

**THE EVIL OF DIVORCE AND
THE DIGNITY OF THE HUMAN PERSON –
UNDERSTANDING THE IMMORALITY OF DIVORCE
THROUGH ST. JOHN PAUL II'S
THEOLOGY OF THE BODY**

Dr. Donald P. Asci, Professor of Theology, Franciscan University

Abstract

In *The Joy of Love* Pope Francis recalled a key component of Catholic doctrine and reiterated a major concern of the synod fathers by stating, “Divorce is an evil and the increasing number of divorces is very troubling.” This essay reexamines the evil of divorce in light of the work of Pope Francis and the synod fathers by taking up their call to utilize St. Pope John Paul II’s “theology of the body” to address the crisis regarding marriage in the modern world,¹ a crisis in which divorce has emerged as a major and “very troubling” threat to the wellbeing of men and women and their families. The essay considers the evil of divorce in terms of traditional Catholic doctrine and from the perspective of the theology of the body, which provides a clearer sense of how the evil of divorce entails an affront to the intrinsic value of the person and a type of consumerism in the marital sphere. The essay also examines how divorce can in some ways be a form of despair, especially despair in the face of suffering or despair over the possibility of reconciliation, which sets divorce against the sacramental character of marriage. Additionally, this essay proposes that since divorce not only violates the dignity of the human person but also entails an element of despair over the power of God’s grace, confronting the evil of divorce should be a fundamental and explicit component of the Church’s evangelization and pastoral work. Consequently, the essay also proposes that by failing to address the evils of divorce clearly and adamantly the Church will be hindered in its attempts to defend the dignity of the human person in other situations (e.g. euthanasia, abortion, and the sex industry) and in its attempts to foster Christian hope in general and in the sexual sphere specifically.

¹ *Pastoral Challenges to the Family in the Context of Evangelization, Instrumentum Laboris* (2014), no. 18

Introduction

In 2013 Pope Francis convoked a synod of bishops, *The Pastoral Challenges of the Family in the Context of Evangelization*, in order to renew the Church's commitment to proclaiming God's plan for sex, love, and marriage to the modern world, and he concluded the formal work of the synod with the publication of *The Joy of Love* in April of 2016.

In *The Joy of Love* Pope Francis recalled a key component of Catholic doctrine and reiterated a major concern of the synod fathers by stating, "Divorce is an evil and the increasing number of divorces is very troubling. Hence, our most important pastoral task with regard to families is to strengthen their love, helping to heal wounds and working to prevent the spread of this drama of our times."²

In an effort to support this pastoral task, this essay reexamines the evil of divorce in light of the work of Pope Francis and the synod fathers by taking up their call to utilize St. Pope John Paul II's "theology of the body" to address the crisis regarding marriage in the modern world,³ a crisis in which divorce has emerged as a major and "very troubling" threat to the wellbeing of men and women and their families.

Specifically, this essay examines the evil of divorce from the perspective of Catholic doctrine, especially St. John Paul II's theology of the body, while also considering how the rationale of divorce manifests a form of despair that corresponds to a crisis of faith. Taking the immorality of divorce as a prime example of the doctrinal ignorance highlighted by the synod fathers, the essay summarizes the meaning of the term "divorce" in the context of Catholic moral theology and then explores how St. John Paul II's theology of the body provides the basis of a nuanced understanding of the immorality of divorce as an affront to the inherent dignity of the human person. Additionally, this essay proposes that since divorce not only violates the dignity of the human person but also entails an element of despair over the power of God's grace, confronting the evil of divorce should be a fundamental and explicit component of the Church's evangelization and pastoral work.

² Pope Francis, *The Joy of Love*, no. 246.

³ *Pastoral Challenges to the Family in the Context of Evangelization, Instrumentum Laboris* (2014), no. 18

The Perspective of the Synod

From the outset of their work, the synod fathers explicitly set before themselves the task of finding a “credible manner” of “proclaiming and living the Gospel of the Family” in response to the social and spiritual crisis “so evident in today’s world.”⁴ The work undertaken at the synod, which took place in two stages with various working documents for each stage, identified numerous symptoms and causes of the contemporary crisis of marriage and family life, while also contemplating ways in which the Church can address this crisis.

According to the synod fathers, the symptoms of the crisis are seen in the threats posed by evils such as cohabitation, contraception, offenses against the dignity of women, pornography, the compounding evils of the sex industry, and, of course, *divorce*, which disintegrates families and undermines the well-being of all the individuals involved, especially children.⁵

Beneath the layer of these various threats, the work of the synod also addressed the underlying causes of these difficulties that many face in marriage and family life. According to the synod fathers, difficulties in living God’s plan for love, sex, and marriage stem primarily from a troubling individualism, which deforms personal relationships; relativism, which tends to make each individual’s desires an absolute standard; immature affectivity, which destabilizes relationships and exposes them to narcissistic tendencies; and especially *a general crisis of faith*, which leads to an absence of God and his mercy and grace in a person’s life.⁶

In addition to these general issues, the synod fathers also pointed to a disturbing level of *ignorance of Catholic doctrine on marriage* among the faithful, many of whom demonstrate little knowledge of the documents of the Magisterium. The synod fathers acknowledge that many documents of the Magisterium are simply unknown to the faithful and that some are difficult to read and understand. However, a more serious problem indicated by the synod fathers concerns how confusion among the faithful about the

⁴ *Pastoral Challenges to the Family in the Context of Evangelization, Preparatory Document*, I.

⁵ *Extraordinary General Assembly of the Synod of Bishops, Relatio* (October, 2014), no. 7-9.

⁶ *Extraordinary General Assembly of the Synod of Bishops, Relatio* (October, 2014), no. 5.

importance of these teachings has been fostered in part by the incompetence and indifference of certain members of the clergy.⁷

For this reason, in addition to the necessary pastoral programs aimed at combating the current crisis in both its symptoms and underlying causes, the synod fathers clearly indicated the need for a greater knowledge of the teachings of the Magisterium on marriage, and especially recommended the teachings of St. John Paul II's theology of the body, "in which he proposes a fruitful approach to the topic of family through existential and anthropological concerns and an openness to the new demands emerging in our time."⁸

Has the Immorality of Divorce Been Forgotten?

The question of how the issue of divorce should be dealt with by the Church has been a prominent topic of discussion in theological circles and in the popular press in recent years, with divorce often described as one of the biggest issues at stake in the work of the synod. However, these discussions, both theological and popular, have not tended to concentrate on the core issue of divorce itself but rather on the state of those who have "divorced" one spouse and contracted a civil marriage with another person. Specifically, the proposal of Cardinal Walter Kasper, summarized in *The Gospel of the Family*, regarding the spiritual and sacramental situation of such persons has taken center stage as the crucial issue regarding divorce within the Catholic Church.

Unfortunately, Kasper's position, along with many of his supporters and critics, simply glosses over the more fundamental issue of divorce and the immorality of divorce. For example, in *The Gospel of the Family*, Kasper speaks of the indissolubility of marriage and the impossibility of contracting a second marriage during the lifetime of the other partner, of the heroism of spouses who are abandoned, and of the repentance, sorrow, mercy, and forgiveness that the situation of divorce might evoke.⁹ However, he does not address the evil of divorce itself. He does not describe the evil of divorce for

⁷ *Pastoral Challenges to the Family in the Context of Evangelization, Instrumentum Laboris* (2015),

⁸ *Pastoral Challenges to the Family in the Context of Evangelization, Instrumentum Laboris* (2014), no. 18

⁹ Walter Cardinal Kasper, *The Gospel of the Family* (New York: Paulist Press, 2014) p. 25-32.

which one might experience sorrow and eventually repent. He does not describe the evil which he hopes to meet with mercy and forgiveness.

Since Kasper's position glosses over the evil of divorce and focuses on the opportunity for forgiveness in cases of divorce and civil marriage, those who do not accept Kasper's position often tend to focus on the doctrinal, sacramental, and ecclesial obstacles to pursuing the line of thinking suggested by Kasper. Consequently, even in the context of otherwise good treatments of the issue, the immorality of divorce itself tends to receive little attention, much less a detailed analysis.

However, this tendency to neglect an analysis of the immorality of divorce is not limited to Kasper's approach or even to discussions of divorce in relation to the work done at the synod. Instead, the basic Catholic doctrine on the immorality of divorce seems to have faded from the consciousness of Catholics and from the pastoral work of the Church in recent years. In my work over the past two decades I have certainly encountered a prevalent ignorance among Catholics regarding the immorality of divorce, with many sincere people even expressing the belief that divorce is *not* immoral but only becomes immoral when coupled with a civil marriage to a second person.

This situation persists despite the fact that the indissolubility of marriage and the evil of divorce are among the most fundamental tenets of what the Catholic faith holds regarding marriage, and the immorality of divorce is clearly stated in official teachings of the Church, including the *Catechism of the Catholic Church*. In other words, the prevailing ignorance of Catholics concerning the immorality of divorce epitomizes the problem of doctrinal ignorance highlighted by the work of the synod.

I. Catholic Doctrine on Divorce

The Catechism of the Catholic Church clearly describes "divorce" as "a grave offense against the natural law" while allowing for "separation" in "certain cases provided for by canon law" and even tolerating "civil divorce" between the separated when this "remains the only possible way of ensuring certain legal rights."¹⁰ The *Catechism* also teaches that contracting "a new union" after divorce "adds to the gravity" of the divorce, rather than being the sole basis of the immorality of the divorce, because "the remarried spouse is then in a situation of public and permanent adultery."¹¹

¹⁰ *Catechism of the Catholic Church* (Henceforth CCC), 2384 and 2382

¹¹ CCC 2384

A large part of the difficulty that many have in understanding this otherwise straight-forward teaching of the *Catechism* derives from the diverse meanings of the term *divorce* and from the further difficulty in distinguishing *divorce* from *separation* and *annulment* within Catholic doctrine on marriage. Therefore, the first step toward renewing the Catholic understanding of the immorality of divorce consists in clarifying the sense in which the term divorce is being used in the teaching before moving on to consider the sense in which divorce is gravely immoral.

When the *Catechism* addresses the question of divorce, it does so according to the categories of Catholic moral theology, and in this case divorce refers to an *object of choice* – as distinguished from the intention for which a person might make a choice and the circumstances surrounding a choice. The object of choice, the intention, and the circumstances are the sources of morality in human behavior and serve as the basis of any assessment of the moral quality of a person’s behavior, which would be distinct from an assessment of a person’s moral responsibility or moral culpability in making a choice.¹²

In other words, in Catholic moral theology the term “divorce” denotes an object of choice as distinct from a person’s intentions and any mitigating circumstances. The immorality of divorce derives precisely from that choice and cannot be eliminated by any good intentions or circumstances accompanying the choice.

In his encyclical *Veritatis splendor*, St. Pope John Paul II summarizes this Catholic understanding of the object of choice, highlighting the decisive role of the human will in concrete choices.¹³ According to this Catholic understanding of human behavior, the object of choice is “a freely chosen kind of behavior” that morally specifies the human act. By the moral object of a human act, then, “one cannot mean a process or an event of the merely physical order, but rather one must mean the proximate end of a deliberate decision on the part of the acting person.”¹⁴

In these terms, in Catholic doctrine the word “divorce” cannot refer merely to a legal event or a legal status but instead must be understood as a freely chosen kind of behavior and the proximate end willed by the acting person through his or her behavior. The meaning of divorce on this level can be defined only by articulating the immediate effect intellectually grasped

¹² CCC 1750

¹³ Pope John Paul II, Encyclical Letter *Veritatis splendor*, 78.

¹⁴ *Ibid.*

and willed by the person who chooses to divorce. The *Catechism* provides an initial sense of how to articulate this effect of the choice to divorce when it says that divorce “claims to break the contract, to which spouses have freely consented, to live with each other until death.”¹⁵ However, recalling the nature of the actual free consent by which husband and wife contract marriage provides a clearer sense of divorce, since breaking the marital contract seeks to negate or revoke this consent.

There are various formulations of marital consent by which spouses contract marriage, but the typical formula in the Catholic marriage rite offers an excellent idea of the essential elements of marital consent. According to this typical Catholic formula, spouses contract marriage by expressing their consent (choice) to marry with the words, “I take you as my wife/husband. I promise to be faithful to you always, in joy and sorrow, in sickness and in health, and to love you all the days of my life.”¹⁶ Marital consent, then, expresses the conferral of the spousal identity (I take you as my wife/husband), the promise to love, and the unconditional character both of the spousal identity and of the promise to love.

By defining it in terms of an attempt to negate the marital consent, divorce can be defined as the choice to claim that someone is no longer one’s husband/wife, that love is no longer owed to the one to whom it was promised, and that conditions have arisen in which the spousal identity and promise to love can be revoked.

The choice to divorce can be expressed, for example, by filing legal papers, but it can also be expressed by publically and privately making this claim, in word or deed, to the person being divorced and to others. Simply refusing to acknowledge the truth of someone’s spousal identity (for example, calling that person one’s ex-wife or ex-husband) expresses the essence of the choice to divorce someone. The *Catechism* says that divorce “claims” to break the marital contract and to revoke the spousal identity because it cannot accomplish these things in reality. The marital bond is indissoluble, and the marital identity is irrevocable. Nonetheless, making this claim is a real choice, a choice which has very real ramifications in the lives of those involved.

With this notion of divorce in place, key distinctions can be drawn between divorce and civil divorce, separation, and annulment in Catholic

¹⁵ CCC 2384

¹⁶ *The Rites of the Catholic Church*, vol. 1 (New York: Pueblo Publishing, 1990), no. 25.

doctrine. The meaning of “civil divorce” would be the choice to change one’s civil marital status while still publicly and privately acknowledging the true spousal identity of one’s spouse, which would include not referring to that person as an ex-wife or ex-husband in one’s thoughts or words. Likewise, the term “separation” would include acknowledging the spousal identity of one’s spouse while making the choice to suspend the common life of marriage for grave reasons, such as those mentioned in canon law.¹⁷ “Annulment,” however, should not be understood as a choice but rather as a judgment rendered by those in authority. The declaration of annulment, issued either by civil authority or by ecclesial authority, would state that someone never truly attained a spousal identity because the marital consent was defective, but it would never mean that a spousal identity had been revoked. Someone can choose to petition for an annulment from the proper authorities, but this choice cannot in itself effect an annulment.

Each of these three terms remains distinct from divorce itself because none of them entail the claim to revoke someone’s spousal identity. Instead, civil divorce, separation, and annulment avoid such a claim, and for this reason each of these may be in accord with the natural moral law in certain cases. It should be noted, however, that the teaching expressed in the *Catechism* allows for civil divorce only when this would be required by civil law in cases of separation and annulment. Civil divorce would be acceptable in Catholic doctrine only when civil law does not provide the necessary means for an effective legal separation or does not provide the opportunity for a civil annulment. Sound civil law would provide opportunities for legal separation and civil annulment in the appropriate cases, eliminating the need for any cases of civil divorce by Catholics. Where these opportunities are lacking, Catholics should work to change civil law.

Returning to the term divorce, articulating the essence of divorce as the choice to claim that someone’s spousal identity has been revoked allows for an important distinction expressed in the *Catechism* teaching. Since divorce is a choice, and not merely a legal event, a person can be the innocent victim of divorce as opposed to the one who through his own grave fault makes the choice to divorce. Being a “divorced” Catholic, then, can mean being the one against whom the claim of divorce has been made (the innocent victim) or the one who chooses to make the claim of divorce (the perpetrator), and the *Catechism* echoes St. John Paul II in noting that there is a “considerable difference” between the one who is unjustly abandoned in a divorce and the

¹⁷ *The Code of Canon Law*, can. 1151-1155.

one who is guilty of divorce.¹⁸ Unfortunately, of course, spouses can mutually divorce each other, with each equally claiming to revoke the spousal identity of the other, and a victim of divorce may respond by choosing to divorce the other in return, thus losing the innocence of being a mere victim.

The complexities of these scenarios envisioned in the Catholic concept of divorce can make the doctrine on divorce difficult to navigate and teach, but the complexities must be faced so that the teaching can be understood by the faithful. Certainly, the difference between being an innocent victim of divorce as opposed to the perpetrator of divorce proves vital when approaching teachings on “divorced Catholics” since there is a “considerable difference” in these two ways of being a divorced Catholic – not all “divorced Catholics” are in the same situation. The considerable difference at the level of divorce could also lead to a considerable difference on the moral, spiritual, and sacramental situations of those involved in the divorce, for the victim innocently suffers the immorality of the divorce while the other commits a gravely immoral act by the choice to divorce.

II. The Immorality of Divorce According to Catholic Doctrine

“Truly, it is hardly possible to describe how great are the evils that flow from divorce.”¹⁹ These words of Pope Leo XIII regarding the evils of divorce summarize the consistent doctrine of the Catholic Church, doctrine which views the evil of divorce primarily through the idea that “divorce is immoral because it introduces disorder into the family and into society.”²⁰ According to the *Catechism*, the disorder of divorce “brings grave harm to the deserted spouse, to the children traumatized by the separation of their parents and often torn between them, and because of its contagious effect which makes it truly a plague on society.” This traditional doctrine corresponds to the findings of numerous economic, sociological, and psychological studies of the negative consequences of divorce. Evaluating the immorality of the choice to divorce on the basis of the serious injustice that accompanies divorce offers clear insight into why “divorce is a grave offense against the natural law.”²¹

¹⁸ CCC 2386 and Pope John Paul II, *Familiaris consortio*, 84

¹⁹ Pope Leo XII, Encyclical Letter *Arcanum divinae sapientiae*, 29.

²⁰ CCC 2385

²¹ CCC 2384

However, without in any way diminishing the validity and importance of this traditional doctrine on the evil of divorce, Catholic doctrine and theology offer another perspective from which to view the evil of divorce. In addition to being an injustice at the marital, familial, and societal levels, the choice to divorce is an immediate affront to the inherent dignity of the human person, a way of “discarding” someone whose inherent value is denied by the claim to revoke his or her spousal identity. In the case of a sacramental marriage, the evil of divorce acquires a further element of disorder because it expresses a form of “despair” in the face of marital difficulties, casting doubt on the hope Christian spouses should have in the powers that flow from redemption. I propose that this nuanced understanding of the evil of divorce is best understood by viewing divorce in terms of St. John Paul II’s theology of the body.

Theology of the Body and the Spousal Meaning of the Body

In 1979 St. John Paul II began a “cycle of reflections” with “the goal of accompanying” the work being done in preparation for the synod on marriage and family that was to take place in the early years of his pontificate.²² Today these reflections are known as his catechesis on “the theology of the body” and “the redemption of the body” presented in *Man and Woman He Created Them* (henceforth TOB).

The foundation of St. John Paul II’s TOB reflections rests on the grand theme of his entire pontificate – the centrality of Jesus Christ and the need for contemporary men and women to understand ourselves through Jesus Christ, which in turn means viewing ourselves from the perspective of salvation history and its culmination the mystery of redemption. Grounded in this perspective, the TOB reflections concentrate on the teachings of Jesus on marriage as recorded in the Gospels, where Jesus places questions of sex and marriage, even the seemingly simple legal question of divorce, in the proper theological context of salvation history.

St. John Paul II adopts the perspective of salvation history presented by Jesus in the Gospel and develops a threefold vision of the human person

²² Pope John Paul II, *Man and Woman He Created Them: A Theology of the Body*, trans. Michael Waldstein (Boston: Pauline Books and Media, 2006), 1:5

through the lens of the three stages of salvation history, which are the *original innocence* of the beginning, the *concupiscence* of the historical situation, and *redemption* in Jesus Christ. Applying the pedagogy of salvation history to questions regarding human sexuality, the TOB reflections balance the recognition of the threat posed by sin with the recognition of Christ's power over sin in the sexual sphere.

The TOB anthropological vision emphasizes the continuity of humanity from the mystery of creation through the history of human sinfulness to the glory of the resurrection, and St. John Paul II concentrates his reflections on the core experiences of human sexuality that correspond to humanity's continuity and progression through the phases of salvation history. The most significant of these core experiences is what St. John Paul II calls "the spousal meaning of the body."

In the TOB reflections, the spousal meaning of the body manifests itself first in the encounter of Adam and Eve before original sin, when they are naked without shame and the body invites them to "welcome" each other as gifts in the context of love and communion. This original manifestation of the spousal meaning of the body is echoed in the Song of Songs and emerges as a primordial symbol for the love of Christ and the Church in *The Letter to the Ephesians*. After original sin the spousal meaning of the body is blurred or threatened by the concupiscence of human sinfulness, and this threat characterizes the state of fallen or historical man due to his hardness of heart. Ultimately, the spousal meaning of the body receives restoration and fulfillment in the mystery of redemption, as seen in the resurrection of the body in heaven and also in continence for the kingdom and the sacrament of marriage in this life.

Throughout the phases of salvation history St. John Paul II sees the spousal meaning of the body playing a pivotal role in expressing the most fundamental truths regarding the dignity of the human person and human sexuality. According to St. John Paul II, the spousal meaning of the body expresses the fundamental truth that the person concretely manifested by the body is "someone" created for "spousal" love, insofar as each person exists for his "own sake" and finds himself through the sincere "gift of self."²³ In other words, the spousal meaning of the body denotes how the sexuality of the human body expresses the intrinsic value or inherent worth (own sake) of each person and the ordination to personal communion (sincere gift of self) of each person, truths which find their fullest expressions in spousal love.

²³ Ibid. 15:3-5.

Combining the concepts embedded in the spousal meaning of the body, a TOB vision of marriage emerges in which man and woman enter into personal communion by the sincere gift of self on the basis of the intrinsic value of the human person. According to St. John Paul II, by entering into this communion man and woman “welcome” each other as gifts to be received and appreciated on the basis of their inherent worth.²⁴ Marriage embodies an authentic experience of the spousal meaning of the body through the choice to show one’s recognition of the intrinsic value of the other by giving oneself in communion with the one who has this value.

Conversely, the spousal meaning of the body leads away from the notion of an extrinsic, instrumental, or limited value of the human person. In other words, the spousal meaning of the body precludes treating the person as something that proves useful for fulfilling one’s desires so long as those desires last. The spousal meaning of the body runs counter to the dynamic of the concupiscence of human sinfulness (the “hardness of heart” referenced by Jesus), which would ground the relationship of husband and wife in the usefulness that each has in the eyes of the other, the sort of usefulness that can expire over time. Since concupiscence fosters doubt as to whether man and woman were willed by the Creator for his or her own sake, the marital relationship manifests concupiscence any time that a husband and wife assign to each other an instrumental or expiring value.²⁵

The spousal meaning of the body receives a specific expression in what St. John Paul II calls the *language of the body*, which refers to the way in which the body “speaks” on behalf of the person and with the authority of the person in the marital relationship. According to St. John Paul II, the truth spoken in the “language of the body” has a predetermined content which corresponds to the spousal meaning of the body and its reference to the intrinsic value of the person and the reciprocal self-giving of husband and wife. Man and woman rediscover the truth of the language of the body through the grace of redemption, rising above the concupiscence that causes errors and falsehoods in rereading the language of the body.

The language of the body is operative especially in sexual relations such that sexual intercourse inherently expresses the reciprocal self-giving of man and woman and the intrinsic value of the person upon which this self-giving takes place. In the language of the body sexual intercourse says, “I give myself to you for the whole of my life in response to your intrinsic value.

²⁴ Ibid. 17:3

²⁵ Ibid. 32:4-5.

You are worthy of my life-long gift of self.” In turn, this truth expressed in the language of the body becomes a task for man and woman in as much as they need to give their behavior that meaning in order to remain truthful to each other.

According to St. John Paul II, the spousal meaning of the body, expressed in the language of the body, is precisely what is at stake in marital consent, the moment when spouses initiate their personal communion and constitute the sacramental sign of marriage by reciprocally giving themselves to one another. In socio-juridical terms marital consent gives rise to a contract between the new spouses, and “as a consequence of this contract, they have become spouses in a socially recognized way.”²⁶ However, in personal terms, marital consent is the choice of man and woman to give each other the spousal identity (husband/wife) by becoming a reciprocal gift for each other, and they “become this gift in their masculinity and femininity while they discover the spousal meaning of the body and refer it to themselves in an irreversible way.”²⁷

In this way, the truth of the spousal meaning of the body enters into the marital consent such that the consent expresses the recognition of the intrinsic value of the person in conferring the spousal identity. Bearing within themselves “precisely that perennial and ever unique and unrepeatable ‘language of the body,’”²⁸ the words “I take you as my wife/husband” enable man and woman to give an unparalleled proclamation of each other’s value. Interpreted through the language of the body and the spousal meaning of the body upon which they are based, the words of marital consent mean, “I give myself to you for the whole of my life. You are worthy of my total self-gift. I receive you as a gift. You have an inherent worth, an intrinsic and enduring value that I recognize and proclaim by the irreversible choice of our reciprocal self-giving.”

These TOB teachings on the spousal meaning of the body and its place in marital consent provide the basis of a nuanced understanding of the basic Catholic doctrine on the immorality of divorce, one that captures the existential and anthropological “concerns” called for by the synod fathers. From the TOB perspective, since it claims to revoke the marital consent, the immorality of divorce can be seen most fundamentally in its contradiction of

²⁶ Ibid. 103:7

²⁷ Ibid. 103:5

²⁸ Ibid

the spousal meaning of the body and in its denial of the truth expressed in the language of the body.

By claiming to “break the contract, to which the spouses have freely consented,” divorce contradicts the truth expressed by the spousal meaning of the body since this truth is the basis of that consent and contract whereby the spousal identity is given and received. Just as “I take you as my wife/husband” affirms the spousal meaning of the body, to claim “You are no longer my wife/husband” negates the recognition of the spousal meaning of the body of the wife or husband. In this way divorce contradicts the intrinsic value of the person against whom the claim of divorce has been made. If the spousal identity can be revoked, the value upon which that identity is based can be lost. Since it claims to revoke the spousal identity, divorce claims, at some level, that a person has lost his or her value or worth. Claiming that someone has lost his or her worth is a clear affront to the inherent dignity of the person.

In a similar way, divorce contradicts the truth expressed in the language of the body. By the choice of marital consent husband and wife give their “behavior a meaning in conformity with the fundamental truth of the language of the body,”²⁹ and by claiming to revoke that consent the choice to divorce falsifies the language of the body with a contradictory behavior, overlaying the truth proclaimed in the consent with a falsehood regarding the person. Whereas the choice to consent enables husband and wife to truthfully proclaim each other’s inherent worth through their reciprocal self-giving, the choice to divorce falsely claims that the value of the person has expired.

Interpreted through the language of the body and the spousal meaning of the body upon which they are based, the choice to divorce someone means, “I reject you as my wife/husband. I revoke your spousal identity. I revoke my gift of self to you. You are no longer worthy of my total self-gift. I reject your gift of self. Your value has expired and with it your spousal identity has expired. By the choice to claim that you are no longer my wife/husband, I claim that you have lost your worth.”

The immorality of divorce can be further seen in how divorce claims to break the marital communion established by the reciprocal self-giving of husband and wife in marital consent. In the TOB reflections, the reciprocal self-giving of husband and wife consists in a reciprocal “acceptance” or “welcoming” of each other precisely as gifts with intrinsic value. By marital consent spouses express the acceptance of each other as gifts with intrinsic

²⁹ Ibid. 106:3

value in the most decisive way, forming a life-long communion on the basis of this acceptance. By claiming to revoke the marital consent divorce attempts to break the marital communion and reverse the process of accepting the other as a gift. In these terms, divorce becomes a way to “unwelcome” or “discard” the other as something which has lost its value. These two elements of divorce necessarily blend together, for if divorce claims that a spouse has lost his or her value it will naturally claim the right to discard the spouse. Being discarding as someone who has become worthless to another person corresponds well to the existential situation of victims of divorce, and discarding a person in this way is a clear affront to the inherent dignity of the person.

Divorce as a Form of Despair

The immorality of divorce as an affront to the dignity of the human person appears even more disturbing when viewed within the larger theological context of the TOB reflections. Within the TOB reflections “the essential truth about marriage” has been revealed in its sacramental signification of the relationship between Christ and the Church.³⁰ At the foundation of this sacramental signification stands the indissolubility of the marriage bond, established by the consent of the spouses and confirmed by the grace of the sacrament. In order to live up to the image of Christ’s love for the Church and to remain faithful to the indissoluble union, spouses are called by the grace of the sacrament to overcome their concupiscence and live “according to the Spirit.”³¹ As a sacrament, marriage serves to realize and fulfill the work of salvation in husband and wife, bearing the fruits of the mystery of redemption in and through their marital communion. According to St. John Paul II, these fruits of redemption that come to husband and wife precisely through the sacramentality of marriage can serve as the basis of an everyday hope in the Christian life. The rationale of divorce directly contradicts this sacramentality of marriage in every respect and ultimately replaces hope with a form of despair that casts doubt on the powers that flow from the mystery of redemption.

Marital consent among the baptized constitutes “a sacramental sign by virtue of its content” and corresponds to the beginning of the sacrament of marriage whereby the love of husband and wife is “enriched by Christ’s

³⁰ Ibid. 90:2

³¹ Ibid. 101:4-5

redeeming power.”³² From the moment of their marital consent “Christian spouses have a special sacrament by which they are fortified and receive a kind of consecration in the duties and dignity of their state.”³³ By claiming to revoke marital consent, divorce sets itself against not only the sacramental sign of marriage but also the grace of marriage and the redeeming power of Christ from which that grace flows.

In setting itself against the sacramentality of marriage in this way, the choice to divorce manifests a form of despair as to whether the grace of the sacrament can effectively empower husband and wife to overcome whatever difficulties have led to the decision to divorce. Attempts to justify divorce invariably center on so-called insurmountable difficulties that lead to irreconcilable difference among the spouses, and divorce is presented as the logical solution to this supposedly irreparable situation. However, the rationale of this approach to divorce depends upon the notion that marital difficulties can be insurmountable, and this runs directly contrary to Catholic doctrine on the grace of the sacrament of marriage.

Various teachings on the sacramental grace of marriage affirm the power of God’s grace to overcome the difficulties one may face in marriage, and these are summarized well in the *Catechism* teaching that “Christ dwells” with Christian spouses and “gives them the strength to take up their crosses and so follow him, to rise again after they have fallen, to forgive one another, to bear one another’s burdens ... and to love one another with a supernatural, tender, and fruitful love.”³⁴ Since it is Christ himself who empowers Christian spouses, “there is no possible circumstance in which husband and wife cannot, strengthened by the grace of God, faithfully fulfill their duties and preserve in wedlock their chastity unspotted.”³⁵ This confidence in the grace of God corresponds directly to the virtue of hope, which entails “placing our trust in Christ’s promises and relying not on our own strength, but on the help of the grace of the Holy Spirit.”³⁶ From this perspective, the rationale of divorce entails renouncing this hope and giving up on the power of God’s grace in the face of marital difficulties.

³² Vatican Council II, *Gaudium et spes*, no. 48.

³³ Ibid

³⁴ CCC 1642

³⁵ Pope Pius XI, Encyclical Letter *Casti Connubii*, 85.

³⁶ CCC 1817

The element of despair found in the choice to divorce becomes more evident if we acknowledge that the so-called insurmountable difficulties faced in marital crisis are symptoms of a deeper difficulty, the difficulty in overcoming the “hardness of heart” or the concupiscence of human sinfulness. Though many practical and interpersonal difficulties may factor heavily into the choice to divorce, the root cause of divorce is human concupiscence, which manifests itself through the other difficulties faced in marriage. Whereas divorce can be seen as immoral as an affront to human dignity, the evil of divorce extends to the despair that it manifests in the face of human concupiscence. On the surface divorce claims to revoke the marital consent, but on a deeper level divorce claims that the concupiscence of human sinfulness cannot (at least in some cases) be overcome by the grace of God.

In the TOB reflections St. John Paul II addresses the confidence we should have in the face of concupiscence in terms of what he calls “everyday hope” and applies it to the difficulty of living the indissoluble union of marriage. According to St. John Paul II, when he confirms the indissolubility of marriage (Mt 19), “Christ invites us to overcome concupiscence” in the everyday duties and difficulties of the married life and especially as husband and wife “daily undertake the task of the indissoluble union of the covenant they have made with each other.”³⁷ However, in order to overcome concupiscence, “man must draw from the mystery of redemption of the body the inspiration and strength to overcome the evil that is dormant in him in the form of the threefold concupiscence.”³⁸ By everyday hope, then, St. John Paul II is not asking husband and wife to have confidence in their own ability to overcome concupiscence but instead to recognize and draw upon the powers that flow from the mystery of redemption.

Conclusion

In *Familiaris consortio* St. John Paul II describes bearing “witness to the inestimable value of the indissolubility and fidelity of marriage” as “one of the most precious and urgent tasks” of Christians, especially married couples, in our time.³⁹ Fulfilling this task primarily means proclaiming “the good news of the definite nature of conjugal love that has Christ as its foundation

³⁷ TOB 86:6-7

³⁸ Ibid.

³⁹ *Familiaris consortio*, 20

and strength” to “all those who, in our times, consider it too difficult, or indeed impossible, to be bound to one person for the whole of life.”⁴⁰

The urgency of this task can be seen not only in the evils immediately produced by the rejection of the indissolubility of marriage, which leads to the acceptance of divorce, but also in the despair and denial of human dignity operative in this mentality. Many in our time think it is impossible to be bound to one person for the whole of one’s live because they do not fully grasp the dignity of that person and do not fully grasp how marital love can be strengthened by the grace of Christ. Consequently, proclaiming the indissolubility of marriage and the evil of divorce means proclaiming the inherent dignity of the human person and the transforming powers that flow from the mystery of Redemption, which in turn has enormous implications for evangelization as a whole. Conversely, by failing to denounce divorce Catholics risk undermining all of the Church’s efforts to promote human dignity and to proclaim the salvific love of Christ.

When modern divorce laws were first being introduced in the western world in the early twentieth century, Pope Pius XI rightly noted that the advocates for the lawfulness of divorce were really “advocates of the Neopaganism of today.”⁴¹ Writing at the same time, the great Catholic intellectual Hilaire Belloc highlighted “despair” as “the special mark” of this Neopaganism.⁴² In these terms, advocates of divorce are really advocates of despair that has been systematically organized into Neopaganism. Following this line of thought to its conclusion, Belloc proposes, “we may truly say that the facility and frequency of divorce is the test of how far any society once Christian has proceeded toward Paganism.”⁴³

This deep link between divorce, Neopaganism, and despair makes denouncing the evils of divorce an indispensable part of evangelization in the modern world. Since divorce is seen by many as the logical consequence of the difficulty or “impossibility” of living God’s plan for sex, love, and marriage, accepting divorce means accepting this type of despair and setting aside the hope at the center of the Gospel. In turn, denouncing the evils of divorce means denouncing despair and contemporary Neopaganism while

⁴⁰ Ibid.

⁴¹ Casti connubii, 1930

⁴² Hilaire Belloc, *Survivals and New Arrivals* (New York: Macmillan, 1929) – reprinted by TAN Publishing in 1992, p . 136.

⁴³ Ibid, p. 137.

also proclaiming hope in the powers that flow from the mystery of redemption.

The urgency of denouncing the evils of divorce more clearly emerges when contemporary evangelization focuses on the so-called “culture of death” in an effort to promote a “culture of life.” Promoting a “culture of life” through evangelization requires that “every threat to human dignity and human life must be felt in the Church’s very heart,”⁴⁴ and this means that effective evangelization must be ready and able to recognize divorce as a threat to human dignity. The Church has made building a “culture of life” a central component of the new evangelization in order to combat the “culture of death” that is incompatible with the Gospel message regarding the dignity of each human person. The culture of death manifests itself not only in specific attacks on human life but also in every denial of the inherent dignity of the human person. The culture of death is especially manifest in the “throw away” or consumeristic mentality toward a human person. In this way, divorce aligns itself closely with the culture of death by its method of discarding those spouses who have lost their value, and likewise divorce must be opposed by Catholics as a matter of opposing the culture of death.

If Catholics fail to clearly denounce the immorality of divorce, then the mentality underlying the culture of death will be further ingrained in our culture. Moreover, by failing to address the evil of divorce, the Church’s efforts to oppose other affronts to human dignity would be undermined because of the inconsistency of defending human dignity at some moments while allowing it to be violated at others. The Church would appear hypocritical if it turned a blind eye to the consumption and discarding of a spouse through divorce but then tried to speak out against the consumerism of sex trafficking and pornography. The Church will diminish its ability to defend human dignity in cases of euthanasia and abortion if it seemingly allows the violation of human dignity in cases of divorce. Evangelization needs to be consistent in order to be effective, and glossing over the evil of divorce would only introduce a counter-productive inconsistency into the work of evangelization.

⁴⁴ Pope John Paul II, Encyclical Letter *Evangelium vitae*, no.3