

MARRIAGE

Matrimony — defined as the marriage covenant by which a man and woman establish between themselves a partnership of the whole of life — is by its nature ordered towards the good of the spouses and the procreation and education of offspring. For a baptized couple, this covenant has been raised by Christ to the dignity of a sacrament.

Because Christ instituted this sacrament, he also gives a man and a woman their vocation to marriage. The covenant thus involves not only a man and a woman, but also Christ. In establishing marriage as a vocation in life, God gave it the characteristics that enable human love to achieve its perfection and allow family life to be full and fruitful. Outside marriage, or without a proper realization of its nature, the right conditions for the fruitfulness of human love and for a successful family life do not exist.

The Catholic Church has the right to establish laws regarding the validity of marriages, since marriage for the baptized is both a covenant and a sacrament. And it is only the Catholic Church that has jurisdiction over those marriages, with due regard for the competence of civil authority concerning the merely civil effects. No one other than the Church has the power or authority to change ecclesiastical laws.

Unity and Indissolubility

Unity of marriage signifies that the covenant established is between one man and one woman: the husband cannot marry another woman during the lifetime of his wife, nor can the wife marry another man during the lifetime of her husband. Polygamy — having more than one spouse at the same time — is contrary to the equal personal dignity of men and women, who in Matrimony give themselves with a love that is total and, therefore unique and exclusive.

Indissolubility refers to the fact that the bond of sacramental marriage cannot be broken except by the death of either the husband or the wife.

Consent

Matrimonial consent is an act of the will by which a man and a woman, in an irrevocable covenant, mutually give and accept each other, declaring their willingness to welcome children and to educate them. Consent must be a free act of the will of each of the contracting parties, without coercion or serious fear arising from external circumstances. To be free means:

- To be acting without constraint.
- To be unimpeded by natural or ecclesiastical law.

Only those capable of giving valid matrimonial consent can get married: Matrimony is created through the consent of the parties — consent legitimately manifested between persons who, according to law, are capable of giving that consent.

Conditions for a Valid Marriage

1. The contracting parties must be capable, according to Church law, of giving matrimonial consent. Before Matrimony is celebrated, it must be evident that no impediment stands in the way of its valid and licit (lawful) celebration.

The right to contract marriage presupposes that one can marry, and one intends to authentically celebrate marriage, that is, to do so in the truth of its essence as it is taught by the Church. . . . The 'ius connubii,' therefore, is not being denied where it is evident that the premises for its exercise are not present, that is, if the requested capacity to wed is manifestly lacking, or an objective is sought that is contrary to the natural reality of marriage.

2. The consent given by the parties must be deliberate, fully voluntary, free, mutual, and public. Therefore, the following are incapable of contracting marriage:

- Persons who lack sufficient use of reason.
- Persons who suffer from grave lack of discretion of judgment concerning essential matrimonial rights and duties that are to be mutually given and accepted.
- Persons who, because of serious psychic illness, cannot assume the essential obligations of Matrimony.

3. The consent must be legitimately manifested in canonical form, in the presence of an authorized priest or deacon and two witnesses. Canonical form does not oblige non-Catholics when they marry other non-Catholics, but only Catholics — even if only one of the two parties is Catholic — who have not left the Church by a formal act. The priest or deacon who assists at the celebration of a marriage receives the consent of the spouses in the name of the Church and gives them the blessing of the Church. The presence of the Church's minister, as well as that of the witnesses, visibly expresses the fact that marriage is an ecclesial reality.

Age Requirement

As a condition for marriage, the Church requires that a man has completed his sixteenth year (one's sixteenth year is completed the day after one's sixteenth birthday) and that a woman has completed her fourteenth year of age (one's fourteenth year of age is completed the day after one's fourteenth birthday). These ages are the minima for validity. There may be civil laws, as well, regulating the minimum age for each state and country, but failure to comply with these laws does not invalidate marriage in the eyes of the Church.

Invalid Marriages

Marriage is permanent, because God established it so from the very beginning. The indissolubility of marriage is for the good of husband and wife, their children, and human society as a whole. The civil government has no power to dissolve a valid marriage — even if the marriage is between non-Catholics.

The government can dissolve only the civil aspects of marriage, such as ownership of property, custody of the children, etc. Even when civil divorce is allowed by the country's law, marriage, in God's eyes, still exists.

The Church does not have the power to dissolve a valid, sacramental marriage that has been consummated. She may declare a marriage null and void only upon investigation and on evidence that the marriage **did not exist from the very beginning**. The reasons could be one of the following:

- Lack of fully voluntary and free consent.
- Some deficiency in the form of the marriage celebration.
- The presence of an impediment that makes a marriage invalid.

The declaration of nullity (so-called annulment) is a very important decision of an ecclesiastical court. A very careful investigation has to be made by the court before that conclusion can be reached, ensuring that no valid marriage is declared null and void by mistake.

Mixed Marriages

Marriages between a Catholic and a baptized Christian who is not in full communion with the Catholic Church are called mixed marriages. For mixed marriages, permission (not dispensation) from the local ordinary (usually the bishop) is required for validity. Marriages between Catholics and unbaptized persons (disparity of cult) are invalid unless a dispensation from the local ordinary is granted. All this presupposes that these marriages are celebrated with all other necessary conditions fulfilled.

The local bishop may grant permission or dispensation for such marriages on the following conditions:

- The Catholic party declares that he or she is prepared to remove dangers of falling away from the faith and makes a sincere promise to do all in his or her power to have all the children baptized and brought up in the Catholic Church.
- The other party is to be informed at an appropriate time of these promises that the Catholic person has to make. It is important that the other person be truly aware of the commitments and obligations of the Catholic spouse.
- Both persons are to be instructed with respect to the essential ends and properties of marriage, which are not to be excluded by either party.
- The man and woman should marry in the Catholic Church. The canonical form (Church ceremony with an authorized Catholic priest or deacon and at least two other witnesses present) is to be followed. When there are serious difficulties, the local bishop may give a dispensation and allow another form which is public (such as a civil ceremony) to be followed. It is never allowed, however, to have the Catholic priest or deacon and a non-Catholic minister, rabbi, or public official, each performing his or her own rite, asking for the consent of the parties. Likewise, it is forbidden to have another religious marriage ceremony before or after the Catholic ceremony for giving or receiving the matrimonial consent. Marriage consent is given only once.

Worthy Reception of the Sacrament of Matrimony

Once these requirements for a valid marriage are fulfilled, some other conditions are needed for the worthy reception of the sacrament of Matrimony:

- Baptism. Both parties must be baptized persons.
- Rectitude of intention. Being carried away by emotions or momentary passions should be avoided. Premarital pregnancy is not a sufficient reason to marry someone, as that could involve an added mistake.
- Spiritual preparation. One should be in the state of grace. The Sacraments of Penance and the Eucharist are strongly recommended as immediate preparation.
- Confirmation. Catholics should have previously received the Sacrament of Confirmation. This Sacrament should be received before marriage, unless grave difficulties stand in the way.
- Knowledge of the duties of married life. Such duties include mutual fidelity of the spouses until death, and care for the bodily and spiritual welfare of the children sent by God.
- Obedience to the marriage laws of the Church.