Among the contributions of the medieval church to western culture was the idea that marriage was one of the seven sacraments, which defined the role of married folk in the church. Although the idea had ancient roots, this new way of regarding marriage raised many problems, to which scholastic theologians applied all their ingenuity. By the late Middle Ages, the doctrine was fully established in Christian thought and practice but not yet as dogma. In the sixteenth century, with the entire Catholic teaching on marriage and celibacy and its associated law and jurisdiction under attack by the Protestant reformers, the Council of Trent defined the doctrine as a dogma of faith for the first time but made major changes to it. Rather than focusing on a particular aspect of these intellectual and institutional developments, this book examines them in depth and in detail from their ancient precedents to the Council of Trent.

Philip L. Reynolds has taught at Emory University, Atlanta since 1992, where he is Aquinas Professor of Historical Theology. He is also a senior fellow of Emory's Center for the Study of Law and Religion, and he directed CSLR's five-year project on The Pursuit of Happiness (2006–2011).
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## Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>List of plates</strong></td>
<td>xix</td>
</tr>
<tr>
<td><strong>List of abbreviations</strong></td>
<td>xxi</td>
</tr>
<tr>
<td><strong>Preface and acknowledgments</strong></td>
<td>xxv</td>
</tr>
<tr>
<td><strong>1 Marriage as a sacrament</strong></td>
<td></td>
</tr>
<tr>
<td>1.1 The development in retrospect</td>
<td>1</td>
</tr>
<tr>
<td>1.2 Holy matrimony before 1100</td>
<td>2</td>
</tr>
<tr>
<td>1.3 The seven sacraments</td>
<td>12</td>
</tr>
<tr>
<td>1.4 Marriage as one of the sacraments</td>
<td>21</td>
</tr>
<tr>
<td>1.5 Ecclesiastical jurisdiction</td>
<td>28</td>
</tr>
<tr>
<td>1.6 Concomitants of the sacramental doctrine</td>
<td>33</td>
</tr>
<tr>
<td>1.6.1 Indissolubility</td>
<td>40</td>
</tr>
<tr>
<td>1.6.2 Solus consensus</td>
<td>41</td>
</tr>
<tr>
<td>1.6.3 The impediments of relationship</td>
<td>43</td>
</tr>
<tr>
<td>1.7 Marriage as the sacrament of Christ and the church</td>
<td>33</td>
</tr>
<tr>
<td>1.7.1 Sacrament, sign, and figure</td>
<td>53</td>
</tr>
<tr>
<td>1.7.2 Figurative marriage</td>
<td>54</td>
</tr>
<tr>
<td>1.7.3 Ephesians 5:22–33 and its reception</td>
<td>57</td>
</tr>
<tr>
<td>1.7.3.1 Paul’s argument</td>
<td>62</td>
</tr>
<tr>
<td>1.7.3.2 Patristic reception</td>
<td>62</td>
</tr>
<tr>
<td>1.7.3.3 Reception after 1100</td>
<td>65</td>
</tr>
<tr>
<td>1.7.4 The Sacramentum-res relation in argument</td>
<td>68</td>
</tr>
<tr>
<td>1.7.5 Conclusions and suggestions</td>
<td>69</td>
</tr>
<tr>
<td>1.8 The sacrament of marriage in imagination</td>
<td>81</td>
</tr>
<tr>
<td>1.8.1 Seven-sacrament cycles</td>
<td>84</td>
</tr>
<tr>
<td>1.8.2 The Vérard woodcut</td>
<td>54</td>
</tr>
<tr>
<td>1.8.3 Dextrarum iunctio</td>
<td>86</td>
</tr>
<tr>
<td><strong>vii</strong></td>
<td></td>
</tr>
</tbody>
</table>
1.8.4 Diagram of the spiritual journey of life
(BL Additional MS 37049) 95
1.8.5 The role of the priest 95

PART I AUGUSTINE 99

2 Marriage in Augustine’s writings 101
2.1 An overview of Augustine’s theology of marriage 102
2.2 The issues that occasioned Augustine’s work on marriage 103
2.2.1 The Manichees and the goodness of marriage 103
2.2.2 Jovinian 107
2.2.3 Pollentius 110
2.2.4 Pelagianism and Julian of Eclanum 113
2.3 The medieval reception of Augustine 117

3 Bonum prolis, bonum fidei: The utility of marriage 120
3.1 Bonum prolis: Procreation 120
3.2 Bonum fidei: The remedy for concupiscence 125
3.3 Summary: The story of marriage 132

4 Bonum sacramenti: The sanctity and insolubility of marriage 134
4.1 Marriage as an amicable partnership 135
4.2 The marriage of Mary and Joseph 139
4.3 Bonum sacramenti 142
4.3.1 The bond itself 143
4.3.2 The law of divorce 148
4.3.3 The bond as sacrament 150
4.4 Marriage as a sacred sign 151

PART II GETTING MARRIED: BETROTHAL, CONSENT, AND CONSUMMATION 155

5 Betrothal and consent 157
5.1 Traditional marriage 159
5.1.1 The typical pattern 159
5.1.2 Old Semitic marriage 162
5.2 Betrothal and consent in Roman law 164
5.2.1 The Roman betrothal 165
5.2.2 The peculiarities of marriage in classical law 169
5.2.3 Whose consent? 171
5.2.4 Bare consent 173
Contents

5.2.5 The law of betrothal in late antiquity 176
5.2.6 Early-Christian betrothal 178
5.3 The nuptial process in the early Middle Ages 181
5.3.1 Marrying in Visigothic culture 183
5.3.2 Marrying in Frankish culture 185
5.3.3 Pope Nicholas I on marriage in the west 186
5.4 Ivo of Chartres on consent and betrothal 188
5.4.1 Consent to marry 189
5.4.2 Betrothal as an impediment to marriage 191
5.4.3 The betrothal of infants 194
5.4.4 Betrothal as virtual marriage 197
5.5 The emergence of the betrothal distinction 199
5.5.1 Early forms of the betrothal distinction 200
5.5.2 The distinction of tense 204
5.5.3 The purpose of the betrothal distinction 206

6 Consummation 209
6.1 The idea of consummation 210
6.2 Origins of the coital proof texts 217
6.2.1 The remote source: Pope Leo’s reply to Rusticus 218
6.2.2 The proximate source: Hincmar of Reims 222
6.2.3 The derivation of the coital proof texts 230
6.3 The coital proof texts in the Magistri moderni 231
6.4 Gratian’s theory 233
6.4.1 The role of coitus in marrying 233
6.4.2 The role of the nuptial blessing 239
6.4.3 Gratian and consent 240

7 From competing theories to common doctrine in the twelfth century 244
7.1 The terms of the scholarly debate (c.1150–c.1180) 245
7.2 The consummation theory in the Bolognese tradition 250
7.2.1 Decretists before Rufinus 250
7.2.2 Rufinus and Johannes Faventinus 253
7.3 The betrothal theory in French canon law 258
7.3.1 The Summa Parisiensis and Stephen of Tournai 258
7.3.2 Summa Colonensiensis 260
7.3.3 Marrying: Event or graduated process? 264
7.4 The civilians’ Deductio theory 266
7.5 Vacarius’s Traditio theory 268
7.6 The common doctrine 278
7.6.1 The decretals of Pope Alexander III 279
7.6.2 The Bolognese tradition after Alexander III: Simon of Bisignano and Huguccio 283
7.6.3 Summary of the common doctrine 286

PART III THE TWELFTH CENTURY: ORIGINS AND EARLY DEVELOPMENT OF THE SACRAMENTAL THEOLOGY OF MARRIAGE 289

8 Introduction to the sentential literature on marriage 291
  8.1 The Sententiae 292
    8.1.1 A florilegium: The Liber Pancrisis 293
    8.1.2 Miscellanies 295
    8.1.3 The School of Laon? 298
    8.1.4 The sentential literature as literature 303
  8.2 The sentential literature on marriage 304
    8.2.1 Independent modern sentences 305
    8.2.2 Florilegia 306
      8.2.2.1 Sententiae Magistri A 306
      8.2.2.2 In primis hominibus 307
    8.2.3 Treatises 308
      8.2.3.1 De coniugiis tractantibus 309
      8.2.3.2 Cum omnia sacramenta 310
      8.2.3.3 The In primis hominibus group 313
      8.2.3.4 Other treatises 313
    8.2.4 Traits of the literature 314
Appendix: Sources cited 315

9 The theology of marriage in the Sententiae 317
  9.1 The regulation of marriage in the sentential literature 317
    9.1.1 Impediments and other grounds for divorce 317
    9.1.2 Variations across time and place 322
    9.1.3 The power to dissolve 325
    9.1.4 Summary: The power of the church 327
  9.2 Consent 327
  9.3 Reasons and benefits 331
    9.3.1 The goods of marriage 332
    9.3.2 Procreation as a reason for marriage 334
    9.3.3 Malady and remedy 336
  9.4 The sacred history of marriage 338
    9.4.1 Office and remedy as successive institutions 339
    9.4.2 Laws as successive institutions 339
    9.4.3 De coniugiis tractantibus 341
    9.4.4 Cum omnia sacramenta I 342
Coniugium namque

9.4.6 In coniugio figura

9.4.7 Summary

9.5 Marriage in the church

9.5.1 The sacramentality of marriage

9.5.2 Marriage outside the church

9.5.3 Christian marriage in the Cum omnia sacramenta family of treatises

9.6 Summary

10 Hugh of Saint-Victor

10.1 Hugh’s character as a theologian

10.2 Hugh’s sacramental theology

10.2.1 The sacraments and the work of restoration

10.2.2 What is a sacrament?

10.2.3 Divisions of the sacraments

10.3 The role of the clergy

10.3.1 Political theology: The two powers

10.3.2 Celibacy

10.4 Hugh’s treatise on Mary’s virginity

10.4.1 The problem

10.4.2 The solution: A theology of marriage

10.4.3 Virginal conception

10.4.4 The appendix: Marriage and gender

10.4.5 Influences and precedents

10.4.6 Hugh’s reasoning

10.5 The theology of marriage in the De sacramentis

10.5.1 Marriage in sacred history

10.5.2 Marital consent and the essence of marriage

10.5.3 The sacramentality of marriage

10.5.4 Office, remedy, and underlying essence

10.5.5 The inward sanctity of marriage

10.6 The authority of the clergy

10.6.1 Clandestine marriage and the principle of Solus consensus

10.6.2 Impediments and the power to dissolve

10.6.3 The excuse of ignorance

10.7 Conclusion

11 The early doctrine of marriage as one of the sacraments

11.1 Peter Abelard’s circle

11.2 Master Simon and his followers

11.3 Walter of Mortagne

11.3.1 Marital consent
xii

Contents

11.3.2 The reasons for marrying 416
11.3.3 Sexual ethics 417

11.4 Peter Lombard 419
11.4.1 The sacraments of the New Law 420
11.4.2 Circumcision and marriage as exceptions 421
11.4.3 The treatise on marriage (Book IV, Distinctions 26–42) 422
11.4.4 The sacred history and institutions of marriage 425
11.4.5 The definition of marriage 426
11.4.6 The betrothal distinction 426
11.4.7 The object of consent 428
11.4.8 Reasons and benefits 429
11.4.9 The conjugal goods and the marriage among unbelievers 430
11.4.10 Marriage as one of the sacraments 431
11.4.11 Substance, solemnity, and clandestinity 434

11.5 After Peter Lombard 436
11.5.1 Topics 438
11.5.2 Marriage as a sacred sign 441
11.5.3 Sacramental efficacy and the preventive model 443
11.5.4 Conjugal virtue and chastity 444

11.6 The contributions of canon law 445
11.6.1 The marriage of unfree persons 445
11.6.2 Marriage and the natural law 451
11.6.3 Rufinus and Huguccio on marriage as a sacrament 455

PART IV THE THIRTEENTH AND FOURTEENTH CENTURIES:
DEVELOPMENT OF THE CLASSICAL DOCTRINE 459

12 Marriage as union 461
12.1 Introduction to Part IV 461
12.1.1 Phases and literature 461
12.1.1.1 The period of exploration 462
12.1.1.2 The period of elaboration 464
12.1.1.3 The period of consolidation and new controversy 470
12.1.2 The law of marriage 471
12.2 Marriage as the union of a man and a woman 477
12.2.1 What is marriage? 478
12.2.1.1 Definitions of marriage 478
12.2.1.2 The ambiguity of coniunctio 483
12.2.2 The etiology of marriage 485
12.2.2.1 The reasons for marriage and marrying 486
12.2.2.2 The Aristotelian division of causes 487
12.2.2.3 The efficient cause: Consent 490
Contents

12.2.3 The ontology of marriage 495
12.2.4 Marriage and nature 503
12.2.4.1 William of Auxerre on monogamy in the Natural Law 504
12.2.4.2 William of Auvergne: Marriage as the natural convergence of the sexes 506
12.2.4.3 Marriage as a divinely instituted union 511

13 Scholastic sexual ethics 515
13.1 The basis in Augustine 516
13.2 The ends of sexual intercourse 520
13.3 The pleasure problem 531
13.3.1 Historical background to the problem 531
13.3.2 Robert Courson’s moral particles 534
13.3.3 William of Auxerre’s divided-self theory 536
13.3.4 William of Auvergne’s moral exchange theory 540
13.3.5 Sexual pleasure in Eden 543
13.4 Excusatio coitus 545

14 Marriage as a sacrament 556
14.1 The theological task 556
14.2 Marriage as a sacred sign 559
14.3 The privilege of religion 561
14.3.1 The double analogy rationale 562
14.3.2 The spiritual death rationale 569
14.3.3 Formal explanations 572
14.4 The sacrament of marriage and the good of sacrament 574
14.5 Institutions and sacred history 578
14.6 Marriage as one of the seven sacraments 588
14.6.1 The parsing of marriage 588
14.6.1.1 Form and matter 588
14.6.1.2 Tripartite analysis 589
14.6.2 Objections and solutions 592
14.7 Clandestine marriage 599
14.8 Voices of dissent: Olivi and Durandus 605
14.8.1 Univocity, equivocity, and semantic zones 605
14.8.2 Peter John Olivi 608
14.8.3 Durandus of Saint-Pourçain 617
14.8.4 Paludanus’s refutation of Durandus 621

15 The question of grace 623
15.1 The preventive model 623
15.2 The discourse on sacramental efficacy 628
xv

Contents

15.2.1 Preternatural grace
15.2.2 Objective and subjective efficacy
15.2.3 The efficacy of circumcision
15.2.4 Theories of sacramental causality
15.3 Theories of conjugal grace
15.3.1 Alexander of Hales
15.3.2 William of Auvergne
15.3.3 Albertus Magnus
15.3.4 Bonaventure
15.3.5 Thomas Aquinas
15.3.6 Peter of Tarentaise
15.3.7 Richard de Mediavilla
15.3.8 Durandus of Saint-Pourçain
15.3.9 Peter of La Palu

16 Human contract and divine sacrament
16.1 Believers, unbelievers, and the bond of marriage
16.2 Blessed and unblessed marriages
16.3 The divine and human dimensions of marriage
16.4 Albertus Magnus on the Officium naturae
16.5 Thomas Aquinas on marriage in law
16.5.1 The theory of laws in the Scriptum
16.5.2 The ends of marriage
16.5.3 Marriage and the multiplicity of law
16.5.4 The office of nature
16.5.5 Polygyny, proper actions, and instrumental teleology
16.5.6 The church’s legislative power over marriage
16.6 Constructive rationales for marriage as a sacrament
16.6.1 Thomas Aquinas’s rationale
16.6.2 John Duns Scotus’s rationale
16.7 The separability of the contract from the sacrament
16.7.1 Scotus and the Scotists
16.7.2 Thomas de Vio Cajetan, O.P.
16.7.3 Melchor Cano, O.P.

PART V THE COUNCIL OF TRENT

17 On the eve of the general council
17.1 From implicit faith to explicit dogma
17.2 Desiderius Erasmus
Contents

17.2.1 The estate of marriage 731
17.2.2 Divorce 731
17.2.3 Marriage as a sacrament 732
17.2.4 What is the great sacrament (Eph 5:32)? 736
17.2.5 Clandestinity and parental consent 740

17.3 Martin Luther
17.3.1 Prelude on the Babylonian Captivity of the Church 743
17.3.2 Vom ehelichen Leben 743
17.3.3 Marriage and sacramental theology 744
17.3.4 Marriage and celibacy 748
17.3.5 Marriage as a worldly thing 749
17.3.6 Marriage as a godly thing 751

17.4 King Henry VIII’s refutation of Luther 755
17.5 Johann Gropper
17.5.1 The treatise on marriage in the Enchiridion 760
17.5.2 Marriage as one of the sacraments 761
17.5.3 The composition of the sacrament 765
17.5.4 Solemnity and clandestinity 767

17.6 Solemnity, clandestinity, and reform
17.6.1 The ideology of marriage and the dream of order 772
17.6.2 The pastoral problem of clandestine marriages 777
17.6.3 Bishop Giberti’s reforms 783
17.6.4 The ritual tendency: “Ego vos coniungo” 786

17.7 Dominic de Soto 788
17.7.1 Marriage as one of the sacraments 789
17.7.2 The nuptial blessing and the sacramental form 796
17.7.3 The problem of clandestine marriages 798

17.8 The Catholic agenda on the eve of the general council 800

18 The sacrament of marriage at Bologna and Trent 804
18.1 Procedures 804
18.2 Bologna, 1547
18.2.1 The doctrine of the sacraments in general (Trent, Session VII) 809
18.2.2 Theologi minores 810
18.2.3 Particular and general congregations 812
18.3 Ambrosius Catharinus on the sacrament of marriage 817
18.3.1 Marriage as a sacrament 818
18.3.2 The composition of the sacrament: Matter, form, and minister 820
18.3.3 The sacramental history of marriage 823
18.3.4 Indissolubility and sacramentality 826
18.3.5 Summary 831

© in this web service Cambridge University Press
18.4 Trent, 1563 832
  18.4.1 Theologi minores 833
  18.4.2 The general congregations 839
    18.4.2.1 The four drafts 839
    18.4.2.2 The doctrinal preface 840
    18.4.2.3 Marriage as a sacrament (canon 1) 842
    18.4.2.4 Ecclesiastical jurisdiction 844
  18.5 Decree on the sacrament of marriage (Session XXIV) 845

19 Clandestine marriage: Bologna, 1547 848
  19.1 The rules of the game 848
  19.2 Preliminary discussion by the Theologi minores,
      April 26 through May 7 853
  19.3 General congregations on clandestinity and divorce,
      August 29 through September 6 855
  19.4 General congregations on the doctrine of marriage,
      September 9–24 859
  19.5 Dogma or reform? The particular congregations of
      October 12 and 14 865
  19.6 Revision of the canons: The particular congregations of
      October through November 871
  19.7 General congregations on abuses and remedies,
      November 29 through December 25 872
  19.8 Summary 881
  19.9 After Bologna: Retrospective treatises on clandestine marriage
      19.9.1 Giovanni Antonio Delfini 882
      19.9.2 Ambrosius Catharinus 886
      19.9.3 Gentian Hervet 893

20 Clandestine marriage: Trent, 1563 896
  20.1 An overview of the issues 898
  20.2 Marriage and the Christian commonwealth 902
    20.2.1 The argument in outline 902
    20.2.2 Presuppositions 903
    20.2.3 Adrian Florensz 907
    20.2.4 Ruard Tapper 908
  20.3 Theologi minores 915
  20.4 The first draft 922
  20.5 The second draft 940
  20.6 Archbishop Pedro Guerrero on clandestine marriage
      20.6.1 The treatise 951
      20.6.2 Guerrero’s intentions and methods 954
Contents

20.6.3 The five-step argument 958
20.6.4 Guerrero’s theory of laws 964
20.7 The third draft 968
20.8 The fourth draft and session XXIV 974
20.9 The meaning of Tametsi 977

Bibliography 983
Index 1041
Plates

1 The sacrament of marriage: woodcut from The book intytuled The art of good lywyng [and] good deyng, published by Antoine Vérard in Paris, 1503, from a copy held by the British Library. Image distributed by Early English Books Online (EEBO) and published here with permission of the British Library and ProQuest. Further reproduction is prohibited without permission.

2 Diagram of the spiritual journey of life: British Library Additional Manuscript 37049, ff. 72v–73r.

3 BL Add. MS 37049, detail.

page 85
86
88
Abbreviations

abbr. abbreviation, or abbreviated as
arg. 1c [etc.] The first of the contrary arguments in a scholastic article. (Contrary arguments are those which appear in the second place, after the arguments for the initial thesis, regardless of which set represents the position that the author defends in his response.)


ADHLMA Archives d’histoire doctrinale et littéraire du moyen âge

BA Bibliothèque Augustinienne, Oeuvres de Saint Augustin. Paris, 1949–

BMCL Bulletin of Medieval Canon Law

BGPh(Th)MA Beiträge zur Geschichte der Philosophie (und Theologie) des Mittelalters

Brev. Breviarium Alaricanum, = Lex Romana Visigothorum, ed. Hänel (1848)

CCL Corpus Christianorum. Series latina

CCM Corpus Christianorum. Continuatio medievalis

CIC Corpus Iuris Canonici, ed. E. Friedberg, 2 vols (Leipzig, 1881)

CJ Codex Iustinianus [2nd ed. 534]

1 Comp. (etc.) Compilatio prima (etc.), in Quinque compilationes antiques, ed. E. Friedberg.

CSEL Corpus Scriptorum Ecclesiasticorum Latinorum

CT Concilium Tridentinum: Diariorum, actorum, epistularum, tractatum nova collectio, edidit Societas Goeresiana Promovendis inter Germanos Catholicos Litteranum Studiis (Friburgi Brisgoviae 1901–2001)

CTh Codex Theodosianus

DDC Dictionnaire de droit canonique
### List of abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dig.</td>
<td>Digesta Iustiniani</td>
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<tr>
<td>DS</td>
<td>Denzinger-Schönmetzer, Enchiridion Symbolorum, Definitionum et Declarationum</td>
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<tr>
<td>Gaius, Inst.</td>
<td>Gai Institutiones iuris civilis commentarii quatuor Inst. Iustiniani Institutiones</td>
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<tr>
<td>IPH 1 [etc.]</td>
<td>Patristic sentences of the In primis hominibus, as enumerated by Matecki</td>
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<tr>
<td>JL</td>
<td>Refers to the numeration of decretals in Jaffé-Loewenfeld, Regesta pontificum romanorum ab condita ecclesia ad annum post Christum natum MCXCVIII.</td>
</tr>
<tr>
<td>LB</td>
<td>Desiderii Erasmi Roterodami Opera omnia, ed. J. Leclerc (Leyden, 1703–1706)</td>
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<td>Lottin, PsM V</td>
<td>O. Lottin, Psychologie et morale aux XIIe et XIIIe siècles, vol. 5</td>
</tr>
<tr>
<td>LP 1 [etc.]</td>
<td>Sententiae of the Liber Pancrisis enumerated according to MS British Library, Harley 3008. See Giraud, Per verba magistri, 503–51.</td>
</tr>
<tr>
<td>MGH</td>
<td>Monumenta Germaniae Historica</td>
</tr>
<tr>
<td>MWCh</td>
<td>Philip L. Reynolds, Marriage in the Western Church (Leiden, 1994)</td>
</tr>
<tr>
<td>Nov.</td>
<td>Novellae Iustiniani</td>
</tr>
<tr>
<td>Mansi</td>
<td>J.-D. Mansi (ed.), Sacrorum Conciliorum Nova et Amplissima Collectio</td>
</tr>
<tr>
<td>NE</td>
<td>Nicomachean Ethics (Aristotle)</td>
</tr>
<tr>
<td>Paulus, Sent.</td>
<td>Sententiae Pauli</td>
</tr>
<tr>
<td>PG</td>
<td>Patrologia Graeca, ed. J.-P. Migne</td>
</tr>
<tr>
<td>PL</td>
<td>Patrologia Latina, ed. J.-P. Migne</td>
</tr>
<tr>
<td>PM 1 [etc.]</td>
<td>The enumeration of sententiae in Lottin, PsM V</td>
</tr>
<tr>
<td>RDC</td>
<td>Revue de droit canonique</td>
</tr>
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List of abbreviations  xxiii

SMA 1 [etc.]  Sententiae Magistri A.: De matrimonio, as enumerated in Reinhardt’s edition

Tanner-Alberigo  Decrees of the Ecumenical Councils (London, 1990)

THTH Philip L. Reynolds and John Witte, Jr. (eds), To Have and to Hold (Cambridge University Press, 2007)

un.  unicus (as in articulus unicus, quaestio unica, etc.)


WH  Refers to the numeration of decretals in the Walther-Holtzmann-Kartei index.

X  Liber extra, = Decretales Gregorii IX. In Friedberg, Corpus Iuris Canonici, vol. 2

Citations  3:3/3 = vol. 3, p. 3 (or col. 3), line 3. Lines are enumerated from the top of the text on each page unless the edition provides its own enumeration.
Preface and acknowledgments

This book is my contribution to a project on Sex, Marriage, and Family and the Religions of the Book, organized by the Center for the Study of Law and Religion (CSLR) at Emory University in Atlanta. The project ran from 2001 through 2007, with regular meetings among the senior fellows through 2003. I am very grateful to the late Don S. Browning and to John Witte, Jr., who co-directed the project, as well as to The Pew Charitable Trusts, which funded it.

I have endeavored to explain herein how marriage came to be regarded as one of the seven sacraments. It is well known that this doctrine, like the universities and much of due process in our courts of law, was one of the medieval church’s contributions to western culture. It is equally well known that the doctrine was first defined as a dogma of faith at the Council of Trent in 1563, which defended it against the Protestant reformers. Its origins were in the early twelfth century, and the core of the doctrine was complete by the middle of the thirteenth. This history is well documented, although until now a minimal reading list covering it adequately would have to include literature of varying quality in several languages, most of it now showing its age. But this literature would tell us only who said what and when, what were the arguments and counterarguments, the rival theories, and so forth.

I realized even before I started writing this book in 2003 that it would have to be very long. I would have to revisit all the ground that had already been covered in the extensive secondary literature on the topic, amplifying, updating, and adding to it. But I wanted to do more than that: to take a broader, more distanced, and more searching view. I try to explain what was new when the doctrine emerged, and to distinguish that from what was received and traditional. I try to show why theologians, canonists, and other clerics argued as they did, for they often used forms of argument that would convince few if any today. What were their presuppositions? What difference did the doctrine make? Why did it matter? What was at stake?

Moreover, the doctrine was largely the work of scholastic theologians, no two of whom agreed about this or any other subject at every point. Their arguments and
counterarguments about marriage as a sacrament were extremely intricate. Only a small part of any theologian’s treatment of marriage in a commentary on Peter Lombard’s Sentences or in a summa of theology was devoted to the sacramental-ity of marriage, but the topic elicited enormous invention and ingenuity, partly because marriage did not fit the sacramental paradigm easily. In several salient respects, marriage did not look like a sacrament. Furthermore, scholastic theologians were intellectuals who thoroughly enjoyed their work and relished problems in need of solution. That a certain master had said one thing was often sufficient reason for another to say something different, especially when no established dogma was at stake and there was no risk of heresy. For example, the schoolmen assumed that each sacrament had an essence composed of form and matter. In the case of baptism, the form was the formula of blessing spoken by the minister, whereas the matter was the ritual ablution with water. But what were the matter and the form of marriage? The question was not dangerous. Any professional theologian could come up with plausible candidates and defend them adequately. There was no need to fear that marriage would be shown not to be a sacrament because it did not have an essence composed of form and matter. But extending the hylomorphic analysis from paradigmatic sacraments such as baptism and eucharist to marriage was a stretch. Theologians delighted in coming up with their own personal solutions to such problems.

The dimensions of the project expanded as I worked on it, largely because the chronological scope of project extended both backwards and forwards. I had originally planned to begin in the early twelfth century, when the doctrine originated, and to finish with Thomas Aquinas, in whose work it arguably reached its full development. But the origination of the doctrine involved a new reception of Augustine. Theologians during the early twelfth century gathered hitherto little used material from Augustine on marriage from florilegia, sometimes assembling it in ways that he could not have anticipated. I had intended to refer readers in this book to what I had written on marriage in Augustine in an earlier book,1 but I found that I was not entirely satisfied with the earlier treatment, and I decided to make a fresh start. This book includes, therefore, three preliminary chapters on Augustine (Chapters 2–4), in which I try to establish what Augustine himself meant by what he said about marriage, as distinct from what twelfth-century theologians creatively made out of his statements and opinions on the topic. Again, the origins of the sacramental doctrine presupposed conceptions of marrying that differed from those prevailing in the early Middle Ages, and one needs to construe that emergence as part of an effort on the part of bishops and clerics to take control over how people married; to enforce the rules and regulations. Both of these considerations require attention to traditional structures and presuppositions: the nuptial process, marital consent, and consummation. Here, too, I had planned to refer to my earlier book but decided on reflection to make a fresh start, recounting the historical background of marital

1 Marriage in the Western Church (Leiden, 1994).
consent and consummation, the ambiguities that these traditions presented to
churchmen, and the competing solutions to such ambiguities that evolved during
the late eleventh and the twelfth centuries (Chapters 5–7).

The study also extended forward to the sixteenth century. I could not find a natural
boundary during the central Middle Ages. The theology of marriage continued to
evolve through the fourteenth century. It is true that some famous theologians of that
era, working in the ingenious but crabbed spirit of late-medieval scholasticism, were
so preoccupied with narrowly philosophical and epistemological problems that they
chose to ignore marriage and the other sacraments. At the same time, many four-
teenth-century theologians ceased to cover the canonical rules and regulations of
marriage, partly because there was little there that was problematic or controversial,
and partly because the disciplines of theology and canon law had grown apart.
Nevertheless, a few major theologians continued to provide new solutions to old
problems in the sacramental theology of marriage. In particular, the objections of
Durandus of Pourçain (d. 1334) to the sacramentality of marriage elicited new
solutions and counterarguments (Section 14.8). Each new contribution sheds fresh
light today on the preceding treatments. Although not much happened in the
theology of marriage during the fifteenth century, I could not find any medieval
end point that would have seemed more than arbitrary. Eventually, I realized that the
first natural boundary was the Council of Trent. That, too, sheds new light on
marriage in medieval scholastic theology and canon law during the previous centur-
ies. To treat Trent adequately, however, I had to examine Protestant critique,
the Catholic response to that critique during the first half of the sixteenth century,
and the proceedings on marriage not only at Trent in 1563 but also at Bologna in 1547,
where the council’s deliberations on marriage began. The last four chapters of the
book (Chapters 17–20) are devoted to these sixteenth-century developments.

There was another reason for the project’s growth. Thoroughness breeds thor-
oughness. Subjects that I might have mentioned only en passant in a succinct study
called for a full discussion in a study on this scale. For example, Vacarius’s theory of
marrying as a form of traditio (Section 7.5), while interesting from the perspective of
legal theory, contributed little to the story of how marriage became a sacrament. In a
brief study of that topic, therefore, I might have mentioned Vacarius’s theory only in
passing, as a historical curiosity. But that omission would have been inappropriate
and even unforgivable when I cover much else extensively.

Realizing that I could not expect many interested readers to read a book com-
posed on this scale sequentially from cover to cover, I endeavored to make it as
accessible and as useful as possible by dividing and subdividing each chapter into
numbered sections, which are identified in the table of contents. I include cross-
references to these sections parenthetically in the main text.

Because the table of contents reveals the scope and organization of the book fully
and clearly, an introductory chapter-by-chapter synopsis would have been redund-
ant. Instead, the first chapter is an essay that provides the reader with an overview of
the entire study. I do not claim to have said everything worth saying on my subject – far from it – but I believe that I have provided a treatment that will serve as a point of reference for other related or more detailed studies, whether they are historical or theological.

A note on my policies of translation: English translations of patristic and medieval Latin texts are my own unless otherwise stated. I provide the Latin original for a passage that I have translated only if its wording is remarkable, problematic, or discussed in the main text, or if the source is not readily available in a printed edition. Many early printed editions of scholastic works that were virtually inaccessible twenty years ago are now readily available through online services such as Google Books and Hathi Trust Digital Library.

I have based English quotations of the Bible sometimes on the Douai-Rheims version but more often on the King James Bible. The former was a faithful, rather literal translation of the Vulgate. Although the translators and editors of the King James Bible consulted the Hebrew and Greek sources available to them, this was in effect a revised version of the Douai-Rheims, incorporating many of its idiomatic solutions (a debt that is rarely acknowledged). As a result, the King James Version remains remarkably close to the Vulgate. Moreover, like the works of William Shakespeare, it still has the advantage of cultural familiarity among English-speaking readers, for the influence of its phrases and idioms on our usage is pervasive. When quoting from the Douai-Rheims or King James version, however, I have sometimes modernized obsolete idioms that would have been pointlessly obscure or distracting to the modern reader. Moreover, I have modified these sources without notice to convey as closely as possible the sense of the Vulgate as it was understood and interpreted by the authors whom I am discussing. Quotations of the same verses of the Bible in English, therefore, are not always consistent throughout the book.

The section on Pedro Guerrero’s treatise on clandestine marriage in Chapter 20 has been published (with minor variations) in Troy L. Harris, Studies in Canon Law and Common Law in Honor of R. H. Helmholtz, copyright 2015 by the Regents of the University of California, The Robbins Religious and Civil Law Collection, School of Law, University of California at Berkeley.

I am deeply grateful to Dr Line Cecilie Engh, who convened a workshop on medieval marriage symbolism at the Norwegian Institute in Rome in June, 2014, and summoned me to it. The meeting caused me to rethink and revise my treatment of marriage as sacred signifier in the first chapter. After working in the field for some thirty years, I still find the logic, argument, and semiotics of signs in the medieval theology of marriage both baffling and fascinating. The work of the Rome project that Line inaugurated is still unfolding.

I have received practical help and advice from many established scholars, graduate students, librarians, and archivists in the course of writing this book. They are too numerous to name, and a short list might offend those whom I failed to mention. I shall limit myself, therefore, to a few words of special thanks to three colleagues
who were personally involved in the project. I am very grateful to Severin Kitanov, who is now a professor of philosophy at Salem State University, and to Sarah Bogue. Severin, whom I first met while teaching in Helsinki, helped me with bibliographical research at an early stage of the project, when he was a visiting doctoral student at Emory University. Sarah, who is currently writing her dissertation on Hrotsvit of Gandersheim at Emory, read all of the chapters in draft, alerting me to corrigenda and pointing out places where the sense was unclear. Finally, I must acknowledge a huge debt to my colleague John Witte, Jr., director of Emory’s Center for the Study of Law and Religion, of which I am privileged to be a senior fellow. John not only encouraged me to write the book but also discouraged me from abandoning the project at moments when I was becoming daunted by its emerging scope. I am grateful to John, too, for his work as an intellectual leader at Emory University, where the CSLR under his direction fosters free and diverse but disciplined and informed inquiry into law and religion.