

An Examination of the Role of Faith in Matrimonial Consent and the Consequences for the Sacrament of Marriage¹

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Introduction

THE DESIRE TO CLARIFY the relationship between personal faith and the sacrament of Matrimony arose in part from a renewed understanding of the sacraments as sacraments of faith. This renewal was spurred on especially in light of the teaching of the Second Vatican Council, which stated in the Constitution on the Sacred Liturgy, *Sacrosanctum Concilium*, that sacraments “not only presuppose faith, but by words and objects they also nourish, strengthen, and express it; that is why they are called ‘sacraments of faith.’”² Subsequent to the Council, theologians tried to articulate how to understand the role of faith in marriage as a sacrament of faith without making the sacrament dependent on the subjective faith of the couple. This question has most recently reemerged in the 2014 and 2015 synods on the family.

This paper provides a brief overview of the post–Vatican II history

¹ A shorter version of this paper was delivered at the annual conference of the Academy of Catholic Theology on May 25, 2016.

² *Sacrosanctum Concilium* [hereafter, SC], §59, accessed October 28, 2017, www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19631204_sacrosanctum-concilium_en.html.

of the state of the question regarding the role of faith in the act of consent to sacramental marriage, an issue about which there is more clarity than people may realize. We will then comment on one recent essay by José Granados, who proposes to offer a way forward in developing our understanding of the relation of faith to the valid celebration of the sacrament of Matrimony. We contend that, while Granados offers some valuable insights regarding the role of faith in matrimonial consent, his proposal is problematic as a potential way forward for doctrinal development with regard to the sacrament of Matrimony. After presenting a summary and assessment of Granados's proposal, we will offer some of our own reflections on the role of faith in the valid administration of sacramental marriage, highlighting some aspects of the question that often receive too little emphasis.

History of the State of the Question

It is often pointed out that the question of the relation of faith to the sacrament of Matrimony emerged with pressing concern in the years following the Second World War.³ In this period that witnessed the secularization of Western society, many theologians and pastors began noting the phenomenon of the “baptized nonbeliever,” a term designating those who were validly baptized but lived lives apart from the Church and whose personal faith was all but nonexistent. This led some to ask what degree of faith is necessary in order to validly confect the sacrament of Matrimony, of which the spouses are the ministers, according to the Latin tradition.

The statement of the Second Vatican Council that the sacraments are “sacraments of faith” that presuppose, nourish, strengthen, and express faith⁴ further caused speculation regarding the level or degree of faith necessary to exchange valid consent to sacramental marriage. The 1969 introduction to the *Rite of Marriage* for the Roman Rite, citing *Sacrosanctum Concilium* §59, stated: “Priests should first of all strengthen and nourish the faith of those about to be married, for the

³ Peter Elliott provides a good, brief summary of the emergence and history of the question of the relation of faith to valid matrimonial consent in the section entitled “Faith and Sacrament” in his *What God Has Joined: The Sacramentality of Marriage* (New York: Alba House, 1990), 192–99. Updated pieces of this history can also be found in David Schindler, Nicholas J. Healy, Jr., D. C. Schindler, and Adrian J. Walker, “Faith and the Sacrament of Marriage: A Response to the Proposal of a New ‘*Minimum Fidei*’ Requirement,” *Communio* 42 (Summer 2015): 309–30.

⁴ SC, §59.

sacrament of marriage presupposes and demands faith.”⁵ In the 1970s, a number of theologians argued for the need to demand explicit faith for a couple to enter sacramental marriage, or at least for a minimal level of faith that would be necessary to administer the sacrament.⁶

In 1977, the International Theological Commission (ITC) published a document entitled *Propositions on the Doctrine of Christian Marriage*, in which the problem of personal faith and the sacrament occupied the concern of commission members. This document maintained that, like the other sacraments, matrimony confers grace “by virtue of the action performed by Christ.”⁷ It also noted, “according to classical principles,” the difference between the validity of a sacrament and its fruitfulness, pointing out that “faith is presupposed as a ‘disposing cause’ for receiving the fruitful effect of the sacrament.” However, the ITC went on to comment on the “new theological problem” and “grave pastoral dilemma” of “baptized nonbelievers” for whom lack of or rejection of the faith seems clear. The Commission affirmed, “the problem of the intention and that of the personal faith of the contracting parties must not be confused, but” it noted, “they must not be totally separated either.” The understanding here seems to be that intention stems from personal faith, at least partly. Then the commission appeared to be divided and of an uncertain mind when it stated:

In the last analysis the real intention is born from and feeds on living faith. Where there is no trace of faith (in the sense of “belief”—being disposed to believe), and no desire for grace or salvation is found, then a real doubt arises as to whether there is the above-mentioned general and truly sacramental intention and whether the contracted marriage is validly contracted or

⁵ *Rite of Marriage*, “Introduction,” §7, in *The Rites of the Church*, vol. 1 (New York: Pueblo Publishing Company, 1990), 721.

⁶ Examples of such studies include Edward Kilmartin, “When is Marriage a Sacrament,” *Theological Studies* 34 (1973): 275–86, and Walter Cuenin, *The Marriage of Baptized Non-Believers* (Rome: Gregorian University Press, 1977). Susan Wood evaluates some of this scholarship in “The Marriage of Baptized Nonbelievers: Faith, Contract, and Sacrament,” *Theological Studies* 48 (1987): 279–301.

⁷ International Theological Commission, *Propositions on the Doctrine of Christian Marriage*, §2.3, accessed March 1, 2016, http://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_cti_1977_sacramento-matrimonio_en.html. All citations from this ITC document are from §2.3.

not. As was noted, the personal faith of the contracting parties does not constitute the sacramentality of matrimony, but without any personal faith the validity of the sacrament may be compromised [*sed sine ulla fide personali validitas sacramenti infirmaretur*].⁸

This rather ambiguous statement of the ITC about the lack of personal faith potentially compromising the validity of the sacrament of Matrimony manifested the uncertainty of the Commission and promoted furthered speculation on this question, which, not surprisingly, surfaced in the 1980 Synod of Bishops on the Family. In the propositions that were forwarded to Pope St. John Paul II, the bishops called for an investigation into the question regarding what level of faith is required for the validity of the sacrament.⁹

John Paul II provided guidance and clarification on this issue in his Post-synodal Apostolic Exhortation *Familiaris Consortio* (hereafter, *FC*), in which he noted that the faith of those “asking the Church for marriage can exist in varying degrees” and addressed the issue of admitting “to the celebration of marriage those who are imperfectly disposed.”¹⁰ Noting the uniqueness of marriage among the sacraments, in that it was present from the very beginning of creation, John Paul stated:

Therefore the decision of a man and a woman to marry in accordance with this divine plan, that is to say, the decision to commit by their irrevocable conjugal consent their whole lives in indissoluble love and unconditional fidelity, really involves, even if not in a fully conscious way, an attitude of profound

⁸ The English translation of the last clause of this sentence has been slightly altered to more faithfully reflect the Latin text. The English translation on the Vatican website reads: “but the absence of personal faith compromises the validity of the sacrament.”

⁹ §12: “Like the other sacraments, marriage not only presupposes faith but also nourishes, strengthens and expresses it (cf. Constitution on the Sacred Liturgy, §59). That is why we must investigate to what extent the validity of the sacrament requires the faith of the contracting parties as the expression of the covenant and as a personal, conscious affirmation of the baptismal vocation.” *The Tablet*, January 31, 1981, 117. For the Latin original see Synod Secretariat, “Le 43 proposizioni,” *Il Regno-Documenti*, 1981, 386–97.

¹⁰ John Paul II, Apostolic Exhortation *Familiaris Consortio*, §68, accessed October 28, 2017, http://w2.vatican.va/content/john-paul-ii/en/apost_exhortations/documents/hf_jp-ii_exh_19811122_familiaris-consortio.html.

obedience to the will of God, an attitude which cannot exist without God's grace. They have thus already begun what is in a true and proper sense a journey towards salvation, a journey which the celebration of the sacrament and the immediate preparation for it can complement and bring to completion, given the uprightness of their intention.

Thus, John Paul II pointed to a type of implicit faith present in anyone who truly desires marriage according to its natural properties. He acknowledged the situations in which couples ask to be married in the Church for social rather than religious motives, but he emphasized the implicit faith of these individuals when he stated:

It must not be forgotten that these engaged couples, by virtue of their Baptism, are already really sharers in Christ's marriage Covenant with the Church, and that, by their right intention, they have accepted God's plan regarding marriage and therefore at least implicitly consent to what the Church intends to do when she celebrates marriage. Thus, the fact that motives of a social nature also enter into the request is not enough to justify refusal on the part of pastors. Moreover, as the Second Vatican Council teaches, the sacraments "by words and ritual elements nourish and strengthen faith" [SC, §59]: that faith towards which the married couple are already journeying by reason of the uprightness of their intention, which Christ's grace certainly does not fail to favor and support.

John Paul then warned against requiring criteria concerning the level of the faith of those seeking marriage that would inevitably involve the risk of making arbitrary discriminating judgments against many Christians and calling into question the validity of many marriages, especially the marriages of those who are validly baptized but not in full communion with the Catholic Church. Thus, John Paul effectively responded to concerns about the level of personal faith in relation to the administration of the sacrament of Matrimony, emphasizing that what is necessary for the exchange of valid consent is that a baptized couple intend to do what the Church does when she celebrates marriage, which is to join a couple in a union that, according to God's plan, is permanent, faithful, and open to children.

Two years after *Familiaris Consortio*, the 1983 *Code of Canon Law*

(hereafter, *CIC*)¹¹ specified what it means to intend to do what the Church does when it celebrates marriage in canon 1096, which states: “For matrimonial consent to exist, the contracting parties must be at least not ignorant that marriage is a permanent partnership between a man and a woman ordered to the procreation of offspring by means of some sexual cooperation.”¹² Canon 1099 further specifies: “Error concerning the unity or indissolubility or sacramental dignity of marriage does not vitiate matrimonial consent provided that it does not determine the will.”¹³ Thus, in order to confect the sacrament of Matrimony, the requisite intention of a baptized couple is that they will natural marriage. This consent is valid even if the couple does not fully understand the natural properties of marriage, as long as this error does not determine their wills. Additionally, the 1983 *Code* states that “a valid matrimonial contract cannot exist between the baptized without it being by that fact a sacrament.”¹⁴ This canon affirms the inseparability of the matrimonial contract and the sacrament, a teaching that has been explicitly taught by the magisterium since 1852 (by Blessed Pope Pius IX).¹⁵

¹¹ *Code of Canon Law*, accessed October, 2017, http://www.vatican.va/archive/ENG1104/_P3Z.HTM.

¹² *CIC*, can. 1096, §1.

¹³ The kind of error that determines the will is not a speculative, theoretical falsehood existing only in the mind. It is an error that is a practical habit that is manifested through a person's attitudes and behavior. The canonist Juan-Pedro Viladrich explains: “While the speculative intellect seeks to know the truth of an existing object (which in the present case is the abstract notion of the institution of marriage), the object of the practical intellect is a truth which not yet existing in the person's vital reality is *to be brought about by the person's own action* (namely the particularly conjugal union that is desired in actual practice, as devoid of indissolubility, unity or sacramentality). For example, a woman or man may consent to marriage thinking that the Church should permit divorce and remarriage and in the consent to their marriage they want and intend a union with their partner in which they reserve a right to divorce. In this case, the error does not simply remain on a theoretical and speculative level by a proper act of knowing by the intellect, but rather the will brings the error into a practical living reality” (“Canon 1099—Commentary,” in *Exegetical Commentary on the Code of Canon Law*, ed. Angel Maroza et al., vol. 3/2, [Chicago: Midwest Theological Forum, 2004], 1311).

¹⁴ *CIC*, can. 1055, §2.

¹⁵ See Allocutio *Acerbissimum Vobiscum*, September 27, 1852, found in George Joyce, *Marriage: An Historical and Doctrinal Study* (London: Sheed and Ward, 1948), 205. See also: Pope Pius IX, *Syllabus of Errors*, in *Enchiridion Symbolorum, Definitionum et Declarationum de Rebus Fidei et Morum: Compendium of Creeds, Definitions, and Declarations on Matters of Faith and Morals* [hereafter, *DS*],

However, even after the promulgation of the new *Code of Canon Law* and the preceding clarification contained in *FC*, some theologians continued to raise questions about the requisite level of faith for valid matrimonial consent.¹⁶ Some even suggested that the Church reconsider whether or not for baptized nonbelievers, the contract of marriage can be separated from the sacrament, allowing them to enter into natural, nonsacramental marriages.¹⁷ Thus, the question regarding the relation of faith to the sacrament of Marriage continued to circulate.

Joseph Cardinal Ratzinger, as Prefect for the Congregation of the Doctrine of the Faith, encouraged further study of the question. In a 1998 essay titled “The Pastoral Approach to Marriage Should Be Founded on Truth,” Cardinal Ratzinger expressed the need to study further the relationship between personal faith and valid matrimonial consent:

Further study is required, however, concerning the question of whether non-believing Christians—baptized persons who never or who no longer believe in God—can truly enter into a sacramental marriage. In other words, it needs to be clarified whether every marriage between two baptized persons is *ipso facto* a sacramental marriage. In fact, the Code states that only a “valid” marriage between baptized persons is at the same time a sacrament (cf. *CIC*, Can. 1055, §2). Faith belongs to the essence of the sacrament; what remains to be clarified is the juridical question of what evidence of the “absence of faith” would have as a consequence that the sacrament does not come into being.¹⁸

ed. Heinrich Denzinger and Adolphus Schönmetzer, 43rd edition ed. Peter Hünerman, Latin-English edition ed. Robert Fastiggi and Anne Englund Nash (San Francisco: Ignatius Press, 2012), at nos. 2966 and 2973; Pope Leo XIII, *Arcanum*, at DS, nos. 3145–46; and Pope Pius XI, *Casti Connubii*, at DS, nos. 3713.

¹⁶ See Ladislav Orsy, “Faith, Sacrament, Contract and Christian Marriage: Disputed Questions,” *Theological Studies* 43 (1982): 379–98.

¹⁷ See Denis O’Callaghan, “Faith and the Sacrament of Marriage,” *Irish Theological Quarterly* 52.3 (1986): 161–179; see also Michael G. Lawler, “The Mutual Love and Personal Faith of the Spouses as the Matrix of the Sacrament of Marriage,” *Worship* 65.4 (July 1991): 339–361.

¹⁸ Joseph Ratzinger, “The Pastoral Approach to Marriage Should Be Founded on Truth,” accessed October 28, 2017, <http://www.ewtn.com/library/Marriage/ratzpastmar.htm>.

Thus, in this essay, Cardinal Ratzinger expressed a need to further clarify whether a lack of personal faith could invalidate consent to sacramental marriage.

In February of 2001, John Paul II again took the opportunity to address the relation between personal faith and valid matrimonial consent in an address to the Tribunal of the Roman Rota: “I would like to dwell briefly on the relationship between the natural character of marriage and its sacramentality, seeing that there have been frequent attempts since Vatican II to revitalize the supernatural aspect of marriage which include theological, pastoral and canonical proposals that are foreign to tradition, such as the attempt to require faith as a prerequisite for marriage.” John Paul then referenced his treatment of this issue in *FC* by stating:

Shortly after the start of my Pontificate, following the Synod of Bishops on the family which discussed this topic, I addressed it in *Familiaris Consortio*, writing in 1980: “The sacrament of Matrimony has this specific element that distinguishes it from all the other sacraments: it is the sacrament of something that was part of the very economy of creation; it is the very conjugal covenant instituted by the Creator” [*FC*, §68]. Consequently, the only way to identify the reality that was linked from the beginning with the economy of salvation and that in the fullness of time is one of the seven sacraments of the New Covenant in the proper sense is to refer to the natural reality presented to us by Scripture in Genesis (1: 27; 2: 18–25).

After noting how the sacrament of Matrimony uniquely links the economy of creation and the economy of redemption, John Paul emphasized that the sacrament is founded on natural marriage: “Matrimony, moreover, while being a “*sign signifying and conferring grace*,” is the only one of the seven sacraments that is not related to an activity specifically ordered to the attainment of directly supernatural ends.” He then highlighted the danger of subjectivizing the sacrament of matrimony by making it contingent upon the level of faith of the spouses: “A different viewpoint would consider the sacramental sign to consist in the couple’s response of faith and Christian life; thus it would lack an objective consistency allowing it to be numbered among the true Christian sacraments.” John Paul then brought into relief further dangers of requiring more than a desire for natural marriage in order to confect the sacrament of Matrimony:

To introduce requirements of intention or faith for the sacrament that go beyond that of marrying according to God's plan from the "beginning"—in addition to the grave risks that I mentioned in *Familiaris Consortio* [§68]: unfounded and discriminatory judgements, doubts about the validity of marriages already celebrated, particularly by baptized non-Catholics—would inevitably mean separating the marriage of Christians from that of other people. This would be deeply contrary to the true meaning of God's plan, in which it is precisely the created reality that is a "great mystery" in reference to Christ and the Church.¹⁹

Thus, John Paul explained that to make the valid celebration of the sacrament of matrimony somehow dependent upon the couples' level of subjective faith would rupture the unity of creation and redemption, making Christian marriage somehow foreign to nature itself.

John Paul addressed the issue of faith and the sacrament of Matrimony again in January of 2003, in another speech to the Tribunal of the Roman Rota. Once more, he addressed this issue by stressing the unity of the orders of creation and redemption. He discounted the idea that there are two marriages, "one profane and another sacred."²⁰ He noted that the image of God is found in the duality and interpersonal communion of man and woman and that, as a result, "*transcendence is inherent in the existence of marriage, right from the start*, because it belongs to the natural distinction between man and woman in the order of creation."²¹ He noted that, in their "one flesh" union (Gen 2:24), man and woman "participate in something sacred and religious" and that, from the beginning, the union of Adam and Eve prefigured the Incarnation: "The intrinsic link, between marriage, established at the beginning [of creation], and the union of the Word

¹⁹ Pope John Paul II, "Address of John Paul II to the Prelate Auditors, Officials and Advocates of the Tribunal of the Roman Rota," February 1, 2001, §8, accessed October 28, 2017, http://w2.vatican.va/content/john-paul-ii/en/speeches/2001/february/documents/hf_jp-ii_spe_20010201_rota-romana.html.

²⁰ Pope John Paul II, "Address of John Paul II to the Prelate Auditors, Officials and Advocates of the Tribunal of the Roman Rota," January 30, 2003, §3, accessed October 28, 2017, http://w2.vatican.va/content/john-paul-ii/en/speeches/2003/january/documents/hf_jp-ii_spe_20030130_roman-romana.html.

²¹ Ibid.

Incarnate with the Church is shown in its salvific efficacy by means of the concept of *sacrament*.”²² He posited that “the sacramentality of marriage is a fruitful way to investigate more deeply the mystery of the relationship between human nature and grace,”²³ noting that, in the sacrament of Marriage, we can see that “the human and the divine are interwoven in a wonderful way.”²⁴ Based upon the unity of the orders of creation and redemption, especially evident in marriage, John Paul then directly addressed the role of faith in the valid administration of the sacrament:

The importance of the sacramentality of marriage, and the need of faith for knowing and living fully this dimension, could give rise to some *misunderstandings* either regarding the admission to the celebration of marriage or judgments about the validity of marriage. The Church does not refuse to celebrate a marriage for the person who is well disposed, even if he is imperfectly prepared from the supernatural point of view, provided the person has the right intention to marry according to the natural reality of marriage. In fact, alongside natural marriage, one cannot describe another model of Christian marriage with specific supernatural requisites.²⁵

Thus, John Paul made it clear that, for a baptized man and woman to administer the sacrament of Matrimony, they need only intend natural marriage and that the level of their subjective commitment of faith does not compromise the validity of the sacrament. He clarified this point further by stating: “It is crucial to keep in mind that an attitude on the part of those getting married that does not take into account the supernatural dimension of marriage can render it null and void only if it undermines its validity on the natural level on which the sacramental sign itself takes place.”²⁶ Thus, a lack of faith will compromise the validity of the sacrament of Marriage only if it impacts the couple’s intention to will a natural marriage.

Although John Paul II addressed on three different occasions (in *FC* and in two separate addresses to the Roman Rota) the relation-

²² Ibid., §4.

²³ Ibid., §5.

²⁴ Ibid.

²⁵ Ibid., §8.

²⁶ Ibid.

ship between personal faith and the valid administration of sacramental marriage, Pope Benedict XVI again urged further study of this question. Three months after being elevated to the papal throne, in an address to the diocesan clergy of Aosta, while responding to a question asked by a priest about communion for the faithful who are divorced and remarried, Benedict said:

I would say that those who were married in the Church for the sake of tradition but were not truly believers, and who later find themselves in a new and invalid marriage and subsequently convert, discover faith and feel excluded from the Sacrament, are in a particularly painful situation. This really is a cause of great suffering and when I was Prefect of the Congregation for the Doctrine of the Faith, I invited various Bishops' Conferences and experts to study this problem: a sacrament celebrated without faith. Whether, in fact, a moment of invalidity could be discovered here because the Sacrament was found to be lacking a fundamental dimension, I do not dare to say. I personally thought so, but from the discussions we had I realized that it is a highly-complex [*sic*] problem and ought to be studied further. But given these people's painful plight, it must be studied further.²⁷

Although Benedict stressed the necessity to further study the question of the relationship of personal faith to valid matrimonial consent in his essay from 1998 as Prefect of the Congregation for the Doctrine of the Faith and in his papal address at Aosta,²⁸ by the end of his papacy, and one would presume as a result of the further study he had called for, he reaffirmed the teaching of John Paul II on this matter. During the year of faith, Benedict offered his own address to the Tribunal of the Roman Rota on January 16, 2013. On this occasion, he said he wanted to take the opportunity "to reflect in particular on

²⁷ Pope Benedict XVI, "Meeting with the Diocesan Clergy at Aosta," July 25, 2005, accessed October 28, 2017, http://w2.vatican.va/content/benedict-xvi/en/speeches/2005/july/documents/hf_ben-xvi_spe_20050725_dioce-si-aosta.html.

²⁸ It is unclear whether Benedict encouraged further study of the question of the ability of baptized nonbelievers to administer the sacrament of Marriage because he thought a lack of personal faith could itself invalidate the sacrament or because he thought a lack of personal faith could evidence a lack of intention to will a natural marriage.

several aspects of the relationship between faith and marriage.”²⁹ He states clearly, “the indissoluble pact between a man and a woman does not, for the purposes of the sacrament, require of those engaged to be married, their personal faith; what it does require, as a necessary minimal condition, is the intention to do what the Church does.”³⁰ He then comments, “however, if it is important not to confuse the problem of the intention with that of the personal faith of those contracting marriage, it is nonetheless impossible to separate them completely.”³¹ Benedict then cites the 1977 document of the ITC that questioned whether a true lack of faith would invalidate consent to sacramental marriage.³² In response to this question raised by the ITC, Benedict next cites John Paul II’s 2003 address to the Roman Rota in which he clarified that a lack of faith can render consent null and void only if it undermines validity on the natural level.³³ Offering further reflections, Benedict notes the difficulty of living out the commitment to marriage without faith, stating: “Closure to God or the rejection of the sacred dimension of the conjugal union and of its value in the order of grace certainly makes arduous the practical embodiment of the most lofty model of marriage conceived by the Church according to God’s plan and can even undermine the actual validity of the pact, should it be expressed . . . in a rejection of the principle of the conjugal obligation of fidelity itself, that is, of the other essential elements or properties of matrimony.”³⁴

Benedict goes on to explain that he does not want to “disregard the consideration that can arise in the cases in which, precisely because of the absence of faith, the good of the spouses is jeopardized, that is, excluded from the consent itself,” and thus consent is invalidated.³⁵ However, he also states that he does “not intend to suggest any facile automatism between the lack of faith and the invalidity of the matrimonial union, but rather to highlight how such a lack may,

²⁹ Pope Benedict XVI, “Address of His Holiness Benedict XVI for the Inauguration of the Judicial Year of the Tribunal of the Roman Rota,” January 26, 2013, §1, accessed October 28, 2016, http://w2.vatican.va/content/benedict-xvi/en/speeches/2013/january/documents/hf_ben-xvi_spe_20130126_rota-romana.html.

³⁰ Ibid.

³¹ Ibid.

³² Ibid.

³³ Ibid.

³⁴ Ibid., §2.

³⁵ Ibid., §3.

although not necessarily, also damage the goods of the marriage, since the reference to the natural order desired by God is inherent in the conjugal pact (cf. Gen 2:24).”³⁶ With these comments, Benedict, in line with John Paul II, made clear that a lack of faith on the part of the baptized couple undermines validity only if it results in the rejection of the natural goods and properties of marriage.

Nevertheless, the place of the role of faith for the validity of marriage resurfaced most recently in the preparations for the 2014 and 2015 synods of bishops. In discerning a possible fresh response to those suffering in difficult marital situations who wish to reconcile with the Church, both the *Relatio Synodi* of the 2014 synod and the *Instrumentum Laboris* of the 2015 synod suggested that: “Among the proposals, the role which faith plays in persons who marry could possibly be examined in ascertaining the validity of the sacrament of Marriage, all the while maintaining that the marriage of two baptized Christians is always a sacrament.”³⁷ With these words, the synodal documents seemed to suggest reopening the question regarding to what extent the faith of a couple is necessary for the validity of the sacrament.

The 2015 synod did not take up this suggestion. However, just prior to convening the Fourteenth General Synod of Bishops on the Family, Pope Francis issued his *motu proprio Mitis Iudex Dominus Iesus* in August of 2015. In this document that reforms the canons of the *Code of Canon Law* pertaining to cases regarding the nullity of marriage, Francis addressed circumstances that allow bishops to annul a marriage without a formal tribunal proceeding. One of these circumstances is “the defect of faith which can generate simulation of consent or *error that determines the will*.”³⁸ Thus, Francis maintained

³⁶ Ibid. (emphasis added).

³⁷ Third Extraordinary General Assembly of the Synod of Bishops (October 5–19, 2014), *Relatio Synodi: The Pastoral Challenges of the Family in the Context of Evangelization*, §48, accessed October 28, 2017, http://www.vatican.va/roman_curia/synod/documents/rc_synod_doc_20141018_relatio-synodi-familia_en.html; Fourteenth Ordinary General Assembly of the Synod of Bishops (October 4–25, 2015), *Instrumentum Laboris: The Vocation and Mission of the Family in the Church and the Contemporary World*, §114, accessed October 28, 2017, http://www.vatican.va/roman_curia/synod/documents/rc_synod_doc_20150623_instrumentum-xiv-assembly_en.html.

³⁸ Pope Francis, Apostolic Letter *Motu Proprio Mitis Iudex Dominus Iesus* (15 August 15, 2015), art. 14, §1, accessed October 28, 2017, http://w2.vatican.va/content/francesco/en/motu_proprio/documents/papa-francesco-motu-proprio_20150815_mitis-iudex-dominus-iesus.html (emphasis added).

continuity with the statements of John Paul II and Benedict XVI, who clarified that a lack of faith can invalidate consent to sacramental marriage only if it influences the person's will.

Additionally, subsequent to the synod, in his own address to the officials of the Tribunal of the Roman Rota on January 22, 2016, Pope Francis stated:

It is worth clearly reiterating that the essential component of marital consent is not the quality of one's faith, which according to unchanging doctrine can be undermined only on the plane of the natural (cf. *CIC*, Can. 1055 §§ 1,2). Indeed, the *habitus fidei* is infused at the moment of Baptism and continues to have a mysterious influence in the soul, even when faith has not been developed and psychologically speaking seems to be absent. It is not uncommon that couples are led to true marriage by the *instinctus naturae* and at the moment of its celebration they have a limited awareness of the fullness of God's plan. Only later in the life of the family do they come to discover all that God, the Creator and Redeemer, has established for them. A lack of formation in the faith and error with respect to the unity, indissolubility and sacramental dignity of marriage invalidate marital consent only if they influence the person's will (cf. *CIC*, Can. 1099). It is for this reason that errors regarding the sacramentality of marriage must be evaluated very attentively.³⁹

Thus, at the end of this brief historical survey, it is clear that the magisterium of the most recent Popes clearly teaches that the subjective faith of the couple is not, in the words of Pope Francis, "an essential component of matrimonial consent." What is essential, "according to unchanging doctrine," is that the baptized couple intend to do what the Church does when it celebrates marriage, which is to enter into a union marked by indissolubility, faithfulness, and openness to children. This intention itself evidences an implicit faith on the part of the couple to accept God's plan for marriage,

³⁹ Pope Francis, "Address of His Holiness Pope Francis to the Officials of the Tribunal of the Roman Rota for the Inauguration of the Judicial Year," January 22, 2016, accessed October 28, 2017, http://w2.vatican.va/content/francesco/en/speeches/2016/january/documents/papa-francesco_20160122_anno-giudiziario-rotaromana.html.

which is, for the baptized couple, simultaneously a sacrament of creation and one of redemption.

An Assessment of the Proposal of José Granados

Having presented a brief survey of the history since the mid-twentieth century of the question of the relationship of faith to the sacrament of Matrimony, we would like to draw attention to one recently proposed answer to this question. One recent attempt to elaborate the role of faith in the celebration of marriage is a 2014 article by José Granados entitled “The Sacramental Character of Faith: Consequences for the Question of the Relation between Faith and Marriage.”⁴⁰ The work of Granados, who is the vice-president of the Pontifical John Paul II Institute for Studies on Marriage and Family at the Lateran University in Rome, is important because it aims to explain the inner relationship between the sacrament of marriage and faith while avoiding a subjectivism that “would call into question the validity of many marriages and would run the risk of discriminating against many Christians who are arbitrarily judged to be not well-prepared, as *Familiaris consortio*, §68 points out.”⁴¹ At the same time, Granados still wants to speak of a minimum of faith that is needed for the sacrament, not in terms of the subjective faith of the couple but in terms of their intention to belong to the faith of the Church. He seeks to reframe the question of the role of faith in the act of matrimonial consent by pointing out the ecclesiological roots of marriage. He makes a distinction between what he calls a full sacramental character and incomplete sacramental character in marriage based on the various degrees of incorporation into the Body of Christ, the Church. Granados believes that, if this distinction were accepted it would, in his words, amount to a “development of doctrine.”⁴² Furthermore, for Granados, the incomplete sacramental character of Protestant marriages would make it questionable as to whether these marriages are absolutely indissoluble.

Granados also has a wider concern. He believes that the question of the relation between faith and sacrament is important not only for sacramental theology but also for the theology of faith. In *Lumen Fidei*, Pope Francis affirms that, “while the sacraments are indeed

⁴⁰ José Granados, “The Sacramental Character of Faith: Consequences for the Question of the Relation Between Faith and Marriage,” *Communio* 41 (Summer 2014): 245–68.

⁴¹ *Ibid.*, 257.

⁴² *Ibid.*, 260.

sacraments of faith, it can also be said that faith itself possess a sacramental structure.”⁴³ Granados maintains that the faith itself has this structure because “it prefigures and anticipates, in the matter of a real symbol, the full definitive encounter with God.”⁴⁴ This understanding is important for avoiding a subjectivist viewpoint that sees faith in terms of an autonomous belief of an individual. Granados aims to discuss the consequences of the relation between faith and sacrament in order to shed light on the question of what the role of faith is in the celebration of marriage. To accomplish this aim, he argues that two aspects of marriage shed light on the act of faith: the relation between marriage and creation, and the ecclesial dimension of marriage. Faith, by its very nature, will be rooted in the truth of creation and “will have features in common with the structure of conjugal love.”⁴⁵ Faith should be authentic, permanent, and fruitful. The marriages of baptized Christians who, as members of the body of Christ, become one flesh in the Lord and the Church show that faith exists in close relation with ecclesial communion. Granados says that this perspective can address cases of baptized persons with a poor faith life who wish to be married, but his broader interest is to highlight the relationship between faith and marriage that he believes is essential for the new evangelization. We cannot and do not intend to summarize the full content of Granados’s essay. Rather, our purpose is to examine his contribution to understanding the relation of faith to the valid celebration of marriage if marriage is a sacrament of faith.

Consistent with the teaching of John Paul II, Granados maintains that, by committing themselves to marriage in creation, natural marriage, the couple “open themselves to a mystery that precedes them, embraces them, and elevates them beyond themselves.”⁴⁶ So, natural marriage itself contains a reference to God. Those who accept the natural, creaturely properties of marriage are open to the mystery of God in their lives and, from that time on, are on a journey of faith in some sense. We know from revelation that it foreshadows the fullness of the manifestation of the mystery of God in Christ. If the

⁴³ Pope Francis, Encyclical Letter *Lumen Fidei*, §40, accessed October 28, 2017, http://w2.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20130629_enciclica-lumen-fidei.html.

⁴⁴ Granados, “The Sacramental Character of Faith,” 245–46.

⁴⁵ *Ibid.*, 247.

⁴⁶ *Ibid.*, 251.

faith life of the fiancés is poor or nonexistent, care should be taken in order to ascertain that they affirm the natural truths of marriage.

Granados insists on the traditional understanding of the Church that a matrimonial contract cannot exist between validly baptized persons without also being a sacrament. Once one has been baptized into Christ and been touched and transformed by him who is the unsurpassable event of God's salvation history, it is impossible to turn back and act as though Christ is not the foundation of one's life. It is not possible to return to a previous time and live a merely creaturely and natural reality as though this existence were not put in relationship to Christ at every level. To say otherwise would be to deny that Christ affects the totality of one's life. One cannot undo one's Baptism. Granados maintains that, even if a baptized couple wishes to approach marriage apart from the perspective of Christ, they could not contract even a natural marriage because they would be explicitly rejecting the connection of marriage with Christ.⁴⁷ Therefore, they would reject the natural dimension of marriage in its openness to God that Christ himself confirmed. Granados observes that what is traditionally called the inseparability of the contract of marriage and the sacrament is firmly rooted in Christ's affirmation of the natural creaturely dimension of marriage and his elevation of the natural reality to the level of a sacrament without requiring a special rite.

Central to Granados's presentation is his insistence on the importance of upholding an understanding of sacramental marriage viewed as a reality rooted in ecclesiology. At every level, the sacramentality of marriage must always be firmly linked with its ecclesiological dimension, whether one is talking about the exchange of consent or about the bond. Granados maintains: "The marriage of baptized persons, their act of making themselves one flesh, is transformed by the fact they are members of Christ. Configured to the body of Christ's flesh by baptism, they can be united in one flesh only if they unite according to Christ's standard."⁴⁸ Marriage is a certain modification of being a member in Christ because now the spouses are incorporated in a new way in the ecclesial one flesh and assist in building it up as they live out their participation in the love that unites Christ and the Church. For this reason, Granados observes,

⁴⁷ We comment on the problematic nature of this claim of Granados toward the end of this article.

⁴⁸ *Ibid.*, 255.

some in the Middle Ages described matrimonial grace as “becoming members of Christ.”⁴⁹

With the ecclesial nature of marriage in mind, Granados argues that there are degrees or levels of sacramentality in Christian marriage and, so, two degrees of indissolubility. From the moment of the exchange of canonical consent between the couple, there comes into existence a sacrament in the true sense (a ratified marriage), but not yet a full sacrament due to the fact that the spouses “do not yet fully belong to one another in the incarnate way in which Christ and the Church belong to one another.”⁵⁰ In other words, it is not until consent is enacted bodily in consummation that the spouses become one flesh according to the manner of the one flesh of Christ and the Church. It is only in the participation in this one flesh that the sacramental union between the spouses becomes fully sacramental and therefore absolutely indissoluble.

Granados argues that the ecclesial nature of marriage and the understanding that marriage incorporates a couple in a new way in the ecclesial one flesh has implications for the traditional understanding that the couple must intend to do what the Church does in order for there to be a sacramental marriage. Granados contends that the question of intention needs to be examined in greater depth in the case of the sacrament of Matrimony because it is unlike other sacraments. “The spouses are the ministers but their human acts are also the matter of the sacrament; therefore, a minimum of personal acceptance of the sacramental meaning of the act that they are performing and therefore a minimum of faith seems necessary, besides the intention to do what the church does.”⁵¹

Granados seeks to walk a fine line here. He wants to uphold the teaching of *FC* §68, which warns against new requirements involving judging the subjective level of the faith of couples seeking marriage. Granados means to avoid this danger by arguing that marriage should be understood as a sacrament of faith because of the larger faith of the Church that the couple participates in through their Baptism. He believes that keeping in mind the ecclesial roots of marriage enables a reframing of the question of the relation of faith and marriage in a

⁴⁹ Ibid. Granados cites the anonymous treatise of the School of Laon: *Conjugium est secundum Ysidorum*, ed. F. Bliemetzrieder, *Recherches de théologie ancienne et médiévale* 3 (1931): 273–91, at 275.

⁵⁰ Granados, “The Sacramental Character of Faith,” 256.

⁵¹ Ibid., 257.

better, more convincing way. He proposes to measure the minimum of faith as the intention to be included in the Church and belong to the faith of the Church. In other words, what should be required of the couple is that they intend to marry as Christians, as people who belong to the Church and who are conscious of the fact that their marriage is not simply a private matter. Granados draws an analogy between his proposal and infant Baptism. Although the infant is not capable of making an individual act of faith, Baptism is still possible through a certain participation of a baptized person in the larger faith of the Church. Admittedly, the comparison with infant Baptism goes only so far. Since personal consent is required for marriage, unlike infant Baptism, there should be required of the couple personal consent in order to belong to the Church's faith. For Granados, what is required for Christian marriage is something more than a mere intention to do what the Church does. What is required of the couple is a willingness to enter "into that great subject of the faith which is the Church."⁵² The term "minimum of faith" does not refer to the subjective faith of the couple or different degrees of their faith, but rather to what Granados calls "a *central nucleus* of faith, to an essential dimension of the faith, which is one's insertion into ecclesial faith."⁵³ The acceptance of canonical form would be proof of this necessary minimum of faith.

For Granados, three things seem to be required to explain the role of the faith in marriage: (1) acceptance of the creaturely and natural truth of marriage, (2) incorporation into the spousal Body of Christ, and (3) the couple's acceptance of being inserted into ecclesial faith of the Church, expressed in acceptance of canonical form. With this understanding of the relation between marriage and ecclesial faith, Granados makes an additional claim and proposal. He believes that the Second Vatican Council's teaching on ecumenism invites us to look differently at the sacramental character of the marriages of baptized persons separated from the Catholic Church. To be sure, the marriages of Protestant Christians are sacramental. As baptized Christians, they cannot somehow return to an earlier state without Christ and contract a valid marriage apart from him. Granados asks, though, whether the sacramental nature of the marriage of these Christians has attained its fullness. What is decisive here is not the lack of faith in the sacramentality of marriage but the couples' imper-

⁵² Ibid., 258.

⁵³ Ibid., 257.

fect incorporation into the Church. The Second Vatican Council taught that it is possible to belong to the Church in various degrees, in a communion that is real but imperfect. *Lumen Gentium* §14 makes clear that, in order to be fully incorporated into the Body of Christ, other sacred realities or bonds of communion besides Baptism are required. A complete profession of the faith of the Church and full communion with the Church's pastors, the pope and the bishops, are also necessary.⁵⁴ Separated Christians, then, are not fully incorporated into the Body of Christ because of what is lacking in the ecclesial communities to which they belong. Granados argues that there can be varying degrees of sacramentality in these marriages according to the various degrees to which these Christians belong to the Body of Christ. These degrees are determined objectively by the profession of faith and other means of salvation that are only partially present in the ecclesial communities of the bride and bridegroom. Granados believes that this distinction between full and incomplete sacramentality could potentially be understood as a development of doctrine analogous to the one that took place in the medieval debate about the consummation of marriage that identified two degrees of indissolubility based upon the significance of the corporeal unity between Christ and the Church in which the couples come to participate through consummation.⁵⁵ He argues that, if it is the case that Protestant marriages are sacramentally incomplete owing to the lack of full unity with the Church, the Body of Christ, then it at least raises the question regarding whether these marriages are absolutely indissoluble. Granados asks whether it might be possible that the pope could annul the incomplete sacramental bond of Protestant marriages

⁵⁴ "They are fully incorporated in the society of the Church who, possessing the Spirit of Christ accept her entire system and all the means of salvation given to her, and are united with her as part of her visible bodily structure and through her with Christ, who rules her through the Supreme Pontiff and the bishops. The bonds which bind men to the Church in a visible way are profession of faith, the sacraments, and ecclesiastical government and communion" (*Lumen Gentium*, §14, accessed October 28, 2017, http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19641121_lumen-gentium_en.html).

⁵⁵ It is this distinction which explains why the pope cannot dissolve a consummated marriage but can dissolve a ratified but nonconsummated marriage that is sacramental because it does not participate in the full corporeal unity between Christ and the Church. Something similar can be said for nonsacramental marriages that can be dissolved in favor of the faith according to the Pauline Privilege (see *CIC*, can. 1143).

in favor of the fullness of faith? If the pope can dissolve ratified but nonconsummated marriages that are not fully sacramental because they do not participate fully in the bond of unity of Christ and the Church, might he also be able to annul the incomplete sacramental bond of Protestant marriages? He does not believe that this proposal runs afoul of the definitive teaching of the magisterium that ratified and consummated marriages cannot be dissolved by anyone, even the pope, because this clear teaching “does not consider the particular case of those who are not fully incorporated into the body of Christ because they belong to other ecclesial communities.”⁵⁶

Evaluation

Although Granados wishes to avoid the danger of subjectivism warned about in *FC* §68, it is hard to see how his proposal does not involve a more sophisticated version of what is being criticized there. To be sure, Granados sees the sacrament of Matrimony as a sacrament of faith mainly due to the larger faith of the Church, but he still requires the baptized couple to have more than the intention to do what the Church does. As we have seen, they are required to have a “minimum of faith” understood as a willingness to be inserted into ecclesial faith.⁵⁷ While the couple’s acceptance of canonical form is said to be proof of this minimum, Granados’ explanation of what this means goes beyond simple acceptance of canonical form. He says that, because the human acts of the couple are the matter of the sacrament, there must be a minimum of personal acceptance of the sacramental meaning of the act and the acceptance of the presence of the Church in their marriage. But does this not fall into the problem that *FC* warned against about laying down further criteria for admission to the celebration of marriage that would concern the level of faith of those who seek marriage? Does not this minimum of faith, even if it is defined as the willingness to be included into ecclesial faith, amount to a certain measurement of the subjective faith of the couple—something that Granados wants to avoid? Some baptized Christians, under-catechized Catholics among them, who otherwise accept the natural properties of marriage may have no real intention of acknowledging that, in contracting marriage, they are entering into the great subject of integral faith that is the Church. In effect, the proposal of Granados asserts that, without this willingness, the human acts of the couple (presumably the mutual offer

⁵⁶ Granados, “The Sacramental Character of Faith,” 260.

⁵⁷ *Ibid.*, 258.

and mutual acceptance of married life) would not be apt matter for the sacrament of Marriage. It would mean that the failure of one or both of the parties to accept the presence of the full faith of the Church in marriage would make their exchange of consent null. However, this would require something more for the sacramental sign of marriage than the Church has ever required.

John Paul II spoke to this point in his 2003 speech to the Roman Rota: "It is crucial to keep in mind that an attitude on the part of those getting married that does not take into account the supernatural dimension of marriage can render it null and void only if it undermines its validity on the natural level on which the sacramental sign itself takes place."⁵⁸ The Pope's remarks are very helpful for understanding the relation of sacramentality to marriage. First, John Paul points out that the sacramental sign of marriage is to be found in the conjugal pact itself. He draws attention to the uniqueness of marriage as a sacrament in so far as it is the elevation of a natural reality in creation ordered to natural ends. To think of the sacramental sign as also requiring the willingness of the couple to be inserted into ecclesial faith would be to undermine the objective basis of the sacramental sign itself—the conjugal pact instituted from the beginning of creation. Intended or not, this would involve an implicit denial of sacramentality, because there would be lacking a consistent, stable objectivity that makes marriage capable of being raised to a sacrament.

Secondly, the Pope's remarks amount to a call for a rigorous upholding of the inseparability of the marriage contract and the sacrament in all its implications. In effect, his words remind us that we should take great care not to treat sacramentality as a reality that is substantially different from the marriage contract. We ought not to think that the couple makes a twofold act of the will toward two objects: marriage willed by the act of consent and sacramentality by the act of faith. Rather, the sacramentality consists in the same and only natural marriage that has been elevated to the order of supernatural grace configured to Christ in his union with the Church, thereby acquiring a firmness in all its properties. For marriage to be a sacrament, nothing else is required of the baptized couple than for them to will, with the right intention, the one and the same marriage

⁵⁸ John Paul II, Address to Prelate Auditors, Officials and Advocates, January 30, 2003.

instituted by God at creation.⁵⁹ To require something more would be to fail to uphold the inseparability of the marriage contract and the sacrament.⁶⁰

Intended or not, any proposal that requires something more than the intention to contract natural marriage ends up falling into this kind of failure. If the baptized couple is required to affirm the minimum of faith understood as the intention to enter into the great subject of faith that is the Church, then sacramentality is treated as something substantially different from the marriage contract itself. It is to imagine that this minimum of faith is added to natural marriage in order for the marriage to be a sacrament. On the contrary, the inability to receive the sacramental configuration of the union of Christ with the Church can be brought about only by baptized partners who voluntarily destroy the essential structure of natural marriage and, thus, its aptness for sacramentality. In intending a relationship that is devoid of the essential properties of marriage, the baptized parties so corrupt the natural nuptial union that it cannot signify the union of the Christ with his Church. But a lack of willingness in a couple to insert themselves in the full ecclesial faith of the Church does not demolish the essential structure of marriage, provided this lack does not lead the couple to exclude the essential properties of marriage.

This brings us to the second part of Granados' proposal with regard to the sacramentality of the marriages of Protestant Christians. As we have seen, he claims that, because Protestants are baptized members of the Body of Christ, there is no doubt about the sacramental nature or character of their marriages. The inseparability of the marriage contract and the sacrament is valid for the marriages of these sepa-

⁵⁹ In speaking of God's institution of marriage in creation, we understand this to mean that, as a reality of creation, marriage is ordered toward the covenant with God in Christ. On this point, see Carlo Caffarra, "Marriage as a Reality in the Order of Creation and Marriage as a Sacrament," in *Contemporary Perspectives on Christian Marriage*, ed. Richard Malone and John Connery, S.J. (Chicago: Loyola University Press, 1982), 161–75. See also John Paul II, "Marriage as the Primordial Sacrament," General Audience of October 6, 1982, in *Man and Woman He Created Them: A Theology of the Body*, ed. Michael Waldstein (Boston: Pauline Books & Media, 2006), 503–7. In addition, see the discussion of marriage as the "primordial sacrament" in Perry J. Cahall, *The Mystery of Marriage: A Theology of the Body and the Sacrament* (Chicago: Hillenbrand Books, 2016), 101–8, 291–93.

⁶⁰ See Juan-Pedro Viladrich, "Canon 1099—Commentary," 1313.

rated Christians. But the “minimum requirement of faith” would seem to put into doubt the validity of these marriages at least in some, if not many, instances. For, there are separated Christians who, while they may regard marriage as instituted by God at creation, nevertheless do not regard marriage as involving an intention to be included in the faith of the Church and the intention to marry “as persons belonging to the ecclesial community.”

What about the claim that Protestant marriages have an incomplete sacramental character and may not be absolutely indissoluble due to the lack of full incorporation into the Church? Intentions to the contrary, this claim of Granados would also call into question the marriages of baptized Catholics who are not fully incorporated or not in full communion with the Church because of a defect of faith. Even within the Catholic Church, there can be some degree of variation of incorporation into Christ according to the criteria articulated in *Lumen Gentium* §14. A particular example to consider is the case of Catholics who approach marriage having been baptized but not confirmed. In the *Code of Canon Law*, canon 1065, §1, urges that the couple should be confirmed before being admitted to marriage if it can be done without serious inconvenience. Although all baptized Catholics should be confirmed, and although this sacrament is undoubtedly important for a fully fruitful reception of the sacrament of Matrimony, confirmation is not an absolute requirement for marriage. There are military personnel who, because of deployment, are not able to be confirmed in time for their marriage, but they still have contracted marriage validly and indissolubly. There are also those Catholics who approach the Church for marriage but do not have a complete profession of faith because they reject some part of it. In this way, there is missing one of the elements identified by *Lumen Gentium* §14 as necessary for full incorporation, but the Church has never called into question the absolute indissolubility of the marriages of Catholics who fail to profess the integral Catholic faith.

If the absolute indissolubility of Protestant marriages can be called into question due to a lack of full incorporation and full communion with the Church, then the marriages of baptized Catholics who may not be fully incorporated and are not in full communion with the Church would be called into question as well. However, the doctrinal and canonical tradition is clear that the ratified and consummated marriages of all validly baptized Christians are absolutely indissoluble. Granados does not intend to call into question the marriages of validly baptized Catholics, but nevertheless, in effect, he opens the

way for this difficulty by maintaining that the lack of full incorporation into the Church calls into question the full sacramental reality of marriages.

We believe that Granados is right to call attention to the ecclesial dimension of marriage and that sacramental marriage involves a special and new participation in the Body of Christ. Certainly he is correct in emphasizing that marriage is first and foremost a sacrament of faith because of the faith of the Church and not because of the subjective faith of the couple. He is also right to draw our attention, *theologically*, to the fullness of the sacramentality in marriage that is effected in and through bodily consummation, and this is an area that stands in need of deeper theological reflection and is passed over too easily, often as a distinction that is thought of as mainly juridical.⁶¹ Nevertheless, we conclude that to distinguish between marriages that are completely sacramental and others that are thought to be incompletely sacramental—and therefore not absolutely indissoluble because of a lack of full incorporation into the Church—is not a way forward for a deeper understanding of the relation between faith and marriage or a way forward for doctrinal development with regard to the sacrament of Marriage.

Concluding Reflections on the Role of Faith in the Sacrament of Matrimony

The Importance of Ex Opere Operato

Perhaps the reason why the question of the relation of faith to the valid celebration and confection of sacramental marriage has recurred as a topic of discussion for the past several decades is the uniqueness of the sacrament of Matrimony, for it is in this sacrament alone that the ministers of the sacrament are simultaneously the recipients. Yet, given this uniqueness, it needs to be emphasized that, like the other sacraments, marriage is effected *ex opere operato*, meaning it is Christ himself who is acting in the sacramental actions of the Church.

It needs to be emphasized that, regardless of the worthiness of the ministers, a worthiness that includes the level of the ministers' faith, Christ is the one who effects the sacrament. In order for a sacrament to be administered by virtue of the human work that is performed, what is required of the minister is that he or she intends to do what

⁶¹ See the discussion of "The Sign of the Sacrament" in Cahall, *The Mystery of Marriage*, 301–8.

the Church does in the celebration of a sacrament. Thus a priest can validly confect the Eucharist as long as he intends to do what the Church does, even if he should have doubts regarding the Real Presence or lose his faith in the Real Presence entirely. In cases of emergency anyone, even a nonbeliever, can administer Baptism as long as she intends to do what the Church does when she baptizes.⁶² It is clear that the Church has established the parameters within which we should discuss the relation between personal faith and the intention necessary to validly administer sacramental marriage: the subjective faith of a couple is not an essential component of matrimonial consent, and a lack of subjective faith can invalidate consent only if it affects the couple's intent to will natural marriage. Willing natural marriage is enough to validly administer the sacrament of Matrimony because marriage unites in a unique way the orders of creation and redemption. The uniqueness of marriage is that Christ "did not institute a completely new liturgical ceremony or give new significance to an existing ritual; he adopted a natural human institution as a sacrament of his Church."⁶³ Marriage, in fact, is a created reality, always bearing some reference to God, but never a merely "secular reality."⁶⁴ Therefore, by willing natural marriage, which is willing marriage according to God's design, the baptized couple shows obedience to God's will and intends what God and the Church intend marriage to be, evidencing at least implicit faith, as John Paul II noted in *FC* §68. This intention is enough for the couple to administer the sacrament of Marriage and for the sacrament to be effected *ex opere operato*.

The Centrality of the Baptismal Character

That the sacrament of Marriage is administered validly and works *ex opere operato*, even when a couple's subjective faith is minimal or even non-existent, is due first and foremost to their baptismal dignity and character as Christian spouses. It is the baptism of the spouses that "is the criterion for the essential distinction between sacramental and non-sacramental Marriage."⁶⁵ This means that any two validly

⁶² See *Catechism of the Catholic Church* [hereafter, CCC], 2nd ed. (Washington, DC: United States Conference of Catholic Bishops, 2000), §1256.

⁶³ Coleman O'Neill, *Meeting Christ in the Sacraments*, rev. ed. (New York: Alba House, 1991), 235.

⁶⁴ Elliott, *What God Has Joined*, 10–11.

⁶⁵ *Ibid.*, xvi.

baptized spouses⁶⁶ who exchange valid consent enter into a sacramental marriage⁶⁷ and not just a natural marriage, whether they are baptized in the Catholic Church or in some other ecclesial community. Baptism enables spouses to administer the sacrament of Matrimony to each other because, by virtue of their Baptism, Christian spouses have been re-created in Christ and have been organically inserted into his Mystical Body, the Church.⁶⁸ Baptism is “being-in-Christ,” and it is the necessary condition for the spouses’ love to be taken up into Christ’s marital bond with the Church and to become an effective sign of this bond. As the spouses have been incorporated into Christ through Baptism, when they contract their marriage, they are placed within the new and eternal spousal covenant between Christ and his Church.⁶⁹ Through Baptism, Christ has claimed them for himself, and it is now impossible for them to be and act outside of Christ. As Baptism consecrates and transforms the spouses and incorporates them into Christ, it is therefore impossible for baptized spouses to contract natural marriage without administering the sacrament. This is shown most clearly by the fact that the marriage of two non-Christians becomes a sacrament the moment that both spouses have received baptism. Assuming they committed to natural marriage before baptism, no renewal of vows is necessary because their marriage has now been taken up into Christ. No matter their “degree of faith,” the baptized spouses “draw upon their shared Baptism, on the character which places them within the Mystical Body of Christ, on that permanent consecration which makes their consent the cause of a permanent union.”⁷⁰ All of the sacraments are “human actions where God acts,”⁷¹ and by virtue of their Baptism, it is Christ who gives the spouses to each other and empowers them to live out their call. To hold otherwise would be to renounce the Catholic understanding of the indelibility of the character conferred by the sacrament of Baptism, a character that José Granados rightly points out “is present in all the acts of the baptized person, even when he is unaware of it or rejects it.”⁷²

⁶⁶ Baptism “is validly conferred only by a washing of true water together with the proper form of words” (*CIC*, can. 849), “with the right intention” (*CIC*, can. 861, §2), which means intending to do what the Catholic Church does when it baptizes (*CCC*, §1256).

⁶⁷ *CIC*, can. 1055, §2.

⁶⁸ *CCC*, §§1265 and 1267.

⁶⁹ See *FC*, §68.

⁷⁰ Elliott, *What God Has Joined*, 124.

⁷¹ *Ibid.*, xxxi.

⁷² José Granados, “The Sacramental Character of Faith,” 264.

“It should be noted that because the couple’s Baptism has organically incorporated them into the Mystical Body of Christ, their exchange of consent is an ecclesial act.”⁷³ As the baptismal character of the spouses makes their consent an ecclesial act, we can rightly emphasize the ecclesial dimension of their faith. The ecclesial dimension of the faith of the baptized in relation to the sacrament of Marriage has recently been highlighted by the editors of *Communio* in a Summer 2015 article entitled “Faith and the Sacrament of Marriage: A Response to the Proposal of a New ‘*Minimum Fidei*’ Requirement.”⁷⁴ The authors of this article “argue that the personal faith that all recognize in some respect as a *conditio sine qua non* for the validity of the sacrament is not first and most essentially the subjective disposition of the individuals involved; rather, it is principally their participation, through baptism, in the *faith of the Church*.”⁷⁵ The authors point out that the personal faith necessary to confect the sacrament of Matrimony is first of all the faith of the Church, in which the spouses participate through baptism.⁷⁶ Thus, the implicit faith of a couple that is evidenced by submitting to the reality of natural marriage is joined to the perfect faith of the Church into which they have been organically inserted through baptism.⁷⁷ In this way, following Pope Francis, we can see that “the *habitus fidei* [that] is infused at the moment of Baptism and continues to have a mysterious influence in the soul, even when faith has not been developed and psychologically speaking seems to be absent” can in fact be operative to perfect the *instinctus naturae* that leads couples to marriage even if, “at the moment of its celebration they have a limited awareness of the fullness of God’s plan.”⁷⁸ This highlights the indispensable importance of emphasizing the baptismal character of the spouses when discussing the relation of faith to the sacrament of Matrimony.

⁷³ Cahall, *The Mystery of Marriage*, 302.

⁷⁴ David L. Schindler, Nicholas J. Healy, Jr., D. C. Schindler, and Adrian J. Walker, “Faith and the Sacrament of Marriage: A Response to the Proposal of a New ‘*Minimum Fidei*’ Requirement,” *Communio* 42 (Summer 2015): 309–30.

⁷⁵ *Ibid.*, 312.

⁷⁶ *Ibid.*, 322–23.

⁷⁷ *Ibid.*, 323.

⁷⁸ Pope Francis, Address to the Officials of the Tribunal of the Roman Rota, January 22, 2016.

The Importance of the Distinction between Validity and Fruitfulness

The discussion of the relationship between faith and the sacrament of Matrimony could also be aided by emphasizing the distinction between the validity of the sacrament and its fruitfulness.⁷⁹ Although briefly mentioned in the ITC's 1977 *Propositions on the Doctrine of Christian Marriage*, this distinction was not given sustained attention or emphasis there. While a sacrament is valid because it is celebrated by the minister who intends to do what the Church does (with the proper matter and form and according to ecclesial law), the effect on the recipient of the sacrament depends on how well-disposed the recipient is to receive sacramental grace. The recipient of a sacrament can pose an obstacle (traditionally called an *obex*) to receiving sacramental grace that "arises from the free will of the recipient, such as lack of faith or of sorrow for sin."⁸⁰ Thus, it is important to bear in mind this distinction between validity and fruitfulness when speaking about the requisite intention and faith for administering the sacrament of Matrimony.

In the case of marriage, where the ministers and the recipients of the sacrament are one and the same, it is possible for the spouses to confer the sacrament validly but not fruitfully. "Judgment that a marriage is valid neither affirms nor denies that the married couple have received the graces of marriage."⁸¹ A baptized couple, as ministers of the sacrament intending to do what the Church does, can receive the sacrament in a state of mortal sin and still validly administer the sacrament of Matrimony to each other, even though the grace of the sacrament will be rendered unfruitful in its effect on them as individuals. As "baptized nonbelievers," the couple can even be unconcerned about or disinterested in the sacramental nature of marriage and still administer the sacrament of Matrimony validly to each other as long as they intend to enter into a natural marriage. It is true that a sacrament will not be valid, and in fact will not be effected, if the recipient is opposed to receiving it.⁸² Yet, in reality

⁷⁹ The distinction between validity and fruitfulness of the sacraments was first made by Augustine in his disputes with the Donatists. See *On Baptism, Against the Donatists* 1.12.18–20.

⁸⁰ Bernard Leeming, *Principle of Sacramental Theology* (Westminster, MD: Newman Press, 1956), 6.

⁸¹ *Ibid.*, 277.

⁸² That the sacraments are not effected if the recipient is opposed to receiving it was first articulated by Pope Gregory IX when he addressed the effect of Baptism in his Letter *Maiores Ecclesiae Causas* to Archbishop Humbert of Arles in 1201; see DS, no. 781.

“baptized nonbelievers” are not completely opposed to receiving the sacrament of Marriage if they will to enter into a true natural marriage. Not wanting Christ to be part of their life as a married couple or rejecting the sacramental understanding of marriage, in the case of validly baptized non-Catholic Christians, does not corrupt the sacramental sign of natural marriage that Christ himself elevates to the level of a sacrament.⁸³ The reason that a couple qualified as “baptized nonbelievers” can still validly administer the sacrament of Marriage is that, by virtue of the indelible character of their Baptism, they are united to each other by Christ *ex opere operato*. Thus, even though the spouses may pose an obstacle (*obex*) to receiving the grace (*res tantum*) of the sacrament of Matrimony, an indissoluble bond (*res et sacramentum*) is still forged between them that has a real effect on the life of the Church. Additionally, it is possible that the couple may repent of their sin or respond in faith to what God has effected, at which point, the validly conferred sacrament of Matrimony would bear fruit in their lives. Thus, the grace of the sacrament can revive due to the abiding bond that was effected between them by Christ.⁸⁴

Although, through sin or a lack of subjective faith, a couple can at any time in their married life render unfruitful their participation in Jesus’s love for his Church, this love can be reenlivened throughout

⁸³ Thus, we disagree with José Granados when he claims: “If baptized persons approach marriage as a merely natural reality, explicitly rejecting its connection with Christ, their understanding of their wedding differs from that of non-believers. Indeed, it is one thing to live one’s nature with a possible openness to Christ, before finding him; it is something else entirely to approach nature in opposition to Christ. A direct rejection of Christ would make it impossible for the contracting parties to experience marriage in its natural dimension, precisely because it would deny an intrinsic element of natural marriage: its openness, albeit perhaps unconscious, to its definitive fullness in Jesus” (254). A direct rejection of Christ could render a marriage invalid if, by this rejection, the couple also rejected one of the essential properties of natural marriage. However, by virtue of their baptism, even should the couple abandon or reject Christ, he has not rejected them, and if they intend natural marriage, he acts through their consent to elevate this natural sign to the level of a sacrament.

⁸⁴ According to St. Augustine, the grace of certain sacraments that are received in an unfit state, and thus with no effect on their recipient, can revive and have an effect on the recipient after repentance takes place (see *On Baptism, Against the Donatists*, 1.12.18–20). Other sacraments in which the “reviviscence” of grace is possible are Baptism, Confirmation, Holy Orders, and Anointing of the Sick. For further comments on “reviviscence,” see Leeming, *Principles of Sacramental Theology*, 266–67 and 278–79.

the course of the couple's life together. Even if the sacrament is not fruitful for the couple at the time they administer the sacrament of Matrimony to each other, the sacrament can still be valid and have an effect on the Church because it "is truly a ritual prayer of Christ and his Church"⁸⁵ that expresses her faith and that has indissolubly united two members of the Body of Christ. This distinction between validity and fruitfulness again highlights the importance of the ecclesial context for understanding both valid matrimonial consent and the sacrament of Matrimony itself as a "sacrament of faith" that presupposes, nourishes, strengthens, and expresses, by words and objects, the faith of the Church, and not some vague or elusive personal faith.⁸⁶

*Pastoral Implications of the Question Regarding the Role of Faith
in the Sacrament of Marriage*

Peter Elliott, auxiliary bishop in Melbourne, Australia, in his 1990 book *What God Has Joined . . . The Sacramentality of Marriage*, notes, "the Catholic Church is for all people, for the weak and sinful, all of us who need sacraments and who receive them imperfectly, relying on the God who acts in the sacraments."⁸⁷ This is certainly true of the sacrament of Matrimony, which John Paul II said in *FC* can assist a couple with upright intention and implicit faith to bring to completion their journey toward salvation.⁸⁸ He noted that, if the couple has upright intention, Christ offers the grace in the sacrament of Matrimony to support their journey in faith.⁸⁹ Requiring any level of subjective faith beyond the faith implicit in the intention to contract a natural marriage would run the risk of denying weak and sinful couples, which are all couples, the opportunity to receive the grace that Christ wants to bestow upon them in the sacrament of Matrimony.

This does not mean, however, that there is not a greater need than ever to properly prepare couples not only to administer the sacrament of Matrimony validly but also to receive it fruitfully. The valid administration of the sacrament can no longer be presumed in a culture that no longer accepts the indissoluble, faithful, and fruitful goods of natural marriage, let alone the unique complementarity of

⁸⁵ Edward Schillebeeckx, *Christ the Sacrament of the Encounter with God* (New York: Sheed and Ward, 1963), 82.

⁸⁶ See *SC*, §56.

⁸⁷ Elliott, *What God Has Joined*, 198.

⁸⁸ *FC*, §68.

⁸⁹ *Ibid.*

a man and a woman that makes possible the pursuit of these goods. Couples must be explicitly catechized to understand these defining characteristics of conjugal love and natural marriage. The importance of this period of catechesis was emphasized in the final report from the most recent synod on the family.⁹⁰ Even more recently, Pope Francis, in his Post-synodal Apostolic Exhortation *Amoris Laetitia*, emphasized the importance of marriage preparation that “should be a kind of ‘initiation’ to the sacrament of matrimony, providing couples with the help they need to receive the sacrament worthily and to make a solid beginning of life as a family.”⁹¹ This preparation should seek to provide the opportunity for couples to overcome any obstacles that would prevent them from participating fully in the love that the One Bridegroom shares with his Bride, a love that strengthens and elevates their own natural marital love. N V

⁹⁰ Fourteenth Ordinary General Assembly of the Synod of Bishops, “The Final Report of the Synod of Bishops to the Holy Father, Pope Francis,” October 24, 2015, §57, accessed October 28, 2017, http://www.vatican.va/roman_curia/synod/documents/rc_synod_doc_20151026_relazione-finale-xiv-as-semblea_en.html#Marriage_Preparation.

⁹¹ Pope Francis, Apostolic Exhortation *Amoris Laetitia*, §207, accessed October 28, 2017, http://w2.vatican.va/content/dam/francesco/pdf/apost_exhortations/documents/papa-francesco_esortazione-ap_20160319_amoris-laetitia_en.pdf.