

Index

- abandonment of children, 63–5
- abortion, 154, 313
- Act of Succession (1536), 238, 239
- The Acting Person* (Pope John Paul II), 365
- An Address on Vainglory and the Right Way for Parents to Bring Up Their Children* (St. John Chrysostom), 97, 98
- adultery, ideas and teachings
 - Calvin, John, 224, 226
 - divorce and, 58
 - fidelity in marriage, 77–8
 - goods of marriage and, 154
 - Henry VIII, 238–9
 - introduction to, 6, 26–7
 - Jesus, 39, 42–3
 - Jewish traditions, 22
 - Justinian, Emperor, 109
 - marriage bond and, 252
 - Selden, John, 272
- Afanasiev, Nicholas, 381, 386
- affectio maritalis*, 107
- affinity incest
 - collateral affinity, 241, 243
 - direct affinity, 241–3
 - Fourth Lateran Council, 172–3
 - Gratian, 143–4
 - Henry VIII, 240, 241
 - justice of public honesty, 234
 - Tridentine adjustments to, 249–50
- Against Remarriage* (St. John Chrysostom), 91
- aggiornamento*, 347
- agnatic kin, 108
- Albert the Great, 337
- Alexander III (r. 1159–81)
 - classical canon law of marriage, 164–5
 - divorce and remarriage, 175–6
 - formation of marriage, 165–7
 - impedient impediments, 174–5
 - impediments to marriage, 167
 - incest laws, 71–4
 - introduction to, 6–7, 161–4
 - religious impediments to marriage, 169–71
 - summary of, 176–7
 - vices of consent, 168–9
- Alghisi, Giudetta, 344
- Althusius, Johannes, 300
- altruism, 407
- American Birth Control League, 352
- androgyny, 409
- Androgyny or Antigone question, 413
- Anglican Christianity, 278
- Anne of Cleves, 236, 239
- annulment of marriage, 29, 208, 218, 229, 233–6, 254–5
- ante-Nicene writers, 59–60, 66
- anthropology and theology, 385–8
- Antirevolutionary Party, 291
- antisexual Puritanism, 391
- Apostolic Constitutions*, 132
- Apostolical Canons, 121
- Aquinas, Thomas. *See* St. Thomas Aquinas (1225–74)
 - common good, 426
 - God's essence, 280
 - influence of, 249
 - introduction to, 7, 179–82
 - natural law concept, 182–4, 337
 - Scriptum super libros Sententiarum*, 184–8
 - Summa contra Gentiles*, 181, 188–90
 - Summa theologiae*, 181–2, 190–4
- Arcanum* (Pope Leo XIII), 329, 330–1, 334
- Archevolti, Samuel, 264

- Arden, John, 277
 aristocracy, 112–13
 Aristotle, 130, 417, 422
 Arjakovsky, Antione, 381, 384
 arranged marriages, 20, 203
arrhae sponsaliciae concept, 57–8
 asceticism, 388
 Ashkenazi Jews, 27
Assertio septem sacramentorum adversus Martinum Lutherum (Henry VIII), 229
 Aubert, Robert, 330
 Augustine of Hippo. *See* St. Augustine of Hippo
 authoritative legal statements. *See* canons
- Babylonian Talmud (BT), 18–19
 Bailey, Derrick Sherwin (1910–84)
 Christianity, Social Tolerance, Homosexuality, 405
 Homosexuality and the Western Christian Tradition, 399
 homosexuality concerns, 402–5
 introduction to, 13–14, 397–9
 The Man-Woman Relation in Christian Thought, 408
 The Mystery of Love and Marriage, 399
 religious morality and criminal law, 406–7
 sexual ethics, 410–12
 Sexual Ethics: A Christian View, 410
 Sexual Relation in Christian Thought, 408
 theology of marriage, 400–2
 theology of sex, 408–10
 Balsamon, Theodore
 contribution to orthodox church canon, 118–23
 on female sexuality, 130–2
 introduction to, 5, 116–18
 legislative attitudes toward women, 123–4
 marriage inequality, 124–30
 baptism
 contractual marriage and, 254
 fatherhood role in, 221–2
 infant baptism, 220–1, 296
 Barbarossa, Frederick, 164
 Barth, Karl, 307, 318–21
Basilika civil text, 118–20
 bearing witness process, 416
 Beauvoir, Simone de, 409
 Benedict XVI, Pope, 365
 Berdyaev, Nicholas, 381
 betrothal, 57–60, 237–9, 249
 the Bible. *See* Christian Bible
- bio-psychic beings, 421
 birth control/contraception
 allowing use of, 330
 Bailey, Derrick Sherwin, 411
 Evdokimov, Paul, 392
 John Paul II, Pope, 371–2
 prohibition against, 12, 351–4, 355, 356–59
 Bodin, Jean, 300
 Boleyn, Anne, 8, 235–7, 239
Book of Sentences (Lombard). *See* Lombard, Peter
 Brinig, Margaret, 424
 British common law, 25
 brother-sister marriage in Chile, 241
 Brunner, Emil (1899–1966)
 Barth, Karl vs., 318–21
 Christianity and family in society, 315–18
 Divine Imperative, 309
 Dogmatics, 309
 introduction to, 11, 307–9
 justice and love in the family, 311–15
 Man in Revolt, 309
 The Mediator, 309
 psychophysical nature of human beings, 309–11
 Buber, Martin, 400
 Bulgakov, Sergius, 381
 Burgh, James, 277
 Burke, Edmund, 284
 Byzantine Christian attitudes toward women, 123–4
- Calvin, John (1509–64)
 children and, 219–22
 Ecclesiastical Ordinances, 215
 influence of, 307
 introduction to, 8, 211–14
 legacy and impact of, 226–7
 marriage teachings, 214–19
 sexual misconduct, 224–6
 spiritual kinship, 222–4
 canons
 Apostolical Canons, 121
 Concordia discordantium canonum, 134
 contribution to orthodox church canon, 118–23
 introduction to, 7
 ius naturale in medieval Catholic canon law, 263
 law of marriage, 233–4, 253–7
 Casti Connubii (Pope Pius XI), 329, 337

- casuistry, 252
Catechism of the Catholic Church (Pope John Paul II), 366
 catechisms, 202, 221, 296, 326, 332
 Catherine of Aragon, 229, 232–3, 238
 Catholic Church. *See also* Council of Trent; John Paul II; Leo XIII; Paul VI; Pius XI
 Benedict XVI, Pope, 365
 celibacy for Roman Catholic priests and nuns, 19
 challenges to, 195, 197
 Clement VII, Pope, 235
 Gregory IX, Pope, 166, 249
 John XXIII, Pope, 232
 neo-Thomist renaissance, 11
 orthodox church canon, 118–23
 prohibition against birth control, 12
 social teaching movement, 330
 subsidiarity theory, 316–17
 Tametsi decree, 240, 252, 325, 327
 tolerance of, 261
 Tridentine teachings, 249–50, 328
 Catholic magisterium, 339
 celibacy, ideas and teachings
 Bailey, Derrick Sherwin, 408–9
 Constantine, 56–7, 60
 marriage vs., 198–200
 for Roman Catholic priests and nuns, 19
 John Paul II, Pope, 200, 203–5
 Luther, Martin, 197–200
 St. Augustine, 69
 St. John Chrysostom, 88
 St. Paul, 38, 47
 centripetal force, 163
 chaste monasticism, 199–200
 chastity, 80, 91–2
 chattel slavery case, 282
 child abuse, 203
 child-rearing, ideas and teachings
 Calvin, John, 223–4
 communal child-rearing, 416
 John Paul II, Pope, 374–5
 love and, 348
 Luther, Martin, 202
 childhood maladjustments, 404
 children, ideas and teachings. *See also* procreation
 Calvin, John, 219–22
 Constantine, legislation on, 55, 61
 human rights of children, 287–8
 infant baptism, 220–1
 Jewish cultures/traditions, 30–3
 out of wedlock, 111, 217
 sale and abandonment of, 63–5
 St. John Chrysostom, 96–9
 as supreme gift, 348
 trinity of recognitions, 314–15
 Christ-like love, 95
 Christian Bible, 71–4, 310, 319
 Christian Hebraists, 263, 267, 268
 Christian love (*agape*), 312
 Christian moral anthropology, 421
 Christian Social Congress, 302
 Christianity. *See also* Catholic Church; Old Testament; Protestantism
 Anglican Christianity, 278
 attitudes toward women, 123–4
 classical canon law of marriage, 164–5, 169
 divine sovereignty in, 294
 family in society and, 315–18
 formation of marriage, 165–7
 homosexuality and, 48–9
 institutionalization of, 112
 introduction, 1–14
 Jewish roots of, 16
 life in the spirit teachings, 49
 marginalization of, 321
 Mosaic law, 2, 208, 265, 271, 272–3
 natural rights theories, 277
 New Testament, 59, 385, 393, 401
 Noachide laws, 262, 264, 266–7, 272
 one-flesh union, 314, 319, 332, 401, 408, 411
 original sin, 69, 73–4, 91
 Orthodox Christian tradition, 4
 orthodox church canon, 118–23
 papal authority, 161–3
 Protestantism, 11, 197, 207–10
 rise of, 87–8
 the Sabbath, 38
 Ten Commandments, 39, 183, 220
 Trinitarian theology, 279, 314–15
 Christianity, *Social Tolerance, Homosexuality* (Bailey), 405
 Christianization of Rome, 1, 5
christifideles, 327
 Christological formula of Emperor Justinian, 103–5
 Chrysostom, John. *See* St. John Chrysostom
The Church of the Holy Spirit (Afanasiev), 389
 Civil Code in France, 338

- Civil Constitution of the Church (1790), 328
 civil law of marriage, 251, 267–73
 clandestine marriages, 174–5, 237–9, 240, 252, 327
 classical canon law of marriage, 164–5, 169
 Clément, Oliver, 387
 Clement of Alexandria, 89
 Clement VII, Pope, 235
 clerical celibacy, 200, 211, 214
 clerical marriage, 229
Code of Canon Law (1917), 245, 333, 334, 335
Code of Canon Law (1983), 249, 366
 Code of Justinian, 56, 63
Codex Iustinianus (Justinian), 104
 cognatic kin, 108
 cohabiting partners, 378
 Coke, Edward, 271
 collateral affinity, 241, 243
 Committee on Jewish Law and Standards, 29
 communal child-rearing, 416
Concordia discordantium canonum (“Concord of discordant canons”), 134
 concubinage, 71, 187–8
 condition impediment, 169
Confessions (St. Augustine). *See* St. Augustine of Hippo
 Congar, Yves, 365
 Congress of Vienna (1815), 323
 conjugal debt in marriage, 253
 conjugal good (*bonum coniugum*), 336
 consanguinity incest, 143–4, 171–2, 241, 249–50
 consent in marriage, 152–3, 236
 Constantine, Emperor (r. 306–37 CE)
 betrothal and divorce, 57–60
 inheritance and property transmission, 55–7
 introduction to, 3, 52–4
 marriage and family legislation, 54–5
 prohibited unions, 61–3
 sale and abandonment of children, 63–5
 summary of, 65–7
 Constantine IX Monomachos, Emperor, 130
 consummation of marriage, 234, 235, 253, 269–70
 contraception. *See* birth control/contraception
 contractualism, 420
 Cookson, James, 288
 Corinthian Christians, 46
 corporal punishment, 33
 corporate family/aristocracy, 112–13
Corpus Iuris Civilis (Justinian), 4–5
 corruption in children, 220
 cosmic love of saints, 389
 Council of Florence, 251
 Council of Trent (1545–63)
 clandestine marriages, 238–9
 consanguinity, 240
 decree for formal solemnization, 249
 introduction to, 9
 sacramental marriage, 251–2, 325–8
 cousins, marriage between, 240
 covenant concept in Hebrew Bible, 48
 covenant of irrevocable personal consent, 347
 covenant theology, 294–6
 covenantal fidelity of marriage, 312–13
 Crammer, Thomas, 8, 234
 creation and fall in Genesis, 71–4
 crime impediment, 170–1
 Cromwell, Thomas, 236, 239
 cultic purity of temple priesthood, 121
 Dawkins, Richard, 394
 Day, Dorothy, 387
De Jure Naturali et Gentium, Iuxta Disciplinam Ebraeorum (Selden), 261, 263–4, 266–7
 death penalty, 22, 226
Decretum (Gratian), 5–6, 231. *See also* *Concordia discordantium canonum*
decurion (town councilor), 61–2
Democracy in America (Tocqueville), 302
 democratization, 301
 deuterio-Pauline letters, 48
 Devlin, Patrick, 406–7
Didascalia Apostolorum, 132
 direct affinity, 241–3
 discipleship, 387–8
 disparity of cult impediment, 169–70
Divine Imperative (Brunner), 309
Divine Institutes (Lactantius), 64
 divine right of husbands, 284
 divine sovereignty in Christianity, 294
 divorce, ideas and teachings
 Alexander III, 175–6
 Aquinas, Thomas, 188
 Constantine, legislation on, 57–60
 Evdokimov, Paul, 392–3
 Gospel pronouncements, 271
 Gratian, 141–2
 Innocent III, 175–6
 Jesus on, 42–4, 402
 Jewish cultures/traditions, 27–30
 Justinian, Emperor, 110

- divorce, ideas and teachings (cont.)
 under Mosaic law, 271, 272–3
 Napoleonic Code, 329
 paganism and, 270
 Paul, Apostle, 36–51
 St. Augustine, 79–81
 St. John Chrysostom, 93–4
 unilateral divorce, 58, 59
Doctrine and Discipline of Divorce (Milton),
 272, 273
Dogmatics (Brunner), 309
 domestic church, 351
 dominion of God, 340, 353
 Donahue, Charles, 149
donatio propter nuptias (prenuptial gift), 107
 Donin, Nicolas, 267
 Dorff, Elliot, 2
 dowries, 62, 113, 208
 Dutch Constitution (1848), 297
 Dutch immigrant diaspora, 293
 dyadic perfectionist friendship, 10
- Eastern Byzantine Empire, 5
 Eastern Roman Empire, 100
Ecclesiastical Ordinances (Calvin), 215
 economic theory, 303
 Edict of Caracalla, 55, 63
 egalitarianism, 14, 201, 284, 417
 Elshtain, Jean Bethke (1941–2013)
 chastened view of law, 424–5
 family space, 416–22
 introduction to, 14, 318, 413–15
 private family, 426–7
 *Public Man, Private Woman: Women in
 Social and Political Thought*, 416–22
 rebuilding marriage/renewing families, 422–4
 emergency bishops, 207
Emile (Rousseau), 283
 empiricism, 279
 endogamy and marriage, 20–1
 Enlightenment egalitarianism, 284
 Enlightenment liberalism, 2
 Enlightenment Protestant expressions, 280
 epistemic humility, 424
 error impediment, 169
 estate inheritance and slaves, 108
 Eucharist, 123, 248, 388
 Eucharistic ecclesiology, 383
 eugenics, 352
 European Enlightenment, 275
 European Protestantism, 10
- Evangelical Law, 332
Evangelii Nuntiandi (Pope Paul VI), 349,
 351
 Evdokimov, Paul (1900–69)
 anthropology and theology, 385–8
 introduction to, 13, 381–4
 pastoral compassion, 392–3
 The Sacrament of Love, 384, 386, 389
 sacramental marriage, 388–92
 summary of, 393–5
 universal love and service, 384–5
 Woman and the Salvation of the World, 384
 excommunication, 22
expositi law, 64
 external consent in marriage, 253
- false legalism, 316
 family law/values, ideas and teachings
 Aquinas, Thomas, 179–82
 Calvin, John, 222–4
 Christianity and family in society, 315–18
 Constantine, legislation on, 54–5, 67
 as domestic church, 351
 Elshtain, Jean Bethke, 416–22
 Gratian, 136
 intrafamilial moral duties, 377
 Jesus, 40–2
 John Paul II, Pope, 367, 370
 justice and love in the family, 311–15
 Justinian, Emperor, 107–12
 Kuyper, Abraham, 293, 298–301
 Luther, Martin, 197–8, 201–3, 207–10
 minimalist universal laws of family relations,
 265–6
 natural law concept, 182–4
 Paul, Apostle, 50–1
 private family, 426–7
 property transmission, 55–7
 St. John Chrysostom, 96–9
 Trinitarian family recognitions, 314–15
 Wollstonecraft, Mary, 283–9
 Fascist ideologies, 329
 fatherhood, 32, 33, 221–2
 female sexuality, 130–2
 feminism. *See also* Elshtain, Jean Bethke
 Biblical hermeneutics, 277
 gender inequality and, 304
 liberal feminism, 415
 political feminism, 293
 rise of, 301, 305
 Ferdinand of Aragon, 232

- fideicommissum*, defined, 112, 113
 fidelity in marriage, 77–8
 forbidden sexual relationships, 21–2
 force of fear impediment, 168–9
 forced sex in marriage, 287
 fornication, 187–8, 224
 Forster, Johann Reinhold, 288
 Fourth Lateran Council, 172, 174, 232
 Free University of Amsterdam, 291
 freedmen, 112
 freedwomen, 61, 62, 65
 French Revolution, 327, 328–9
 frigidity impediment, 168
- Gaudium et Spes*, 347–8, 356, 368
 gender differences
 Genesis, Christian Bible, 310, 319
 legislative attitudes toward women, 123–4
 marriage inequality, 124–30, 312–13
 sex/sexual relations, 313
 gender equality
 John Paul II, Pope, 375–6
 in marriage, 94–6, 110, 289, 304
 Genesis, Christian Bible, 71–4, 310, 319
 Gentiles to Judaism conversion, 21
 Gillet, Lev, 383, 394
 God
 covenant promises, 294–6
 dominion of, 340, 353
 essence of, 280
 humanity of, 385–6
 godparents, 223
The Good of Marriage (St. Augustine), 71, 72, 74–5, 79, 153
 Gospel of John, 38, 39
 Gospel of Mark, 38
 Gospel of Matthew, 38, 43
 Gratian
 consanguinity, affinity, and incest, 143–4
 consent to marry, 161
 Decretum, 5–6, 231
 divorce, 141–2
 family law, 136
 introduction to, 134–6
 Lombard, Peter, 159–60
 marriage law, 137–44
 Great Church (Hagia Sophia), 116
 Greco-Roman cultures, 1, 3
 Gregory IX, Pope, 166, 249
 Gregory of Nyssa, 386
 Grisez, Germain, 368
- Grotius, Hugo, 261
 Grubbs, Evans, 3
- Harding, Hannah, 277
 Hebrew Bible
 anthropology and, 385
 Christian Hebraist, 267
 covenant concept, 48
 introduction to, 2, 16
 the Mishnah, 18–19, 20, 21, 23
 procreation, ideas and teachings, 401
 Rabbah series, 19
 romance-based monogamy, 393
 three parts of, 16–18
 the Torah, 18, 23
henosis, defined, 400
 Henry VIII, King (r. 1509–47)
 Assertio septem sacramentorum adversus Martinum Lutherum, 229
 clandestine marriages, 237–9
 introduction to, 8–9, 229–31
 kinship impediments, 231–5
 marriage contract, 235–7
 heterosexual marriage, 9, 393
 Hitchens, Christopher, 394
 Hobbes, Thomas, 279, 419
 holiness of marriage, 48
 holy communion, 120
 homosexuality, ideas and teachings
 Bailey, Derrick Sherwin, 402–5
 Christian traditions, 48–9, 106, 397–9
 criminality of, 406–7
 Jewish traditions, 22
 prohibition of, 264
Homosexuality and the Western Christian Tradition (Bailey), 399
 household suffrage, 304
 human love in the divine plan, 373–5
 human rights
 of children, 287–8
 individual rights, 352
 theory of, 282–3
 human self-sufficiency, 185
Humanae Vitae (Pope Paul VI), 351–59, 372, 373–5
 humanity of God, 385–6
 Husserl, Edmund, 307
 Hyde, Edward, 259
- I–Thou question, 400
 illegitimate children, 111, 217

- immediate contractual effect in marriage, 253
- immorality, sexual. *See* sexual morality/immorality, ideas and teachings
- impedient impediments, 174–5
- imperial decrees, 119
- imperial law, 67
- impotence impediment, 168, 249–50
- incest, 143–4, 171–4, 231–5. *See also* affinity incest
- indissolubility of marriage, 254–5
- individual rights, 352
- individualism, 369, 370
- industrial economy, 293
- industrialization, 301, 317, 350
- infant baptism, 220–1, 296
- infertility, ideas and teachings
 - Constantine, legislation on, 55, 56
 - Jewish cultures/traditions, 30
 - John Paul II, Pope, 374
 - Kuyper, Abraham, 24–5
- inheritance and property transmission, 55–7
- Innocent III (r. 1198–1216)
 - classical canon law of marriage, 164–5
 - divorce and remarriage, 175–6
 - formation of marriage, 165–7
 - impedient impediments, 174–5
 - impediments to marriage, 167
 - incest laws, 171–4
 - introduction to, 6–7, 161–4
 - religious impediments to marriage, 169–71
 - summary of, 176–7
 - vices of consent, 168–9
- insanity impediment, 168
- institutionalization of Christianity, 112
- Institutiones Juris Anglicani* (Coke), 271
- interfaith marriage, 141, 157
- internal consent in marriage, 253
- inverts/inversion, 404
- ius naturale* in medieval Catholic canon law, 263
- Jerusalem Talmud (JT), 18–19
- Jesuit Constitutions, 248
- Jesus
 - crucifixion of, 248
 - divorce and, 42–4, 402
 - family matters and, 40–2
 - gender equality, 376
 - introduction, 2–3, 36–8
 - paradoxical teachings, 38–40
 - redemptive activity of, 320
 - relationship to the Torah, 36–51, 271
 - on remarriage, 402
 - resurrection of, 44–5
 - reverence as a mortal man, 279
- The Jeweler's Shop* (Pope John Paul II), 365
- Jewish cultures/teachings. *See also* Hebrew Bible; the Mishnah; Talmud; the Torah
 - children, 30–3
 - civil law of marriage, 267–73
 - divorce, 27–30
 - introduction to, 1, 2, 16
 - marriage, 19–27
 - sources of, 19
 - summary of, 33–4
- John. *See* Gospel of John
- John Paul II, Pope (1978–2005)
 - The Acting Person*, 365
 - Catechism of the Catholic Church*, 366
 - introduction to, 12–13, 363–6
 - The Jeweler's Shop*, 365
 - Love and Responsibility*, 365
 - main currents, 367–71
 - moral principles, 376–9
 - Mulieris dignitatem*, 370, 375–6
 - summary of, 379
 - “Theology of the Body,” 370, 371–5
 - Veritatis Splendor*, 377
- John XXIII, Pope, 232, 389
- Joseph II, Emperor, 327
- justice and love in the family, 311–15
- justice of public honesty, 234
- Justinian, Emperor – (c.482–565)
 - aristocracy, 112–13
 - Christological formula of, 103–5
 - Codex Iustinianus*, 104
 - Corpus Iuris Civilis*, 4–5
 - family values, 107–12
 - introduction to, 4–5, 100–3
 - marriage and, 104
 - Novel Constitutions*, 4–5
 - sexual morality and, 105–7
 - summary of, 113–14
- Karo, Joseph, 264
- Kierkegaard, Søren, 307
- kinship impediments, 231–5
- Komnenos, Manuel, 116
- Kuyper, Abraham (1837–1920)
 - covenant theology, 294–6
 - family law/values, 298–301
 - introduction to, 10–11, 291–3

- modern challenges, 301–5
- politics of education, 296–8
- sphere sovereignty, 299–300, 303, 316
- theory of sphere sovereignty, 11
- lashon havai* (deliberate rhetorical exaggeration), 268
- legal codification program, 103
- legislating morality, 424–5
- legislative attitudes toward women, 123–4
- Lenten homilies on Genesis, 95
- Leo XIII, Pope (1878–1903)
 - Arcanum*, 329, 330–1, 334
 - Council of Trent, 325–8
 - introduction to, 11–12, 323–5
 - Leonine Era, 328–30
 - marriage, defined, 332–6
 - naturalism and liberal contractarianism, 336–40
 - Rerum Novarum*, 302, 341, 350
 - summary of, 340–2
- Leonine Era, 328–30
- liberal contractarianism, 336–40
- liberal feminism, 415
- liberalism, 317
- life in the spirit teachings, 49
- Literal Commentary on Genesis* (St. Augustine), 73
- Lombard, Peter (d. 1160)
 - Book of Sentences*, 6
 - Gratian and, 159–60
 - introduction to, 6, 146–9
 - marriage and, 138, 150–9, 161
- love
 - child-rearing with, 348
 - Christ-like love, 95
 - Christian love, 312
 - cosmic love of saints, 389
 - human love in the divine plan, 373–5
 - justice and love in the family, 311–15
 - marital love, 13, 347–8, 390
 - mutually sacrificial love, 13
 - passion vs., 91
 - as path to holiness, 391
 - universal love and service, 384–5
- Love and Responsibility* (Pope John Paul II), 365
- Luther, Martin (1483–1546)
 - family law/values, 197–8, 201–3, 207–10
 - Henry VIII attack of, 229
 - influence of, 307
 - introduction to, 7–8, 195–8
 - marriage as social institution, 203–7
 - marriage vs. celibacy, 198–200
 - moralism of, 425
 - objections to, 252
 - pietistic depiction of, 417–18
 - redemption of the everyday, 418
- luxuria* analysis, 192
- Magnus, Albertus, 181
- Maimonides's code in the Mishnah, 263, 264–6, 269
- malicious desertion, 6
- Man in Revolt* (Brunner), 309
- The Man-Woman Relation in Christian Thought* (Bailey), 408
- Maria, or the Wrongs of Woman* (Wollstonecraft), 285, 287
- marital crimes, 1
- marital debt, 142
- marital love, 347–8, 390
- marital rape, 25
- Mark. *See* Gospel of Mark
- Mark of Alexandria, 120
- marriage, ideas and teachings. *See also* adultery; natural law theory of marriage; procreation; remarriage; sacramental marriage; same-sex marriage
 - annulment of, 29, 208, 218, 229, 233–6, 254–5
 - Aquinas, Thomas, 179–82, 184–8
 - arranged marriages, 20, 203
 - betrothal and, 57–60, 237–9, 249
 - Calvin, John, 214–19
 - celibacy vs., 198–200
 - clandestine marriages, 174–5, 237–9, 240, 252, 327
 - classical canon law of marriage, 164–5, 169
 - concubinage vs. legitimate marriage, 71
 - as consensual “one flesh” union, 13–14
 - consent in, 152–3, 236
 - Constantine, legislation on, 54–5
 - consummation of, 234, 235, 253, 269–70
 - covenantal fidelity of, 312–13
 - defined, 332–6
 - as dyadic perfectionist friendship, 10
 - egalitarian marriages, 14
 - endogamy and, 20–1
 - fidelity in, 77–8
 - goals of, 3–4
 - Henry VIII, 237–9
 - heterosexual monogamous marriage, 9

- marriage, ideas and teachings (cont.)
 holiness of, 48
 impediments to, 167
 inequality of, 124–30
 Jesus, 42
 Jewish cultures/traditions, 19–27
 Justinian, Emperor, 104
 legislation by Gratian, 137–44
 as mutually sacrificial love, 13
 as natural and sacramental, 12–13
 nature of, 90–6
 nonsacramental marriages, 167
 Paul, Apostle, 45–50
 Protestant interpretation of, 8
 reform of, 7–8
 as social institution, 203–7
 St. Augustine, 74–5
 St. John Chrysostom, 87–90
 status and formation of, 19–20
 theology of, 400–2
 universal law and, 262–7
 validity of, 6–7
 marriage bond, 153
 marriage contract, 235–7
 marriage document (*ketubbah*), 28
 Marriage Ordinance, 216
 marriage rite, 269–70
 Martí, Ramón, 267
Mary, a Fiction (Wollstonecraft), 278, 285–7
 Mary and Joseph, 159–60, 253
 Matthew. *See* Gospel of Matthew
 McLachlin, Beverley, 425
 Mead, Margaret, 409
The Mediator (Brunner), 309
 medieval theology of marriage, 215
 Melancthon, Philip, 202
 menstruation, 131–2
 Merton, Thomas, 387, 394
 Metropolitan Evlogy (Georgievsky), 384
 minimalist universal laws of family relations,
 265–6
 minimum age for marriage, 156
 the Mishnah
 divorce and, 28
 importance of, 18–19
 Maimonides's code in, 263, 264–6, 269
 marriage and, 20, 21
 procreation, 23
 modernization, 317
moichatai (committing adultery), 272
 monasticism, 388, 394
 monogamy, ideas and teachings
 Aquinas, Thomas, 189, 190
 Brunner, Emil, 319
 John Paul II, Pope, 367–8
 Justinian, Emperor, 109
 Paul VI, Pope, 361
 romance-based monogamy, 393
 Wollstonecraft, Mary, 289
 Monter, William, 225, 226
 Montini, Giorgio, 344
 Moral Re-armament Movement, 307
 moral relativism, 377
 moral responsibility of Church, 349
 Moral Welfare Council, 400, 403, 406
 Mosaic law, 2, 208, 265, 271, 272–3
Mulieris dignitatem (Pope John Paul II), 370,
 375–6
 multiple marriages, 158
 Muslims and polygamy, 27, 288–9
 mutual assistance (fidelity), 334
 mutual obligation of conjugal debt in
 marriage, 253
 mutual transfer of power in marriage, 253
 mutually sacrificial love, 13
The Mystery of Love and Marriage (Bailey), 399
 Nachman, Samuel bar, 268
 Napoleonic Code (1801), 329
 natural law theory of marriage
 Aquinas, Thomas, 182–4, 337
 Brunner, Emil, 310, 319
 contractualism, 420
 Justinian, Emperor, 104
 same-sex marriage vs., 423
 natural rights theories, 277
 naturalism and liberal contractarianism,
 336–40
naturalismus, 338
 necessary societies, 331
 neo-Calvinist movement. *See* Kuyper,
 Abraham
 new biune organism, 401
 New Testament, Christian Bible, 59, 385,
 393, 401
 Newington Green Church, 277, 279
Nicomachean Ethics (Aristotle), 185
 Noachide laws, 262, 264, 266–7, 272
Nomokanon collation, 118
 non-Christians, 66, 80, 256

- nonage impediment, 168
 nonbelievers and marriage, 157
 nondualistic metaphysics of the person, 373
 nonsacramental marriages, 167, 254–5
nouvelle theologie, 383
Novel Constitutions (Justinian), 4–5

Obergefell v. Hodges (2015), 423
Octogesima Adveniens (Pope Paul VI), 349, 350–1
 Ogg, David, 273
 Old Testament, Christian Bible
 cultic purity of temple priesthood, 122
 marriage, nature of, 90–6
 marriage, overview, 89–90
 polygamy in, 76, 78, 183, 186–7
 Talmud vs., 267
On Adulterous Marriages (St. Augustine), 79, 80
On Genesis against the Manichaeans (St. Augustine), 72
On Holy Virginity (St. Augustine), 74
On the Lord's Sermon on the Mount (St. Augustine), 79
On the Parts of Animals (Aristotle), 130
On Virginity (St. John Chrysostom), 88
 one-flesh union, 314, 319, 332, 401, 408, 411
Onomasticon (Pollux), 130
 orders impediment, 170
 original sin, 69, 73–4, 91
Original Stories from Real Life (Wollstonecraft), 278
 orphans, 41–2
 Orthodox Christian tradition, 4
 orthodox church canon, 118–23
 orthodox republic (*orthodoxos politeia*), 105

 Pacelli, Eugenio, 344
 pagans/paganism, 66, 87, 270
 papal authority, 161–3
 parenting, ideas and teachings
 Calvin, John, 218
 fatherhood, 32, 33, 221–2
 Leo XIII, Pope, 331
 St. John Chrysostom, 96–9
 Parker, Matthew, 240
 Pascal, Blaise, 247
 pastoral compassion, 392–3
 paterfamilias of marriage, 201
 patriarchal decrees, 119
 Paul, Apostle of Jesus
 celibacy and, 199, 200
 family values, 50–1
 general guidance, 44–5
 introduction to, 36–8
 marriage and sexual morality, 45–50
 Paul VI, Pope (r. 1963–78)
 Evangelli Nutiandi, 349, 351
 Gaudium et Spes, 347–8
 Humanae Vitae, 351–59, 372, 373–5
 introduction to, 12, 344–7
 Octogesima Adveniens, 349, 350–1
 Populorum Progressio, 349–50
 social teachings, 349–51
 summary of, 360–1
 Peace of Westphalia (1648), 251
 permanent bond of marriage, 253
 Personal Responsibility and Work Opportunity Act, 422
 personalism, 368–9
 pervert, defined, 403–4
 Pharisaism, 316
 Pius XI, Pope (1922–58)
 Casti Connubii, 329, 337
 Council of Trent, 325–8
 introduction to, 11–12, 323–5
 Leonine Era, 328–30
 marriage, defined, 332–6
 naturalism and liberal contractarianism, 336–40
 summary of, 340–2
 pluralism, 261, 317
 pluralization of marriage, 209
 Pococke, Edward, 261
Politica Methodice Digesta (Althusius), 300
 political feminism, 293
 political liberalism, 419
 politics of education, 296–8
 Pollux, Julius, 130
 polygamy, ideas and teachings
 Christian traditions, 155, 183, 186–7
 Jewish traditions, 22, 26
 Muslims and, 27, 288–9
 Old Testament, Christian Bible, 76, 78, 183, 186–7
 Wollstonecraft, Mary, 288–9
 Pontifical Council for Interreligious Dialogue, 346
 Pontifical Council for Justice and Peace, 350
 Pope's Birth Control Commission, 371
 population control, 353
Populorum Progressio (Pope Paul VI), 349–50

- porneia* (adultery), 272
 premarital fornication, 216
 premoral good, 311, 321
 prenuptial gift, 113
 present-consent marriages, 165–6
 primary precepts of natural law, 185, 186
 primogeniture, 284
 Prinsterer, Guillaume Groen van, 297
 private ordering, 426
 privileged classes, 65
The Problem of Homosexuality report, 399
 Procopius of Caesarea, 106
 procreation, ideas and teachings. *See also* children
 Aquinas, Thomas, 187, 190
 Hebrew Bible, 401
 John Paul II, Pope, 373–4
 Leo XIII, Pope, 333–4
 Paul VI, Pope, 353
 procreative sex, 9, 47
 Sanchez, Thomas, 254
 St. Augustine, 75–8
 Progressive Liberals, 303
 promiscuity, 193, 301
 Protestantism, 11, 197, 207–10. *See also* Calvin,
 John; Luther, Martin
Provincial Letters (Pascal), 247
 psychophysical nature of human beings,
 309–11
 public honesty, 173–4, 234, 241
*Public Man, Private Woman: Women in Social
 and Political Thought* (Elshtain), 416–22
Pugio Fidei (Martí), 267
 Puritanism, 391

 Quayle, Dan, 422
 Quayle, Marilyn, 422
 Quinisext Council, 121

Rabbah series, 19
 rabbinic Noachide laws, 9–10
 rationalism, 279
Reflections on the Revolution in France
 (Burke), 284
 Reform movement, 29
 Reginald of Piperno, 182
 religious impediments, 169–71
 religious morality and criminal law, 406–7
 remarriage, ideas and teachings
 Alexander III, 175–6
 Innocent III, 175–6

 Jesus on, 36–51, 402
 Lombard, Peter, 158
 St. Augustine, 79–81
 St. John Chrysostom, 94
 Report of the Lambeth Conference, 330
Rerum Novarum (Pope Leo XIII), 302, 341, 350
 resurrection of Jesus, 44–5
Retractationes (St. Augustine), 80
 Ricoeur, Paul, 319
Rights of Men (Wollstonecraft), 279, 280–1,
 282
 rights of personality, 318
Rights of Woman (Wollstonecraft), 278, 279,
 281, 285, 287, 289
 Roman Catechism (1566), 326, 332, 334–5
 Roman Empire, 52, 102, 209
 Roman law tradition, 104, 113, 255
 Romano-Germanic successor kingdoms, 100
 Rousseau, Jean-Jacques, 283

 the Sabbath, 38
The Sacrament of Love (Evdokimov), 384,
 386, 389
 sacramental marriage
 Calvin, John, 214
 Council of Trent and, 251–2
 Evdokimov, Paul, 388–92
 John Paul II, Pope, 372
 Leo XIII, Pope, 332–3
 Lombard, Peter, 151
 Luther, Martin, 203–7, 208
 Paul VI, Pope, 354, 360
 rejection of, 251
 Sanchez, Thomas, 253–7
 St. Augustine, 78–9
 sacred rights, 281
 Saint Paul, 2–3
 sale of children, 63–5
 same-sex acts, 404, 411
 same-sex marriage
 Bailey, Derrick Sherwin, 407
 Jewish traditions, 22
 John Paul II, Pope, 379
 legalization of, 423, 426
 Sanchez, Thomas (1550–1610)
 canon law of marriage, 253–7
 historical context of, 251–2
 introduction to, 9, 245–9
 summary of, 257–8
 Treatise on Marriage, 245–7, 249–51, 257
 Sasanian Empire of Persia, 102

- Schneider, Carl, 424
Scriptum super libros Sententiarum (Aquinas), 184–8
 Second Council of Constantinople, 103
Second Discourse on Method (Rousseau), 283
 Second Scholasticism, 252
 Second Vatican Council, 341, 344, 365, 367
 secondary precepts of natural law, 185, 186
 secret marriages, 237–9
 secularization objections, 297
 Selden, John (1584–1654)
 civil law of marriage, 267–73
 De Jure Naturali et Gentium, Iuxta Disciplinam Ebraeorum, 261, 263–4, 266–7
 introduction to, 9–10, 259–62
 marriage and universal law, 262–7
 Uxor Ebraica, 267–73
Sentences (Lombard). *See* Lombard, Peter
 separate-spheres ideology, 305
 separation thesis, 327, 328
 seven blessings (*sheva brachot*), 270
 sex/sexual relations
 to beget children, 188, 189–90
 consent to marry and, 161
 forced sex in marriage, 287
 gender differences, 313
 John Paul II, Pope, 373–4
 within marriage, 23–6, 45–50, 75–6, 154–5, 224
 new biune organism, 401
 Noachide prohibition against, 264
 original sin, 73–4
 outside marriage, 26–7
 Paul VI, Pope, 354–5
 premarital fornication, 216
 prohibitions, 122, 192, 301
 St. John Chrysostom teachings on, 92
 theology of, 408–10
 sexual crimes, 1
 sexual desire (*concupiscentia*), 69
 sexual ethics, 410–12
Sexual Ethics: A Christian View (Bailey), 410
 sexual morality/immorality, ideas and
 teachings, 45–50, 81
 Calvin, John, 224–6
 Justinian, Emperor, 105–7
 Paul VI, Pope, 47
 Sanchez, Thomas, 247, 254
 sodomy, 192, 403
 Wollstonecraft, Mary, 289
Sexual Relation in Christian Thought (Bailey), 408
 Seymour, Jane, 236
Shulhan Arukh code, 26
 Skobtsova, Maria, 383
 slaves/slavery
 dowries, 62
 estate inheritance and, 108
 Justinian, Emperor, teachings on, 111–12
 sexual relationships of, 61
 status distinctions, 65
 sleeping arrangements in Geneva, 225
 social-contract theories, 278, 419
 social ontology, 300
 social teaching movement, 330
 sodomy, 192, 403
 solemnity, 174–5, 249
 Soviet totalitarianism, 329
 Spanish Golden Age, 245
 sphere sovereignty, 299–300, 303, 316
 spiritual affinity incest, 173
 spiritual kinship, 222–4
 spousal rights in marriage, 253
 St. Augustine of Hippo (354–430)
 On Adulterous Marriages, 79, 80
 creation and fall in Genesis, 71–4
 divorce and remarriage, 79–81
 fidelity in marriage, 77–8
 On Genesis against the Manichaeans, 72
 The Good of Marriage, 71, 72, 74–5, 79, 153
 On Holy Virginity, 74
 introduction to, 3–4, 69–71
 Literal Commentary on Genesis, 73
 On the Lord's Sermon on the Mount, 79
 major themes and contributions, 71–9
 marriage, 74–5
 as pastor and preacher, 81–3
 procreation, 75–8
 Retractationes, 80
 sacrament, 78–9
 summary of, 83
 St. John Chrysostom (347–407)
 An Address on Vainglory and the Right Way for Parents to Bring Up Their Children, 97, 98
 children and parenting, 96–9
 introduction to, 4, 85–7
 marriage, nature of, 90–6, 390
 marriage, overview, 89–90

- St. John Chrysostom (347–407) (cont.)
 Against Remarriage, 91
 sacramental marriage, 390
 On Virginity, 88
 state-run family law, 208
 state supremacy in ecclesiastical affairs, 269
 sterilization for eugenic purposes, 352
 subsidiarity theory, Catholic Church, 316–17
Summa contra Gentiles (Aquinas), 181, 188–90
Summa theologiae (Aquinas), 181–2, 190–4
 Synod of Bishops, 346
 Synoptic Gospels, 78
- Talmud
 annul the marriage, 29
 having children, 30–1
 Old Testament vs., 267
 Selden, John, 264–5
 sex/sexual relations, 26
Tametsi decree, 240, 252, 325, 327
 Ten Commandments of Christianity, 39,
 183, 220
 testimony of conscience, 337
 Theodoros IV of Antioch. *See* Balsamon,
 Theodore
 Theodosian Code, 54, 59, 63
 theology of marriage, 400–2
 “Theology of the Body” (Pope John Paul II),
 370, 371–5
 Third Plenary Council of Baltimore (1884),
 341
Thoughts on the Education of Daughters
 (Wollstonecraft), 278
 three estates theory (*Drei-Stände-Lehre*), 309
 Tillich, Paul, 307
 Tocqueville, Alexis de, 302
 Toleration Acts (1689), 278, 281
 Toomer, G.J., 262
 the Torah
 Christian law and, 36
 having children, 30
 Jesus, relationship to the Torah, 36–51, 271
 overview of, 18
 sexual relations, 23
 totalitarianism, 329
Treatise on Marriage (*De sancto matrimonio*
 sacramento disputationum tomis tres)
 (Sanchez), 245–7, 249–51, 257
 Tridentine teachings, 249–50, 328
 Trinitarian theology, 11, 279, 314–15
 trinity of recognitions, 314–15
- twin-born progeny, 272
- unconsummated marriage, 151, 152, 238
 unicity of morality, 377, 378
 unilateral divorce, 58, 59
 Union for Christian National Education, 297
 Unitarian theology, 279
 unitary sovereignty, 300
 universal law and marriage, 262–7
 universal love and service, 384–5
 urbanization, 350
Uxor Ebraica (Selden), 267–73
- Vatican Council, 351
 Vatican II teachings, 390
Veritatis Splendor (Pope John Paul II), 377
 vices of consent, 168–9
 Vidal of Tolosa, 264
A Vindication of the Rights of Men
 (Wollstonecraft), 278–9
A Vindication of the Rights of Woman
 (Wollstonecraft), 275
 Virgin Mary and Joseph. *See* Mary and Joseph
 virginity, 199, 268
 voice of nature, 337
 Volterra, Edoardo, 59
 voluntarism, 279
 vows impediment, 170
 vows of marriage, 156–7
- wedding ceremonies in Geneva, 217–18
 Wednesday Audiences (public discourses), 370
 Weigel, George, 372
 Westminster Assembly of Divines, 259
 Whitehead, Barbara Dafoe, 422
 widows, 41–2
 William of Auxerre, 183
 William of Ockham, 279
 Williams, Charles, 400
 Wittgenstein, Ludwig, 416
 Wollstonecraft, Mary (1759–97)
 family law, 283–9
 introduction to, 10, 275–7
 Maria, or the Wrongs of Woman, 285, 287
 Mary, a Fiction, 278, 285–7
 Original Stories from Real Life, 278
 Rights of Men, 279, 280–1, 282
 Rights of Woman, 278, 279, 281, 285, 287, 289
 summary of, 289–90
 Thoughts on the Education of
 Daughters, 278

<i>A Vindication of the Rights of Men</i> , 278–9	legislative attitudes toward, 123–4
<i>A Vindication of the Rights of Woman</i> , 275	marriage inequality, 124–30, 215
women’s human rights, 277–83	menstruation, 131–2
Wolsey, Thomas, 233	moral stringency, 226
<i>Woman and the Salvation of the World</i>	sexual discrimination, 376
(Evdokimov), 384	World Congress of Families, 423
women. <i>See also</i> gender differences; gender	World Council of Churches, 307
equality	
female sexuality, 130–2	Zander, Lev, 381
human rights, 277–83	Zonaras, John, 119