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GIFT AND CONTRACT:

**OUTLINING A HISTORY OF THE WEST'S
UNDERSTANDING OF MARRIAGE**

Editorial Sindéresis

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© Antonio Moreno Almárcegui, Germán Roberto Scalzo

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INTRODUCTION

We never imagined we would write a book like this. Indeed, the family was not among our initial scholarly interests. We arrived here based on population studies and tracking the West's fertility decline, wherein we started to notice the importance of studying father and motherhood. In that context, marriage seemed to be an important issue, but not so fundamental as to devote a significant part of our research to it.

Yet, a research stay at the University of Navarra's Institute for Family Studies, which exposed us to the work of theologians and canonists, opened up a new and surprising panorama. For Christianity in general, and for the Catholic Church in particular, talking about the family means considering marriage, as well as fatherhood and motherhood. The Christian view of marriage is so surprisingly different from that of the Ancient World—with the family centered on parental authority (socially sanctioned male power)—that we were baffled. As we dove into this tradition, we discovered an increasingly disconcerting, yet exciting, landscape.

From a historical perspective, we were fascinated by the unity and continuity of the Christian tradition that—with its foundation in the Jewish tradition—implies stability over thousands of years, and aspires, no more and no less, to explain the history of man from his “origin,” combining myth and freedom, past and future in a totally original way. Moreover, for this tradition, marriage is the great instrument that makes historical transformation possible and is a natural way to renew man on a personal level and to realize humanity as a family.

One of history's greatest contributions is its effort to organize central ideas that humanity has thought about for thousands and thousands of years. In our opinion, these ideas' pluri-millennial permanence reflects their having captured and expressed deep anthropological truths.

And what is the core idea around which the Judeo-Christian tradition has tried to understand and live out marriage? That marriage, an everyday reality, is both a mystery and a symbol. As a mystery, it reflects the experience of a reality that surpasses our understanding and manifests the presence of the sacred in our lives. As

a symbol, it illuminates in a way that can powerfully clarify people's lives, giving them a fully human meaning.

Indeed, in this tradition, marriage has singular signification as man's best image of the relationship between God and humanity. Seen from God's point of view, the metaphor he uses to express his love for man is that of conjugal love; thus, he expresses his will to seek out a personal relationship with man: he loves us madly, respecting, at the same time, as a decorous lover does, freedom. The core of this tradition holds that there is a mysterious resemblance between the God-humanity relationship and the relationship that results from a marriage between a man and a woman. In fact, and to the surprise of many, this tradition firmly believes that one is the "real image" of the other.

Thus, the perfection of this model reveals an infinite well of possibilities in the relationship between a man and a woman, an inexhaustible source of friendship, company and mutual self-giving that is always open to new limits of perfection. At the same time, within this tradition, the marital relationship completes the person as unique and unrepeatable, and realizes community as a fraternal unity destined to regenerate humanity.

In other words, the constitution of humanity from its origins excludes the idea of a solitary, scared, weak and deeply needy individual, as the founding myth of modernity has postulated. Instead, it includes a relationship dear to God, an expression of his unconditional love, which is quintessentially expressed in the marital bond.

This postulate is so powerful that it is able to entirely relocate the pillars of social science.

With this claim, we see ourselves as faithfully building upon a fundamental part of Saint John Paul II's doctrine, which inspires this work. Yet, we claim full responsibility for this book's contents, as well as any limitations it may contain.

* * *

Although this is a history of how marriage has been understood in the long-standing Judeo-Christian tradition, it is not structured chronologically. It starts in the present with twentieth century theological developments, especially as found in Saint John Paul II's work. With these advances established, we try to better understand the past.

The book has five parts. The first is dedicated to the meaning of the notion of *munus* in the contemporary Magisterium of the Church—especially as formulated by St. John Paul II. Therein, we anthropologically explore the notion of personal relationship according to this tradition, relying especially on Russell Hittinger’s interpretation of St. John Paul II’s social doctrine. We hold that the notion of *munus* reflects the intrinsically relational dimension of man’s nature as gift. *Munus* is the expression of the “gift that we are, given to the other;” for this very reason, giving of oneself is proper to the gift in its fulfillment.

The second part, also based on the notion of *munus*, synthesizes St. John Paul II’s thought on marriage. We understand his “theology of the body” as a development applied to marriage based on his notion of *munus*. For married people, marriage is the realization of their *munera Christi*, the foundation of their life in Christ. This doctrine sheds new light on the signification that the Judeo-Christian tradition gives to marriage.

The third and fourth chapters examine doctrinal development driven by theology and canon law between the ninth and eighteenth centuries. We try to understand why signification lost its importance, which once constituted this tradition’s principle contribution to marriage. Partial abandonment of the doctrine of signification throughout these centuries derives from insufficient understanding of the signification of the body as an effective sign of the person, of the personal gift of self. Thus, St. John Paul II’s doctrine permits us to revisit history, understanding with new light past developments.

The third chapter also pays special attention to St. Thomas Aquinas because of how enormously influential he has been. The fourth chapter traces the influence he had on theology and later on law. In general, the signification of marriage—as a mystery and a human and divine symbol—tended toward declining relevance throughout the Modern Age, resulting in supposedly unanimous agreement in the Christian world concerning the waning relevance of the human and divine signification of marriage proper to the ancient Judeo-Christian tradition. That unanimity was temporarily articulated around another category, namely marriage as a “natural” reality and, as such, its legitimate custodian became the state. Although this change most thoroughly occurred in the Protestant world, it also affected the Catholic world. In this process, marriage lost its status as the archetype and foundation of the relationship between God and humanity, between the personal and the common. The individual filled that space, in spite of his relationships, and became the foundation of humanity.

The third and fourth chapters rely on materials from the Marriage: Mystery and Sign project carried out between the 1970s and early 1980s at the University of

Navarra under the direction of Javier Hervada and in collaboration with Eutiquiano Saldón, Tomás Ricón, Eloy Tejero and Juan Francisco Muñoz. We are in debt to each of them, especially to Eloy Tejero with whom we have conversed during many long hours. It would be impossible to repay him for his company, patience and cordiality in discussing all of our doubts.

The final chapter employs a historical point of view to show the social and economic consequences related to the loss of signification's relevance for the marital relationship. In our view, the transformation of property and money, which in the Judeo-Christian cultures were originally gifts from God to man (the gift of nature, the gift of community life) into mere merchandise during the foundation of capitalism uniquely influenced the transformations that the marital relationship underwent. The Church originally defined this relationship as a self-giving, contractual one; it morphed into a contractual relationship governed by the logic of commutative justice, the justice of the mercantile world that governs the exchange of things.

By recovering the original meaning of Christianity's signification of marriage, St. John Paul II not only shed new light on problems found in the modern world; he also revealed that the restoration of Western Christian culture is only possible if marriage is seen as the foundation and archetype of social life.¹

¹ This research received funding from grants provided by MICINN "Bases antropológicas de 'dominio', 'uso' y 'propiedad'. Proyecciones de la Escuela salmantina en los siglos XVI-XVII". FFI2013-45191-P (2014-16); Universidad Carlos III de Madrid (CSO2017-83290-P) and Universidad Panamericana (UP-CI-2021-MEX-07-FCEE).

CHAPTER 1

ON THE NOTION OF *MUNUS*

1. The use of the word *munus* in the Social Doctrine of the Church during the twentieth century

The influential scholar Russell Hittinger¹ has drawn attention to the contemporary and frequent use of the term *munus* in the Social Doctrine of the Church, as well as the difficulty involved in translating its meaning into modern languages,² which has partially limited understanding of its scope. For him, the “original” meaning of the term *munus* reflects the Church’s understanding of man as a social being.

Two important features emerge from his reflection that may at first seem to be in contradiction. The first is that *munus* can be personal or corporate, i.e., related to family, unions, churches, etc. At the same time, in this classically-rooted tradition, *munus* is not an additional personal aspect, but rather defines the person herself, who is not a disembodied subject detached from personal relationships or from her surroundings. Its importance is found precisely here—in describing an ultimately much richer, as well as more complex and fruitful way of understanding the person that offers an antidote to the enlightened liberal tradition’s³ notion of “individual.”

Now, how is it possible to maintain the existence of a “strong” social body with its own personality (*munus*) and, at the same time, say that *munus* constitutes a way of conceiving man in as far as he manifests himself in the day-to-day? There are at least three complementary explanations, as follows.

The first is that *munus* simultaneously and within the same concept expresses each person’s uniqueness, as well as that which is common to a social body, em-

¹ Russell HITTINGER, “Social Pluralism and Subsidiarity in Catholic Social Doctrine,” *Annales theologici*, 2002, 16, pp. 385-408; pp. 386-390.

² In English, it is usually translated as function (social), although not always.

³ John MILBANK, “Dignity Rather than Right,” *Open Insight*, 2014, vol. V, n° 7, Jan, pp. 77-124, pp. 84 ss.

bodily its unity. Thus, *munus* is a synthetic, rather than analytical, concept.⁴ It reveals the relationship between tangible people and human nature as a common project (family, Church, etc.), and this is so because such a concept “situates” man as a being called to constitute relationships, which then constitute him.

The second aspect to consider is that, unlike liberalism—for which others pose a more or less latent threat to personal autonomy and, therefore, to self-actualization—in this tradition, personal relationships, understood as *munera* exchanges, as we will see, do not limit the subject, but rather constitute the natural condition for her unique growth. Relationships—with God, with others and with the world—naturally enhance, enrich, and broaden people’s humanity, thus promoting their growth. The concept of *munus* purports that relationships are not accidental, but rather manifest something substantial in human beings.

The third explanation is that these relationships are binding because they are understood as an exchange of gifts: people exchange their individual, foundational *munera*. This act of giving is a giving of oneself; in other words, it is an act of giving that, when given, fulfills and transforms people, at the same time that it unites us in a commonality that fulfills us without negating our uniqueness.

Ultimately, *munus* reflects an economy whose origin is not “need” or “scarcity,” but rather “overabundance” and liberality without measure.⁵ We are constituted on a generous gift (*patrimonium* and *matrimonium*) and our actualization happens, in a kind of correspondence, through generous self-giving, which is the foundation of all *communitas*. This duality brings together the term *munus*.

2. The semantics of *munus*

Munus is an equivocal term rooted in a long tradition, and that, therefore, is full of cultural significance. Instead of offering a definition, it is more useful to configure the semantic field that the terms *munus*, *munere* and *muneris* cover in their original, vast use in Latin texts.^{6,7} Most of these texts originate in the magisterium

⁴ Upon referring to the use of *munus* in the Social Doctrine of the Church, Hitinger notes, “This social doctrine interweaves social theory, anthropology, political and moral philosophy, and several branches of theology with the ancient metaphysical theme of participation.” R. HITTINGER, “Social Pluralism”, p. 407.

⁵ That is why munificence, meaning splendid generosity, largess, liberality typical of a king or a tycoon, derives from *munus*.

⁶ We used the online Glosbe dictionary <https://glosbe.com/>.

of the Roman Catholic Church, that is to say, the Latin studied herein is from that tradition. The terms are associated with the following connotations:

–*Munus*: 1) Gift, present, offering, 2) Talent, 3) Duty, obligation, function, and 4) Tribute

–*Munere*: 1) Office, position, ministry (in reference to the priesthood⁷), 2) Performance of duty proper to the state (matrimonial), personal commitment, of public import, and 3) Vocation, mission (of an individual, of the Church)

–*Muneris*: 1) Vocation, mission, office (priestly, prophetic and that of Jesus Christ), function, 2) Task, service, the duty that a responsibility entails, a duty that the pastoral demand entails (dedication)

Munera are the foundation of *communitas* (community), i.e., *munera held in common*. These *munere* are personal, but are fulfilled when offered to the community. Thus, community⁸ is a living body that everyone shares in as their own and, at the same time, shares in common; social life is built on a series of *munera*. In other words, society is a reality and its content depends on the quantity and quality of shared *munera*.

Both *patrimonium* and *matrimonium* derive from *munus* and were the *munera* on which family communities were built in the classical world. We could venture to say that the term *munus* expresses the way in which the Church and its tradition have developed an understanding of the notion of man. It is only original in part as it dates back to classical thought and even earlier since it refers to a constituent reality of human life. However, the Church's tradition clearly contains significant novelty. In what follows, we will develop its meaning in both the Classical and Christian traditions.

In Rome, the term *munus*, which is of Proto-Indo-European origin and widely disseminated in those languages,⁹ meant the custom of serving ancestors by shed-

⁷ This diversity of meaning could be understood in part because “munus” in nominative is the subject of the verb, while “munus” in accusative is the object of the verb; on the other hand, “munere” is ablative, which indicates how something is being done.

⁸ As a mediator between God and the community, he offers gifts to God in the name of the community. This refers to the power to act in his own name or on others' behalf, whether that other is an individual or a community.

⁹ Here, the term community is used broadly as well as concretely –a *communitas* can be a family, a company, a union, a Church, etc.

¹⁰ From the proto-italic “*moini-* (“duty,” “obligation”), which is in turn from the proto-Indo-European **h₂moi-no-* (“exchange”). It was broadly disseminated among Proto-Indo-European languages (In ancient Irish: *móin* (“treasure”), in Sanskrit, *ment-* (“revenge”); and in classical avionic, *Maēini-* (“punishment”). See: Michiel DE VAAN, *Etymological Dictionary of Latin and the other Italic Languages*, Leiden, Brill, 2008.

ding blood on their graves.¹¹ In other contexts, *munus* refers to a free, generous and profuse service or duty.

Munus there is a gift (offering) offered to someone in a ceremony that has a certain sacred, public and solemn character. That someone is a person to whom the gift giver owes a debt, and a very unique debt at that, namely life itself. Thus, *munus* is the offering of a counter-gift,¹² an expression of grateful reciprocity. The offering has an important meaning. On the one hand, it expresses a serious, sacred duty (the solemnity of the act reflects this gravity); on the other, it is a public recognition of the giver's status in the community, namely a good son. Finally, *munus* is not a "payment" that settles the debt owed to one's ancestors, but rather is a recognition of that debt. The offering itself (blood shed on a grave) reflects what is at stake. Blood is a metaphor of life and shedding it constitutes the symbolic expression of its offering. Thus, the whole ceremony is a recognition that one owes one's life to one's ancestors; it is a recognition of the unity constituted by that original gift that one now appreciates by glorifying one's ancestors in recognition of the life one has received from them.

Munus contains a whole religious understanding of man, constituted on the logic of giving and receiving or, rather, of receiving and giving. It explains to us that we are constituted as a gift (everything we are, we have received) and our self-actualization is impossible without giving of ourselves to others. Such provision is an *oficium*, a grateful, serious and sacred duty before the community in which the realization of the "who" we are and the life of the city are at stake. *Munus* is proper to man because it is our response to the gift we have received and that constitutes us.

It seems clear that, behind the terms *munus*, *munere* and *muneris*, we find the presence of the gift and the dynamics proper to it. The first thing to mention is the enormous breadth of meanings that this term covers in Latin. As noted, *munus* is clearly a non-analytical, synthetic concept; it unitarily expresses a broad field of reality seen as a whole. *Munus* is proper to man and constitutes him as such. Why does this wide semantic expanse fall under the same term? Is there a common internal logic that articulates this multitude of seemingly diverse meanings? Is it possible to understand said logic? What does it tell us about the human being it describes?

¹¹ R. HITTINGER, "Social Pluralism", pp. 389-390.

¹² In Spanish Scholasticism, this obligation of reciprocity, derived from the gift received, is called *antídora*. See: Bartolomé CLAVERO, *Antidora. Antropología Católica de la Economía Moderna*, Giuffrè Editore, Milán, 1991.

To analyze the semantic content of *munus* –its multiple meanings and the logic that unifies them in a broad and concise vision of man– we will start by analyzing these meanings two by two, then do so in broader strokes to demonstrate the relationship between them, as well as the logic of said relationship. We will also examine the parts that appear to originate in classical culture and then highlight the parts that are most specific to the Christian tradition.

3. *Munus* before Christianity

The first expression that appears pertains to *munus* as a present-gift. A gift received free of charge is destined to be offered free of charge in turn. Taking for free and giving for free (gift-offer, gift-offering) are different aspects of the same reality. The expression of *giffe-gaffe* reflects it.¹³

Seen from the point of view of the person, the gift constitutes us (in what we are), and its self-giving leads us to what we want to become. If this is so, then *giffe-gaffe* can become fruitful. Seen from an interpersonal point of view, the gift, which is unthinkable without a personal relationship, reveals the nature of personal relationships; giving (me) and taking (you) are two sides of the same coin manifested in a personal relationship.

But the above description is not enough since, in reality, it is based on the self and the gift when *munus* clearly shows that the person is constituted on the basis of a received gift. Indeed, she cannot be the origin of that economy since she is already a gift originated in others (gods/ancestors). *Munus* is the obligatory response to the received gift that constitutes us. In other words, the structure that allows the existence of *munus* is triadic: it implies at least three movements, three persons, namely gods/ancestors-the self-others. There is something mysterious but real that is prior to *munus* (gods/ancestors) and that underpins man's existence and actualization.

In turn, because it is received free of charge, the gift obliges us in a singular and serious way, such that *munus* could be referred to as a gift of duty. Its free condition (gratuitousness: I give because I want to¹⁴) and its obligation (though not always of a legal nature) appear together. This obligation is personal (the develop-

¹³ MILBANK, John: "Can a Gift be Given? Prolegomena to a Future Trinitarian Metaphysic," *Modern Theology*, 1995, 11:1, January, pp. 119-161, especially 119-122.

¹⁴ And that "because I want to" (personal freedom) is essential for the gift to realize its creative and transformative power.

ment of humanity itself), social (social growth as *communitas*¹⁵) and sacred (God's will for us). In short, the transformation of the world and of men is at stake.

Therefore, it follows that *munus* is deduced as a gift-talent since the received gift configures the most characteristic and unique features of our personality (talents): it reveals who we are. In the first place, creatures (what we are, that which in one sense makes us unique and, in another, co-participants in the same nature that we have received). In addition, gifts, as talents, enable us *for*, a capacity that shows its full potential when put in the service *of*.

In another sense, the gifts that constitute us (talents) enable us for concrete tasks that are duties with respect to others (*officium*).¹⁶ When talents (*munus*) are deployed with others over time and with effort (work) they produce *munera* (proper to each man in an *officium* relationship). When *munera* are exchanged, social bonds are formed, which are the foundation of all social bodies. They have the power to unite. *Munera* offered to others contribute to the construction of community by transforming the nature shared therein.

That *munera* come from *munus* implies that, in this understanding of man, giving is giving of oneself; truly fruitful giving (*munera*) is the gift of self (*munus*), in the fulfillment of what we are (gift).

In that exchange, *munera* become fruitful, enriching society, developing each individual, and serving as the foundation of social relations. Therefore, *munera* are, at the same time, the employment of received gifts, which constitutes personal development, and the foundation on which society is built; in that process, our shared common nature is perfected to more wholly accomplish its purpose of uniting humanity.

Every man is indebted to the society in which he was born, thus paying taxes is a just part of our duties (*officium*) in gratitude for the gifts society offers.

In ancient Israel, some received a *munus* that enabled them to act on behalf of the community (ministers), to praise God (priests¹⁷), to transmit the will of God (prophets¹⁸), or to carry out that will by governing (kings¹⁹). All of them became

¹⁵ *Com-munitas: Munera* in common, which bear fruit and found the community.

¹⁶ As Hittinger suggests, in this tradition, "what man claims as his own, and what man has to give as a gift of service" are two sides of the same coin. See R. HITTINGER, "Social Pluralism", p. 391.

¹⁷ Ex 29, 1-8; Lv 8,1-13.

¹⁸ 1 R 19, 16. Although not always, see: *Catechism*, n° 436.

¹⁹ 1 S 9, 16; 10, 1. 12-13; 1 R 1, 33-39.

mediators between God and his people, nourishing the connection on which Jewish identity is founded and revealing the meaning of their story.²⁰

With the arrival of Christianity, these three *munera*—priestly, prophetic and kingly—maintained their original meaning and, at the same time, acquired a new one. As we will see, for Christianity, Christ fulfilled Israel’s messianic hope in his triple *munus* as priest, prophet and king.²¹

4. *Munus* in the Christian tradition

While in the previous tradition, *munera* tended to be seen as power, the Christian tradition interpreted it as service, i.e., to be at the service of the other. We will see that this service implies more perfect self-control (virtue), which is an expression of a new and, in some senses, more powerful, however freer, kingship at the service of others.

As in the previous tradition, these gifts configure duties, concrete tasks (*officium*) that give rise to bonds—exchange of gifts (*munus*)—which put into play our most unique abilities (talents). Now these gifts acquire an ultimate meaning (mission): by virtue of their *munus*, they are ordered to the development of the personal sphere, giving a personalist and ultimate meaning to each life. The notion of mission became intimately linked to vocation.

This tradition’s *munus* is more radical in two ways. Each person has a *munus* in a certain, unique way that enables him to perform a set of tasks entrusted to him that only he can perform. Secondly, this set of tasks has a meaning; they are aimed at an ultimate and universal end that we call mission (*missio*) that gives meaning to and explains life as a whole. Its fulfillment expresses individual realization. *Munus* (received gifts) and mission (the ultimate meaning of personal life) are the gifts that constitute us and are a free, creative, diligent, and, at the same time, faithful and generous response to that gift.²² In its fulfillment, man is fulfilled.

Received gifts enable us to act and fulfill God’s calling—vocation (*vocatio*)—which is prior and foundational.

²⁰ That *tributa* must first go to sustain those who perform these “public” functions.

²¹ *Catechism of the Catholic Church*, Libreria Editrice Vaticana, 1992-1997, ns. 436-440 (We owe this reference to Eloy Tejero).

²² For Hittinger, this is Catholic doctrine’s foundation for subsidiarity and, in this sense, approximates the Calvinist notion of “sphere sovereignty”; R. HITTINGER, “Social Pluralism”, p. 397, note 25.