

IS THE MARRIAGE BOND AN INDISSOLUBLE VINCULUM?

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Any Christian thinker trying to understand marriage has three sets of data: the Bible, the tradition of the Church, and current experience. Of these, the first and the last are fundamental: to ignore the Bible is to stop speaking as a Christian and to ignore experience is to lose the right to pronounce about anything, including Christianity. To ignore tradition is to cut off the branch one is sitting on, but still in a way tradition may be regarded as less "hard" data than the other two. If it is not dead it is still in the moulding and one is even part of the way it is being moulded now. To repudiate it extensively would be presumptuous but not self-contradictory.

The interpretation of each of these sets of data requires experts: if one is no expert one must do the best one can with the help of those who are. The present exercise is not the interpretation of the data as such but the "philosophical" criticism of a concept which has in the course of generations emerged from them: the idea that marriage is essentially an indissoluble bond or metaphysical vinculum.

For the sake of clarity two preliminary observations may be made, one logical, one autobiographical. First, the word "indissoluble" can be used and has been used to indicate anything between a misty ideal and an inexorable reality. Sometimes it seems to have so little definite content that marriage is called "indissoluble" simply by right of not being a casual union. It is generally clear from the content how much is meant, but occasionally shaky arguments are reared on this vagueness, as for instance when it is argued that because it is good for families that marriages should be "indissoluble" in the sense of stable, therefore the

Church is right to teach "indissolubility" in the traditional metaphysical sense. For the present it is exploration rather than exact definition which is needed. It will be adequate to confine the meaning of "indissoluble" to something strict enough to make it worth asking whether marriage is indeed "indissoluble" or "dissoluble", hoping for more precision as the discussion proceeds.

Secondly, the present writer is not one to whom the notion of a "metaphysical" vinculum over and above the empirical facts of married life is particularly congenial. The strong reason for leaning towards the "indissoluble" side in the divorce question is not, I believe, that marriage vows as such necessarily set up a mysterious bond, but that Christ taught that divorce is against God's will, and that this was no vague ideal but a truly "hard saying". On this view the Church, like Moses, must recognize the validity of divorce but must have great heart-searching before it can have any part or lot in it.¹ If this is correct, metaphysical indissolubility becomes much less relevant; and it is difficult to argue convincingly against an idea which one is tempted to reject out of hand as meaningless; but when the idea patently has plenty of life in it something must be done to face it.

To anticipate the conclusion, it may be suggested that the question "Is marriage 'indissoluble' or is it dissoluble?" may be a little like "Have you stopped beating your mother?" To a Christian it is monstrous to say that marriage is "dissoluble", but instead of taking refuge in the

1. cf. Marriage Commission Report Marriage, Divorce and the Church, Chapter IV, and Appendix I, P. 83 (second paragraph).

theory of a metaphysical vinculum to which earthly facts can make no difference, he would be wise to consider that the truth may be more complex.

Mr. John Lucas² impressively bases his case for the vinculum not on abstract metaphysics but on the reality of human actions and the need to face the fact that though the past can be redeemed it can never be altered. So marriage vows set up an entity which is there for evermore whatever those concerned subsequently come to feel about it. This argument is a good corrective to the woolly-mindedness of those who are concerned only that everyone should be happy in the short run; but the trouble is that it tries to prove too much.

When a man and a woman take each other as man and wife (not, incidentally, when they vow eternal constancy) they bring into being a marriage. It is truly said that nothing can ever alter the fact that this has happened; but it still remains to enquire what this entity is which has come to exist, and one may still have to ask whether it is totally indestructible. To affirm that it does now exist and therefore will always have existed does not prove that it always will exist. The Church has always taught that death can destroy it; on what grounds is it so certain that nothing but death can?

Mr. Lucas acknowledges² that there are relationships which "have only a strictly limited continuing significance" and affirms "not so with

1. In his "Notes on the doctrine of a metaphysical vinculum".

2. P. 4.

"Marriage", going on to state the Christian view in its strictest form. It would be for a Biblical not a philosophical critic to show authoritatively that he has made too big a jump here¹. But the weighing of data cannot be left entirely to experts, and every Christian must somehow twist the three strands of Bible, tradition and experience into a rope on to which he can hold.

If one looks at the Biblical data with as little prejudice as possible three facts seem to emerge with some clarity. First, that Christ taught that divorce is contrary to God's will. Secondly, that his teaching had a sternness and urgency which ought to forbid attempts to water it down in his name. Thirdly, that his teaching had a freedom from legalistic categories and a sovereign mercy for sinners which should equally forbid attempts to apply it mechanically or meanly. On the one hand we have the saying quoted from Genesis "and the twain shall become one flesh"²; on the other hand we have a vast amount of illustration of the unpredictable ways in which God deals with people; these balanced against each other seem to make both liberal "dissolubility" and rigorist "indissolubility" alike unpromising ways of understanding what marriage truly is.

The data of experience pose the problem in a parallel way. On the one hand it is worth emphasizing, especially in the midst of an argument which casts doubt on the concept of a metaphysical vinculum, that "indissolubility" can be an empirical concept. It is not just possible but ordinary for the lives of a man and a woman to be so joined that they constitute a unity, which there is simply no question of "putting asunder"³.

1. See e.g. Appendix I of Marriage, Divorce and the Church.

2. Mark 10:8.

3. cf. Marriage, Divorce and the Church, Paragraph 34.

The Biblical expression "one flesh" is not theoretical but answers to something in human life.

On the other hand, experience has a destructive effect upon a rigorist interpretation of what "indissolubility" means. It has always been necessary for legislators, for the hardness of people's hearts, to allow them sometimes to put away their wives. A rigorist ought to hold that all this from the Mosaic law onwards has been no more than a licensing of adultery. The fact that rigorists are generally no more able to believe this when confronted with real human life than liberals are, is a stronger argument against their indissolubility theory than the sort of argument from compassion which could be called sentimental. If marriage is a metaphysical bond which persists whatever happens then all those who go through wedding ceremonies with people who have had divorces are and continue to be adulterers for whom repentance must mean giving up their sin. If in its rigour this cannot be held in Christ's name, it behoves those who are inclined to believe in "indissolubility" of any kind to have a searching look at what they mean by it.

It is from tradition that the idea of a metaphysical indissolubility comes, but not as something arbitrarily postulated by the Church. A great deal of its elaborate working out has been directly developed from the Pauline teaching that the one-flesh union of marriage is a "great mystery" because it signifies the union of Christ and his Church¹. How could such a bond be dissolved without blasphemy? Dr. Sherwin Bailey has explained the theory clearly: Christian marriages "not only

1. Ephesians 5:31-2.

exemplified the perpetual marriage of Christ with the Church but also partook of its very character; being likewise effected by grace, they acquired immediately and for ever the inviolability of their supernatural antitype"¹.

The elaboration of this superstructure may sometimes conceal but certainly need not lose touch with its real foundation: the fact that indissolubility of some sort is the most obvious interpretation of Christ's teaching on marriage. What it does lose touch with is the fact that dissolubility of some sort is the most obvious interpretation of some of the facts of human life. The question which any one-sided view evades is whether it is possible to do justice to both, and at the same time to the converse data of the mercy in Christ's teaching and the possibility of indissolubility in experience. The recent tradition of the Church of England confronted with all this has been to affirm the fact of indissolubility with increasing conviction while avoiding the word², thereby rendering further investigation both desirable and possible.

Meanwhile the philosophical climate, though appreciably kinder to metaphysical systems than it was some years ago, is still hostile to statements about supposed facts which nothing in experience can touch. The trouble with metaphysical assertions of this kind is "that it is unclear what would count for or against them, establish or refute them"³. Worse, in some cases it is clear that nothing is going to be

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1. The Man-Woman Relation in Christian Thought, p. 45.
See also Schillebeeckx, Marriage: Secular Reality and Saving Mystery.
 2. cf. e.g. Winnet The Church and Divorce, p. 10.
 3. Atkinson Sexual Morality p.69.
quoted because it is such an excellent introduction for moralists to philosophical ways of thinking as such.

allowed to count against them, that they are to be upheld in the teeth of experience, against any empirical evidence. It may surely be reckoned a solid philosophical gain that the onus is now on those who want to make such assertions to show that they have any real meaning.

To many people the statement that a marriage, whatever happens to it, is still in existence is just such an assertion. A distinction needs to be made here though. To say that a marriage once made constitutes an indissoluble bond is not an empty statement: far from it. All manner of practical consequences are drawn about the wrongness of attempted divorce and remarriage. What makes it open to attack by any philosopher who has learnt from the anti-metaphysicians is not that it means nothing but that it is supposed to be impregnable, to be true whatever happens. If nothing is to be allowed to count against it, its meaning is of a strangely inaccessible kind. When, side by side with this philosophical discontent, one is already feeling a moral discontent at the unacceptability of this moral doctrine's practical corollaries, a strong suspicion builds up that the fully-fledged traditional theory of indissolubility is a human not a divine deliverance.

Even such an authoritative and sensitive exposition as that of Professor Schillebeeckx of the doctrine that "the basis of absolute indissolubility is ... to be found in Christian baptism"¹, lends itself readily to caricature when one tries to see what it amounts to. One is tempted to envisage baptism as a kind of chemical which has the property of making the glue of marriage if applied later set absolutely hard. If in a sounder appreciation of the loyalty and intellectual power

1. Schillebeeckx, I, p. 226.

which down the generations have gone into the attempt to follow out logically the New Testament teaching one still feels that something has gone wrong, one may be seized by a less irreverent comparison.

Like the doctrine of a metaphysical vinculum in marriage, the doctrine of transubstantiation of the elements in the Eucharist has taken its rise in a strenuous attempt to interpret the New Testament data with integrity. "They shall be one flesh": "This is my body": is it not natural to suppose that in each case at a given moment something mysterious, maybe miraculous, is to happen, after which whatever the outward facts may look like the true nature of things is permanently altered? Yet in each case the resulting emphasis on a solemn formula, to which both God and man are to be held, whose function is to create super-sensible entities, has led the Church into bitter and unconstructive controversies. In each case the unpalatable character to many people of the practical consequences and the ex officio irrefutability of the theory has led to impatient rejection of its whole intent. The Eucharist is reduced to a mere memorial service, marriage to a dissoluble contract. As long as the argument continues in these terms of reference nothing but deadlock and prejudice comes of it. Yet in the case of the Eucharist the whole picture has recently changed, and somehow Christians on both sides of the argument have found themselves able to approach again the concept of Real Presence, of the Lord giving himself to his people as he promised in the breaking of bread, which the controversy had tended to obscure for those on both sides¹.

¹One fruit of this "new look" has been the Agreed Statement on Eucharistic Doctrine produced by the Anglican-Roman Catholic International Commission; but this has behind it a great deal of more detailed exposition and discussion by both Catholic and Protestant scholars. To give adequate references would be to compile a bibliography of Eucharistic theology. Here, I hope, it will be enough to specify one article which crystallises this line of thought: Austen Farrer "The Eucharist in I Corinthians" in Eucharistic Theology Then and Now.

What could be the equivalent for marriage doctrine of the recovery of Real Presence for Eucharistic doctrine? It is here that Professor Macquarrie's preference for the word "ontological" rather than "metaphysical" to characterise the marriage bond is attractive¹. In giving a place to real human commitment in the midst of our increasingly "throwaway" society²; in emphasizing that the marriage bond is made of several strands consolidated over the years rather than springing almost magically into being on the pronouncing of certain words; above all by understanding the bond as essentially personal; Professor Macquarrie has convincingly said what needs saying about the indissolubility of marriage. Nor has he taken "Christian marriage" apart as something wholly distinct from human marriage in the sight of God³.

He does not repudiate the term "metaphysical"⁴ but his interpretation of what it means for the marriage bond is a long way from the realm of mysterious untestable entities legalistically conceived which the idea of a "metaphysical vinculum" conjures up in many people's minds. Instead one is in the realm of the personal and moral, where "metaphysical" suggests aspects of reality over and above the evident facts not instead of them: something "more" in the Bishop of Durham's phrase, which is capable of being "disclosed", not something we are bound to believe in but can never get hold of. There is no need after all for a metaphysical bond to be something sinister. It need be no

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1. In his paper "On the nature of the Marriage Bond (Vinculum Conjugale)".
 2. p. 34. cf. Paul Ramsay Deeds & Rules in Christian Ethics, p. 37.
 3. p. 4.
 4. p. 5.

more than a real moral bond, provided that morality itself is understood in a sufficiently metaphysical way. For example, Mr. Keith Ward, defending the objectivity of morals, uses this same phrase "something more" which he describes as "beyond but not unrelated to the empirical facts"¹. Likewise the objectivity of the marriage bond may not unreasonably be called "metaphysical" after this manner. It is this objectivity, this reality, which the word "ontological" is brought in to emphasize.

It must then seem at least ungrateful and maybe tendentious to disagree eventually with Professor Macquarrie's essential point that the ontological character of the marriage bond proves its indissolubility in the strictest sense. It still appears necessary to point out obstinately that an ontological bond is not thereby proved to be ontologically indissoluble. Professor Macquarrie takes his stand³ with Professor Schillebeeckx who distinguished only to unite again the patristic and particularly the Augustinian view of indissolubility, that marriage ought not to be dissolved, and the scholastic view that it could not be dissolved.⁴ One can see how these two can indeed be fitted together: in that if the moral rights and duties of marriage are "valid for life"⁵ then the marriage cannot be dissolved; but is it so clear that the resulting doctrine is the only one possible for a loyal Christian?⁶ In another interpretation, the "moral indissolubility"

1. Ethics and Christianity, p. 47. 2. /

3. P. 2.

4. cf. Schillebeeckx Vol. I, pp. 203-4. Vol. II, pp. 68-70.

5. Schillebeeckx Vol. II, p. 68.

6. cf. D. Sherwin Bailey Common Sense about Sexual Ethics, p. 60, who urges that Augustine's view has not received the attention it deserves.

and the "ontological indissolubility" doctrines could be taken not as implying one another but as conflicting, for if "ought" implies "can" then "ought not" at least suggests "can". Surely there is a real sin in putting asunder what God has joined, a sin which cannot be properly recognised by those who have to say that a broken marriage has not been put asunder at all, because either it is still in being or else it never was¹.

According to Bishop Butler's useful tautology "everything is what it is and not another thing". The present suggestion is that a broken marriage is a broken marriage; something that stands out as an unnatural smashing of what was built to last, a blasphemy against the unity of Christ and his Church, an amputation inflicted upon a living body: not a figment of the imagination, a chimaera, a squared circle. The bond of marriage is indeed a real bond, affecting those who are joined in it for evermore. It can never be neatly untied, only harshly severed. When this injury has happened the practical question is how the wound can best be healed, and the temptation is always either to cover it soothingly up at grave risk of its festering, or to keep it open for ever as a warning to others. It needs to be said that if it turns out that even grave injuries can sometimes be healed, there is no question of saying that they were not injuries, of "changing the norm"². The norm is the healthy, the indestructible marriage which can properly be called indissoluble because its permanence is just not open to question. It may

1. e.g. Macquarrie, pp. 15-6.

2. Macquarrie, p. 15.

be that its real indissolubility can be the better appreciated because it is not deemed to be indissoluble apart from the facts¹.

This, I believe, is the view of the marriage bond which does most justice to all the data: that marriage is properly and characteristically indissoluble, that to dissolve it is always an aberration. One could express this idea by saying that "They shall be one flesh" is as normal and human as "Thou shalt love the Lord thy God"; but perhaps no more automatic. This "hard saying" would be an impossibly hard saying apart from grace, which is not to say that only Christian marriages have a hope of success, but that marriage is one of the places in human life where grace most characteristically operates through human beings. The hard sayings of Christ are not difficult to keep: they are either totally impossible or natural fruits of the spirit². The matter has been precisely put by Professor Dunstan³: "The great word of Genesis, that a man shall cleave unto his wife, and they shall become one flesh ... is at once command and promise. It is a command: press on to that unity, for the sake of your perfection; see that you fall not out by the way; do not give up, do not forsake the covenant yourself; and if the other does, remember God is Christ, faithful to his bride, the Church, and so forgive, to the uttermost. This is the command of God, and the promise is that this, the impossible, is possible. The two do become one, and 'signify', or exemplify to the world, 'the mystical union that is betwixt Christ and his Church'. What God commands he also gives".

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1. cf. J. Bowker Marriage, Divorce and the Church, Appendix 2, p. 105.
 2. I have put this at more length in Law and Love.
 3. The Marriage Covenant, p. 11.

This is not the place to work out the practical implications, what the Church ought actually to do. Two difficulties at least will be in many people's minds, suggesting that it would be far less trouble to hold on to the simplest doctrine of indissolubility in spite of all that can be said against it. One is that the less straightforward view of a real norm which admits of exceptions is in practice very perilous, that the exceptions do in fact tend to spread and to devour the norm. This fact will always have to be taken into account by anyone who hopes to put the present view into practical effect, or the results will be indistinguishable from plain dissolubility. The concern of the present argument is to show that at least a theoretical distinction can be made.

The second difficulty is that however the would-be compassionate may wriggle, our marriage vows in which two people take each other until death "for better or worse" do not allow of any Christian mitigation of the strictest indissolubility. This difficulty could also be treated as a practical one, in that the Church's marriage service must be determined by the Church's doctrine of marriage and not vice-versa. I think though that a strong case can be made out, on the theory of indissolubility I have been trying to explain, both for keeping the vows in their present form and even for thinking that their breaking need not absolutely preclude their being attempted again; but once more, the pursuit of that argument is not the present concern¹. The object of this essay has been to set out the idea of an indissoluble bond which is characteristic of marriage, distinguishable both from a bond which is indissoluble ex officio and from a bond which is not indissoluble at all.

1. See Marriage, Divorce and the Church, Appendix V.