INTAMS Research Report
The Theology of Marriage after Vatican II: Theological and Canonical Perspectives

For the past six years, INTAMS has engaged a group of scholars in research and discussion of issues at the conjunction between theology and canon law, focusing on those elements in magisterial teaching over the past 60 years that seem to be in tension or conflict with the theology of the Second Vatican Council. An extensive report presenting the central conclusions was offered to scholars and church leaders on 12 May 2026 and was presented at a Study Day in Rome organized by INTAMS and the John Paul II Pontifical Theological Institute for Marriage and Family Studies. We present here the foreword and introduction to the report. The entire document may be consulted on our homepage: www.intams.org.

It is now ten years since Pope Francis published Amoris laetitia *("The Joy of Love") following the promising 2014-2015 Bishops' Synod on the Family and its foundation in marriage. Both of these events were of great significance to our International Academy for Marital Spirituality (INTAMS) and have inspired this work.*

Since I founded our organisation in 1989, we have engaged intensively – from theological, pastoral, and spiritual perspectives – with all issues relating to marriage, including those that were still considered taboo in the early years. We have organised numerous colloquia and symposia on these themes and have systematically published articles on each of the academic and pastoral topics in our international journal Marriage, Families & Spirituality.

After years of reflection, dialogue, discernment, and research, one pressing issue was particularly close to my heart: one that had not yet been sufficiently explored, namely the understanding of marriage from the perspective of theology and canon law. Both theologians and canonists have played a key role in shaping the theology of marriage in line with the concept developed at the Second Vatican Council, with most of them agreeing on their view of marriage, albeit not always in the same way. In 2018, we brought together a group of theologians and canonists from various European countries to discuss how the theology of marriage can be further developed to better address the challenges of our time. With a core team comprising two theologians, Thomas Knieps-Port le Roi and Johan De Tavernier, both from the Catholic University of Leuven in Belgium, and the canonists Kevin Schembri from the University of Malta and Astrid Kaptijn from the University of Fribourg in Switzerland,

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we launched our joint research project. You will find the results of this work in the present research report.

The integral and holistic approach we have embraced over the last six years of our research responds to the call for a further development of the contemporary theology of marriage. Under the guidance of the Holy Spirit (Jn 14:26), our church, in its constant process of "development", is constantly seeking better ways to put its message into practice and to adapt its means accordingly, in order to ever reinforce the link "between faith and life" (Pope Francis). I am delighted that this study demonstrates that theology and canon law not only complement one another, but that creative dialogue between these two disciplines is mutually fruitful. We have acted in accordance with the sensus fidei fidelium*, according to which the entirety of the faithful, including lay people, is called to participate as co-decision-makers in the church.*

I believe that this work can help strengthen many marriages and families. In particular, I offer it for those who have gone through a difficult time following a divorce. In their love for God and for our church, these children of God continue to long to experience their inherent dignity in their new relations and newly composed family lives. May they be given full integration in order to persevere in their faith with joy and community, and find fulfilment.

In the belief that humanity achieves integrity in harmony, after thorough reflection, our study group recognised that – speaking out of its essential spirituality – marriage is indeed crucially a "covenant" between the married couple and God, and not only a juridical "contract".

As the title The Theology of Marriage after Vatican II: Theological and Canonical Perspectives *of the report expresses, we remain faithful to the vision of Vatican II and the Pastoral Constitution* Gaudium et spes*. Our international and interdisciplinary group of theologians and canonists hopes that, by offering this document, we have made a modest contribution for the development of the magisterium.*

While our research report is clearly written from a Western perspective, our hope and intent are that this document will be a first step and provide a foundation upon which other continents and cultures can build within a universal scope.

In February 2026, we completed this important work as a culmination of great knowledge and perseverance. Therefore, I would particularly like to express my gratitude to Thomas Knieps-Port le Roi, Kevin Schembri, and Johan De Tavernier. I would never have been able to achieve this without their great professional commitment.

My gratitude also goes out to all the precious members of the Advisory Expert Group and to the external experts who were consulted.

May the Lord "guide the beginning of our work, direct the progress, and perfect the achievement" (St. Thomas Aquinas).

Aldegonde Brenninkmeijer-Werhahn

The contemporary theology of marriage cannot be understood without reference to the vision of the Second Vatican Council. As an "intimate partnership of life and love", as aptly defined by the Pastoral Constitution *Gaudium et spes* (GS),

marriage is a covenant between the married couple and God, to which all other properties – such as procreation, fidelity, and indissolubility – are subordinate. Such conjugal love, which unites the human and the divine, leads the spouses to a free and mutual giving of the self, proven by tender affection and by their actions, and permeates their entire lives (see GS 49). The council fathers deliberately chose the biblical-theological term "covenant" over the legal term "contract" based on their person-centred vision: the marital relationship is not about "things", "obligations", or "rights" but first and foremost about "persons", more specifically, about two people with different characters and different life stories. However, this conciliar view of marriage lost some of its firmness and coherence in certain post-conciliar documents. This prompted an international group of theologians and canonists to remind the church of the core teachings of the Second Vatican Council and to free it from contradictory, flawed, deformed, and, at times, anti-conciliar remnants that have crept into the life of the church (see part 1). Three aspects have guided the study and research, which is presented in three parts.

Part 2 aims to revitalise the theology of marriage as outlined in *Gaudium et spes*. However, in order to breathe new life into the church and married couples in particular, erroneous teachings, harmful norms, and restrictive practices must first be identified and then refuted. A first point concerns the *consent* that the spouses give to one another. The matrimonial consent is "irrevocable" (GS 48) in the sense that the spouses' promise shapes and defines married life forever, finding its sublime expression in the very moment of the promise. What is overlooked is that a single consent does not automatically guarantee everlasting fidelity, but rather involves a dynamic, developmental, and ongoing process that establishes, nurtures, and strengthens the spousal commitment. Canon law often places the emphasis on marriage in the moment of being contracted (*matrimonium in fieri*), while insufficient attention is paid to the nature of married life (*matrimonium in facto*). This has implications for a second point, namely the *indissoluble nature* of marriage, particularly with regard to divorce and remarriage, which have now also become part of married life for many Catholics as well. From a person-centred perspective, the concept of indissolubility can no longer be asserted as an objective and therefore transpersonal reality which, once the spouses have given their consent and have sexually consummated their marriage, takes on a life of its own that is independent of the spouses' life journey. Since a marriage can falter and eventually break down, an analogous theological and pastoral approach is needed for marriages that succeed and flourish: happiness and failure in marriage depend on whether or not the spouses fulfil their marriage vows. To defend indissolubility at all costs would weaken the person-centred vision. This leads to a third point, i.e. the *sacramental nature* of marriage. The statement that there is no marriage between baptised persons which is not a sacrament (cf. CIC 1983, can. 1055 §2) contradicts both the experiences of many married couples and the theological principle that faith and sacrament must be in a balanced interplay with one another. Any notion of a sacramental automatism carries the dual risk that spouses might be relieved of their human responsibilities, or that their sacramental

marriage might be burdened with unattainable ideals. A final and fourth point concerns Vatican II's call for responsible parenthood, which post-conciliar documents have unjustifiably narrowed to the meaning of the *conjugal act*. A re-reading of the council document shows that, while conjugal love does indeed include a willingness to become parents, this does not mean that the principle of openness to children must be upheld during "every single sexual act". In other words, the one-sided, reproduction-focused approach to marriage seems to be regaining the upper hand in the post-conciliar church, a situation that urgently needs to be revisited.

Part 3 recalls the call of the pastoral constitution that the joys and hopes, the anxieties and fears of the people of today are also the joys and hopes, the anxieties and fears of Christ's followers (see GS 1), and continues that we must "recognize and understand the world in which we live, its explanations, its longings, and its often dramatic characteristics" (GS 4). This opens up a perspective on a theological issue that has scarcely been addressed within the church to date and is still in its early stages of development: the "lived realities and experiences" that are unique to us, and in particular the circumstances and situations that present challenges for Christian believers and, above all, for married couples. In the first section, a careful effort is made to "give a voice" to spouses and families, contrary to the long-held view that the magisterial church alone has the final say. This means that the diversity of spousal and familial experiences reflected here encompasses not only spouses who believe they are living up to God's ideal but also couples who do not always meet God's standards. Two key areas of discussion are presented: first, divorce and remarriage, contraception, and 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 second, cohabitation, late 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. However, giving space to different, sometimes even dissonant voices is one thing; assigning believers a legitimate and viable place in the church is another. This is the task of the second section which is intended to provide a theological framework that can help give the realities and experiences of everyday life a sound and verifiable theological point of reference or *locus*. Four topics are addressed, all of which are in line with the vision of the Second Vatican Council but require more appropriate implementation: first, the *pastoral approach*, which was touched upon by the council and is regarded as fundamental to the church, but has not yet been further developed; second, the *ecclesiological concept of the sensus fidei fidelium*, which, in contrast to pre-conciliar teaching, defines how the various ecclesial subjects – whether the pope, bishops, priests, or laity – should interact with one another and engage with one another; third, the *theological hermeneutics of the transmission of the faith*, which was reformulated in the Dogmatic Constitution *Dei verbum* (DV) by repositioning the various bearers of doctrinal authority within the church; and finally, from an epistemological perspective, the *anthropological-theological function of human*

experience, which has taken its place alongside Sacred Scripture, Tradition, and human reason among the classical sources of theological knowledge – something that had previously scarcely been attended to. Part 3 concludes with a series of principles and criteria.

Part 4 fully endorses the view of the Vatican II that "Christ summons the Church to *continual reformation* as she sojourns here on earth", as stated in the Decree on Ecumenism, *Unitatis redintegratio* (UR 6; emphasis added). The aim of this part is to put forward specific suggestions that could assist the magisterium in *further developing* official teaching and legislation on marriage. This is achieved by reviewing the *Codex Iuris Canonici* of 1983 and subsequently the *Catechism of the Catholic Church* (published first in 1992), always guided by the principle that the vision of the council must be preserved and upheld, and that unease felt by the *sensus fidelium* must be respected. In both of these magisterial documents, the text follows the same structure of argumentation: first, the strengths, i.e. the "Values and Benefits" are highlighted, before "Inconsistencies and Deficiencies" are set out, which hinder a conciliar and context-oriented reading of the documents. It is by no means the intention to view the magisterium's statements in a wholly negative or even disparaging light, but rather to examine the current state of these documents by identifying areas where distorting remnants could be removed, deeply rooted elements nurtured, and new seeds sown.

In brief, the research report does not aim to reformulate a theology of marriage or to draft a new one that would provide precise and appropriate answers to all the questions that arise today in Christian life in general and in marriage in particular. It makes a modest contribution to the further development of the magisterium.

Thomas Knieps-Port le Roi, Kevin Schembri & Johan De Tavernier