

## PETER LOMBARD'S THEOLOGY OF MARRIAGE: INSIGHTS FROM THE *SENTENCES*

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### **Abstract**

This article explores Peter Lombard's understanding of marriage, examining his theological framework, perspectives on matrimonial consent, and the significance he attributes to this sacred union. Through a comprehensive examination, this article elucidates the complexities and intricacies of Lombard's thought, delving into the sacramental nature of marriage, marital duties, and the indissolubility of the marital bond. The analysis not only highlights Lombard's distinctive theological stance but also facilitates a deeper understanding of the historical development of Catholic teachings on marriage. Furthermore, this article explores Lombard's interaction with societal conventions, legal implications, and the practical application of theological principles in the matrimonial context of his time. By integrating historical theology with the analysis of social and legal dimensions, this study contributes a more nuanced appreciation of the interplay between Church teachings and marital practices in the medieval period.

**Key Words:** Peter Lombard, Sacrament, Marriage, Consent, Indissolubility, Covenant.

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## Introduction

Peter Lombard, a 12th-century scholastic theologian, holds a prominent place in the history of Catholic theology through his masterwork, the *Sentences*. Among the various topics Lombard addresses in his four-volume work, his extensive treatment of the sacrament of marriage offers profound insights into the theological understanding of Christian marriage. In this article, I explore Lombard's understanding of marriage, examining his theological framework, views on consent, and the significance he attributes to this sacred union. Here, we will uncover the nuances of Lombard's thought, addressing questions of sacramentality, marital duties, and the indissolubility of the marital bond. This examination not only sheds light on Lombard's unique theological stance but also allows us to appreciate the historical development of Catholic teachings on marriage. Additionally, we consider Lombard's engagement with contemporary societal norms, legal implications, and the intersection of theology with everyday life.

## Peter Lombard

Peter Lombard (1096-1160), having studied with Hugh of Saint Victor (1096-1141), assumed the role of a professor at the cathedral school of Notre Dame in Paris, and later, in 1159, he was ordained Bishop of Paris. His *Sentences* not only became the most commented Christian text in Christianity after the Bible but also served as the standard theology textbook from his time until the mid-sixteenth century.<sup>1</sup>

For his project, Lombard collected extensive documentation of the teachings of Latin Fathers, notably Saint Augustine of Hippo, while also considering the insights of contemporary theologians. Beyond Western Fathers' works, he incorporated contributions from Eastern sources, especially the recently acquired Greek encyclopedic work, *The Orthodox Faith*, by Saint John Damascene.<sup>2</sup> Lombard meticulously gathered these diverse sources, subjected them to careful evaluation, and integrated them into a systematic theological structure. This framework left a lasting impact on theologians over many centuries.

The *Sentences*, Lombard's masterpieces, is divided into four volumes (books): the first focuses on the doctrine of God (Trinity), the

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<sup>1</sup> Philipp W. Rosemann, *Peter Lombard*, Great Medieval Thinkers (New York: Oxford University Press, 2004), 3–4.

<sup>2</sup> Benedict XVI, "General Audience: Peter Lombard," December 30, 2009, [https://www.vatican.va/content/benedict-xvi/en/audiences/2009/documents/hf\\_ben-xvi\\_aud\\_20091230.html](https://www.vatican.va/content/benedict-xvi/en/audiences/2009/documents/hf_ben-xvi_aud_20091230.html). Accessed March 3, 2024.

second on creation, sin, and grace, the third on Christ (Incarnation), redemption, and the virtues, and the fourth on the Doctrine of Signs (sacraments) and the Last Things.

This article delves explicitly into exploring marriage within Book Four of the *Sentences*. Despite being the final sacrament among the seven that Lombard addresses, marriage holds significant importance and is accorded extensive treatment. Lombard systematically examines marriage in seventeen distinctions (dd. 26-42), spanning about 200 pages, surpassing the attention given to any other sacrament. The comprehensive discussion encompasses various aspects, including the sacrament of marriage (d. 26), the role of consent in establishing a marriage (dd. 27-30), considerations of the goods and offenses associated with marriage (dd. 31-32), the legal components of marriage (dd. 33-34, 36), marital rights (d. 35), and impediments to marriage (dd. 37-42). Through this thorough exploration, Lombard provides an intricate analysis of the theological dimensions and practical aspects of the sacrament of marriage.

### **Definition of Sacrament**

In the opening of Book Four, Peter Lombard provides a definition of the sacrament, drawing from Saint Augustine's insight that a sacrament is "a sign of a sacred thing" and "a visible form of an invisible grace."<sup>3</sup> Lombard further refines this definition by posing the question, "What is properly called a sacrament?" and offering his own definition. According to Lombard, a sacrament is properly called so because "it is a sign of God's grace and a form of invisible grace in such a manner that it bears its image and is its cause."<sup>4</sup> Pope Benedict XVI applauds Lombard for capturing the essence of the sacraments, describing Lombard's depiction as a "definitive definition."<sup>5</sup> In essence, a sacrament is a visible sign designed to bring about God's sanctifying grace and is capable of communicating God's life.

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<sup>3</sup>Peter Lombard, *The Sentences*, trans. Giulio Silano, vol. IV, IV vols., Mediaeval Sources in Translation 42-43, 45 (Toronto: Pontifical Institute of Mediaeval Studies, 2010), IV, d. 1, c. 2. Subsequent citations are from the *Sentences*, Book IV, d. (distinction), c. (chapter), a. (article).

<sup>4</sup> Lombard, *The Sentences*, IV, d. 1, c. 4, a 2.

<sup>5</sup> Benedict XVI, "General Audience: Peter Lombard." Pope Benedict XVI, in his general address, says: "Among the most important contributions offered by Peter Lombard to the history of theology, I would like to recall his treatise on the sacraments, of which he gave what I would call a definitive definition."

Lombard unequivocally lists there are seven sacraments, namely, “baptism, confirmation, the bread of blessing (that is, the Eucharist), penance, extreme unction, orders, and marriage.”<sup>6</sup> He further distinguishes these sacraments based on their effects, asserting that while some, like baptism, offer a remedy against sin and confer helping grace, others, such as marriage, serve solely as a remedy. Additionally, certain sacraments, like the Eucharist and orders, fortify individuals with grace and virtue.<sup>7</sup>

According to Lombard, these sacraments were not immediately instituted after the Fall, as sacramental grace was not bestowed upon humans until the coming of Jesus Christ. Christ, through his Passion and Death, brought forth the grace associated with the sacraments.<sup>8</sup> The *Catechism of the Catholic Church* describes sacraments as “powers that come forth” from the ever-living and life-giving Body of Christ, embodying the actions of the Holy Spirit within the Church.<sup>9</sup> An exception to this timeline is the sacrament of marriage, which Lombard notes was instituted even before the Fall, serving “not as a remedy but as a sign and an office.” Initially blessed by God as part of the creation mandate to “be fruitful and multiply” (Gen 1:28), marriage becomes a remedial function “against the corruption of carnal concupiscence” after the Fall.<sup>10</sup>

### Marriage is a Sacrament

According to Lombard, unlike other sacraments instituted after the Fall in response to the sins of Adam and Eve, the sacrament of matrimony was established by God even before the Fall, during the creation of woman in paradise. Lombard emphasizes that this sacrament was not instituted as a remedy but for a specific purpose or function.<sup>11</sup>

In the biblical narrative, God forms a woman from Adam's side, and upon seeing her, Adam expresses joy, recognizing her as “bone of my bones and flesh of my flesh.” The union between man and woman is emphasized in the statement, “the two become one body” (Gen 2:23-24). This highlights Adam's understanding that the woman was

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<sup>6</sup> Lombard, IV, d. 2, c. 1, a. 1.

<sup>7</sup> Lombard, IV, d. 2, c. 1, a. 1.

<sup>8</sup> Lombard, IV, d. 2, c. 1, a. 2.

<sup>9</sup> *Catechism of the Catholic Church*, 2nd ed. (Washington, DC: United States Catholic Conference, 2000), 1116.

<sup>10</sup> Lombard, IV, d. 2, c. 1, a. 3.

<sup>11</sup> Lombard, IV, d. 26, c. 1, a. 1.

created not merely as a remedy for solitude but as his equal partner, destined for a profound union with him. Lombard underscores the unique nature of the sacrament of matrimony, established by God from the beginning and with a specific purpose that transcends the need for remediation.

Lombard outlines the institution of marriage with a dual purpose: one as a duty for function and the other as a remedy for sin. He notes that the first function was established before sin in paradise, envisioning a spotless marriage bed and honourable nuptials where the first human beings would conceive without ardour and bear without pain. The second function emerged after sin as a remedial measure, situated outside paradise to prevent illicit stirrings.<sup>12</sup>

Commenting on Augustine's teaching regarding the dual functions of marriage and *concupiscence*, Lombard suggests that if the first human beings had not sinned, they and their descendants would have joined together without the promptings of the flesh and the fervour of lust. In such a scenario, their union would have been deemed good and worthy of reward, akin to any virtuous deed deserving recognition. However, due to sin, Lombard contends that the law of lethal *concupiscence* is now present in human beings. Consequently, carnal joining is viewed as reprehensible and evil unless excused by the goods of marriage.<sup>13</sup> Lombard emphasizes the transformative impact of sin on the nature of human relationships, necessitating the goods of marriage to justify the physical union.

Before the Fall, God's command to humans to "increase and multiply" (Gen 1:28) was explicit. This directive persisted even after the Fall, continuing until the multiplication of the human race was accomplished. Subsequently, marriage was regarded not as a command but as an indulgence, concession, remission, or permission. Lombard clarifies that in the New Testament, there is permission for lesser goods and lesser evils, with marriage falling into the category of lesser goods as a remedy rather than deserving the palm of honour. Lombard further elaborates that the act of coitus driven by incontinence is considered a lesser evil, a venial one. While marriage is granted or condoned, such coitus is allowed and tolerated without being forbidden.<sup>14</sup>

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<sup>12</sup> Lombard, IV, d. 26, c. 2, a. 1.

<sup>13</sup> Lombard, IV, d. 26, c. 2, a. 3.

<sup>14</sup> Lombard, IV, d. 26, c. 4.

Despite marriage being characterized as a lesser good for remedial purposes, Lombard argues that it is still inherently good. He opposes the heretical rigorists who condemn marriage entirely, equating it with fornication and corruption.<sup>15</sup> Lombard supports his argument by referencing scriptures that highlight the goodness of marriage. He points to the Lord's institution of marriage between our first parents (Gen 2:24) and cites the presence of Christ at the wedding in Cana, where he performed his first miracle by transforming water into wine to enhance the joyful celebration of the couple's wedding (John 2:2-10).<sup>16</sup> Lombard concludes that "marriage is truly good. Otherwise, it would not be a sacrament: for sacrament is a sacred sign."<sup>17</sup> These scriptural instances, according to Lombard, affirm the goodness of marriage.

Marriage, according to Lombard, is a sacrament functioning as both a sign and grace. It symbolises the sacred union of Christ and the Church. Lombard explains that, just as there is a joining between the partners in marriage through the consent of souls and the intermingling of bodies, "so the Church joins herself to Christ by will and nature."<sup>18</sup> This joining extends beyond the physical union, signifying the spiritual and corporal unity of Christ and his Church. The sacramental marriage, therefore, represents a dual joining: the spiritual connection of Christ and the Church through the marital consent founded on charity and the physical union of the spouses through the conformity of nature.<sup>19</sup>

Some authorities of the Church, like Augustine and Pope Leo, emphasize the traditional perspective that marriage is incomplete without sexual intercourse.<sup>20</sup> However, Lombard departs from this viewpoint, recognizing that it could lead to a significant error by suggesting that there is no marriage without sexual union. This perspective could incorrectly imply that the marriage between Mary and Joseph was either nonexistent or incomplete. Lombard argues to the contrary, asserting that the marriage between Mary and Joseph was even holier and more complete because it remained free of carnal consummation.<sup>21</sup> Despite their unconsummated marriage, Mary and Joseph gave their consent to marry to maintain their virginity. This

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<sup>15</sup> Lombard, IV, d. 26, c. 5.

<sup>16</sup> Lombard, IV, d. 26, c. 5. a. 2.

<sup>17</sup> Lombard, IV, d. 26, c. 5. a. 2.

<sup>18</sup> Lombard, IV, d. 26, c. 6. a. 1.

<sup>19</sup> Lombard, IV, d. 26, c. 6. a. 1.

<sup>20</sup> Lombard, IV, d. 26, c. 6. a. 2.

<sup>21</sup> Lombard, IV, d. 26, c. 6. a. 3.

unique and sacred union of their marriage is holier and more complete than any other marriage.

Lombard clarifies that an unconsummated marriage, while not involving physical union, still signifies the union of Christ and the Church, specifically regarding charity rather than conformity with nature.<sup>22</sup> In such marriages, the spiritual bond in charity is highlighted, representing the union of Christ and the Church solely in a spiritual sense. While this type of marriage doesn't signify the conformity of nature wherein members are united to the head through Christ's Incarnation, it remains sacred.

Lombard emphasizes that the sanctity of marriage, as Augustine similarly asserts, is not contingent upon fertility. Even in an unconsummated marriage, the union between spouses remains holy because, as they come together, their marriage serves as "a sign of the spiritual joining and the love of souls."<sup>23</sup> Sexual intercourse perfects marriage's significance of the union, not its validity or holiness. Mary and Joseph's marriage perfectly exemplifies this marital sanctity and validity. As Lombard cites Augustine, "The holiness of the sacrament is worth more than the fecundity of the womb."<sup>24</sup> In this way, Lombard underscores the enduring sacredness of marriage, emphasizing its spiritual significance and the profound connection it symbolizes between Christ and the Church.

### **The Definition of Marriage**

Lombard's definition of marriage characterizes it as "the marital joining of a husband and wife of lawful standing, maintaining an undivided manner of life."<sup>25</sup> Instead of using "consent," Lombard employs the term "*coniunctio*" or "joining," which introduces some ambiguity as it could refer to either the act of marrying (which entails consent) or the resulting marriage itself.<sup>26</sup> Marriage requires both parties to have "lawful standing," implying that both parties are not legally barred from marriage. Clarifying "maintaining an undivided manner of life," Lombard emphasizes that spouses should not only

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<sup>22</sup> Lombard, IV, d. 26, c. 6. a. 4.

<sup>23</sup> Lombard, IV, d. 26, c. 6. a. 5.

<sup>24</sup> Lombard, IV, d. 26, c. 6. a. 5.

<sup>25</sup> Lombard, IV, d. 27, c. 2.

<sup>26</sup> Philip Lyndon Reynolds, *How Marriage Became One of the Sacraments: The Sacramental Theology of Marriage from Its Medieval Origins to the Council of Trent*, Cambridge Studies in Law and Christianity (New York, NY: Cambridge University Press, 2016), 426.

remain together throughout their lives, refraining from lawful unions with others, but also not practice continence or devote themselves wholly to prayer.<sup>27</sup> This “undivided manner of life” implies a conjugal bond of self-giving love between the spouses.

Lombard cites authorities like Augustine to argue that if a spouse chooses to enter a monastery, consent from the other party may not be required. In the early church, it was not uncommon for a wife to enter a convent, a husband to enter a monastery, or couples to embrace sexual continence for spiritual perfection.<sup>28</sup> His allowing couples to separate for the monastic vocation to seek perfection in life may be due to the emergence of the “New Monasticism” movement, led by Irish Abbot Columbanus (543-615) and his followers, which contributed to a penitential mentality in Western Christendom. This movement suggested that marriage could immerse individuals in worldly concerns and the demanding challenges of raising families.<sup>29</sup>

Lombard further notes that spouses can lawfully keep continence without each other's consent.<sup>30</sup> However, for married couples, it is not lawful to profess continence without each other's consent because each of the parties has no power over one's own body, but the other one does have this power.<sup>31</sup>

### Consent Alone Makes a Marriage

The twelfth-century canonist Gratian describes the two indispensable elements for a valid marriage: mutual consent and physical union (consummation). In Gratian's view, a marriage is invalid without either of these components.<sup>32</sup> He emphasizes that mutual consent alone does not confer indissolubility to marriage; it is only perfected through physical consummation, specifically sexual

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<sup>27</sup> Lombard, IV, d. 27, c. 2.

<sup>28</sup> See James F. Keenan, *A History of Catholic Theological Ethics* (New York, NY; Mahwah, NJ: Paulist Press, 2022), 57–61. Also see Peter Brown, *The Body and Society: Men, Women, and Sexual Renunciation in Early Christianity*, Twentieth anniversary ed. with a new introduction, Columbia Classics in Religion (New York: Columbia University Press, 2008).

<sup>29</sup> Thomas M. Finn, “Sex and Marriage in the Sentences of Peter Lombard,” *Theological Studies* 72, no. 1 (March 2011): 56. Also see Peter Brown, *The Rise of Western Christendom: Triumph and Diversity, A.D. 200-1000*, The Making of Europe (Malden, MA: Blackwell Publishing, 1997), 248–66.

<sup>30</sup> Lombard, IV, d. 27, c. 6, a. 2.

<sup>31</sup> Lombard, IV, d. 27, c. 7-8, a. 1.

<sup>32</sup> Jeffrey Richards, *Sex, Dissidence and Damnation: Minority Groups in the Middle Ages* (London: Routledge, 1994), 27.



intercourse. Gratian and other canonists argue that marriage is not truly established until consummation occurs. Consequently, they contend that the marriage between Mary and Joseph, lacking consummation, is not sacramental and could be dissolved.<sup>33</sup>

In contrast, Lombard diverges from this perspective on marriage, asserting that a perfect and indissoluble marriage is founded on mutual consent alone and does not necessitate consummation. According to Lombard, marriage depends on the mutual consent of the parties to bind each other legally, and it is this consent that makes a marriage valid. However, he outlines specific conditions for this consent: it must be explicitly expressed in words or some signs if needed, both parties must be free to give consent, coercion or error should be absent, and the consent must pertain to the present, not the future. Lombard asserts, "The efficient cause of marriage is consent, and not just any kind, but one expressed in words, and not of the future, but of present effect."<sup>34</sup> In his view, present consent alone is sufficient to establish the marital bond.

Lombard emphasizes that marriage occurs at the precise moment of the exchange of consent. He states, "From the time of the occurrence of a willing and marital consent, which alone makes marriage, the bride and groom are true marriage partners."<sup>35</sup> In Lombard's view, the act of giving consent by both parties creates the marital bond, rendering the marriage indissoluble. According to his perspective, once mutual consent is granted, the individuals become genuine partners in marriage, and this bond is deemed permanent and indissoluble.

## Two Kinds of Consent

Lombard posits that a marriage bond is established through the couple's consent expressed in words and signs. He distinguishes between two types of consent in marriage. The first, associated with betrothal, involves a commitment to marry in the future at an agreed-upon time. Still, Lombard argues that this type of consent is too distant to form a marriage bond.<sup>36</sup> According to him, promising to marry in the future is fundamentally different from the immediate act of marriage, and individuals cannot be considered married partners during the promise

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<sup>33</sup> For a detailed discussion of this issue, see Marcia L. Colish, *Peter Lombard: (2 Vols.)* (Leiden: E.J. Brill, 1994), 630–659.

<sup>34</sup> Lombard, IV, d. 27, c. 3, a. 1.

<sup>35</sup> Lombard, IV, d. 27, c. 4, a. 2.

<sup>36</sup> Lombard, IV, d. 28, c. 1, a. 2.

because it constitutes a commitment for the future, not an existing marriage.

The second kind of consent, crucial for Lombard, is the present consent. This is the immediate consent expressed during the marriage ceremony, where the couple explicitly states that they are married from that moment onward. Lombard clarifies, "A consent to carnal joining or to cohabitation does not make a marriage, but consent to conjugal partnership, expressed by words of present tense, as when a man says: *I take you as my wife*, and neither as one to lord it over me nor as a slave-girl."<sup>37</sup> In Lombard's view, it is this present consent that initiates the existence of the marriage, transforming the individuals into husband and wife. This present consent establishes a marriage partnership.

Notably, Lombard's emphasis on present consent highlights an egalitarian perspective, as observed by Thomas Finn. Despite the patriarchal norms of his time and sources, Lombard's concept of consent implies the establishment of an equal conjugal partnership between the couple.<sup>38</sup>

Lombard emphasizes that the mutual consent of both parties is adequate for creating an absolutely indissoluble marriage. According to Lombard, in the sacrament of marriage, the contract between the couple is established solely through their mutual consent. He emphasizes the significance of this consent as the fundamental element in solidifying the marital bond, suggesting that once the parties express their mutual agreement, the marriage becomes indissoluble. He writes,

For in the celebration of this sacrament, as in others, some things pertain to the substance of the sacrament, such as present consent, which alone suffices for the contracting of marriage; but other things pertain to the decorum and solemnity of the sacrament, such as the handing over by the parents, the benediction of the priests, and suchlike, without which marriage is lawfully done as to its effect, but not as to the honour of the sacrament.<sup>39</sup>

Lombard asserts that both present and mutual consent are essential for a valid marriage. The participation of an officiating priest and witnesses from family and friends, according to Lombard, serves the purpose of enhancing the decorum and honor of the sacrament but is not inherently necessary for the legality and validity of the marriage.

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<sup>37</sup> Lombard, IV, d. 28, c. 3, a. 2.

<sup>38</sup> Thomas M. Finn, "Sex and Marriage in the *Sentences* of Peter Lombard," 60.

<sup>39</sup> Lombard, IV, d. 28, c. 2, a. 1.

Lombard suggests that the marriage remains lawful even in the absence of an officiating priest and witnesses. In his view, the core legal and valid elements of a marriage hinge primarily on the mutual and present consent of the couple involved, not priests or witnesses.

Lombard emphasizes the importance of ceremonial rites and the public expression of consent for a lawful marriage. Without these, the union would be considered adulterous or fornicating. The aid of the will, expressed through public present consent, is crucial for establishing marriage as lawful. Lombard contends that even secret consent, conveyed through words with present effect, is sufficient to form a marriage, emphasizing that the absence of specific marriage rites renders a union akin to adultery and fornication.<sup>40</sup>

### **The Nature of Consent**

Lombard then delves into the nature of consent, probing whether it is given for carnal joining, cohabitation, or another purpose. He seeks to clarify the specific aspect of the relationship to which one consents. Lombard suggests that if consent to cohabitation alone were sufficient for marriage, it could potentially allow unions between close relatives like siblings or father and daughter. Conversely, if the consent is specifically for carnal joining, then, according to Lombard, there would be no marriage between Mary and Joseph because Mary had resolved to remain a virgin.<sup>41</sup> In Lombard's perspective, neither consent to carnal joining nor cohabitation alone makes a marriage. Instead, he proposes that consent to "conjugal partnership, expressed by words of present tense... I take you as my wife..."<sup>42</sup> is what constitutes the existence of a marriage. The nature of consent is the consent to a "conjugal partnership." Mary and Joseph expressed their consent to a conjugal partnership. However, they did not explicitly express a sexual partnership. Lombard notes Mary's intention, as well as Joseph's, was to firmly establish a marriage while remaining a virgin unless God commanded otherwise.<sup>43</sup>

Lombard asserts that the freedom to consent is crucial for a valid marriage. Coercion, which undermines the voluntary nature of consent, nullifies the marital contract, rendering the union nonexistent. In Lombard's view, marriage occurs when individuals willingly and

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<sup>40</sup> Lombard, IV, d. 28, c. 2, a. 2.

<sup>41</sup> Lombard, IV, d. 28, c. 3, a. 1.

<sup>42</sup> Lombard, IV, d. 28, c. 3, a. 1.

<sup>43</sup> Lombard, IV, d. 30, c. 2, a. 2.

freely give their consent, not when coercion is involved, leading to resistance and unwillingness. However, Lombard introduces a nuanced perspective on coerced marriages. If a couple initially joined unwillingly due to coercion but later chooses to cohabit for an extended period when free to leave or complain, their subsequent consent is considered valid. In this scenario, the later consent effectively supplies the initial coercive and invalid consent, making the marriage valid.<sup>44</sup>

Beyond coercion, Lombard addresses errors as another factor that can annul marital consent. Specifically, an error regarding a person, where one consented to marry a certain individual but is given another person instead, nullifies the marital consent. For instance, if a man intends to marry a noblewoman but is given a different noblewoman, there is no valid marriage because the man did not consent to marry the woman he was given but rather someone else.<sup>45</sup>

Lombard addresses a potential objection regarding Jacob's consent to Rachel instead of Leah and whether their marriage is considered null. Lombard introduces a mysterious nature to this situation, explaining that the subsequent actions are excusable despite the initial error regarding the person thinking he was marrying Rachel. Even though Jacob did not initially consent to Leah, their subsequent intimacy is not considered fornication. This justification is based on Jacob's marital affection for Leah and Leah's fulfillment of the marital debt guided by the belief in the lawful union dictated by the law of primogeniture and her father's commands. Lombard further suggests that this situation is excused due to God's counsel and mysterious intervention in the subsequent events.<sup>46</sup>

Lombard distinguishes errors related to fortune or quality, asserting that they do not impede marriage consent. An error related to fortune occurs when a wealthy person is mistaken for someone poor, or vice versa, while an error related to quality happens when a person perceived as good is, in fact, wicked. Lombard clarifies that these errors do not nullify marriage consent. However, he notes that an error related to the condition, where a person is assumed to be free but is, in fact, an enslaved person, does nullify marriage consent.<sup>47</sup>

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<sup>44</sup> Lombard, IV, d. 29, c. 3, a. 2.

<sup>45</sup> Lombard, IV, d. 30, c. 1, a. 2.

<sup>46</sup> Lombard, IV, d. 30, c. 1, a. 3.

<sup>47</sup> Lombard, IV, d. 30, c. 1, a. 1-2.

Lombard delves into the scenario where a free-born person enters into marriage without knowing their spouse's servile (enslaved) condition at the time of marriage. If the person discovers this condition later, Lombard asserts that they are not compelled to remain in the marriage and have the freedom to dismiss their spouse. Importantly, Lombard recognizes gender equality in this regard, affirming that a woman is equally free to dismiss her husband if she discovers he was enslaved at the time of marriage. Deceit in such a condition nullifies the marriage consent, providing the deceived party with the option to end the marriage. However, Lombard introduces a crucial distinction. If both parties were aware of each other's conditions at the time of their marriage, a valid marriage bond exists between them, and it cannot be dismissed except in the case of fornication. Knowledge of each other's conditions at the time of marriage is deemed crucial for the validity of marriage consent.<sup>48</sup>

### **The Woman was Formed from the Side of the Man**

Lombard's interpretation of Scripture is remarkable, drawing inspiration from Augustine's commentary on the *Book of Genesis*. Lombard delves into the question of why the woman was formed from the side of the man and not from the lowest, such as from the feet. He explained,

And because she is not given as slave-girl or as one to lord it over him, in the beginning she was not formed either from the highest part, nor from the lowest, but from the side of man, for the sake of conjugal partnership. If she had been made from the highest, as from the head, she might seem created for domination; but if from the lowest, as from the feet, she might seem to be created for subjection to slavery. But because she is taken neither as mistress, nor as slave-girl, she is made from the middle, that is, from the side, because she is taken for conjugal partnership.<sup>49</sup>

Lombard astutely recognizes the symbolism in the creation of the woman from the side of man, emphasizing equality between the two. This symbolic act, according to Lombard, signifies that woman and man are equal partners, created by God to be companions. In this view, neither the wife dominates over the husband nor is she dominated by him—they are equal partners in the eyes of God.

Lombard's interpretation, highlighting equality between man and woman in marriage, starkly contrasts with Saint Paul's teachings.

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<sup>48</sup> Lombard, IV, d. 36, c. 1, a. 1-2.

<sup>49</sup> Lombard, IV, d. 28, c. 4, a. 1.

According to Paul, the husband is considered the head of the wife, and he encourages wives to be subordinate to their husbands, drawing an analogy between this relationship and the one between Christ and the Church (Eph 5:22-24).

In first-century society, women were not regarded as equals to men, and wives were often seen as the property of their husbands. As biblical scholar Peter Williamson observes, "The subordination of wives to their husbands was the social norm and even a matter of law"<sup>50</sup> in that time. Paul's exhortation aligns with the social norms of that time, where the husband held complete authority over the household. The metaphor of the "head" symbolizes the husband's position of authority over his wife in Paul's writings. Paul saw that the man was created first and to be head, and the woman was taken from the man's side (Gen 2; 1 Cor 11:3, 8-9; 1 Tim 2:12-13).

Despite the differences in their perspectives, it's important to note that both Lombard and Paul acknowledge the equal dignity of men and women, as they are both created in the image of God (Gen 1:27). Lombard's emphasis on conjugal partnership suggests a more balanced and collaborative view of marital relationships compared to the hierarchical structure Paul describes.

Lombard explains that when a man and a woman join together and mutually express their consent to be each other's husband and wife, their marriage is established. This consent is not limited to physical intimacy or cohabitation but signifies a conjugal partnership. Subsequently, it is deemed appropriate for them to share their lives together unless a religious commitment necessitates a physical separation, either temporarily or permanently.<sup>51</sup>

### **The Three Goods of Marriage**

Lombard asserts that the principal final cause of marriage is the procreation of offspring. This perspective is grounded in the divine command to the first parents to "increase and multiply" (Gen 1:28). And the second reason for marriage is the avoidance of fornication, as Saint Paul suggests that individuals should marry to avoid engaging

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<sup>50</sup> Peter S. Williamson, *Ephesians*, Catholic Commentary on Sacred Scripture (Grand Rapids, MI: Baker Academic, 2009), 158.

<sup>51</sup> Lombard, IV, d. 28, c. 4, a. 2.

in immoral sexual behavior: “because of fornication, let each man have a wife, and each woman her husband” (1 Cor 7:2).<sup>52</sup>

Lombard aligns with Augustine’s doctrine regarding the three goods of marriage: faith, offspring, and sacrament. “Faith” implies exclusivity and fidelity within the marital bond. “Offspring” signifies the reception and education of children with love while instilling them with the teachings of the faith. Lastly, “sacrament” means the indissolubility of the marital bond, emphasizing that one cannot enter into another marriage while the other party is still alive, even for the sake of children.<sup>53</sup>

### **The Two Kinds of Separation**

Lombard distinguishes between physical separation and sacramental separation in the context of marriage. While the sacramental marriage bond is considered indissoluble, meaning it remains unbroken as long as both parties are alive, Lombard acknowledges that physical separation between spouses may be necessary under certain circumstances. Physical separation can occur due to one party’s fornication or by mutual consent to live a continent life for religious purposes, whether temporarily or for a lifetime.<sup>54</sup> Importantly, such physical separation does not dissolve the sacramental bond of marriage. Even if partners are physically separated, a lawful marriage still exists, and neither party is free to enter into another marriage while both are alive. The indissolubility of the sacramental marriage signifies the union of Christ and the Church, and this bond remains unbroken, regardless of physical separation or the absence of conjugal relations.<sup>55</sup> The sacramental marriage, as Lombard writes, “is a sign of its sacred thing, that is, the spiritual and inseparable joining of Christ and the Church.”<sup>56</sup> The significance of the sacramental marriage lies in its representation of a higher, divine union. When viewed as a sacrament, the marital bond becomes a visible reflection of the relationship between Christ (the bridegroom) and the Church (the bride). This understanding underscores the sacred and symbolic nature of marriage as a sign pointing to a deeper, spiritual reality of the union of Christ and his Church.

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<sup>52</sup> Lombard, IV, d. 30, c. 3, a. 2.

<sup>53</sup> Lombard, IV, d. 31, c. 1, a. 1.

<sup>54</sup> Lombard, IV, d. 31, c. 2, a. 1.

<sup>55</sup> Lombard, IV, d. 31, c. 2, a. 1-2.

<sup>56</sup> Lombard, IV, d. 31, c. 2, a. 3.

## Lacking the Goods of Marriage

Lombard recognizes that not all three goods of marriage—faith, offspring, and sacrament—are necessarily present in every marital union. He acknowledges that some marriages may lack one or more of these goods due to various circumstances. Lombard identifies instances where one or more goods may be absent.

Adultery by either party in marriage violates the good of faith and undermines the exclusiveness of the marital bond. Some factors such as continence, old age, or other causes may result in the absence of the good of offspring. In some cases, the couple may choose not to have children, or circumstances prevent the conception of offspring. Even in marriages where offspring are present, Lombard notes that the good of offspring is not fulfilled if children are not received with love and educated in the faith. Examples will be children who are viewed merely as successors for earthly matters and are not raised in religious principles.

Lombard emphasizes the sacramental bond of marriage still exists between lawfully married couples even when certain goods are lacking.<sup>57</sup> However, he distinguishes this from unlawful marriages, which lack a true sacramental bond and can be dissolved. Lombard aligns with Augustine's perspective on marriages entered solely for sexual pleasure, asserting that "so long as they do not avoid the begetting of offspring by some evil device," the sacramentality of such marriage still exists.<sup>58</sup> However, marriages driven by lust, utilizing harmful methods to prevent childbirth, or even resorting to abortion are deemed adulterous rather than legitimate marital partnerships.<sup>59</sup>

Lombard argues that not every pleasure of the flesh is inherently sinful. While conceding that the *concupiscence* and pleasure arising from coitus are connected to sin and disorder, he emphasizes that such pleasure, although always considered unseemly and a consequence of sin, may not necessarily be sinful. Lombard illustrates this point by highlighting that even a "holy man often finds pleasure according to the flesh in something,"<sup>60</sup> such as resting after work or eating when hungry, without committing sin, provided the pleasure is not excessive. Similarly, the pleasure derived from conjugal coitus, when

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<sup>57</sup> Lombard, IV, d. 31, c. 2, a. 4.

<sup>58</sup> Lombard, IV, d. 31, c. 2, a. 5.

<sup>59</sup> Lombard, IV, d. 31, c. 3.

<sup>60</sup> Lombard, IV, d. 31, c. 8, a. 1.



the three goods of marriage are present, is, according to Lombard, free from sin.<sup>61</sup> This nuanced approach underscores Lombard's commitment to a moral framework within the context of marriage and family life.

Lombard asserts that a bad end or intention does not defect the sacrament of marriage. Even if a marriage is initially contracted for reasons that are not inherently good, such as being attracted by the physical beauty of one party, Lombard argues that the marriage itself remains good. He emphasizes that the sacrament of marriage is not contaminated by an individual's immoral conduct or perverse intentions.<sup>62</sup>

Lombard identifies additional reasons for their union in the specific case of Mary and Joseph. These include providing support to the Virgin Mary through her husband's companionship, concealing her pregnancy from the devil, and offering Joseph the opportunity to bear witness to Mary's chastity. Lombard suggests that these circumstances served to defend Mary from suspicion and potential condemnation as an adulteress.<sup>63</sup>

### **On Abortion**

Lombard, drawing from Augustine's theological influence, addresses the complex issue of abortion, asserting that it amounts to murder only when conducted "at the time when [the fetus] is formed and has a soul." This stance is aligned with the medieval belief that ensoulment, the critical moment when a fetus is endowed with a soul, occurs at a later stage of development rather than at conception. Lombard further differentiates cases where the fetus is unformed and lacks a soul, suggesting that in such instances, abortion may not be considered murder, and he/she is subjected to a fine.<sup>64</sup> John Noonan observes Lombard's teaching on contraception as "the most important teaching on contraception in the Middle Ages."<sup>65</sup> This understanding influenced many other theologians on such a topic.

It's essential to recognize the medieval context, where scientific knowledge was limited, and precise details about when the

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<sup>61</sup> Lombard, IV, d. 31, c. 8, a. 1.

<sup>62</sup> Lombard, IV, d. 30, c. 4, a. 1.

<sup>63</sup> Lombard, IV, d. 30, c. 4, a. 2.

<sup>64</sup> Lombard, IV, d. 31, c. 4.

<sup>65</sup> John T. Noonan, *Contraception: A History of Its Treatment by the Catholic Theologians and Canonists* (Cambridge, MA: Harvard University Press, 1965), 214.

ensoulment occurred remained unclear. Lombard's perspective reflects the theological understanding prevalent in the thirteenth century, grappling with questions about the moral implications of abortion based on the perceived timing of ensoulment in fetal development. Prior to ensoulment, aborting the fetus is not countered as murder, whereas after it is.

### **On the Permissibility of Marital Intimacy for Various Purposes**

Lombard's stance on marital intimacy hinges on the presence of three goods: faith, procreation, and the preservation of the marital bond. In marriages where all three goods align, sexual activity is faultless. However, if incontinence is present with the intention of procreation and fidelity, their sexual intimacy becomes a venial fault. When faith and offspring are both absent, Lombard deems sexual activity criminal, likening partners to adulterers and prostitutes.<sup>66</sup> Lombard's framework highlights the moral complexity of marital relations, considering the interconnectedness of faith, procreation, and marital bond preservation.

In the matter of satisfying the carnal debt, Lombard recognizes and emphasizes the equality between husband and wife, despite the general hierarchical understanding of the husband as the head of the wife. While the husband is considered the head in other aspects, both spouses are regarded as equal in fulfilling the obligation of the flesh. Lombard draws from the Apostle Paul's guidance, echoing Ambrose's assertion that each partner should be subject to the other in rendering the marital debt. Lombard cites Ambrose, who highlights the reciprocal nature of this obligation, stating that the wife does not have power over her body in relation to another man, nor does the husband in relation to another woman. Augustine further reinforces this idea, emphasizing that neither spouse can choose continence without the other's consent. Both partners have authority over each other's bodies, and if one requests the debt, the other cannot refuse. Lombard cites Ambrose to underscore the equality in this obligation by stating that husband and wife are equal debtors to each other, preventing any occasion of sin that might arise if they were to give their bodies to others. Augustine adds that in recognizing this equality, it is not dominion taken from the husband but a vice, ensuring mutual respect and shared responsibility in the conjugal relationship.<sup>67</sup>

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<sup>66</sup> Lombard, IV, d. 31, c. 5.

<sup>67</sup> Lombard, IV, d. 32, c. 1, a. 1.

## Minimum Age for Marriage

Lombard concurs with Roman law, asserting that teenagers cannot legally contract marriage before the age of fourteen for boys and twelve for girls. If a union is formed before reaching this minimum age, even with parental will and consent, it can be annulled, and they can be separated. However, once puberty is reached, if the individuals wish to continue their relationship established before the minimum age, they become marital partners and are no longer able to separate. Lombard also emphasizes that an espousal relationship cannot be formed before the age of seven, as this requires a level of understanding only achieved at this age, considered the age of reason.<sup>68</sup>

## Impediments for Contract Marriage

After providing insights into marriages that permit separation, Lombard enumerates several impediments that render a marriage entirely unlawful. Foremost among these is sacred orders, wherein marriage becomes absolutely impossible. Such orders are “priesthood, diaconate, and subdiaconate.”<sup>69</sup> If he purposely attempted to marry, a divorce must be decreed, and his marriage is illegal. Similarly, individuals who have taken religious vows or vows of continence find marriage utterly impossible, as attempting to enter into matrimony contradicts their solemn commitments. Those in lower orders, such as lectors, doorkeepers, exorcists, and acolytes, are allowed to take a virgin wife in the Roman Church unless they are bound by the vow of continence or wear the monastic habit.<sup>70</sup>

The second category of individuals ineligible for marriage consists of those who have killed their wives, presumably due to the wife’s

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<sup>68</sup> Lombard, IV, d. 36, c. 4. The minimum age for marriage in Roman law appears notably low. Presently, the minimum age for marriage varies across the United States, contingent upon individual state regulations. In Massachusetts, both parties are mandated to be eighteen years old for marriage without requiring parental consent. In the context of China, the implementation of the one-child policy from 1979 to 2015 has influenced the stipulated minimum age for marriage to delay, aiming to curb population growth. Although the policy has undergone relaxation in recent times, the legally sanctioned marriage age remains at twenty-two for males and twenty for females.

<sup>69</sup> Lombard, IV, d. 37, c. 1, a. 1. It is noteworthy that the title of “bishop” is conspicuously absent from the list of holy orders explicitly prohibited from contract marriage, despite the potential argument that the priesthood category encompasses bishops.

<sup>70</sup> Lombard, IV, d. 37, c. 1, a. 2.

adultery. Lombard suggests that such individuals should be subjected to being “struck by a spiritual sword” through ecclesiastical discipline, emphasizing the need for repentance. Giulio Silano observes that Lombard’s perspective on ecclesiastic discipline appears primarily focused on the spiritual well-being and repentance of the individuals involved. Silano suggests that some may argue Lombard prioritizes the spiritual redemption of the man over legal consequences, leaving the impression that the Church might not criticize a law allowing a husband to kill his wife for adultery. Silano argues that Lombard’s stance implies that “if such a law exists, the church should disregard it, because adultery is to be punished by a spiritual sword.”<sup>71</sup> As a theologian rather than a legal practitioner, Lombard appears to emphasize the significance of repentance within his moral and pastoral framework more than the implications of a criminal trial.

### **Lombard’s Influence on Today’s Marriage Law**

Regarding marriage law, Charles Donahue observes that the ecclesiastical legislation on marriage began thorough revision by settling the questions raised by Gratian, Lombard, and their fellow students. In fact, the popes were called up to those questions and asked to solve them by the masters’ suggestions.<sup>72</sup> Lombard’s insightful comprehension of the sacrament of marriage retains its relevance in contemporary times. According to the 1983 *Code of Canon Law*, the sacrament of marriage is not merely a contractual agreement but a covenant. This covenant involves the establishment of a lifelong “partnership” between the couple, inherently directed towards the well-being of the spouses, the procreation, and education of offspring.<sup>73</sup>

### **Conclusion**

In conclusion, Peter Lombard’s treatise on marriage unveils a rich tapestry of theological insights reflecting this sacred sacrament’s complexities and nuances. Lombard’s exploration of sacramentality, consent, and the three goods of marriage adds depth to traditional Christian teachings. His departure from particular contemporary

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<sup>71</sup> Giulio Silano, “Peter Lombard,” in *Christianity and Family Law: An Introduction*, ed. John Witte and Gary S. Hauk, Cambridge Studies in Law and Christianity (New York: Cambridge University Press, 2017), 156.

<sup>72</sup> Silano, “Peter Lombard,” 149.

<sup>73</sup> *Code of Canon Law*, c. 1055, §1, in *Code of Canon Law: Latin-English Edition* (Washington, DC: Canon Law Society of America, 1999).

views on marital consummation and his emphasis on the spiritual bond challenge prevailing norms.

Lombard's thorough examination of impediments, errors, and the permissibility of marital intimacy demonstrates a keen awareness of the intricate moral and spiritual dimensions of marriage. While drawing from established theological foundations, Lombard injects his own interpretations, his sentences contributing to a dynamic discourse on the nature and sanctity of marriage.

Overall, Lombard's treatise not only serves as a testament to the theological inquiries of his time but also provides a lasting contribution to the ongoing dialogue surrounding marriage within the Christian tradition. His insights continue to shape discussions on the sacramentality, indissolubility, and moral dimensions of this sacred covenant. Through an in-depth analysis of Lombard's *Sentences*, we aim to collect valuable insights into the theological underpinnings of marriage during the medieval period and their enduring relevance in the broader context of Catholic doctrine. As Professor James Keenan notes, Lombard's *Sentences* "very much made the development of the tradition more possible" because the *magnum opus* was "an invitation not only to know and teach the tradition, but also contribute to and develop that tradition."<sup>74</sup> Lombard knew the tradition and was able to use the tradition to solve problems that were not solved in his time.

Pope Benedict XVI commended Peter Lombard's *Sentences* for condensing "almost all the truths of the Catholic faith." He praised the work's concise and clear vision, describing its orderly presentation as achieving "extraordinary success."<sup>75</sup> Lombard's *Sentences* significantly influenced prominent theologians like Alexander Hales, Albert the Great, Bonaventure, and Thomas Aquinas. They all began their academic careers by commenting on Lombard's work. Notably, the *Sentences* served as a standard textbook in theological schools until the 16<sup>th</sup> century, attesting to its enduring impact on theological education.

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<sup>74</sup> Keenan, *A History of Catholic Theological Ethics*, 141.

<sup>75</sup> Benedict XVI, "General Audience: Peter Lombard."