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# A GLOSSA ON C.1055.2: THE INSEPARABILITY OF CONTRACT AND SACRAMENT IN THE MARRIAGES OF THE BAPTIZED

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The controverted clause of the second paragraph of C.1055 is the doctrinal affirmation that a valid marriage contract cannot exist between baptized persons without its being by that very fact a sacrament. This doctrine is understood to mean that when two baptized persons (the parties do not have to be catholics, as long as they are validly baptized according to the rites accepted by the Catholic Church)[1] provided the marriage is valid, it is also by that very fact sacramental. This is the doctrine of the inseparability of contract and sacrament.[2] The following comments on this controverted clause are divided into two unequal parts: the first deals with the historical antecedents of the doctrine; the second draws the implications of the principle of inseparability of contract and sacrament.

1. Cf. N. Halligan, *The Sacraments and their Celebration* (New York: Alba House, 1986) 25-28.

2. The recent history of the question has been studied at great length by Denis Baudot in a thesis submitted to the faculty of canon law of the Pontifical Gregorian University, *L'inseparabilité entre le contrat et sacrement du mariage: La discussion après le Concile Vatican II, Analecta Gregoriana* 245 (Rome: Editrice Pontificia Università Gregoriana, 1987). A study of its more remote history has been done in connection with the term "matrimonium ratum" by A. N. Dacanay, S.J., in a thesis submitted to the same faculty of the Gregorian entitled *The Meaning of Matrimonium Ratum. A Study of the Concept in the Corpus Juris Canonici among some Decretists and Decretalists and Five Medieval Theologians* (Quezon City: Loyola School of Theology, 1988). The same question was treated from a more specifically theological point of view by M. J. Himes, "The Intrinsic Sacramentality of Marriage: The Theological Ground for the Inseparability of Validity and Sacramentality in Marriage," *The Jurist* 50 (1990) 198-220.

## 1. THE HISTORICAL ANTECEDENTS OF THE DOCTRINE

1.1 There were two problems that the Church had to face in the early 11th century, in the solution of which the question of the inseparability of contract and sacrament was clarified, and the doctrinal position of the Church on the matter focused with greater resolution.

1.1.1 The first concerns a certain couple one of whom falls into heresy. It was asked whether the party who remained in the catholic faith can contract a second marriage.[3] The pope answers that if the parties were baptized, the bond of marriage is not dissolved by the relapse of one party to paganism or heresy. Neither of them, while the other survives, can contract a second marriage if the insult to the creator may seem even greater here than in the case of one who simply refuses to cohabit peacefully with a convert.[4] This decretal has set the principle that the pauline privilege can be applied only to marriages contracted in infidelity, when one of the parties convert to the faith, and the other remains a pagan and refuses peaceful cohabitation with the convert. The force of this doctrine, especially as applied by another decretal to the case discussed infra, comes to the fore with greater emphasis when we consider the fact that the pope is countermanding the decision of a previous pope. Introducing his solution to the question proposed by the bishop of Ferrara, the pope makes an allusion to the contrary doctrine of his predecessor commonly agreed to be Pope Celestine III, in his decretal *Laudabilem*.[5]

Against this misleading doctrine of Celestine, Pope Innocent

3. Sane tua nobis fraternitas suis litteris intimavit quod altero conjugum ad haeresim transeunte, qui relinquitur ad secunda vota desiderat convolare et filios procreare quod utrum possit fieri de jure per tuas nos duxisti literas consulendos. X, 4, 19, 7 "Quanto."

4. Si vero alter fidelium conjugum vel labatur in haeresim vel transeat in gentilitatis errorem, non credimus quod in hoc casu, is qui relinquitur, altero vivente, possit ad secundas nuptias convolare, licet in hoc casu major appareat contumelia creatoris. X, 4, 19, 7 "Quanto."

5. Nos igitur consultationi tuae respondentes distinguimus, licet quidem praedecessor noster sentisse aliter videatur. . . . X, 4, 19, 7 "Quanto." The ordinary glossa or marginal comment on the decretal explains: "Praedecessor," scilicet Caelestinus cujus dictum habuisti olim in decretali supra, De conversione infidelium, "Laudabilem," et male dixit Caelestinus.

asserts that the marriage between two baptized parties one of whom abandons the faith, cannot be dissolved by *contumelia creatoris* even if it should be graver in this case. In another decretal, the same pontiff obliquely reveals his own personal stand that, notwithstanding the fact that the marriage has not yet been consummated, a sacramental bond ought not to be dissolved by entrance to religious life.[6] And yet, because he does not want to break from the tradition set by his predecessors, he will allow the dissolution of a non-consummated bond when one of the partners enter religious life, seemingly with grave reservations and misgivings.

1.1.2 A second problem concerns two persons who were married while yet pagans and then separated. The husband dismisses his wife according to the laws of his land. However if, after he has converted, she herself received baptism, the pope decreed that he is to be compelled to take her back.[7] The above-mentioned question is part of a much more complicated problem presented to Alexander III; his answer is bristling with multiple distinctions, and the language is eminently convoluted.

6. Nos tamen nolentes a praedecessorum nostrorum vestigiis declinare qui respondere consulti antequam matrimonium fit per carnalem copulam consummatum, licere conjugum alteri reliquo inconsulto ad religionem transire, ita quod reliquus ex tunc legitime poterit alteri copulari . . . X, 3, 32, 14 "Ex parte tua." This same reservation has been similarly expressed by the pope's teacher Hugh of Pisa. In the same way that marriage is not dissolved when a pagan partner is willing to cohabit peacefully with a partner who has converted, neither should a marriage be dissolved when one of the partners enter religious life before its consummation. According to Hugh: "Ego autem dico quod idem est in hac vel in alia conversione, ergo quod nec hic nec ibi frangitur matrimonium . . ." Uguccione, *Summa Super Decreto*, ed. Squicciarini, p. xiv.

7. Utrum pagani uxores accipientes in secundo vel tertio vel ulteriori gradu sibi conjunctas, sic conjuncti debeant post conversionem suam insimul remanere, vel ab invicem separari, edoceri per scriptum apostolicum postulasti. Super quo, fraternitati tuae respondemus quod quum sacramentum conjugii apud fideles et infideles existat . . . fideles hujusmodi matrimonialiter copulati libere possunt et licite remanere conjuncti quum per sacramentum baptismi non solvantur matrimonia sed crimina dimittantur . . . Qui autem secundum rituum suum legitimam repudiavit uxorem quum tale repudium veritas in evangelio reprobaverit, nunquan ea vivente licite poterit aliam, etiam ad fidem Christi conversus, habere nisi post conversionem ipsius illa renuat cohabitare cum ipso aut etiamsi consentiat non tamen absque contumelia creatoris vel ut eum pertrahat ad mortale peccatum . . . Quodsi conversum ad fidem et illa conversa sequatur, antequam propter causas predictas legitiman ille ducat uxorem eam recipere compelletur. X, 4, 19, 8 "Gaudemus."

The decretal enunciates three basic principles. (a) The stability of all marriages (sacramental and even a merely natural one). The pope's verdict is that a man who has dismissed his legitimate wife (that is to say his wife of a legitimate marriage as distinct from a sacramental one) according to the laws of his land may not remarry as long as his dimissed spouse survives. (b) He may not, as a matter of principle, dismiss her even if he converts to the faith, unless after his conversion, she refuses peaceful cohabitation. In this latter case, the matter is substantially affected by his baptism, and the mechanism of the pauline privilege can then be applied. (c) However, if after he has converted, she herself receives baptism, and if none of the circumstances prescribed by the pauline privilege (through which the prior bond would have been dissolved and which would have set him free to remarry) existed, then he is to be compelled to take her back.

1.2 The third principle enunciated in the papal decretal cited supra raises the question: what makes marriage a sacramental marriage? The evidence from history can be organized under three headings: decisions of popes, in the form of decretals, relative to questions proposed to them; commentaries on these decretals; and the reflections by theologians.

1.2.1 On the basis of the decretals, mainly of two pontiffs, Innocent III and Alexander III, by means of which they dealt with the questions proposed to them, it is possible to arrive at an initial conclusion as regards the root or, to put it another way, the efficient cause of sacramental marriage.

1.2.1.1 The pope explicitly asserts that baptism is the basis and, in a manner of speaking, the cause of *ratum* marriage, *positis ponendis. Quanto* explains that it is the *sacramentum fidei* which makes the marriage sacramental (or *ratum*).[8] The decree stands out as regards this question in two respects. First, it is perhaps the clearest authentic (that is to say, official) formulation of the doctrine that it is baptism that renders the marriage sacramental. Second, it focuses on the sacramental character impressed by

8. Nam etsi matrimonium verum inter infideles existat, non est tamen ratum; inter fideles autem verum et ratum existit quia sacramentum fidei quod semel est admissum nunquam amittitur sed ratum efficit conjugii sacramentum ut ipsum in conjugibus illo durante perduret. X, 4, 19, 7 "Quanto."

baptism by its specific reference to the fact that "semel admissum nunquam amittitur" (once received, it is never lost), and therefore on the ontological change in man as the point on which the sacramentality of the marriage rests.

1.2.1.2 In the section of *Gaudemus,* that complicated document to which we have referred supra, the pope had established the norm that if the repudiated wife likewise converts, as the husband had done before her, the husband is to be compelled to take her back as his wife, regardless of whether either or both of them had contracted other marriages in the meantime. From the formulation of the decretal, the operative fact is that both parties have become baptized. When the two parties have become baptized, the marriage they have contracted in infidelity, notwithstanding the fact that they had obtained a "civil divorce" in the meantime, has become a sacramental marriage, and therefore indissoluble. This seems to be the reason why the pope decreed that he should be compelled to take her back.

1.2.1.3 Two other decretals have resolved other problems on the same doctrinal principle that it is baptism of the parties that makes the marriage sacramental. *Ex parte tua* of Innocent III affirms the stability of marriage in general and the indissolubility specific to sacramental marriage in particular. Between two baptized persons, it is simply asserted without further elaboration that the marriage is sacramental.[9] *Quaesivit a nobis* of Alexander III deals with the case of spiritual fornication. When the husband attempts to draw the wife into the evils of paganism, she may separate from him although she may not remarry while he survives.[10] The marginal comments on the decretal notes that such a couple cannot remarry, even if they may have been separated, because their marriage is sacramental, both parties having been baptized.

9. Nos autem inquisitioni tuae tali te respondemus quod . . . ex quo matrimonium inter legitimas personas per verba de praesenti contrahitur, illis viventibus in nullo casu possit dissolvi ut vivente reliquo alter ad secunda vota transmigret etiamsi unus fidelium inter quos est ratum conjugium fieret haereticus . . . X, 3, 32, 13 "Ex parte tua."

10. Verum si conjugen suam ad infidelitatis maleficium traxerint, a viro suo poterit separari ita quod ei nubere alii non licebit quia licet separentur tamen conjuges erunt. X, 4, 19, 2 "Quaesivit a nobis."

1.2.1.4 As far as it can be determined, these decretals do not seem to provide direct evidence for there being any other required condition exacted of the contracting parties, in addition to the reception of a valid baptism, in order that their marriage may be rendered sacramental. *Ex parte tua* makes the general affirmation that between baptized persons, a sacramental marriage exists.This assertion is made in the context of the pope's statement of his opinion that the indissolubility of marriage is such that it should not be dissolved even by entrance to religious life. But no explanation is provided. One of the problems which the pope resolves in *Gaudemus* concerns a man who has divorced his wife in accordance with the laws of his land. The pope says that he cannot remarry while the legitimate wife is alive, even after he has converted to the faith — unless in this latter case she refuses to cohabit with him peacefully. But if the wife who was married to him when they were yet unbaptized should likewise convert as he had converted, the husband is to be compelled to take her back. In this situation, it seems legitimate to raise the question why is he to be compelled to take her back. If he was not compelled to take her back before she converted, why is he obliged to take her back as his wife now that he has converted?

There is no specific reason adduced in the text itself. One can however extrapolate from other decretals especially from *Quanto,* and from other external evidence such as the general doctrine of Hugh of Pisa whom Innocent III acknowledges as an expert,[11] and who probably was his teacher too,[12] and who exercised strong influence on the canonical opinions of the pope.[13] For Hugh, as well as for Gratian before him, a marriage contracted

11. The decretal was addressed to the bishop of Ferraro who is Hugh himself, and the pope says: "Quanto te magis novimus in jure canonico peritum tanto fraternitatem tuam amplius in Domino commendamus . . ." X, 4, 19, 7. Cf. also F. Cantelar Rodriguez, "La Indissolubilidad en la Doctrina de la Iglesia desde el Siglo XII hasta Trento," in *El Vinculo Matrimonial,* ed. Garcia Barbena (Madrid: BAC, 1978) 172, note 22.

12. K. Pennington, "The Legal Education of Alexander III," *Bulletin of Medieval Canon Law* 4 (1976) 70-72.

13. During this time, and as a matter of fact all the way to the Code of 1917, it has been generally held that entrance to religious life dissolves a non-consummated marriage. Two exceptions to this general trend were Hugh and Innocent III as we had noted supra. Cf. notes 6 and 9.

in infidelity, becomes sacramental *ipso facto* through the reception of baptism.[14] This seems to be the operative principle here also, namely that since both have been baptized, the marriage has therefore become sacramental. For this reason, the man is compelled to take her back as his one legitimate spouse. He is not even given the option to dismiss her.

In conclusion, on the basis of the teachings of the popes and their judicial decisions and the doctrine implied therein, the only requirement exacted of the parties to render their marriage sacramental is the baptism of the parties. If the parties are baptized, and if their marriage is valid, then it is also sacramental. It seems that no other condition is required, such as their canonical condition in the Church, their state of grace, or the intention of the contracting parties.

This conclusion (that it is baptism and seemingly no other, that renders the marriage sacramental) is confirmed from other sources which have dealt with the question: commentators on the law such as Hugh of Pisa (ca. 1188), Hostiensis (Henry of Segusio, 1200-1271), and some medieval theologians.

1.2.2 Commentators on the Law. Under this heading, we will take a look at two principal figures: the decretist Hugh of Pisa, so-called because he commented on what was popularly called the Decree of Gratian; and Hostiensis, a decretalist because his work was mainly a commentary on the decretals of Gregory IX.

1.2.2.1 Hugh of Pisa shed light on our question obliquely as he deals with two questions in his commentary on the *Decree of Gratian:* a marriage in which one of the parties is not yet baptized, but is a catechumen preparing for the reception of baptism, the impediment of the disparity of cult and the marriage of catechumens.

1.2.2.1.1 The Marriage of Catechumens is treated in Gratian in the canon entitled *Cave Christiane,*[15] which legislates that both must be baptized in order to be able to contract a sacramental

14. Cf. C.28, Q.2, dpC.2 "Hic distinguendum est" and Uguccione, *Summa Super Decreto,* p. xlviii.

15. Cave Christiane, gentili aut judeo filiam tuam tradere . . . si christiana sit, non est satis nisi ambo initiati sitis sacramento baptismatis. Simul ad orationem nocte vobis surgendum est, et conjunctis praecibus obsecrandus Deus. C.28, Q.1, C.15.

marriage. The fact that one is a catechumen, still preparing to receive the sacrament of baptism, does not constitute sufficient basis for a sacramental marriage. In categorical terms, Hugh says: a catechumen is not yet baptized and so a sacramental marriage cannot yet be contracted.[16] Unless and until both have received the sacrament of baptism, a sacramental marriage cannot be contracted because the character over which it is founded and from which it arises does not yet exist.

To clarify the point further, Hugh proposes an extreme hypothetical situation, and asks: but what if she is ready to receive the sacrament but cannot have it immediately for the mere material lack of water, can the christian contract a sacramental marriage with her in the meantime, for after all she is already personally disposed, and the reception of the sacrament seems almost a simple formality? Hugh's answer is an unequivocal negative. His basis is that one of them has not yet received the sacrament of baptism which is the door to and the first of the sacraments. Because not both have been baptized yet, they are not yet sealed with the Holy Spirit, they have not yet been consecrated for the life of marriage that they are about to undertake.[17] Hugh's position can be seen as an establishment of the minimum requirement for the constitution of a sacramental marriage. The parties must have been both baptized.

1.2.2.1.2 Although his comments are not directly made regarding our question, but on the impediment of disparity of cult, they are nevertheless instructive because they clarify the relation between marriage and baptism. He argues that christians (that is to say, validly baptized persons), whether they are excommunicated, heretics, apostates, or even the "ficte baptizatus" are not impeded from marriage by the impediment because what

16. Christiana, id est catechumena: vulgariter enim cathechizare dicitur christianare, unde quod precidit baptismum dicitur christianitas . . . si quis unus et vide quod cathecumenus non est fidelis, unde non potest contrahere matrimonium cum eo christiana . . . Uguccione, *Summa Super Decreto,* p. xxxviii.

17. Sed ecce catechumena est: vult baptizari, non potest aquam tam cito habere. Potest christianus interim contrahere cum ea? Credo quod non sicut nec ante baptismum quis potest recipere ordinem . . . si christiana sit cum qua vis contrahere . . . non est satis quoad matrimonium contrahendum, nisi ambo sitis initiati, id est consecrati . . . imbuti, insigniti, sed initiati dicit quia baptismus est janua et sacramentorum primum . . . Ibid., p. xxxix.

is important is the fact of baptism.[18] The focus will be on his discussion of the *ficte baptizatus* because it is instructive.

Peter Lombard distinguishes between two effects of baptism: the *sacramentum* (the character) and the *res.*[19] All baptized children and adults who receive baptism with faith receive both effects. The martyrs who receive the baptism of blood, as the terminology goes, receive the *res* but not the *sacramentum.*[20] On the other hand, and this explains initially the term *ficte baptizatus,* Peter Lombard adduces the authority of Jerome and Augustine to show that adults who receive baptism without the requisite disposition of faith receive the *sacramentum* but not the *res.*[21] Bonaventure understands *ficte baptizatus* to refer to the person who pretends to receive baptism externally but withhold his consent internally.[22] He explains at great length and clarifies the question by making a distinction between *coactio inducens* and *coactio sufficiens.* Among other things, he concludes that if there is a minimum intention to submit himself to the administration of the sacrament, he receives the sacramental character but not the *res.*[23] He defines such a minimum intention as the preference to do what the Church wishes rather than death or punishment. Having thus received the character, when the fiction recedes, he is now properly disposed to receive the *res,* and he is therefore not to be rebaptized. He now benefits from the full effects of the sacrament of baptism.[24]

18. Credo ergo quod inter christianos nunquam impediatur matrimonium propter disparem cultum. Matrimonium ergo potest esse inter catholicum et excommunicatum vel apostatam et patarinam [*sic*] vel aliam qualemcumque hereticam vel ficte baptizatam dummodo aliud non impediat. Ibid., p. xxxviii.

19. Peter Lombard, *Libri IV Sententiarum,* L.4, D.4, C.1; cf. also Thomas Aquinas, *In IV Libros Sententiarum,* L.4, D.4, Q.3, A.2 ad 1.

20. Sunt et alii ut supra posuimus qui suscipiunt rem et non sacramentum. Qui enim fundunt sanguinem pro nomine Jesu etsi non sacramentum rem tamen percipiunt. Lombard, *Libri IV Sententiarum,* L.4, D.4, C.4.

21. His aliisque testimoniis aperte ostenditur adultis sine fide et poenitudine vera in baptismo non conferri gratiam remissionis . . . Si quis ergo ficte accedat, non habens contritionem cordis veram sacramentum sine re accipit. Ibid., L.4, D.4, C.2.

22. . . . qui aliud exterius praetendit aliud habet interius talis est quia exterius corporaliter se subjicit sed interius voluntate adversatur. Bonaventure, *In IV Libros Sententiarum,* L.4, D.4, A.4, Q.2.

23. Albert the Great arrives at the same conclusion.

24. Bonaventure, *In IV Libros Sententiarum,* L.4, D.4, A.2, Q.3; cf. also Albert, *De Sacramentis,* Tractatus III, Q.1, A.5. ad 8.

Therefore if, as Hugh argues, a *ficte baptizatus* can contract a sacramental marriage, and if *ficte baptizatus* means what Peter Lombard, Thomas Aquinas, Bonaventure, and Albert say it means, then Hugh's position as regards the basis of a sacramental marriage becomes eminently clear. The sacramental character is understood as an effect of the conferral of the sacrament of baptism which is not impeded by a contrary disposition of the will, provided there is a minimum desire to receive the sacrament. The desire may not be meritorious altogether, it is nevertheless sufficient in order to receive the ontological transformation of the soul. The sacramental marriage is based on and arise from this sacramental character impressed on the soul by an immediate action of God. The fact that a *ficte baptizatus* can contract a sacramental marriage is a firm indication that its basis is the character and not some subjectively contingent personal disposition, or the fruitfulness of the sacrament. It seems implied that no other condition is required. Sacramental marriage is posited on an effect of baptism which is a result of God's action directly upon the soul — on the ontological level, in the language of the schools — and is not mediated by man's exercise of free will.

If the first comment of Hugh establishes that the minimum requirement for the constitution of a sacramental marriage is that both parties must be baptized, the second comment clarifies whether there is any other requirement besides baptism. As his comments on *ficte baptizatus* indicate, the mere fact of baptism is necessary and sufficient.

1.2.2.2 Hostiensis (or Henry of Segusio, 1200-1271). This commentator on the Decretals of Gregory IX takes for granted the customary distinction between legitimate and sacramental marriages, although he seems to prefer the term *verum sed non ratum* to legitimate to describe the marriage among the non-baptized.[25] When one of the baptized parties backslides into the errors of paganism or falls into heresy, the marriage is not dissolved, although the insult to the creator may seem greater in this case. Pagan marriages are easier to be dissolved because

25. But he goes on to say that for all the difference, it is not to be deduced therefrom that marriages among the non-baptized are any less true. Hostiensis, *Super Quarto,* in X, 4, 19, 8, p. 45.

while they are true, they are not sacramental.[26]

The reason for this difference between pagan and sacramental marriages is the ratification of the marriage of the baptized by means of the sacrament of faith.[27] This concept of the ratification of a sacramental marriage in baptism receives further precision as he answers the question regarding the marriage between two heretics, or between parties who have been baptized by heretics and who have become heretics themselves. Would such a marriage be sacramental also? His answer is clear and unequivocal, leaving no room for doubt. The one pertinent point is that the parties are baptized *in forma ecclesiae,* and provided their marriage is valid, it is also sacramental by that very fact.[28]

The fundamental position of Hostiensis is that it is the sacrament of baptism which renders the marriage *ratum,* that is to say sacramental. He elaborates on this thesis in a number of ways, describing baptism as: the door to all the other sacraments, the firm substructure over which the edifice of marriage is erected; the new *ratio* which transforms marriage interiorly. The following comments will be focused on the second and the third.

1.2.2.2.1 Baptism is the solid substructure over which the edifice of marriage is erected.[29] It is the solid base, such that the structure is firm and indestructible as its foundation. Developing this structural metaphor, our author proceeds to explain the intrinsic debility of a merely natural marriage. Without the firm foundation provided by baptism, this edifice of marriage is

26. Ratio diversitatis: quia inter fideles matrimonium ratum est et verum: sed inter infideles non est ratum quamvis verum sit . . . Hostiensis, *Super Aure,* 324.

27. Nam quare aliud censeatur in fidelibus, aliud in infidelibus, nos est rationem reddere diversitatis nisi ex causa ratificationis quae sicut dixi supra canonica sive ecclesiastica constitutione confirmatur . . . Hostiensis, *Super Tertio,* in X, 3, 32, 14, p. 120, no. 3.

28. Quis de his qui fiunt haeretici, fuerunt tamen baptizati ab haereticis et postea contrahunt, numquid est matrimonium ratum inter tales? Respon. aut in forma fuerunt baptizati ecclesiae, et sic ratum fuit matrimonium ab eis contractum aut non fuit servata forma et tunc jure infidelium censetur omnino nec potuit esse ratum matrimonium cum baptismi non receperunt sacramentum . . . Hostiensis, *Super Quarto,* in X, 4, 19, 7, p. 45, no. 8.

29. Ergo fortius e difficulius solvitur . . . baptismus enim primum sacramentum fidei est quia stabile et firmum fundamentum est sive janua omnium sacramentorum . . . Ibid., in X, 4, 19, 7, p. 45, no. 7.

fundamentally weak.[30]

On the one hand, the metaphor has the virtue of accommodating the truth of marriages contracted among the non-baptized. Such marriages are not any less real insofar as marriages go. They are taken and respected for the true and real marriages that they are. On the other hand, it is not as though there is only an extrinsic difference between them — that one has a solid foundation in baptism and the other has not. It is not as if, were it not for this one extrinsic difference, one would be as good as the other. The Church teaches that, in addition to the solid foundation for marriage provided by the sacrament of faith, and as a result of it, there is another and intrinsic difference, making the sacramental marriage of a diverse theological consistency, such that the christian marriage is intrinsically transformed and elevated into a different theological reality. The structural metaphor illuminates the question by explaining both the truth and at the same time the relative dissolubility of a non-sacramental marriage.

1.2.2.2.2 It is evident, in an initial way, from the foregoing paragraph, that the difference between the two types of marriages does not consist simply in their respective foundations or their consequent degrees of stability. Calling baptism a different *ratio,* Hostiensis says that the *sacramentum fidei* causes a metamorphosis of sorts so that the marriage among the baptized can almost be said to be a different reality, and in such a way that indissolubility is only an aspect of a more profound differentiation.[31] Baptism, according to Hostiensis, effects an intrinsic transformation in the marriage of the baptized, in a manner comparable to a new form in the Aristotelian scheme, in such wise that the resultant reality is much richer, taken up as it is into the economy of salvation, as a luminous point to

30. Ideo posito hoc fundamento quod simul admissum nunquam amittitur . . . aedificatio sacramenti matrimonii . . . supposita firma est . . . Et ideo indissolubile est hoc matrimonium super aedificatum sicut et fundamentum . . . Hoc autem fundamento deficiente, etsi verum aedificium sit istud est tamen debilius . . . Ideoque primum non dissolvitur nisi per mortem quae omnia solvit ut infra. Secundum vero dissolvitur. Ibid., in X, 4, 19, 7, p. 45, no. 8.

31. Commenting on the decretal *Quanto,* he says: Subaudi, nec obstat quod inter infideles est verum matrimonium quia alia ratio reformat pactum. Ibid., in X, 4, 19, 7, p. 45, no. 6.

reveal a saving truth about God.

It is almost as though, by virtue of the sacramental character imprinted on the soul by an immediate act of God, marriage is reconstituted into a different reality. By reason of the baptismal character, understood by theologians as a rebirth and a foundational consecration to God, a different ratio, a different immanent logical structure is introduced into the human reality, transforming it from the inside. The sacrament of faith transforms marriage as a human and naturally constituted reality so that it attains a diverse theological consistency, becoming an explicit sign of the indissoluble union between Christ and the Church. The profundity of the change in marriage and the richness of its meaning, make the term sacramental almost an impoverished description.

1.2.3 Some Medieval Theologians. Gratian and the Decretals of Gregory IX, as well as their commentators, have established the difference between the legitimate (natural) and the sacramental, and they have grounded this fundamental distinction on the sacrament of baptism. This difference has been understood principally, though not exclusively, in terms of the indissolubility of sacramental marriages. Theologians, on the other hand, have understood the difference from an additional perspective, namely the three finalities of marriage. According to standard theological formulation of this period, marriage was instituted *in officium, in remedium, et in sacramentum.* All these three purposes were fulfilled fully perfectly in a sacramental marriage, but only partially and imperfectly in a non-sacramental marriage.[32] Whence the difference? Canonists and theologians trace the difference to baptism which was understood to ratify the natural union.

This section, for purposes of clarity, can be divided into two

32. As regards officium, it is fulfilled in natural marriages because there is procreation of legitimate children, but only imperfectly because it is not *ad cultum Dei;* the purpose of *remedium* is fulfilled because there is mortal sin in intercourse although only imperfectly because there is no *gratia remittens concupiscentiam* which is conferred only in sacramental marriages; the purpose of *sacramentum* is fulfilled fully in a sacramental marriage because it actually signifies the union between Christ and the Church, while pagan marriages do not actually signify. They are merely disposed to and are capable of being transformed into explicit signs under certain conditions. Bonaventure, *In IV Libros Sententiarum,* D.39, A.1, Q.2.

sections: the two-fold effect of baptism and the various models by means of which baptismal character was understood and explained.

1.2.3.1 The Two-Fold Effect of Baptism. This section is not exhaustive by any stretch of the imagination. It is a summary presentation of a sacramental theology by major figures among the medieval theologians, specifically as regards the question raised in these comments, namely how was baptism understood to render a marriage sacramental. Thomas Aquinas understands the effects of baptism in terms of the *res et sacramentum* and the *res et non sacramentum.* The former effect is the sacramental character which he understands, as we shall demonstrate infra, essentially in terms of empowerment. He explains that since it is not *habitus,* this effect cannot be impeded by an adverse disposition of the will, provided there is a minimum desire to receive the sacrament.[33] The latter effect is the grace through which the will of man is prepared to desire and to do the good. And for this, a will which is free from all dispositions contrary to the baptismal effect is required. While a contrary disposition persists, baptism cannot have its full effects.

The pertinent point is two-fold. The first is the distinction between character, understood as empowerment, and the grace which is the full effect of the sacrament. The former can be received even without and prescinding from the latter, as in the case of one who is not properly disposed. Second, a contrary disposition of the will does not impede the reception of the character, provided that there is a minimum desire to receive the sacrament. In other words, the sacramental character — on which is premised the ontological change in man, rendering the marriage sacramental, and which is received independently of the grace of fruitfulness — is not obviated by a contrary disposition provided there is a minimum desire to receive the sacrament. That which renders the marriage sacramental is the ontological change in man, and this change in turn is effected notwithstanding a contrary disposition in the person provided

33. Et quia character non imprimitur ad praeparandum hominis voluntatem ut aliquid bene fiat cum non sit habitus sed potentia ut dictum est; ideo hunc effectum voluntatis indispositio non impedit dummodo aliqualis sit voluntas recipiendi sacramentum. Aquinas, *In IV Libros Sententiarum,* L.4, D.4, Q.3, A.1.

there is a minimum desire to be baptized.

As regards the *ficte baptizatus,* about which we had already said something supra (2.2.1.2), Bonaventure refers to the distinction between character and grace, and holds that the *ficte baptizatus,* the divergence between his external conduct and interior disposition notwithstanding, receives the sacrament (that is to say, the character which is sometimes simply called the sacrament).[34] When he repents and now wishes also interiorly to receive the grace, baptism then has its full effects.[35] When such a man has converted interiorly as well, such that his inner disposition is now conformed to his external conduct, and his fiction has receded, he then receives the full effects of baptism which is not only the character, but also the infusion of grace and the restoration of innocence.

The effects of baptism are conceived of in terms of two distinct and even separable graces: the sacramental character and the grace which affects the will "per quam hominis voluntas preparatur ut bene velit et bene operetur." The ontological change in man, and in the nature of the marriage he contracts, are understood to be due to this sacramental character, rather than to the grace he receives as an effect of the character or

34. Bonaventure discusses this point at great length in answer to the question: utrum aliquis invitus sive coactus recipiat sacramentum baptismi? After making a distinction between *coactio sufficiens* and *coactio inducens,* he continues: Si aliquis mergatur coactione sufficiente, utpote quia violenter acceptus est et ipso renitente manibus et pedibus mersus est, talis nullo modo baptizatus est quia nullo modo fuit in eo consensus nec voluntas, immo fuit omnimo repugnans. Si autem aliquis immergatur coactione inducente, utpote flagellis vel minis, ita quod magis vult se subjicere sacramento ecclesiae quam morte perire . . . aut intendit alio illudere et mortem evadere, et tunc quia non est intentio, non est sacramentum cum nullus dicatur esse baptizatus qui consentit se immergi ad jocum; aut ipse vult illud quod ecclesia facit circa se fieri magis quam velit perire. Et tunc, sive credat sive non . . . dicendum quod recipit sacramentum, eo quod quamvis non sit voluntas meritoria est tamen ibi consensus et voluntas, nec est simpliciter involuntarium. Unde, talis vult exterius sacramentum recipere et si nolit interius aliquid in se fieri, fit tamen propter hoc quod qui subjicit se causae subjicit se necessario. Bonaventure, *In IV Libros Sententiarum,* L.4, D.4, P.1, A.2, Q.1.

35. Utrum fictus rem recipiat post sacramentum recedente fictione. Respondeo dicendum breviter quod sacramentum baptismi non sit iterabile, imprimit characterem; et ille habet omnem efficaciam, recedente fictione, quam habuisset ante, unde peccata illa remittit quantum ad poenam et culpam quae praecesserunt . . . Ibid., L.4, D.4, P.1, A.2, Q.3.

to his life of holiness, piety and virtue.

Saint Bonaventure is explicit on this point. In his treatment of the perennial question, whether a marriage can be dissolved when one of the spouses falls into heresy or the errors of paganism, he answers an objection put forward by those who hold that such a marriage can be dissolved. According to this objection, since faith is the foundation of the whole spiritual life, when the foundation is removed, whatever is erected on it is likewise lost. Therefore, when one loses the faith, he loses all the sacraments, since these are based on the foundation of the faith. Necesarily then, the marriage bond is dissolved when one loses the true faith.[36] This is precisely what happens when one falls into heresy or when he reverts to paganism.

Bonaventure answers the objection by making a distinction between faith and the sacrament of faith, between the personal state of grace and sanctity on the one hand, and the character or foundational consecration on the other. While faith is the foundation of all virtues, it is the sacrament of faith however which is the foundation of the sacraments, which sacrament of faith is indelible.[37] He makes a similar distinction in another context, in answer to the question: whether marriage can be validly contracted between a baptized and a non-baptized. He differentiates between one who does not have faith and one who does not have the sacrament of faith.[38] The distinction of faith and the sacrament of faith, taken together with the other

36. Utrum matrimonium solvatur si alter conjugum infidelis fit specialiter quoad fidelem. Videtur quod non . . . sed contra: 2. Item fides est fundamentum totius spiritualis edificii, sed sublato fundamento, quidquid superaedificatum est destruitur; ergo sublata fide, pereunt omnia sacramenta, ergo et matrimonium. Ibid., L.4, D.39, A.1, Q.1.

37. Ad illud quod objicitur de fundamento, dicendum quod fides est fundamentum virtutum sed sacramentum fidei est fundamentum sacramentorum et hoc est sacramentum stabile quod manet semper. Ibid., L.4, D.39, A.2, Q.3.

38. . . . aut caret fide aut quia caret fidei sacramento; si fide tantum, sic talis disparitas . . . impedit matrimonium sed non dirimit jam contractum ut si catholicus cum haeretica baptizata contrahat. Si autem sit infidelis quia caret fidei sacramento . . . Ibid., L.4, D. 39, A.1, Q.1. — Perhaps it ought to be pointed out that Bonaventure seems to hold, as some did before him, that heretics contract the impediment of disparity of cult. That is why he argues that "si caret fide tantum, sic disparitas . . . impedit matrimonium sed non dirimit jam contractum." The pertinent point that ought to be stressed here is the distinction he introduces between the lack of faith and the lack of the sacrament of faith.

assertions of Bonaventure cited supra, is an eminently clear indication of his position regarding our question. He collocates the basis of sacramental marriage not in the life of faith and personal sanctity of the contracting parties but in the baptismal character, in the ontological change effected in man by reason of baptism. There can be no clearer assertion of the fact that the basis and foundation of a sacramental marriage is the grace-elevated condition of the persons by virtue of baptism, his foundational consecration to God effected by an immediate divine act, rather than the contingent state of one's personal sanctity.

1.2.3.2 The baptismal character which constitutes the basis of sacramental marriage is explained in various ways and in terms of various images. Hereunder, we will undertake to focus on five images of the character: configuration to God, rebirth into a new spiritual life, disposition to grace, firm bond with God, empowerment to exercise divine ministry. Perhaps the first four images can be described as essentialist in that they describe the change effected in the being (essence) of man. The fifth model can be described as functional because it refers to the things that man is enabled to do as a result of the reordering effected in his being.

1.2.3.2.1 According to Bonaventure, the sacramental character is not merely a *relatio pura* which does not effect any change in the ontological constitution of man. Rather, it implies a certain assimilation and configuration to Christ.[39] Baptism does not only signify but confers grace. The character prepares the way for the grace to be received, in a manner of speaking, by attuning and conforming the soul to the grace it is now disposed to receive. And because it prepares for the grace which is the image of God, it also conforms and configures the soul to God.[40]

39. . . . dixerunt aliqui quod characterisatio non est aliud quam consignatio, et character idem est quod signum et est ibi secundum institutionem et actum consignantis, nulla mutatione facta, unde est pura relatio . . . Sed illud non potest stare quia character dicit aliquam assimilationem vel configurationem ad Christum. Ibid., L.4, D.6, P.1, Art. Unicus, Q.1.

40. . . . character est signum spirituale . . . ideo gratiam significat et non tantum significat, immo aliquo modo praeparat quia usus sacramentorum non tantum est in significando. Et quia gratiam significat et ad gratiam significat, ideo habet aliquam similitudinem cum gratia quae est similitudo Deo, ideo aliquo modo configurat Deo. Ibid., L.4, D.6, P.1, Art. Unicus, Q.2.

Thomas Aquinas also refers to this configuration to God effected by the character on his comments on the definition of sign under the heading of its finality, attributed to Dionysius. It is understood that the character is given in order that the recipient may be configured to Christ "quasi ascriptus."

1.2.3.2.2 The configuration is explained within the Aristotelian system, as an introduction of a new form, our second essentialist model. In the comments on Dionysius referred to above, Thomas classifies baptismal character under formal causality: "genus characteris inquantum est character, scil. signum, pertinet ad causam formalem."[41] He explains the remission even of actual sins through baptism in terms of the new form introduced by baptism which expels every other form contrary to it in the recipient. By this rebirth into a new spiritual life, by the introduction of a new form, man's habitual orientation is redirected to God as his salvation. The character, as form, is impressed on the soul by God, and bears the image of God. The new form configures us to our creator, effecting a certain connaturality between creator and creature. If Christ's union with God was not merely an ethical or a moral union, constituted by harmony of mind and will, as the Nestorians were understood to believe, but a union of the very being of Christ with God, the christian is united to God, not only by mind and will, but also by a certain quality given to his being, by an ontological configuration to God. By confirming man to God, and directing his orientation to him, man is then disposed to receive grace. And so, our third essentialist model.

1.2.3.2.3 Among the major medieval theologians, it was taught that there was a distinction between the character directly impressed by God on the soul on the one hand, and on the other the full effects of baptism, usually conceived in terms of infusion of grace, restoration of innocence, the grace *per quam hominis*

41. . . . datur enim hoc signo ad duo, ut scilicet recipiens configuretur Christo quasi ascriptus et ad communicandum sacramentis divinis et actionibus sacris . . . Aquinas, *In IV Libros Sententiarum*, L.4, D.4, Q.1, A.2. It should also be noted that the configuration is not an end in itself but is an empowerment for the exercise of the divine ministry, a theme that is prevalent in St. Thomas as we shall see infra.

*voluntas praeparatur ut bene velit et bene operetur.*[42] The character, as it was pointed out, is received even if there is a contrary disposition of the will, provided there is a minimum desire to receive the sacraments. The character does not really depend on the will, the other effects do. For this reason, the character is described as an opening and a disposition to grace, rather than grace itself. When one speaks of a valid sacrament being efficacious *ex opere operato,* it should perhaps be understood in this sense. The grace is offered through this channel which is cleared and made available independently of and prior to man's exercise of free will. This is what is guaranteed through the merits of our Lord. Whether the person will actually appropriate the grace offered and available is a personal decision, an exercise in freedom and responsibility.

Regarding the perennial difficulty that seemed to bedevil medieval thinkers — whether grace can be considered under the category of *habitus* — Bonaventure's answer bristles with distinctions. Because it is permanent, it may be so considered. On the other hand, because it does not really perfect the soul, but merely renders it apt to further perfections, it seems to be a disposition.[43] St. Thomas argues along the same lines in his discussion of the effects of baptism on the *ficte baptizatus.*[44] As a result of man's foundational consecration to God through the introduction of a new form in him, man is now open and disposed to the grace which, in the words of Aquinas, prepares the will of man so that he will desire the good and do that good well. The character does not really perfect man in the sense in which Bonaventure clarifies, but it does open him to further

42. Cf., for example, Lombard, *Libri IV Sententiarum* L.4, D.4, C.2; Bonaventure, *In IV Libros Sententiarum,* L.4, D.4, P.1, A.1, Q.3; Aquinas, *In IV Libros Sententiarum,* L.4, D.4, Q.3, A.1.

43. Dicendum quod . . . quia character non perficit sed disponit ad ulteriorem perfectionem, scil. gratiae, quantum ad hoc est dispositio . . . Secundum rem igitur character est quaedam qualitas non omnino perficiens sed disponens ad ulteriorem dispositionem. Bonaventure, *In IV Libros Sententiarum,* L.4, D.6, Art. Unicus, Q.1.

44. . . . dicendum quod in baptismo imprimitur character qui est immediata causa disponens ad gratiam; et ideo cum fictio non auferat characterem, recedente fictione quae effectum characteris impediebat, character . . . incipit habere effectum suum. Aquinas, *In IV Libros Sententiarum,* L.4, D.4, Q.3, A.2, Solutio III.

perfections.

1.2.3.2.4 The fourth essentialist model understands the baptismal character as an indissoluble bond with God. There is an oblique reference to this in Bonaventure's comments why a merely legitimate marriage is dissolved by insult to the creator through the pauline privilege, while a sacramental marriage cannot be so dissolved. He had mentioned three "causes": *imbecillitas matrimonii* which renders the dissolution possible, *disparitas cultus* which disposes the marriage to be dissolved, and the *injuria matrimonii* which actually dissolves it.[45] We are interested in his explanation of the second and third causes. He understands *disparitas cultus* to exist when a partner is baptized and the other is not. (He understands it in the strict sense, therefore, and not merely in the sense of mixed religion.) The new bond and the configuration between God and the baptized person, by virtue of the sacramental character which configures him to God and by means of which his being is now ontologically disposed to God, is stronger than the *vinculum* presently binding him to his spouse, a bond which has arisen from the exchange of consent between them. There is no necessary conflict between these two bonds, for which reason, Bonaventure says that in itself, such a situation does not dissolve the marriage. It merely disposes it to be dissolved.

The third cause, which actually dissolves the marriage, is the *injuria Dei vel matrimonii,* although it would seem to be more appropriately called *injuria Dei.* This situation is created when the non-baptized party refuses peaceful cohabitation or one without insult to the creator. In such a case, the two bonds — between the spouses themselves on the one hand, and between God and the baptized party on the other — come into conflict. The two loyalties militate one against the other.[46] The more fragile bond, between the husband and wife, is dissolved by the stronger bond, between the baptized and God with whom he has been configured. In the context of this explanation, it is probably more accurate to say: while *contumelia creatoris* describes the situation

45. Bonaventure, *In IV Libros Sententiarum,* L.4, D.39, A.2, Q.1.

46. Injuria matrimonii sive Dei est cum non vult cohabitare aut non sine contumelia creatoris, et tunc solvitur vinculum illud quia repugnat vinculo quo alligatur Deo fidelis. Ibid.

in which marriage is dissolved, it is actually the stronger bond between God and the baptized person which, as an immediate cause, dissolves the more fragile union. For this reason, *contumelia creatoris* does not dissolve a sacramental marriage, even if the insult should be graver when a baptized person lapses into heresy or the errors of paganism.

In the case of a sacramental marriage, there are no discordant bonds or loyalties. There is no "vinculum firmius et fortius" that supervenes upon the marriage bond. As a matter of fact, the union is built precisely on the indissoluble bond that links the spouses to God, and by which they are set apart and empowered for his service in a definitive and decisive manner. The parties are configured to each other because they are both configured to God through the character they have both received.[47]

1.2.3.2.5 The fifth model, understanding the character impressed by baptism as empowerment, is functional. This understanding is most prominent in St. Thomas. For him, empowerment seems to have been the principal note of the baptismal character. He traces the idea to Dionysius from whom, he says, the first tradition of the theology of the character originated. He argues from the baptismal liturgy of the early church in which the newly baptized were then allowed to participate in the divine liturgy.[48] Just as one who is born in natural life receives the power to do the functions in that life, so also, one who is reborn into a new spiritual life receives the power to participate in acts proper to that life.[49] Such acts are the administration and reception of the sacraments, and other acts which are proper to the faithful.[50]

47. Et quia omnes configurat uni assimilat etiam gregem inter se, et per hoc distinguit ab his qui non sunt de grege . . . Ibid., L.4, D.6, P.1, Art. Unicus, Q.2.

48. . . . quando adulti baptizabantur quod accedenti ad baptismum, hierarcha, id est pontifex, manum imponebat et signo crucis eum signabat, et praecipiebat eum describi inter nomina christianorum ut de cetero ad divina cum aliis admitteretur. Aquinas, *In IV Libros Sententiarum,* L.4, D.4, Q.1, A.1.

49. . . . sicut in aliis rebus sunt potentiae naturales ad proprias operationes, ita etiam renati ad vitam spiritualem habent quasdam potentias secundum quas possunt illa opera . . . Ibid.

50. . . . hoc signum nihil aliud intendit quam illud quod facit eum participativum divinarum operationum; unde hoc signum est nihil aliud quam quaedam potentia qua potest in hierarchicas quae actiones sunt ministrationes et receptiones sacramentorum et aliorum quae ad fideles pertinent. Ibid.

Sanctification, as an effect of the sacraments, means two things according to St. Thomas: a cleansing, for what is holy is clean and pure; and a dedication to, and a consecration for, something sacred, as the altar is said to be sanctified. All the sacraments are said to sanctify in the first sense because all are given against some defect or need, but not all are said to sanctify in the second way.[51] Baptism, by which a man is configured to God and is dedicated to him, sanctifies also in the second sense. It is an empowerment by virtue of which man can participate in those acts which are proper to the faithful, as in the liturgy, for example.[52]

For evidence of a supplementary nature, we turn to Augustine, the great theologian of the sacraments. He proposes a similar understanding, that through baptism, man is decisively and definitively consecrated to God. With obvious reference to the sacramental character, he says that baptism remains indelibly with a person: into whatever depths of evil he may go, or into whatever dreadful whirlpool of sin he may fall, even to the ruin of apostasy, he is not bereft of baptism.[53] In various places in his works, Augustine refers to the foundational consecration of a person to God through baptism, which is never lost. Affirming the unrepeatability of baptism against Petilianus, he says:

> Videamus ergo de baptismi iteratione . . . sacrilegus non est qui unicum baptisma, non quod tuum sed quod Christi est iterare non audet. Christi est enim consecratio unica hominis in baptismate; tua est autem unici baptismatis iteratio.[54]

He compares the sacraments of baptism and orders. Each is

51. Ibid., L.4, D.4, Q.1, A.4; cf. also A.3 where he defines sanctification as "deputatio alicujus ad aliquid sacrum."

52. . . . sacramenta novae legis characterem imprimunt; per ea deputamur ad cultum Dei secundum ritum christianae religionis . . . et ideo character importat quamdam potestatem spiritualem ordinatam ad ea quae sunt divini cultus. Thomas Aquinas, *Summa Theologiae*, III, Q.3, A.2.

53. In baptizatum autem inseparabiliter baptisma permanere manifestum est; quia in quodlibet profundum malorum et in quamlibet horribilem voraginem peccatorum irruat baptizatus usque ad ruinam apostaticam non caret baptismo. Augustine, *De Baptismo Contra Donatistas*, V, 15, 20, in *PL* 43, 186.

54. Augustine, *De Unico Baptismo Contra Petilianum ad Constantium*, I, 2, 3 in *PL* 43, 596.

a sacrament and through each is given to man a certain consecration which can never be undone or retracted. He argues against those who hold that while baptism is not lost by one who abandons the Church, the right to administer it may be lost.[55] For Augustine then, man is consecrated to God not only by a voluntary union with him, but also by a permanent and indelible dedication caused by God's act directly upon the soul. As a matter of fact, the union with him that arises from the will and from man's exercise of his free moral choice is based on, and made possible by, the prior consecration which is effected by God.

1.2.4 Summary and Conclusion. We take as a point of departure the theological framework of Hugh of St. Victor that marriage is essentially the spiritual community established between husband and wife through the exchange of consent,[56] and to this spiritual community, God had entrusted the office of propagating the human race. This spiritual community is also an appropriate and a possible context of the ministry of signifying God's union with and commitment to his Church, just as the marriage of Hosea to Gomer was such an appropriate sign. The potential of marriage to be such a sign becomes realized when both spouses are baptized, consecrated and empowered for the divine ministry. Expressed in more familiar terms, the marriage becomes sacramental. To say that marriage is sacramental also necessarily implies an ecclesial dimension which could be understood to mean that the couple now, precisely as married persons, participate in the mission of Christ entrusted to the Church. Marriage is a ministry in the Church, specifying the general vocation received in baptism.

The three specific notes of sacramental marriage, its "content" distinguishing it from marriage considered merely as a

55. . . . nulla ostenditur causa cur ille qui ipsum baptismum amittere non potest, jus dandi amittere potest. Utrumque enim sacramentum est, et quadam consecratione datur homini utrumque illud cum baptizatur, istud cum ordinatur. Augustine, *Contra Epistolam Parmeniani,* 2, 3, 38 in *PL* 43, 70.

56. In conjugio aliquid boni esse videtur non solum propter propagationem filiorum sed etiam propter naturalem in diversu sexu societatem. Alioquin jam non diceretur in senibus si vel amississent filios vel non genuissent; in quibus etsi emarcuerit ardor carnis viget tamen ordo charitatis. Hugh of Saint Victor, *De Conjugio,* in *PL* 176, 481.

human institution were discussed above from the point of view of the finalities of marriage, according to the paradigm of Bonaventure. With respect to *officium,* marriage is not merely for the procreation of children but also for the worship of God; with respect to the *remedium,* the physical copula is not only excused but grace is also conferred to restrain the concupiscence; with regard to the *sacramentum,* the marriage of christians is not only a potential sign but becomes an explicit and actual sign. And from its being an explicit sign of an indissoluble union, christian marriage (that is to say, sacramental marriage) derives the indissolubility proper to it as an explicit sign. Running a grave risk of oversimplification, this is the primary juridical meaning of a much fuller and richer theological reality of the sacramental marriage.

Regarding this juridical aspect, Bonaventure had distinguished three degrees of indissolubility: one that is proper to marriage as an institution of nature, the stability of the partnership to which the office of creation has been entrusted; second, and more firm, is the indissolubility of a sacramental but non-consummated marriage, which however is not absolute because it can be dissolved under certain circumstances; the third is the absolute indissolubility of consummated sacramental marriages, arising as it does from the absolutely indissoluble union between Christ and the Church which it signifies.

The reconstitution of the marriage into a much richer reality is posited on the character, understood in terms of configuration to God, a rebirth, a disposition to grace, an indissoluble bond with God, empowerment for divine ministry. It was precisely on the basis of this functional "understanding" of the sacramental character that Hugh of Pisa said that the non-baptized, even if they are already about to be baptized, cannot contract a sacramental marriage. They are not yet configured to God, and lacking this ontological configuration to God, they are not yet empowered to participate in the ministry of being actual sign of God's fidelity to his people.

In baptism, a christian is consecrated and set apart for the service of God. His whole life and his entire being is assumed and taken up into the economy of salvation. He now actively participates in the redemptive plan of God, according to this state

in life. His whole life is a ministry. By virtue of his consecration in the sacrament of baptism, he is empowered for the ministry of his life in general, and for his married life in particular. In this sense, marriage can be understood as a specification of the general participation in the ministry of the Church that was assumed in baptism. Through their marriage, husband and wife are called upon to exercise their vocation and ministry in a special kind of situation: through their married life, they are to be signs of the irrevocable union between Christ and the Church; they are to foreshadow in this life the unconditional commitment of God to his Church. Just as the marriage of Hosea and Gomer revealed to the perfidious Israelites God's fidelity to them, their infidelities notwithstanding, so also the marriage of christians remind and reveal to the people of this generation that God continues to be faithful to them.

In other words, when we talk of the indissolubility and the sacramentality of the marriage of christians, we are not talking merely of a given, of an automatic reality that is inevitable, one that is inexorably there, as it were. Rather, we speak of the responsibility of all christians to share in the mission of Christ entrusted to and continued by us as Church. We participate in this mission according to our state. The married couples, through the lives that they lead and in the fidelity that ought to characterize their relationship, are a reminder to the world of fidelity in general and of God's unconditional fidelity to us in particular. This is the ministry that married christians assume, and they assume it precisely because they are baptized. It is a ministry that is rooted in the baptismal character.

*(The second part of this article will appear in the next issue.)*