Marriage: A Sign of the Kingdom

Jordan Bishop

As the spirit of the age proclaims a new freedom from the traditional sexual ethic, discussion about marriage in the church today runs the risk of becoming bogged down in what are in one sense peripheral issues. Marriage is seen as an institutionalisation of eros, as the expression of a sexual ethic, and the question of any specifically Christian meaning of marriage is lost in ethical discussion.

This is not to imply that the ethical dimension is unimportant; but it is not the only dimension to be considered. The revolt against the late medieval and modern tradition, with its attendant rigidity, should not be allowed to obscure the search for a theology of marriage as a sign of the Kingdom, as a sacrament.

This has been tied to a hard line on the question of divorce and remarriage, to a doctrine of indissolubility that has been seriously questioned in recent years.1 Even more common perhaps is a pastoral praxis that, while freeing people from the more oppressive features of the old ideology, may also reduce the discussion of marriage as a sacrament to the status of a non-question. In justice it should be pointed out that the defence of an absolute indissolubility has been driven back to the question of sacramentality. In the practice of the modern church, as expressed in the Roman Curia, non-sacramental marriages are not indissoluble.2 Nor in fact are all sacramental ones; the maze of technicalities involved in this practice often defies the comprehension of the layman.

Consideration of marriage as a sacrament often appears indissolubly linked to this world of the canonists, to a legal structure that is more easily bypassed than challenged. At the same time, questions of sexual ethics retain their relevance against the background of the new praxis as they did against that of the old.

The ideology of the bond

The doctrinal development of the sacramentality of marriage has suffered from a legalism that may have been inevitable, but which prevented further development. Since Gratian, the canonists have in effect dominated the field. Legal abstractions, useful enough in themselves, have assumed a metaphysical character, as if the juridical

¹Cfr. J. Bishop, 'Divorce and Remarriage', New Blackfriars, 49 (1968), 588-599; S. J. Kelleher, Divorce and Remarriage for Catholics, New York, Doubleday, 1973; M. True-J. Young, 'Divorce and Remarriage', Commonweal (New York), November 22, 1974, 185-190.

²On the legal dimensions, cfr. Kelleher, passim.

abstraction or construct were reality itself. Such constructs have the advantage of simplicity-although they have in fact led to the development of a very complex body of law-at the expense of flexibility. In the law of marriage in the Western church this body of law has grown in size and complexity with the efforts of canonists to escape the consequences of a simple and absolute notion of the 'bond'. In other words, having established the ideology of an absolutely indissoluble bond, further development has concentrated on a search for loopholes, for technicalities to liberate people from its logic by showing that in a particular case it never existed at all.3 The reflections of one well-known Rota advocate to the effect that many happily-married people would be surprised, on reaching heaven, to discover that they had never really been married at all, are typical of the mentality engendered by centuries of legalism.

The bond, in this ideology, is the ultimate reality, a kind of spiritual nexus that once established is dissolved only by death. The author of the Supplement to the Summa Theologiae of Aquinas, drawing principally on the commentary on the Sentences, calls it a 'nexus quendam, qui est sacramentum matrimonii',4 which is explicitly compared to the 'character' of baptism which in virtue of divine institution 'dispositively' works as a channel of sacramental grace.

Despite this analogy, the tradition is careful not to say that the bond is a sacramental character. It is, after all, dissolved by death, and in the case of a marriage which has not been consummated, by papal dispensation or solemn religious vows. But aside from these exceptions, the bond is impervious to attack, although the doctrine suffers from a number of serious anomalies.

First of all, although the bond is created 'by the external acts and words expressing consent',5 it receives an extraordinary firmness from the sexual union of the parties. The need for legal discrimination has in turn interpreted this in an extremely mechanistic way, with no place for psychological or other human dimensions of the biblical 'one flesh'. One act of sexual intercourse thus has magical and irrevocable consequences. Whether tying similar consequences to a fuller notion of 'one flesh' is an adequate response is another question.

A further difficulty arises in the identification of the bond with the sacrament; as a 'visible sign' the bond is a rather abstract thing. It is presumed to endure, and to be a sacrament—a visible sign of the union between Christ and the church—even long after both parties have been separated and cohabitate peacefully with others. The author of

³This dies hard, even with people who challenge official practice. For example, James Young, C.S.P.: 'Once we get that perspective together, then it will be obvious to us that many marriages that have ended in divorce never were sacramental marriages in the first place, and there was never any marriage bond' (Commonweal, art. cit., p. 189).

⁴Suppl., p. 42, a. 3 ad. 2.

⁶One of the worst consequences of 'pastoral' solutions is the assumption that if a marriage has broken up it must not have been real in the first place. This assumption is, I think, a relic of the old ideology, and the time has come to challenge it rather than to circumvent it. Why should only those marriages that survive be regarded as 'real'?

the supplement covers the need for visibility to some extent through another analogy—this time with the sacrament of penance—according to which the 'material element' of the sacrament is 'the acts of the person using the sacrament', the 'acts subject to sensible observation'. In other words, the external signs or words by which consent is expressed make the sign visible. Matrimony is then, as a sacrament, a juridical sacrament: the 'sign' itself is a juridical act. This of course offers no help at all in explaining how it continues to be a sacrament—a visible sign—in a marriage which has in fact broken up. This is possible only in a theology that has let itself become dominated by a juridical abstraction. Only in this context is it possible to affirm that a human relationship that has in fact become one of alienation, if not hatred, remains a sign of the loving relationship between Christ and the church.

The Ecclesiology of Marriage

This theology is of a piece with the triumphalist theology of the church from which we are but recently emerging. The medieval church had accepted, in theory and practice, a number of things that fit today's ecclesiology better than the triumphalist version: the validity of sacraments administered by sinners, the very place of sinners in the church, the sacramentality of marriage itself. Yet at the same time there is, as it were, an effort to dissociate the church, one, holy and without blemish, from sinful members and the imperfections of her historical existence. The church is not only holy, but sacred, and as such must somehow be separated from mundane things. There is no question of a church that is composed only of the elect, but within the limits of orthodoxy, the triumphalist church must retain spotless character, separation from the sinfulness of her sinful members. The ministers of the church have already been separated-officially at least—from the mundane sacrament of marriage. The sacred-profane dialectic is fully operative in the development of the law of celibacy.8 It also has a profound influence on the vision of the church:

En dehors de l'ecclesia s'étend donc le vaste domaine du 'profane', du 'séculier', de la 'perversion', de la 'souillure' et du 'sacrilège', où sont les idolâtres, les rénégats, les schismatiques et les heretiques, et où ne subsiste aucun espoir de salut. L'espérence chrétienne est ainsi tout entière enfernée dans l'ecclesia, et cette ecclesia, à son tour, baigne tout entière dans l'atmosphère purifiante produite par le sacré⁹.

The sacrament of matrimony, conceived as an abstract, 'spiritual' sign, in analogy to the baptismal character or a juridical construct, fits easily into the sacred dimension of this *ecclesia*.

This is accompanied, by the author of the Supplement, with a careful distinction of functions, sacred and profane. Marriage is de-

⁷Suppl., q. 42, a. 1, ad. 2. ⁸Cfr. J.-P. Audet, Mariage et célibat dans le service pastoral de l'église, Paris, 1967, pp. 19-34; 126-137. ⁹J.-P. Audet, op. cit., p. 126.

defended as being in accord with natural law, and a question is dedicated to marriage 'inquantum est in officium naturae'10. Marriage is a sacrament in so far as it represents the mystery of the union of Christ and the church¹¹, yet in so far as marriage results in friendship (amicitia) and mutual service, it is said to have its origin 'in the civil law'. 12 In the modern Western tradition all these things are in fact brought together and subjected to the jurisdiction of the church (matrimonium non claudicat; that is, the institution cannot be governed by civil law for its civil effects and by the church for ecclesial effects). But aside from claiming power over the whole thing, there is little effort to bring such elements as mutual love and service into the sacramental dimension of marriage; these are 'profane' things. Aquinas, in the Contra Gentes, is less 'imperialistic' than the canonists:

So far as generation is ordered to a political good, it is subject to the ordering of civil law. Then, so far as it is ordered to the good of the church, it must be subject to the government of the church. But things which are dispensed to the people by the ministers of the church are called sacraments. Matrimony then, in that it consists in the union of a husband and wife proposing to generate offspring for the worship of God, is a sacrament of the church; hence, also, a certain blessing on those marrying is given by the ministers of the church.13

The canonists were to override Aguinas's careful distinction and claim exclusive jurisdiction for the church.

In the development of a doctrine of sacramentality, even Aquinas confines his remarks on the 'sign-value' of marriage to one aspect: fidelity:

Since then, the union of husband and wife gives a sign of the union of Christ and the church, that which makes the sign must correspond to that whose sign it is. For there is one church, as the Canticle (6:8) says: 'One is my dove, my perfect one'. And Christ will never be separated from his church, for He Himself says: 'Behold I am with you all days even to the consummation of the world' (Matt. 28:20); and further: 'We shall be always with the Lord' (1 Thess. 4:16), as the Apostle says. Necessarily then, matrimony as a sacrament of the church is a union of one man to one woman to be held indivisibly, and this is included in the faithfulness by which the man and wife are bound to one another.14

Not only are other dimensions not included, but in a sense they are seen as an impediment to the sacramental sign, or as a difficulty to be overcome:

. . . one must believe that in this sacrament a grace is conferred on those marrying, and that by this grace, they are included in the union of Christ and the church, which is most especially necessary to them,

¹¹Suppl., q. 42, a. 2. ¹³IV, C.G., ch. 78.

14ibid.

¹⁰Suppl., q. 41. The author maintains that marriage was rightly instituted before the fall of Adam and Eve (q. 42, 2); Aquinas, in the Summa Theologiae, insisted that the species would have been propagated through sexual union in the state of innocence (I, q. 98, 2) and notes (ad. 2) that sex would have been more pleasurable, as human nature would have been more pure and the senses keener.

¹¹Suppl., q. 42, a. 2.

¹²bibl.

that in this way in fleshly and earthly things they may purpose not to be disunited from Christ and the church.15

From his discussion of the hypothetical state of man before the fall, it is clear that Aquinas at least is hardly a puritanical opponent of sex. Even in the passage just cited, there is a hint that 'fleshly and earthly things' are, through the sacrament, assumed into the union of Christ and the church. But there is little hint that 'fleshly and earthly things' might have an important place in the composition of the sign itself.

The bond of fidelity is the sign, and in discussion of its significance, the accent is on perpetual fidelity. The fidelity of husband and wife is a mirror and a sign of the fidelity of God, of the fidelity of Christ to his Church. It should not be forgotten that this doctrine was developed in a social context in which personal fidelity provided the 'social cement' that held medieval society together. Even more than law, it was the fidelity of the vassal to his suzerain that structured feudal society. This is not to deny the importance of law, and indeed the progressively increasing importance of law. Yet it can hardly be denied that the breaking of an oath of fealty was, in the popular mind, a more serious matter than the breaking of most laws, human or divine.

This makes it all the easier for theologians and canonists to exploit the undeniably Biblical accent on fidelity. It was possibly all the more important in view of the fact that infidelity—on the part of men—was easily condoned and often expected, at least where the rich and powerful were concerned.16

All of this contributes to the development of a theology founded on an abstraction: on the ideology of the bond. It reflects the value of fidelity, it emphasises the sacred in the sacred-profane dichotomy, and it fits very well into a theology dominated by legal consideration. It also provided the appearance at least of removing 'fleshly and earthly things' from the sacred realm of the sacraments, if not from the concerns of canonists and moralists.

There are then good reasons for the current tendency to ignore this tradition, and to some extent the very question of the meaning of marriage as a sacrament. The basic affirmation of the tradition is that as a sacrament, marriage is a sign of the union of Christ and the church, but this has been impoverished and sacralised to such an extent that it may seem to have very little to do with what marriage is really about. Is it possible to suggest a more adequate theology than that which we have been given?17

18This could only increase the concern for legitimacy in marriage legislation, at a time when both wealth and power were a matter of inheritance. It could also reinforce the double standard: a wife might not be humanly expected to love a husband who was much occupied with other loves. She was expected to be faithful to him, and the security of property and power depended on it. To some extent the church, through insistence on fidelity and indissolubility, provided some protestion to the rights of wives and legitimate offenning.

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17Schillebeeckx is right when he says that 'a complete and finished theology of marriage is . . out of the question' (Marriage, London, 1965, vol. I, p. xv). Nor can one attempt in a short article anything like the groundwork done in Schillebeeckx's first two volumes. In volume II he provides a detailed history of the development of the doctrine of marriage as a sacrament, emphasising the juridical character of much of it, 'a theological speculation on this juridical extrapolation' (II p. 94) (II, p. 94).

Marriage as a sacrament: what is the sign?

Schillebeeckx notes that there was in the middle ages, as the doctrine developed, a reluctance to associate the sacramental nature of marriage with marriage itself:

It seems to me that the initial failure to link the sacramental nature of marriage with marriage itself, and the tendency to connect it rather with the liturgy of marriage (which was not deemed to be indispensable to the validity of marriage, even though it was made obligatory for baptised Christians from the eleventh century onwards) is of considerable importance in the history of dogma.¹⁸

The Eastern churches, through a different dialectic of the sacred and the secular, managed to draw marriage, as a secular reality, 'into the sphere of divine salvation by the priest's liturgical action'. In the West, paradoxically, the insistence on the secular character of marriage seems to have impeded the development under which the whole reality of marriage is involved in the sacrament. In the Eastern tradition the human reality is sanctified. In the West, the development of a restricted and abstract definition of the 'essence' of marriage, centred on consent and the resulting 'bond' has almost succeeded in removing the sacrament, or separating it, from the 'profane' elements of the human institution.

To be sure, this would never be put quite so crudely as to exclude the whole human reality. Behind Aquinas's distinctions the possibility of unification is real enough. But by concentrating on the 'spiritual', abstract and supposedly more easily sanctified 'bond', the rest, the imperfect, material, sin-ridden, in short the whole area of the 'profane' was more to be tolerated than sanctified. The grace of the sacrament would help those involved in the difficult task of saving their souls while bogged down in these profane concerns.

There is an older tradition. Before the modern doctrine was finally stabilised under the aegis of the canonists, there were efforts to include all of marriage in the sacramental symbolism. Hugh of Saint Victor, with considerable scholastic subtlety, maintained that while the spiritual married love signified in the consensus was a sacramentum in respect of God and the soul, sexual intercourse was the 'great sacramentum in respect of Christ and his church'. 20 This involves an attempt at conciliation between earlier theories of marriage, accenting the biblical 'one flesh' rather than the then modern theories of consensus:

The reality of which marriage was a symbolic representation, had a corporeal dimension, Christ's relationship with his church, as well as a spiritual dimension, God's relationship with the soul. It is because Hugh wanted to stress the consensus, yet without wishing to contradict the traditional proposition—that the 'sacrament of Christ and his church' was situated in sexual intercourse—that what he says sometimes sounds uncertain. . . . But it is quite clear that he would have preferred to situate the 'sacrament of Christ and his church'

¹⁸Schillebeeckx, II, 113.

¹⁹*ibid.*, p. 112. ²⁰*ibid.*, p. 120.

simply and primarily in the spiritual communion of marriage. Only tradition prevented him from doing so.²¹

There is a difficulty in the restricted sense usually applied to the term 'one flesh', as applying principally and almost exclusively to sexual intercourse. In its biblical context the expression has a wider signification. Genesis 2:24 refers to a new being, a new clan with its own life resulting from the fact of marriage: 'A man leaves his father and his mother and cleaves to his wife, and they become one flesh'. What is implied is the whole human reality, a communion that embraces every dimension of life together, a newness of life that allows for the establishment of a new unit, separate from the paternal clan. The earlier tradition to which Hugh of Saint Victor still belonged, saw the significance of marriage in the 'one flesh' in the restricted sense of sexual intercourse. Even there, it was probably a better basis for a theology of marriage than the juridical abstraction that formed the new tradition.

Aquinas himself, as Schillebeeckx points out in a detailed historical survey that must be read in its entirety, can easily be misunderstood. The scholastic propensity for distinction does not imply a separation, and the terminology can be misleading. This may well be the case with Aquinas's distinction between the 'officium naturae', the 'officium civilitatis' and the sacrament—they are dimensions of one institution:

This secular reality of marriage, both as officium naturae and as officium civilitatis—in other words both the 'natural' and the anthropological and social aspects of marriage—was as a whole raised by Christ to the level of a sacrament... When Aquinas discussed 'the essence of marriage' he always meant the secular quality of marriage as officium naturae and as officium civilitatis, since that essence had been raised to the level of a sacrament.²²

Theologians such as Aquinas were not to determine what finally became the dominant ideology, at least in the popular understanding, and even the theologians were limited by the position of inferiority occupied by women in society at the time.²³ This may have led to some practical neglect of the importance of amicitia and mutuum auxilium as integral elements of the officium civilitatis, and indeed of the officium naturae, since the nature in question was, specifically, human nature. The elements were present for a fuller development of the sign-value of marriage, and in the older medieval tradition, for a development of it in concrete, earthy terms. That this did not happen is partly due to embarassment with sex, partly to the predominance of canonists and the final identification of the sacrament with a juridical abstraction, the bond.²⁴

There is then some basis in tradition to support a theory of the sacramentality of marriage that would include the whole anthropological content of the institution of marriage, in which the communion of life

²¹*ibid.*, p. 121, 122.

²²*ibid.*, p. 145, 146. ²³*ibid.*, p. 144.

²⁴Another constant preoccupation was the evolving of a theory that would fit the marriage of the Blessed Virgin and Saint Joseph, which by none of the theories advanced would have been absolutely indissoluble.

—sexual, social, affective—and the rich complex of interpersonal relationships provide a sign of the relationship of Christ and the church. This obviously acquires its full significance only in the context of faith—like the others, matrimony is a 'sacramentum fidei'. Today at least it can involve not only fidelity, but mutual love and surrender, mutual service, the fullness of the biblical 'one flesh'. One might also say that the elements of a loving relationship could be more important than the usually implicit permanence.

Marriage as such is the 'visible sign' which, in Christo et Ecclesia, is the sacrament. We are closer today to the real recognition and development of a relationship of equality on the part of the woman that was culturally unthinkable in the middle ages, even though Aquinas could base one of his argumenta convenientiae against divorce and remarriage on the lack of equality:

Again, it seems inappropriate for a woman to be able to put away her husband, because a wife is naturally subject to her husband as governor, and it is not within the power of a person subject to another to depart from his rule. So, it would be against the natural order if a wife were able to abandon her husband. Therefore, if a husband were permitted to abandon his wife, the society of husband and wife would not be an association of equals, but instead a sort of slavery on the part of the wife.²⁵

This is weak, as is fitting for an argument whose best conclusion is the convenience or fittingness of a social institution that already exists. Inequality is accepted and made the basis of an argument in defence of equality. Later canonists would see no difficulty in admitting that a woman could in fact abandon her husband, given due cause. The important thing about the arguments in the *Contra gentes* is precisely that they are argumenta convenientiae; it is only in the realm of juridical abstractions that one is confronted with a metaphysical absolute.

The Sign of the Kingdom

The early medieval conviction that marriage as 'one flesh' is the sign, or sacrament, of Christ and the church, was limited by the equating of 'one flesh' with sexual intercourse. As an option, it does not suffer from the prudery and exclusion of sexual intercourse from sacramental signification that characterises the canonists' abstractions. Given the full significance of the 'one flesh', we are left with the whole human reality of marriage: mutual assistance, love, the breaking down of barriers, the communion of life within the family. Of these, in today's context, perhaps a primacy should be given to love, to the charity of Christ—for the relationship of Christ to his church, of which this becomes the sign, is first of all a relationship of love, of peace, of everything implied in the now-popular category of shalom. It is this communion itself that is the 'visible sign' in all its dimensions.

It may also be necessary to look very carefully at the cultural context of some scriptural statements. Paul, for example, will have wives 'regard

25 III, C.G., ch. 123.

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their husbands as they regard the Lord, since as Christ is the head of the Church and saves the whole body, so a husband is the head of his wife; and as the Church submits to Christ, so should wives to their husbands, in everything. Husbands should love their wives just as Christ loved the Church and sacrificed himself to make her holy. . . . This mystery has many applications, but I am saying it applies to Christ and the Church' (Eph. 5:21-25, 32). Paul's imagery is striking, but it is undoubtedly influenced by his own notions of the place of women. One might also say that to honour these notions, in Paul's time, was necessary if the communion of husband and wife were to be one of shalom. The demands of a real shalom today might be different.

In short, it is too much to attempt to spell out this relationship in terms of parallels between Christ and the church and the husband and wife. Is the husband, as head of the wife, a 'sacrament' of Christ as head of the church? Is his fidelity to be singled out as a sign of Christ's fidelity, and the woman's subjection as a sign of the subjection of the church?

Or is it not better, against the background of a loving, personal communion of charity and peace, to see marriage as a sign of that communion, as the church is a communion of charity and peace? It can also—in Christ and the church—present an element of *proclamation* of the new creation, as does the eucharist.

It is important that this consideration be made in the context of a different ecclesiology than the triumphalist idea of the church that characterised the fourteenth century canonists who gave the final form to what we know as traditional doctrine. The church is indeed a sign of the kingdom, the primordial sign. But the church is not the kingdom, nor is the church 'pure' in the way that only juridical abstractions can be pure. It can only be seen as such through a juridical theology, such as that which for a long time dominated thinking on the 'mystical' body of Christ. The real church, in which the power of the Gospel is manifested, is not an abstract being, some distilled essence of spotless beauty. It is, if you wish, incarnate in sinful men and women.

As a church of sinners is a sign of the kingdom, so a marriage of sinners is a sign of Christ and the church, and of the eschatological kingdom, the new creation, which in some way is already among us, but which cannot be simply identified with the church. The church is ambiguous, as ambiguous as is marriage.

As signs, both the church and marriage are imperfect. Indissolubility, fidelity, the charity of Christ are all elements of the work of the Spirit, of the fullness of this sacramental reality. The grace is present; but it is not magic. The human substructure of this sign, and in a given couple, the sign itself, can be destroyed. A marriage, even a 'true marriage', can cease to exist. The peace can be destroyed. Is it necessary, in such cases, to insist that the sign remains intact, that a union torn asunder is still effectively a sign of the loving relationship between Christ and his church? And by the same token, should it not be admitted that the less-than-ideal reality of a second marriage, following a divorce, can also be a sign of the kingdom when lived 'in the Lord'? It is indeed an

imperfect sign; so, in effect, are most marriages. So, in fact, is the church.²⁶ A triumphalist theology of the church is false because it does not come to terms with the existential reality of the church, and misplaces the manifestation of the power of the Spirit. It should be admitted, once and for all, that the 'traditional' theology of marriage, a triumphalist ideology based on a juridical abstraction, is also false, and for the same reasons. It does not come to terms with the existential reality. It is at once an impoverishment of the sacrament and a metaphysical monstrosity, involving a kind of absolutism that is only conceivable in the case of an abstract symbol, in which the juridical fiction of a permanent bond is presumed to exist while the existential relationship has been destroyed.

The assumption, of course, is that 'the bond', identified with the sacrament, cannot be destroyed. Of course; an abstraction has no necessary relationship to concrete existence. But a marriage is not such an abstraction. It is a concrete communion of life, and as such is called, 'in the Lord', to manifest the kingdom of charity and peace. And it is here, even more than in relation to the particular problem of divorce and remarriage, that a more adequate theology of marriage is needed. The abstraction is at once too much, and not nearly enough.

²⁶'It is obvious that sexual life is not condemned as evil. It belongs, however, to an imperfect order of things, which is destined to disappear: that of the present world (to use a rabbinical expression). This order of things will be superseded in the world to come' (Grelot, Man and Wife in Scripture, Montreal-Freibourg, 1964, p. 94). This is fair enough, as is the traditional notion that 'voluntary continence anticipates the state into which we shall all enter after the resurrection of the body' (ibid.). However, in speaking this way of the eschatological kingdom, we must not forget that not only marriage, but the church, with her sacraments, institutions, and hierarchical structure, also belongs to an 'imperfect order of things, which is destined to disappear'. In the fullness of the kingdom, the order of signs gives way to the reality.