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THE PROPER PLACE OF CONJUGAL LOVE
IN THE STRUCTURE OF MARRIAGE
ACCORDING TO GAUDIUM ET SPES

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Vatican Council II's presentation of marriage in the Pastoral Constitution Gaudium et spes manifests a definite advance in overcoming tendencies encountered with respect to conjugal love. The first of these tendencies was afraid of giving excessive value to conjugal love, since that could endanger the primordial importance of procreation as the end of marriage. The second, on its part, by seeking to make the capital value of conjugal love for the good of marriage stand out ended up in disparaging the importance of procreation and thereby could obscure the meaning of conjugal love, conceiving it as the essential end of marriage.¹

The perspective of the Pastoral Constitution is different. According to it, one can praise the value of conjugal love and at the same time reaffirm the supreme importance of the end of procreation in marriage.² Conjugal love, according to the first chapter of the second part of Gaudium et spes, is not on the level of the ends of marriage, nor is it on the level of the

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properties of marriage, but is rather the subject of which both the one and the other are predicated. Conjugal love is not an end of marriage, but, like marriage itself, is ordered to the essential ends, to the procreation and education of children, to the mutual help of the spouses.³ But neither is conjugal love a property of marriage, like unity and indissolubility; rather, like marriage itself, conjugal love is one and indissoluble.⁴

What, then, is the proper place of conjugal love in the structure of marriage? Its place is not that of the ends or of the properties of marriage, but rather both of these are affirmed of it as they are of marriage itself. But does this not mean that we must recognize that the adequate place of conjugal love is found in the very being of marriage?⁵ Nonetheless, to affirm this is not to establish a formal identity between conjugal love and marriage.⁶ Marriage is conjugal love, but in addition it is the institution of marriage; that is to say, the institution of conjugal love. Marriage is not only the institution; it is not only love; it is the institution of conjugal love.

To analyze this statement is the express object of the present study: Are conjugal love and the institution of marriage the two different elements which integrate the unique reality signified by the term "marriage" and the expression "the conjugal community"? If the answer is affirmative, it will be perfectly clear that the proper place of conjugal love is not found among the ends of marriage, whether primary or secondary, nor is it to be found in one of the properties of marriage, but it is to be

found integrated in the very subject of marriage, that is, in the conjugal community, the community of which the ends and properties of marriage are predicated. The content, therefore, signified by the term "marriage" would be nothing other than conjugal love institutionalized.

Let us examine, with this end in view, the subject of the conciliar chapter. This is certainly "marriage." But since "marriage" is a term rarely used throughout the text devoted to this subject, inexorable questions arise: what are the terms or expressions which substitute for it [marriage]? What are the elements by which it is adequately designated? These elements which integrate marriage and substitute for it are of special interest to us because they define marriage in some way and because the content of the "goods" proper to marriage will be predicable of these essential aspects.

The terms or expressions which substitute for marriage are the following: "covenant" (foedus) or "conjugal covenant" (foedus coniugale) and "conjugal community" (communitas coniugalis). The elements which designate marriage are the "institution" (institutum) and "conjugal love" (amor coniugalis).

The Terms "Marriage" (Matrimonium) and the "Conjugal Community" (Communitas Coniugalis)

One ought not to be surprised that the term "marriage" is used relatively infrequently in the final redaction of the text treating precisely of this matter in the chapter De dignitate matrimonii et familiae fovenda. The times that it is used are

few: to indicate its divine origin;⁷ to affirm its intrinsic ordination to the procreation of children;⁸ to defend its firmness and strength, with possible sterility being no obstacle;⁹ to present it as the means of Christ's encounter with the spouses,¹⁰ and as the origin of the Christian family;¹¹ to expound the acts proper to conjugal unity.¹² Moreover, the term is used in three final recommendations: to parents, that they respect the freedom of their children in choosing this state of life;¹³ to authorities, that they foster conditions favorable to marriage;¹⁴ to scientists, that they contribute by their investigations to the good of this institution.¹⁵

In part, the reason for the infrequent presence of this term lies in the fact that from the very first lines of the chapter marriage is designated by the expression "conjugal community" (communitas coniugalis), parallel to another expression by which the family is designated, namely the "familial community" (communitas familiaris).¹⁶

The well being of the person and of human and Christian society is closely bound up with the prosperous condition of the conjugal community and the family.¹⁷

In the following sentence of the same paragraph marriage is again called the conjugal community in the expressions "the same (conjugal and familial) community" (eandem [coniugalem et familiarem] communitatem)¹⁸ and "in this (conjugal and familial) community" (in hac [coniugali et familiari] communitate).¹⁹ Thus the text says:

Therefore Christians, along with all who greatly esteem this same community, sincerely rejoice over the various ways in which men today make progress in fostering this community of love and in cherishing life.²⁰

The determined will of the Council Fathers to present marriage as the "conjugal community" is evident. Because of this, the central exposition which the Constitution makes on marriage in the following number (n. 48) is introduced by the same expression--the "conjugal community" (communitas coniugalis)--now enriched especially by being the community "of life and love" (vitae et amoris) in order to emphasize from the very beginning the communion of life proper to this institution:²¹

The intimate community of conjugal life and love, founded by the Creator and endowed with its own laws, is established by the covenant of the spouses or by their irrevocable personal consent.²²

Although it makes practically no difference whether the Latin adjective "coniugalis" is translated in the nominative case--the intimate conjugal community of life and love--or in the genitive case--the intimate community of conjugal life and love--and although, moreover, it seems to me that the former version conforms more closely to the history of the formation of the text, as we will see further below, the final incorporation of the genitives "vitae et amoris" (of life and of love) makes it clear that it is these terms which qualify directly the term

"coniugalis," and, therefore, that the second translation is preferable: the intimate community of conjugal life and love.

Therefore, while being fundamentally in accord with the identification formulated by one author between marriage and the community of love,²³ we prefer to make more precise this equality between marriage and the conjugal community²⁴ or the community of conjugal love.

Another term which is interesting to analyze because of its close relationship to marriage and the conjugal community is that of "covenant" (foedus). It appears for the first time in the text in order to express the act through which the spouses constitute themselves as a "conjugal community" (communitas coniugalis), that is to say, it designates the personal and irrevocable consent proper to the becoming (fieri) of marriage:

The intimate community of conjugal life and love...is established by the covenant of the spouses or by their irrevocable personal consent.²⁵

On this occasion the conciliar text avoids the term "contract,"²⁶ preferring the word "covenant" (foedus), so filled with biblical resonances. Without denying that the concept of contract is an apt notion for the presentation of marriage, the Conciliar Fathers chose a term more closely linked to the history of salvation, and of great theological content.²⁷

In reality, "covenant" (foedus) evokes better the idea of a vital union, an indissoluble union between persons such as that

realized in marriage, than does the term "contract," which for the most part is concerned with pledges about things and whose revocability customarily depends upon the mutual agreement of the parties.²⁸

Continuing, the conciliar text describes what it understands by "the covenant of the spouses" (foedus coniugii), which is nothing other than the act through which the spouses hand themselves over to one another and mutually receive one another as spouses, thereby establishing an institution which transcends their own wills:²⁹

Therefore, by the human act [i.e., the conjugal covenant, foedere coniugii] by which the spouses mutually hand over and receive one another, an institution arises which is confirmed, even before society, by divine ordination.³⁰

This is fundamentally the meaning which the term "covenant" (foedus) preserves throughout the chapter: marriage and the conjugal community come to birth through the "conjugal covenant," as another paragraph of the same number notes:

Therefore, husband and wife, who by reason of their conjugal covenant "are no longer two but one flesh" (Matt 19.6)...³¹

The term, once introduced and its significance for the becoming (fieri) of marriage explained, acquires the natural power to designate the very institution of marriage.³²

"Covenant" (foedus) is the word--and the biblical and theological motives for using it were noted above--which designated the pledge of predilection between God and the People

of Israel definitively consummated in the "great mystery (sacramentum) of Christ and of the Church," of which Christian marriage is both an image and a participation, as the Council teaches:

For just as in times past God encountered his people in a covenant of love and fidelity, so now the Savior of men and the Spouse of the Church meets Christian spouses through the sacrament of marriage....Whence the Christian family, since it takes its origin from marriage, which is the image and participation in the covenant of love between Christ and the Church....³³

From this exposition one can conclude that the subject of the conciliar chapter, in addition to being identified--not too frequently--by the term "marriage," is also indicated, preferentially, by the expression "conjugal community" (communitas coniugalis) and by that of "covenant of the spouses" (foedus coniugii) or "conjugal covenant" (foedus coniugale) when reference is made to the becoming (fieri) of marriage.

Conjugal Love and the Institution of Marriage

Having now analyzed the subject of this conciliar chapter, we are now going to concern ourselves with a series of texts and aspects in which two distinct and complementary elements of marriage can be discerned in full clarity, elements which frequently served as subjects of conciliar affirmations about marriage. We are concerned with conjugal love and the institution of marriage, which are presented by the conciliar text in a

unitary way, on the same essential plane and with similar expressions.³⁴

The number (47) which introduces the chapter devoted to marriage begins by noting some of the most characteristic symptoms of society with respect to the familial and conjugal community.³⁵ Some of these symptoms are positive,³⁶ such as the high esteem in which the conjugal community is held by so many persons, both Christian and non-Christian, the resources to serve spouses in their efforts to give each other mutual help and to fulfill their vocation as parents. Others of these symptoms, on the other hand, indicate deviations and deformations of the institution of marriage and of conjugal love, symptoms also characteristic of our day.³⁷

With respect to the subject concerning us now, two different and complementary aspects of the conjugal community are indicated in this number. The text expressing these aspects is the following:

Therefore Christians, along with all who greatly esteem this same community, sincerely rejoice in the various ways in which men today make progress in fostering this community of love and in cherishing life.³⁸

This redaction proceeds, practically in its entirety,³⁹ from the reworking by the conciliar Fathers of the first text (i.e., the Textus Recognitus) presented in the conciliar Hall.⁴⁰ Through the addition "in fostering this community of love and in cherishing life" (in [hac] communitate amoris fovenda et in vita

colenda) they sought to emphasize two aspects of the "conjugal community": the first, that marriage is "a communion of love" (communio dilectionis et amoris); the second, that only within the ambit of marriage "does the right arise for nurturing life" (ius oriri ad vitam colendam).⁴¹ Thus these two aspects of the conjugal community were clearly expressed: the institution of life and the communion of love. This is, moreover, confirmed by the Commission charged with the redaction of the text, when in response to a Modus proposing a variation of the text which would have made one of the aspects that had been noted totally disappear,⁴² it affirmed: this change is not admitted because there are two aspects that are considered, that is, life and love.⁴³

Something similar happened at the beginning of the following number (n. 48) in which the Council set forth the nature of marriage. The definitive redaction says: "The intimate community of life and of conjugal love..."⁴⁴ We have already spoken of this phrase when we analyzed the expression "conjugal community" (communitas coniugalis) as one of those which substituted for the term "marriage." Now our interest focuses on the use of the genitives "of life and of love" (vitae et amoris) which specify and determine this community. These genitives were not in the first redaction, in which nonetheless the "conjugal community" had appeared already as the subject of the affirmations following it: "the conjugal community founded by the Creator and endowed with its own laws is established by the covenant of the spouses

or by their irrevocable personal consent."⁴⁵ The genitives were introduced into the later redaction at the petition of a good number of Fathers who wanted to make it clear from the beginning that marriage is not only an "institution" but also that in it there is given a "communion of life" (communio vitae).⁴⁶

Indeed, this "communion of life" (communio vitae), which the Fathers wanted to emphasize as a distinct and complementary aspect to the "institution" in the "conjugal community" (communitas coniugalis), is nothing other than "conjugal love" (amor coniugalis). This is the reason why, when a Modus to this redaction suggested the suppression of the words "and of love" (et amoris) as being superfluous "because love is already contained in life,"⁴⁷ this Modus was rejected by the Commission, which reaffirmed the reason leading to its incorporation.⁴⁸ Thus, therefore, both the reason for introducing the genitives "of life and of love" (vitae et amoris) and the reason for their preservation in the text as specifying the "conjugal community" in the final redaction are intended precisely to make evident these two aspects of marriage: the institution of marriage and conjugal love.

The presence of both aspects is so clear that the corresponding Relatio, in order to avoid misinterpretations, notes that the following phrase reaffirms the stability of the institution, since the later absence of love does not invalidate

marriage, although love is indeed demanded for the existence of marriage.⁴⁹

Marriage, then, as it is presented by the Council in this first paragraph of n. 48, has two aspects in its basic structure: the institution and conjugal love;⁵⁰ the juridical union of man and woman through which they make to each other the mutual pledge of themselves as husband and wife, and the unitive power which leads to this institutional and juridical union.⁵¹

If there is sufficient clarity, in the passages already examined, in the distinction and complementarity of these two aspects of marriage, the second paragraph of number 47 is most revealing. This is the paragraph in which the Council Fathers present the deformations and defects which marriage suffers today. This is the text which gathers together in a synthetic way the most relevant deformations:

But the dignity of this institution does not shine with the same clarity everywhere, for indeed it is obscured by polygamy, the plague of divorce, and so called free love and other deformations; moreover, conjugal love is often profaned by selfishness, hedonism and illicit practices against generation. In addition, modern economic, socio-psychological, and civil conditions cause serious difficulties for the family.⁵²

In distinction to the previous paragraph in which the positive aspects of marriage in present society were described,⁵³ this paragraph shows the dangers which today

threaten the conjugal community,⁵⁴ gathering them together into three markedly different groups.⁵⁵ The cohesive principles of these groups are: the "dignity of the institution" (institutionis dignitas), to which the first dangers are opposed insofar as they obscure this dignity; "conjugal love" (amor nuptialis), which those of the second group destroy by profaning it; and the psycho-social disturbances of the world which negatively condition the whole reality of marriage, namely the dangers of the third group.

Prescinding from this third group which alone affects marriage from the outside,⁵⁶ we can see what is the criterion that differentiates enumerating the distinct dangers indicated in the first and second of the two groups, given that all of them definitively affect marriage intrinsically. The text explicitly affirms that polygamy, divorce, and "free love" obscure the dignity of the institution. In effect, it is the very institution of marriage as such that is deformed by each one of these errors: polygamy is directly opposed to the "one flesh" (una caro) in which the spouses constitute themselves by their conjugal covenant. It denies the unity in the union of one man and one woman as an essential property of marriage. Divorce, for its part, denies that this bond, born from the "personal consent" of the spouses, is irrevocable. It therefore attacks the indissoluble nature of the marriage covenant. Theoretically accepting unity as an essential characteristic of the bond, it denies its perpetuity, i.e., it denies that indissolubility is

the necessary consequence of the prolongation in time of that unity proper to the "one flesh" (una caro). So-called free love destroys the unity and indissolubility of marriage. While polygamy is opposed to the unity and divorce attacks the indissolubility of marriage, both presuppose and accept the "institution" and the "bond." But free love fails to recognize these properties because it radically denies the very presupposition upon which these are based.

In the second group we find the errors which are opposed to marriage by directly impugning the reality of conjugal love: selfishness, hedonism, and illicit practices against conception. In truth, none of these directly attack any of the essential properties of marriage. The "institution" and the "bond" can coexist with each one of these deformations, but the richness of conjugal love, protected by the institution and marriage bond, little by little dissipates. To the extent that any of these moral miseries or all of them increase and develop they turn marriage into an institution without life, into a dead organism.

The criterion differentiating these errors is very clear: those errors directly opposing the institution of marriage in itself are integrated into the first group; on the other hand, all those which in practice deny conjugal love form the second group. This criterion had been presented in the elaboration of the first paragraph, something confirmed, as we will see, by the history of the text.

In the first redaction sent to the conciliar Hall there only appeared, among the errors of the first group, polygamy as something indigenous in some regions, accompanied by a general allusion to other deceptive forms;⁵⁷ in the errors of the second group hedonism, selfishness, and eroticism are enumerated.⁵⁸ In the following redaction of the text, and at the recommendation of some Fathers, divorce and so-called free love are explicitly mentioned along with polygamy.⁵⁹ The reason is that the text is treating of similar evils; thus evils on the same plane affecting marriage in different regions are indicated.⁶⁰ The recommendation was made precisely to put into relief on this occasion the special virulence of divorce.⁶¹ With respect to the second group the text was abbreviated, keeping the list of evils already indicated before,⁶² with the modification that the substantive eroticism--which in some areas does not have a pejorative meaning--was qualified by being linked to hedonism: erotic hedonism. The motive was to make clear to all the true meaning in which the term eroticism is here employed.⁶³ In the definitive redaction of the text there was no modification with respect to the enumeration of the evils named in the first group,⁶⁴ despite the desire expressed by some Fathers over its enlargement.⁶⁵ With respect to the second group, in the definitive redaction mention of eroticism disappears,⁶⁶ and is incorporated into the "illicit practices against conception,"⁶⁷ in order to heed the petition to integrate the list of errors with the mention of onanism and of contraception;⁶⁸ although,

according to the Commission, these are already included in "selfishness and hedonism."⁶⁹

In summary, we conclude that, in addition to the clear separation which the first two groups of errors explicitly establish, since the one obscures the dignity of the institution and the other profanes conjugal love, the history of the redaction of the text confirms the clear differentiation of these complementary aspects of marriage: it accepts the inclusion of divorce and free love in the first group "because they are similar evils" (quia sunt mala similia), and refuses to include onanism and contraception in this group because "they do not directly bear upon the very institution of marriage" (non directe respiciunt ipsum institutum matrimonii), including them in the second group--with a generic formula--given their relationship to conjugal life.

The Institution of Marriage, Conjugal Love, and the End of Marriage

There are some texts in which these two aspects--the institution and conjugal love (institutum et amor coniugalis)--are juxtaposed as the subjects of the discourse. According to the grammatical structure of these sentences the natural tendency toward the procreation and education of children is jointly attributed and with equal reason to both the institution and to conjugal love.⁷⁰

Of special interest are affirmations which, in addition to presenting these two aspects explicitly as subjects of what is

predicated of marriage, put conjugal love and the end of procreation into a mutual relationship, a crucial point of the whole chapter on marriage. The first of these affirmations reads as follows:

By their own inner nature, the institution of marriage itself and conjugal love are ordered toward the procreation and education of children.⁷¹

Express mention is made of the two aspects which are ordered by their own proper nature to the end of the procreation and education of children: the "institution of marriage" (institutum matrimonii) and "conjugal love" (amor coniugalis). This says no more than what had been already implicitly expressed by saying that marriage of its own nature tends to the procreation and education of children,⁷² but it has the value of making explicit what is contained in the subject of this sentence: the institution of marriage and conjugal love. Marriage, that is to say, both the institution and conjugal love, tends toward the procreation and education of children by its own very nature.

In the first redaction this text contained some nuances worth noting: it made express reference to both aspects--the institution and love--as many Fathers desired;⁷³ but these aspects were not subjects juxtaposed in one sentence; rather, conjugal love was described as the dynamic element which, by making the institute of marriage come alive, brought it about that it [the institution] was directed to its end.⁷⁴

The text of this first redaction underwent a great transformation, in which important aspects disappeared; of these some reappeared later while others were definitively abandoned. It was in the transformation of the text that the two aspects--the institution of marriage and conjugal love--were joined as juxtaposed subjects of the very same tendency toward the procreation and education of children. Thus the second redaction said:

The institution of marriage itself and conjugal love, generous and conscious, are crowned by the procreation and education of children as if by their summit.⁷⁵

Besides making the juxtaposition already noted more evident, in this text the explicit purposive meaning of the institution and of conjugal love has disappeared. It has also prescindend from mentioning the animating significance that conjugal love exercises over the institution in its ordering to its end, and simply affirms that both the one and the other have in the procreation and education of children their most precious crown.

This immense change in the text was not due to the imprecision of the doctrine expressed nor was it made in an effort to improve the exposition, but was made only because of a request to shorten this passage.⁷⁶ But this reduction did not satisfy many Fathers, least of all with reference to the disappearance of the explicit finalistic meaning of both the institution and conjugal love. Therefore, and because of the insistent petitioning of the Fathers,⁷⁷ the text retrieved the

original meaning in its definitive redaction, thus becoming a significant exposition of the intrinsic finalization toward the procreation and education of children of both the institution and conjugal love. At this time there was incorporated into the text the expression, "by their own inner nature" (indole sua naturale) and the use of the preposition "ad" (toward) with the accusative case in order to stress that the orientation of the institution and of conjugal love is toward their end, and the adjectives "generous and conscious" in reference to conjugal love were eliminated.⁷⁸

Another feature, that of the interrelationship between the institution of marriage and conjugal love, was definitively left out of the text of the chapter, despite a petition proposing that the text of the previous Scheme [the Textus Recognitus, see above, at note 75 for the text] be used,⁷⁹ and some other requests proposing a redaction similar to that.⁸⁰

Summing up, the text of n. 48 affirms the common and natural tendency of the institution of marriage and of conjugal love, as juxtaposed elements, to the end of procreating and educating children. What specifies this text, with respect to the previous Magisterium regarding the ends of marriage, is that it clearly distinguishes two aspects that are formally distinct within the reality contained in the conjugal community. It has thus made evident the "importance of conjugal love even for the procreation and education of children" (momentum amoris coniugalis etiam ad ipsam prolem procreandam et educandam).⁸¹

While up to now the doctrine of the Magisterium had affirmed that marriage tends toward the procreation and education of children, Vatican II tells us that both the institutional aspect and conjugal love tend toward this end. That is to say, marriage--the institution itself and conjugal love--by its own nature is ordered to the procreation and education of children.

A final sentence in the text of n. 48 merits consideration, since it reaffirms what has already been said about the institution and conjugal love. This is the passage in which it is said that "by them [i.e., the procreation and education of children] the institution of marriage and conjugal love are crowned as by their summit" (...iisque veluti suo fastigio coronantur).⁸² The important thing about this text, with respect to our study, is that the institution of marriage and conjugal love, united, are continually regarded as the two aspects of which the same reality is affirmed--in this case, the procreation and education of children is affirmed as their greatest crown of glory.

The history of this phrase begins, as we saw in the case of the earlier phrase [Indole sua naturali, ipsum institutum matrimonii amorque coniugalis ad procreationem et educationem prolis ordinantur], with the first scheme presented in the conciliar Hall. At that time the text read as follows:

...by these (i.e., by procreation and education) [the institute itself of marriage] is completed and crowned as by its summit.⁸³

Here, as we see, the subject of the verbs is not conjugal love and the institution of marriage, but only the latter. Later, in the following redaction (the Textus Recognitus), the text is shortened and conjugal love and the institution are juxtaposed as subjects, and this aspect of the glory and crowning affects conjugal love as well as the institution:

The institution itself of marriage and conjugal love...are crowned by the procreation and education of children as by their summit.⁸⁴

The verb "is completed" (completur) disappears. If before, when the text referred only to the institution of marriage, some dissension arose among the Fathers over possible misinterpretations that might be made,⁸⁵ these would be increased by the new redaction when reference is also made to conjugal love. More or less the following would be affirmed: the institution of marriage and conjugal love achieve their highest perfection and glory through the procreation and education of children. But while all that may be true in itself, it could cause frustration for marriages involuntarily infertile.⁸⁶

To avoid this possible equivocation is also the desire of those Fathers who propose changing the particle veluti (as) to quasi (as if), "lest too much be made of the very fact of procreation, as if an infertile union lacked an essential element."⁸⁷ Since there is no well founded reason for an equivocation of this kind and since the particle quasi (as if)

does not improve the meaning of the phrase, this proposal was not accepted.⁸⁸

The meaning of the phrase is obvious. Here again the institution of marriage and conjugal love are united as subjects of another affirmation proper to marriage: procreating and educating children constitutes the great glory of marriage. This concept, proper to marriage, is attributed now to the elements in which marriage is unfolded: the institution of marriage and conjugal love. Therefore, both the one and the other attain their summit as their proper crowning through the procreation and education of children.

In a second text, the Council tells us once more what we have already seen: the institution of marriage and conjugal love are finalized, both at the same time, through the procreation and education of children. Only the context has changed; now, the conciliar affirmation is found in number 50, devoted to an exposition of the fecundity of marriage:

Marriage and conjugal love are ordered by their very nature to procreating and educating children.⁸⁹

At first sight this text differs from what has been maintained up to now. In place of the binomial proper to the prior passage-- "the institution of marriage and conjugal love" (institutum matrimonii amorque coniugalis)--there appears another: "marriage and conjugal love" (matrimonium et amor coniugalis). The substitution of the former "institution of marriage" (institutum matrimonii) by "marriage" (matrimonium) blunts the vision of the

conjugal community integrated by the two elements: the institution and conjugal love.

Nevertheless, the ultimate meaning of the text is clear if we examine its genesis. The expression which most interests us here is the binomial "marriage and conjugal love" (matrimonium et amor coniugalis). It begins in the first Schema presented in the conciliar Hall (the Schema Receptum), which said the following:

Such is the inner nature of marriage and conjugal love that they are ordered of themselves toward procreating and educating children.⁹⁰

The previous Schema did not present the two terms of the binomial in juxtaposition, but rather, like the text for number 48 previously examined in its first redaction, presented conjugal love as the moving cause of the intrinsic orientation of marriage toward the procreation and education of children. This nuance disappears in the first conciliar Schema uniting marriage and conjugal love in their natural tendency toward their end. The Relatio commenting on this gives us the key to the meaning:

"mention is added of the institution of marriage in order that a juridical element can be joined to the life of personal love."⁹¹

Therefore, it remains clear that the term marriage (matrimonium) used here (in number 50) is equivalent to the expression the institution of marriage (institutum matrimonii) and not to marriage or the "conjugal community" in its global aspect; the whole has been taken for the part in order to indicate solely the juridical aspect.

The later redaction (the Textus Recognitus) simplifies the text:⁹² the expression "such is the inner nature...that" (talis est indoles...ut) disappears because it is too convoluted, and likewise the "of themselves" (ex semetipsis) because the idea expressed by these words is already included in the "of their very nature" (indole sua) and because it weakens the stability of a marriage in which "children hoped for are not had" (prole optata non habita).⁹³ Meriting special attention is the reaffirmation of the Commission to keep "conjugal love" (amor coniugalis) as the subject of the sentence and not to accept the change to "conjugal act" (actus coniugalis), since the treatment is of conjugal love--which surely can be given in the conjugal act--but ought not to be identified with it.⁹⁴

Here is confirmed anew that the juridical element of marriage and conjugal love are the two elements of the "conjugal community" (communitas coniugalis) which tend, as does this community itself, of their own proper nature to the procreation and education of children. This finality is not united to the institution and to conjugal love as something extrinsic and superposed,⁹⁵ but rather expresses their true interior tension and fullness of meaning.⁹⁶

In addition to the sentence we have examined, number 50 ends its first paragraph with another no less clear and significant sentence which reaffirms the twofold element contained in the "conjugal community." It thus says:

Hence the true cultivation of conjugal love and the whole plan of familial life arising therefrom, without putting down the other ends of marriage, tend in such a way that the spouses are disposed to cooperate with a strong spirit with the love of the Creator and Savior, who through them enlarges and enriches his family.⁹⁷

With the exception of the expression "without putting down the other ends of marriage" (non posthabitis ceteris matrimonii finibus), the text proceeds, without any other modification, from the first Scheme (the Schema Receptum).⁹⁸ It is easy to detect in the subject of the principal sentence the presence of the two elements of the "conjugal community" (communitas coniugalis). The Relatio confirms this when--justifying the presence in the text of the words "tend in such a way that" (eo tendunt ut)--it says that in this way the "finality of the institution and of love is better expressed."⁹⁹

While the institution of marriage and conjugal love were presented straightforwardly in the texts previously examined as essential elements of marriage, they are shown in this text to be on an existential plane of the life of the conjugal community:¹⁰⁰ "the true cultivation of conjugal love and the entire plan of the family life arising therefrom."

The particle "hence" (unde) which introduces the sentence, in earlier redactions presented this dynamic and existential aspect of love and the institution as the conclusion of the sentence examined already which it immediately followed. In the

definitive text, nonetheless, there is an intervening phrase between these two because of the incorporation of two other sentences. The first--"Children surely are..." (Filii sane sunt...)--is the counterpiece fittingly inserted when the particle "also" (etiam) of the previous Scheme was changed to "without putting down the other ends of marriage" (non posthabitis ceteris matrimonii finibus).¹⁰¹ The second resulted from the almost complete acceptance of a Modus urging that the ends of marriage be described in a biblical manner.¹⁰² In this way--so argued those who presented this material for incorporation--in addition to enunciating the ends "of marriage and of conjugal love" (matrimonii et amoris coniugalis) with words of Holy Scripture, the following phrase--"hence" (unde)--also appears as the conclusion of a biblical exposition.¹⁰³

Thus, then, the existential and dynamic aspect of the institution and of conjugal love which the text contained in the previous redaction, as a conclusion from what had preceded, far from becoming lost through the additions introduced, has rather gained the power of appearing now as a conclusion from the biblical presentation of the ends of marriage.¹⁰⁴

Thus these two aspects--the "institution of marriage" and "conjugal love"--remain as complementary and specifying aspects of marriage itself; for already when the Council seeks to speak of the ends of marriage it uses these two expressions jointly as equivalent to the term "marriage."¹⁰⁵ The whole development of conjugal love and of the structure of family life has the same

end to which conjugal love and the institution itself of marriage are ordered. The reason, definitively, is that "the dynamic ordering of conjugal love consists in the right development of conjugal life toward the ends of marriage."¹⁰⁶

The Institution of Marriage and Conjugal Love: An Equilibrium

That the "institution" and "conjugal love" are presented as distinct and complementary aspects within marriage is also shown in a point repeated in a series of modifications to the text having as their motive a desire to get to the heart of the matter. This is seen if we note the basis to which the Fathers appeal to support the fittingness of their proposals. The responses of the Committee in charge with revisions also confirm, by either accepting or rejecting modifications, the value of this argument, which is manifested in the redaction of the text as a law of equilibrium regarding the presence or absence of one or the other element (the institution or conjugal love). When the text fails to make explicit reference to one of these elements and one or the other is absent--or at least appears to be so--immediately there is the proposal that explicit reference to the other also not be made, or, on the contrary, that explicit reference be made to the one apparently left out.

Let us look into this more extensively by analyzing one by one the most significant cases.

The definitive redaction in the first paragraph of number 48 has the following to say:

Therefore husband and wife, who by reason of their conjugal covenant (foedere coniugali) "are no longer two, but one flesh"...

The expression "who by reason of their conjugal covenant" (qui foedere coniugali) is different from what had appeared in the first redaction: "who by reason of their covenant of love" (qui foedere dilectionis).¹⁰⁷ As is clear through the expression used, this first redaction, in speaking of marriage, placed emphasis on the aspect of love: "covenant of love" (foedus dilectionis). The reaction did not take long: without denying this aspect of marriage, it sought to give some equilibrium to the phrase by clarifying what was desired, in order to avoid ambiguities, namely that the love spoken of is sealed by the conjugal covenant and is proper to the institution of marriage.¹⁰⁸ The following redaction, reflecting this petition of some Fathers, included the term "conjugal" (coniugalis): "Therefore husband and wife, who by reason of the covenant of conjugal love..."¹⁰⁹ Nonetheless, some Fathers who were not satisfied with the whole passage presented in their Modi to this redaction two new proposals for modification. In the first they asked to add the term marriage before the expression we are studying ("covenant of conjugal love") and immediately after the preposition "who" (qui). The reason given is to avoid "confusing love with marriage itself."¹¹⁰ In the second they manifested their desire that the expression "by reason of the covenant of conjugal love" (foedere dilectionis coniugalis) be changed to

read "by reason of their conjugal covenant" (foedere coniugali),¹¹¹ i.e., that there disappear from this text the term "love" (dilectionis). This modification was finally accepted,¹¹² and, once the polemical term had disappeared, the result was that the initial "covenant of love" (foedus dilectionis) was changed into "conjugal covenant" (foedus coniugale). The need for the reciprocal presence of the two aspects of institution and of conjugal love resulted in this case in their mutual absence: neither the term marriage nor that of love prevailed.

We find another text causing the intervention of the Fathers toward the end of the same first paragraph. The definitive redaction says the following:

This intimate union, as the mutual giving of two persons, as well as the good of the children, demand the complete faith of the spouses and argue for their indissoluble unity.¹¹³

This is one of those texts which underwent major change from the first redaction (the Schema Receptum). Initially this text read as follows:

This intimate union, from the very nature of conjugal love, demands the complete faith of the spouses and argues for their indissoluble unity.¹¹⁴

In the following redaction a hundred conciliar Fathers obtained a profound change: they caused the disappearance of the expression "from the very nature of conjugal love" (ex ipsa coniugalis amoris natura), introducing in its place "as the mutual giving of

two persons" (utpote mutua duarum personarum donatio).¹¹⁵ The motive at the heart of this profound change and the explicit reference to the "good of the children" (bonum prolis) is that these two elements of marriage--the mutual pledge of the spouses and the good of the children--constitute the true foundation of the indissoluble unity of marriage.¹¹⁶ Notwithstanding this modification of the text, the phrase aroused some misgivings among the Fathers, who at this time responded to the manifest desire that the expression indicative of love be placed within marriage as an institution. Thus, then, one of the Modi to this redaction suggested the inclusion of the term marital (maritalis) before the word giving (donatio) in order to indicate that the text was treating of the pledge corresponding to the love sealed through the "conjugal institution" (institutum coniugale), given that there are "givings between persons without this faith" (donationes inter personas sine tali fide).¹¹⁷ Another proposal, along the same lines, suggests the substitution of "intimate union" (intima unio) by "matrimonial joining" (coniunctio matrimonialis) in order that it be made clear that "marriage does not end when love ceases" (ne cessante amore rueret matrimonium).¹¹⁸ The Commission considered both these precisions unnecessary, taking into account that it is evident to everyone that the union under consideration is that of a legitimate marriage,¹¹⁹ since--as the Commission confirmed in another place¹²⁰--the "covenant sanctioned by law is presupposed" when

there is a discussion of conjugal love, that is, a "mutual love ratified by faith" (amor mutua fide ratus).

Two other interventions of the Fathers requesting a modification of the passages make abundantly clear to us what has already been said: the equilibrium that had to be maintained in the text between the two distinct and complementary aspects of marriage. It is not possible to emphasize the presence of one of them--especially that of "conjugal love"--without making reference, more or less explicitly, to the other--usually the institutional aspect.

The first of these concerns the penultimate redaction of the following passage in the definitive text:

That love, ratified by mutual faith, and sanctioned most powerfully by the sacrament of Christ, is indissolubly faithful amidst prosperities and adversities of mind and body, and thus remains foreign to any adultery and divorce.¹²¹

Before taking up the major object for analysis, it is worth situating this passage in the history of the document. The passage proceeds substantially as such from the first redaction of the text (the Schema Receptum).¹²² In the following redaction it received a modification that partially improved both its content and style.¹²³ The Fathers who proposed this modification sought to make evident in this way the distinction between the natural and supernatural basis for the indissolubility of conjugal love.¹²⁴

With matters standing this way, thirty-one Fathers sought the following modification: "That love, ratified by faith, sanctioned by the institution of marriage, and most powerfully consecrated by the sacrament of Christ..."¹²⁵ The problem, as we can note by the addition of "the institution of marriage" (institutione matrimoniali), is the same: to make this other aspect of marriage--the institution--evident. The text is discussing love, but a love inscribed into the ambit of the institution of marriage. The Commission considered this addition superfluous given the fact that the term faith--ratified by faith (fides--fide ratus)--is used on this occasion "in a formal sense,"¹²⁶ and cannot be said to be true faith unless it is in reference to the institution born of the mutual pledge of personal consent by the parties. Notwithstanding this, in order to remove any possible foundation for reasonable doubt, the Commission ordered that the text include "ratified by mutual faith."¹²⁷

The second is concerned with a new passage, introduced in the second redaction (the Textus Recognitus), within the number devoted to the fertility of marriage. In it the moral norm is established¹²⁸ to which Christian spouses ought to conform in their conduct: they cannot proceed according to their own arbitrary choice, but must regulate themselves by a conscience conformed to the divine law,¹²⁹ which is interpreted for us in the light of the Gospel by the Magisterium of the Church.¹³⁰ It

is within this context that we find the text of interest to us now:

That divine law shows the full meaning of conjugal love, protects it and urges it truly to its human perfection.¹³¹

The definitive redaction of this text presents some variations with the previous redaction. The most important is that the divine law, in addition to protecting and bringing conjugal love to perfection, shows the full meaning of conjugal love.¹³² The motive for introducing the verb "shows" (ostendit) is "because the divine law first of all--before protecting and impelling conjugal love--shows the meaning of conjugal love."¹³³

Two other Modi to the same text sought modifications which, had they been accepted, would have led to the presence or total absence respectively of the two aspects: "institution" and "conjugal love." The first recommended that the expression, "of conjugal love" (amoris coniugalis), be dropped because it seemed to make everything in marriage depend on love;¹³⁴ the second urged that there be added "of the conjugal covenant and love," since the subject is marriage and not only conjugal love.¹³⁵ Neither of these suggestions was accepted: the Commission responded to the second that, when conjugal love is discussed, the "covenant" is presupposed.¹³⁶ The discussion is about the "love ratified by mutual faith" (amor mutua fide ratus) which was described by the conciliar chapter in the previous number.

The cases we have examined constantly keep in mind the existence of the two aspects of marriage--the "institution" and

"conjugal love"--that, when joined together, adequately substitute for the "conjugal community" (communitas coniugalis) in all the global affirmations that can be made about marriage; however, if they are separated in affirmations that, by reason of their content, can be attributed to marriage itself, the presentation of the chapter is directed either in a juridical sense or in an existential or personalist sense.¹³⁷ Hence arose the equilibrium necessary for the presentation of marriage, which, without deforming in any way the juridical doctrine, in its formulation would express the rich content that that juridical structure frames, protects, and defends. Marriage is not the "institution" considered in isolation; nor is marriage "love" in isolation. Marriage is rather the "institution of conjugal love" (institutum amoris coniugalis), or conjugal love institutionalized.

The Institution and Conjugal Love: Parallelism

In our survey of the chapter on marriage in the Pastoral Constitution Gaudium et spes, undertaken in order to situate the mutual relationship between "conjugal love" (amor coniugalis) and the "institution" (institutum) within the "conjugal community" (communitas coniugalis), those texts have been of central interest in which the same reality is affirmed of one or the other aspect. Not infrequently, in the course of the chapter, we encountered pericopes in which there was attributed to "conjugal love" what had been affirmed elsewhere of the "institution" or of marriage in general.¹³⁸

In this regard those places stand out with particular force in which the common affirmation of one and the other aspect is expressed in the same phrase. We have already noted these passages, stressing that "love" and the "institution" are ordered by their very nature to the procreation and education of children. Now, without returning to an analysis of the texts, already sufficiently made, it is fitting to refer to them as prototypes of what we are affirming in this section. In each one of these phrases the same reality is affirmed of the "institution" and of "love": both are the subjects of discourse, in a way that can be unfolded in parallel phrases, distinct only by reason of their subject.

Thus, therefore, the first of these texts affirms two things in common of both the one and the other aspect of marriage: the natural ordination of the "institution" and of "conjugal love" toward the procreation and education of children¹³⁹; moreover, they affirm that the effective attainment of this end represents the greatest crown of both the "institution" and "conjugal love."¹⁴⁰ The second text, in addition to coinciding with the first in speaking of the natural ordination of the one and the other aspect toward the procreation and education of children,¹⁴¹ gives as the reason for the fidelity of the institution and of conjugal love the mission which the spouses have as cooperators in the love of God, the Creator and Savior.¹⁴²

There are various passages which in different contexts expound parallel and similar concepts, affirmed of the "institution" or of marriage in general and of "conjugal love." Thus, for example, there is affirmed of "conjugal love"¹⁴³ what in a global way had been previously affirmed of the "conjugal community" (communitas coniugalis):¹⁴⁴ the esteem in which it is held by many men. At the same time, and in a contrary way, the one and the other individually--the "institution"¹⁴⁵ and "conjugal love"¹⁴⁶--are described as the objectives of serious attacks on their nature and dignity. Thus in the same way conjugal fidelity, with its intrinsic laws of unity and indissolubility, is described as proper to "conjugal love,"¹⁴⁷ while this same property had already been expressed as a natural exigency of the "conjugal community" (communitas coniugalis).¹⁴⁸

The same affirmations are found in the three following groups of texts. They attribute to "conjugal love" concepts already expressed of marriage in itself. The first indicates the elevation of [marriage and conjugal love] to the supernatural order through grace:

The Lord has deigned to heal, perfect and elevate this love with a special gift of grace and charity.¹⁴⁹

Christ our Lord has abundantly blessed this multifaceted love, which issues from the divine fountain of charity and is made into an exemplar of His own union with the Church.¹⁵⁰

The second presents the efficacy of the sacrament: the action of Christ, the Savior of men and the Spouse of the Church, present among spouses united through the sacrament of marriage, is the same action which brings it about that conjugal love is penetrated by the redemptive power of Christ and by the saving power of the Church:

...thus now the Savior of men and the Spouse of the Church meets Christian spouses through the sacrament of marriage.¹⁵¹

True conjugal love is assumed into divine love and is ruled and enriched by the redemptive power of Christ and the saving action of the Church, so that the spouses are efficaciously led to God and are helped and supported in their lofty mission as father and mother.¹⁵²

The third shows the practical demands which the union of Christian spouses is to reflect by sharing in the union of Christ and the Church: sacramental fidelity, perpetually faithful love:

Moreover [the Savior of men and the Spouse of the Church] remains with them [Christian spouses], so that just as He loved the Church and gave Himself up for her, so spouses, by their mutual giving, may love one another with perpetual fidelity.¹⁵³

That love, ratified by mutual faith, and sanctioned most powerfully by the sacrament of Christ, is indissolubly faithful and hence remains foreign to every adultery and

divorce amidst the prosperities and adversities of body and mind.¹⁵⁴

Finally, there are two other parallel references. In order to fulfill the duties corresponding to the sacramental condition of marriage--both texts repeat this--Christian spouses are fortified by the grace which enables them to live in a way conformable to Christian virtues:

Wherefore Christian spouses are strengthened and as it were consecrated by a special sacrament for their duties of state and dignity; fulfilling by means of its power their conjugal and family mission and imbued by the spirit of Christ, by whom the whole of their life is permeated by faith, hope, and charity, they approach ever more closely their own proper perfection and mutual sanctification and therefore in common attain to the glorification of God.¹⁵⁵

Outstanding virtue is required for the constant fulfillment of the duties of this Christian vocation: wherefore the spouses, strengthened by grace for a holy life, will assiduously cultivate and prayerfully implore constancy of love, largeheartedness, and a spirit of sacrifice.¹⁵⁶

Nonetheless, this is not a merely formal repetition. The contexts in which these passages were written are quite different: the first speaks of marriage in general, in its sacramental aspect; the second treats of Christian conjugal love.

Marriage, the Institution of Conjugal Love

The whole analysis of the conciliar chapter made thus far leads us to the following conclusion: the "institution" (institutum) and "conjugal love" (amor coniugalis) are the subjects of the conciliar affirmations; in a word, marriage or the conjugal community (communitas coniugalis). Whatever can be predicated of the whole of marriage, as for example the "goods" of marriage, can also be predicated of the "institution" and of "conjugal love."

To put this in other terms: the "bonum prolis" (the good of children), that is to say, the objective ends of marriage are the terminus of a natural tendency inscribed in both the one and the other aspect: both the procreation and education of children and mutual help are intrinsic requirements of both the "institution" (institutum) and of "conjugal love" (amor coniugalis). The "bonum fidei" (the good of fidelity), for its part, and consequently the characteristics of the unity and indissolubility of that mutual pledge in fidelity are properties not only of the juridical structure of marriage but are also properties of authentic conjugal love which that structure protects. Finally, the "bonum sacramenti" (the good of the sacrament) proper and specific to Christian marriage elevates to the rank of a sign of and participation in the mystery of the union of Christ and the Church both the institution itself and the reality which the institution contains, namely conjugal love.

Now that the presence and mutual complementarity of these two aspects of the "conjugal community" (communitas coniugalis)

has been determined, we can briefly focus attention on the relationship existing between the "institution" and "conjugal love."

The love of which we are speaking here is conjugal love; that is to say, it is not a mere sentiment or desire, nor a blind and irresistible impulse,¹⁵⁷ always exposed to the unforeseen vacillations of passion,¹⁵⁸ but is rather that "eminently human" affection which, proceeding from the will, assumes and ennobles all the manifestations of the natural tendency.¹⁵⁹ True love takes its origin in what is most noble in the person--the affect of the will--and is directed toward its object, embracing in this way the good of the whole person who is loved.¹⁶⁰

The specific and fundamentally constitutive element of conjugal love is, then, the assumption by the will of the inclination toward the other person as a spouse.¹⁶¹ Therefore, in order that "conjugal love" and not a mere instinctive inclination exist, there is required a decision of the will through which the person directs his tendency to the other sex to a determinate, concrete person. All this indicates that "conjugal love" (amor coniugalis) is a love of election or choice, connoting by that the necessary determination of the will over the personal object of its affection.¹⁶² This is also emphasized by the word "dilectio" (love of choice) used by the Pastoral Constitution Gaudium et spes as a substitute and synonym of "conjugal love" (amor coniugalis).¹⁶³

The act through which the spouses pledge among themselves their specific conjugal love as a reality actual and present and not simply as a project of the future--"by the human act whereby spouses mutually hand themselves over to one another and receive one another" (actu humano quo coniuges sese mutuo tradunt atque accipiunt)--is the very act which makes arise among them an institution inviolable before God and society itself--the "institution arises confirmed by divine ordination, even before society" (institutum ordinatione divina firmum oritur, etiam coram societate).¹⁶⁴

The institution comes to be through an act of love¹⁶⁵ and serves and protects conjugal love against the changing mirages of passion. True conjugal love is not limited or impeded by the institution of marriage, nor does the institution enslave or limit or imprison the dynamism of conjugal love, but rather the one and the other require each other and mutually complement each other as internal and external aspects of the same reality: marriage or the conjugal community.¹⁶⁶ The institution would not have existed had conjugal love not existed, and the latter cannot be given unless it gives rise to the former.¹⁶⁷

This twofold aspect of the reality, designated biblically by "one flesh" (una caro), has the possibility of continual enrichment and progress according to the laws of its own dynamism: to impregnate the personal and daily living together of the couple with the requirements of this initial pledge.¹⁶⁸ To consider the dynamism of conjugal life as the fruit of love, to

which the institutional aspect as such would be opposed and, on the contrary, to consider as proper to the institution the laws of unity and indissolubility and the intrinsic finalities of marriage, as if conjugal love would be in itself indifferent to these and other characteristics, is a deformation of the mind not far from a kind of idealistic platonism and gnostic dualism. It is the same "one flesh," in the twofold aspect of conjugal love and the institution of marriage, which demands fidelity and indissoluble unity, and it is both the one and the other aspect which is ordered to the procreation and education of children.

Moreover, it is proper to distinguish between the act of love founding marriage¹⁶⁹ and all those manifestations of love which, being radically contained in it, are required by the love that has been given and are due and promised by it.¹⁷⁰ That mutual pledge through which the two spouses become husband and wife demands must be made actual and present throughout their life, through daily proofs of affection and works of love.¹⁷¹ Independently of the love which existed between the then new spouses, they are now obligated to love each other by a special bond; previously [prior to their conjugal commitment] they could have stopped loving one another; but now the commitment of a mutual pledge obliges them to make effective the gift of their own life.¹⁷²

The daily exercise of living conjugal love in their generous surrender of themselves can, in addition to reflecting the power of love already existing, make it increase and reach its

fullness. If marriage presupposes love, conjugal love is the fruit in its turn of marriage; indeed already in marriage love is a singular form of personal friendship which enables the spouses generously to share everything, without selfish calculations.¹⁷³

In this context is situated the union proper and specific to spouses as a sign of love and the means of its possible development. The intimate acts of the spouses, undertaken with respect for the dignity of their persons, express and foster their reciprocal surrender of self in a climate of joyous trust.¹⁷⁴ And, precisely because the specifically conjugal act is bodily copulation, its moral nature depends upon its respect for the essential structure of marriage: mutual conjugal surrender, enlivened by true love. Therefore, the gift of themselves, which that physical union manifests, demands surrendering themselves in full openness to the potential paternity or maternity of each spouse in an atmosphere of true love.¹⁷⁵

One can thus affirm that, although the efficient cause of marriage is the mutual consent of the spouses explicitly manifested,¹⁷⁶ specific conjugal love--not its exercise and manifestations--is the constitutive [formal] element of the conjugal covenant.¹⁷⁷ The reason is based on the fact that the voluntariness of the consent which establishes the covenant (the foedus) is concerned with a love that from then on is owed and committed.

It does not, however, follow from this that the institution in its continued existence depends on the contingent presence of the manifestations of that love; but the original existence of true marriage itself is related to the presence of conjugal love in the "becoming" (fieri) of marriage.¹⁷⁸ The logical conclusion is that wherever marriage exists there must have been conjugal love or dilection, and that, on the contrary, if this never existed, neither did true marriage exist. Therefore, to locate conjugal love at the very root of marriage does not imply other titles of nullity distinct from those which manifest the absence of consent or perversion of consent.¹⁷⁹

To affirm that love is the constitutive element of marriage is to claim that, had there never existed that mutual, irrevocable commitment, there would never have existed between the spouses the "conjugal covenant" (foedus coniugale). Therefore, the laws of unity and indissolubility are not requirements extrinsic to marriage; rather, they take rise from within it. Thus, the love that constitutes marriage must be an exclusive and indissoluble conjugal love. In order to get married the spouses "express the decision to belong to one another for life and to contract for that purpose an objective bond, whose laws and requirements, far from being a slavery, are a guarantee and protection."¹⁸⁰

Conjugal love and the institution of marriage are, then, two aspects of the "conjugal community" (communitas coniugalis) which necessarily imply one another, because love would not be conjugal

without reference to the institution, and the institution would not exist without love.¹⁸¹ The one and the other are born in a mutual and essential dependence, and they require each other continually: love brings it about that the institution is conjugal; and the institution of marriage always implies a radical exigency to be vivified by love.

Hence it follows that conjugal love must be present in the distinct concrete aspects of marriage. In effect, this love must inform the procreation and education of children and the mutual help of the spouses in order that these might be truly human ends.¹⁸² Thus also the unity and indissolubility of marriage ought to be animated by conjugal love. The possible absence or weakening of the manifestations of conjugal love does not destroy the properties of marriage or its natural tendency--although it can put obstacles in their way--since these manifestations will always demand to be brought to life through conjugal love.

If conjugal love must be present in the whole reality of marriage this is so because the institution and conjugal love are the two formalities which adequately define marriage; that is to say, marriage is the institution of conjugal love.

ENDNOTES

1. "It is customary to say that in these (discussions of the Council) two principal and contrasting tendencies manifested themselves....A first was anxious to maintain more or less unchanged the previous doctrine in its terminology and trilogy of 'conceptual schemes.' A second, at times extreme and with a

somewhat restricted following, wanted to affirm conjugal love, personalistically conceived, as the essential and primary of end marriage." S. Lener, "Matrimonio e amore coniugale nella 'Gaudium et spes' e nella 'Humanae vitae,'" in La civiltà cattolica 2851 (1969), p. 26 f.

2. "A third (tendency), with a very large following, although the following was not definitively in accord, wanted the entire matter considered anew (ex novo), surpassing rather than mediating the two previous tendencies. It wanted the matter examined in depth and with the greatest possible coherence among the different parts in order to respond to the expectations of the world and of contemporary science. In the Constitution Gaudium et spes only the last tendency was decisively accepted by the Council. If in it, not only profoundly but also in a quite innovative way, it is not possible to see an absolute 'break' with the traditional doctrine one can however recognize in it a true 'turning-point.'" S. Lener, *ibid.*, p. 27. "This is the new perspective which Vatican II offers us, one which at the same time respects traditional theology and fills up the gaps in its interpretation, giving to it a greater profundity and cohesion." F. Gil Delgado, El matrimonio, problemas y horizontes nuevos, p. 129.

3. See F. Gil Hellin, "Los 'bona matrimonii' en la Constitución pastoral 'Gaudium et spes' del Concilio Vaticano II," Scripta theologica 11 (1979) 159ff.

4. *Ibid.*, 167ff.

5. "What, then, are we to do with love? What role can we assign it within marriage? It is certain that we can no longer ignore its ontological and psychological importance. The key is given to us by Vatican Council II itself. Love is not an end of marriage, but something much more important: it is the very being of marriage in action. Up to now we have sought to install the loving conduct of spouses within the system of the finalities of marriage. But, properly speaking, the realization of conjugal love does not answer the question, 'what is marriage for?' but rather the question, 'what is marriage,' 'in which does it consist'." F. Gil Delgado, El matrimonio, problemas..., p. 129. Other authors show their perplexity on having to recognize that conjugal love is expressed as a constitutive element of marriage. See M. Zalba, "De dignitate matrimonii et familiae fovenda (ad cap. 1 part. II Const. Conc. Vat. II de Ecclesia in mundo huius temporis)," Periodica de re morali 55 (1966) 381-429. We will cite the pagination of this article as published in Estudios sobre el Concilio Ecumenico Vaticano II, p. 259.

6. See S. Lener, "L'oggetto del consenso e l'amore nel matrimonio," Annali di dottrina e giurisprudenza canonica. 1. L'amore coniugale, p. 165; "Matrimonio e amore...", 31.

7. "God himself is the author of marriage" (Ipse vero Deus est auctor matrimonii), GS 48, 1.

8. "...the institution itself of marriage and conjugal love are ordered to the procreation and education of children" ("...ipsum institutum matrimonii amorque coniugalis ad procreationem et educationem prolis ordinantur), GS 48, 1; "Marriage and conjugal love are by their very nature ordained to the procreation and education of children" (Matrimonium et amor coniugalis indole sua ad prolem procreandam et educandam ordinantur), GS 50, 1.

9. "Marriage indeed is not instituted solely for procreation....Therefore although children, although often ardently desired, may be lacking, marriage....continues and maintains its value and indissolubility" (Matrimonium vero, non est tantum ad procreationem institutum....Ideo etsi proles, saepius tam optata, deficiat, matrimonium...perseverat, suumque valorem atque indissolubilitatem servat), GS 50, 3.

10. "...thus now the Savior of men and the Spouse of the Church comes to meet Christian spouses through the sacrament of marriage" (...ita nunc hominum Salvator Ecclesiaeque Sponsus, per sacramentum matrimonii Chrisifidelibus coniugibus oviam venit), GS 43, 2.

11. "Finally, the Christian family, since it takes its origin from marriage" (Proinde, familia christiana, cum e matrimonio...exoriatur...), GS 48, 4.

12. "This love is rightly and singularly expressed and perfected in the act proper to marriage" (Haec dilectio proprio matrimonii opere singulariter exprimitur et perficitur), GS 49, 2.

13. "It is the duty of parents and teachers...to beware of exercising any undue influence on young people, directly or indirectly, to force them into marriage or compel them in their choice of a partner" (Parentum vel tutorum est se iunioribus...caventes tamen ne eos coactione directa vel indirecta ad matrimonium ineundum aut ad electionem compartis adigant), GS 52, 1.

14. "Therefore all who exercise influence in communities and social groups ought to effectively contribute to the promotion of marriage and of the family" (Ideoque omnes qui influxum in communitates et coetus sociales exercent, ad promotionem matrimonii et familiae efficaciter conferre debent), GS, 52, 2.

15. "Those who are learned in the sciences, especially the biological, medical, social and psychological, can serve well the good of marriage and the family" (Qui scientiis, praecipue biologicis, medicis, socialibus et psychologicis eruditi sunt, multum bono matrimonii et familiae...), GS 52, 4.
16. In the Schema Receptum, as the Scheme which was presented for the study of this Constitution in the conciliar Hall was called, the expression "conjugal community" (communitas coniugalis) did not appear, but only the expression "familial community" (communitas familiaris). The former expression (conjugal community) was introduced in the following Schema, called the Textus recognitus, in order to express more completely the subject of its treatment: "because indeed in the scheme the question concerns marriage and the family, now mention is made of the 'auspicious condition of the conjugal and familial community'" (quia vero in schemate agitur de matrimonio et familia, nunc sermo fit de 'fausta conditione communitatis coniugalis et familiaris'), Relatio ad Textum Recognitum, 51, A, p. 13.
17. "Salus personae et societatis humanae ac christianae arcte cum fausta conditione communitatis coniugalis et familiae connectitur," GS 47, 1.
18. "Because the schema at times also has nonChristians in mind, there was added... 'Christians along with all who greatly esteem the same community (matrimonial and familial)," Relatio ad Textum Recognitum, 51, B, p. 13.
19. "Fifteen other (Fathers) suggest: 'in this community of love' (in hac communitate amoris). R/ This is admitted for the sake of clarity; therefore let it be written: 'in this community of love'." Modus et Responsio, 3, b.
20. "Ideo christiani, una cum omnibus qui eandem communitatem magni aestimant, sincere gaudent de variis subsidiis quibus homines, in hac communitate amoris fovenda et in vita colenda, hodie progrediuntur," GS, 47, 1.
21. The Schema Receptum said: "conjugal community by the Creator..." (communitas coniugalis a Creatore...) (61, p. 47, lin. 6-7); the Textus Recognitus introduces the final redaction: "The intimate community of conjugal life and love" (Intima communitas vitae et amoris coniugalis). the reason is the following: "Many Fathers from the very beginning intended to emphasize not only the institution (of marriage) but also the communion of life in this institution: therefore an addition was proposed for the text: 'The intimate community of life and love' (Intima communitas vitae et amoris); Relatio ad Textum Recognitum, 52, A, p. 14.

22. "Intima communitas vitae et amoris coniugalis, a Creatore condita suisque legibus instructa, foedere coniugii seu irrevocabili consensu personali instauratur." GS 48, 1.

23. "The words 'marriage' and 'community of love' are identical in their signification (convertuntur). The term 'marriage' is nothing other than the juridicism of this beautiful human reality, in which its contractual outer face is expressed." F. Gil Delgado, El matrimonio, problemas..., p. 129.

24. In a passage of the Schema Receptum marriage is spoken of as "a covenant of love" (foedus dilectionis) (61, p. 47, lin. 20). Later on, at the request of some Fathers (cf. Relatio ad Textum Recognitum, 52, E) this is changed to "covenant of conjugal love" (foedus dilectionis coniugalis) in the Textus Recognitus (52, p. 6, lin. 21); and, definitively, into "conjugal covenant" (foedus coniugale) by the disappearance of the substantive "of love" (dilectionis) at the request of a Modus for which, among other things, the following motive is given: "lest love be confused with marriage itself" (ne amor confundatur cum ipso matrimonio), Modus 24, 1a pars, a.

25. "Intima communitas vitae et amoris coniugalis...foedere conugii seu irrevocabili consensu personali instauratur." GS 48, 1.

26. "Mention is not made of the 'marriage contract,' but the discussion in clearer words is about the 'irrevocable personal consent' according to the votes of the Fathers. The biblical term 'covenant' is added in view of the position of the Eastern Fathers, for whom 'contract' poses some difficulties" (Mentio non fit de 'contractu matrimoniali,' sed verbis clarioribus sermo est de 'irrevocabili consensu personali,' secundum vota Patrum. Additur terminus biblicus 'foedus,' intuitu etiam Orientalium, pro quibus 'contractus' quasdam difficultates facit). Relatio ad Schemum Receptum, 61, A, p. 102 f.

27. "Relative to the prior text (p. 102 sub litt. A) it is explained why the commission here omitted the word 'contract' (cf. preceding note), which mode of expression many Fathers otherwise praise. But here it can hardly be used more broadly to express the possibility of an irrevocable personal consent" (In relatione ad textum priorem (p. 102 sub litt. A) explicatur cur commissio verbum 'contractus' hic omisit (cf. nota precedente) quem agendi modum ceteroquin plures Patres laudant. Fusius de possibilitate proferendi consensum irrevocabilem hic vix agi posset). Relatio ad Textum Recognitum, 52, A, p. 14. "The Council avoided the traditional expression in the West of 'contract' as being too juridical and preferred this other term of 'alliance' or 'covenant' as being more biblical and more pleasing to the Eastern Fathers, without any detriment, evidently, to the traditional doctrine; it treated effectively of a contractual

alliance." M. Zalba, "Dignidad del matrimonio y la familia," in Comentarios a la Constitucion 'Gaudium et spes' sobre la Iglesia en el mundo actual, p. 411.

28. See V. L. Heylen, "La dignidad del matrimonio y la familia," in La Iglesia en el mundo actual. Constitucion "Gaudium et spes," Comentarios al Esquema XIII, p. 172ff.

29. "The notion of the institution of marriage is confirmed by the following phrase, lest anyone judge that he can dissolve it later by his own choice; or, if the required love should be lacking, that his marriage becomes null" (Notio instituti matrimonii sequenti phrasi firmatur, ne ullus censeat sese illud arbitrio suo postea dissolvere posse; aut, deficiente amore etiam requisito, matrimonium suum nullum fieri), Relatio ad Schema Receptum, 61, A, p. 103.

30. "Ita actu humano (i.e. foedere coniugii) quo coniuges sese mutuo tradunt atque accipiunt, institutum ordinatione divina firmum oritur, etiam coram societate." GS 48, 1.

31. "Vir itaque et mulier, qui foedere coniugali 'iam non sunt duo sed una caro' (Matt 19.6)..." GS, 48, 1. With respect to the genesis of the expression "foedere coniugali" in this text, see above, note 24.

32. "Indeed marriage is not only for procreation, but its very nature as an indissoluble covenant between persons..." (Matrimonium vero, non est tantum ad procreationem, sed ipsa indoles foederis inter personas indissolubilis..." GS 50, 3.

33. "Sicut enim Deus olim foedere dilectionis et fidelitatis populo suo occurrit, ita nunc hominum Salvator Ecclesiaeque Sponsus per sacramentum matrimonii christifidelibus coniugibus obviam venit....Proinde, familia christiana, cum e matrimonio, quod est imago et participatio foederis dilectionis Christi et Ecclesiae, exoriatur..." GS 48, 2.

34. One citation which summarizes the understanding of those who have studied this chapter will be sufficient to show that these elements are so notable in the text that authors cannot be unaware of them: "...they note with surprise that Gaudium et spes not only attributes the greatest importance to conjugal love, both with reference to the good or personal perfection of the spouses or with respect to procreation, but also in more than one text and in the entire context of the chapter concerning marriage and family that this love and the very institution of marriage are also treated in a unitary way, on the same line of essentiality and with identical connotative expressions." S. Lener, "Matrimonio e amore..." 28.

35. "Under n. 60 (final n. 47) are enumerated certain so called 'signs of the times' with reference to marriage and family. A short list is proposed in order to avoid repetitions and in such a way as to cite facts rather than immediately to judge them" (Sub num. 60 (actual 47) numerantur quaedam sic dicta signa temporum in re matrimoniali et familiari. Elenchus brevis proponitur ad vitandas repetitiones et hoc quidem modo ut facta potius citentur quam statim diiudicentur). Relatio ad Schema Receptum, 60, p. 101.
36. "Progresses in conjugal and family life are cited abundantly" (Compendiose profectus in re coniugali et familiari citantur). Relatio ad Schema Receptum, 60, A, p. 102.
37. "According to the desires of the Fathers mention is made of certain dangers" (Iuxta vota Patrum, de quibusdam periculis sermo fit). Relatio ad Schema Receptum, 60, B, p. 102.
38. "Ideo christiani, una cum omnibus qui eandem communitatem magni aestimant, sincere gaudent de variis subsidiis quibus homines, in hac communitate amoris fovenda et in vita colenda, hodie progrediuntur." GS, 47, 1.
39. The demonstrative pronoun "hac" (this) appears in the definitive redaction. It was proposed by 15 Fathers and accepted "for the sake of clarity." Modus, 3, b.
40. Cf. Textus Recognitus, 51, p. 5, lin. 15-18.
41. "It was proposed, in answer to many who asked that from the very beginning it be said that this community is a communion of love (communio dilectionis et amoris) and that only in marriage does the right to nurture life arise, to add: 'in fostering the community of love and in nurturing life'" (Pluribus petentibus ut inde ab initio dicatur hanc communitatem esse communione dilectionis et amoris et tantum matrimonio ius oriri ad vitam colendam, inserendum proponitur: 'in communitate amoris fovenda et in vita colenda'). Relatio ad Textum Recognitum, 51, B., p. 13.
42. "One Father proposed that in place of 'in fostering the community of love' it should be said: 'in fostering the domestic community'" (Unus Pater proponit ut loco: 'in communitate amoris fovenda' dicatur: 'in communitate domestica fovenda'). Modus 3.
43. "The change is not admitted, because two aspects of the conjugal community are considered, namely life and love" (Mutatio non admittitur, quia duo aspectus communitatis coniugalis considerantur, vita nempe et amor). Responsum ad Modum 3.
44. "Intima communitas vitae et amoris coniugalis..." GS 48, 1.

45. "Communitas coniugalis a Creatore condita suisque legibus instructa, foedere coniugii seu irrevocabili consensu personali instauratur." Schema Receptum, 61, p. 47, lin. 6-7.

46. "Hence many Fathers want to emphasize from the very beginning not only the institution but also the communion of life within the institution: therefore an addition is proposed for the text: 'The intimate community of life and of love'" (Multi Patres inde ab initio non tantum institutum sed communionem vitae in instituto sublineare intendunt: quare additio in textu proponitur: 'Intima communitatis vitae et amoris'). Relatio ad Textum Recognitum, 52, A, p. 14.

47. "One Father proposes that in the formula: 'The intimate community of life and of conjugal love' the words 'and of love' be deleted as being superfluous, because love is already contained in life" (Unus Pater proponit ut in formula: 'Intima communitas vitae et amoris coniugalis' deleantur verba: 'et amoris' utpote superflua, quia amor iam in vita continetur). Modus 13.

48. "Let the text stand for the reason set forth in the Relatio, pag. 14, sub litt. A" (Stet textus ob rationem expositam in Relatione, pag. 14 sub litt. A). Responsum ad Modum 13.

49. Cf. Relatio ad Schema Receptum, 61, A, p. 103; see above, note 29.

50. "The definitive text wanted to take into account these two points of view (the institution and the personalist aspect of love). On the one hand, it affirms that marriage is a human institution confirmed by the divine law, possessing its own goods and ends, thus escaping human phantasy (GS 48, 1)....But, on the other hand, from the very first words, marriage is presented as a community." Philippe Delhaye, "Dignite du mariage et de la famille," in L'Eglise dans le monde de ce temps, II, p. 423 ff.

51. "Marriage is a community (una communio) formed by the man and the woman, whose basic structure is composed, on the one hand, by a unity in natures--two individualized and complementary natures which are integrated among themselves, each communicating to the other what is distinctive of each--and, on the other hand, a union of two persons through mutual love, which is the unitive power through which personal beings unite themselves in a most profound and intimate way." J. Hervada, "Reflexiones en torno a la unidad e indisolubilidad del matrimonio," Theologica 7 (1972) 316ff.

52. "Non ubique vero huius institutionis dignitas eadem claritate illuscit, siquidem polygamia, divortii lue, amore sic dicto libero, aliisve deformationibus obscuratur; insuper amor nuptialis saepius egoismo, hedonismo et illicitis usibus contra

generationem profanatur. Praeterea hodiernae conditiones oeconomicae, socio-psychologicae et civiles non leves in familiam perturbationes inducunt." GS 47, 2.

53. "The opposition between the prior part, where good things were cited, and this part is indicated by the word 'but'" (Oppositio inter partem anteriorem, ubi bona citantur, et hanc partem, indicatur verbo 'vero'). Relatio ad Textum Recognitum, 51, C, p. 13.

54. "According to the wishes of the Fathers, mention is made of certain dangers" (Iuxta vota Patrum, de quibusdam periculis sermo fit). Relatio ad Schema Receptum, 60, B, p. 102.

55. See F. Gil Hellin, "Los 'bona matrimonii'...", 163 ff.

56. The text of this third group speaks explicitly of the family and not of marriage. Moreover, in distinction to the way in which the first two groups are separated (by a semicolon), between these two groups and the third there is a period.

57. "But the dignity of this institution does not everywhere shine forth with the same clarity; indeed in some regions it is obscured by polygamy and other erroneous forms" (Non ubique huius institutionis dignitas eadem claritate illucescit, siquidem in quibusdam regionibus polygamia aliisve fallacibus formis obscuratur). Schema Receptum, 60, p. 46, lin. 18-20.

58. "Nuptial love moreover is at times deprived of its sacred character in that kind of human partnership which is infected by an 'eroticism' and the proclivity toward 'hedonism' and 'selfishness'" (Amor nuptialis insuper non semel in certa hominum consortione quae 'erotismo' atque proclivitate ad 'hedonismum' et 'egoismum' infecta est, a sacra sua indole destituitur). Ibid, lin. 20-23.

59. "Not everywhere indeed does the dignity of this institution shine forth with the same clarity, for indeed it is obscured by polygamy, the plague of divorce, and so-called free love and by other erroneous forms" (Non ubique vero huius institutionis dignitas eadem claritate illucescit, siquidem polygamia, divortii lue, amore sic dicto libero, aliisve formis erroneis obscuratur). Textus Recognitus, 51, p. 5, line. 21-23.

60. "It is proposed that along with polygamy 'divorce' and 'so-called free love' be cited, because these are similar evils and because in this way evils from different regions of the earth are put on the same level" (Proponitur ut 'divortium' et 'amor sic dictus liber' simul cum polygamia citentur, quia sunt mala similia et quia eo modo mala ex diversis regionibus orbis in eadem linea ponuntur). Relatio ad Textum Recognitum, 51, C, p. 13f.

61. "Thus also is the response to the desire of the Fathers who want to emphasize the danger of divorce; therefore the word 'plague' was deliberately chosen" (Ita quoque respondetur voto Patrum qui periculum divortii sublineare intendunt: ideo precise selecta fuit vox 'lues'). Ibid., p. 14.

62. "Lest it become too closely immersed in the evils enumerated and in judging them, the text concerning eroticism and hedonism was shortened, while retaining the same ideas" (Ne nimis in malis enumerandis eorundemque iudicio inhaereatur, textus de erotismo et hedonismo brevior redditur, retinendo tamen ideas). Ibid., 51, D, p. 14.

63. "It is proposed that the word: 'erotic' be kept; but that the pejorative sense, which the word does not have in some languages, clearly appear from the context the words 'erotic' and 'hedonism' are united" (Proponitur ut verbum: 'erotico' servetur; ut sensus peiorativus, quem vocabulum in quibusdam linguis non habet, e contextu clare appareat vocabula: 'eroticus' et 'hedonismus' uniuntur). Ibid.

64. There is a modification to the extent that a qualification is provided: in the Textus Recognitus the qualifying terms "fallacious forms" (fallicibus formis) are changed to "erroneous forms" (erroneis formis) in order to indicate more clearly an objective error, and now the text calls these deformations.

65. "The practices condemned here do not directly bear upon the very institution of marriage, which is treated in this sentence, but rather conjugal life itself, which is dealt with in the second sentence" (Praxes hic incriminatae non directe respiciunt ipsum institutum matrimonii, de quo in hac sententia sermo fit, sed potius ipsam vitam conjugalem, de qua in secunda phrasi agitur." Responsum ad Modum 5).

66. "One Father suggests that the word 'erotic' be deleted, because 'eros' in itself has something of the good. R/ To all thinking it over again it seems better that it is deleted" (Unus Pater suggerit ut deleatur verbum: 'eroticum', quia 'eros' in se aliquid boni habet. R/ Omnibus iterum perpensis melius deletur). Modus et Responsum 6, c.

67. "To all who have given it thought, the Commission proposes that it be written: 'moreover, conjugal love is often profaned by selfishness, hedonism, and illicit practices against conception'" (Quibus omnibus perpensis, Commissio proponit ut scribatur: 'insuper amor nuptialis saepius egoismo, hedonismo et illicitis usibus contra generationem profanatur'). Responsum ad Modum 5.

68. "Two Fathers petition that the list of errors be augmented by the mention of onanism, while 14 others petition that mention be made of 'contraception'" (Duo Patres petunt ut elenchus errorum augeatur, mentione onanismi, dum 14 alii petunt mentionem 'anticonceptionis'). Modus 5.

69. "Although the additions requested, at least in their substance, are already included in 'selfishness and hedonism,' nonetheless it seems that it is not without utility to make mention here of illicit practices against conception" (Etsi additiones expostulatae, saltem quoad rem, iam continentur in 'egoismo et hedonismo', tamen non absque utilitate videtur hic mentionem facere de illicitis usibus contra generationem). Responsum ad Modum 5.

70. "Who could doubt that in these questions it is clearly indicated according to the grammatical construction of the words, that the ordination to the procreation and education of children is attributed with equal reason to both the institution of marriage and to conjugal love." M. Zalba, "De dignitate matrimonii...", 243.

71. "Indole autem sua naturali, ipsum institutum matrimonii amorque coniugalis ad procreationem et educationem prolis ordinatur..." GS 48, 1.

72. "The ordination to the end is not an autonomous element distinct from the essence [of marriage], but an ordinal structure--an order, a disposition, and means--of its essence. According to this, the ordination to children is nothing distinct from marriage but is rather marriage's own disposition and order toward the procreation and education of children." J. Hervada-P. Lombardia, El derecho del pueblo de Dios. Hacia un sistema de derecho canonico III. Derecho matrimonial (1), p. 52f.

73. "Through the words: 'it is necessary that marriage be animated by conjugal love, marriage, which...is completed and crowned by conjugal love' mention is made, as many Fathers petitioned, of marriage and of love at the same time. The importance of conjugal love for procreating and educating children is emphasized" (Per verba: 'Amore autem coniugali...animetur oportet matrimonium, quod...completur et coronatur' mentio fit, uti multi Patres petierunt de matrimonio simul et amore. Momentum amoris coniugalis etiam ad ipsam prolem procreandam educandamque sublineatur). Relatio ad Schema Receptum, 61, C, p. 103.

74. "It is necessary that the institution of marriage itself, which is ordered to the procreation and education of children, be animated by conjugal love, generous and conscious, a love that cannot exist outside a legitimate union" (Amore autem coniugali, generoso atque conscio, quamadmodum extra legitimam unionem

existere nequit, animetur oportet ipsum institutum matrimonii, quod ad procreationem et educationem prolis ordinatur). Schema Receptum, 61, p. 47, lin. 16-20.

75. "Ipsum autem institutum matrimonii amorque coniugalis, generosus atque conscius, procreatione et educatione prolis veluti suo fastigio coronantur." Textus Recognitus, 52, p. 6, lin. 18-20.

76. "According to the petitions of many a shorter text is proposed" (Iuxta petitiones plurium textus brevior proponitur). Relatio ad Textum Recognitum, 52, D, p. 15.

77. "Many propose emendations relative to this phrase: a) 179 Fathers, in order to emphasize that procreation is the intrinsic end of marriage, think that it ought to say: '[the institution of marriage and conjugal love] are crowned by the procreation and education of children as by their summit by their own nature'" (Plures proponuntur emendationes relate ad hanc phrasim: a) 179 Patres, ad sublineandum procreationem esse finem intrinsicum matrimonii, dicendum esse putant: 'procreatione et educatione prolis natura sua uti fastigio coronantur). Modus 23, a.

78. "Let it be written: 'By their own inner nature the institution of marriage itself and conjugal love are ordered toward the procreation and education of children...'" (Scribatur: 'Indole autem sua naturali ipsum institutum matrimonii amorque coniugalis ad procreationem et educationem prolis ordinantur...'). Responsum ad Modum 23, a.

79. "Another [Father] petitions that the prior text be reinstated or that it be said, with this addition: 'The institution [of marriage and conjugal love]...destined for the procreation and education of children by the Creator, are crowned by them as if by their summit" (Alius adhuc petit ut restituatur textus prior vel ut dicatur, cum additione quadam: 'Institutum [matrimonii amorque coniugalis]...procreationi et educationi prolis a Creatore destinatum, ipsis veluti fastigio coronantur'). Modus 23, b.

80. "16 Fathers (with whom 4 others agreed substantively) ask that it be said: 'The institution of marriage itself, which is in the service of life and love, is crowned as by its summit by the actual procreation and education of children along with the practice of the virtue of generous and conscious conjugal love" (16 Patres (quibus 4 alii formula quoad sensum identica accedunt), petunt ut dicatur: 'Ipsum autem institutum matrimonii, quod est in servitium vitae et amoris, actuali procreatione et educatione prolis simul cum praxi virtutis amoris coniugalis generosi consciique, veluti fastigio coronatur'). Modus 23, b.

81. See above, note 73.

82. "Ipsum institutum matrimonii amorque coniugalis procreatione et educatione prolis veluti suo fastigio coronantur." GS 48, 1.

83. "...quibus (i.e., procreatione et educatione), veluti fastigio [ipsum institutum matrimonii] completur et coronatur." Schema Receptum, 61, p. 47, lin. 19.

84. "Ipsum autem institutum matrimonii amorque conjugalis...procreatione et educatione prolis veluti suo fastigio coronantur." Textus Recognitus, 52, p. 6, lin. 18-20.

85. "According to the requests of many [Fathers]...the word 'is completed' is omitted lest spouses, who do not have children, be frustrated" (Iuxta petitiones plurium...vox 'completur' omittitur ne coniuges, qui prolem non habent, frustrentur). Relatio ad Textum Recognitum, 52, D, p. 15.

86. "Therefore, although children, often ardently desired, may be lacking, marriage remains as a sharing and communion of the whole of life, and maintains its value and indissolubility" (Ideo etsi proles, saepius tam optata, deficiat, matrimonium ut totius vitae consuetudo et communio perserverat, suumque valorem atque indissolubilitatem servat). GS 50, 3.

87. "Ten Fathers petitioned that it would be better to say: 'as if by its summit', lest too much be made of the very fact of procreation, as if an infertile union lacked an essential element" (Decem Patres petunt ut potius dicatur: 'quasi fastigio' ne nimis inhaereatur in ipso facto procreationis, ac si communitas infecunda elemento essentiali careret). Modus 23, c.

88. "'As' expresses the same thing" ('Veluti' idem exprimit). Responsum ad Modum 23, c.

89. "Matrimonium et amor coniugalis indole sua ad prolem procreandam et educandam ordinantur." GS 50, 1.

90. "Talis est matrimonii et amoris coniugalis indoles, ut ex semetipsis ad prolem procreandam simul et educandam ordinantur." Schema Receptum, 63, p. 49, lin. 24-26.

91. "Mentio de matrimonii instituto addita est, ut elementum iuridicum cum vita personalis amoris coniungatur." Relatio ad Schema Receptum, 63, B, p. 105.

92. "Marriage and conjugal love by their very nature are ordered to procreating and educating children" (Matrimonium et amor coniugalis indole sua ad prolem procreandam et educandam ordinantur). Textus Recognitus, 54, p. 8, lin. 8-10.

93. "It is proposed that it be said: 'of their own nature' in place of "'such is...the nature that' because this construction seems less convoluted. It is further suggested that the words: 'of themselves' be deleted, since the same idea is expressed by the words: 'of their own nature' and since, on the other hand, explicit mention 'of themselves' (or: 'of their own nature') weakens the words of number 54 about the indissolubility of a marriage in which children who are hoped for are not had" (Proponitur ut dicatur: 'indole sua,' loco: 'talis est...indoles ut' quia constructio videtur minus contorta. Suggestitur insuper ut verba: 'ex semetipsis' deleantur, cum idem habeatur verbis: 'indole sua' et cum ex alia parte, explicita mentio 'ex semetipsis' (vel: 'suapte natura') infirmat verba numeri 54 de matrimonii indissolubilitate, prole optata non habita). Relatio ad Textum Recognitum, 54, A, p. 18.

94. "It is proposed that 'love' be kept in place of 'the conjugal act,' because we are treating of conjugal love even as it can exist in the conjugal act, so that there may not be any confusion between love and its act" (Proponitur ut servetur: 'amor' loco: 'actus coniugalis,' quia agitur de amore coniugali prout etiam in actu coniugali existere potest, ita ut non habeatur confusio inter amorem eiusque actum). Ibid.

95. "Procreation of children, therefore, cannot be considered, as Doms thought, as an 'extrinsic' end of marriage: marriage tends toward procreation as to its intrinsic and constitutive end." G. de Rosa, "Dignita del matrimonio e della famiglia e sua valorizzazione," in La Chiesa nel mondo contemporaneo, p. 754. See also F. Gil Hellin, "Los 'bona matrimonii'...", 153 ff.

96. "The procreation and education of children...are not added from without to marriage and to conjugal love, but represent their inner dynamism, their end, the fullness of their meaning." G. de Rosa, "Dignita del Matrimonio...", p. 777ff.

97. "Unde verus amoris coniugalis cultus totaque vitae familiaris ratio inde oriens, non posthabitis ceteris matrimonii finibus, eo tendunt ut coniuges forti animo dispositi sint ad cooperandum cum amore Creatoris atque Salvatoris, qui per eos Suam familiam dilatatur et ditatur." GS 50, 1.

98. "Hence the true cultivation of conjugal love and the whole plan of family life arising therefrom tends in such a way that the spouses are disposed to cooperate with a strong spirit with the love of the Creator and Savior, who through them daily increases and enriches his family" (Unde verus amoris coniugalis cultus totaque vitae familiaris ratio inde oriens eo tendunt, ut coniuges forti animo dispositi sint ad cooperandum cum amore Creatoris atque Salvatoris, qui per eos Suam familiam in dies dilatatur et ditatur). Schema Receptum, 63, p. 49, lin. 26-29.

99. "In place of: 'in this way it is provided that' it is said: 'in such a way that they tend', in order to remove the ambiguity of the word used and in order better to indicate the finality of the institution and of love" (Loco: 'eo proditur ut,' dicitur: 'eo tendunt ut,' ut tollatur ambiguitas vocabuli usurpati et melius indicetur finalitas instituti et amoris). Relatio ad Schema Receptum, 63, C, p. 105.

100. "The very place of conjugal love, just as the plan of family life and the tendency of both (love and family life) toward their end seem to be referred in the Constitution n. 50, 1, to the disposition of the spouses preparing them to cooperate with the love of the Creator and Savior, that is, for procreating and educating their children in a Christian way; something that can hardly be understood as something of a merely subjective and psychological origin and tendency...but is most correctly explained as an objective and institutional tendency of this covenant of love." M. Zalba, "De dignitate...", p. 257ff.

101. "The Commission proposes that 'also' be deleted and that at the same time, after the words: 'arising from its nature' there be added: 'without putting down the other ends of marriage'. In order to inculcate the importance of children, let there be inserted at the beginning of this paragraph, between the first sentence of the received text and the second, the following addition: 'Children are surely the most outstanding gift of marriage and confer most greatly to the good of the parents themselves'" (Commissio proponit ut deleatur: 'etiam,' et ut insimul, post verba: 'indole oriens,' addatur: 'non posthabitis ceteris matrimonii finibus.' Ad prolis momentum inculcandum, inseratur in initio huius paragraphi, inter primam sententiam textus recepti et alteram, sequens additamentum: 'Filii sane sunt praestantissimum matrimonii donum et ad ipsorum parentum bonum maxime conferunt). Responsum ad Modum 71.

102. "After the reason given was examined, let the first part of the text, changed very little in its form, be inserted between the first and second sentences of this paragraph so that, according to the desires of many Fathers, there may be a more biblically expressed way of speaking about marriage: 'For God himself is the one who...said "increase and multiply" (Gen 1.28)'" (Inspecta ratione allata, prima pars textus, in forma paululum mutata, inter phrases primam et secundam huius paragraphi inseratur, ut iuxta vota plurium Patrum modo magis scripturistico de matrimonio sermo fiat: 'Ipse Deus qui ... crescite et multiplicamini (Gen. 1.28)'). Responsum ad Modum 68.

103. "25 Fathers propose a new text for the first part to this paragraph: 'God himself saying...' The reason: the ends of marriage and of conjugal love are enunciated in this way in words of Holy Scripture; moreover, the following text follows in this way as a conclusion from Holy Scripture" (25 Patres pro prima hac

paragrapho novum textum proponunt: 'Ipse Deus dicens...' Ratio: fines matrimonii et amoris coniugalibus hoc modo verbis Sacrae Scripturae enuntiantur; insuper textus sequens hoc modo tanquam conclusio ex S. Scriptura sequitur). Modus 68.

104. "That marriage is ordered to fecundity is evident from Holy Scripture. The Constitution cites the classical texts relative to this matter in order to conclude: 'Hence...' That is, fertility is inscribed into the very structure of conjugal love and of the community of life which springs from it." G. de Rosa, "Dignita del matrimonio...", 778.

105. "Therefore the Council itself, when it seeks to speak about the meaning and the ends of marriage, make use jointly of these two expressions: 'marriage and conjugal love'." F. Gil Delgado, El matrimonio, problemas..., p. 129. On the meaning of the first expression see Relatio ad Schema Receptum, 63, B, p. 105.

106. "The dynamic ordering of conjugal love consists in the right development of conjugal life toward the ends of marriage; and precisely to the extent that children represent the primary end, conjugal love is ordered--as we recall with the very words of Vatican II--to the procreative and educative end of marriage." J. Hervada, Dialogos sobre el amor y el matrimonio, p. 55.

107. "Therefore husband and wife, who by reason of their covenant of love 'are no longer two...' (Vir itaque et uxor, qui foedere dilectionis 'iam non sunt duo...'). Schema Receptum, 61, p. 47, lin. 19f.

108. "According to the desires [of the Fathers]...the discourse now will be about the 'covenant of conjugal love'" (Iuxta vota...nunc sermo fit de 'foedere dilectionis coniugalibus'). Relatio ad Textum Recognitum, 52, E, p. 15.

109. "Vir itaque et uxor, qui foedere dilectionis coniugalibus..." Textus Recognitus, 52, p. 6, lin. 20f.

110. "One Father asked that, in lin. 21, after: 'who,' there be added: 'marriage' (lest love be confused with marriage itself)" (Unus Pater petit ut, in lin. 21, post: 'qui,' addatur: 'matrimonio' (ne amor confundatur cum ipso matrimonio). Modus 24, 1a pars, a.

111. "Another (Father petitions) moreover that in the same line, in place of 'conjugal love,' there be said rather: 'conjugal covenant'" (Alius (pater petit) adhuc ut in eadem linea loco: 'dilectionis coniugalibus' dicatur: 'foedere coniugali'). Modus 24, 1a pars, a.

112. "It satisfies all to write: 'conjugal covenant'" (Omnibus satisfit scribendo: 'foedere coniugali'). Responsum ad Modum 24, 1a pars, a.

113. "Quae intima unio, utpote mutua duarum personarum donatio, sicut et bonum liberorum, plenam coniugum fidem exigunt atque indissolubem eorum unitatem urgent." GS 48, 1.

114. "Quae intima unio, ex ipsa coniugalis amoris natura, plenam coniugum fidem exigit atque indissolubilem eorum unitatem urget." Schema Receptum, 61, p. 47, lin. 23-25.

115. "This intimate union, as the mutual giving of two persons, demands the full faith of the spouses and urges indissoluble unity, also with reference to the children" (Quae intima unio, utpote mutua duarum personarum donatio, plenam coniugum fidem exigit atque indissolubilem unitatem, etiam intuitu liberorum, urget). Textus Recognitus, 52, p. 6, lin. 24-26.

116. "It is proposed that in place of: 'from the very nature of conjugal love,' it be said: 'as the mutual giving of two persons,' to which words ought also to be added, so that the idea can be set forth in a more complete way: 'and also with respect to the children': for the properties of marriage seem to be confirmed by these two elements of conjugal life rather than by the nature of love" (Proponitur ut loco: 'ex ipsa coniugalis amoris natura,' dicatur: 'utpote mutua duarum personarum donatio,' quibus verbis etiam adiungi debent, ut idea modo complete exponatur: 'atque etiam intuitu liberorum': etenim proprietates matrimonii illis duobus elementis vitae coniugalis magis quam natura amoris confirmari videntur). Relatio ad Textum Recognitum, F, p. 15.

117. "Two Fathers ask that it be said: 'marital giving' (for there are givings between persons without this faith)" (Duo Patres petunt ut dicatur: 'maritalis donatio' (nam sunt donationes inter personas sine tali fide). Modus 25, a.

118. "Another Father asks that in place of 'intimate union' there be said: 'matrimonial conjoining', lest marriage be said to end once love has ceased" (Alius Pater petit ut loco: 'intima unio,' dicatur: 'coniunctio matrimonialis', ne cessante amore rueret matrimonium). Ibid.

119. "Let the text stand since it is evident that it is dealing with legitimate marriage" (Stet textus quia patet agi de matrimonio legitimo). Responsum ad Modum 25, a.

120. "It does not seem that the third observation--(i.e., another suggests moreover that there be added: 'of the conjugal covenant and love,' because the text is concerned with marriage and not only with love)--ought to be kept, because a covenant sanctioned

by law is presupposed where the text is dealing with conjugal love (cf. num. 53, page 7, lin. 34)" (Tertia observatio--(i.e., alius adhuc suggerit ut addatur: 'foederis et amoris coniugalis,' quia agitur de matrimonio et non tantum de amore)--non videtur retinenda, quia ubi agitur de amore coniugali foedus supponitur, quod lege sancitur (cf. num. 53, pag. 7, lin. 34). Responsum ad Modum 85.

121. "Amor ille mutua fide ratur, et potissimum sacramento Christi sancitus, inter prospera et adversa corpore ac mente indissolubiliter fidelis est, et proinde ab omni adulterio et divortio alienus remanet." GS 49, 2.

122. "That love, ratified by faith, is holy in Christ, and is indissolubly faithful amidst prosperities and adversities" (Amor ille fide ratur et in Christo sanctus est, atque, inter prospera et adversa, indissolubiliter fidelis). Schema Receptum, 62, p. 48, lin. 37-38.

123. "That love, ratified by faith, and sanctioned most powerfully by the sacrament of Christ, is indissolubly faithful amidst properties and adversities of body and mind, and therefore remains foreign to every adultery and divorce" (Amor ille fide ratur, et potissimum sacramento Christi sancitus, inter prospera et adversa corpore ac mente, indissolubiliter fidelis est et proinde ab omni adulterio et divortio alienus remanet). Textus Recognitus, 53, p. 7, lin. 34-36.

124. "It is proposed that it be said: 'that love...sanctioned most powerfully by the sacrament of Christ, so that the natural and supernatural bases of indissolubility might be distinguished" (Proponitur ut dicatur: 'amor...potissimum sacramento Christi sancitus', ut clarius ratio naturalis et ratio supernaturalis indissolubilitatis distinguantur). Relatio ad Textum Recognitum, 53, F, p. 17.

125. "31 Fathers seek that it read: 'that love, ratified by faith, sanctioned by the institution of marriage, and consecrated most powerfully by the sacrament of Christ" (31 Patres petunt ut legatur: 'amor ille fide ratur, institutione matrimoniali sancitus, et potissimum sacramento Christi consecratus). Modus 58.

126. "Faith here is taken in a formal sense; therefore the addition seems superfluous" (Fides hic sumitur in sensu formali; quare additio superflua videtur). Responsum ad Modum 58.

127. "To remove any possible ambiguity let it be written: 'that love, ratified by mutual faith" (Ad tollendam tamen omnem ambiguitatem scribatur: 'amor ille mutua fide ratur'). Ibid.

128. "Here the moral norm is established" (Hic statuitur norma moralis). Relatio ad Textum Recognitum, H, p. 19.

129. The previous redaction said: "conscience ought to be ruled as illumined by the divine law itself" (regi debere conscientia ab ipsa lege divina illuminanda). An abundance of Modi more or less similar in nature were presented with respect to this matter and led the Commission to decide upon the following modification: "Nevertheless, for the sake of clarity, let it be written: '[conscience] that must be in conformity with the divine law itself' ([conscientia] ipsi legi divinae conformanda). Responsum ad Modum 82.

130. "In their own conduct Christian spouses are to be aware that they cannot proceed according to their own judgment but their conscience must always be ruled as something that is to be in conformity with the divine law, docile toward the Magisterium of the Church, which authoritatively interprets this [the divine law] in the light of the Gospel" (In sua vero agendi ratione coniuges christiani conscii sint se non ad arbitrium suum procedere posse, sed semper regi debere conscientia ipsi legi divinae conformanda, dociles erga Ecclesiae Magisterium, quod illam sub luce Evangelii authentice interpretatur). GS 50, 2.

131. "Lex illa divina plenam amoris coniugalis significationem ostendit, illum protegit et ad eiusdem vere humanam perfectionem impellit." GS 50, 2.

132. "One Father proposes the following change for the text: 'For that divine law shows the full meaning of conjugal love, protects it and urges it to its human perfection...' because the divine law first of all shows the meaning of conjugal love" (Unus Pater proponit sequentem textum mutationem: 'Lex enim illa divina amoris coniugalis plenam significationem ostendit, illum protegit et ad eiusdem...', quia lex divina in primis ostendit significationem amoris coniugalis). Modus 85.

133. "The introduction of the verb: 'shows' is accepted because of the reason brought forth--see the preceding note--...Therefore the sentence reads as follows: 'That divine law shows the full meaning of conjugal love, protects it and urges it truly toward its human perfection" (Introductio verbi: 'ostendit' accipitur propter rationem allatam--cf. nota precedente....Phrasis ergo sic se habet: 'Lex illa divina plenam amoris coniugalis significationem ostendit, illud protegit et ad eiusdem vere humanam perfectionem impellit'). Responsum ad Modum 85.

134. "Two Fathers want the words: 'of conjugal love' deleted, because there are other laws in marriage" (Duo Patres delere volunt verba: 'amoris coniugalis,' quia aliae etiam sunt leges in matrimonio). Modus 85.

135. "...another suggests moreover that there be added: 'of the covenant and of conjugal love' because the text deals with marriage and not only with love" (...alius adhuc suggerit ut addatur: 'foederis et amoris coniugalis,' quia agitur de matrimonio et non tantum de amore). Ibid.

136. Cf. Responsum ad Modum 85. See above, note 120.

137. "Neither of these two aspects (the juridical and the human), of these 'two extremities of a chain,' is denied by any of those taking part in the Council; there is no doubt of this. But their perspectives and insights are quite different. Some think first and foremost of the institution and think that it is endangered. Others insist more on the 'new sociological and personalist facts.'" Philippe Delhaye, "Dignite du mariage...", p. 422.

138. "...they [some authors] note with surprise that Gaudium et spes not only attributes the greatest importance to conjugal love, both with respect to the well being or personal perfection of the spouses and with respect to procreation, but also in more than one text, and indeed within the entire context of the chapter on marriage and the family, that this aforesaid love and the very institution of marriage are treated together in a unitary way, in the very same line of essentiality and with identical connotative expressions." S. Lener, "Matrimonio e amore...", p. 28. see also U. Navarette, "Structura iuridica matrimonii secundum Concilium Vaticanum II. Momentum iuridicum amoris coniugalis," Periodica de re morali... 57 (1968) 202.

139. "By their own inner nature, the institution itself of marriage and conjugal love are ordered to the procreation and education of children..." (Indole autem sua naturali, ipsum institutum matrimonii amorque coniugalis ad procreationem et educationem prolis ordinantur...). GS 48, 1.

140. "...and by them [children] are crowned as by their summit" (...iisque veluti suo fastigio coronantur). Ibid.

141. "Marriage and conjugal love are ordered by their very nature to procreating and educating children" (Matrimonium et amor coniugalis indole sua ad prolem procreandam et educandam ordinantur). GS 50, 1.

142. "Whence the true cultivation of conjugal love and the entire meaning of family life arising therefrom, without putting down the other ends of marriage, tend in such wise that the spouses are disposed by a strong spirit to cooperate with the love of the Creator and Savior, who through them enlarges and enriches his family day by day" (Unde verus amoris coniugalis cultus totaque vitae familiaris ratio inde oriens, non posthabitis ceteris matrimonii finibus, eo tendunt ut coniuges forti animo dispositi

sint ad cooperandum cum amore Creatoris atque Salvatoris, qui per eos Suam familiam in dies dilatat et ditat). Ibid.

143. "Also many men of our day make much of the true love between husband and wife manifested in various ways according to the noble practices of peoples and times" (Plures quoque nostrae aetatis homines verum amorem inter maritum et uxorem variis rationibus secundum honestos populorum et temporum mores manifestatum, magni faciunt). GS 49, 1.

144. "Therefore, Christians, along with all who greatly esteem the same community [the conjugal community], sincerely rejoice over the various helps in which men today progress in fostering this community of love and in nurturing life" (Ideo christiani, una cum omnibus qui eandem communitatem [communitatem coniugalem] magni aestimant, sincere gaudent de variis subsidiis quibus homines, in hac communitate amoris fovenda et in vita colenda, hodie progrediuntur). GS 47, 1.

145. "But the dignity of this institution does not everywhere shine forth with the same clarity, for it is obscured by polygamy, the plague of divorce, so called free love, and other deformations" (Non ubique vero huius institutionis dignitas eadem claritate illucescit, siquidem polygamia, divortii lue, amore sic dicto libero, aliisve deformationibus obscuratur). GS 47, 2.

146. "Moreover nuptial love is often profaned by selfishness, hedonism, and illicit practices against conception" (Insuper amor nuptialis saepius egoismo, hedonismo et illicitis usibus contra generationem profanatur). Ibid.

147. "That love, ratified by mutual faith...is indissolubly faithful amidst prosperities and adversities of body and mind and thus remains foreign to all adultery and divorce" (Amor ille mutua fide ratus...inter prospera et adversa corpore ac mente indissolubiliter fidelis est, et proinde ab omni adulterio et divortio alienus remanet). GS 49, 2.

148. "This intimate union, as the mutual giving of two persons, as well as the good of the children, demands the full fidelity of the spouses and urges their indissoluble unity" (Quae intima unio, utpote mutua duarum personarum donatio, sicut et bonum puerorum, plenam coniugum fidem exigunt atque indissolubilem eorum unitatem urgent). GS 48, 1.

149. "Hunc amorem Dominus, speciali gratiae et caritatis dono, sanare, perficere et elevare dignatus est." GS 49, 1.

150. "Christus Dominus hanc multiformem dilectionem, e divino caritatis fonte exortam et ad exemplar suae cum Ecclesia unionis constitutam, abundanter benedixit." GS 48, 2.

151. "...ita nunc hominum Salvator Ecclesiaeque Sponsus, per sacramentum matrimonii christifidelibus coniugibus obviam venit." Ibid.

152. "Germanus amor coniugalis in divinum amorem assumitur atque virtute redemptiva Christi et salvifica actione Ecclesiae regitur ac ditatur, ut coniuges efficaciter ad Deum ducantur atque in sublimi munere patris et matris adiuventur et confortentur." Ibid.

153. "Manet [hominum Salvator Ecclesiaeque Sponsus] porro cum eis [christifidelibus coniugibus], ut quemadmodum ipse dilexit Ecclesiam et semetipsum pro ea tradidit, ita et coniuges, mutua deditioe, se invicem perpetua fidelitate diligant." Ibid.

154. "Amor ille mutua fide ratur, et potissimum sacramento Christi sancitus, inter prospera et advera corpore ac mente indissolubiliter fidelis est, et proinde ab omni adulterio et divortio alienus remanet." GS 49, 2.

155. "Quapropter coniuges christiani ad sui status officia et dignitatem peculiari sacramento roborantur et veluti consecrantur; cuius virtute munus suum coniugale et familiare explentes, spiritu Christi imbuti, quo tota eorum vita, fide, spe et caritate pervaditur, magis ac magis ad propriam suam perfectionem mutuamque sanctificationem, ideoque communiter ad Dei glorificationem accedunt." GS 48, 2.

156. "Ad officia autem huius vocationis christianae constanter exsequenda virtus insignis requiritur: quapropter coniuges, gratia ad vitam sanctam roborati, firmitatem amoris, magnitudinem animi et spiritum sacrificii assidue colent et oratione impetrabunt." GS 49, 2.

157. "Therefore, it [conjugal love] is a product not only of natural instinct and inclinations; it is also and principally an act of free will." Paul VI, Encyclical Humanae vitae, n. 9; "The central element of conjugal love is, consequently, the assumption by the will of the inclination toward the other spouse. An immediate consequence of this is that conjugal love is not a sentiment, nor mere desire (GS 49), nor a blind or irresistible impulse; none of these things is conjugal love (although all are, as it were, contained in it), whose principal characteristic is the tendency of the free will, in which it assumes and integrates all the rest." J. Hervada, "Cuestiones varias sobre el matrimonio," Ius canonicum 13 (1973) 51.

158. "Therefore it far surpasses mere erotic inclination which, selfishly expressed, quickly and miserably vanishes" (Longe igitur exsuperat meram eroticam inclinationem, quae, egoistice exulta, citius et misere evanescit). GS 49, 1.

159. "But that love, as an eminently human one, since it directed by an affection of the will from one person to another person, embraces the good of the whole person and therefore enriches the expressions of body and mind with a peculiar dignity and is able to ennoble these as elements and special signs of conjugal friendship" (Ille autem amor, utpote eminenter humanus, cum a persona in personam voluntatis affectu dirigatur, totius personae bonum complectitur ideoque corporis animique expressiones peculiari dignitate ditare easque tanquam elementa ac signa specialia coniugalis amicitiae nobilitare valet). Ibid.

160. Cf. J. Ferrer-F. Gil Hellin, "Matrimonio, V. Teologia moral," in Gran Enciclopedia Rialp, Vol. 15, p. 312.

161. "This dominion or possession by the free will of the complex of sensitive and spiritual forces which integrate the natural inclination is the fundamental constituent of conjugal love, which appears therefore as the authentic personal opening to the other spouse." J. Hervada, "Cuestiones sobre el matrimonio...", p. 51.

162. "What is conjugal love? Is it dilectio (love of choice) or simply amor (love as such)? Obviously it is dilectio (love of choice), for there is no marriage without choice. Given that marriage is the natural order of sexuality, love (amor) (the spontaneous movement toward the person of the other sex) is a simple appeal; it requires the decision of the will through which the person directs his tendency to the other sex to a specific person. And that is the love of choice, that is dilectio." J. Hervada, *ibid*.

163. The spousal love of Christ for the Church is always indicated by this root Latin word: "He loved (dilexit) the Church" (Ipse dilexit Ecclesiam) (GS 48, 2), "a covenant of love" (dilectionis) (foedus dilectionis) (GS 48, 4), "the mystery of love" (dilectionis) (mysterium dilectionis) (GS 52, 7). The love of Christian spouses, the image and participation of that love of Christ for the Church, is also thus designated: "therefore (Christian) spouses, by their mutual giving, love (diligant) one another with perpetual fidelity" (ita et coniuges (christiani), mutua deditioe, se invicem perpetua fidelitate diligant) (GS 48, 2). And in general, all spousal love is so designated: "by and undivided love" (indivisa dilectione) (GS 49, 1), "this love" (haec dilectio) (GS 49, 2).

164. GS 48, 1.

165. "Love is itself a substantial reality, but not insofar as it is the motive leading one to constitute marriage, but rather precisely insofar as it is that fact or rather specifically that act of the will which causes marriage as a way of life." A. P. Bonnet, L'essenza del matrimonio canonico. Contributo allo studio

dell'amore coniugale. I. Il momento costitutivo del matrimonio,
p. 132.

166. "In fact, conjugal love, in its own inner being, is that mutual integral giving of sexuality between a man and a woman which constitutes the internal structure of that institution which can be qualified as marriage in its becoming (matrimonium in fieri), once it has been completed in its external structure." Ibid., p. 46.

167. "We think that conjugal love cannot be, in its own constitutive being, anything other than the internal structure or substance of that institution which by juridically complementing it [conjugal love] in its external form or structure we characterize as the constitutive moment of marriage. From the perfect correspondence between the internal and external structure springs a complete concordance in the constitutive moment between conjugal love and marriage and also, although that cannot be considered in complete exactitude, an inevitable commingling of these terms." Ibid., p. 130f.

168. "Therefore the husband and wife, who by reason of their conjugal covenant are no longer two but one flesh (Mt. 19.6), offer mutual help and service to one another by means of their intimate union of persons and of deeds, and experience and acquire more fully day by day the meaning of their unity" (Vir itaque et mulier, qui foedere coniugali iam non sunt duo, sed una caro (Mt. 19.6), intima personarum atque operum coniunctione mutuum sibi adiutorium et servitium praestant, sensumque suae unitatis experiuntur et plenius in dies adipiscuntur). GS 48, 1.

169. "The conjugal covenant is nothing...other than the mutual decision to love one another conjugally, that is, the irrevocable commitment to full openness, communication, and pledging of oneself to the 'thou' of the other in all his or her masculinity or femininity. In this sense, the conjugal covenant is the act of love founding marriage. Without this act, love does not succeed in passing over the frontier which leads to the constituting of a union of two persons in the unity of nature." P. J. Viladrich, "Amor conyugal y esencia del matrimonio," Ius canonicum 12 (1972) 311; cf. also Bonnet, L'essenza..., p. 40.

170. Cf. J. Hervada, "Cuestiones...", p. 52f.

171. "In the dynamic complex of conjugal love, which is itself seeking to be constructed, it is then necessary to keep clearly distinct this initial act of the mutual and integral gift of sexuality between a man and a woman from all those other acts which successively manifest that peculiar openness to the other in which this specific kind of love consists. Precisely because of the fact that this initial act expresses conjugal love in a truly excellent way, this can be considered as the adequate

efficient cause of that foundation upon which the conjugal relation is established, a relationship that will then express itself by means of that complex of acts which dynamically realize conjugal love, since the effect must live in some way in its proper cause." Bonnet, L'essenza del matrimonio..., p. 134.

172. cf. J. Ferrer-F. Gil Hellin, "Matrimonio...", p. 312.

173. Cf. Ibid.

174. "The acts, therefore, whereby the spouses are united intimately and chastely, are noble and worthy and, exercised in a truly human way, signify and foster their mutual self-giving, whereby they enrich each other with a joyful and grateful spirit" (Actus proinde, quibus coniuges intime et caste inter se uniuntur, honesti ac digni sunt et, modo vero humano exerciti, donationem mutuam significant et fovent, qua sese invicem laeto gratoque animo locupletant). GS 49, 2.

175. "Therefore the moral nature of acting, when there is question of harmonizing conjugal love with the responsible transmission of life, does not depend solely on sincere intentions and the estimation of motives, but ought to be determined by objective criteria, drawn from the nature of the person and his acts, criteria which respect the full meaning of mutual self-giving and of human procreation in the context of true love" (Moralis igitur indoles rationis agendi, ubi de componendo amore coniugali cum responsabili vitae transmissione agitur, non a sola sincera intentione et aestimatione motivorum pendet, sed obiectivis criteriis, ex personae eiusdemque actuum natura desumptis, determinari debet, quae integrum sensum mutuae donationis ac humanae procreationis in contextu veri amoris observant). GS 51, 3.

176. "The efficient cause of marriage is mutual consent expressed through words of the present tense" (Causa efficiens matrimonii regulariter est mutuus consensus per verba de praesenti expressus). Council of Florence, Decree for the Armenians.

177. "All conjugal love, if marriage is to exist, must contain a certain degree of love of benevolence, since the conjugal covenant in order to be valid and conjugal life in order to be minimally possible require a surrendering of self." J. Hervada-P. Lombardia, El derecho del Pueblo de Dios. Hacia un sistema de derecho canonico, III. Derecho matrimonial (1), p. 102.

178. Cf. Ibid., p. 102f.

179. "The conclusion...of the incontestable fact that conjugal love is a love of choice (dileccion) is that wherever there is a serious will to form marriage there also must conjugal love be present. I do not think, then, that to put conjugal love at the

root of marriage can have as a consequence a new heading for nullity (caput nullitatis): the absence of love. The absence, perversions and defects of conjugal love are identical with the absence, perversions, and defects of consent." J. Hervada, "Cuestiones...", p.51f.

180. Paul VI, "El matrimonio: perfeccion humana, sacramento cristiano," Insegnamenti di Paolo VI (1970), p. 303.

181. "The recent encyclical of Paul VI...develops and makes precise in a synthetic way the notion of conjugal love, already delineated by the Council....In number 9 we see now one more time, and indeed in a very incisive way, marriage as an institution and conjugal love considered per modum unius." S. Lener, "Matrimonio e amore coniugale...", p. 30.

182. "The personalist norm itself is evidently not identified with any of the ends of marriage....But it is a principle on which the realization of those ends of marriage depends, a realization in conformity with the nature of man insofar as he is a person." Karol Wojtyla, Love and Responsibility, p. 71.