

MARRIAGE: ITS MEANING AND PURPOSES

JOHN C. FORD, S.J.

Weston College

INTRODUCTION

DURING the last few years Catholic theologians have devoted a considerable amount of attention to the doctrine of Christian marriage. Books and articles have appeared in which one discerns a tendency to reconsider various phases of Catholic teaching, especially with regard to the relative importance of the ends of marriage. The tendency has been to emphasize the secondary ends, and the element of conjugal love, which to these authors seem to have been neglected or at least underemphasized in the treatment of marriage commonly found in theological manuals. They feel that the true Catholic teaching would be more clearly presented if less emphasis were placed on what has hitherto commonly been called the primary end of marriage, and more emphasis placed on the personal elements of conjugal love and conjugal community of life. In fact, some seem to go so far as to deny that procreation is the primary end, at least in the sense in which St. Thomas made it primary.

Among these writers the one who has made the greatest impression on other Catholic thinkers is undoubtedly Doctor Herbert Doms, Privat-Dozent of the University of Breslau, a priest, and Doctor of Theology. His book *Vom Sinn und Zweck der Ehe*, first published in German in 1935, had its second French edition in 1937, and has appeared in English in 1939 under the title: *The Meaning of Marriage*.¹

¹Herbert Doms, *Vom Sinn und Zweck der Ehe* (Breslau: Ostdeutsche Verlagsanstalt, 1935); *Du sens et de la fin du mariage* (trad. franc., deuxième éd., Paris: Desclée de Brouwer, 1937); *The Meaning of Marriage* (Eng. trans., New York: Sheed and Ward, 1939). I list here some references to books and articles which deal, at least in part, with the personalist conception of marriage. R. Boigelot, S.J., "Du sens et de la fin du mariage," *Nouvelle Revue Théologique*, LXVI (1939), 5-33; a lengthy critique of Dr. Doms' book. H. Doms, "Du sens et de la fin du mariage; Réponse au R. P. Boigelot," *ibid.*, 513-538. R. Boigelot, "Réponse du R. P. Boigelot au Dr. H. Doms," *ibid.*, 539-550. Dr. Doms has further explained his theory in "Amorces d'une conception personnaliste du mariage d'après S. Thomas," *Revue Thomiste*, XLV (1939), 754 ff. Max Pribilla, S.J., "Zur

The importance of this book is vouched for by the amount of comment it has evoked. It is the work of a scholar which requires, but repays, careful study. Its subject matter is of such importance and its viewpoint so provocative that to my mind it will not be time wasted to deal at some length with its central theory.

The present paper will be divided into three parts. The first part will give a brief summary of that part of Dr. Doms' book in which he gives a "systematic exposition" of the meaning of marriage and its relation to the ends of marriage. There are many other things in Dr. Doms' work besides this central point, but I am interested only in the theory of marriage and its ends, and so will restrict myself to that subject. In the second part I shall attempt a "systematic exposition" of my own with regard to marriage and its ends; and I am going to call it the "traditional" theory of the ends of marriage because I believe that for the most part it will be found to represent fairly the common teaching of Catholic theology during the last few centuries. From the placing of these two expositions side by side, the reader will be able perhaps to draw his own conclu-

katholischen Ehemoral," *Stimmen der Zeit*, CXX (1931), 241 ff.; "Ehe und Familie," *ibid.*, CXXXIV (1938), 53 ff.; review of *Vom Sinn und Zweck der Ehe*, *ibid.*, CXXXI (1936), 205 ff. Erich Przywara, S.J., "Psychologie oder Theologie der Ehe," *ibid.*, CXXXI (1937), 253 ff. B. Lavaud, O.P., "Sens et fin du mariage. La thèse de Doms et sa critique," *Revue Thomiste*, XLIV (1938), 737 ff.; "The Interpretation of the Conjugal Act and the Theology of Marriage. Apropos of Recent Essays," *The Thomist*, I (1939), 360 ff.; "Vers une nouvelle synthèse de la doctrine du mariage," *Vie Intellectuelle*, LX (1938), 24 ff. A. M. Carré, "Le mariage, état de charité," *ibid.*, 346 ff. A. Robilliard, "L'amour et l'enfant (Les fins de mariage—le "sens" ou valeur absolue de mariage)," *ibid.*, 9 ff. F. Litt, "La vie commune dans le mariage," *Revue Ecclésiastique de Liège*, XXVIII (1936-7), 310 ff.; "La vie commune des époux et la fin secondaire du mariage," *ibid.*, XXIX (1937-8), 20 ff. J. B. Deelen, "Dualistische teleologie in de voort-planting," *Studia Catholica*, XIII (1937), 318 ff. M.-J. Gerlaud, O.P., "Le mariage. A propos d'un livre récent," *Revue Apologétique*, LXVII (1938), 193 ff.; "Note sur les fins de mariage d'après S. Thomas," *Revue Thomiste*, XLV (1939), 764 ff. M.-J. Nicolas, O.P., "Remarque sur le sens et la fin du mariage," *ibid.*, 774 ff. Francis J. Connell, C.S.S.R., "Recent Theology," *Ecclesiastical Review*, CI (1939), 179 ff. Review (anonymous) of Doms, *Du sens et de la fin du mariage*, *ibid.*, C (1939), 377 ff. E. J. Mahoney, "Notes on Recent Work: Moral Theology and Canon Law," *Clergy Review*, XV (1938), 151 ff. Bernhardin Krempel, C.P., *Die Zweckfrage der Ehe in neuer Beleuchtung* (Zurich: Verlagsanstalt Benziger, 1941). Dietrich von Hildebrand, *Marriage* (New York: Longmans Green and Co., 1942); *In Defence of Purity* (New York: Sheed and Ward, 1931).

sions as to what criticism I think should be made of Dr. Doms' theory. But in order to indicate more directly the points of agreement and disagreement between the two theories, I shall add a third part, which will be a criticism of certain points of Dr. Doms' theory in the light of the traditional theory.

I. DR. DOMS' THEORY

Dr. Doms distinguishes between the meaning (*Sinn, sens*) of a thing and its purpose or end (*Zweck, fin*). By the meaning he seems to understand the ontological content, or inherent value, which is present merely because a thing exists, and independently of the remoter purposes for which the thing may exist. Father Boigelot tells us that Dr. Doms does not understand by the meaning of marriage exactly what we would understand by its essence. It seems to me, however, that it is something like the "internal constitution" or "essence" that he is looking for when he seeks to define what he calls the meaning of marriage.

It is the thesis of Dr. Doms that marriage (likewise the marriage act) has a meaning, or inherent value, which is present independently of the purposes to which marriage is naturally orientated. These purposes (procreation, mutual help, and the remedy for concupiscence) need not be brought into the picture in order to know what the primary meaning of marriage is.² "Marriage 'is', first of all, in itself a reality of profound meaning before being 'for something else' which is not itself" (p. 109). This meaning is neither procreation nor the mutual help of the partners. These are both something over and above the inherent meaning of marriage (and of the marriage act).

What is this inherent meaning? It is the "two-in-oneness" or community of life of the spouses (*Zweieinigkeit, l'unité à deux*). This meaning is not, as some have believed, love: "It is rather the community of life itself of two persons who make

²All quotations from Dr. Doms are taken from his "Exposé Systématique," beginning at p. 103 of the second French edition. I have found it more satisfactory to translate from the French than to use the English translation published by Sheed and Ward.

but one person, a community of life embracing the whole human being, from the spiritual sphere, through that of sense, and into the bodily. . . ." (p. 107). Marriage, considered as the two-in-oneship of the spouses "is not constituted by their mutual ordination to an end outside themselves to be obtained by their union [e.g., procreation, or mutual help] . . . but rather by the living and perpetual ordination of a man and woman to one another until they are one" (p. 107).

This two-in-oneship of the spouses exists as soon as marriage is celebrated, but it is not perfected or "realized" or "consummated" until the marriage act takes place. Dr. Doms refers to the marriage act as the specific *actus secundus* of marriage. In this act the partners really become one, and thus make real and actual for themselves their marital two-in-oneship or community of life.

What, then, is the inherent meaning or value of the marriage act? It is this consummation or realization of two-in-oneship. Its primary meaning is the making a complete reality of the partners' common life, and it has this meaning independently of the further orientation which the act naturally has to procreation. Dr. Doms also refers to this inherent meaning of the act as its proximate objective purpose, as distinguished from the remoter ends, procreation and mutual help. "In the conjugal act the unseen ontological unity of the spouses is realized by the fact that each one is immediately and totally fulfilled by the *actus secundus* of the other. . . . Accordingly, then, the exercise of the living act of two-in-oneship contains in itself an immanent meaning which is in some sense an end unto itself. The meaning immanent in the living act of two-in-oneship is always objectively realized in every conjugal act which is performed normally, whereas the two ends resulting from it are not always attained" (p. 106).

Dr. Doms does not deny, of course, that procreation and mutual help are ends of marriage and of the marriage act: "The conjugal act has a proximate objective purpose: the realization

through bodily union of the two-in-oneship of the spouses in the real order. Therein we find a profound meaning. The completing of this two-in-oneship is orientated naturally to two remote ends, one of which is on the personal level, the other on the biological level. The personal end is the fulfillment of the spouses as persons on the various planes of their being [mutual help]. The ultimate biological end is procreation" (p. 105).

But the sense in which procreation is an end is quite different even from the sense in which mutual help is an end; for "if we are going to make the concept of end mean anything here, we must recognize that there is question, actually, of a natural realization and achievement effected on two different planes which are subordinated to one another in a very minor degree.

"In the order of biological phenomena procreation of offspring is the purpose of marriage and the marriage act just as in a tree the fruit is the purpose of the flower. . . . The end in this biological sense is an entirely different thing from the end of human actions and institutions. It merely designates the tendency of a natural necessary phenomenon" (p. 106, 107).

But although Dr. Doms recognizes these ends of marriage, he denies that marriage is primarily *constituted* by the mutual ordination of the partners to them. It is constituted rather "by the living and perpetual ordination of a man and a woman to one another until they become one" (p. 107). Hence "it would be better for the future to give up the terms primary and secondary ends and to speak in a purely realistic and descriptive manner, of the personal ends inherent in marriage, and of procreation, distinguishing both of these from the meaning of marriage" (p. 108).

Furthermore, ". . . there is no longer sufficient reason to call procreation the primary end in the sense intended by St. Thomas, nor to oppose the other ends to it as secondary. Since the child represents for the spouses themselves a supremely important means of natural and supernatural perfection, we are able, supported by the Encyclical *Casti Connubii*, to designate

as the principal and primary purpose, not the child but the mutual formation and perfection of the partners in the natural ontological order and above all in the supernatural order" (p. 108).

The above summary is too brief to do full justice to Dr. Doms. But in it one can find the principal points of his theory. The points I shall later single out for criticism are these: (1) that marriage has an inherent meaning which is really distinct from its purposes; (2) that procreation should not be called the primary end of marriage; (3) that the Encyclical *Casti Connubii* supports these views.

But before making the particular criticisms of these points I shall consider at length (in Part II) what I have chosen to call the traditional theory of marriage and its ends; for it is only in the light of such a positive exposition of the meaning of marriage that these criticisms will be intelligible.

II. THE TRADITIONAL THEORY OF THE ENDS OF MARRIAGE

1. *The Essential Marriage Bond*.—A search for the inherent meaning of marriage, or an attempt to define its ontological content or immanent value, seems to me to be an attempt to find its essence. Perhaps those who dislike metaphysics or fight shy of abstractions would prefer not to discuss essences. But I do not see how in a philosophical inquiry into the nature of a thing the problem can be avoided. If you want to describe the meaning of a thing or tell somebody what its inherent goodness or value is, you must begin by defining the thing, and that means indicating what is essential in it. Of course the "meaning" of a thing may be much more extensive than the essence, but it must at least include it. A thing may have an essential meaning and an accidental meaning, which is another way of saying that it can have, and undoubtedly will have, essential perfections and accidental perfections.

It may be, too, that the accidental perfections of a thing, the perfections required for its *bene esse*, may be so numerous and

so important and so striking to the eye that they loom much larger in the consciousness than the essence of the thing itself. Certainly ordinary people do not think of marriage in terms of its essence and its accidents. Undoubtedly things that are accidental to marriage in the philosophical sense of the word are often much more important and have much more reality for them than the underlying thing which is found wherever marriage is found, and is absent wherever marriage is absent. That underlying thing is the essence of marriage. To indicate what it is by describing it or giving its notes is to give a definition, an essential definition, of marriage. And whatever the full meaning of marriage may be it would not be proper for a philosopher, in giving his view of its meaning, to describe its accidental perfections and call them simply "the meaning," while neglecting to tell us what is essential.

It is necessary for me, therefore, to show what the essence of marriage is according to the more or less common mind of Catholic theologians and philosophers. But first some preliminaries.

By the essence of marriage I mean all those things and only those things without which marriage cannot exist.³ One of the methods of getting at the essential definition of marriage is the method of exclusion. Make a list of all the elements which are commonly found in marriage, or are connected so closely with it as to raise the suspicion that they are essential to it, and then test them all to find which ones must be present in order that a marriage may exist, and which ones can be dispensed with without destroying the marriage. The following list of such elements is drawn from Sacred Scripture, the Fathers, the theologians, Canon Law, and especially from the

³This may be called the logical essence, as opposed to logical accident, which is defined, "Id quod in re esse potest vel ab ea abesse, salva essentia." We call logical essence whatever is left when all logical accidents are removed. Authors occasionally try to define marriage metaphysically by genus and specific difference, but this seems an unprofitable procedure to me; cf. J. C. Ford, *The Validity of Virginal Marriage* (Worcester: Harrigan Press, 1938), p. 10, note 5. Much of what follows on the essential nature of marriage in its relation to its ends and to conjugal love has been taken from that essay.

Encyclical *Casti Connubii*. It is meant to include all those elements which have been thought of as pertaining at least to the integrity of marriage, and the reader will notice that the elements stressed by Dr. Doms are not absent from it, though they may be expressed in terms that are only equivalent. The list:

The Sacrament; grace; mystical symbolism; the contract; internal and external consent; *activa traditio corporum*; union of souls; the *tria bona*: *proles, fides, sacramentum*; physical potency; marriage-act; remedy for concupiscence; fertility; offspring; education of offspring; mutual help; life in common; conjugal society; cohabitation; marriage bond; marriage union; marriage; marriage relation; the ends; the properties (unity and indissolubility); the radical and proximate right; conjugal love.

If one were to go through this list excluding one by one the items without which marriage can still exist, one would arrive finally at a point where the marriage *bond*, the three *ends* of marriage, and the *properties* of marriage would be all that was left. Since I have gone through this process elsewhere I do not consider it necessary to repeat it here. It is enough for the present to say that the marriage bond, with its ends and properties, is the essence of marriage. But this point needs further explanation, and what follows is meant to explain just what it means to say that the marriage bond with its ends and properties is the essence of marriage, and to show incidentally that this statement reflects, for the most part, common theological teaching.

In the first place, with regard to the marriage bond itself we have practical unanimity among the theologians on the following propositions or their equivalents. They say, first, that the essence of marriage is the bond (*vinculum*); secondly, that the essence of marriage is the marriage union (*conjunctio*); thirdly, that the essence of marriage is the marriage right (*jus in corpus*); and fourthly, that the essence of marriage is the

marriage relation. Not that all the authors here cited say explicitly that the essence of marriage is all four of these things. But these four points, if explained as I am about to explain them, can be said to be at least implicit in the teaching of all of them. In other words I think my explanation reflects substantially the teaching of these theologians.⁴

These four points all amount to the same thing; they are different ways of speaking about the same reality. The four ideas, in other words, coincide. Payen sums up the common teaching when he gives this fourfold definition of marriage: "It is (1) the exclusive and perpetual *union* for the procreation of children; (2) the matrimonial bond; (3) the exclusive and

⁴S. Thomas, *Suppl.*, q. 42, a. 4 corp; q. 44, a. 1; q. 49, a. 3; S. Bonaventura, *In IV Sent.*, dist. 27, a. 1, q. 1; S. Robertus Bellarminus, *Opera Omnia* (Napoli, 1856-1862), III, *De Matrimonio*, c. 14 ad fin.; *Catechismus Romanus* (Romae, 1761), *De Matr. Sacr.*, in initio; S. Alphonsus Liguori, *Theologia Moralis* (Romae, 1905; ed. Gaudé), IV, *De Matrimonio*, n. 879; Salmanticenses, *Cursus Theologiae Moralis* (Venetiis, 1750), tr. 9, *De Matr.*, c. 3, punct. 1, n. 3; G. Estius, *In IV Libros Sententiarum Commentaria* (Duaci, 1616), lib. 4, dist. 27, paragr. 1; Wirceburgenses, *Theologia Dogmatica* (Lutetiae Parisiorum, 1852), V, *De Matr.*, n. 263; Aegidius Coninck, *De Sacramentis et Censuris* (Lugduni, 1619), disp. 24, dub. 1, n. 3; Raphael Aversa a San Severino, *De Ordinis et Matrimonii Sacramentis* (Bononiae, 1642), *De Matr.*, q. 2, sect. 1; J. Clericatus, *Decisiones de Matrimonio* (Venetiis, 1706), Decis. 1, n. 1; Mastrius de Meldula, *Disputationes Theologicae in IV Libros Sententiarum* (Venetiis, 1698), lib. 4, disp. 7, q. 1, a. 1, n. 2, 3; Laurentius Card. Brancatus de Lauraea, *Commentaria in IV Libros Sententiarum Duns Scoti* (Romae, 1662), III, disp. 12, art. 3, n. 16, 18; Augustinus Barbosa, *Collectanea in Jus Pontificium* (Lugduni, 1688), tom. 2, in lib. 4 Decret., tit., 1, n. 7; Martin Perez, *De Sancto Matrimonii Sacramento* (Lugduni, 1646), disp. 13, sect. 3, n. 2; sect. 5, n. 4; Ferdinandus Rebellus, *De Obligationibus Iustitiae* (Venetiis, 1610), pars. 2, lib. 2, q. 13, sect. 4, n. 30, "Quarto"; Ludovicus Billot, *De Ecclesiae Sacramentis* (Romae, 1929), II, 330; Dominicus Palmieri, *Tractatus de Matrimonio* (Romae, 1880), thes. 1, n. IV; Ballerini-Palmieri, *Opus Theologicum Morale* (Prati, 1899-1901), tom. 6, *De Matr.*, n. 227; Januarius Bucceroni, *Institutiones Theologiae Moralis* (Romae, 1915), IV, *De Matr.*, sect. 2, n. 958; Van der Burgt, *Tractatus de Matrimonio* (Ultrajecti, 1875), pars 1, c. 1, n. 3; Alexius Card. Lépicier, *Tractatus de Matrimonio* (Romae, 1925), q. 1, a. 3, n. 2, p. 18; q. 5, a. 4, n. 3, p. 105; Marc-Gestermann, *Institutiones Morales Alphonsianae* (Lugduni-Parisiis, 1927), II, n. 1963; G. Huarte, *Tractatus de Ordine et Matrimonio* (Romae, 1922), n. 141; Adamus Huth, *Casus Juridico-Ganonici de Sponsalibus et Matrimonio* (Fuldae, 1742), tit. 1, sect. 2, paragr. 1; Aertnys-Damen, *Theologia Moralis* (Taurinorum Augustae, 1932), II, n. 623; M. Heiss, *De Matrimonio Tractatus Quinque* (Monachii, 1861), p. 3; G. Payen, *De Matrimonio in Missionibus* (Zi-Ka-Wei, 1929), I, n. 75, ad fin.; Th. Vlamming, *Praelectiones Juris Matrimonii ad Normam Codicis Juris Canonici* (Bussum in Hollandia, 1919-21), I, m. 15, II; August Knecht, *Handbuch des katholischen Eherechts* (Freiburg-im-Breisgau, 1928), p. 38; Benedictus Merkelbach, *Summa Theologiae Moralis* (Parisiis, 1931-3), II, n. 755; Felix Cappello, *De Matrimonio* (Romae, 1933), n. 7; etc.

perpetual right, considered radically, to conjugal acts; (4) a mutual and real relation."⁵ And he adds: "Rightly understood, that is, taken for the essence of marriage *in facto esse*, these four definitions come to the same thing."

It is readily understood that the ideas "marriage bond" and "marriage union" coincide. Likewise the ideas "marriage bond" and "marriage right" coincide; for the permanent moral principle which is the formal element or bond of a natural society *consists* in the rights and duties of the members. St. Bonaventure says: "Illa autem conjunctio quae respicit totum conjunctum et est matrimonium essentialiter non est affectio animorum vel approximatio corporum sed quoddam *vinculum obligatorium* quod non perimitur sive corpore sive affectu separantur."⁶ This obligatory bond is the *jus in corpus* which the authors identify with the bond and with the union.⁷ And although we speak of *jus in corpus* in the singular, it may be worthwhile noting that the marriage bond or union consists of a group of rights and corresponding obligations. This will appear from what follows.

Finally the ideas "marriage right" and "marriage relation" coincide. It is not immediately evident in what sense this can be true; hence some further elucidation is necessary.

The familiar definition of a right, found most frequently in philosophy manuals, describes it as an inviolable moral faculty or moral potency of doing something, claiming something, or possessing something. It is true that a right is a sort of a faculty and perhaps that definition is useful enough. But if we go back to the classic authors who have written on rights and justice, especially DeLugo, we will find that they discuss the concept of a right as a *relationship* rather than as a faculty.⁸

It seems to me, therefore, that the following definition of

⁵G. Payen, *De Matrimonio in Missionibus* (Zi-Ka-Wei, 1929), I, n. 70 sq.

⁶S. Bonaventura, *In IV Sent.*, dist. 27, a. 1, q. 1.

⁷Cf. note 4 *supra*; e.g., Mastrius, Bellarminus, Ballerini-Palmieri, Aversa a San Severino, Brancatus de Lauraea, Knecht, *locis citatis*.

⁸De Lugo, *De Justitia et Jure* (Lugduni, 1642), disp. 1, sect. 1, n. 5; cf. Ford, *Validity of Virginal Marriage* (Worcester: Harrigan Press, 1938), p. 40 ff.

a right (or rather, since a right is as indefinable as the notions *mine* and *thine*, the following analytical explanation) represents fairly the meaning of the authors, and corresponds with the data of common sense: "A right is a moral relation of preference by which a person prevails exclusively over a thing which is legitimately destined to his good or utility."

I will return to the ideas "moral" and "relation" shortly. In the meantime, as the conclusion and *raison d'être* of this analysis of the notion of a right, it should be noted that the ideas "marriage right" and "marriage relation" do coincide. At least it is easy to see how they can coincide, and why theologians have called the essence of marriage both a right and a relation, once we have shown that a right fundamentally is a relation. And this completes the synthesis of the four ideas—marriage union, marriage bond, marriage right, and marriage relation—which for many centuries have been asserted to be the essence of marriage. And henceforth we can speak of the marriage bond as the essence of marriage realizing that it is a bond *consisting of* mutual rights and duties, and that it is this group of rights and duties which *constitutes* the relationship of man and wife, which *constitutes* marriage itself. This is the bond which is brought into existence by the exchange of consent. This is the bond which is therefore called *matrimonium in facto esse* by the theologians and canonists in contradistinction to *matrimonium in fieri*, or the exchange of consent (the celebration of marriage). And, of course, it is in the essence of marriage *in facto esse*, the state of marriage, that we are principally interested.

It was stated some pages back that in philosophizing about marriage it is necessary to keep in mind that marriage is an entity of the moral order, not of the physical order. And now I state that the marriage relation which is the essence of marriage is a moral relation (because the essential marriage right is a moral relation). What does it mean to say that something exists in the moral order of being and not in the physical?

It seems to me that this is a part of ontology which is not sufficiently cultivated. The phrases *in ordine physico*, *in ordine metaphysico*, *in ordine entium rationis*, are explained thoroughly enough, but the order of beings referred to as *juridical* entities, or *intentional* entities, or *moral* entities, does not receive much attention. Those authors who hold the opinion that the causality of the sacraments is in the intentional order explain the nature of the intentional order of being when dealing with that question. Lercher, for instance, says:

"Esse intentionale dicitur illud cui convenit esse, quatenus objective terminat intentionem mentis, i.e., vel intellectionem, vel volitionem vel quamcumque ordinationem intellectus practici. Ita rationes objectivae mente expressae; rationes boni prout in eas tendit voluntas; deinde obligationes, jurisdictiones, tituli, dignitates, deputationes ad certa munera et alia ejusmodi, quae ordinantur ab intellectu practico absque ulla mutatione physica rerum circa quas fit ordinatio, sunt entia intentionalia et pertinent ad ordinem intentionalem.

"Entia intentionalia quae fiunt per intellectum practicum ordinantem saepe entia *moralia* (juridica) vocantur. Ens morale non dividitur contra ens reale, sed contra ens naturae vel physicum. Entia moralia inducuntur in rebus per veras et reales ordinationes intellectus practici et magnos effectus habent in vita humana; ideoque sunt entia suo modo realia, et valde differunt ab entibus rationis stricte dictis, quae habent esse objective tantum in intellectu speculativo."⁹

When we say, therefore, that the essential marriage bond, the thing that constitutes the essence of marriage, is a being of the moral order, the word is not used as the opposite of immoral. But it refers to that really existing order of beings which are called juridical or intentional or moral, to distinguish them from the order of physical beings. And whatever the success with which metaphysicians may attempt to fathom the nature

⁹Lercher, *Institutiones Theologiae Dogmaticae* (Oeniponte, 1930), IV, 203; cf. Billot, *De Eccl. Sacramentis* (Romae, 1929), I, q. 67, pp. 65, 137; De Lugo, *De Sacramentis* (Lugduni, 1636), disp. 1, sect. 3, n. 35 sq.; Mastrius de Meldula, *Disputationes Theologicae in IV Libros Sententiarum* (Venetiis, 1698), lib. 4, disp. 7, q. 1, a. 1, n. 4, 5, where he refers to his *Disp. III Log.*, q. 2, and to Scotus, *In I Sent.*, dist. 30, q. 2; Rebellus, *De Obligationibus Iustitiae* (Venetiis, 1610), pars. 2, lib. 2, q. 1, n. 3; Lessius, *De Iustitia et Jure* (Lugduni, 1653), lib. 2, c. 2, dub. 1, n. 3; and see Dietrich von Hildebrand, *Marriage* (New York: Sheed and Ward, 1942), p. 18.

of such being, our common sense tells us that there are such things as jurisdiction, contracts, etc.; that they really exist as ontological entities, and that they are neither physical beings nor metaphysical beings (in the sense of speculative *entia rationis*). The reality we call marriage exists, therefore, in this moral order of being.

Later on I shall answer the question whether this moral bond, existing in the juridical order, which is an essential thing in marriage, has an inherent value or meaning independently of its ends. The answer will be in the negative. And to prepare the way for that answer we must now consider what the relationship is that this essential bond has to the essential ends of marriage.

2. *The Essential Ends of Marriage.*—The traditional theology of the Church names the three ends of marriage as procreation and education of offspring, remedy for concupiscence, mutual help.¹⁰

The procreation and education of children are so obviously one of the purposes or ends of marriage that no one has ever denied the fact. Furthermore, what is meant by procreation as an end of marriage is perfectly clear: it means the normal use of the sexual act with resultant conception and birth of a child. It is not quite so clear what is meant by education of offspring as an essential end of marriage. It is difficult to indicate just what amount or kind of care for the child is essential to the concept of education considered as an end of marriage.¹¹ But since this problem is not immediately pertinent to the present investigation I shall say no more about it here.

Likewise the remedy of concupiscence has been an end or purpose of marriage since the Fall. This does not mean that marriage aims at extinguishing or even at diminishing sexual

¹⁰*Codex Juris Canonici*, can. 1013, §1.

¹¹Cf. Wernz-Vidal, *Jus Matrimoniale* (Romae, 1925), V, n. 518, note 32, for literature; also De Smet, *De Sponsalibus et Matrimonio* (Brugis, 1927), n. 155; Vromant, *De Matrimonio* (Louvain, 1931), n. 175; Vermeersch-Creusen, *Epitome Juris Canonici* (editio tertia, Mechliniae-Romae, 1927), II, n. 381.

desire. But it means, first, that marriage is calculated to give legitimate scope to sexual desire; secondly, that inasmuch as it imposes the obligation of marital chastity it acts as a restraining influence on the partners in their dealings with one another, and forbids all indulgence outside marriage; thirdly, that it indirectly forestalls inordination through the grace of the Sacrament; fourthly, that it ennobles the sexual act in the minds of the partners, because in it they make real for themselves the central fact of marriage, namely, that they belong to one another, that they have made a self-sacrificing surrender of their persons to one another, that they have given up to a large extent their individual lives in the interest of that common life which is marriage. As the ritual admonition says: "And so you begin your married life by the voluntary and complete surrender of your individual lives in the interest of that deeper and wider life which you are to have in common. Henceforth you will belong entirely to each other; you will be one in mind, one in heart, one in affections."¹² The sexual act understood as the culmination of such a surrender cannot but be ennobled in the minds of the partners; and this is true whether they intend parenthood or not, and whether there is even the possibility of parenthood or not. The remedy for concupiscence, then, on its positive side is an aspect of the exercise of the marriage act. On its negative side, i.e., inasmuch as it signifies the obligation of conjugal fidelity and the exclusivity of marriage, it is an aspect of the unity of marriage.

Finally, mutual help is said to be an end of marriage. Mutual help implies principally the life-partnership which gives to the spouses that spiritual, physical, psychological, sexual, and even economic completion which only the opposite sexes can give one another. The sexes *de facto* complement one another in all these fields. And to say that mutual help is an end of marriage means that marriage as an institution is aimed at this reciprocal

¹²This is from the "Instruction Before Marriage," generally read at the altar to couples about to be married, in the United States; cf. *The Priest's New Ritual*, p. 207.

life-completion of the sexes. Hence it includes the ideas of cohabitation, life in common, conjugal society, and conjugal love. I believe that mutual help as an end of marriage can be explained in such wise that it turns out to be very much like that two-in-onenesship which Dr. Doms calls the meaning of marriage.

Now, although all these ideas are included under the term mutual help, it does not follow that all of them are essential to it considered as an end of marriage. We saw just now that it is difficult to indicate the essential content of "education" as an end of marriage. The same difficulty occurs in trying to define what is essential in mutual help. I have not seen the attempt made elsewhere, and will be satisfied merely by saying that it is something much more than the mere sex-relation in marriage, and that I am inclined to extend rather than to restrict the concept. In other words, I am inclined to believe that mutual help as an essential end of marriage includes a large and comprehensive variety of the conjugal acts that go to make up the life-partnership or community of life of the spouses.

With regard to these three ends of marriage—and all Catholics seem to be agreed in enumerating these three—there are two important points to be noted.

First, they are not three entirely distinct ends, although we separate them for purposes of analysis. They are bound up together and partially overlap in many respects. For instance, the same acts which bring about the procreation of children result in the remedy of concupiscence. Not the least important element of mutual help is the fact that by it the partners form an adequate principle for the education of the children God may send them. The acts by which they educate the child are acts of mutual help. The sexual act, too, when lovingly performed, as the partners are obliged to perform it, is an act of mutual help as well as a procreative act. And in cases where conception is impossible there is only a limited sense in which

it can be called procreative—it is principally an act of mutual help. It is a mistake, therefore, to take the division into three purposes too literally. The institution of marriage is aimed at all these ends together, and they are inextricably intertwined with one another.

Secondly, though marriage aims at all these ends, the actual realization of none of them is essential to any given marriage. This is obvious upon a moment's reflection. A marriage which produces no children is still a marriage. A marriage which is never sexually consummated is a real marriage. A marriage in which lust is not remedied, but reigns, is still a marriage. Even a marriage in which there is no mutual help, no life in common, hatred instead of love, and complete separation, both bodily and spiritually, remains a true marriage in the sense that the essence of marriage is still there; that is, the partners are still married, and in virtue of the essential marriage bond they are still bound to one another.

Nevertheless, though the actual attainment of the ends of marriage is not essential to any marriage, theologians do state generally that the three ends of marriage are *all essential* ends.¹³ I believe that it is common teaching to say that all three ends are essential to marriage, so that *de facto*, in the present order of things, marriage cannot exist without being related to these three ends. The partners may, of course, have any number of ends in view in making the contract. But marriage itself, the thing they consent to, cannot exist without being objectively ordered to the three essential ends—procreation and education of children, remedy for concupiscence, and mutual help.

Now, what can it mean to say that the actual realization of the ends of marriage is not essential to marriage, and yet that all three ends are always essential to marriage?

¹³Cappello, *De Matrimonio* (Romae, 1933), n. 9; Wernz-Vidal, *Jus Matrimoniale* (Romae, 1925), V, n. 26; Noldin (Noldin-Schmitt), *Summa Theologiae Moralis* (Oeniponte, 1927), III, *De Sacr.*, n. 504; Merkelbach, *Summa Theologiae Moralis* (Parisiis, 1931-3), III, n. 752; etc. The authors either say explicitly that all three ends are essential or else that all three ends are *finis operis*, which amounts to the same thing.

If we look at the *institution* of marriage in general it is not hard to see how this is true. An end is a good to be produced. The institution we call marriage, according to the intent of nature and the intent of Almighty God, is aimed at producing the three ends, and does produce them in many cases. When in a particular marriage the ends fail to be realized, this is *per accidens* as far as the institution of marriage is concerned.

But our difficulty is not solved merely by looking at the institution of marriage. If the three ends are essential to marriage, then no individual marriage can exist without being related somehow to these three ends. Otherwise it would not be a marriage; something essential to it would be lacking. In what sense, then, can we say that procreation is the essential end of a marriage in which the partners are physically incapable of producing children? In what sense is mutual help an essential end of a marriage in which the partners are separated from one another completely and forever? Are these marriages, are such marriage bonds, objectively ordered to ends both unattained and *de facto* unattainable?

The answer is that in such cases (and in all cases) the marriage bond is ordered objectively to the ends of marriage simply because it is a *vinculum obligatorium*—to use St. Bonaventure's expression. That is, it is a bond consisting of rights and duties. *And these rights and duties regard the acts by which the ends of marriage are realized.* In a marriage in which for one reason or another one of the ends (or all of them) is unattainable, it still remains true that the marriage is *related* to that end, inasmuch as the marriage bond always consists in a right to the acts by which that end is attainable. The act may be impossible to perform for some reason or other, but it still remains true that the partners have the right to perform it—at least the radical right.

To me, the common doctrine that all three ends are essential seems clearly to imply that the marriage bond consists in the radical right to acts by which all three ends are attained, and

that consequently even when the ends are unattainable there is still a sense in which they can be said to be essential to the individual marriage. I believe, therefore, that the radical *jus in corpus in ordine ad actus conjugales* is a right not only to the sexual act, by which the procreation of children and remedy for concupiscence are attained, but a right to all the acts by which mutual help and a loving life in common are attained.

But there are two points in connection with this that need further elucidation.

The first has to do with the propriety of calling procreation the end of an individual marriage in which, for example, the partners, when they marry, are so old that they are certainly sterile.¹⁴ (The same difficulty occurs in other cases where the sexual act is certainly not going to be fruitful.) It may be objected with considerable cogency that there is very little sense in calling procreation the end of such a marriage. It does not solve the difficulty to say that procreation is still an end or purpose inasmuch as the marriage bond consists in a right to procreative acts. The whole point is that the sexual acts of such partners are not procreative. Nor is it satisfactory to answer that their acts are *per se* procreative, and fail to attain their end only *per accidens*. For if anything is clear it is that the sexual acts of two persons, let us say, eighty years old, are of their very nature unfruitful. It would take a miracle to make them otherwise. It seems to me to be an unrealistic use of words to say that they are sterile only *per accidens*, or that it is only *per accidens* that such acts do not result in new life. Hence I believe that in cases where conception is impossible there is only a limited sense in which the sexual act can be called procreative. It is, however, procreative in the sense that it is the typical act of organs whose primary biological purpose is procreative. It is an act which in other persons, or in these persons at other times, is specifically procreative.

¹⁴I am not discussing here the propriety of calling procreation the primary end; on this point, cf. *infra*, Part III. Here I speak only of calling procreation an end in any sense in these sterile marriages.

In other words, I am willing to admit that to call procreation an essential end of an individual marriage which turns out to be sterile is to use the word procreation in a very broad sense, and unless one understands the special meaning it has, one would be misled. However, Canon Law intimates clearly that the acts to which the marriage bond is essentially related need only be *per se apti ad generationem*. And this merely means, according to the interpretation given it by canonists and theologians alike, that the sexual acts be normal ones, whether conception is physically possible or physically impossible. Hence the meaning that Canon Law puts on procreation as an end of marriage can undoubtedly be realized and satisfied in such a marriage. And, of course, it is abundantly clear that for most individual marriages and for the institution of marriage itself, the phrase is entirely justified.

The second point that needs further exposition is the statement that the fundamental marriage bond or marriage right includes rights to the acts by which mutual help is attained. The reason why this point needs explanation is that many authors, especially canonists, when they speak of the *jus in corpus* as the essential object of matrimonial consent, seem to confine their attention to a right to the marriage act itself—which, of course, also implies the remedy for concupiscence—and they say very little about a radical right to acts of mutual help. Some even go so far as to say that mutual help consists *essentially* in the sexual act, so that the right to life in common in a larger sense would pertain only to the integrity of marriage and not to its essence.¹⁵

To my mind, this is an erroneous interpretation of the theology of marriage and an error of very serious import. I believe that it is this sort of overemphasis on the right to the marriage act, and consequently on procreation as an end of marriage,

¹⁵Cappello, *De Matrimonio* (Romae, 1933), n. 6; Antonio Boggiano Pico, *Il Matrimonio nel Diritto Canonico* (Torino, 1936-XIV), n. 123: "La comunanza o *consuetudo vitae*, cioè la *communio thori, mensae et habitationis*, riguarda piuttosto l'integrità che non l'essenza del matrimonio . . ."; cf. Merkelbach, *op. cit.*, III, n. 746 *ad fin.*

that has led writers like Dr. Doms to seek another synthesis. I believe with Dr. Doms that a true interpretation of Catholic theology will give much more emphasis to the life-partnership of the spouses, which he calls their two-in-oneness. But I do not believe that in order to make this emphasis it is necessary to leave the traditional framework in which the doctrine of the ends of marriage has for centuries been proposed.

Elsewhere I have attempted to prove at length that the essential *jus in corpus* of marriage includes the radical right to all the acts by which mutual help as an essential end of marriage is realized without, however, trying to determine with precision the exact extent of those acts.¹⁶ (But I believe them to be very numerous and extensive.) I shall not repeat here that argumentation in full, but merely indicate the sources from which it is drawn.

The principal argument is the one already indicated. Since mutual help is an essential end of marriage, there must be among the rights which constitute the marriage bond the radical right to the acts by which this mutual help is realized. Otherwise it is meaningless to say that mutual help is an essential element of marriage in any sense. For what is that objective and essential ordination that the marriage bond bears to its ends? Being a juridical bond, an entity of the moral order, the ordination can be nothing else but the rights and obligations of the parties with regard to the realization of those ends. This is true of contracts in general. Let us say, for instance, that the essential end of a certain contract of insurance is to receive indemnity in case of accident. This is the same thing as saying that the contract essentially consists in the right to receive and the obligation to pay the indemnity in case the accident happens.

Another argument is derived from the fact that the right to mutual help is essentially involved in the right to educate the children that may result from the union. The argument briefly is this: Marriage is essentially ordered to the education of off-

¹⁶Ford, *Validity of Virginal Marriage* (Worcester: Harrigan Press, 1938), pp. 28 ff.

spring; mutual help (life in common) is *per se* necessary for this education; therefore the right and obligation to life in common is essential to marriage.

In addition to these arguments one can appeal to the Code itself (canons 1081 and 1082 taken in conjunction), to the classical definitions of marriage in Canon Law and theology (they do not mention *jus in corpus* explicitly but only the *individua vitae consuetudo*),¹⁷ and to many theologians,¹⁸ especially Palmieri, who makes it one of the fundamental points of his profound analysis, that life in common is essential to marriage. Nowadays, of course, the whole trend of writers like Dr. Doms and Professor von Hildebrand is to make much of the conjugal love and community of life of the spouses in marriage. Hence the writings cited at the beginning of this essay also serve to confirm the position taken here.

Finally, one can appeal tellingly to the common sense view of those about to be married. It would be strange indeed if those getting married, who make so much of the idea of mutual help, conjugal society, cohabitation and conjugal love, and who consider the marriage act only one part of this institution—it would be strange indeed if their conviction were false. It seems to be an affront to common sense to tell the world of married people: *You* think that marriage consists in a life-partnership of which the marriage act is only one part, and perhaps not always the most important; but the truth is that the relation of marriage to the marriage act is the only essential thing in it, and its relation to all those other elements of mutual help and conjugal love and cohabitation, and sharing of one another's lives, is only of secondary importance—in a word, accidental;

¹⁷Petrus Lombardus, *Libri IV Sententiarum* (Ad Claras Aquas, 1916), dist. 17; S. Thomas, *In IV Sent.*, dist. 17; *Corpus Juris Civilis, Institutiones et Digesta* (Berolina, 1928, ed. Schoell-Kroll), Modestinus (*In Dig.*, lib. 23, II, de Ritu Nuptiarum), lib. I *Reg.; Casti Connubii*, AAS, XXII (1930), 572.

¹⁸S. Augustinus, *De bono conjugalī*, 3, n. 3 (PL 40, 375); cf. 9, n. 9 (PL 40, 380); S. Thomas, *Suppl.*, q. 49, a. 2, ad 1, and compare q. 41, a. 1 *corp.*; Sanchez, *Disputationes de Sancto Matrimonii Sacramento* (Venetiis 1737), lib. 5, disp. 10, n. 5; De Dicastillo, *De Sacramentis* (Venetiis, 1646-52), III, *De Sacr.*, disp. 5, dubit. 12, n. 166; Palmieri, *Tractatus de Matrimonio* (Romae, 1880), Thes. 1, 2, 3; and cf. note 13 *supra*.

marriage consists essentially in the right to sexual intercourse and nothing else. And yet those writers who have over-emphasized the *jus in corpus* have equivalently asked people to accept such a statement.

The common sense point of view could defend itself very creditably by appealing to the Ritual which the Church uses in marrying the faithful. In the Nuptial Mass, whether we turn to the Epistle, the Gospel, or the nuptial prayer (after the *Pater Noster*), we will find that the Church talks of marriage according to the common concept of it.¹⁹ When, preparatory to asking the consent, she makes the more or less official admonitions which are contained in the various diocesan Rituals,²⁰ the picture of marriage given to the bride and groom is principally that of a life-long sharing of one another's lives, with a view, of course, to children. When she asks their consent, she merely asks them to accept one another as husband and wife, and they are well justified in conceiving this relationship in the way it has been proposed to them in the ceremonies and admonitions.²¹

While not making a strict argument, then, about the essence of marriage out of the popular concept of it, still I think that this universal persuasion about the importance of the element of mutual help ought at least to be taken as a sign of the reason-

¹⁹*Missale Romanum, Missa pro Sponsis.*

²⁰E.g., *The Priest's New Ritual*, pp. 206, 208, 216; *Collectio Rituum in usum Archidieocesis Coloniensis* (Coloniae, 1929), tit. 5, c. 3, n. 8 *ad fin.*, p. 74; *Manuale Collectioni Rituum pro Dioecesi Osnabrugensi adaptatum* (Lingenae, 1934), c. 12, pp. 127, 129, etc.; *Rituale Strigoniense* (Ratisbonae, 1909), tit. 7, c. 2, n. 14, p. 289. This is the Ritual used in the diocese of Gran in Hungary. According to this rite, the parties, immediately after giving consent, lay their hands on holy relics and swear that they love one another. Compare the exhortation, taken from St. Augustine, in the *Manuale Tolentanum*, tit. *De Matr.*; this is the Ritual used throughout Spain and Spanish-speaking countries. Cf. also *The Lay Folk's Ritual* (London, 1916), containing the rites used in England, in the vernacular; and Edmundus Martène, *De Antiquis Ecclesiae Ritibus* (Antverpiae, 1763), tom. I, lib. 1, c. 9, art. 5, Ordo VII, X, XI; also Ordo XIII, where the form of consent is a promise to love the partner as one's self; *The Book of Common Prayer* (Solemnization of Marriage) asks consent as follows: "Wilt thou have this woman to be thy wedded wife to live together after God's ordinance in the holy estate of matrimony? Wilt thou love her, comfort her, honor and obey her, in sickness and in health," etc.

²¹How appositely in this connection the words of can. 1081, §1 describe the knowledge of the nature of marriage necessary to the contracting parties. It is the same knowledge that the Rituals give them, namely, that marriage is a "*societas permanens, inter virum et mulierem ad filios procreandos.*"

ableness of this view. I think it reasonable to suppose that when the husband and wife, immediately after giving their consent, are asked to join hands and make the following promise (as the Catholic Ritual in English speaking countries generally requires), they are assuming obligations that are just as essential to their new state of life as the right to sexual intercourse. The words of the Ritual read "I, N.N., take thee, N.N., for my lawful wife, to have and to hold, from this day forward, for better for worse, for richer for poorer, in sickness and in health, until death do us part."

From all these considerations taken together this conclusion is justified: the right which constitutes marriage is a radical right to the acts by which all three essential ends are realized.

3. *Conjugal Love as an Essential of Marriage.*—Besides the essential bond and the essential ends in marriage there are also essential properties: unity and indissolubility. But since they have no immediate bearing on the problem I have chosen to discuss, no further mention will be made of them.

However, there is one element in marriage which is made much of by modern writers and seems to have been neglected in the past, at least by many canonists.²² That is the element of conjugal love. The purpose of the present inquiry is to discover what conjugal love is, and whether there is a true sense in which it is essential to marriage.

According to St. Thomas, love has this general definition: *Amare est velle alicui bonum.*²³ The love of friendship can be defined as the virtue by which two or more persons wish to

²²The reader should not get the impression, however, that Catholic theology in the past paid no attention to conjugal love: cf. Matt. 19:4-6; Eph. 5:25 ff.; Augustine, *Sermo de SS.*, n. 51 (PL 38, 344); *De nupt. et conc.*, i, 11, n. 12 (PL 44, 420); *De bono vid.*, 8, n. 11 (PL 40, 437); *De serm. in mont.*, i, 14, n. 39 (PL 34, 1249); *Contra Faust.*, xxiii, 8 (PL 42, 470-1); *De bono conjug.*, 3, n. 3 (PL 40, 375); S. Thomas, *Summa Theol.*, II-II, q. 26, a. 11 *corp.*; and compare St. Jerome, *Epist.* 117: "Non superat amorem patris et fratris nisi solius uxoris affectus" (PL 22, 956); *Conc. Trid.*, sess. 24, c. 1, "De reform. matr." (DB 969 ff.); *Catechismus Romanus* (Romae, 1761), II, c. 8; Leo XIII, *Arcanum Divinae Sapientiae* (DB 1853); De Smet, *De Sponsalibus et Matrimonio* (Brugis, 1927), n. 269; Vermeersch, *Theologia Moralis*, (Romae, 1926), IV, n. 41.

²³I-II, q. 26, a. 4 *corp.*, citing Aristotle, *Rhetor.*, ii, 4, n. 2.

communicate benefits to one another. And if we apply these ideas to conjugal love we can attempt the following definition, hoping that its explanation will be its justification: Conjugal love is the virtue by which man and wife wish to communicate to one another the benefits proper to marriage. Each word deserves explanation.

Love. Love may be considered as a habit of the sensitive or of the rational appetite. The love spoken of here is a love of the rational order, as befits a rational being. Not that the natural activities of the sensitive appetites do not also befit rational beings. The exercise of sensitive appetites by human beings is natural to them and in itself involves no inordination. In fact, in the case of conjugal love it would be a mistake to condemn those natural instincts and that natural love of the sensitive order which play so important a part in all human relations. The love of man and wife, to be complete, should include not only a rational and not only a sensitive but a sexual inclination to one another.²⁴ And so in restricting the concept to the rational appetite it is not meant to imply that sensitive elements have no place in marriage. But these of themselves cannot be the essential thing in marriage for rational beings.²⁵ They are too fleeting and uncontrollable to be of the essence of permanent union. And such love if taken alone hardly merits the noble name of conjugal love at all. It is too much like the casual union of animals. Let us speak, therefore, of a love of the rational order which may or may not include a redundancy in the sensitive appetite, and which to be integrally perfect ought to include such a redundancy.

Virtue: that is, a natural permanent disposition of the rational order, though, as just explained, this does not exclude

²⁴The importance of the sexual element should not, of course, be exaggerated; in recent years Rome has had occasion to condemn such exaggerations.

²⁵Cf. Zeiger, "Nova Matrimonii Definitio?" *Periodica*, XX (1931), 46*. The concept of conjugal love proposed by Dietrich von Hildebrand in *Marriage* (New York: Sheed and Ward, 1942), though a very exalted one, seems to me to stress too heavily non-rational factors, and to set up an ideal which is impossible of attainment for large numbers of people.

sensitive and sexual appetites from the field of conjugal love. It is called a virtue, first, to distinguish it from mere acts of conjugal love, and secondly, because it is a natural virtue in the ordinary sense of that word.²⁶

Man and wife: for it is a mutual love. It is a love of friendship primarily, although like every love it necessarily includes love of concupiscence.²⁷ We say between man and wife because thus the subject of conjugal love is distinguished from other loves of friendship.

Wish to communicate benefits to one another: for all love is a tendency to union. Real union is the effect of love. But love itself is a *tendency* to union; it is an affective union.²⁸ By the very fact that one desires to communicate a good thing to another—principally to another, not to one's self—one's act terminates in that other person. This is the affective union of which I am speaking. It means a tendency to be one with another to a greater or lesser extent. Hence by the phrase "wish to communicate benefits to one another" I imply that acts of love tend not only toward the good thing desired for the beloved but toward the beloved himself.

Benefits proper to marriage. It is of the nature of love to wish to give good things to the beloved. But it seems to me that conjugal love is not sufficiently distinguished from other loves merely by saying that husband and wife desire to communicate any kind of good thing to one another. Any act of love whatever between husband and wife helps, it is true, to strengthen the conjugal bond and may perhaps be made conjugal by the intention of the partners. But it does not seem,

²⁶Billot, *De Virt. Inf.* (Romae, 1928), pp. 1 sq.

²⁷Cf. Lercher, *Institutiones Theologiae Dogmaticae* (Oeniponte, 1930), II, n. 226; IV, nn. 114, 124, explaining *Summa Theol.*, I-II, q. 26, a. 4 *corp.*: "... motus amoris in duo tendit, scilicet, in bonum quod quis vult alicui, vel sibi vel alii; et in illud cui vult bonum. Ad illud ergo bonum quod quis vult alteri habetur amor concupiscentiae; ad illud autem cui aliquis vult bonum habetur amor amicitiae." And cf. Cajetan, *in b. l.*

²⁸*Summa Theol.*, I-II, q. 25, a. 2 ad 2; q. 28 a. 1 *corp.*, ad 2; compare also II-II, q. 27, a. 2 *corp.*: "Amor . . . importat . . . quamdam unionem secundum affectum amantis ad amatum in quantum scilicet amans aestimat amatum quodammodo ut unum sibi, vel ad se pertinens, et sic movetur in ipsum."

for instance, that a Christmas gift which a wife makes to her husband is necessarily an act of conjugal love, even if it is given lovingly. In other words, conjugal love must be distinguished from other love not only in the persons loving and loved, but also by the kind of good or benefit which, through love, they desire to give one another. The fact that a man loves his wife in any way at all is undoubtedly a virtue, and in an imperfect sense can be called the virtue of conjugal love. But I take conjugal love to mean something more. It refers to an interchange of conjugal benefits. Hence I spoke in the definition of "benefits proper to marriage."

What are these benefits (*bona*) which conjugal love, as distinct from every other kind of love, wishes to communicate? They can be nothing else than the acts of conjugal life; that is, the marriage act and the acts of mutual help. These are the benefits marriage is calculated to produce (the *bona producenda*); these are the ends for which marriage was instituted.²⁹ For considering marriage *in facto esse* the only assignable elements are the bond, consisting of rights and obligations, and the ends, to which the rights and obligations are directed. And in the conjugal love which is proper to marriage as a state it is not by giving the *bond* to one another that the partners desire to show their love; they have already given that for better or worse. The essential marriage bond is a benefit undoubtedly, and a conjugal benefit. The elements that make it up are the *bona constituentia* of marriage. But as a good thing lovingly given it pertains to the marriage *in fieri*. When the partners gave their consent to the bond, that indeed was an act of conjugal love. But that act of love is past and gone now that they are married. The bond is there and they can no longer give or take it away from one another. We are looking at conjugal love which is proper to the *state* of matrimony, and I say that this love can actuate itself only by a communication of the acts

²⁹The *tria bona* understood in the broad sense, as St. Augustine usually understood them, i.e., inasmuch as they include the actualization of the ends of marriage, are the benefits to which we refer here.

of conjugal life, which realize the ends for which the bond was instituted. These are the *bona producenda* of marriage.

And what acts can be imagined which could more perfectly serve the purpose of love than these? In the marriage act there is a living union of the most intimate and comprehensive kind—a union of body and mind, of sense and heart. When properly performed, it is an act not only of the rational love of benevolence and concupiscence, but also of sensitive and sexual love. It is an act of self-surrender in which two become one flesh, one principle of generation. Love desires union with the beloved by a communication of good. Can one discover a more appropriate act for the expression and fulfilment of love than the marriage act?⁸⁰

Likewise the acts of mutual help are by their very nature suited to be acts of love. I do not attempt to say just what they are or how many they are, but I am tempted to extend rather than to restrict the concept. In any case, it will probably be admitted that mutual help includes the acts of cohabitation and the acts by which the life-long partnership and the education of the children are realized. It means a sharing of one another's lives in this work to which the very instinct of parental love impels father and mother. Are not these acts eminently suitable expressions of the virtue of love, which seeks the presence of the beloved, and desires to benefit the beloved even at the expense of self?⁸¹

Since, therefore, there are no other assignable "benefits proper to marriage," and since the acts of conjugal life are eminently appropriate as expressions of conjugal love, I conclude that these acts are the benefits which the virtue of conjugal love of its nature seeks to communicate. It is too evident, perhaps, to need confirmation.

⁸⁰Cf. De Smet, *De Sponsalibus et Matrimonio*, n. 269; Vermeersch, *Theologia Moralit*, IV, n. 41, marginal note.

⁸¹I-II, q. 25, a. 7 *corp.* (citing Aristotle, lib. ix, c. 4): "Unusquisque enim amicus primo quidem vult suum amicum esse et vivere; secundo vult ei bona; tertio operatur bonum ad ipsum; quarto convivit ei delectabiliter; quinto concordat cum ipso quasi in eisdem delectatus et contristatus." And cf. I-II, q. 27, a. 2 ad 3; q. 31, a. 1.

This, then, is my attempt at a definition of the virtue of conjugal love. Understanding the term thus, I am ready to answer the question proposed: Is this virtue essential to marriage?

The answer, of course, must be in the negative. The actual virtue of conjugal love is not essential to marriage. In thousands of marriages we find no trace of it; yet they are real marriages. The actual virtue of conjugal love is no more essential to marriage than the acts of conjugal life themselves. Just as there can be true marriage where the acts of conjugal life are absent, so also there can be true marriage when the love of which these acts should be the expression is absent. But, on the other hand, just as there can be no true marriage without the radical right and obligation to the acts of conjugal life, so also the radical right and obligation to the virtue of conjugal love is essential to marriage.

It is enough to consider these acts of conjugal life in themselves to see that they must suppose the virtue of conjugal love, if they are to be performed in a manner worthy of human dignity. Above, when trying to give the distinguishing note of conjugal love, I said that, supposing there is such a virtue, it could find no more appropriate expression than in the acts by which the ends of marriage are realized. Now I turn about and argue the other way and say that in the supposition that there is a right and obligation to these acts, there must also be a right and obligation to practice them lovingly. In other words, they are not merely appropriate expressions of love, but they are necessarily expressions of love. They are so typically acts of love that one cannot imagine an obligation to them which does not presuppose that they be acts of the virtue of love.

I do not say that it is impossible for a man or woman to perform these acts without love. It is possible to perform the marriage act and the acts of life-long mutual help merely externally and with inner reluctance, even with inner hatred. I say that it would not be in keeping with the personal dignity

and rational nature of man to say that he is obliged to these acts except as proceeding from the virtue described. The acts of married life are to be performed in a manner consonant with the human dignity of the partners. They are not mere animal acts. They are not merely the legal fulfillment of a contractual obligation. They are such an intimate fusion of two human personalities and they connote such a complete surrender of person to person that they cannot be conceived as really human acts unless they are conceived as acts proceeding from the love of friendship and benevolence defined above. And since marriage makes these acts radically obligatory, so also it must make the virtue from which they proceed radically obligatory. Hence I say that the radical right and obligation to the virtue of conjugal love is essential to marriage.³²

Let us recall a statement made by Father Zeiger in connection with marriage *in fieri*: "Matrimonial consent differs greatly from other contracts by its object. A man and woman deliberately and freely give themselves to one another for a complete intimacy of their whole life, an intimacy both bodily and interior, and forever and exclusively. . . . Such a surrender, if considered fully in itself, cannot but suppose at least a certain inchoate and imperfect love; while the free consent to that surrender is an external expression of that internal love—it is the love itself."³³

I have applied this same conception to marriage *in facto esse*—which essentially consists in rights and obligations—and, paraphrasing the words above, I say: The right and obligation to such a surrender as the acts of conjugal life involve cannot but suppose the right and obligation to at least some virtue of conjugal love. If it is true of marriage *in fieri* it is also true of marriage

³²Vermeersch, *Theologia Moralis* (Romae, 1926), IV, n. 41, margin: "Objectum contractus est mutua corporum traditio ad stricte sexualem unionem ac proin mutua donatio sui, quae postulat ut fiat ex amore."

³³Zeiger, "Nova Matrimonii Definitio?" *Periodica* XX (1931), 49*. Compare G. Arend, "De genuina ratione impedimenti impotentiae," *Ephem. Theol. Lovan.*, IX (1932), 54. He notes "elementum amoris conjugalisis—quatenus illa unio intelligitur vinculum animorum habens copulam carnalem ut sui expressivum."

in facto esse. For the acts from which the argument is derived are the same in both cases.

One may conclude, incidentally, that there is a grain of truth in the statement of the marriage reformers (as there is a grain of truth in every error): Marital intercourse is immoral when love has ceased. It is true in the sense that the acts of conjugal life are not performed in a manner worthy of human dignity unless they proceed from love.

But it is false in the concept it has of love; for the reformers generally mean instinctive sexual attraction, if not principally and exclusively, at least essentially. And their whole principle is based on the idea that love comes and goes as it will. It is not something that man controls. He falls into it and hopes it will last.

The concept of love proposed here, on the contrary, though it does not deny the importance of instinctive, physical, sensitive, and sexual factors, is a love of the rational order. Those other factors may have been the occasion which gave rise to this love, and they are certainly of immense help in conserving and strengthening it as far as the natural order is concerned. But what is essential to conjugal love is voluntary. It is a virtue. And just as it is within our power to practice the virtue of charity toward all, so it is possible for man and wife, despite the vagaries of passion and sentiment, to practice the essential virtue of conjugal love. There is an Italian proverb which says, "L'amore non si comanda." Nevertheless, there is a law of God which commands it; for the love of God is the "greatest and first commandment," and the second is the love of the neighbor.³⁴

Another consideration will help to establish the point. The radical right and obligation to acts of mutual help are essential to marriage—this has already been proved. Now, although there may be some doubt of the extent of the concept "mutual help," there is no doubt that it includes the idea of conjugal love.

³⁴Matt. 22: 36.

Both theologians and canonists explain mutual love as a part of mutual help, or mutual help as a part of mutual love. Cappello, for instance, says that the secondary end of marriage, essential and intrinsic to it, is mutual help, "not only in the care of the household but especially in mutual love." And thus the authors generally.³⁵

The *Casti Connubii* tells us that the outward expression of love in the home comprises not only mutual help, but also the care of one another's interior perfection; and it puts the cultivation of mutual love on a par with mutual help as a secondary end of marriage: "For in matrimony as well as in the use of the matrimonial rights there are also secondary ends, such as mutual aid, the cultivating of mutual love, and the quieting of concupiscence."³⁶

Now, when authors and documents speak of love as a part of mutual help it is not to be supposed that they intend that among the acts of mutual help there are also acts of love—as if every so often a man or a woman ought to present his or her partner with an act of love. Nor, when speaking of love as part of mutual help do they intend to exclude the marriage act itself from the concept of mutual help. It is often included, as we have seen, and in the passage just quoted from the *Casti Connubii* it is the marriage act which is mentioned as a means of cultivating mutual love. For they conceive conjugal love as something that goes along with all the acts of conjugal life; it is a permanent disposition that pervades these acts; it is like a property of them. They mean what the *Casti Connubii* says so explicitly: "... this love of husband and wife which pervades all the duties of married life and holds pride of place in Christian marriage."³⁷ And again: "By this same love it is necessary that all the other rights and duties of the marriage state be regulated so that the words of the Apostle, 'Let the husband render the debt to his wife, and the wife also in like manner to the

³⁵Felix Cappello, *De Matrimonio* (Romae, 1933), n. 9; Wernz-Vidal, *Jus Matrimoniale* (Romae, 1925), V, n. 26; Vermeersch, *Theologia Moralis* (Romae, 1926), IV, n. 41; etc.

³⁶*Casti Connubii*, AAS, XXII (1930), 561.

³⁷*Ibid.*, p. 547.

husband,' express not only a law of justice but a norm of charity."³⁸ The Encyclical also declares that this love is a part of conjugal faith; it is demanded by conjugal faith; and conjugal faith, of course, is essential to marriage.

My argument then, proceeds from the common opinion of authors and the teaching of the Encyclical,³⁹ from which sources I draw a conclusion that not all theologians draw explicitly: If the acts of mutual help are essential to marriage and if love pertains to these acts as an all-pervading property, then the love is essential to marriage just as the acts are; that is to say, the radical right to the acts essentially implies the radical right and obligation to the virtue of love. And therefore I believe that no satisfactory definition of marriage can be formed which does not include conjugal love.

Let the conclusion of this part of our study, then, be the following essential definition of marriage. It must be understood in the light of all that has gone before. *The essence of marriage is a moral bond between man and woman which consists in the perpetual, exclusive right to one another's persons with a view to the acts of conjugal life and love.*

III. CRITICISM OF DR. DOMS' THEORY

If I were to go back now to the passages I have cited from Dr. Doms in the first part of this essay, and go through them sentence by sentence, I have no doubt that I could find matter for comment and criticism in almost every line. There would be statements with which I would agree, statements I would want to distinguish, statements I would consider wrong, and

³⁸*Ibid.*, p. 549.

³⁹*Ibid.*, pp. 547 sq. The beautiful words with which the Encyclical speaks of conjugal love are a confirmation of the point of view proposed here. This point of view is not essentially different from what has been proposed in the past. Everyone has always been agreed, I think, as to the obligation that the partners have to love one another in marriage and to perform the acts of marriage lovingly. I have merely tried to give a definition of what seems to me essential to that virtue, and then to show in what sense the virtue is essential to marriage—it is essential in the sense that the right and obligation to it are essential.

statements I could not understand—and the process would be endless. I shall not attempt it.

The criticism of these minutiae, in view of the apparent differences of our philosophic backgrounds (and also because of the difficulty of doing justice to a man's thought in translation), would probably find us at cross purposes. It would be a waste of time. And so, although I am tempted to make some remarks on what I consider to be Dr. Doms' misconception of the notion of end in general, and of a certain haziness, as it appears to me, in the handling of other philosophical concepts, I shall be content to pass these matters over and restrict myself to some general points of criticism.

The first of these is the fundamental one of the distinction between meaning and purpose as applied to marriage. It is not an exaggeration to say that Dr. Doms' whole theory of the relation between marriage and its ends (not, of course, his whole book) is based on this distinction. It rests upon it so completely, that without this distinction the theory itself collapses. One has only to read over again the summary made of Dr. Doms' teaching to see that this distinction is the life-blood of his theory.

But in my opinion the distinction, as applied to marriage, will not stand up under philosophic scrutiny. Perhaps it has some value in other matters—it would take me afield to inquire into that—but as far as marriage is concerned I believe the distinction to be without meaning.

If the analysis I have made above of the nature of marriage is correct, if marriage exists in the ontological order as a moral (or intentional or juridical) entity, constituted essentially by a bond that consists of mutual rights and duties; if these rights and duties are nothing more nor less than the rights and duties of performing all those conjugal acts by which alone the three essential ends of marriage are realized, then marriage has no meaning except in the light of its ends.

In other words: The essence of marriage is a moral bond; but

what that moral bond is, what inherent value it has, what its *meaning* is, can only be discovered by looking at the three essential ends of marriage. The ends of marriage *are* its meaning. Without them it is meaningless.

Dr. Doms might object that it is taking a very narrow view to identify marriage with the *juridical* bond that binds the partners to one another. As he says: "The living content, the living reality of marriage is not identified with the exchange of consent, nor with the usual juridical consequences of the marriage contract, but is something much more living, to wit, human life itself, for which the juridical guarantees serve only as protection."⁴⁰ But it is not true that marriage is a living reality in the literal sense. The only living things in marriage are the living spouses and their living acts—the acts of conjugal life and love. But the partners are not marriage. Their acts are not marriage. Marriage is something different from both. It is the juridical bond (with its ends and properties) created by the consent of the partners. That is the one thing that is found wherever marriage is found and without which marriage cannot exist. And all those acts of conjugal life and love by which the partners achieve community of life (two-in-oneness), and procreation, and the remedy for concupiscence, are conjugal only because they are performed by persons linked together by such a juridical bond. Inasmuch as they are living acts in the physical order they could all be performed by unmarried persons. Their specific matrimonial character is determined by the fact that they are performed by persons bound together by the bond of marriage—by persons, therefore, who have the right and obligation to perform them. Or, to consider them from the opposite angle, they are specifically conjugal because they are the only means by which the essential ends of marriage are actually realized. Accordingly the marriage bond has meaning only insofar as it is objectively ordered to these three ends.

⁴⁰*Du sens et de la fin du mariage* (deuxième éd., Paris: Desclée de Brouwer, 1937), p. 105.

Dr. Doms says: "Marriage 'is' first of all, in itself, a reality of profound meaning before being 'for something else' which is not itself."⁴¹ If this means that marriage is a reality having a profound meaning independently of its ends, the statement cannot stand. The ontological reality which is marriage, i.e., the juridical bond, has meaning only when one knows what the purposes are for which God created it, and towards which it is objectively ordered. Look at the marriage bond independently of its ends. What is it? What is it worth? You cannot say. It is a group of mutual rights and obligations. It is only when you see what the object of these rights and obligations is that marriage means anything. When you discover that these rights and obligations are to all the acts of conjugal life and love by which the ends of marriage are achieved, then you know the meaning of marriage and not before.

As for marriage being "for" something else which is not itself, there is another misconception here. The ends of marriage should not be considered as something outside of it. When we say that the ends of marriage are essential to it we mean that they are a part of it. No marriage can exist without being objectively ordered to its three essential ends. Naturally the actual attainment of these ends is not essential to marriage. Since the ends of marriage go to make it up, it is both confusing and misleading to speak as if marriage were an independent entity existing somehow completely in itself and independently of its ends.

The second fundamental question in Dr. Doms' theory is that of the relative importance of the ends of marriage. Is there any true and reasonable sense in which we can accept the traditional idea that procreation is the *primary* end and the other ends only secondary? Although Dr. Doms admits that Canon Law is justified in calling procreation the primary end, it seems to me that the body of his work is a denial of that proposition. The admission is almost meaningless in the face of his whole theory. In particular he insists that: "It would be better for

⁴¹*Ibid.*, p. 109.

the future to give up the terms primary and secondary ends and to speak in a purely realistic and descriptive manner of the personal ends inherent in marriage, and of procreation, distinguishing both of these from the meaning of marriage."⁴²

Now the term "primary and secondary ends of marriage" have been accepted with practical unanimity for centuries; they are the terms laid down in the carefully considered official language of Canon Law; they are the terms employed by the Pope in the solemn teaching of the *Casti Connubii*. In view of this teaching it seems to me improper for a theologian to say that we should "give up the terms primary and secondary ends." Nor is this impropriety avoided by the statement that Canon Law is "entirely justified" in calling procreation the primary end; for that statement has little meaning coming at the end of a systematic treatise written to show that procreation is not the primary end in any real sense, and that it is a mistake to go on calling it that.⁴³

But since I say that it is improper to reject the terms primary and secondary (as being in a sense the official language of the Church) it is incumbent on me to show that the traditional language of the Code and of the Encyclical is justified.

In discussing the ends of marriage, I avoided as much as possible referring to procreation as the primary end, and spoke only of the various ends of marriage, calling them all essential, and showing, too, that they are inextricably bound up with one another. The present inquiry is: What does it mean to call procreation the primary end of marriage, and is this terminology justified? And our question really narrows itself to the comparative importance of procreation and mutual help, since all would agree, I believe, that the remedy for concupiscence is of less importance than either of these, though bound up with both.

In the first place, to call procreation the primary end does not mean that it is more essential than the other ends. I think that

⁴²*Ibid.*, p. 108.

⁴³*Ibid.*, p. 109.

I have shown sufficiently that all three ends are essential to marriage in the present order; and there cannot be degrees of essentialness, though there can be degrees of importance. Nor does it mean that the other ends have value and meaning only in so far as they are subordinated strictly to the primary end, i.e., only insofar as they serve as a means of attaining the primary end. It cannot be denied that this view underlay the thought of St. Augustine and other theologians who wrote in the past.

But theologians nowadays (and for a long time), in their theoretical exposition of the ends of marriage, and especially in their practical teachings on the morality of the use of marriage, have broken completely with the idea that the secondary ends are subordinate to the primary end in the sense that they can only be justified when they are a means to the attainment of the primary end. The secondary ends and especially mutual help with conjugal love are universally recognized as having independent value, and the subordination to the primary end which is required when the sexual act is exercised for other reasons is merely the preservation of the physical integrity of the act. If the marriage act itself is normal and natural, the supremacy of the primary end is sufficiently protected.

Furthermore, "primary end" does not mean that procreation is *de facto* uppermost in the intention of the contracting parties generally, or that they must choose it as the most important purpose of their marriage. They need only intend marriage as it is. As it is, it is objectively related to all three ends, and "primarily" in some sense or other to procreation. Their intent should not be positively at variance with these ends, but they do their essential duty by the primary end of marriage when they avoid any positive interference with the marriage act. They are not bound ordinarily, in individual cases, to realize the primary end of marriage. This is another way of saying that the use of marriage must be subordinated to the primary end *per se* only in the sense that no positive interference with the primary end is permitted.

In what sense, then, is procreation called a primary end or purpose? In the first place, it is properly called primary because, though not more essential than mutual help, it is more fundamental. That is, procreation and education of children implies and includes mutual help to a certain extent. But mutual help does not necessarily imply procreation.

Secondly, to call procreation the primary end means that, if we look at marriage as a natural and divine institution, then in the intention of God procreation is an end of greater importance or greater value than mutual help. Perhaps it is a little rash to speculate on the comparative importance of purposes in the mind of God. Dr. Doms seems to think we have no right to do so.⁴⁴ On the other hand, it is not impossible that in a natural institution like marriage, nature herself has shown her hand and given us a clue as to what is more important and fundamental, the personal purpose (mutual help) or the purpose that serves the species (procreation). Undoubtedly procreation is of more importance to the species. Likewise it is of more importance to human society in general, and hence to the law, both Civil and Canon. One can, therefore, for valid philosophical reasons call procreation primary (i.e., more important, more fundamental) by saying that since the good of the species is more important to nature than the good of individuals, procreation is a more important aim of marriage than mutual help.

These intrinsic reasons amply justify the use of the term "primary end." It is not strange, therefore, that both philosophers and theologians in the Scholastic tradition have with practical unanimity called procreation the primary end. Since we have this philosophical and traditional justification for the term, it is hard to find any good reason for changing it. The overemphasis which has been placed on the primary end by many writers can be corrected without giving up a terminology that has been consecrated by usage and is justified in fact. That false overemphasis is due to a misconception of the nature of the

⁴⁴*Ibid.*, p. 108.

rights that constitute the marriage bond and not to a misuse of the word "primary."

The third general point on which I should like to offer a criticism of Dr. Doms is his use of a certain text from the *Casti Connubii* to support the thesis that community of life (two-in-oneness), not procreation, is the primary thing in marriage.⁴⁵ The Encyclical, after declaring that conjugal love should make the partners aid one another to supernatural holiness of life, says: "This mutual interior formation of the partners, this earnest desire of perfecting one another, can be said in a certain very true sense, as the *Roman Catechism* teaches, to be the primary cause and reason of marriage—if only marriage is taken not strictly as an institution for the proper procreation and education of children, but in a broader sense as a sharing, a community, a union of their whole life."⁴⁶ Does the Encyclical here invite us to give up the traditional doctrine and terminology and to accept a new primary end or primary meaning of marriage?

This is unthinkable, of course. It is inconceivable that a document which was an epitome of the teaching of the past meant to break suddenly from a doctrine and way of speaking that had been consecrated by so many centuries of tradition. It is inconceivable that a dozen years or so after the Code had given an official summary of that tradition and declared procreation to be the primary end, the Encyclical should make an announcement in contradiction of the Code. And so, whatever interpretation is put on the passage, one can say a priori that it was not intended to be a break with the well established doctrine and terminology of the past.

But we do not need to argue a priori. It is safe to say that the Encyclical does not contradict itself; and elsewhere it speaks very clearly of the primary end both of marriage and of the marriage act in the traditional manner. For instance: "Since therefore the conjugal act is destined by its very nature for the

⁴⁵*Ibid.*; cf. also pp. 13, 14.

⁴⁶*Casti Connubii*, AAS, XXII (1930), 548.

begetting of children, whose who in exercising it deliberately frustrate its natural power and purpose sin against nature . . . ⁴⁷

And again: "For in matrimony as well as in the use of the matrimonial rights there are also secondary ends such as mutual aid, the cultivating of mutual love, and the quieting of concupiscence, which husband and wife are not forbidden to consider so long as they are subordinated to the primary end and so long as the intrinsic nature of the act is preserved." ⁴⁸

Furthermore, the passage referred to speaks in such guarded terms that it almost appears as if the writer wanted to make sure that he would not be misunderstood, and would not be taken to be speaking about the essential ends of marriage. For he says that there is a "certain" sense in which this interior formation can be called the primary cause and reason, and he says that it is not marriage strictly so called, but marriage in some broader sense of the word that has this as its primary cause. Then, too, the Encyclical is speaking of the supernatural perfection of the partners, and it is not likely that this perfection would be set up as the primary purpose of marriage looked at as an institution of nature. And when we speak of the primary and secondary ends of marriage we mean ends which it has from the natural law.

It seems more likely that this passage of the Encyclical refers to the motives of the contracting parties rather than to an end to which marriage is objectively and essentially related. This is the interpretation given to it by Father Franz Hürth, whose opinion perhaps has peculiar weight. And the *Roman Catechism* strengthens this view; for in the section of it cited by the Encyclical we find that the ends of marriage are treated, not merely as the objective *fines operis* of the institution, but also as the subjective motives or purposes for which the partners should marry. ⁴⁹ This is not meant to deny, however, that the doctrine of marriage so ably proposed by the *Roman Catechism*

⁴⁷*Ibid.*, p. 559.

⁴⁸*Ibid.*, p. 561.

⁴⁹*Catechismus Romanus* (Romae, 1761), II, c. 8, q. 13.

does emphasize mutual help as an objective end of marriage much more than some of our modern manualists. And in this to my mind it gives a truer picture of marriage.

It seems to me, therefore, that though there is some doubt as to how this passage of the Encyclical is to be understood, it cannot be taken as a denial of the traditional doctrine and terminology with regard to the primary and secondary ends of marriage.

My final criticism of Dr. Doms' theory is this. His purpose in theorizing at all about the relation of marriage to its ends, and about their relative importance, is obviously to explain and safeguard certain values in marriage which he feels (as a theologian, and especially as a pastor of souls actually engaged in the ministry) to be insufficiently protected in the traditional view. To mention only the principal thing, he feels that the personalist values in marriage, the two-in-oneness of the partners and all that it implies, are realities not sufficiently accounted for or explained in the theory that holds procreation to be the primary purpose.

Now it is my contention that if the traditional theory of marriage and its ends is properly understood, and if it is proposed as I have proposed it, there is ample room within its framework to preserve and harmonize all these personalist values. There is no need to go outside that framework, to invent a distinction between meaning and purpose, and to desert well established terminological proprieties in order to make intelligible those values with which Dr. Doms is chiefly concerned. I believe that practically all the good things he emphasizes, and which he describes so eloquently, such as the community of life of the spouses, their life-partnership, the perfection of their conjugal love, and their mutual supernatural formation, can be adequately synthesized within the traditional system.

Perhaps I am mistaken in this. Anyone who tries to make a philosophical and theological synthesis of so comprehensive and

intricate a subject as marriage in relation to its ends hesitates to announce that he has achieved success and that there are no more problems. I make no such announcement. I do not believe that I can solve all the problems. But I hope that what I have written will contribute to an understanding of the nature of marriage.

Dr. Doms has said: "I am well aware that this book may let me in for a good deal of opposition from some of my own religion, even from theologians of certain schools."⁵⁰ I am aware, of course, that what I have written is such opposition. But I believe that I have not dealt unfairly with the scholarly and apostolic writings of a fellow priest. I believe that I am just as anxious as Dr. Doms to correct the false conceptions of marriage which have resulted from overemphasizing the *jus in corpus* as though it had to do with procreation alone. I believe that both of us are trying to explain as best we can those good things which we are agreed go to make up marriage. And I believe the theological world owes a debt of gratitude to Dr. Doms and those other writers who in modern times have insisted on the essential character of conjugal love and on the life-partnership of the spouses.

But we part company when we come to make a systematic exposition of our views. I believe his exposition is unsatisfactory for the reasons I have adduced. I trust that my explanation is satisfactory, as hanging together itself, as representing fairly the common Catholic teaching, and as safeguarding those matrimonial values which both Dr. Doms and I are anxious to preserve. But whether I have succeeded in this must be left to others to judge.

⁵⁰*Op. cit.*, p. 15.