

NOTES ON MORAL THEOLOGY

MARRIAGE: DEVELOPMENTS IN CATHOLIC THEOLOGY AND ETHICS

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[Roman Catholic teaching on marriage focuses on interpersonal love of spouses, of which sacramentality and procreation are dimensions. Post Vatican II disputes about sexual morality, divorce, and birth control have taken place in this general context. A new generation of scholars—married, with children—argues for a more social view of marriage, with special concern about socioeconomic pressures. They emphasize that marital and parental commitment needs more attention and support than the justified exceptions, though they do not stress absolute norms.]

DISCUSSIONS OF MARRIAGE in recent decades almost invariably begin with allusions to the fragility of the institution and the high rate of divorce. Dismay at negative consequences for children quickly follows, along with concern for the status of women, both in the marriage relationship itself and after marriages end. Indeed, a published volume and a TV documentary—both produced in 2002—intending to rehabilitate marriage on the basis of ecumenical Christian insights share the title: *Marriage—Just a Piece of Paper?*¹ Meanwhile, Catholic treatments of marriage since Vat-

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¹ *Marriage—Just a Piece of Paper?*, ed. Katherine Anderson, Don Browning, and Brian Boyer (Grand Rapids: Eerdmans, 2002); and *Marriage—Just a Piece of Paper?*, a national PBS documentary narrated by Cokie Roberts (produced by Boyer Productions, Ltd., for the University of Chicago and WTTW-TV, Chicago). This documentary aired on February 14, 2002, and was based upon research by the Religion, Culture and Family Project at the University of Chicago Divinity School (<http://divinity.uchicago.edu/family>), under the leadership of Don Browning and funded by the Lilly Endowment. The project has produced two series of books on the family with Westminster John Knox Press and Eerdmans Press. Another resource, for Catholic authors in particular, is the International Academy for Marital Spirituality (INTAMS, intams@skynet.be), based near Brussels, which publishes a journal of marriage and family, the *INTAMS Review*. INTAMS also maintains a

ican II have adopted a striking optimism toward the marriage relation, its sacramental power, and the Christian family as “domestic Church,” developing a hermeneutic of marriage as above all an expression of interpersonal love. Official teaching documents and theologians alike have recast the tradition’s focus on marriage’s procreative purpose accordingly, saying that the commitment of Catholic spouses to parenthood is ultimately grounded in their own love relationship, as prior and foundational. According to the *Catechism of the Catholic Church*:

man is created in the image and likeness of God who is himself love. Since God created him man and woman, their mutual love becomes an image of the absolute and unfailing love with which God loves man. It is good, very good, in the Creator’s eyes. And this love which God blesses is intended to be fruitful and to be realized in the common work of watching over creation. . . .²

In the writings of John Paul II and his advocates, the interdependent love relationships of marriage and parenthood are also based on and require sexual complementarity, including gender roles. Given the dismal state of the institution of marriage in modernized Western cultures, widely differing forms of marriage in other cultures, and continued systemic disadvantaging of women within marriage around the globe, it is imperative to ask whether the standard Catholic personalist framework, with its confidence in free, individual commitment, is adequate to confront and challenge the social realities of marriage today.

This segment of Notes on Moral Theology reviews a spectrum of recent attempts to affirm and renew marriage. First, biblical and historical studies shed light on formative periods of church history. They display how the freely undertaken and consummated marriage of two Christians has come to be viewed as indissoluble, and how the thought of the Vatican II era brought a new emphasis on the mutual love of spouses. A second set of authors proceeds more or less within this now standard framework, including those who agree on its basic terms, but want to renegotiate the meaning of indissolubility so as to provide for flexibility in the face of marital dissolution. A more radical stance, also with roots in the 1960s and 1970s, presses the feminist critique as essential to any real reform of the institution of marriage, challenging whether the complementarity model of gender can truly provide for equality. A fourth approach is represented by emerging scholars who are especially sensitive to the cultural and socio-economic conditions, including gender, that are propitious for or destruc-

library and a catalogue (LIBISMA) that can be accessed at www.intams.com/library. An INTAMS symposium resulted in *Christian Marriage Today*, ed. Klaus Demmer and Aldegonde Brenninkmeijer-Werhahn (Washington: Catholic University of America, 1997).

² *Catechism of the Catholic Church* (London: Geoffrey Chapman, 1994) no. 1604.

tive to the success of two persons' marriage commitment. Finally, some theologians bring distinctive aspects of Latin American, African, and Asian culture to bear on the theology and practice of marriage and of gender roles in marriage. The focus will be largely though not exclusively on Catholic contributions from the past five years.

A guiding thesis is that an important shift has occurred in the work of the new generation of Catholic scholars who write from a culture and for an audience pervaded by transience of relationships, trivialization of sex, and exploitation of just about every area of human meaning by market capitalism. Unlike the generation of theologians who reached maturity in the era of Vatican II, the mission of these younger scholars is not to affirm the goodness of sex and marriage over against a religious culture used to giving it second-class status. Nor is it their mission to loosen up a society or Church whose norms of sex and gender are rigid and restrictive, condemning women who "lose their virginity" and all homosexuals, or forbidding birth control and second marriages under penalty of mortal sin.

On the contrary, many aim to shape an ethos about sex, marriage, and family that includes structure, discipline, and altruism; that is informed by a strong dose of practicality and common sense; and that can combat the divorce culture without withholding support from nontraditional families. They typically take the sexual and social equality of women and men for granted, but do not necessarily rule out some gender differentiation based on sex differences. They and their peers, for better or ill, are not burdened by fear of overbearing authorities, whether familial, cultural, or religious, who aim to supervise and restrict every sexual thought and deed. Their primary concern is to find resources for resistance of cultural trends toward family fragmentation and consumerism, and to do so by exploring in a realistic way their own experiences of sexuality, marriage, parenthood, and social connectedness. They want to make a credible case for marital happiness without naïveté about the ordinary give and take of marriage and family, undue romanticization of the sex lives of married people, or obliviousness to the myriad ways "interpersonal love" is intimately bound into a dense web of social relations.

These authors appreciate the "traditional" Catholic values of commitment and monogamy, openness to procreation and parental responsibility, the cultivation of religious identity in the home, and the family's dedication to service for the common good. Yet they typically do not focus on debates about specific moral norms for sexual acts, on birth control, or on indissolubility. They are unlikely to present standards for marriage in absolute terms, or, on the other hand, to make the absoluteness of official teachings that they may find problematic a special focus of concern. Their views cannot easily be categorized along "conservative" and "liberal" or "orthodox" and "dissenting" lines. Their attempts to formulate a fresh perspec-

tive in a different voice is of special significance in understanding the nature and future of Catholic debates about the theology and ethics of marriage.

BIBLICAL AND HISTORICAL STUDIES OF MARRIAGE

Raymond Collins overviews the pluralism of New Testament ethics of sex, marriage, and divorce. Some version of an evidently original saying of Jesus against divorce is included in all the Synoptic Gospels and 1 Corinthians 7, but the latter contains the only extended discussion of sex and marriage. All these texts reflect a patriarchal culture and androcentric perspective, as do the “household codes” of the Pauline and later Pastoral Epistles. According to Collins, both the Gospels and Paul display a strong bias against divorce, though exceptions are made for particular circumstances, the precise nature of which remains enigmatic. Paul is unusual in holding the marital relationship and its obligations to be relatively equal between women and men, including sexual relations. Marriage is a gift from the Lord, and partners are first of all called to peace rather than to abandon their obligations.³ Ephesians 5 qualifies the pattern of submission in ancient household codes by speaking of reciprocity in love, and holds up the love of Christ for Church as a model for Christian husbands.⁴ Collins proposes that a sexual ethics based on the New Testament should relate sexual embodiment to holiness in the body of Christ; should further the New Testament trajectory to end gender discrimination and exploitation; and should place all sexual behavior under the love command.⁵

In theological tradition, the views of Augustine continue to be of interest. *On the Good of Marriage* was his retort both to rigorist Manichean views that saw sex and procreation as inimical to religious perfection, and to the Jovinian belief that marriage and virginity are equal. This treatise set the parameters for much of the later tradition by identifying *fides*, *proles*, and *sacramentum* (sexual fidelity, offspring, and the permanent bond of spouses) as marriage’s goods, although Augustine also notoriously seemed to equate all sexual pleasure with lust, opined that procreation in Eden would have been passionless, and even suggested that sexual intercourse is the physical vehicle through which original sin is transmitted (*City of God* XIV, and *On the Marriage and Concupiscence* I.30).⁶ A couple of recent

³ Raymond F. Collins, *Sexual Ethics and the New Testament: Behavior and Belief* (New York: Crossroad, 2000) 37.

⁴ *Ibid.* 154.

⁵ *Ibid.* 191–92.

⁶ While bibliographic information on recent literature will be given in the footnotes, citations of classic authors and Church documents will be provided in the text, using standard forms of reference to parts of the text in question.

articles attempt to rehabilitate Augustine by placing his negative views of sex in historical perspective. Willemien Otten proposes that Augustine sought to strike a balance of “harmonious variation”⁷ among marriage, virginity, and monasticism as vocations that would all remain imperfect until the eschaton. His contemporaries Jerome, Gregory of Nyssa, and John Cassian all exalted virginity at the expense of marriage, seeing the ascetic life either as a cure for the life of fallen humanity or as a benefit for the life of the Church. Otten maintains moreover that even though Augustine did not name friendship as a basic good of marriage, he still treats it as one of its key purposes, sees it as overriding procreation when the latter is impossible, and links sexual intercourse to marital friendship as an instrumental good.

A focus issue of the *Journal of Religious Ethics* on “Thinking with Augustine,” features an article by Gilbert Meilaender, in which he argues that sex is analogous to food in the thought of Augustine, insofar as the pleasures of both are legitimate if attendant upon the good of the act (procreation in the case of sex).⁸ Like Otten, he claims that Augustine was more appreciative of the friendship potential of sex in marriage than has sometimes been granted, proposing that “carnal conversation and community—the complete sharing of life—between husband and wife” in fact “is one of the goods of marriage.”⁹ Obviously, these two authors, both of whom are Protestant, approach a major historical figure with a modern interest in valuing marriage as such, the personal relation of the spouses within it, and the potential of sex to strengthen the marital bond of friendship. Although Thomas Aquinas more unambiguously than Augustine wrote that sexual pleasure is good if ordered to procreation, defined the relation of husband and wife as a friendship, and linked sex to friendship, recent scholarship shows that Augustine’s works can be mined for neglected elements useful to construct a positive theology of marriage today.

Christian Marriage: A Historical Study is a set of expanded conference proceedings that cover the subject matter from 1700 B.C.E. to the present.¹⁰ Predictably, not all the essays are equally strong.¹¹ The contribu-

⁷ Willemien Otten, “Augustine on Marriage, Monasticism, and the Community of the Church,” *Theological Studies* 58 (1998) 405.

⁸ Gilbert Meilaender, “Sweet Necessities: Food, Sex, and Saint Augustine,” *Journal of Religious Ethics* 29 (2001) 12. See the responses to this article by Lisa Sowle Cahill and Charles T. Mathewes in the same issue.

⁹ *Ibid.* 13.

¹⁰ *Christian Marriage: A Historical Study*, ed. Glenn W. Olsen (New York: Herder and Herder, 2001).

¹¹ For a review of the entire volume see Joel F. Harrington, “Christian Marriage: A Historical Study,” *Theology Today* 59 (2002) 152–56. Additional historical studies of marriage and divorce are Joseph Martos, “Catholic Marriage and Marital

tions of the editor, Glenn W. Olsen, stand out as adept, critical introductions to the patristic and early medieval periods. Olsen employs social history to shed light on the circumstances and practices that helped shaped the theological positions and doctrinal and canonical formulations of the eras in questions.

Christian values of love and sexual fidelity in marriage built upon Roman ideals, though the double standard for men and women was reduced for Christians. Authors such as Tertullian and John Chrysostom developed the idea of marital tenderness and affection much more toward the eventual ideal of “Christian companionate marriage, in which the spouses see their shared life as a communion in all things. . . .”¹² Olsen also defends Augustine’s view of marriage as acknowledging friendship as well as the goodness of creation, and sees him as having a theological interest in the complementarity of the sexes (rather than as simply trying to reinforce social norms prescribing the subordination of women).

In the early Middle Ages, clerical marriages were still not uncommon (well into the eleventh century), and Christians were faced both with clarifying the difference between the married and ordained states, and with specifying what makes a marriage and whether and how marriages can be ended. As is well known, an ambiguity regarding consent or consummation as constituting marriage continues to the present day. While canon law stipulates that marriage is brought into being by consent, marriages can be dissolved if sexual consummation has not occurred. Olsen traces the history of this problem from the time of Augustine, who placed emphasis on the consent of the couple, through the twelfth century, when the then dominant role of families in controlling marriage was supplanted by a renewed focus on the couple.¹³ The Christian requirement of consent rather than consummation, officially accepted in 1140 by Gratian, was aimed to discourage the violation of women, including marriage by abduction or rape, and helped establish marriage as “a union between consenting moral equals.”¹⁴ Nonetheless marriages to establish liaisons between families or kingdoms, or to inaugurate peace between a conqueror and his subjects, continued.

Only gradually did consent come to imply indissolubility in actual church

Dissolution in Medieval and Modern Times,” in *Catholic Divorce: The Deception of Annulments*, ed. Pierre Hegy and Joseph Martos (New York: Continuum, 2000) 127–53; and Michel Rouche, “The Many Changes in the Concept of Christian Marriage and the Family throughout History,” in *Christian Marriage Today*, ed. Demmer and Brenninkmeijer-Werhan 25–37.

¹² Ibid. 116.

¹³ Glenn Olsen, “Marriage in Barbarian Kingdom and Christian Court,” in *Christian Marriage* 158.

¹⁴ Ibid. 159.

practice. Church authorities “increasingly faced off against” kings who wanted more latitude, and were willing to accuse their wives of any number of offenses, from incest to abortion, to have their way.¹⁵ The trend toward indissolubility had a stabilizing effect on marriage which was, on the whole, advantageous for women. Although marriage was not officially declared a sacrament until Trent, there was by 1100 “a gathering tendency . . . to find positive and helpful things to say about marriage, and to see in it a specific form of unreserved love built on fidelity and service rather than domination,” and even as “a mystery and sacrament participating in the bond between Christ and Church.”¹⁶ These historical studies share in common an agenda to find roots and rationale in past figures, developments, and doctrines for the view of marriage as a mutual and respectful love relation that came to predominate in the middle decades of the twentieth century. They suggest that the viability of “companionate marriage” today is likewise interdependent with historical and social factors, and that a contemporary theology of marriage must attend realistically to the same.

INTERPERSONAL LOVE: FRAMING CONTEMPORARY DEBATES

The parameters of current Catholic teaching about marriage are set by four major documents that can be discussed briefly, namely *Gaudium et spes*, *Humanae vitae*, *Familiaris consortio*, and the 1983 *Code of Canon Law*.¹⁷ *Gaudium et spes* speaks of a “marital covenant,” closely linked to the love of a man and a woman. “The institution of marriage and married love are, of their nature, directed to the begetting and upbringing of children and they find their culmination in this” (no. 48). Although this love consists of “a free and mutual self-giving,” the sacramental marriages of Christians are indissoluble (no. 49). This document links as inseparable but does not explicitly rank procreation and the union of spouses as primary and secondary ends of marriage. While *Gaudium et spes* recognizes the need for women’s social advancement, it still considers the role of the

¹⁵ Olsen, “Progeny, Faithfulness” 178.

¹⁶ *Ibid.* 194.

¹⁷ Selections from *Gaudium et spes* and *Familiaris consortio*, as well as *Donum vitae* (on reproductive technologies) are available in *Sexuality, Marriage, and Family: Readings in the Catholic Tradition*, ed. Paulinus Ikechukwu Odozor, C.S.Sp. (Notre Dame: University of Notre Dame, 2001). This useful volume collects from two to five important articles each under the headings of “Human Sexuality,” “Scripture and Marriage,” “Marriage and Family in Christian History,” “Marriage and Family in the Teaching of the Church,” “Marriage in Current Theology,” “Divorce and Remarriage,” and “Contraception.” Both traditionalist and moderately revisionist perspectives are represented (with the latter being in the majority), with three (out of twenty-three) contributions by women, but no contributions from outside Europe and North America.

mother in the home to be indispensable (no. 52). Although *Gaudium et spes* refers to the family as “a school for a richer humanity,” it is another council document, *Lumen gentium*, that calls the family a “domestic Church,” a concept elaborated especially in the 1990s.¹⁸

The approach of *Gaudium et spes* is reflected in *Humanae vitae*, which takes up the subject of artificial birth control. Paul VI opens with reference to “a new understanding of the dignity of woman and her place in society, of the value of conjugal love in marriage and the relationship of conjugal acts to this love” (no. 2). Conjugal love is a “total” form of “personal friendship,” one which is faithful, exclusive, and ordained to the creation of new life (no. 9). Specifically, “responsible parenthood” requires that the sexual act “must remain open to the transmission of life” (no. 11), even though it is permissible to take advantage of the natural rhythms of fertility in order to avoid conception (no. 16). Repeating these themes and teachings, the apostolic exhortation *Familiaris consortio*, written by John Paul II after the 1980 Synod on the Family, develops the metaphor of family as “domestic Church,” with spiritual and social roles.

All members of the family, each according to his or her own gift, have the grace and responsibility of building day by day the communion of persons, making the family ‘a school of deeper humanity’: This happens where there is care and love for the little ones, the sick, the aged; where there is mutual service every day; when there is a sharing of goods, of joys and of sorrows (no. 21).

Marriage is called the basis for the family’s mission (no. 64), for “the sacrament of marriage is the specific source and original means of sanctification for Christian married couples and families” (no. 56).

The revised *Code of Canon Law* combines the newer covenant language of Vatican II, reflected in the emerging emphasis on love, with an older view of marriage as a contract between two consenting parties. For example, it is through a “matrimonial covenant” that spouses enter into “a partnership of the whole of life.” Yet it is by the fact of a “matrimonial contract,” that marriage is a “sacrament” (can. 1055). The essential properties of marriage (not just of the sacrament) are “unity and indissolubility” (can. 1056). While the Code makes use of the personalist approach to marriage, it also retains strict criteria for valid consent and consummation, and a clear rejection of divorce when these criteria have been met (can. 1141).

¹⁸ See Michael A. Fahey, “The Christian Family as Domestic Church at Vatican II,” in *The Family*, ed. Lisa Sowle Cahill and Dietmar Mieth, *Concilium* 1995/4 (Maryknoll N.Y.: Orbis, 1995) 85–92.

**PERSONALISM AS COMPLEMENTARITY, INDISSOLUBILITY,
AND PROCREATIVITY**

William E. May's *Marriage: The Rock on Which the Family is Built*¹⁹ defends recent magisterial teaching and its idea that traditional absolute norms against divorce and contraception can be reestablished in a personalist vision of marital love expressed in "the conjugal act" of sexual intercourse. Conjugal love is not mere passion or passing sentiment, but a complete, total, and free self-gift, characterized by unity and indissolubility. "The bodily gift of a man and a woman to each other is the outward sign, the sacrament, of the *communion of persons* existing between them."²⁰ It rules out contraception, since for spouses to "deliberately repudiate" the "life-giving or procreative meaning" of sex "is not only anti-life but anti-love—they do not truly 'give' themselves unreservedly to one another."²¹

May regards it as a mistake to think that Vatican II effectively dismantled a ranking of the ends of marriage. Though it may have refrained from using technical language to specify it as such, the procreation and education of children is still the primary purpose of marriage.²² Moreover, the spouses-parents are different both in sexuality and in social behavior. For example, women "are, on the whole, more oriented toward helping or caring for personal needs, whereas men, on the whole, are more inclined to formulate and pursue long-range goals."²³ The better part of a final chapter on family as domestic Church is devoted to conjugal love as the basis of the family's mission; the final one-half page of this chapter presents the family "as a community at the service of mankind," but May's focus is primarily on interior familial love.²⁴

The *Josephinum Journal of Theology* devoted an issue to a concern of May's book, fatherhood.²⁵ Not only do marriages often end in divorce, but

¹⁹ William E. May, *Marriage: The Rock on Which the Family is Built* (San Francisco: Ignatius, 1995).

²⁰ *Ibid.* 46.

²¹ *Ibid.* 29.

²² *Ibid.* 110. Michael R. Prieur reviews the grounds for this argument, and concludes that while the council did not want to diminish the value of procreation, the rationale for reinstating the terminology of primary and secondary is weak if the basis sought is the "official mind of the Church today" ("The Articulation of the Ends of Marriage in Roman Catholic Teaching: A Brief Commentary," *Studia canonica* 33 [1999] 527–35, at 535).

²³ *Ibid.* 53.

²⁴ *Ibid.* 119.

²⁵ The key source is the pope's claim in *Familiaris consortio* that the father has "a unique and irreplaceable importance" in the family, especially educating children, that "a man is called upon to ensure the harmonious and united development of all the members of the family," and that the father is "reliving on earth the very fatherhood of God" (no. 25). The pope also suggests that the value of motherhood exceeds that of all other roles of women (no. 23). However, the pope also speaks

men in particular are irresponsible parents. “The father-involved family . . . is a fragile cultural achievement.”²⁶ Joseph C. Atkinson traces the cultural “crisis” of fatherhood to the influence of corrupting ideologies that obscure the fact, confirmed by revelation, that the mother and father have different familial roles. The father is to fulfill a role analogous to that of bishop, “responsible for his little domestic flock.”²⁷ Though the father learns about parenting from his female co-parent,²⁸ in cases of a difference of viewpoint in family matters, it is always the prerogative of the man to take the final decision.²⁹ Drawing on the works of John Paul II, Kenneth Schmitz argues that paternal authority, modeled on divine authority, is not coercive power, but the fullness of forgiving love.³⁰ “Authentic human fatherhood is inseparable from the philanthropy of the Fatherhood of God.”³¹

Another theology of revealed male-female complementarity, with implications for the marriage relationship, was elaborated by the Swiss theologian Hans Urs von Balthasar (1905–1988), whose works are enjoying a resurgence, particularly as an esthetic theology focused on the self-communication of God’s Beauty in the created world. A key axis of this self-communication for Balthasar was human sexual differentiation and complementarity. He spoke of a “nuptial union” that images the union of Christ and Church. John Paul II likewise writes of the “nuptial meaning of the body.”³² This imagery is favored by those who adopt the view that the complementary roles of the sexes in marriage are divinely revealed and ordained. A monograph by Robert Pesarchick asserts that human sexual polarity and the Christ event are mutually revelatory, an idea he acknowledges that Balthasar never systematically explained. In the “Paschal Mystery,” Balthasar understands “the nuptial union that takes place between the male Christ and the church as his Bride” to reveal “the meaning of the Son’s Incarnation as a male as well as the meaning of man and woman as

of “machismo” as “a wrong superiority of male prerogatives which humiliates women and inhibits the development of healthy family relationships” (no. 25), proclaims the equal rights and responsibilities of women and men “in every area,” and insists that women have a right to participate in public roles and receive equal pay (no. 23), a right that would seem to imply a more equal sharing of roles in the domestic sphere as well.

²⁶ Ibid. 59.

²⁷ Joseph C. Atkinson, *Josephinum Journal of Theology* 9 (2002) 19.

²⁸ Ibid. 50.

²⁹ Ibid. 55.

³⁰ Kenneth L. Schmitz, “Who Has Seen the Father?,” *Josephinum Journal of Theology* 9 (2002) 68.

³¹ Ibid. 73. In this same issue, Francis Martin provides biblical, and Paul Vitz psychological, support for views very similar to those of Schmitz and May.

³² See, for example, John Paul II, *Original Unity of Man and Woman: Catechesis on the Book of Genesis* (Boston: Daughters of St. Paul, 1981).

the created image of the Triune God.”³³ In Balthasar’s scheme, Mary is the human complement to the male Christ, representing the Church by her cooperation with Christ’s action, her “‘letting things happen’ ” in a “‘feminine, creaturely’ manner.”³⁴ She and her son are drawn into the “nuptial” imagery: Mary “consents to and receives into herself, in total openness, the generative action of Christ’s eucharistic pouring-forth of self.”³⁵ Apart from the question of whether the New Testament really portrays Mary in as passive a manner as Balthasar makes out, or makes her as important to Christ’s mission, a symbolic marital union between Mary and Christ is theologically problematic and gratuitously Oedipal.

Genesis and Nicaea firmly distance Jewish and Christian monotheism from the notion that sexuality is intrinsic to divinity, or that sexuality is a primary mode of experience of the divine. Both traditionalist authors like Balthasar and more “liberal” thinkers³⁶ have asserted the centrality of sex in human experience in an effort to counteract the admittedly repressive message that Christianity has often sent on the subject. The affirmation of sex and of interpersonal love carrying a sexual dimension has much to commend it, and such efforts have had in many ways a positive influence on Christian views of marriage and of sexuality in general. Yet exaggeration of sex’s importance in human life, and even in marriage, is not true to life nor beneficial to the long-term health of family relationships. Above all, the context in which gendered and especially sexual imagery of the divine is employed needs a thorough social critique, in light of the persistent tendency of such imagery to reinforce inequities in sexual relationships, in marriage and family, and in the Church.³⁷

Another interpreter of Balthasar, Angelo Scola, recognizes the possible unrealism of Balthasar’s “nuptial mystery at the heart of the Church,” and focuses his sights on sexuality and marriage in their own right, rather than on a cosmic scheme organized around sexual differentiation. Though agreeing with the sacramental indissolubility of marriage and the marriage of Christ and Mary,³⁸ Scola is interested in the more defensible points that love provides an opening between “man” and infinity, and that there is an

³³ Robert A. Pesarchick, *The Trinitarian Foundation of Human Sexuality as Revealed by Christ according to Hans Urs von Balthasar: The Revelatory Significance of the Male Christ and the Male Ministerial Priesthood* (Rome: Gregorian University, 2000) 9.

³⁴ Ibid. 204, Pesarchek quoting Balthasar.

³⁵ Ibid. 204.

³⁶ See James B. Nelson, *Embodiment: An Approach to Sexuality and Christian Theology* (Minneapolis: Augsburg, 1978).

³⁷ On this point, see Susan A. Ross, *Extravagant Affections: A Feminist Sacramental Theology* (New York: Continuum, 1998) 114.

³⁸ Ibid. 653. The permanence of Christian marriage is also guaranteed by the relation of Mary as Bride to Christ the Bridegroom.

interconnection among sexual difference, love, and procreation.³⁹ Like May, Scola focuses the family as domestic Church on marital love, but spends more time on the family's solidarity and hospitality in the world. Scola concludes with an excellent real-life illustration of domestic Church—children in a Brazilian village were taken in by various local families after their mother died—but the example itself undermines the Balthasarian idea that marital love and commitment are the mystery at the heart of the Church. Instead, the family is a “domestic Church” insofar as it reaches past the boundaries of marriage and kin to include those who suffer and who have no status by society's standards. As Scola rightly concludes, “the Christian becomes Christian by being ‘welcomed,’ and adopted.”⁴⁰

BOUNDARY ISSUES: LITURGY, ANNULMENTS, COHABITATION

Theological claims about the unity and indissolubility of marriage find their counterpart for Catholics in canon law and the liturgical rites for marriages.⁴¹ Just as modern personalism has transformed the theological language of marriage, so it has affected the way in which the regulation and celebration of marriage are conceived. A more interpersonal and relational view of marriage has prompted deeper reflection on what constitutes marital consent and on whether even “sacramental” marriages can be called absolutely indissoluble. The rise in divorce rates has caused at least one canon lawyer to protest that more is needed for genuine consent, from a personalist perspective, than many marrying couples realize or are prepared to furnish. Therefore, fewer people should be getting married in the first place.⁴²

Cohabitation before marriage or instead of marriage is one way of dealing with the uncertainty of marital commitment. In 2000, the United States Conference of Catholic Bishops put into effect legislation for the preparation of couples for marriage,⁴³ following a 1999 study presenting both empirical data and recommended pastoral practices.⁴⁴ Noting that cohabi-

³⁹ Angelo Scola, “The Nuptial Mystery at the Heart of the Church,” *Communio* 25 (1998) 633, 635.

⁴⁰ *Ibid.* 662.

⁴¹ On marriage liturgies, see Paul Covino, “Christian Marriage: Sacramentality and Ritual Forms,” in *Bodies of Worship: Explorations in Theory and Practice*, ed. Bruce T. Morrill, S.J. (Collegeville: Liturgical, 1999) 107–20.

⁴² Klaus Ludicke, “Matrimonial Consent in Light of a Personalist Concept of Marriage: On the Council's New Way of Thinking about Marriage,” *Studia canonica* 33 (1999) 473–503.

⁴³ The Decree of Promulgation (October 20, 2000) is available at www.nccbuscc.org/laitymarriage.htm.

⁴⁴ “Marriage Preparation and Cohabiting Couples: An Information Report on

tation makes couples more, not less, likely to divorce the bishops acknowledge that many couples do nevertheless live together before marriage. Rather than setting up obstacles for these couples, the bishops desire to encourage sacramental marriage. Couples approaching the Church offer an opportunity for evangelization. While in some situations couples may consider separating or living chastely until the wedding, a couple may not be refused marriage solely on the basis of cohabitation. Rather, the couple should be counseled as effectively as possible on the attitudes and practices that will best enable them to live out their sacramental commitment to a permanent relationship.

Some critics, while agreeing that permanent marriage is the ideal, are receptive to cohabitation as a preliminary phase, even arguing that Christian churches should formalize and stabilize it through rites of recognition and blessing.⁴⁵ Michael Lawler proposes a formal betrothal ceremony that can legitimize a cohabiting relationship and provide opportunity for marriage preparation. He rightly maintains that there are cross-cultural, biblical, and historical precedents for a recognized time of sexual access prior to formal marriage. In biblical times and in other cultures today (for instance, in Africa, see below), betrothal brings with it familial, civic, and legal responsibilities, and is accompanied by social norms governing care for children of such unions. These are missing in our individualistic and sexually permissive culture. While it may not be helpful to adopt a condemnatory stance toward couples “living together,” much less to refuse them the sacraments, outright endorsement of a practice that has been shown to increase rather than decrease marital stability should be undertaken with great caution. Christopher Kaczor is one younger theologian (and teacher of undergraduates) who expresses reservations, not so much on the basis of moral absolutes or canonical definitions of marriage, but on social justice grounds. A relationship without promises, contracts, or legal and social support is not “the worst of injustices,” but it involves “the well-being of disempowered people, women and children in particular.”⁴⁶

Having cohabited or not, not all couples actually sustain their marital commitment. A pastoral as well as theological interest in meeting their

New Realities and Pastoral Practices,” available at www.nccbuscc.org/laity/marriage/cohabiting.htm.

⁴⁵ Perhaps the most widely noted instance is in a book by the Anglican theologian, Adrian Thatcher, *Marriage after Modernity: Christian Marriage in Postmodern Times* (Washington Square, N.Y.: New York University, 1999). Cohabitation is discussed in a “Debate” in the *INTAMS Review* 6 (2000), with contributions by Lisa S. Cahill, Hubert Windisch, and Pierre-O. Bressoud.

⁴⁶ Christopher Kaczor, “Marital Acts without Marital Vows: Social Justice and Premarital Sex,” *Josephinum Journal of Theology* 9 (2002) 319.

situations compassionately has led both to the annulment of some marriages, and to a line of further theological questioning about the meaning of “indissolubility.” An annulment, a declaration that a marriage never actually existed, can be accommodated within existing canon law, without threat, at least in theory, to the theological claims that all valid marriages of Christians are indissoluble by that fact alone; that adequate sacramental grace is given to all Christian spouses to make it possible to sustain their relationships; and that, even if a couple separates, civilly divorces, or even remarries other persons, the sacramental bond and indeed the reality of their original marriage still continue to exist. A declaration of nullity is a judicial pronouncement that no valid marriage had been contracted, usually but not always because full consent is decided not to have been present.⁴⁷

Annulments have increased significantly since the 1960s, owing partly to a streamlining of the appellate system, and partly to greater recognition that many cultural factors militate against the mature self-knowledge and commitment needed for real consent.⁴⁸ Some Catholics find the rise in annulments to be a misguided or even unjust attempt to wipe out relationships that were truly marital even if they failed.⁴⁹ Others find annulments problematic because they involve a deception about the possibility of valid marriages actually ending that would better be dealt with by a straightforward recognition of divorce.⁵⁰ Joseph Martos and Pierre Hegy propose that divorce and remarriage can give veterans of failed marriages a “second chance,” and empathize with the “bind” many may find themselves in because their Catholic faith forbids what they really feel called to do.⁵¹ Yet statistics suggest that Catholics divorce at the same rate as other Americans, and that, while many remarry, relatively few seek annulments.⁵²

PERSONALIST MARRIAGE AS EXISTENTIAL COMMITMENT AND LOVE

One line of approach to this problem is to revise the meaning of “indissolubility” so that it is detached from single acts, whether making a wed-

⁴⁷ For a concise theological, canonical, and practical guide to annulment by a canon lawyer, see Michael Smith Foster, *Annulment: The Wedding that Was: How the Church Can Declare a Marriage Null* (New York: Paulist, 1998).

⁴⁸ *Ibid.* 189.

⁴⁹ Robert H. Vasoli, *What God Hath Joined Together: The Annulment Crisis in American Catholicism* (New York: Oxford University, 1998).

⁵⁰ Pierre Hegy, “Catholic Divorce, Annulments, and Deception,” in *Catholic Divorce: The Deception of Annulments*, ed. Pierre Hegy and Joseph Martos, (New York: Continuum, 2000). Hegy claims that annulments have increased over a hundredfold since 1968, from 368 to about 40,000, and says that about 80 to 90 percent of petitions are granted (11).

⁵¹ Pierre Hegy and Joseph Martos, “Divorce and Remarriage as Second Chances,” in *Catholic Divorce* 215.

⁵² Joseph Martos, “Catholic Marriage and Marital Dissolution in Medieval and Modern Times” 127.

ding vow or sexually consummating a marriage, and attached instead to an ongoing personal relationship that can either succeed over time in becoming a permanent sign of divine love, or can fail at the human level to be a vehicle for sacramentality. In the latter case, the marriage can be “dissolved.” As Edward Schillebeeckx has stated the matter, “the reciprocal yes of an interpersonal relationship is not a single event that takes place at a privileged moment,” but “continues to evolve throughout the life of the couple.”⁵³ Kevin Kelly shares this conclusion and specifically links it to a “personalist” interpretation of “the committed life-giving love of a couple for each other.” “When they marry, a couple do not suddenly find themselves tied by an indissoluble bond which has an existence independent of them. The indissolubility of their marriage is *a task to be undertaken*.”⁵⁴ If a marriage completely breaks down, there is nothing left to which the term “indissolubility” can be applied, since marriage is an interpersonal reality and cannot exist as an ontological or theological abstraction.

Michael Lawler, director of the Center of Marriage and Family at Creighton University, has proposed that Catholic marriage theory is on the road from a premodern view of marriage as a “physical-act-focused procreative institution,” through Pius XI’s transitional “procreative-union model” (*Casti connubii*, 1930), and on to an ultimate “model of interpersonal union.”⁵⁵ Lawler claims to follow Vatican II in placing interpersonal love on an equal footing with procreation, and urges that only a spousal relationship of “mutual and symmetrical love, fidelity, self-sacrifice, justice, compassion, forgiveness and nonviolence” is conducive to responsible parenthood.⁵⁶ In a new book,⁵⁷ Lawler further develops a theme central to his work, the sacramentality of marriage. Here, as in the past,⁵⁸ Lawler criticizes narrow conceptions of sacramentality that stress marriage as contract while ignoring or undermining the ongoing and ever-changing marital relationship. He takes aim at what he regards as rigid or punitive norms

⁵³ Edward Schillebeeckx, “Christian Marriage and the Reality of Complete Marital Breakdown,” in *Catholic Divorce* 95.

⁵⁴ Kevin T. Kelly, *Divorce and Second Marriage: Facing the Challenge* (Kansas City: Sheed and Ward, 1997) 16.

⁵⁵ Michael G. Lawler, “Changing Models of Marriage,” *America* 184 (March 19, 2001) 17.

⁵⁶ *Ibid.* 18.

⁵⁷ Michael G. Lawler, *Marriage and the Catholic Church: Disputed Questions* (Collegeville: Liturgical, 2002).

⁵⁸ See, e.g., Michael G. Lawler, *Marriage and Sacrament* (Collegeville: Liturgical, 1993); *Christian Marriage and Family: Contemporary Theological and Pastoral Perspectives*, ed. Michael G. Lawler and William P. Roberts (Collegeville: Liturgical, 1996), in which Lawler has two chapters; and Michael G. Lawler, *Family: American and Christian* (Chicago: Loyola University, 1998).

against divorce that fail to capture the experience of married couples, the nature of faith, or even past traditions and teachings of the Church.

Lawler argues that divorce and remarriage can be justified historically, canonically, and theologically, maintaining that the sacramental character of marriage depends not only on a real love relationship, but on personal faith.⁵⁹ “The love of faith-filled spouses is, indeed, the very matrix of the sacrament of marriage, for it is in and through the spouses’ love that God and Christ are prophetically made present.”⁶⁰ Contrary to canon law and current official church teaching, sacramentality cannot inhere in the union of two persons, even two baptized persons, who do not intend, or who cease to experience, love and a faith commitment. Lawler argues in addition that the New Testament teachings on divorce are varied; that the Church has allowed dissolution even of validly contracted marriages under certain conditions (including nonconsummation); and that it is impossible even to know when the criterion of consummation, necessary to indissolubility, has been met. In “the changed theological and personalist climate in which the Second Vatican Council rooted its doctrine on marriage,” consummation must be understood as more than a single physical act, and as including psychological dimensions.⁶¹

The agenda of Lawler and others seeking a less restrictive Catholic policy on divorce and remarriage is to alleviate the suffering of faithful members of the Church who undergo shame, moral uncertainty, and spiritual angst due to their “irregular” marital situations and their exclusion from the sacraments (a ban with which they obediently comply). However, the number of persons in this category grows fewer by the year. As divorce is widely taken for granted, even people who consider themselves practicing Catholics feel more free to disregard the Church’s norms against remarriage. Given the pervasive realities of divorce, cohabitation, and non-marital childbearing, the major challenge for a 21st-century theology of marriage is not to legitimize cohabitation and divorce. Destructive and abusive marriages should be ended, and remarriage may offer a renewed experience of God’s grace. Nevertheless, the Church needs to find attractive and compelling ways to encourage those embarking on marriage and family to work on lasting commitments. Lawler takes strides toward this goal in his three final chapters. He takes up the difficulty of sustaining interchurch marriages and proposes baptism as the foundation of unity; develops models of friendship to speak to the existential conditions that make marriages endure; and connects family life to the social supports and social responsibilities that constitute justice in, for, and by families. Four books by younger scholars contribute even more significantly to this task.

⁵⁹ Ibid. 53.

⁶⁰ Ibid. 94.

⁶¹ Ibid. 100.

A FEMINIST CRITIQUE OF MARRIAGE

Before turning to their work, it is well to recall that the feminist critique of Christian marriage has for several decades already provided a critical analysis of marriage as a social and cultural institution, and argued that “interpersonal relationships” depend on economic, social, and political contexts. The importance of this critique can be focused through a recent work by a “pioneer” Catholic feminist theologian, Rosemary Radford Ruether.⁶² *Christianity and the Making of the Modern Family*⁶³ is a critical, historical assessment of social, economic, and religious influences on gender roles, sexual behavior, marriage, and family. It is intended to refute the “family values” backlash against the advancement of U.S. women in the mid-20th century. Ruether writes from her own experience and memory of the civil rights movement and of women’s efforts to change the future offered to them in that era. Their struggle for reforms was not so much an angry assault on values of the past, as a testimony to “boundless hope” that the American dream of “liberty and justice for all” could be fulfilled in Church, society and family.⁶⁴ Ruether’s announced agenda is to show how religious and cultural definitions of marriage have confined women’s roles and conduct within a patriarchal framework in both family and society over centuries. Yet she sees religion and the churches as resources and potential allies in working for cooperative and harmonious family relations, in which partners are equal as spouses and parents.

Ruether hits her stride when she moves into the modern period, beginning with the Victorian creation of the middle-class “nuclear” family, organized around public and domestic roles differentiated by sex, and more isolated from kinship networks than in times past. After the Civil War, industrialization and the invention of new technologies moved many kinds of labor out of the household and into the factory of “business.” Women become more economically dependent on men’s paid labor. Meanwhile, the ideal woman was thought to be loving, sensitive, altruistic, and nurturing of intimacy, morality, and religion in the home. This ideal was the counterpart of a feminized and privatized religion. Christ-like qualities, such as mercy, forgiveness, and sacrifice, now came to be equated with feminine virtue.⁶⁵ Ruether shows that while late-19th and early-20th-century women’s reform movements challenged middle-class women’s confinement to the home, economic dependency, and subordination in mar-

⁶² Of most impact is Ruether’s *Sexism and God-Talk* (Boston: Beacon, 1983 and 1993).

⁶³ Rosemary Radford Ruether, *Christianity and the Making of the Modern Family* (Boston: Beacon, 2000).

⁶⁴ *Ibid.* 155.

⁶⁵ *Ibid.* 102–4.

riage, they ignored the fact that black women and immigrant women had always “worked” outside the home, and they continued to promote white ideals of feminine beauty and lifestyle.⁶⁶

Ruether also understands that women’s liberation movements can threaten women for whom marriage and motherhood have been defining sources of meaning and prestige, as well as economic security. She perceptively observes that the ideal of women’s sexual liberation that produced the 1920s “flapper” was by no means oriented to social solidarity, but to personal pleasure and adventure and the eventual capture of the right man⁶⁷—an ideal much in evidence today in popular culture, media stars, and television hits. Yet, with divorce rates nearing 50 percent and the likelihood that women may survive marriage as widows into old age, it is neither egalitarian nor realistic for them to be unprepared to be responsible for themselves and children should the necessity arise.⁶⁸

Similarly to Lawler, Ruether wants to develop new types of covenanting ceremonies that include but extend beyond permanent heterosexual relationships. Several of these ceremonies are designed to move children and young people along life’s journey, but others recognize nonpermanent “sexual friendships” and gay unions.⁶⁹ Ultimately, though, Ruether affirms Christian marriages and families as “redemptive communities” in which, as in the New Testament churches, hierarchies are overcome, marginal persons are included, and real community is based on mutuality. She believes that these families can take diverse forms, while still enhancing love, commitment, and service to community and to “God’s reign of peace and justice on Earth.”⁷⁰

“YOUNGER SCHOLARS” ON MARRIAGE

The generation of Catholic theologians who began to make their mark on the literature in the 1990s came to the world of scholarship with a significantly different cultural experience of gender, sexuality and marital commitment. A young British author laments, “Sex has variously been over-glamorised, trivialised, objectified, distorted and viewed as a pan-

⁶⁶ Ibid. 113, 141.

⁶⁷ Ibid. 118.

⁶⁸ Ibid. 185–87.

⁶⁹ Ibid. 214–17.

⁷⁰ Ibid. 230. See also Rosemary Radford Ruether, “An Unrealized Revolution: Searching Scripture for a Model of the Family,” in Adrian Thatcher and Elizabeth Stuart, *Christian Perspectives on Sexuality and Gender* (Grand Rapids: Eerdmans, 1996) 442–50. This book also contains three chapters on sexual and domestic abuse, a continuing concern of feminist authors. See also *Violence Against Women*, ed. Elisabeth Schüssler Fiorenza and M. Shawn Copeland, *Concilium* 1994/1 (Maryknoll, N.Y.: Orbis, 1994).

acea.”⁷¹ *Sex These Days* provides a bracing view of the current sexual scenario against which the Catholic theology of marriage has now to make its case. As Linda Woodhead sees it, “When and where sex takes place between freely consenting adults liberalism views it as sacrosanct *per se*. This holds good whatever forms such sexual activity may take, and whatever its social consequences.”⁷² Sexual attitudes and practices are traced by many critics to a consumerist culture that is both the cause and the product of market capitalism and economic globalization. Expectations of marriage as an institution, and trust in the possibility of finding lasting personal meaning within it, accordingly have declined for many young adults, including many who are already married with young families. Young adults want a “lifetime sexual partner” who is also a friend, and are looking for grounds on which to be at least “cautiously optimistic.”⁷³

The shapers and defenders of Catholic magisterial teaching since Vatican II have worked with an essentially positive and celebratory vision of marriage that, if anything, errs in the direction of romanticization, and that consequently holds up very high expectations for the married state. On the one hand, the “free mutual self-gift” language is disconnected from the social practices within which individual subjectivity is constituted. On the other hand, the Church’s strict negative norms about concrete sexual behavior are unconnected to the actual experience of many, and hence do very little to evangelize a generation looking for more than the general culture offers. Furthermore, though Catholic social teaching is joined to marriage theology through *Familiaris consortio*’s notion of the “domestic Church,” traditionalist interpreters do not necessarily develop the critique of family and marriage as social institutions that this notion could imply. The Church and its structures fail for young adults to address the general crisis of authority, even for those who find a deep ambiguity at the heart of the culture’s sexual message. “The Church can be painted . . . as one of a number of ancient and crumbling institutions . . . shadowing against a skyline revealing the chaotic scaffolding of an emerging post-modern age.”⁷⁴

The challenge for Christians is to reinvent marriage as a vocation under the stress and strain of contemporary life, especially when both parents enter public and professional roles. Though a moderate revisionist regard-

⁷¹ Ibid. 84.

⁷² Linda Woodhead, “Sex in a Wider Context,” in *Sex These Days: Essays on Theology, Sexuality and Society* (Sheffield, U.K.: Sheffield Academic, 1997) 100.

⁷³ Cathleen Kaveny, “Friendship and Desire: Augustine Reviews ‘Will and Grace,’” *Commonweal* 129 (September 27, 2002) 10–13, at 13.

⁷⁴ Anna Roper, “A Young Person’s Perspective on Authority and Sexuality,” in *Embracing Sexuality: Authority and Experience in the Catholic Church*, ed. Joseph A. Selling (Burlington, Vt.: Ashgate, 2001) 80.

ing Catholic marriage norms, Michael Lawler essentially concurs in the modern Catholic vision of marriage as an idealized union of two persons, united in love, and sharing the joys and responsibilities of parenthood. While critical of the sexist and racist aspects of marriage and family as institutions, Rosemary Ruether is likewise confident that Christian values can instigate social transformation, and that marriage and family can be spheres of liberation for women and men.

Works by Julie Hanlon Rubio, David Matzko McCarthy, Florence Caffrey Bourg, and Richard Gaillardetz,⁷⁵ all married with young children, chart a new course. Concerns of younger scholars reflect the social conditions of a new century. These include increased but still incomplete gender equality, more economic stress on couples and relationships, more seductive promotion of consumerism by the mass media, and a stronger hermeneutic of suspicion against North American culture as a genuine and evolutionary purveyor of “liberty and justice for all.” Though they too envision Christian marriage as a relationship in which human love and the experience of God can flourish, they suggest that successful marriage requires as much determination as celebration. Christian faith does not necessarily make marriage easier, but, in the words of Richard Gaillardetz, it can certainly “explain why the hardness of it should not surprise us.”⁷⁶

At least six issues are of shared interest to the focal authors: romantic love; the social context of marriage; marriage as interpreted by faith, or as a sacrament; the function of specific evaluations of sexual behavior; gender equality; and social justice. There is complete and vehement unanimity that romantic love is a woefully inadequate basis for Christian marriage commitment. “The romantic ideal of mutual absorption” cuts a couple off from other relationships and responsibilities (McCarthy);⁷⁷ makes marital com-

⁷⁵ These are Julie Hanlon Rubio, *A Christian Theology of Marriage* (New York: Paulist, forthcoming); David Matzko McCarthy, *Sex and Love in the Home* (London: SCM, 2001); Florence Caffrey Bourg, *Where Two or Three Are Gathered: Christian Families as Domestic Churches* (Notre Dame: Notre Dame, forthcoming); and Richard R. Gaillardetz, *A Daring Promise: A Spirituality of Christian Marriage* (New York: Crossroad, 2002). These four build on the work of other scholars, Catholic and Protestant, including Stephen G. Post, *More Lasting Unions: Christianity, the Family and Society* (Grand Rapids: Eerdmans, 2000); Lisa Sowle Cahill, *Family: A Christian Social Perspective* (Minneapolis: Fortress, 2000) and *Sex, Gender and Christian Ethics* (New York: Cambridge University, 1996); Bonnie J. Miller-McLemore, *Also a Mother: Work and Family as Theological Dilemma* (Nashville: Abingdon, 1994); Christine Gudorf, *Body, Sex and Pleasure* (Cleveland: Pilgrim, 1994); and James and Kathleen McGinnis, *Parenting for Peace and Justice: Ten Years Later* (Maryknoll, N.Y.: Orbis, 1990). Another younger Catholic scholar, Thomas Kelly, has a book in preparation, *Marriage as Discipleship: Sacramental Relationships and the Common Good*. An article by him will be referenced below.

⁷⁶ Gaillardetz, *A Daring Promise* 9.

⁷⁷ McCarthy, *Sex and Love in the Home* 123.

mitment contingent on continued high levels of affective quality and personal reward (Bourg);⁷⁸ leads to unrealistic expectations and ultimate disappointment (Rubio);⁷⁹ and “actually takes the joy out of the regular course of things,” since “moments of self-discovery, liminal experiences and total abandon” are not the stuff of daily life (McCarthy).⁸⁰

On other issues there is less agreement or at least more nuance. All address the fact that the social institutionalization can either support or undermine commitment, and all distance Christian marriage from the framework of individual agreement or contract. Rubio and McCarthy give particular attention to the ways in which such a model reflects the behavioral norms of liberal economics. Certainly all place “human” marriage in the light of faith, but while McCarthy stresses the difference between “natural” and Christian marriage (while staying away from language of sacrament), Rubio (and Thomas Kelly⁸¹), see experience of God as intrinsic to human love, and the basis of marriage’s sacramental character. Bourg (with Gaillardetz seeming to concur) identifies the explicit, shared faith of spouses and family members as that which makes it possible to experience God in these realms.

These authors treat different specific areas of sexual morality, including divorce and birth control, with a common concern to avoid caving in to individualist and consumerist cultural mores rather than to justify “exceptions” to moral standards. Rubio is the only one to take a strong stand against the immorality of a particular type of conduct (divorce). However, all, including Rubio, express their evaluations more as normative ideals than as absolute prohibitions and want to encourage struggling couples and families more than to set incontrovertible limits. All assume gender equality and role flexibility without rejecting the possibility or even probability that sex differences influence psychology and social behavior. The link of marriage and family to transformative action for social justice and the common good is especially strong in Rubio and Bourg, assumed rather than a high priority item for Gaillardetz (who, unlike the others, is not an ethicist), and explicitly questioned by McCarthy (a student of Stanley Hauerwas) as incompatible with a Christian understanding of “the

⁷⁸ Bourg, *Where Two or Three*, chap. 8 (subsequent page references are to the typescript).

⁷⁹ Rubio, *Christian Theology of Marriage* 45 (page references will be to the typescript).

⁸⁰ McCarthy, *Sex and Love in the Home* 64.

⁸¹ Thomas M. Kelly, “The Sacramentality of Marriage as a Primary Mode of Discipleship,” *INTAMS Review* 7 (2001) 13–24. Kelly offers that marriage is “intrinsically sacramental,” and that explicit faith is not necessary in order to benefit from and live within the sacrament, as long as a marriage expresses “agapic praxis” that consists in service to others, both within and outside the community (17, 19–20).

Church.” Some of these comparisons will be developed with reference to the distinctive perspective of each.

Of the four, Julie Hanlon Rubio devotes the most attention to biblical resources. She stresses that the New Testament portrays a tension if not outright conflict between kinship and family loyalties and discipleship, and locates holiness in the potential of the Christian household to transform not only their interior relations but society.⁸² A primary role of parents is to form children in a sense of responsibility to the common good, a role Rubio illustrates with personal accounts of family meals in which she and her siblings were immersed in accounts of her lawyer father’s work with the poor.⁸³ Rubio defends the work of men and women outside the home, and even proposes on the basis of Catholic teaching that “parents have a duty to contribute to the community through work.”⁸⁴ Correlatively, children can be cared for in community as well as or better than in a nuclear home centered on privatized affective relations.⁸⁵ Not surprisingly, she is critical of traditional Catholic interpretations of motherhood that assign it a disproportionately high value for women. She believes the pope gives “openness to children . . . a moral priority that is hard to overstate,” then creates gender imbalance in parenthood with the assumption that “mothers are simply better at sacrifice.”⁸⁶

Nevertheless, Rubio is very concerned about the welfare of children, which, according to recent studies can be grievously endangered by divorce.⁸⁷ In her view, marriage is more than a personal relationship; it is a “communion” of love and discipleship that includes children and shared service to the larger community. The sacramental sign value of marriage inheres in this commitment, and continues to exist through faithfulness even when the romantic relationship fades.⁸⁸ Rubio garners biblical support for her position by maintaining that, although various biblical authors grant exceptions to Jesus’ teaching against divorce (most explicitly Paul in 1 Corinthians 7), more authority should be given to the earlier and para-

⁸² Rubio, *Christian Theology of Marriage* 78.

⁸³ Julie Hanlon Rubio, “Does Family Conflict with Community?” *TS* 58 (1997) 616.

⁸⁴ Rubio, *Christian Theology of Marriage* 281. In her “The Dual Vocation of Christian Parents,” *TS* 63 (2002) 786–821, Rubio argues that Christian parents have a vocation both to care for their children and to contribute to the larger society. The latter duty is rooted in Catholic social ethics and teaching on work.

⁸⁵ Rubio, “Does Family Conflict” 607.

⁸⁶ Rubio, *Christian Theology of Marriage* 143.

⁸⁷ *Ibid.* 241–48. See also Julie Hanlon Rubio, “Three in One Flesh: A Christian Reappraisal of Divorce in Light of Recent Studies,” *Journal of the Society of Christian Ethics* 30 (Fall 2002) forthcoming.

⁸⁸ *Ibid.* 239–40.

digmatic teaching of the historical Jesus. Even within Scripture, not all developments and variations are normative.⁸⁹ Other scholars warn of the difficulty of unearthing historical words of Jesus, and of the need to balance parts of the canon as far as possible, despite pluralism.⁹⁰ Rubio clearly relies on the contemporary negative repercussions of divorce as a lens to help determine which biblical teachings are authoritative today. She grants that divorce and remarriage often occur, and desires “a family ethic for all kinds of families.” Even individuals or couples who “fall short of the Catholic ideal” are “part of the Christian community,” can still make Christ present, and need support in nurturing their children successfully, in cooperation with their co-parent if possible.⁹¹

The economic shaping—or better, perversion—of social and cultural life is the predominant concern in David Matzko McCarthy’s *Sex and Love in the Home*, and he provides an impressive analysis of the phenomenon. In keeping with the individualist and market ethos of modern life, most people seek in marriage mutual consent to a fulfilling relationship, the basis of a self-sufficient suburban home, to which they return for affective satisfaction, and out of which they move to establish economic viability and gender equality in a separate professional realm.⁹² In contrast to the resulting “closed families,” “open families have loose and porous boundaries,” depending on neighborhood networks of gifts and exchange.⁹³ McCarthy illustrates with several homey and humorous examples, including his neighbor Carl who disconcerted the whole neighborhood by gratuitously clearing all sidewalks with his snow blower during a heavy storm. Carl created a general agony of uncertainty about how to repay the gift, on what timetable, and with what unpredictable and therefore unwanted long-term relational consequences for those who would be drawn into the drama of reciprocation.⁹⁴

McCarthy’s notion of marriage is iconoclastic in that he reverts to an essentially premodern understanding in which social and kin relations are the origin of marriage and not the other way around. Marriage locates a couple in the midst of a larger network in which “sexual practices have a grammar of belonging,” rather than a grammar of free commitment and erotic fulfillment. “Sexual fidelity and the enduring love of marriage are a course of life through which a person becomes irreplaceable and intimately known within a complex set of social relations.” On this reading, Christian faith and membership in the community of the church function to resocialize spouses and families into a different set of relations that “express

⁸⁹ Ibid. 236, 255, 250.

⁹⁰ Collins, *Sexual Ethics* 34.

⁹² McCarthy, *Sex and Love* 93–94.

⁹⁴ Ibid. 101–3.

⁹¹ Ibid. 230.

⁹³ Ibid. 97.

God's love for the world."⁹⁵ Sexual fidelity in marriage is fidelity to this new set of relationships; sexual union and its procreativity should be interpreted over time. "The procreative character of sexuality is key to its fit with an outward movement and vocation of love," and represents the Church's hospitality.⁹⁶ While McCarthy resists the proponents of artificial birth control who aim, as he thinks, to free desire from the body, he believes intra-Catholic debates about *Humanae vitae* do not, for the most part, represent much divergence of standpoints. All proceed from a conviction that procreation is an important meaning of sexuality and binds people in the good of community.⁹⁷ Like Rubio, McCarthy is more interested in outlining ideals and virtues that can resist transience and instrumentalization in sexual relationships, not in identifying inflexible sexual boundaries for church membership.⁹⁸

A final ambiguity or tension in McCarthy's analysis is created by his proposing Christian participation in household networks in local communities that resist norms of privatization and market, while simultaneously insisting that it is not the business of Christian families to take up a vocation of transforming the world,⁹⁹ for the family is a "contrast society."¹⁰⁰ Since this contrast society is Christian precisely insofar as it is unbounded and open to networks of cooperation and reciprocation, it would seem inevitably to have an impact on the larger and other communities with which it is intertwined. One can readily grant, however, that McCarthy provides a salutary caveat that affecting entrenched social structures will not be as assured or far-reaching as Catholic social teaching has often presumed. Yet since he decisively moves beyond a personalist to a fully social view of marriage, its wider transformative potential might receive stronger endorsement.

Although Florence Caffrey Bourg's primary focus is on the family as domestic Church, her work deserves mention here both because her approach is congruent with that of Rubio, McCarthy and Gaillardetz, and because she envisions marriage as the counterpart of family. The centerpiece of her publications is the "domestic Church" concept revived since Vatican II.¹⁰¹ She sees this metaphor as ecclesiological, endowing ordinary

⁹⁵ Ibid. 216–17.

⁹⁶ Ibid. 12. See also 207–10.

⁹⁷ Ibid. 211.

⁹⁸ In a discussion of homosexuality, McCarthy calls "faithful heterosexual procreative marriage" a "classic model or a paradigmatic case," but not "a limiting case" (David Heim, Max Stackhouse, Luke Johnson and David Matzko, "Homosexuality, Marriage and the Church: A Conversation," *The Christian Century* 115 (July 1, 1998) 651.

⁹⁹ McCarthy, *Sex and Love* 124, 128, 151.

¹⁰⁰ Ibid. 114.

¹⁰¹ For a quite comprehensive review of resources, see Florence Caffrey Bourg,

life with sacramental significance, arising not from marriage, but from the universal Christian vocation established in baptism and recognized in shared faith.¹⁰² This vocation includes the obligation to create just social structures and promote the common good.¹⁰³ Bourg views Catholic tradition as focusing disproportionately “on mechanics necessary to cause a (minimally) valid sacrament,” whereas all sacraments are events in a relationship with God.¹⁰⁴ Although like McCarthy (and Gaillardetz¹⁰⁵) she is critical of the prevalent use of birth control to create the illusion that sex can or should be freed from procreative meaning, and notes that the availability of birth control can have coercive effects on women and couples, she does not issue any blanket condemnations.¹⁰⁶ Similarly with divorce, whose prevalence she laments and whose unavoidability in some cases she seems to accept.¹⁰⁷

Like Rubio, Richard Gaillardetz describes marriage as a “communion” undertaken as a committed, public, visible sign of communion with God and neighbor.¹⁰⁸ Similarly to the others, he sees marital companionship as changing with the years. He links the procreative meaning of marriage to its participation in the love of the Trinity, but widens procreation to “generativity” as a bigger category including types social contribution beyond literal parenthood. Of the four, he most energetically defends natural family planning as a countercultural act, but appreciates that it can become an obstacle to the success of the marriage relationship and ultimately grants that God’s will must be discerned in particular circumstances.¹⁰⁹

As a theologian of spirituality, Gaillardetz’s most distinctive contribution is to portray marriage realistically as “an ascetical vocation.”¹¹⁰ He acknowledges his own need of occasional forgiveness from his wife, and his gratitude for their mutual perseverance, support, and delight in their children. Yet the sacramentality of marriage resides not only in self-offering and other-serving communion and intimacy, but in the inevitable “sense of

“Domestic Church: A Survey of the Literature,” *INTAMS Review* 7 (2001) 182–93, with summaries in French, German, and Italian.

¹⁰² Florence Caffrey Bourg, “Domestic Church: A New Frontier in Ecclesiology,” *Horizons* 29 (2002) 56–57, 60, 62.

¹⁰³ Bourg, *Where Two or Three* 3. See also Florence Caffrey Bourg, “Family as a ‘Missing Link’ in Bernardin’s Consistent Life Ethic,” *Josephinum Journal of Theology* 8 (2001) 3–26.

¹⁰⁴ Florence Caffrey Bourg, “Marriage in America: Historical, Sociological and Theological Aspects,” in Michael Glazier, ed. *Encyclopedia of American Catholic Women* (Notre Dame: University of Notre Dame, forthcoming) 8. Citations refer to the typescript.

¹⁰⁵ Gaillardetz, *A Daring Promise* 108.

¹⁰⁶ *Ibid.* 3–5.

¹⁰⁸ *Ibid.* 11–12.

¹¹⁰ *Ibid.* 67.

¹⁰⁷ *Ibid.* 6–7, 11.

¹⁰⁹ *Ibid.* 111.

absence, longing, and the sense of the limits of the relationship,”¹¹¹ even the “terrifying loneliness” of sharing a marriage bed with someone from whom one is alienated.¹¹² The paschal mystery is revealed as much in the “kenosis” of marriage as in the glimpse of resurrection—in “the call to a self-emptying or dying to our own needs, hopes, and expectations.” Gailardetz provides a spirituality for the troubled or painful times in a marriage, as well as for times of closeness and harmony. He does not offer much social analysis of the conditions that dispose marriages (and families) to be either painful or harmonious, or of factors contributing to the inequality of spouses within marriage. Yet, given the Catholic overemphasis on women’s sacrificial nature, it is refreshing to find a husband and father testifying that Christian marriage demands that we enter sympathetically into the perspective of one’s spouse, and give up any assumptions about the “intrinsic superiority” of one’s own worldview.¹¹³

SOME CULTURAL DIFFERENCES

Recent issues of the Notes on Moral Theology provide resources to begin study of marriage in different cultural contexts, especially in light of gender and women’s liberation.¹¹⁴ As one looks beyond North America and Europe, one realizes that most cultures take for granted that the marriage relation is constituted more by social functions than by interpersonal qualities of spouses; that women and women’s reproductive potential is governed by male heads of household; that many church leaders and theologians resent and resist Vatican attempts to bring local customs into line with Eurocentric norms; that Christian feminist analyses concern women’s basic survival more than marriage as such; and that women and men value their cultural heritages in marriage and family.

The synod on the Church in Africa, held in Rome in 1994, stimulated debates about inculturation, including issues of marriage, family, and the roles and voices of women.¹¹⁵ In a provocative African reaction, Elochukwu E. Uzukwu¹¹⁶ describes traditional marriage as a way to establish solidarity among communities, especially by “binding feuding communities

¹¹¹ Ibid. 69.

¹¹² Ibid. 65.

¹¹³ Ibid. 66.

¹¹⁴ See James Bretzke, S.J., “Moral Theology out of East Asia,” *TS* 61 (2000) 117–19; William R. O’Neill, S.J., “African Moral Theology,” *TS* 62 (2001) 127–30; and Dean Brackley, S.J., and Thomas L. Schubeck, S.J., “Moral Theology in Latin America,” *TS* (2002) 150–52.

¹¹⁵ For information on the synod, see O’Neill, “African Moral Theology” 124–25.

¹¹⁶ Elochukwu E. Uzukwu, *A Listening Church: Autonomy and Communion in African Churches* (Maryknoll, N.Y.: Orbis, 1996).

together in order to limit violence.”¹¹⁷ He also notes that a perennially troublesome issue for relations between the African Church and Rome, the custom of “progressive marriage,” came up once more and was not satisfactorily resolved.¹¹⁸ In many traditional African societies, families negotiate for the union of a couple, then gradually permit them sexual relations, at least in part to test the woman’s fertility. This custom is at loggerheads with the magisterial idea that sacramental marriage occurs in a “moment” of consent, before which sex is forbidden, and after which, dissolution on the grounds of infertility is impossible. According to Uzukwu, Vatican representatives should listen to local views; episcopal conferences should have more independence in making practical decisions; and the leadership of African women, whose oppression under patriarchal systems may actually have worsened under colonialist mainline Christianity, should be respected. Uzukwu suggests considering women for ordination for certain ministries, as widows were in the ancient Syriac Church.¹¹⁹

Emmanuel Martey states the social role of marriage in Africa even more strongly. “Familial and kinship structures express production relations,” and establish “the husband’s right over his wife’s or his wives’ labor.”¹²⁰ Martey concurs in Uzukwu’s view that colonialism exacerbated injustice toward women, but also identifies oppressive customs, including polygamy, early betrothal, forced marriages, female “barrenness” as a curse meriting divorce, few divorce rights, menstrual taboos and puberty rites including female circumcision.¹²¹ Taking up this last practice, which is considered essential to a young girl’s marriageability in many societies, Mary Nyangweso argues that effective and genuinely liberating reforms must be carried out by local leadership and with due respect for cultural and religious values mediated by traditional customs.¹²² She notes that Western feminists not only denigrate cultures they fail to understand when they crusade for the abolition of this practice, they also are unrealistic about the possibility for African women to directly confront men. Using the Nandi circumcision rite as an example, she recommends that initiation be retained,

¹¹⁷ Ibid. 38.

¹¹⁸ Ibid. 145–46.

¹¹⁹ Ibid. 139–41.

¹²⁰ Emmanuel Martey, “Church and Marriage in African Society: A Theological Appraisal,” in *Christian Perspectives on Sexuality and Gender* 203.

¹²¹ Ibid. 204–07. Martey cites several earlier works by African women, including Teresa Okure, Mercy Amba Oduyoye, Louise Tappa, Bette Ekeye, Rosemary Edet, and Dorothy Ramobide.

¹²² Mary Nyangweso, “Christ’s Salvific Message and the Nandi Ritual of Female Circumcision,” *TS* 63 (2002) 579–600.

but that a theological interpretation of redemption in Christ can make the practice of genital cutting unnecessary.¹²³

Women in cultures around the globe often have to contend with grievous burdens like the virtual sale of young girls as brides for old men, culturally accepted domestic violence, and enslavement by the international sex trade, many of which have been exacerbated if not created by the hegemony of market capitalism and the erosion of traditional protections. For women in such situations, work as “public vocation” may seem an unimaginably idealistic alternative to drudgery. The idea that women’s maternal role should be safeguarded may promise welcome relief from sexual exploitation and inability to shield one’s children from abuse and fatal poverty. Marriage as an institution and relationship is only one part of a picture in which many women struggle to survive in the most dehumanizing circumstances.¹²⁴ These women want the countercultural edge of faith to help them “break the culture of violence” and “build up life-enhancing communities.”¹²⁵ Even when it is impossible to experience marriage as sacramental or family as domestic Church, a spirituality born of resilience, struggle, and the good news of the gospel as heard on the way of the cross still witnesses to grace, hope and transformation.

¹²³ Ibid. 595–600.

¹²⁴ The general situation of women and the role of feminist theology is depicted by Maria Pilar Aquino, “The Women’s Movement,” in *2000: Reality and Hope*, ed. Virgil Elizondo and Jon Sobrino, *Concilium* 1999/5 (Maryknoll, N.Y.: Orbis, 1999) 90–95. For a disturbingly concrete picture of child marriage, see Andrew Bushnell, “Child Marriage in Afghanistan and Pakistan,” *America* 186 (March 11, 2002) 12–14. *Women Resisting Violence: Spirituality for Life*, ed. Mary John Mananzan, Mercy Amba Oduyoye, Elsa Tamez, J. Shannon Clarkson, Mary C. Grey, and Letty M. Russell (Maryknoll, N.Y.: Orbis, 1996) portrays the effects of cultural, ecological, domestic, economic and military violence on women, and calls for a spirituality of empowerment and resistance.

¹²⁵ Mercy Amba Oduyoye, “Spirituality of Resistance and Reconstruction,” in *Women Resisting Violence* 163.