

Marriage

Christian Marriage

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Biblical Foundations for Marriage

Christian marriage is a complex interface between a natural reality that every culture knows and a supernatural reality that mediates God's loving presence (grace) and facilitates sanctification (holiness). It is a prime example of the Thomas Aquinas's dictum that *grace builds on nature* (S.T. Ia2ae.62.1). Christian reflection begins with Genesis and the creation of Adam and Eve. After creating Adam, God observes, "It is not good for the man to be alone" (Gen 2:18). While the animals are not true companions, Eve, who is created from Adam's rib, is perfect. "This at last is bone of my bones and flesh of my flesh" (Gen 2:23). Recall that Adam is missing part of himself; Eve has his rib. Only in union with Eve will Adam ever recover his fullest self. "This is why a man leaves his father and mother and cleaves to his wife and they become one flesh" (Gen 2:24). We see here that man and woman complement and complete each other. Reflecting on this, Pope John Paul II described humans as having a *nuptial anthropology*, that is, women and men were created for union.

The New Testament follows these Old Testament theological commitments. Jesus insists on the permanence of the marital bond. They are "one flesh," so "what God has joined, let no one separate" (Mt 19:6; Mk 10:9; Lk 16:18). In addition to the *natural* truths of marriage, Jesus aligns the New Covenant with marriage. His first miracle as a sign of the New Covenant is at the wedding of Cana. And associations with the kingdom of God and weddings are regularly found in all four Gospels, particularly in Jesus' parables about the kingdom. The book of Revelation makes this divine intention explicit. When final victory over the forces of evil is complete the whole host of believers will sing, "Halleluia! The Lord our God the Almighty reigns...for the marriage of the Lamb has come, and his bride has made herself ready" (Rev 19:6-7). Finally, in Ephesians St. Paul theologizes about marriage in ways similar to the prophets of ancient Israel. As the covenantal relationship between Yahweh and Israel is understood metaphorically as a marriage, so is the church's relationship with Christ. Again, they mutually interpret each other. Jesus gave himself to the church, so a husband gives himself to his wife (Eph 5:25); as the church is subordinate to Christ, so is a wife to husband (Eph 5:22)—though the actual posture of both is mutual submission (Eph 5:21—and the motive is always love (Eph 25-30). Principally, however, it is the loving marriage that models how we are to understand our relationship to Christ. "This [loving marriage] is a great mystery, and I am applying it to Christ and the church" (Eph 5:32). Thus, both the *natural* life between husband and wife and the *supernatural* life between the church (and/or soul) and God mutually interpret each other.

Brief Historical Sketch

The Christian church's understanding of marriage has varied. Marriage has always been understood as an excellent metaphor for the church's covenantal relationship to Christ, and even taken on mystical implications since Origen (185-254). However, marriage's actual ability to reflect or embody Christ's grace was not broadly embraced. For the most part, the early church found marriage principally something wholly natural and cultural. In addition, it was understood as a family matter. St. Ambrose (339-397) was the first bishop to insist that a marriage should have an official church blessing. While some church fathers praised marriage as "a perfect bond of one spirit" (Tertullian, *Ad Uxorem* II.9) or "a communion that opens the door to perfect love" (Gregory Nazianzen, *Poemata Moralia*, PG 37:542), fundamentally it was understood as a cultural reality. In fact, the patristic church broadly recommended celibacy as the higher way to deeper prayer and devotion. And sexual intercourse, while a natural, necessary good, seemed closely aligned to disordered desire (concupiscence). "Such pleasure cannot be without sin" (Gregory the Great, *Epsitolarum Liber IX.64*). Nevertheless, the vast majority of Christians married and with the full support of the church.

From the patristic church to the modern era, the primary reason for marriage was procreation. It also had as legitimate ends the funding of a household, care in sickness and old age, and companionship, although these were typically informally addressed as tangents to this primary end. What constituted a marriage was an additional issue. The tradition of Roman law argued that it was free consent of the couple, while the Frankish and German traditions held that it was only a marriage after it was consummated by the first act of intercourse. By the Middle Ages the compromise, initiated by Gratian in 1140, was that consent created the marriage, but that it was not validly consummated (and could be annulled) without intercourse. It wasn't until the thirteenth century that marriage was formally understood as one of the church's seven official sacraments.

St. Augustine had described four principal goods in marriage and these have been sustained throughout the Middle Ages in the West: procreation, fidelity, friendship, and sacramental sign. By the thirteenth century, influenced by Thomas Aquinas, two of these goods became *ends* to marriage. The first and foremost natural end of marriage is procreation. This would remain the Catholic Church's position until Vatican II. The second end is that it is a sacrament, that is, it points to (sign), and participates in (symbol) the grace of Christ. Because marriage was both a natural contract and supernatural covenant it was understood as necessarily permanent. This was reinforced by Pope Pius XI who described its permanence as a natural and divine law that cannot be broken (*Casti Connubii*, 3, 6, 37).

Both Martin Luther and John Calvin, the architects of Protestant sacramental theology, argued that Christian marriage was an excellent sign of Christ and the church, and that it should be celebrated in and blessed by the church. Further, both believed that marriage provided the context and content for ongoing Christian sanctification. Finally, both also taught that marriage ought to be understood as fundamentally permanent. The two explicit exceptions were adultery and desertion, in which case the guilty spouse fundamentally acted like an unbeliever and fell under Paul's divorce exception in 1 Cor 7:10-16. Here Paul allowed divorce and remarriage from an unbeliever if the unbeliever

insisted. Protestants, following the original reformers argued against marriage as a sacrament. It existed before Christ, was practiced by non-Christians, and was not commanded by Christ. Ironically, in rejecting monasticism and celibacy for priests, both saw it as the preferred way to develop spiritually. Thus, even if marriage is not a *sacrament* per se, Protestants, like Catholics, believe it to be imbued with grace. Today, most Protestants allow for divorce and remarriage in the church, but hesitatingly and with regret that the covenantal bond has been broken. The Orthodox Church allows for remarriage, but will not identify the second marriage as *sacramental*.

Catholic Marriage since Vatican II

There have been two dramatic shifts in the Catholic Church's approach to marriage in the modern era. The first was with Pius XI's *Casti Connubii* (1931). Here the emphasis of the language moved from contract to conjugal love and intimacy. Marriage was a communion (7, 23). The primacy of love as the motive for marriage was new to the church's formal teaching on marriage. The second shift came in Vatican II, and was predicated on a new appreciation of the possibilities of holiness. Vatican II declared that "All the faithful of whatever rank...are called to the fullness of the Christian life and to the perfection of charity," and "The same holiness is cultivated in various duties of life (*Lumen Gentium* 40, 41). Indeed, "we are all called to sanctity and have received an equal privilege of faith" (L.G. 32).

Thus marriage is now seen as a bona fide, and indeed standard, expression of a holy life. While Vatican II describes marriage as ordered to children, it refused to repeat that procreation was its primary end. Most interpret Vatican II to be endorsing "mutual sanctification" as the primary end of marriage (L.G. 48). Even when Vatican II speaks of family life, it places the responsibilities in the context of this end. "Children contribute to making their parents holy... Everyone living under the family roof is set out on the path of truly human training, of salvation, and of holiness" (L.G. 48).

Broadly, Christians believe that marriage is intrinsically ordered to family life. Naturally, it was set up by God for children and their wholesome personal development. It seeks and ensures "the prosperity of the family itself and human society as a whole. Here, children are understood both as an expression of the natural law that love is *fecund* (life-giving) and an ultimate crowning glory to the conjugal union" (L.G. 48). As Christian families are called to be imbued in virtue they are also called to share their spiritual riches with other families and ultimately manifest broadly to the world Christ's living presence. Thus, conjugal love and filial virtue always must redound to broader service of the kingdom of God (L.G. 48).

In conclusion, Christian marriage is both wholly natural and profoundly supernatural. It is the "eminently human" centerpiece of society and social order (L.G. 52) and it is based on a nuptial anthropology whereby man and woman are made for each other; they complement and complete one another. Further, it expresses a natural law that love is *fecund*, that is, life-giving. And Christian marriage is supernatural. It is based on the covenantal steadfast love that God has for us, and it witnesses and participates in the

grace of Christ. It is premised on a natural love that finds its true end in being “caught up in divine love.... And penetrated with the spirit of Christ” (L.G. 48). Thus, it “merges the human with the divine” and makes spouses “cooperators with the love of God the Creator and... interpreters of that love” (L.G. 49-50).

Marriage in Islam

By Dr. Hatem al-Haj

Islam divides the wants of humanity into three categories, which are necessities, needs, and comforts/luxuries. Even though Islam respects the entitlement of humanity to all such needs within moderation and without transgressing the rights of others, it places a special importance on the first category of necessities. The necessities include the preservation of the religion, life, property, intellect, lineage and honor. The importance of marriage and the wellbeing of the family institution cannot be emphasized enough in this context since the wellbeing of this institution is essential for the preservation of the religion, life, lineage and honor. Thus, marriage is generally recommended in Islam, and could be at times mandatory. Imam al-Kassani said: “There is no dispute that marriage is an obligation when desire is strong.” *Badaa’e’ al-Sanaa’e’*.

Prophet Muhammad (peace and blessings be upon him) said: “O young people whoever among you can afford it let him get married, for this will help him lower his gaze and protect his chastity, and whoever can’t (get married), then let him fast, for fasting will be a protection for him (from sin)” (Reported by al-Bukhari & Muslim). All men and women are encouraged to marry with no exceptions, but it remains to be said that marriage could be disliked or even forbidden if one knows that he will not be able to observe the rights of the spouse.

The physical structure of marriage is a contract between a male and a female, who are marriageable to one another (not of the forbidden kin) and that contract must be based on mutual consent, Allah (God) said:

" يَا أَيُّهَا الَّذِينَ آمَنُوا لَا يَحِلُّ لَكُمْ أَنْ تَرِثُوا النِّسَاءَ كَرِهًا وَلَا تَعْضُلُوهُنَّ لِيَتَذَهَبُوا بِبَعْضِ مَا آتَيْتُمُوهُنَّ "

“O ye who believe, ye are forbidden to inherit women against their will. Nor should ye treat them with harshness, that ye may take away part of the dower ye have given them.” (Quran 4:19)

The contract must also be un-timed or permanent, with divorce being permissible later if the marriage fails after many attempts to repair it.

The emotional structure of this unit is built upon the pillars of tranquility, love and mercy.

Allah said:

“وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ”

“And among His Signs is this that He created for you mates from among yourselves, that ye may dwell in tranquility with them, and He has put love and mercy between your (hearts): verily in that are Signs for those who reflect.” (Quran 30:21)

After marriage, there are many recommendations for the two spouses to be true in their commitment to one another and to exercise patience, forgiveness and forbearance in times of hardship.

God said:

“وَاعْتَبِرُوا هُنَّ بِالْمَعْرُوفِ فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَى أَنْ تَكْرَهُوا شَيْئًا وَيَجْعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا”

“Live with them on a footing of kindness and equity. If ye take a dislike to them it may be that ye dislike a thing, and Allah brings about through it a great deal of good.” (Quran 4:19)

This is a reminder that most marriages are not between perfectly matched couples and there will be differences based on their social, economic, gender, cultural and personal differences, so they both need to remind themselves of the full half of the cup whenever they think of the empty one.

In addition, as in any form of partnership and in life in general, the Quran condones conducting the affairs of this partnership, marriage, on the basis of mutual consultation.

He said:

“فَإِنْ أَرَادَا فِصَالًا عَنْ تَرَاضٍ مِنْهُمَا وَتَشَاوُرٍ فَلَا جُنَاحَ عَلَيْهِمَا”

“If they both [spouses] decide on weaning, by mutual consent, and after due consultation, there is no blame on them.” (Quran 2:233)

Many times the problems between married couples can be solved between them, thus they are recommended to keep them between them, but if they were unable to resolve their conflict, they are advised to call upon some wise members of their families.

This is one occasion where the extended family structure would have a role in preserving the small family from disruption. In Islam, joining the kin and showing kindness to relatives is one of the most basic injunctions and most important ones. This results in cohesive extended families and that does not only help the smaller families, but also affords a graceful end of life for the elders and ensures that they are not forgotten as they age and their rights are fully preserved.

Sometimes, however, the relationship between the husband and wife reaches a point where it is not repairable, and in this case, it would be best for both of them to end this

failed partnership that is causing them and likely their kids, if any, so much grief. Islam permits divorce after all means of reconciliation have failed, but the Prophet Muhammad (peace and blessings be upon him) reminded Muslims that disrupting families and separating between married couples is of the main interests of the devils. (*Reported by Muslim from Jabir ibn Abdillah*)

If divorce has to happen though, it must be done in a graceful manner that will not leave any of the spouses or the kids with sourness and resentment. God said:

“فَأَمْسِكُوهُنَّ بِمَعْرُوفٍ أَوْ فَارِقُوهُنَّ بِمَعْرُوفٍ”

“Either keep them on equitable terms or part with them on equitable terms.” (Quran 65:2)

Divorce is not the exclusive right of the man, but the woman may request it from the judge. If able to prove her mistreatment, she should be granted divorce and if not, yet she indicates that she dislikes the husband and dislikes living with him, then she earns separation (*khul'*) which is like divorce with the difference that she will need to return the dowry the husband had given her.

The society should encourage marriage by facilitating marriage for young men and women and should help such families survive and prosper by lightening their burdens (including the financial one) through various support systems. This is because healthier families translate into more righteous societies and healthier offspring, which translate into healthier future.

Marriage, Family, Divorce (Shi'i view)

Dr. Liyakat Takim

As in Sunni Islam, marriage is highly recommended in Shi'ism. A famous tradition from the first Shi'i Imam, 'Ali b. Abi Talib states “whoever gets married has performed half of his or her religious obligation. The other half lies in being morally upright.” Marriage is seen as a contract between two consenting adults. Thus, both parties are entitled to stipulate conditions to the contract. Both parties are to strive their utmost to create a harmonious familial environment, if there is a conflict, both parties should appoint arbiters to resolve their differences.

As far as the rights of women in a marriage are concerned, most Shi'i scholars agree that a woman who is sane, mature and can handle her affairs is permitted to contract her own marriage without the consent of a guardian whether she is a virgin or not. This is based on the rational consideration that a human being has the liberty to choose his or her own partner. In this the Shi'is tend to agree with the Hanafis who adopted the same ruling on the issue.

The Shi'is also state that at the time of marriage, compatibility is required in religious matters only. Reflecting the Medinese origins of the school where class differences and

social inequities were largely absent, the Shi'is did not consider social status, lineage and the occupation of the husband to be important factors in choosing a spouse. The Malikis, who emerged from the same Medinese environment, held a similar view.

In addition, Shi'i law also empowers the woman by allowing her to stipulate conditions in a marriage contract which will grant her the right to initiate divorce proceedings should the husband violate the terms of the agreement. She can stipulate, for example, that if her husband abuses her, she has the right to dissolve the marriage. In this way, she can circumvent the judicial process and the cumbersome *khul' talaq* (divorce) and can, instead, recite her own divorce. The Shi'is predicate this ruling on the principle of *maslaha*, i.e., invoking a law that is conducive to the welfare of the parties concerned.

A distinctive Shi'i feature on marriage is the institution of *mut'a* or temporary marriage which was practiced in the early Muslim community. The Qur'anic verse "Those from whom you seek pleasure give them their prescribed dowries" (4:24) is seen as validating this practice. Traditions cited in Muslim's book (called *Sahih*) indicate that the practice was allowed by the Prophet Muhammad but later prohibited by 'Umar. Its acceptance in Shi'i law is premised on numerous statements from the imams which denounce 'Umar's proscription of a practice that had been approbated by the Prophet.

Mut'a differs from permanent marriage in that the duration of the marriage has to be stipulated when it is 'solemnized'. This period can range from a few minutes to many years but it should not exceed the life span of an average person. In addition, like a permanent marriage, a dowry is payable to the woman. However, there is no divorce to be recited when the agreed period expires. The marriage can be renewed or the woman then begins a waiting period (*'idda*). The waiting period in a *mut'a* marriage is different from a permanent marriage in that the woman can remarry after observing two (instead of three) menstrual periods.

The institution of *mut'a* is not favorable to a woman, especially as she is not entitled to any right of maintenance nor does she inherit from her 'husband'. The contract may be terminated prematurely either by mutual agreement or by one party unilaterally. The husband is responsible to maintain any children born from a temporary marriage.

For all Muslims, marriage is intrinsically interwoven to family life. Marriage was instituted by God to create a prosperous family unit and ultimately, a morally upright human society. Families that are ingrained with virtue are to share their spiritual riches with other families.

Divorce in Shi'ism

Although not prohibited, divorce is highly discouraged especially as it causes great difficulties for children. Shi'i laws on divorce treat women more favorably than their Sunni counterpart. This is because the Shi'is do not accept the triple divorce (*talaq*) that the Sunnis adopted as a valid form of divorce. The Shi'is dismiss the triple *talaq* as an innovation that was introduced by 'Umar. Shi'i rejection of this form of divorce is favorable to women since the triple divorce allows the husband the right to unilaterally pronounce

the divorce in one meeting. The *talaq* bars any further contact between the couple until she is married to another person and then terminates the second marriage after consummating it.

Shi'i law is also stricter than Sunni law with regard to divorce. It considers as invalid any repudiation during a menstrual period, or when the woman is pure but cohabitation has taken place since her last period. In addition, Shi'i law also requires the presence of two male Muslim witnesses during the divorce and allows the man to take back his wife during the waiting period (*'idda*). Even after the waiting period ends, the couple can get back together by solemnizing a second marriage.

In contrast to the pronouncements of the Sunni imams, traditions from the Shi'i imams stipulate much stricter conditions for divorce. According to Sunni law, any word indicating repudiation may be used and witnesses are not required for its validity. Shi'i law confines the husband's power of repudiation to defined limits. It insists on a specific formula and a correct pronouncement of *talaq* is necessary. It is required that the husband states "you are divorced" or "she is divorced" so that the words recited indicate a clear and unambiguous intention to dissolve the marriage. Any divorce undertaken under duress, in anger or jest is not deemed to be valid. The net result of the stricter conditions and the rejection of the triple divorce has been a lower divorce rate in many Shi'i countries.

Since divorce proceedings are normally initiated by the husband, women's rights to seek divorce are more circumscribed. Shi'i law allows a woman to seek divorce under the *khul'* (at the instigation of the wife) form of divorce. *Khul'* can be finalized with the husband's consent. For it to be valid, the wife has to petition for divorce and is also required to offer some form of compensation to the husband (like the return of the dowry). *Khul'* operates as a single, irrevocable divorce with an *'idda* incumbent on the wife.

The wife can also nullify the marriage under certain circumstances without obtaining a formal divorce. Nullification is possible if the husband has no sexual organ, is impotent or insane, or if he has leprosy or leucoderma.

The wife can also obtain divorce if the husband is missing. The ruling on a missing husband is contingent on his financial state. If he has assets from which the wife can be maintained then it is not permissible for her to re-marry under any circumstance until she is certain of his death or of his divorcing her. If he does not have enough assets to maintain her then she can obtain a divorce through the judicial process.

Like the ruling of the Maliki school, the Shi'i position is more favorable to women in this instance. The judge is required to order a four-year waiting period during which time he will initiate a search for the husband. At the end of the period, the judge will pronounce the divorce by using the authority granted to him as the deputed agent of the occult imam. After this divorce the wife will observe an *'idda* for four months and ten days, after which she may remarry.

Overall, it is correct to state that Shi'ism encourages young adults to marry when they are able to and to create a harmonious familial environment. Verses in the Qur'an are invoked at the time of performing the marriage. Since there is no priesthood in Islam, in some countries in the West, some women conduct their own marriage (*'aqd*).

Agreements, Disagreements, and Points for Further Discussion

Agreements:

Generally, both Islam and Christianity agree that marriage is between a man and a woman (though some Christian groups may now not hold this). Both would agree that marriage falls under God's law, and is therefore subject to religious regulations, for example, as to the granting of divorce, who can marry, dowries, and so on. Finally, both would hold that marriage is important for the wellbeing of the family, and is therefore an important cornerstone of society.

Disagreements:

Christians have never allowed polygamy, that is, marriage of one man to several wives (or vice versa, marriage of several men to one wife). The Quran, however, allows a Muslim man to marry up to four wives, provided that he can treat each of justly. If he fears he cannot deal with several wives justly, then he is restricted to one wife. (Quran; Sura IV, 3). The Muslim practice in marriage from country to country. Some countries (e.g. Egypt, Pakistan) prohibit polygamy; others (e.g. Iran, Turkey) allow it. But even where polygamy is allowed, as in Turkey, the norm is that a man takes only one wife.

Some Christian groups (e.g. Catholics, Orthodox) see marriage as a sacrament, that is, as a sign of the union of Christ with the Church, or of God with human beings. Some texts in the Hebrew Scriptures, especially the book of the prophet Hosea, see in marriage a sign of God's covenantal relationship with Israel. Muslims, however, view marriage primarily as a contract, not a sacrament.

Points for Discussion:

Should marriage be monogamous? Is it helpful to see marriage as a sign of the faithfulness of God?