

Introductory Remarks

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It is a privilege to introduce Alfonso Cardinal Lopez Trujillo's article, *The Nature of Marriage and Its Various Aspects*, which forms the foundational study for this special issue of the Ave Maria Law Review devoted to the nature of marriage. It is a testament to the fecundity of the Cardinal's article that it has occasioned such thoughtful replies from the legal and cultural scholars convened by the editors for this symposium. My task is not to provide but one more response to the Cardinal's words, but rather, to introduce his article to an audience that might not be familiar with some of the assumptions underlying the Cardinal's theses. I begin with a few words about the man.

Born in 1935 in Colombia, Alfonso Lopez Trujillo pursued theological studies first in Bogota, and then in Rome, where he specialized in Aristotelian-Thomistic philosophy and modern spirituality. After his ordination in 1960, Fr. Lopez Trujillo spent some ten years teaching in seminaries and secular universities in his native land. Throughout those years, he continued to expand his knowledge of world cultural conditions and often served as a consultant to members of the Latin American hierarchy.

In 1971, Pope Paul VI named Fr. Lopez Trujillo the coadjutor Bishop (with right of succession) to the crucial See of Bogota. After seven years of episcopal service there, the same Pope asked Archbishop Lopez Trujillo to transfer to the See of Medellin where he ministered for more than twelve years and was named a Cardinal in 1983. Significantly, throughout his two decades in archdiocesan governance, Cardinal Trujillo undertook many international ecclesiastical responsibilities and assignments, service that made him one of the most traveled prelates in the world. Finally, in 1991 Pope John Paul II asked him to come to Rome to serve as President of the Pontifical Council on the Family, a post where he has labored ever since. In 2005, Pope Benedict XVI reappointed Cardinal Trujillo to the presidency of the Council on the Family.

As a result of his experience, Cardinal Trujillo is unusually well-qualified to bring to bear on the pressing questions of modern marriage and family life a rigorous philosophical and theological formation, many decades of direct pastoral experience, and the unique perspective of a man broadly familiar with the varied cultural conditions of the world. Indeed, more than once, English-language readers of his article will note his tantalizing references to

important studies of marriage and the family that are not, as of yet, available in the English tongue, but which the Cardinal has already studied and appreciated. In short, Cardinal Trujillo is conscious of the unique perspective he is able to bring to marriage and family questions, and from the opening sentences of his article he makes clear his intention to place that perspective at the service of truth. We may now turn to his presentation.

Cardinal Trujillo divides his article into two main sections followed by some short concluding remarks. Throughout his article, the Cardinal follows a classical philosophical methodology: first, setting out the nature of marriage (including how that nature has been lifted up by Christ); and second, turning to an examination of how the natural and sacramental reality that is marriage has been distorted in society. He concludes with some suggestions for further reflection and positive action. The first of the two large sections, subtitled "The Nature of Marriage," is the lengthier and, in some ways, the more important. No serious discussion of marriage and the crisis it faces in the West can be profitably undertaken without a clear understanding of what marriage is in the first place. The patience with which Cardinal Trujillo sets out the ever-ancient, ever-new truth about marriage is, I suggest, a sign of the pastoral solicitude that a man with twenty years of diocesan leadership experience develops.

Of all the themes touched on in the Cardinal's opening section, asserting marriage to be a natural institution is perhaps the most important. From it, two points flow, the first of which is that true marriage is natural to man as human. Marriage, the Cardinal explains, is neither a construct imposed by sectarian beliefs, nor a convention shaped by social pressures over time. As a result of marriage's natural character, the fundamental truths about it are accessible to all, regardless of religious affiliation (notwithstanding that revelation most certainly has something to teach Christians about marriage) and of the time or place in which one lives. The second point underscored by Cardinal Trujillo's emphasis on marriage as a natural institution is that marriage arises from deep and unalterable human realities that, themselves being unchangeable, cannot be served by anything called "marriage" unless that something truly is marriage as understood by the natural law. Indeed, as one shall see, most of the second section of Cardinal Trujillo's article makes clear just how gravely human well-being is marred by permitting, and sometimes imposing, a concept of "marriage" that contradicts human nature. Of course, the very phrases "natural law" and "human nature" will provoke the ire of many modern philosophers and legal scholars, with whose works the Cardinal demonstrates more than passing acquaintance, for they regard the defense of such notions as being the historical relics of an overly

credulous age. Most particularly, they perceive any social policy proposals based on "natural law" or on "human nature" as being religious, if not plainly theological, claims. Cardinal Trujillo strives to unmask this error, which is clearly a difficult task: the more the Church tries to help the world understand itself (and what is the study of human nature and the exploration of natural law if not a way that human beings have to study themselves?), the more a petulant world insists on seeing such exhortations "to know what it is" as religious bias. Similarly, if such logic is followed, Sr. Constance's direction that children wash their hands before eating should be dismissed as religious dogma because it is advice from a nun. But the Cardinal and the Church shoulder on, working and praying that the world will one day take itself seriously again.

As a consequence of its nature, marriage calls forth from two people the greatest gift they can possibly give each other in this world, that is, the gift of themselves. Spousal surrender is a gift which, once truly made, cannot be revoked or rescinded and which admits of no division or diminution. It is an exchange of persons that is so intense that it can result in the generation of a new human being, and provides the optimum environment for the raising of that new life to maturity and eventual full participation in human society. From these few simple points, none of which depend on religious belief (however much faith is compatible with and perfective of these truths), one can deduce several important implications: for example, that true marriage exists only between one man and one woman, that the spouses cannot dissolve the bond that unites them, that infidelity is harmful to both spouses, that marriage is the proper context for begetting children, and that a family is needed for the best development of future generations. Cardinal Trujillo points out that each of these observations is based on nature but has nevertheless been the subject of misunderstanding and even of rejection by a variety of ideologies.

Cardinal Trujillo draws still other conclusions from the natural character of marriage. Besides marriage being the foundation of the family, as noted above, the Cardinal observes that marriage inevitably shapes human culture. At the same time, he warns, distortions in culture (for example, society's legislating false models of marriage) can harm not just marriage as an institution, but the people who want to undertake it and the societies dependent on it. Consider the near truism that, in the Western world, societies with a functional middle class are the most stable over time and are the most successful in advancing the basic standard of living. But what is less commonly acknowledged, at least in popular media contexts, is that stable families are the most important element of a stable middle class, and

that, as families disintegrate, social problems rapidly multiply in a wide variety of contexts. Physical and psychological health, education, finances, commerce, and services all suffer while crime rates and other negative indicators advance in the wake of family breakdown. The urgency with which the Cardinal argues for a rediscovery of the nature of marriage is another sign of the pastor's heart at work.

Cardinal Trujillo proposes what might be seen by some as a contradiction in terms, namely, that marriage upholds not only human dignity but, in a special way, human freedom. Reaching back to the better insights of ancient Roman law, the Cardinal stresses that consent--individual, irreplaceable, and essential consent--makes marriage. Without consent, marriage is not a gift, but a taking by one and, at most, an acquiescence by another. Without such a free choice, marriage degenerates into a condition of sexual, psychological, or financial servitude that is imposed by a stronger party on a weaker. Of course, as the Cardinal points out repeatedly, consent, to be effective, must be informed, for no one is morally bound to an apparent consent within which fundamental information is lacking. Thus, to anticipate a point the Cardinal makes later in his article, a proper education in the nature of marriage must be accorded to young people, lest their attempt to enter what they think is marriage be frustrated by an intellectual failure to grasp sufficiently the object of their choice.

A bit later in his remarks, Cardinal Trujillo discusses the role of love in marriage in, yet again, a way that will strike some as ironic. To appreciate the irony, one must recall that neither natural law nor Catholic canon law requires "love" as a constituent element of marriage or of consent to marriage. And yet, marriage, as it truly exists under both natural law and as elevated by Christ to the level of sacrament, provides, for those who are faithful to the idea of marriage, the best--and indeed, the only--context within which spousal love can truly flourish and inform marriage and family life. One cannot but stand in admiration of the way that the Cardinal can paint a picture of love within marriage that, far from being shackled by such realities as "commitment," "sacrifice," or "children," exceeds anything held out by a world recklessly endangering the institution of marriage by treating as "things" the persons in marriage.

Throughout this first section of his article, Cardinal Trujillo draws heavily on Christian sources to illustrate certain crucial aspects of natural marriage. One must keep in mind, however, a point that the Cardinal accepts so easily but only rarely adverts to, namely, that even Christian teaching on marriage accepts without reservation the natural reality that is marriage. In elevating marriage to the status of a sacrament, Christ in no way contradicted any of

the fundamental aspects of human nature upon which true marriage rests. Put another way, the Cardinal's frequent use of, say, the writings of Pope John Paul II or the Second Vatican Council, underscores and more deeply vivifies the natural truths about marriage; it does not supplant them. Thus, for Christians, marriage by its nature can only be entered into by those capable of giving adequate consent. Likewise, it cannot be dissolved by the parties; it must be honored by them as the exclusive domain for intimate or conjugal relations, and it alone is ordered to the mutual well-being of the spouses and the begetting and raising of children. If one were, for example, considering conversion to Christianity and, as part of that discernment process, one were looking to see how consistent with and complementary to human nature was Church teaching in the area of marriage, one could hardly do better than to study the Cardinal's article in depth; his repeated points about the sacramentality of Christian marriage serve mainly to underscore the natural reality of the institution and the consequences of marriage for moderns.

In the second section of his article, Cardinal Trujillo looks at how nearly every element of true marriage--its indissolubility, its existence between male and female, its openness to children, and so on--has been the object of attack in civil legislation and by shapers of social policy. But be forewarned: after the uplifting and even inspirational character of the first part of his article, discussing the true nature of marriage and its perfection in light of the teaching of Christ, Cardinal Trujillo's depiction of the manifold crisis facing marriage and family life today is hard reading. Nevertheless, it is essential to appreciate how concerted and, to date anyway, how successful the erosion of clear thinking about marriage has been. Of all the examples that the Cardinal sets forth here, perhaps the greatest contemporary departure from true marriage is the attempt to redefine marriage as essentially a utilitarian relationship, one terminable at will and capable of being entered into by any two adults (even of the same sex) without regard for the orientation of marriage to children and family life. When reading the Cardinal's words here, one must wonder how deep were the wounds on the permanence of marriage that were inflicted by heterosexuals who entered and left marriages as if they were only utilitarian enterprises. Did such attitudes weaken the institution of marriage to the point that it could have been so suddenly subverted by the homosexual agenda?

In general, the second section of Cardinal Trujillo's article highlights both his familiarity with marriage conditions around the world (one learns from the Cardinal how several Western nations are vying with one another for leadership in the destruction of natural marriage) and the Cardinal's grasp of

scholarly and multidisciplinary studies of marriage questions. Of course, throughout this section, the Cardinal continually contrasts the modern distortions of marriage we encounter with the true nature of marriage as carefully set out in the first section of his article. In doing so, he again makes frequent use of the writings of Pope John Paul II, with whom he worked closely for more than ten years, to underscore the natural foundations of sound marriage legislation and policies, as well as to illustrate how the teachings of Christ and His Church advance those foundations. Among the many specific issues to which Cardinal Trujillo adverts, the arguments he makes against the adoption of children by same-sex couples are especially telling. The Cardinal's objection to this practice is not surprising, for such adoptions compound the disorder of same-sex unions by inserting a precious and impressionable child into their midst. The homosexual lobby regards such adoptions as trophies in its social agenda showcase, and what good pastor can bear to see children used as pawns in the controversies of adults? For that matter, human cloning, also commented upon by the Cardinal in this section, represents, if such is possible, an even graver violation of the dignity of the human person--this, without even considering the carnage of death wrought in the cloning process. As I said, this is not an easy section to read. Toward the end of the second section, Cardinal Trujillo elaborates on a point touched on in the first section of his article, namely, that political scientists should recognize that the exercises in natural law jurisprudence occasioned by the urgent necessity to defend true marriage could be well applied in developing and reasserting formulae for limited government generally. A political entity that believes itself capable of radically redefining marriage, of all things, in demonstrable disregard of human nature, cannot but assume itself to be master of any human and social reality. Yet those who demonstrate such contempt for reality, and who show the ill will needed to legitimize such things as same-sex unions and the entrustment of children to them, cannot be trusted to govern responsibly on many other matters. At the same time, Cardinal Trujillo does not cast all blame on society or legislators for the crisis facing marriage and family life today. While many are doubtless fraudulently brought into a false theory and practice of marriage, others enter such a state with at least some personal responsibility for so doing, and in their way contribute to the decline of right reason in the West. We know this if only from the witness of those persons who have rejected the allurements of pseudo-marriage and have striven to live their lives in accord with human nature in, as the case may be, the fullness of Christian revelation. Notwithstanding the erudition that can be, and has been, applied to marriage analysis, precisely because it is a natural

institution, it remains basically within the grasp of even those who cannot articulate natural law theory or the sacramental theology of matrimony. People honestly trying to act like people can and do marry, and they marry successfully and happily. Indeed, much of the Cardinal's article could be read as a plea to allow men and women the freedom to marry as people should marry, that is, without the imposition of skewed social theories or dehumanizing social agendas. Left to itself, goodness will win out.

Cardinal Trujillo is fundamentally a teacher. Having set forth the nature of marriage and the scope of the challenges it faces, he does not spend much time trying to dictate the specifics of the responses that could or should result beyond those already suggested in the course of his article. But, for all the problems facing marriage and family life, problems of which Cardinal Trujillo is unusually well-informed, his article ends on an optimistic, even confident, note. This happens, I think, for two reasons. First, as noted above, he knows that marriage is a natural institution responding to the nature of man. At a purely natural level, then, the Cardinal is correctly confident that, in the end, human nature will eventually reassert itself in the face of the latest distortions, as new generations come to reject the errors of their ancestors. The pastor's heart in Cardinal Trujillo goes out, of course, to those whose lot it is to suffer the ignominy of, say, divorce on demand, the legal recognition of homosexual unions, brutal anti-birth laws and policies, and so on, but he does not lose sight of the power of nature ever to renew herself. Second, as a Catholic social thinker, Cardinal Trujillo knows that Christ's victory over death is complete and that He has given the world a superabundance of grace with which to pursue good and avoid evil. As his article makes plain, of course, this divine assurance does not exempt thoughtful men and women from taking their stand in the debate, and indeed it might make their personal grief at the assaults that marriage and the married are suffering today all the more intense. But Cardinal Trujillo has, at least, the consolation of knowing Who will eventually win.

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