

## MARRIAGE AS A DIVINE AND HUMAN REALITY IN THE VISION OF THE SECOND VATICAN COUNCIL

*Iosif IACOB\**

**Abstract:** The institution of marriage and the family it is one of the social and ecclesial realities, difficult to stick in its full meaning. It, as a natural reality, involves the whole life of man, of each man, both as a right and as a possibility. In his great redemptive plan, God, through Jesus Christ, in the New Law established by the sacrifice of love to the ultimate sacrifice, assigns a saving dimension to natural marriage. This new dimension makes marriage a supernatural and profoundly human reality, anchored in social realities in a continuous becoming. The current situation that the Church is experiencing in the pastoral field through the different choices that believers make regarding the sacrament of marriage invites us to deepen and analyze all the aspects that affect the choice of the type of marital union.

All these motivations makes us to take in consideration the different spheres of human existence as well with visions of living life to see the way marriage as a natural and sacramental reality, involving every human being, presents itself to contemporary society in all its complexity, or in what way society's problems come to be reflected and also involves the institution of marriage.

**Keyword:** marriage, vocation, mission, family and society, conjugal morality.

### **Introduction**

From a comparative analysis regarding marriage as an institution and vocation in the view of the contemporary world, of civil society and the Church of the end of the 20th century, an innovative conception results, but also faithful to the tradition and the centuries-old teaching of the Church. It would indeed have been strange if the Second Vatican Council, with such profound and broad pastoral orientations, had not devoted particular attention to marriage and the family in the context of the new social situations and current theological visions. In order to study and deepen the problems related to the institution of marriage, Pope John XXIII will gather a special commission that will have the mission of examining the problems of marriage in today's society. We cannot, however, look at the situation of marriage and the problems related to it, as it is seen by our times, limiting ourselves only to the purely pastoral and moral issues, and

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\* Faculty of Theology, University „Al.I. Cuza” of Iasi; email: iosifiac@yahoo.com.

cases, so controversial (*de facto* unions, abortion, family planning etc.). We believe that the defining element of the position adopted by the Council is the dogmatic foundation that will lead to new approaches in other fields and domains of theology, and an inspired orientation of spouses in understanding the greatness of the vocation to which they were called. That is why, in the doctrine of the Second Vatican Council, we find reserved a considerable part dedicated to a very varied palette of arguments specific to the theology and thinking of those times of great changes<sup>1</sup>.

The form of life through which the lay person finds the fullness of his purpose is that offered by the sacrament of marriage and family life. In this environment, he is called to collaborate in order to realize the Kingdom of God; here he is given the opportunity to be an image of Christ in the world.

In the conjugal relationship, both, husband and wife, through the mission they have towards each other and together towards the children, give evidence of a particular vocation which, by virtue of the sacrament of marriage, is a symbol of the mutual love between Christ and the Church, a love in which lies the impetus of continuous and mutual perfection.

The council considered in different contexts and treated from several perspectives the reality of marriage. Thus, we find significant references and approaches in all conciliar documents, but *Lumen gentium*, *Apostolicam actuositatem*, *Sacrosanctum concilium*, and especially *Gaudium et spes*<sup>2</sup> particularly emphasized. This multiple approach highlights the interest shown by the Church on this issue, especially in the current context of countless problems related to marriage and family, as they are put up for debate by society<sup>3</sup>.

## 1. Marriage in the historical development

Marriage, although rooted in the event of the creation of man and in the formation of the Christian community by Jesus Christ, finds its sacred character on the basis of the union that exists between Christ and the Church.

The union between man and woman in the history of civilization has always had a religious dimension. This dimension could not be excluded.

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<sup>1</sup> Cf. B. HÄRING, *Il concilio comincia adesso*, Paoline, Alba 1966, 131-132.

<sup>2</sup> The treatment of the marriage issue within the Second Vatican Council can be found in the following documents and paragraphs: *Lumen gentium*, 11, 35, 41; *Gaudium et spes*, 47-52; *Sacrosanctum concilium*, 77-78; *Apostolicam actuositatem*, 11, 30; *Gravissimum educationis*, 3; *Dignitatis humanae*, 5.

<sup>3</sup> During the 1960s-1980s, in most of the Western countries, great efforts and pressures were made in the civil environment, in order to legalize divorce and abortion. The problem of regulating births, divorce and other aspects related to married life was much targeted by public opinion and an innovative position was expected from the Church, in this historical context.

Also, in the history of the people of Israel we find a vision strongly related to the way in which marriage is conceived later in the Christian tradition; marriage refers to the intervention of the Creator (*Gen 2, 24*), an intervention that will later receive a redemptive meaning as it is the expression of the alliance between God and the chosen people. In Jesus Christ, God's original project that matured in society with the passage of time is brought to light again (*Mt 19*).

Christian communities seek to live and apply to the marriage life the new principles that emerge from the preaching of Jesus and his followers. Basically, even by remaining closely bound to the traditions to which they belonged, a new matrimonial reality lived "in the Lord" is realized, distinguishing itself from the marriage between the heathen by the fact that it was lived in the absolute respect of marital fidelity and assuming the obligation of indissolubility<sup>4</sup>. As time passed by, another aspect arises which consists in accompanying the wedding celebration with acts that have a deep religious meaning, in which the intervention of the ecclesiastical authority was more necessary from a moral point of view, since we cannot yet speak of a legal regulation of marriage.

The legal regulation will be realized in time with the process of institutionalization of the Church, in particular after the fall of the Western Roman Empire and the decay of state power. This is how a more pronounced interest of the Church in social relations begins to appear.

The beginning of the second millennium finds the „institution of marriage" regulated based on legal norms and by church authority. Legal and theological studies present marriage as one of the special means of sanctification instituted by Christ. The Church's exclusive jurisdiction over marriage will be strengthened in the first half of the second millennium, due to doctrinal deepening<sup>5</sup>.

Once the modern era began, a period in which state power begins to consolidate again, we encounter new social realities that will bring changes in canonical matrimonial practice, as certain practices rooted in church tradition will not be accepted by civil legislation (e.g. marriage of minors, parental control, formal rules for celebrating marriage).

These new requirements will find an important point in the Council of Trent because, starting from this moment, in the celebration of marriage, a special form will be required in order to ensure the validity of the sacrament<sup>6</sup>.

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<sup>4</sup> Cf. P. MONETA, „Il matrimonio...", in *Il diritto nel mistero della Chiesa*, vol. III, Roma, 1992, 166.

<sup>5</sup> Cf. P. MONETA, „Il matrimonio...", 167.

<sup>6</sup> Cf. F. SALERNO, „La dignità sacramentale del matrimonio nella storia della Chiesa", in *Monitor ecclesiasticus*, XXVIII, 1993, 41.

In accordance with these new formulations, legal doctrine began to make a distinction within the formal act of the conjugal bond between the contract and the sacrament, in which the first, meaning the contract, is seen as a simple human act carried out on the basis of the natural right that it enjoys each person is under the jurisdiction of the civil authority, and the second, the sacrament, exclusively by ecclesiastical law as an instrument for obtaining grace<sup>7</sup>.

Along with the French reform, the total break between ecclesiastical and state jurisdiction over marriage is realized. Civil marriage will be seen as the only valid marriage recognized by the state. It will be organized in all its aspects by civil norms, considering religious marriage only as an act of worship without any relevance in civil legislation<sup>8</sup>.

On the other hand, the Church continues to consider as valid only the marriage performed on the basis of the ecclesiastical law specific to all believers. With the passage of time, through agreements and understandings between the Holy See and the various states, canonical marriage will begin to have legal relevance in the civil environment as well. However, this cannot be put into question as far as civil marriage is concerned. The Church, in fact, must remain faithful to the mission entrusted to it, based on which the principle prevails that the bond of marriage between the baptized, elevated to the dignity of a sacrament by Christ, represents a spiritual reality that it cannot renounce<sup>9</sup>.

Pope Leon XIII affirms in the Encyclical *Arcanum divinae sapientiae*, in favor of the jurisdiction that the Church exercises over the sacrament of Marriage, the following: „Therefore, marriage being by its nature a completely sacred reality, it is right that it be organized and moderated not by the power of principles, but by the divine authority of the Church”<sup>10</sup>. These ideas were taken over and presented at a strictly legal level in the „Codex Iuris Canonici” from 1917. Here we find affirmed the civil competence over marriage only in the order of strictly civil effects, supporting the ecclesiastical competence in cases of marriage „by a proper and exclusive right”<sup>11</sup>.

Pope Pius XI will support and confirm the Church’s jurisdiction over the sacrament of marriage by fighting the secular effects of the time, which denied even the beneficial effects existing within the sacrament of marriage.

<sup>7</sup> Cf. F. SALERNO, „La dignità sacramentale...”, 44-46.

<sup>8</sup> Cf. J. HENDRIX, „Battesimo, fede e sacramentalità del matrimonio”, in *Ius Ecclesiae*, VIII, 1996, 669-771.

<sup>9</sup> Cf. P. MONETA, „Il matrimonio...”, 171.

<sup>10</sup> LEON PP. XIII, Enc. *Arcanum divinae sapientiae*, 10.02.1880, in *Matrimonio e famiglia nel magistero della Chiesa*, Milano, 1986, 160-161; ASS 12 (1879-1880), 388-394.

<sup>11</sup> CIC 1917, can. 1960.

Since sacramentality is that good that precedes the other essential benefits of marriage, it is recognized as having great relevance because: „natural marriage itself has something sacred and religious inherent in it, but not as an addition, but that sacred which is part of the very nature of the human being, not received, but belonging to nature itself. The sacred meaning of marriage, which is intimately related to religious aspects and the order of sacred things, derives both from its divine origin and from its finality – procreation and religious education (guidance towards God)”<sup>12</sup>.

Along with the appearance of the Code of Canon Law from 1983, there is a shift from a general view, in which all baptized Christians who are subject to canon law are relevant, to that of Christians baptized only in the Catholic Church or received into it<sup>13</sup>. In this direction, ecclesiastical norms only regulate the marriage of Catholics, a marriage that is subject to both divine law and canon law.

## **2. The vision of the Magisterium at the time of the opening of the Second Vatican Council**

Christian doctrine is a living treasury, words that are spirit and life<sup>14</sup>. This comes due to the fact that it is alive; the deposit of faith offers at any moment and in any historical circumstance, remaining authentic and faithful to itself, new fruits that manifest and act in the life of the Church. Before entering into the teaching of the council which speaks in its way to the people of the society of the time, it may help us to give a brief account of the deposit of Revelation which will be the seed through which the Council will bear its fruit. It is necessary to emphasize this also for a historical motivation, precisely to combat the positions that see in Vatican II only a starting point, forgetting its connections and above all its fidelity to the Tradition of the Church.

### *2.1. Loyalty and continuity*

Even if continuity is a characteristic of any act of the magisterium, Vatican II, in order to avoid its predominantly pastoral language being misinterpreted, wanted to explicitly emphasize this continuity<sup>15</sup>.

The Council emphasizes the continuity with the position of the pre-conciliar magisterium regarding the biblical conception of man, aspects that are the basis of Christian morality about sin, about the connection

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<sup>12</sup> PIUS PP. XI, Enc. *Casti Connubii*, 31.12.1930, in *Matrimonio e famiglia nel magistero della Chiesa*, Milano 1986, 135 ; AAS 22 (1930), 571-573.

<sup>13</sup> Cf. *CIC*, can. 11.

<sup>14</sup> Cf. *In* 6,63.

<sup>15</sup> Cf. R.G. de HARO, *Matrimonio e famiglia nei documenti del magistero*, Ares, Milano 2000, 173-174.

between nature and grace, the gratuity of grace, etc., manifesting its desire to present them in a clearer way for the man of the 20th century. He will only speak a few times about the *supernatural*, but he will insist on the divine aspect of man, of his divinization, of being like God and above all of not making a confusion between the history of salvation and that of humanity, Christ being and remaining the only one saviour of man.

At the same time, the Council confirms the objective position on the content of the Church's moral teaching, especially regarding conjugal morality: the indissolubility of marriage, the inseparability of love and procreation, the position towards currents that promoted the legalization of abortion and contraception. All these aspects are achieved having as a foundation the position of the ordinary and extraordinary magisterium of the Church. It is incorrect to attribute to the council the assumption of the claim to leave the moral conscience of the individual without a support from Tradition and the Magisterium. Moreover, he affirms the objectivity of Christian morality, emphasizing that it is not human consciousness that creates and defines values<sup>16</sup> and that only in Christ can these values to be truly known and lived<sup>17</sup>. In this sense, even the first chapter of the second part of *Gaudium et spes*, dedicated to marriage and the family, explicitly refers to the principles proposed above about the family as found in Holy Scripture, St. Augustine, St. Thomas and the Magisterium of the Pope Pius XI and Pope Pius XII<sup>18</sup>.

## 2.2. *Specific aspects of Church thought*

At the beginning of the Council the revealed truths about marriage and the family were already for the most part clarified by the Magisterium. We think of a doctrine that could not be questioned by theologians, taking into account the insistence and radicalism with which it was proclaimed.

As the council recalls, apart from those truths regarding faith and morals that the Magisterium definitively proposes, there are also those in and through which the Sovereign Pontiffs wish to emphasize that a true and authentic adhesion must be manifested, an adhesion which is sought „especially from the nature of the documents, or from the frequent repetition of the same teaching, or from the very manner of expression”<sup>19</sup>.

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<sup>16</sup> Cf. *GS*, 16 and *DH*, 3.

<sup>17</sup> Cf. *GS*, 22, 28.

<sup>18</sup> We can mention: the Encyclical of Pope Pius XI, *Casti connubii*, December 31, 1930, and the interventions of Pope Pius XII through the Speech addressed to midwives on October 29, 1951 and the one addressed to the members of the Italian Association of Large Families, on January 20, 1958.

<sup>19</sup> *LG*, 25.

### 2.2.1. The nature, value and purposes of marriage

An argument on which the Church Magisterium had pronounced on several occasions and the orientation was well outlined and defined, was that of the nature, value and purposes of marriage. Marriage was instituted by God and does not originate with the will of man. Through man's fall into sin and marriage, along with the whole of human nature, he felt the consequences, but he was lifted from his lost dignity, through the passion, death and resurrection of Christ, moreover, he received a new dignity, the sacramental one<sup>20</sup>.

Marriage, as an institution willed by God and ordered according to divine and human criteria, arises from a pact between the two spouses. The content of this pact, also supervised by the divine will, is characterized by unity and indissolubility, and as the main purposes, the matrimonial union has in mind the procreation and education of sons<sup>21</sup>. Apart from these purposes, the doctrine also mentions others purposes which are known to have a secondary character. These purposes want to highlight the fragility and limits of the human being, emphasizing the importance of mutual support and help and the remedy against concupiscence<sup>22</sup>.

<sup>20</sup> The pre-conciliation documents in which the magisterium pronounces on these aspects are: Decr. *Pro Armenis* during the Council of Florence (1439), (DS 1327); COUNCIL OF TRENT, Sess. XXIV, Dec. *De doctrina sacramenti matrimonii*, (DS 1800-1801); PIUS PP. VI, Written. *Deessemus Nos*, 16 September 1788 (Ins. 43); LEON PP. XIII, *Inscrutabili*, April 21, 1878 (Ins. 123); Enc. *Arcanum divinae sapientiae*, November 10, 1880 (Ins. 147-153); PIUS PP. XI, Enc. *Casti connubii*, (Ins. 267-268).

<sup>21</sup> These aspects can be found in documents such as: the COUNCIL OF FLORENCE (1439), Decr. *Pro Armenis* (DS 1327); COUNCIL OF TRENT, Sess. XXIV, Dec. *De doctrina sacramenti matrimonii*, (DS 1797-1798, 1802, 1805, 1807); BENEDICT PP. XIV, Enc. *Matrimonii*, April 11, 1741 (Ins.1); Const. ap. *De miseratione*, November 3, 1741 (Ins. 3); LEON PP. XIII, *Quod apostolici*, December 28, 1878 (Ins. 127); Enc. *Arcanum divinae sapientiae*, (Ins. 147-148); PIUS PP. XI, Enc. *Casti connubii*, (Ins. 267-284, 294-297); PIUS PP. XII, Enc. *Sertum laetitia*, November 1, 1939 (Ins. 423). The ecclesiastical magisterium had not pronounced, before the Council, quite clearly and unequivocally on the nature of the conjugal pact. In the theological tradition, most of the times by pact were meant that consent for an exclusive and indissoluble union, between a man and a woman, with the purpose of procreation and education children. In the canonical field, however, the pact represented, from this point of view, a cession of rights (eg *ius ad corpus*). Even though these two positions coexist, each representing different aspects of the one covenant, the Magisterium, most of the time, when speaking about marriage uses the expression established in the theological field *societas coniugalis*: LEON PP. XIII, Enc. *Rerum novarum*, May 15, 1891 (Ins. 210); Enc. *Arcanum divinae sapientiae* (Ins. 153). Sometimes it appears in the form of assignment of the reciprocal right over the body (can. 1081 § 2., *CIC* 1917).

<sup>22</sup> Cf. *CIC* 1917, can. 1013 § 1; Pius Pp. XI, Enc. *Casti connubii*, (Ins. 319); Pius Pp. XII, Discourse delivered at the Apostolic Tribunal of the Roman Rota on October 3, 1941 (Ins. 470); Speech delivered to the participants of the Italian Congress of Midwives, on October 29, 1951 (Ins. 633-634)

The consent of the spouses or the conjugal pact is at the same time an image of the sacramental union. Therefore, there cannot be a matrimonial pact between Christian spouses that is not at the same time a sacramental covenant<sup>23</sup>.

Regarding the effects and fruits of the sacrament of marriage, there is a rich and varied documentation in which it is emphasized that this sacrament gives to those who have the necessary dispositions the habitual grace and openness also to the present graces to live responsibly and in holiness the obligations of their own state of life<sup>24</sup>. If we were to make a synthesis regarding the perfections that God offers to marriage and family life, as they are seen and presented by the ecclesiastical Magisterium up to the time of the Council, we could summarize them in the following three values: *bonum prolis, bonum fidei and bonum sacramenti*<sup>25</sup>.

### 2.2.2. Conjugal morality

A first idea that emerges from the councilor documents regarding moral aspects is that marriage union is seen as a good and holy reality. However, celibacy has a greater value, marriage giving rise to a mission inferior to that which it is born from the charisma of celibacy. Until the Second Vatican Council, the idea was explicitly formulated that through marriage Christian spouses were called to seek the life of holiness, without this call constituting a fundamental obligation in the fulfillment of their purpose on this earth. Holiness was an obligation, however, for those who chose the consecrated and celibate life. This vision has deep roots in the christian theological tradition<sup>26</sup>.

<sup>23</sup> We find this argument addressed in documents such as: PIUS PP. IX, *Syllabus*, December 8, 1864 (*Ins.* 114); LEON PP. XIII, Written. *Ci siamo*, June 1, 1879 (*Ins.* 132); Enc. *Arcanum divinae sapientiae*, (*Ins.* 169); PIUS PP. X, Written. *Afflictum prioribus*, November 24, 1906 (*Ins.* 252); PIUS PP. XI, Enc. *Casti connubii*, (*Ins.* 270); PIUS PP. XII, Discourse of March 5, 1941 (*Ins.* 446 ff.)

<sup>24</sup> Cf. COUNCIL OF TRENT, Sess. XXIV, Decr. *De doctrina sacramenti matrimonii*, (DS 1799); CIC 1917, can.1110; ); LEON PP. XIII, Enc. *Arcanum divinae sapientiae*, (*Ins.* 174); PIUS PP. XI, Enc. *Casti connubii*, (*Ins.* 301-305); PIUS PP. XII, Discourse of February 17, 1945, (*Ins.* 513); The speech of October 29, 1951 (*Ins.* 625-626); Enc. *Sacra virginitas* (716-717).

<sup>25</sup> We particularly mention two documents in which the values of marriage are mentioned and treated in this form: the COUNCIL OF FLORENCE (1439), Decr. *Pro Armenis* (DS 1327); PIUS PP. XI, Enc. *Casti connubii*, (*Ins.* 273-305)

<sup>26</sup> Cf. the FIRST COUNCIL OF TOLEDO, can. 236 (DS 206); SECOND LATERAN COUNCIL (1139), can. 23 (DS 718); INOCENTIU PP. III, Written. *Eius exemplo* (DS 794); IV LATERAN COUNCIL, (DS 802); The COUNCIL OF FLORENCE (1439), Decr. *Pro Jacobitis*, (DS 1353); COUNCIL OF TRENT, Sess. XXIV, Dec. *De doctrina sacramenti matrimonii*, (DS 1810); LEON PP. XIII, Written. *Il divisamento*, (*Ins.* 222); PIUS PP. XII, Discourse of September 23, 1951 (*Ins.* 591); Enc. *Sacra virginitas* (*Ins.* 707-720);

Another existing idea in the doctrine of the magisterium, emphasized the fact that the marriage covenant, in order to fulfill the values and purposes for which it is made, it is supported and organized on the basis of divine laws that man cannot change at his own will or according to his own interests. Compliance with these norms is the only way to ensure the success of family life and the happiness of the spouses, and at the same time it guarantees the well-being of the whole society<sup>27</sup>.

By the will of God, human life is sacred from the first moment of conception. Marriage is at the service of life, and according to the view of the magisterium, nothing can justify abortion or any other act directed against life<sup>28</sup>.

On another matter, regarding the relationship between love and procreation, the teaching of the traditional magisterium of the church emphasizes that Christian spouses are not allowed to create a split between conjugal love and procreation. In this sense, it is specified that any form of contraception or sterilization is intrinsically immoral. In dealing with these issues, the magisterium documents particularly emphasize the intrinsic wrongfulness, by divine law itself, of any type of misinterpretation of the conjugal act. However, it is permissible to use periods of infertility if there are serious reasons, in order to regulate births or other situations that may arise in married life<sup>29</sup>.

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<sup>27</sup> Cf. COUNCIL OF TRENT, Sess. XXIV, Dec. *De doctrina sacramenti matrimony* (DS 1800); PIUS PP. VIII, Enc. *Traditio humilitati*, May 24, 1829 (Ins. 64); LEO PP. XIII, Enc. *Arcanum divinae sapientiae*, (Ins. 152); PIUS PP. XI, *Casti connubii*, Ins. 267); PIUS PP. XII, *Discourse of September 20, 1949*, (Ins. 545-546); The speech of November 2, 1950 (Ins. 571-572);

<sup>28</sup> Cf. STEFAN PP. V, Written. *Consulisti de infantibus*, 14 September 891 (DS 670); INOCENTIU PP. XI, Decr. *Sancti officii, Errores doctrinae moralis laxioris*, (DS 2134); LEO PP. XIII, *Answers of the Holy Office to the various questions related to the value of intrauterine life*: 14 August 1889 (DS 3258), 24 July 1895 (DS 3298), 4 May 1898 (DS 3336-3338); PIUS PP. XI, Enc. *Casti connubii*, (Ins. 323-327); PIUS PP. XII, *Discourse of October 29, 1951*, (Ins. 597-598); The speech of November 2, 1950 (Ins. 660-665);

<sup>29</sup> Cf. PIUS PP. V, *Catechism of the Council of Trent*, p. II, c. 7, n. 13; PIUS PP. VII, *Answer of the Apostolic Penitentiary concerning the onanistic use of marriage*, April 23, 1822 (DS 2715); GREGORY PP. XVI, *Answer of the Apostolic Penitentiary regarding the onanistic use of marriage*, June 8, 1942 (DS 3638-3640); PIUS PP. XI, Enc. *Casti connubii*, (Ins. 314-315), Written. Ap. *Con singolare compiacenza*, January 18, 1939 (Ins. 413); PIUS PP. XII, *Discourses delivered on March 5, 1941* (Ins. 451-453), October 29, 1951 (Ins. 613), May 19, 1956 (Ins. 740-745). On the illicit aspect of direct, temporary or perpetual sterility: PIUS PP. XI, Enc. *Casti connubii*, (Ins. 328-331); The speech of December 23, 1933 (Ins. 406-407); PIUS PP. XII, *Discourses of: September 7, 1953* (Ins. 684-689), October 8, 1953 (Ins. 693-696), September 12, 1958 (Ins. 787-790). Regarding abstinence from the conjugal act, the Church has always taught supporting the legitimacy of this practice, even recommending it in certain situations (see the *Catechism of the Council of Trent*, p. II, c.7, n. 34), to the extent that both spouses give their consent in order to fulfill this decision. At the same time, we do

Regarding the importance of conjugal fidelity, the church magisterium emphasizes that any kind of attempt at conjugal fidelity, even just at the level of desire, is a serious sin. In the same way, it constitutes a sin against conjugal fidelity and any attempt at artificial fertilization, as well as everything that is against mutual love and against the order established by God, specific to the conjugal relationship<sup>30</sup>.

Traditional Christian morality requires not to violate the negative norms present in the laws of the Church, a violation that would lead to a break with the order established by the divine law and, moreover, requires a respect for all the obligations that lead to fulfillment in the life of family of the three fundamental values of marriage: *bonum prolis*, *bonum fidei*, *bonum sacramenti*.

### 2.2.3. The family-society relationship

A first position that underlies many other positions regarding the status of the family in society is that which presents this community as the basic institution that is intended to transmit and develop life within society. The family is therefore prior to society and for this it is the main foundation on which his whole life is supported and depends. The good and fulfillment of society depends on the well-being and achievement of the family<sup>31</sup>.

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not find in the tradition of magisterium teaching a condemnation of the matrimonial act when, due to natural causes, the spouses cannot procreate (Cf. PIUS PP. XI, *Casti connubii*, (Ins. 319, 366). Problems arose, however, once with the discovery of the infertile periods, emphasizing the aspect that when it is sought to use only these periods, it would involve a will to exclude procreation. With reference to this problem, both Leon Pp. XIII and Pius Pp. XII pronounced, – LEO PP. XIII, *Answer of the Apostolic Penitentiary concerning the use of infertile periods*, June 16, 1880 (DS 3148); PIUS PP. XII, Discourses of: October 29, 1951 (Ins. 617-622), November 26, 1951 (Ins. 667), September 12, 1958 (Ins. 787-790) – but certain aspects remained that required more clarity, aspects that will end up being treated at length in the magisterium of Pope Paul VI and particularly in *Humanae vitae*.

<sup>30</sup> Regarding conjugal fidelity, we can notice: PIUS PP. V, *Catechism of the Council of Trent*, p. II, c. 7, n. 24; PIUS PP. XI, , Enc. *Casti connubii*, (Ins. 332-334); PIUS PP. XII, Discourse of February 22, 1944 (Ins. 507), Radio message of June 17, 1945 (Ins. 515). Regarding artificial insemination as a serious attack on conjugal fidelity, we look back on: PIUS PP. XII, Discourses from: September 29, 1949 (Ins. 553-557), October 29, 1951 (Ins. 637-639), May 19, 1956 (Ins. 745 -739). Regarding the aspects that are against mutual love and those that threaten the order within the family, we recall: PIUS PP. XI, Enc. *Casti connubii*, (Ins. 335), PIUS PP. XII, Discourse of November 2, 1950 (Ins. 571) and Radio Message of December 24, 1953 (Ins. 706). A complete and definitive doctrine on artificial insemination can be found in The Instruction *Donum vitae*, February 22, 1988

<sup>31</sup> In the magisterial interventions, this argument is particularly touched on starting with the pontificate of Pope Leon Pp. XIII and with the appearance of the first documents dealing with themes from the Church's social doctrine: LEON PP. XIII, Enc. *Quod apostolici muneris*, December 28, 1978 (Ins. 126-127); Enc. *Arcanum divinae sapientiae*, February 10,

At the same time, the rights enjoyed by the institution of the family, which are meant to protect it and help it to be perfected in the various aspects and valences of its nature, have divine origins, therefore they are sacred. In consequence, the state does not only have the mission to recognize and consider them. But even to protect them and propose them as bearers of values in order to perfect the family and implicitly the society<sup>32</sup>. And the Second Vatican Council will deepen this argument and will emphasize the role that the laity has to sanctify from the inside the structures of society in which they carry out their activity and fulfill their mission both as citizens and as Christians. And, later, in the post-synodal Apostolic Exhortation, *Familiaris consortio* will also specify the priority responsibility that the family itself has to defend and support itself, without relying on or expecting too much support from the state or any other institution<sup>33</sup>.

#### 2.2.4. The power of the Church and the state in matrimonial matters

As for the power that the Church exercises over the sacrament of marriage, since the Council of Trent, the ecclesiastical magisterium affirms and supports its divine origins. Thus, there is no human power that can grant the Church a certain authority and responsibility regarding the marriage covenant, but rather, by its very nature and mission, received from Christ; it has full and exclusive power over the sacraments<sup>34</sup>.

The power that the Church exercises over the sacrament of marriage manifests itself over everything related to the very existence of this sacrament,

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1880 (Ins. 174-175); Enc. *Sapientiae christianae*, 10 September 10 January 1890 (Ins. 206-207); PIUS PP. XI, Enc. *Ubi arcano*, December 23, 1922 (Ins. 257-259); Enc. *Lux veritatis*, December 25, 1931 (Ins. 404); PIUS PP. XII, Written. *Czestochoviensis Beatae Mariae*, January 16, 1946 (Ins. 524); The speech of September 20, 1949 (Ins. 544); The radio message of December 24, 1952 (Ins. 673).

<sup>32</sup> Cf. LEON PP. XIII, Enc. *Quod apostolici*, 28 decembrie 1878 (Ins. 126); *Rerum novarum*, 15 mai 1891 (Ins. 210-213); PIUS PP. XI, Enc. *Divini redemptoris*, March 19, 1937 (Ins. 409-410); PIUS PP. XII, Radio message from April 1, 1941 (Ins. 462-464); The speech of April 17, 1946 (Ins. 529); The speech of September 20, 1949 (Ins. 545-546); The speech of September 18, 1951 (Ins. 578-583).

<sup>33</sup> Cf. *Familiaris consortio*, 42-45.

<sup>34</sup> Cf. COUNCIL OF TRENT, Sess. XXIV, Dec. *Canones de sacramento matrimonii*, (DS 1804, 1807, 1808, 1812); PIUS PP. VI, Written. *Post factum tibi*, February 2, 1782 (Ins. 37); Written. *Deessemus Nos*, September 16, 1788 (Ins. 43-44); GREGORY PP. XVI, Enc. *Commissum divinitus*, May 17, 1835 (Ins. 82-83); PIUS PP. IX, Written. Ap., *Ad Apostolicae Sedis*, August 22, 1851 (Ins. 91-93); *Syllabus* December 8, 1964 (Ins. 68-70, 109-111); LEON PP. XIII, *Ci siamo*, June 1, 1979 (Ins.130); *Arcanum divinae sapientiae*, February 10, 1880 (Ins. 153 s.u., 165 s.u.); Written. *Il divisamento*, February 8, 1893 (Ins. 218); PIUS PP. X, *Afflictum prioribus*, November 24, 1906 (Ins. 250-252); PIUS PP. XI, Enc. *Casti connubii*, (Ins. 340-344); PIUS PP. XII, Discourse of October 3, 1941 (Ins. 471 ff.);

its nature and its religious effects. We refer in particular to the conditions underlying the matrimonial pact (impediments and legal form), the various court processes, and the vicarious power exercised by the Roman Pontiff, in cases of dissolution of marriage between the unbaptized, by virtue of the Pauline privilege, and in the case of unconsummated marriage<sup>35</sup>.

In the same time, due to the fact that the institution of natural marriage has its origin in God, it is the responsibility of the Church to defend the essential properties, values and purposes of any marriage, even that between unbaptized persons, given the fact that such properties belong to nature itself the human person<sup>36</sup>.

The aspects, on which the magisterium documents stop when they talk about the power that the state exercises over marriage, refer to the recognition and protection that must come from the public power of all aspects that come from natural law and in the regulation of everything that means civil effects within the marriage. However, it is also specified that the state does not have the power and the right to bind itself to the substance of marriage or to prevent the exercise of the spouses' natural rights. In the same way, it cannot prevent the right of any person to marry, or to fulfill within the marriage the specific purposes of this pact, under pretexts of a eugenic, economic or social nature<sup>37</sup>.

### 3. The mission of the council regarding the sacrament of marriage

At the beginning of the council, the doctrinal issues regarding the sacrament of marriage, even if they are not to be neglected, did not represent an emergency that would become a main mission of the Council, since the church magisterium has pronounced on several occasions regarding the

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<sup>35</sup> Cf. SECOND COUNCIL OF LYON, July 6, 1274 (DS 860); COUNCIL OF TRENT, Sess. XXIV, Dec. *Canones de sacramento matrimonii*, can. 4, 6, 7, 9, 11, 12 (DS 1804 et seq.); BENEDICT PP. XIV, Const. ap. *Apostolici ministerii*, September 16, 1747 (*Ins.* 24); PIUS PP. VI, *Post factum tibi*, February 2, 1782 (*Ins.* 37-38); Written. *Deessemus nos*, (*Ins.* 43-46); PIUS PP. IX, *Syllabus*, (*Ins.* 109-115); LEON PP. XIII, *Arcanum divinae sapientiae*, (*Ins.* 160-168); Written. *Quam religiosa*, August 10, 1898 (*Ins.* 241); PIUS PP. XI, Enc. *Casti connubii*, (*Ins.* 340-344); PIUS PP. XII, Discourse of April 22, 1942 (*Ins.* 484); The speech of October 8, 1953 (*Ins.* 703);

<sup>36</sup> Cf. LEON PP. XII, Enc. *Arcanum divinae sapientiae*, (*Ins.* 143-144); Written. *Il divisamento*, February 8, 1893 (*Ins.* 221); PIUS PP. XI, *Casti connubii*, (*Ins.* 316 and 368).

<sup>37</sup> Cf. PIUS PP. VII, Written. *Que votre Majesté*, June 26, 1805 (*Ins.* 61); PIUS PP. IX, Written. *La lettera*, September 19, 1852 (*Ins.* 98); LEON PP. XIII, Written. *Ci siamo*, June 1, 1879 (*Ins.* 135); Enc. *Arcanum divinae sapientiae*, (*Ins.* 186-187, 193); Written. *Il divisamento*, (*Ins.* 218); Written. *Quam religiosa*, (*Ins.* 241); Written. *Dum multa*, December 24, 1902 (*Ins.* 247); PIUS PP. X Written. *Afflictum prioribus*, November 24, 1906 (*Ins.* 252); *Casti connubii*, (*Ins.* 394 ff.); PIUS PP. X, Message of June 10, 1958 (*Ins.* 769-771);

issues that society and the church welcomed them during the passage of time and its evolution.

In a world that feels the changes brought by industrialization, scientific discoveries, exacerbated humanism that lead to a deeper secularization, the biggest problem would be to find the right levers and the right ways to be able to implement in life, in the new conditions of society, Church doctrine<sup>38</sup>.

### *3.1. Bringing doctrinal values closer to the spirit of life in today's society*

This was the first concern of the Council as it is emphasized in the very opening paragraph of the first chapter of the second part of the Constitution *Gaudium et spes*, which deals with the question of marriage and the family: “The Council, by better highlighting certain essential points of the Church’s doctrine, wants to enlighten and strengthen Christians and all people who strive to protect and promote the original dignity and the high sacred value of marriage”<sup>39</sup>.

It does this especially through the very wide range of perspectives from which Christian marriage is viewed and presented. Going through the aspects of revelation, it highlights and presents marriage as a mystery in which God has the initiative of salvation and Christian spouses are called to experience his presence manifested in their lives in a particular way. Filled by the spirit of this divine presence that calls to salvation through their own state of life, they become recipients and witnesses of the action of God who speaks to man, invites him to a particular relationship and mission, transforming him through the sacraments. “Salvation accomplished in Christ, therefore involves an ontological transformation. Man is created a new, and through the gift of knowledge and holiness, he is according to the image of God. So, in this way God speaks, creates and gives new life”<sup>40</sup>.

The Christian perceives God’s revelation and the supernatural identity of his person and his mission through the experience of faith. After listening to the word of God, through the act of faith, the Christian confesses that he is the recipient of a choice made by God regarding his own identity and mission. He thus attributes this new status of his to divine intervention. Moreover, he also has the ability to respond responsibly to the call of the revealed word through his own life. In this way, a dialog is born that does not only have earthly valences but opens the path to salvation. Man, therefore receives the ability to perform supernatural acts in the concrete historical context in which he finds himself.

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<sup>38</sup> Cf. R.G. de HARO, *o.c.*, 183.

<sup>39</sup> *Gaudium et spes*, 47.

<sup>40</sup> Cf. P. PIVA, *Problemi del matrimonio*, Cittadella, Assisi 1973, 93.

Another aspect of great importance is that of the historicity of man. Man is that being that imposes a certain norm and finality on his life and becoming. At the same time, he carries forward the history of humanity in which his own nature is also fulfilled.

In man and in his mission, his nature converges with his own becoming, which definitively involves man in the history of his existence<sup>41</sup>.

Seen from this perspective, all the paragraphs of the document *Gaudium et spes* that speak about marriage can be seen in a new light. It is a reality with deep social, cultural, institutional, anthropological, spiritual characteristics that must all be explored and deepened from the perspective of the complexity of the nature of the human being, called to be perfected through this state of life. They are not aspects that can be treated separately without being able to notice the need for a much more complex and multivalent approaches. Thereby, the Council will refer to the institutional aspect, as well as the personal aspect of marriage, to the spiritual aspect, as well as to the legal aspect, to the human aspect, as well as to the supernatural aspect, to the medical aspect, as well as to the social aspect, to the nature of marriage, as to its effects, etc. "The people of these times are increasingly convinced that the dignity and vocation of man requires that, through the light and power of his own intelligence, he himself can discover and know the values, found in his own nature, develop them without ceasing and realize them in his own life in continuous progress. That is precisely why they cannot make an arbitrary judgment on these values: "for man has a law written by God in his heart; his dignity is to submit to it, and according to it he will be judged"<sup>42</sup><sup>43</sup>

### 3.2. Awareness of the society to the values of doctrine and faith

If until the Second Vatican Council holiness was reserved only for a limited group of people within the Church, especially clerics and religious, through the position adopted by the Council Fathers, under the action of the Holy Spirit, the perspective changes. As a solution to the problems of the time, it is proposed to awaken the spirit of holiness through marriage and within the family, so that the world can be led to God.

Lay people have their own and characteristic temporal domain... The specific calling of the laity is to seek the Kingdom of God by dealing with temporal things and ordering them according to God's will. They live in the midst of the

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<sup>41</sup> *Ibidem*, 94-97.

<sup>42</sup> *GS*, 16.

<sup>43</sup> Congregation for the Doctrine of the Faith, Declaration *Persona humana*, December 29, 1975, 3, in *AAS* 68 (1976), 78-79.

world engaged in all the duties and activities of the world and in the ordinary conditions of family and social life out of which their existence is woven.

There they are called by God so that, fulfilling their purpose, guided by the spirit of the Gospel, they contribute from the inside, like a seed, to the sanctification of the world and thus show Christ to others, especially through the testimony of their lives, through the irradiation of faith, their hope and love<sup>44</sup>.

This was quite an ambitious mission. When the world detaches itself from God and the values, proposed by faith, it declines. The continuing decadence comes from the fact that mankind no longer seeks with sufficient conscientiousness and interest the truth and grace of God. Society could only recover by rediscovering the values born of faith. Ultimately, this problem has its roots in human life itself. By forgetting God and the values that come from faith, man dehumanizes himself. The recovery of one's true identity is achieved by going the opposite way, by knowing and respecting the truths that come from the teaching of the Church, and through the experience of faith<sup>45</sup>.

## Conclusions

Marriage, as a sacrament, represents the particular relationship of life communion that is established between a man and a woman through the consent of both parties, becoming available and contributing in a very special way to the edification of God's plan of love.

The very existence of matrimonial reality, as well as the conception of its nature, as a reality willed by God, in its development, presents different forms and progressive degrees.

Natural marriage itself has a religious foundation as the spouses realize their conjugal union based on certain norms and live certain particularities that they project in a way that is not always conscious, at least not in all cases, in an act of divine will. Performing the marriage, they are not fully aware of what it means, except for a momentary and purely theoretical knowledge, which allows the contracting parties to fulfill that act of will. That is why, based on the impossibility of fully assuming everything that it definitively represents, it is projected into the supreme will of God who calls them to collaborate in his work of love and creation. Through the work of Christ, marriage as a natural reality is raised to the dignity of a sacrament and becomes a generator of graces, more precisely the grace of Christ. In this new perspective, the consent of the spouses to achieve only one marriage, inserted into the body of Christ through baptism has a

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<sup>44</sup> *LG*, 31.

<sup>45</sup> Cf. R.G. de HARO, *o.c.*, 185.

supernatural meaning, superior to what could be achieved only through human will.

God can be found in the sacrament of marriage of the baptized based on the ontological relationship established by baptism. Added to this is the fact that baptism is an objective reality that is lived and perfected every day. In this sense, the work of the Holy Spirit, who assists the baptized in his journey of faith and fidelity to baptismal commitments, cannot be separated from his very existence or his own mission.

The Second Vatican Council offers a broad vision of the gift of faith as a particular element in the realization of the conjugal union. Even if a marriage is ontologically based on baptism and on the intentions of the spouses, through the personality conception, the interpersonal relationship between the spouses is the image of mutual love, based essentially and principally on the supernatural aspect, on the love of Christ for his Church. The Council gives special importance to faith, as a suitable environment for the realization of such characteristics. The characteristics mentioned above receive, through faith, a different, transcendent connotation in Christian marriage. At the same time, the intercession of faith marks the transition from the conjugal alliance of spouses to the supernatural alliance between Christ and the Church.

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