Vatican II and the “Lay” Perspective on Marriage

Many in the Roman Catholic Church and beyond have recently been commemorating the fiftieth anniversary of the opening of the Second Vatican Council. Although not the primary and only concern, marriage and family life issues were on top of the agenda of the council fathers long before the first session was opened on 11 October 1962. Along with other preparatory texts, the Theological Commission helping prepare the conciliar agenda had also provided, under the guidance of Cardinal Ottaviani, the Prefect of the Holy Office, a voluminous schema on marriage and family entitled “On Chastity, Virginity, Marriage, and Family”. Conforming to a doctrine shaped over centuries, marriage was presented here as a natural institution created and explicitly promulgated by the divine Creator which the spouses enter into by their mutual consent. Rather than accepting and committing to each other, the couple consented to be subject to a natural order which had the main purpose of producing offspring for the propagation of the human species and for adding new members to the church. The majority of the council fathers were sensitive and perspicacious enough to realize that such a juridical and institutional vision was diametrically opposed to the mentality and experience of contemporary people, both outside and inside the church, and bluntly refused the draft schema. Their own vision finally found its way into the famous chapter on marriage and family in the Pastoral Constitution Gaudium et spes (no. 47-52) which recognized and acclaimed that the Church had arrived in the modern world and accordingly redefined marriage as a community based on the mutual love and commitment of the spouses who, rather than marionettes in an impersonal natural order, became the real agents of a marital “covenant”. Most bishops and theologians at the time were certainly convinced that such a person-centred view does not rule out, but rather calls for, institutional buttresses to support, strengthen, and protect the loving commitment. Love, as they knew very well, is an elusive and fragile human endeavour that fixes the terms of its endurance at will. Thus, the older juridical conception of marriage was not abrogated but remained intact and recurrently surfaced in the council text to make sure that the subjective motive of loving commitment was still part of an objective order with which it had to comply.

For many a reader today the council text on marriage reads as a tricky compromise and artificial binding together of two conceptions and visions whose contradictions have become ever more obvious. A telling example here is the ongoing controversy about divorce and remarriage. While the official church position maintains that by giving their consent the spouses create an indissoluble marital bond and thus surrender to an institution that transcends their subjective motives and will, a growing number of theologians and faithful are convinced that once love and commitment have irreversibly gone, the relationship has lost its foundation and the marriage has died. In hardly any other theological dispute has the stalemate become so manifest.
and the hope for a way out so dwindling (some new publications on the issue are presented in the Book Review section of this issue). It seems that Vatican II has marked a watershed rather than opening green pasture grounds on which old and new conceptions can live together harmoniously. There is apparently no third way in between what appears to be a clear and inescapable alternative: either return to the pre-conciliar vision and regard marriage as a divinely ordered institution in which loving commitment is a useful ingredient to help contemporary couples conform to what is expected of them, but in the end does not belong to its essence; or opt without reserve for the *bonum coniugum* reckoning that the intimate community of life and love may, or may not, acquire out of itself a firmness and stability which at some point transcend the voluntary engagement of the partners.

It could help diminish the confrontation, however, if we understand the two positions not so much as opposite truth claims but rather as different perspectives on the same reality. On the one hand there is the “objective” or “institutional” perspective primarily interested in a pre-established harmonious order in which all marriages are built on an unshakable foundation that guards against the individual human’s weakness and arbitrariness. On the other there is the “subjective” or “involved” perspective which finds more plausibility in the lived experience of those who are suffering from or have undergone marital breakdown than in any abstract rule or theological concept. Each of these perspectives has its own specific value and deficiency: while the former reflects the position of the external observer who is eager not to get entangled in individual cases and subjective sensitivities but therefore risks to lose touch with the lived reality of late-modern relationships, the latter perspective is that of the involved person who is submerged in intimate experiences to the point of forfeiting any external objective criteria. The two positions could also be described as that of the *expert* who stays on top of things and thus has the broad view on the one side and that of the *layman* on the other. The Latin term *laicus* for layman was also rendered as *idiota*, deriving from the Greek *idiotes* (“person lacking professional skill”) and *idios* (“private”, “one’s own”) and thus refers to someone who is characterized by “self-centeredness” and concerned almost exclusively with personal or private – as opposed to public – affairs. The “lay” perspective is therefore the perspective of the “insider”, the one who knows from within and therefore better than anyone else but fails to go beyond his own horizon and to exteriorise or objectify his very knowledge. The lay perspective on marriage which Vatican II has undoubtedly strengthened over against the expertise of the distanced theologian and canonist thus provides the most immediate and most intimate view of the loving relationship, and it is hard to believe that church officials will ever again be able to rule it out – not only because of the emancipative power with which the “lay” today claims the right for their own view, but above all because of the proper insight it brings to the Christian understanding of the marital union. Putting things this way will not immediately help solve thorny issues like that of divorce and second marriage but it does show that no viable solution will be found unless both poles of expertise and insight are recognized in their own right. The church’s ongoing struggle for a greater involvement of the laity is not about admitting some more lay persons to positions previously held by clerics or religious; it is mainly about allowing the “lay perspective” to gain ground in theology, discipline, and religious practice. This is perhaps the most radical heritage of Vatican II which we have hardly started to realize, let alone to implement.
Stephanie Klein, in her article in this issue of the INTAMS review, exemplifies what a lay perspective on contemporary family life could look like and what theological resources can be retrieved to validate such an approach. While holding on to the normative model of the traditional heterosexual, marriage-based family, the official church teaching does not only turn a blind eye to the factual diversity of alternative family forms but also risks losing sight of new forms of family religiosity. Klein argues that since the official discourse has persistently called upon families to worship in the church, the domestic environment has been divested of any religious significance and thus profaned. What if families are just reclaiming the religious competence that has been denied to them?

According to John Witte Jr. the western legal tradition has always well understood that marriage is more than a mere contract. Only very recently in the legislation of western states has the model of private contractual marriage with no-fault divorce as its corollary taken over from a longstanding tradition which regarded it as both contractual and spiritual, private and public, voluntary and natural in its origin, nature, and function. To retrieve this integral perspective, Witte delves into the rich symbolism which the biblical notion of covenant marriage offers and welcomes the so-called “covenant marriage” laws which some states in the US have put in place. A similar strategy had indeed been pursued by Vatican II when it changed the terminology from contract to covenant, but while for Witte the biblical metaphor can be used to demonstrate the enduring character of marriage, it cannot legitimate its indissolubility. Here lies the massive stumbling block which makes it so difficult for Catholic theology and law of marriage to find a compromise between the voluntary and the institutional. The US Bishops in any case did not show themselves great advocates of the covenant marriage laws at the time.

Drawing on a renewed understanding of the doctrine of the Trinity by recent authors such as Walter Kasper and Catherine M. LaCugna, Denis Toohey sheds new light on the marital relationship. In his painstaking overview and analysis of recent theological and spiritual literature on marriage he shows that the vocation of marriage can be conceived as God’s call to a couple to image and participate in Trinitarian life by committing themselves to each other for life and using their individual and shared gifts as followers of Christ in the work of salvation. Annemie Dillen searches for an ethical and theological approach to children beyond historical and present-day conceptualizations which often oscillate between regarding them as saintly models of innocence to be imitated or alternatively as sinners which have to be converted by a repressive pedagogy. Neither angels nor demons, children should be taken for what they are from a Christian perspective: real human persons with specific gifts and competences, but at the same time vulnerable to the point of needing adult care and protection. In the last article, Nixen Raj Jainus Xavier explores the practice of dowry in the current context of India. He explains how originally harmless and well-intended dowry customs changed under the influence of historical circumstances that turned them into a business-like family strategy aimed at rising families’ social status, wealth, and power with a devastating effect on Indian marriage and family life in general and on women in particular. According to the author, only joint emancipatory initiatives across religious, ethnic, and cultural borders can in the long run contribute to stop the malpractice of dowry.