

A Guide on Background, Outline, and Future Objectives of

**The Theology of Marriage after Vatican II:
Theological and Canonical Perspectives**

Research Report

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The Theology of Marriage under Scrutiny

Although most people are still familiar with and value the concept of marriage, it is gradually losing the social and cultural significance it once held. It is obvious that, in the Western world for instance, marriage often no longer marks the beginning of family life and does not necessarily coincide with the family phase. Likewise, new forms of partnerships have also contributed to marriage being replaced by alternative, and at times equally suitable, ways of life. This raises the question all the more: why should marriage continue to be the focus of attention and, more than that, why does a further theological examination of marriage seem so urgently necessary? This Research Report, entitled “The Theology of Marriage after Vatican II: Theological and Canonical Perspectives”, is neither a compilation nor the result of merely theoretical considerations, let alone driven by a desire to return to times gone by. Rather, it is primarily intended to serve several purposes that meet the expectations of today. Firstly, the Report takes seriously the context and situation in which our contemporaries live; secondly, it remains faithful to the heritage which Catholics have received; and thirdly, it aims to restore the value and significance of marriage, particularly from a theological perspective, which it deserves even today.

Theologians and Canonists Searching for Common Ground

This Research Report is the outcome of a long-term expert project undertaken by a group of academic theologians and canonists from across Europe, running from 2018 to 2026. On 12th May 2026, the Report was officially launched in Rome at the Lateran University, in collaboration with the *International Academy of Marital Spirituality* (INTAMS, Brussels and Leuven) and the *John Paul II Pontifical Theological Institute for Marriage and Family Sciences* (Rome).

The Report has a number of main objectives. One of its aims is to revitalise the vision of the Second Vatican Council. A contemporary theology of marriage can neither be understood nor developed without reference to the groundbreaking ideas of the Council. There is no doubt that the theology of marriage set out in the Pastoral Constitution *Gaudium et spes* (GS) laid an indispensable and solid foundation upon which this theology can be further developed; yet it is also beyond doubt that, to date, fundamental aspects of this renewed theology have not been fully reflected on and applied in the Church’s teachings and practices. A key priority is therefore to identify pre-conciliar remnants of Vatican II’s theology of marriage and demonstrate its outdated and, at time, obstructive effects.

This gives rise to another need, namely to attach new significance in the life of the Church to what the Pastoral Constitution had initially termed “pastoral emphasis”. It turned out that the concept was scarcely understood in the period following the Council and was, if anything, given only marginal consideration. Although *Gaudium et spes* underlined that it sought to set forth the relationship of the Church with the modern world and with humanity and to regard changing circumstances as an essential subject of Church teaching (see GS, Preface, footnote 1), the danger remains even in the post-conciliar era that the Second Vatican Council will be reduced to a “pastoral council” devoid of any magisterial significance. To counter such assumptions, another key objective of the Report is to establish a firmer basis for a relatively new theological principle, namely that doctrinal considerations should inform pastoral practice and, conversely, that pastoral decisions should influence Church doctrine. One effective way of giving concrete form to the pastoral turn – or, to use Pope Francis’s term, to the “pastoral conversion” – is to give voice to the realities and experiences of spouses and families.

Another lesson which Vatican II taught Catholics is that the treasure of the faith can be neither a vessel filled with immutable truths nor an adaptation to the prevailing moods of the times. Instead, the Christian faith is subject to a constant process of further development that involves the Church's teaching, laws, and practices. It can only be preserved and passed on if two conditions are met: that the quest for a more profound and accurate understanding of the faith is an indispensable and never-ending task of the Church, and that the believer must be endowed with a sense of reality, an alert awareness of what is unfolding, and the capacity to participate actively in the life of the community. This prompted the group of theologians and canonists to critically reassess two fundamental post-conciliar documents, the *Code of Canon Law* (CIC) of 1983 and the *Catechism of the Catholic Church* (CCC) of 1992. They took into account the possibility that certain Church teachings may not foster the faith in a sufficiently creative, credible, and constructive manner.

The contributors to the Report are also aware of the sensitivity of bringing together the different theological disciplines – theology and canon law – in a way that ensures harmony between them. Historically, canonists and theologians have not always seen eye to eye. Even today, however, a number of antagonistic trends and divergent interests can still be observed. The present group of theologians and canonists agree that the relationship between the two disciplines must be placed on a new epistemological and structural footing, viewing them as complementary, with each discipline retaining its autonomy and independence whilst maintaining a relationship of mutual dependence. In other words, it is not what divides them that matters, but what unites them: that organic unity which makes this a shared *theological* endeavour.

This Research Report is written from a Western perspective and is not free from Eurocentric biases. Any claim to write a “universal” theology of marriage would be presumptuous. The Report should be seen, firstly, as an attempt to evaluate the theology of marriage as it has long been understood in the West; and, secondly, as a further step towards inviting and encouraging churches on other continents, in other countries and across different cultures to contribute to a theology of marriage that both respects local proprieties and seeks to bring together what unites them.

Vatican II's Theology of Marriage in Need of Appreciation and Renewal

The Pastoral Constitution accurately defined marriage as “the intimate partnership of married life and love”, which has been established by God and is brought about by an irrevocable consent which leads the spouses to a free and mutual gift of themselves (GS 48). The key message is clear: Since God is the source and author of love between a man and a woman, conjugal love is the sole foundation and the main goal of married life, which is not subordinated to any external, overarching ends. Through mutual giving and receiving, through an intimate union of their persons and of their actions, the married persons form a close bond which serves the good of the spouses themselves, of their children, and of society, and which, no longer subject to human caprice, creates a lasting union of love and fidelity. In the post-conciliar period, however, key aspects of this theology of marriage have been interpreted in a way that has raised eyebrows not only among theologians and canonists, but also among many of today's faithful. Four of these are addressed in Part II of the Report.

Gaudium et spes described the mutual consent of the spouses in terms of a “covenant”, thereby deliberately avoiding the term “contract”. No one disputes that the spousal consent also has legal and juridic significance, but to presuppose that the moment of consent in some way guarantees the fulfilment of what had been promised would be to ignore one of the key tenets of the person-centred view of Vatican II: that the promise made once involves a dynamic,

developmental, and ongoing process that must be fostered, nurtured, and strengthened throughout the married life. Contrary to these principles, certain canonical and theological interpretations have mistakenly equated the instant of consent (*matrimonium in fieri*) with the enduring marriage (*matrimonium in facto*), focusing solely on the initial moment and disregarding the concept of married love. Such identifications are both theologically and existentially untenable.

A similar misunderstanding prevails when one thinks that the failure and breakdown of marriage is entirely outside the scope of theological thought. The dynamic and ever-changing nature of marriage, to which spouses commit themselves through their wedding vows, involves not only moments of happiness, but also of failure. To apply the term “indissolubility” to all marriage would mean treating the marital bond as a juridical entity that exists independently of the actual circumstances and situations of the individuals united by their bond. The personalist view of the Council precludes such a legalistic interpretation of marriage. Consequently, a revised theological perspective is urgently required to recognise the indissoluble nature of marriage.

Particular unease is also caused by the ruling that any valid marriage between baptised persons is also a sacrament by definition – a verdict determined by CIC 1983 can. 1055 §2. The sacramental automatism at play here does not only offend Protestant and Reformed Christians who are unaware of or reject any sacramental character of marriage (and are consequently unable to enter into a valid marriage); it also overlooks the increasing amount of baptised non-believers in the West who have no understanding of the sacramental nature of marriage. Applying an univocal form of sacramentality while neglecting its inherent gradualness would either burden sacramental marriage with unattainable ideals or relieve spouses of their baptismal vocation.

In *Gaudium et spes*, Vatican II departed from the traditional view that marriage was primarily for procreation. “Marriage and conjugal love are by their nature ordained toward begetting and education of children”, but the Pastoral Constitution also added that “marriage to be sure is not instituted solely for procreation” (GS 50). Unfortunately, however, the Council’s appeal for “responsible parenthood” ultimately led to a particular interpretation in which the focus was once again merely on the sexual act within marriage. By contrast, a re-reading of *Gaudium et spes* demonstrates that, whilst conjugal love does indeed include a willingness to become parents, this does not necessarily mean that the principle of openness to children must be upheld during “each and every marital act”, as was later asserted in *Humanae vitae* (11). Equally problematic is the assertion that the first sexual act (*consummatum*) renders a marriage (*ratum*) absolutely indissoluble, as certain canonical statements explicitly state. On this and several other issues discussed in the Report, our call is always the same and clear, namely that post-conciliar documents must return to the person-centred approach of Vatican II.

Two Areas in Need of Further Development of the Church’s Teachings

There are two major areas, both addressed in Parts III and IV of the Report, in which the further development of the Church’s teaching and legislation appears not only desirable but also inevitable. The first concerns the fundamental transformation in the life of the Church called for by Vatican II, which has not yet been fully realised. In announcing the coming of the Second Vatican Council, Pope John XXIII demanded the Church to treat both the treasure of the Christian faith and the context and situation of present day with the same deep respect. The desire that the Church, as the pope put it, must be and become “pastoral in character” is an undertaking that cannot be achieved from one day to the next, but requires ongoing reflection,

determination – and patience. Part III of the Report is devoted to assisting and supporting this task.

When it comes to the pre-conciliar remnants of the marriage theology, however, greater resoluteness and commitment are required. Traces of tendencies that are no longer in line with the vision of the Council are particularly evident in CIC 1983 and the CCC. Part IV is not intended to cast doubt on the two documents in general or on certain of their statements in particular, but rather to examine the doctrinal and canonical landscape and identify portions of the teaching that clearly do not support, and even hinder, the Church's further development. It is a matter of urgent importance to put forward specific proposals to address the problematic aspects of the theology of marriage and to devise concrete solutions.

“Pastoral Challenges” and “Real-life Experiences” as Factors Contributing to Development

In Part III, the Report turns its attention to an area in which the difficulty of putting the vision of Vatican II into practice is perhaps most clearly evident, namely the Church's “pastoral turn”. Truly “giving a voice” to all believers, to use this metaphorical term, is today a theologically well-grounded demand, yet one that is often misunderstood and rarely practiced. It is hardly surprising that, after centuries of a hierarchically structured Church, the shift towards the equal involvement of the entire community of the faithful in the responsibilities within the Church cannot be achieved overnight or without setbacks. In fact, the Church is still at the beginning of a phase in its history in which the “realities and experiences” of the faithful, particularly those relating to married and family life, must be given the theological significance they deserve.

Is there any better way to give believers a voice than to make room within the Church for their experiences, whether joyful or sorrowful? In the first section, a tentative attempt has been made to allow these experiences to resonate, whilst always bearing in mind how delicate and sensitive it is to give “individual opinions” a platform. Especially in an age of individualism, pluralism, and deinstitutionalisation it is becoming increasingly difficult to both respect different views and yet find common ground on which to build further. One of the guiding principles of presenting the various experiences in Part III is that the pursuit of unity and agreement should remain the overarching idea, despite all legitimate differences of opinion. Another is that the diversity of spousal and familial experiences reflected here should encompass not only spouses who believe they are living up to God's ideal but also couples who do not always meet the Church's expectations. The field of study is divided into two areas: firstly, couples facing divorce and remarriage, methods of contraception, and a limited understanding of the sacramentality of marriage – three topics that were addressed in the documents of Vatican II but which, to this day, give rise to dissatisfaction among many believers; and secondly, the issues of cohabitation, delayed marriage, single life, and same-sex marriage – topics which, although not on the agenda of the Council, now raise new questions regarding the understanding of marriage.

An overview of the experiences of spouses and families, however diverse and at times even contradictory they may be, can never be exhaustive and – however desirable this might be – is always far from providing an accurate and objective account of how things are. If we are to take Vatican II's call seriously to respond to new challenges of our time in an even more respectful and sustainable manner, further theological reflection appears to be both urgently needed and indispensable. The second section of Part III is dedicated to this request and sets out an initial theological framework for further examination.

A first consideration takes up the concept of the Church being “pastoral in character”. Recalling Pope John XXIII’s far-sighted and prophetic proposal, Pope Francis went even further in asserting that the “Council has revolutionized to some extent the status of theology – the believer’s way of doing and thinking” (Apostolic Constitution *Veritatis gaudium*, 2). The pope was not calling for a gentle shift in the life of the Church, let alone for leaving dogmatic and canonical statements and proven pastoral practices untouched, but rather for a fundamental reorientation. The vision of Vatican II would lose its authority and the Church its credibility if lived realities of conjugal and family bonds were ignored and if their value and significance, however beneficial or sorrowful they may be, were not respected and recognised. A few brief remarks in the Report provides a foundation and outline for the “pastoral conversion” which the Church must continue to develop in the post-conciliar era.

A second aspect concerns the hitherto pressing question of how the various actors within the Church – be they popes, bishops, priests, or laypeople – should interact and work together in a constructive and salvific manner. Pope Francis has recently elevated the concept of the *sensus fidei fidelium* – a term which, in the history of the Church, was little known and had no importance – to a new ecclesiological level of importance by describing the entirety of the faithful as an additional decision-making authority in the Church. Whereas in the past it was widely held that the magisterium alone had the authority to declare what the Church as a whole stands for, today the view is gaining ground that, before harmony and agreement can prevail within the Church, the views of individual believers (*sensus fidei fidelis*) must first be recognised and then, in the best possible way, guided toward consent (*consensus fidelium*). The “voices of the faithful” therefore deserve a place in the Church which they never had before, but which they now have.

A third element addresses the issue of the transmission of the Christian faith from one generation to the next and, more specifically, the question of who is responsible for the teaching authority and office within the Church. An essential answer has been given in the Dogmatic Constitution *Dei verbum* on divine revelation, which attributed responsibility to three bearers of the teaching office, i.e. theological study, the *sensus fidelium*, and the magisterium. What unites these distinct bodies is the conviction that all teaching efforts must be directed toward a deeper understanding, interpretation, and application of the faith. However, gaining a deeper understanding of the faith does not merely mean preserving what has been handed down; above all, it requires that this understanding and interpretation continue to grow and develop, and that this growth and development be applied in all areas of church doctrine, worship and practice. Since this treasure of the faith has not fallen from heaven, it is part of a long, ongoing and ever-evolving process of seeking, wrestling, weighing up, and adapting.

The fourth and final aspect deals with the concept of “human experience” – a term that is commonplace in everyday language but to which little theological significance has been attached so far. In response to the question of where the wisdom of moral knowledge comes from, the Catholic tradition has identified four main sources, namely scripture, tradition, reason and experience, often grouping human reason and experience together. Unfortunately, however, the idea is often put forward that experience plays a minor role and cannot compete with the authority attributed traditionally to scripture, tradition and, at times, also human reason. What is overlooked here is that the Bible and tradition, for instance, do not provide wisdom in and of themselves, but are subjected to various forms and methods of interpretation. If one considers that interpretation always involves a variety of methodological approaches, one cannot help but be convinced that experience is not merely one source of knowledge among others, but rather is inherent in all other sources and predominant in all forms of human wisdom. There are therefore good reasons to believe that human experience takes precedence over all types of interpretation and deserves a role in theological epistemology and hermeneutics that has often

been neglected. In other words, the concept of “lived experience”, particularly in the context of marriage and family, merits more in-depth theological reflection.

In conclusion, it can be said that when considering how the Church should best respond to the pastoral challenges of our time, one fundamental guiding principle stands out: the sense of the faithful (*sensus fidelium*) must be incorporated into the life of the Church; this means that due weight must be given to the lived realities and experiences of the faithful and that the *sensus fidelium*, alongside the magisterium and theological study, must form part of the Church’s teaching office. To explain this requirement in more detail and to provide further orientation and guidance to the Church and the faithful, a set of criteria would be helpful. The Report mentioned three aspects which can be summarised as “preservation”, “revision”, and “development”. The Christian faith must necessarily be preserved, yet preservation, when insisted upon exclusively, becomes a lifeless shell. Equally relevant is the realisation that beliefs that prove to be no longer tenable or justified must be revised, modified, and, where necessary, also changed. However, if progress becomes the sole goal, this resembles a sprint with no finish line in sight. Between these two extremes lies a third criterion, for which the term “further development” serves as an appropriate focal point. It implies that, in the life of the Church, continuity with the past and with the future is not possible without a sense of creative and constructive renewal. This brings us to the final question raised in this Report.

Key Measures for the Further Development of Church’s Doctrine and Legislation

The ongoing development of the Church’s teachings operates within the framework of two valuable, yet limited, criteria, i.e. preservation on the one hand and revision on the other. To this end, two methods should be applied: relics of the beliefs from times gone by must be identified, recognised and examined to determine whether they stand at odds with the challenges of the modern world; at the same time, beliefs that cause persistent unease among the majority of the faithful must be acknowledged and examined to determine whether the difficulties related to them can be resolved in the long term. While Part III is intended, in part, to give voice to the unease felt by today’s believers, Part IV focuses mainly on detecting doctrinal and canonical statements contained in the CIC 1983 and the CCC that are hardly compatible with the vision of Vatican II. In fact, Part IV builds on what has been set out in Part II by further clarifying the inconsistencies and deficiencies that have emerged in the post-conciliar period. Part IV follows a similar structure of argumentation: it first highlights the strengths, values and benefits of the two magisterial documents, then goes on to detect shortcomings in order to put forward concrete suggestions as to how the teachings and legislation of the Church might be further developed in a constructive way. It is by no means the intention to view the magisterial documents in a wholly negative or even disparaging light, but rather to examine the current state of these documents by identifying areas where distorting remnants should be removed, deeply rooted elements could be nurtured, and new seeds might be sown.

Some crucial points should suffice here to illustrate the deficiencies that need to be resolved so that the teachings of the CIC and the CCC can be further developed.

A significant inconsistency lies in the fact that, although CIC 1983 can. 1055 §1 – the first canon on marriage – does speak of “the matrimonial covenant, by which a man and a woman establish between themselves a partnership of the whole of life”, the section on marriage as a whole continues to understand – and thus to regulate and protect – marriage predominantly through the perspective of a contractual model. In contrast to what the Council defined in GS 48 as the relationship of married life and love, the essential characteristics and lived realities of marriage are disregarded, i.e. the concept of conjugal love, which encompasses, amongst other

things, emotional closeness, affective attachment and long-term commitment. The same undertone is also evident in CCC 1601, where the definition of marriage is limited to a direct quotation from can. 1055 §1. That is, marriage is primarily treated as a juridic act of consent legitimately manifested between persons qualified by law (*matrimonium in fieri*), rather than as a living and interpersonal communion of life and love that unfolds dynamically over time (*matrimonium in facto esse*). While the act of consent is undoubtedly central to both theology and canon law, this imbalance privileges the act of contracting marriage over the ongoing reality of living it. In doing so, it obscures the shift introduced by the Council and developed in post-conciliar theology from a “contract model” to a “covenant model” of marriage, as well as the Council’s emphasis on process, growth, fidelity, gradualness, and sanctification within the concrete history of a couple’s life.

This has also further implications for the understanding of the matrimonial consent. What makes a marriage is the consent or, in other words, the “human act whereby spouses mutually bestow and accept each other” (GS 48). It becomes problematic when in CCC 1627 is asserted that the “consent that binds the spouses to each other finds its fulfilment in the two ‘becoming one flesh’”, where the original Latin version uses the term *consummatio*. Canon law has indeed a long history of defining *consummatio* as the first sexual act following the moment of ratification (*ratum*) of a marriage which renders the conjugal union absolutely indissoluble (used also in CIC 1983 cann. 1061 §1 and 1141). However, it is short-sighted to believe that the biblical concept of “becoming one flesh” can be captured by the canonical term *consummatio*, understood in the above-explained way. What underlies both the CIC and the CCC is a reductionist and pre-conciliar view of sexual anthropology, which suggests that the first genital intercourse ultimately constitutes consent. It should be made clearer that the marital consent is not embodied through the first sexual act, but should be attained *humano modo*, i.e. on an existential level through a long-term, dynamic process.

Another deficiency concerns the assertion of can. 1055 §2 regarding the *ipso facto* sacramentality of a marriage between two baptised persons (“between baptized persons there can be no valid matrimonial contract which is not by that very fact a sacrament”). This norm effectively excludes the possibility of a purely natural marriage between two baptised persons; for example, when one or both spouses do not intend to enter into a sacramental marriage. Such a position raises serious questions concerning freedom of conscience and internal consent. Similar difficulties arise when one or both spouses lack a sufficient understanding of the meaning of the sacrament due to deficiencies in faith, catechesis, or ecclesial practice, thereby risking a form of sacramental automatism. Conversely, separating the juridic validity of marriage from its sacramentality could open the way to a notion of graduality with regard to sacramentality, corresponding to the degree to which a person is committed to their faith. Therefore, the notion that a valid marriage of baptised is automatically sacramental should be rejected.

The prohibition of a second marriage of a partner who was validly married to the first spouse is justified by two doctrinal arguments confirmed in CCC 1650: from a natural law perspective, that divorced persons who remarry invalidly “find themselves in a situation that objectively contravenes God’s law”; and from the perspective of economy of salvation, that they have “violated the sign of the covenant and of the fidelity to Christ”. A look to the history of church teaching, current standards of biblical hermeneutics, and the experiences and realities of married life today shows, however, that, from a theological perspective, the strict prohibition of remarriage is not coherent. According to *Amoris laetitia* (AL), certain circumstances can mitigate or even eliminate culpability in objectively irregular situations, noting that couples living in such situations “can be living in God’s grace, can love, and can also grow in the life of grace and charity, while receiving the Church’s help to this end” (AL 305). The situation of

remarried partners should be revised in the light of these developments brought about by chapter 8 of AL.

CCC 2331-2400 address – as part of the section on “The Ten Commandments” and specially “The Sixth Commandment” – issues relating to sexual morality. Under the heading “You shall not commit adultery”, the paragraphs paint a picture of human sexuality and marriage that is largely overshadowed by prohibitions. For the outset, the concept of marriage is negatively defined, meaning that marriage is defined as “not committing adultery” and marital fidelity as “not having sexual relationship with a third person”. However, reducing human sexuality in general, and marriage in particular, to the prohibition of adultery, captures only a fraction of what sexuality and marriage are. Likewise, the claim that the Church has, from the beginning, embraced the whole spectrum of human sexuality (see 2336) is historically and theologically incorrect, as the holistic nature of sexuality has only been a subject of discussion for a relatively short time. The Church teaching should be more cautious in attaching any value to normative prescriptions which are from times gone by. Furthermore, it should adopt a more positive and appreciative approach to the dignity of human sexuality and of marriage, whereby the concept of chastity should not be reduced to the control of biological urges, but should instead promote a pattern of behaviour rooted in the innermost being of the human person and affecting the person as a whole in terms of a morally responsible approach to sexuality.

Dealing with the topic of the “fecundity of marriage”, CCC 2366-2372 offer an interpretation of marriage that departs from the vision of Vatican II and reverts to a procreation-centred view. Rather than presenting procreation as a “gift”, the emphasis is once again placed on the “end” of marriage. Marriage and conjugal love, in their entirety, are certainly ordained to children, as was also taught in GS 50; however, post-conciliar documents have specified that “each and every marriage act must remain open ‘per se’ to the transmission of life”, this being the purpose of marriage (2366, quoted from HV 11). The Council’s vision does not align with the idea of restricting conjugal love to the sexual act. The categorical assertion that every sexual act within marriage is by its very nature linked to procreation and open to it must be removed. Instead, Church teaching should reaffirm what is stated in GS 50: that it is the couple themselves, and no one else, who are responsible for deciding how to practise responsible parenthood before God.

Future Objectives

The aim of the Report is to revisit the theology of marriage whilst remaining faithful to the vision of the Second Vatican Council, assessing theological and pastoral issues that remained unresolved, and ensuring that the Church is responsive to the challenges of the modern world. The Report openly acknowledges that it has been written from a Western perspective and will therefore be received mainly within a Western context. The hope is that the Report will also be disseminated and critically evaluated from other perspectives and contexts, most notably those from the Global South, and will thus serve as a starting point and platform for a broader conversation across the universal Church.