and education of children. In this sense it is possible that the absence of openness to God may have an effect on consent, which may be thus vitiated, making the marriage null.

- With regard to preparation for marriage, we might point out these two conclusions as well:
  - To insist on the natural truth of marriage is an invitation to set out on a journey of faith; a faith that does not grasp the role of creation and of nature would not be a true faith and could even lead to marital failure. On the other hand, the profession of faith ensures that the natural truths are better understood; if the faith of the bride and groom is poor or nonexistent, one should insist all the more in order to make sure that they accept the natural truths of marriage.
  - The fact that the ecclesial dimension is fundamental for this whole problem affects the way in which one thinks about pastoral ministry to families: marriage preparation is not enough; it becomes crucial to add other elements in the context of a comprehensive family ministry: schools of parents who are capable of beginning a remote preparation for marriage with their own children; connecting family ministry with Christian initiation, so that the whole family might be involved in it; designing youth ministry as a preparation for the vocation to love in marriage or to consecrated virginity; ongoing pastoral care of young families in a way that involves other families.

The advantage of the proposed guidelines is that they help to offer a response to contemporary problems with regard to failed marriages not from the perspective of society (which calls for greater permissiveness), but from the proper perspective of the Gospel and of the truth about conjugal love, thus deepening both the ecclesial roots of marriage (in contrast to the privatization thereof in today's culture) and also its openness to the mystery of God (in contrast to the secularization of marriage and its reduction to the will or the feelings of the bride and groom).—*Translated by Michael J. Miller.* □

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