

***Love and Consent in the Sacrament of Matrimony:
A Moral-Theological Approach***

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Abstract

In the Sacrament of Matrimony, the exchange of consent between the spouses is sustained by the Church to be the indispensable element that “makes the marriage.” If consent is lacking, there is no marriage.¹ This is an indication that the couples’ mutuality of human act, performed in “giving” and “receiving” during the Rite of Matrimony is rather realized physically than the mutual expression of the act of loving. Love, as the most fundamental passion,² with its broad philosophical and theological meanings, offers ambiguous human expressions, inherently necessitates exploration. During the exchange of consent, the act of the will is presumed, assuming the understanding that it properly characterizes the *form* and *matter* appropriate to the Sacrament. As love appears too vital in marital union, the Rite of Matrimony effects a sacramental bond that appeals to its perfection. Love is essential in Marriage. Although not a prerequisite to its validity, it is commanded to those who enter into it, urging them to “Love one another!”

Keywords: Love, Consent, Marriage, Matrimony, Valid, Sacrament

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¹ See Episcopal Commission on Catechesis and Catholic Education (ECCCE), *Catechism of the Catholic Church (CCC)* (Manila: Word and Life Publications, 1994), 379; CCC, 1626.

² Episcopal Commission on Catechesis and Catholic Education (ECCCE), *Catechism of the Catholic Church (CCC)* (Manila: Word and Life Publications, 1994), 415.

Introduction

In understanding the concept of wedding, there are two essential things to determine whether marriage is really taking place - LOVE and CONSENT. Love and Consent, from a popular viewpoint, are two main but separate requisites in the celebration of a wedding. The former, from a popular viewpoint where the couples to be wed must be in love; and the latter, bearing from theological and canonical perspective, where the couples must have exercised free consent in the wedding, coming in with their own free will. The second happens as an expression prescribed during the formal reception of the sacrament. Both are too essential, and relatively integral. But if categorized and infused to be necessary elements in marriage, something has to be pro-founded. Insufficient grounds and comprehension can be a fatal argument to likewise support the suspension or dissolution of marriage.

A wedding, apparently is the initial stage that makes two people married, a man and a woman. In the Christian rite, this is called the sacrament of Matrimony. As an institution, marriage also seeks validity. A validity not self-imposed but an activity performed right at the heart of an institution, so other parties can testify to this union. While this union presumes the loving relationship of the couples, established mutually during the periods of dating and courtship, this has to manifest in a “testifiable” manner by witnesses. Witnessing in this manner has to be something physical to claim a matter of legitimacy, concreteness and cohesiveness. Thereby, so as not to presume in this union, a more solid physical foundation has to be preserved to concretize this foundational union. For this union to be a covenantal relationship, love has to be seek and realized in a rite properly reflecting the essences of this union, as ordered and ordained.

While Love and Consent are claimed to be essentially and significantly integral, the dichotomized elaboration and eventually association of both towards a more practical, moral and theological approach can bear a clear understanding on marriage. This can significantly challenge future concepts primarily on divorce and sexuality, which are too relevant in Philippine’s current legislative agenda. In this context, we need to see how the Sacrament of Matrimony takes effect and is validated according to popular and according to rules of law, which is the Canon Law.

Why popular understanding? Because of the perception and understanding that Marriage is indissoluble, there are attempts to dissolve this through divorce. Other circumstances apply “annulment”, and for some, in countries where divorce is illegal – it is called “legal separation”. Thereby, there is a need to elaborate what marriage is and propose a different approach. This approach amplifies the intricacies, complexities, and yet beautiful and essential aspects of Marriage.

To validate an act is a primary task and a major reference. In doing so, this presentation will then begin dealing with Marriage, as a Sacrament. It starts with identifying processes of validation. In the Church, the Sacraments - when validly conferred, signify its effects. Thereby in the Sacrament of Matrimony, the mutual, loving relationship, presumably, takes validity in the performances of the rites during the wedding ceremony.

Sacraments, according to the Catechism, are sensible signs, instituted by Christ, to give grace.³ Being sensible means, literally, we can see, touch, smell, taste, or hear. We make use or appreciate the Sacraments by means of our senses. In the Sacrament of Matrimony, as a sensible sign, we need to see actions, hear vows, and make use of full sense to reach a level of validity. Sacraments are instituted by Christ. All the sacraments were instituted by Christ prior to His Ascension. He Himself have identified the words to be mentioned, the things to be used and the specific actions to be performed. These words and actions are called the “Form” and the “Matter” which are integral and essential elements of the Sacraments. Without which, the Sacrament is invalid. In the Sacrament of Marriage, especially during the rites, there are actions and words that need to be correctly performed for its validity, or else the Sacrament will be rendered invalid, even if performed accidentally. In marriage, there is essentially, an action to be “sensed”.

Can Love Be Sensed?

Love, to begin with, according to John Paul II, is always a mutual relationship between two persons.⁴ This is what transpires between the man and the woman when they deeply felt something that drives both of them to like and desire one another and eventually fall into a deeper relationship, wanting each other more, all aspects of both of them. There is so much into love, especially between two persons of opposite sexes, something not similar to the love between siblings and other members of the family bloodline. Love, in the attempts of rationality, does not even provide exact definition. To theologians and philosophers, this definition is resigned and conceded to a more logical and acceptable trait, a mystery.

In my classroom engagements, I challenge my students, even with those who are into serious loving relationships. At the end of the day, we all agree and subscribe to the thought: “if none can define exactly what love is, how can one be certain of what is unloving?” If we regard love as a mystery, even those who are deeply into it, cannot even provide certainty. For sure, amidst love’s subjectivity, everyone who’s into it is led to what it really is. Yet, with all its limitations in words and expression, it remains to be better sensed, to be felt. Love’s validity and sensibility has to be sensed and perceived.

John Paul II offers the tripartite analysis of love: attraction, desire, and goodwill.⁵ What was striking, and albeit natural, is the desire for the good. This desire originates in their liking or attraction with one another. Looking deeper into it, this attraction is actually an act of choosing. It will lead to desire. In John Paul II’s words, it is the desire of the goodwill.

Perception of goodwill must have brought the two together. It’s what attracted them. We understand love which entails sacrifice, yet there is a perceived goodness and goodwill. In unconditionally loving, the lover, too, benefits. In the aspect of

³ Episcopal Commission on Catechesis and Catholic Education (ECCCE), *Catechism of the Catholic Church (CCC)* (Manila: Word and Life Publications, 1994), 415.

⁴ Karol Wojtyla, *Love and Responsibility* (San Francisco: Ignatius Press, 1993), 73.

⁵ *Ibid.*, 74-84.

reciprocity, the goodwill, which is shared in reciprocity is found deep within the lover. In short, the lover benefits in loving.

For one to know what love is, and if we talk of genuine love, he/she alone, the lover can measure the authenticity of what he/she offers. When one says “I love you” to another, that must be wonderful and uplifting. But its genuineness is not for the beloved to determine, but for the lover, or the one loving. None between two lovers in mutual relationship can absolutely measure genuineness from the love offered. It will always be from the giver. Christ’s love for me is genuine, that’s what I presume, that’s what “I” believe. But only Christ, the giver, the lover, who can define and describe the depths and the kind of love He offers. While I may construe a willing sacrifice by Christ in loving me, He might be offering something else His life for me, amidst all my sins, something better and beyond I can imagine. In this mutual loving relationship, the lover knows how much he/she loves the other, the beloved presumes. This is found painful for some, that midst sincerity in loving, it is not perceived or felt.

In the couples’ offer to marriage, there is now the presumption. In the rite, it seeks physical manifestation. In the rite, it seeks witnesses. In the rite, or during the rite, these witnesses have to presume that mutual love is expressed and enacted. While these couples have manifested this loving relationship, they both respectively and genuinely offered and presumed, here now comes witnesses who shall testify and make presumptions of this loving relationship happening between the couples.

“Sensing” love relationship

Consistent with the Catechism’s definition of a Sacrament - *a sensible sign, instituted by Christ to give grace* – the underlying question may be, what is testifiable between two lovers during the rite or the celebration of the Sacrament of Matrimony? Further for the witnesses, how can love be testified? The Sacrament of Matrimony expresses a rite that the Church recognizes. In this rite, nobody presumes but sees a sign certainly performed for its validity. In the rite, those presumptions are acted upon.

Christ himself instituted these rites. He baptized with water, anointed with oil, broke the bread, drank the wine. Likewise, in the Sacrament of Matrimony loving should be sensed. If there was mutuality between the couples to be wed, in the rite of matrimony, those acts of loving has to be seen, not presumed.

In this way, the Roman Rite of Matrimony sees in the liturgy actions or signs that can be sensed. In the observation of the rite itself, nothing is found essentially mentioning “love”. The “form” of the sacrament, which makes it valid is short in emphasizing love, in fact, not even explicit particularly in observing the prayer: “*Grant us, O Lord, to be one heart and one soul from this day forward, for better, for worse, for richer, for poorer, in sickness and in health, till death do us part*”. Even in the matter: “*Do you take this man/woman as your lawfully wedded husband/wife?*”, and responds, “*I do*”. The rite itself, making valid the Sacrament of Matrimony is not even implicating a loving relationship, making Love, perhaps not too essential for the validity of the Sacrament. What is being acted upon is the giving and accepting of one another, integrated into the rite.

As a witness to the rite in Matrimony, there is one thing needed to testify, the act of the couples, in the manner of “*giving*” and “*accepting*” one another. For how can one presume two people in love? Would a mere utterance of “I love you” suffice? The Church has founded in its liturgy something that should externally suffice, “*ex opere operata*”, so by the reason it performs, something valid happens, and by the actions and signs, grace effects. While the act of loving is acted or performed physically according to the rites prescribed by the Church, there is the guarantee of its validity with no devaluing of the genuine love, supposedly. The act of giving and receiving is testifiable, physical. I can testify, as a witness that one gives, and the other receives. I can document that and put that on legal records. On the other hand, two people, presumably lovers, can swear in front of anybody, but without the proper procedures prescribed by the Church or any institution, lovers can just be presumed lovers.

Mother Teresa said, “Intense Love does not measure, it just gives.” This love is given significantly during the ceremony, and is accepted. As a witness, one can see not love, but the giving and accepting. In the rite, witnesses now can testify, not presume both couples’ acceptance of one another. It is in the act of giving and taking that one can sense one’s offering and receiving. Likewise, for the couples, it must be the most beautiful expression to hear, and action to perform in the ceremony.

Consent in Matrimony

Prerequisites to the celebration of marriage does not limit to catechetical instructions. Inclusive to this wedding ceremonies require legal documents such as marriage certificates with the duly authorized solemnizing officers as the primary witness in the celebration. While marriage certificates are essentially required, to legally and civilly validate the marital union, the church likewise seek valid requirements for the wedding ceremony to proceed. Such requirements are explicitly expounded in the canon law.

So as to clearly elaborate on these requirements, the canon includes three types of measures to secure the celebration of marriage, such as: pastoral, juridical, and precautionary.⁶

Canon 1057 § 2 of the new code (1983) states, “**Matrimonial consent is an act of the will by which a man and a woman by an irrevocable covenant mutually give and accept one another for the purpose of establishing a marriage.**”

For purposes of study and in comparison to the old code (1917) which states, “**as an act of the will by which each party gives and accepts a perpetual and exclusive right over the body, for acts which are of themselves suitable for the generation of children.**”⁷

The comparison of the two codes, which strike a difference play an important role in the object of marital consent as a self-gift. Based from an article by Cormac Burke,

⁶ Tomas Rincon-Perez, *Exegetical Commentary on the Code of Canon Law* Vol. III/2, edited by Angel Marzoa, et. al. (Chicago: Midwest Theological Forum, 2004), 1112.

⁷ *CIC/1917*, c. 1081, § 2.

the older formula objectified the other spouse: conveying the impression that it was his or her body alone which constituted the object of consent while the new formula shows how personal pledge of the spouses of themselves to one another.⁸ He reiterated that the new formula appears to offer a view of marriage closer to its human reality, and in particular to the desire for self-gift so characteristic of the conjugal instinct.⁹ Even with some jurisprudential reactions differentiating the two codes, there is no objection to be made to the affirmation that the object of matrimonial consent is the “establishment of marriage”. That there should progress from the general and more obvious to the more subtle but essential content that lies beneath.¹⁰

Thus, if matrimonial consent is an “act” of the will, this particular act should be external so as to validate the will in terms of something testifiable, or in short, a workable legal notion. Since mutual “self-givings” are concepts that cannot be understood in a wholly literal sense, the element of metaphor has to be seen.¹¹ Moving further, recognizing that a self-gift cannot be transferred, then it is understood to as a gift of right, which, according to Burke, a *conjugal gift of self*.¹² Distinguishing a gift from conjugality, a gift implies a definitive and permanent donation or something, with a concession of proprietary rights.

Between Love and Consent, it is consent that makes marriage. With consent, where “giving and receiving” is sensed and perceived, something is physically realized. So in matters of Love and Consent, it’s the latter that makes marriage. It is consent, where in giving and receiving, is sensed and perceived. Where love is physically realized.

Borrowing John Paul II’s Love and Reciprocity, the community’s anticipation and presumption of a loving relationship is the communal reciprocity where it tries to reflect from the couple. Love, the most fundamental passion in marriage, is often ambiguous, yet in the “act” of consenting, the full meaning is established, validated, and sacramentalized.

In the Sacrament of Matrimony, the exchange of consent between the spouses is sustained by the Church to be the indispensable element that “makes the marriage.” If **consent** is lacking, there is no marriage.¹³ This is an indication that the couples’ mutuality of human act, performed in “giving” and “receiving” during the Rite of Matrimony is rather realized physically than the mutual expression of the act of loving. Love, as the most fundamental passion,¹⁴ with its broad philosophical and theological meanings, offers ambiguous human expressions, inherently necessitates exploration. During the exchange of consent, the act of the will is presumed, assuming the understanding that it properly characterizes the *form* and *matter* appropriate to the Sacrament.

⁸ Cormac Burke, “The Object of the Marital Self-Gift Presented in Canon 1057 § 2”, in *Studia Canonica* 31/1 (1997). 405.

⁹ *Ibid.*, 405.

¹⁰ *Ibid.*, 406.

¹¹ *Ibid.* 410

¹² *Ibid.*, 411.

¹³ See *CCC*, 1626.

¹⁴ See *CCC*, 1765

As love appears too vital in marital union, the Rite of Matrimony effects a sacramental bond that appeals to its perfection. Love is essential in Marriage. Although not a prerequisite to its validity, it is commanded to those who enter into it, urging them to “Love one another!”

Conclusion

Consent to Love

What becomes certain is that marriage makes love, not the other way around. When two are married, meaning, consented to it, then they assume the obligation to “love one another”. That is what Christ taught us. To love one another. In the context of Matrimony, it’s not love that makes it, or even validates it. Consent, is more essential in the rite, not love which could be ambiguous and unfounded. But in consenting to marry, the couple assumes the obligation to love.

Loving one another is a standing command in marriage, because couples may not. Each day in their marriage, they are reminded of this duty. This is their mutual obligation. That even losing it, never invalidates what both consented, because till death, do they part.

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