

# MATRIMONY

## When did marriage become a sacrament?

- Long before it became a sacrament, marriage was a part of many human cultures, and some sense of the greatness of the matrimonial union existed in all of them. Married couples are mentioned in Scripture throughout both Old and New Testaments. And it is clear that Jesus' parents were married as were at least some of the Apostles.
- Before the 11<sup>th</sup> century, there were no uniform church regulations for marriage in the Latin (Roman) Church. For the first few centuries of Christianity, the community simply adopted familial customs of marriage in the home. Church leaders relied primarily on the civil government of Rome to regulate marriage and divorce between Christians and non-Christians alike. With the fall of the Roman Empire, the Church gradually began to take legal control over marriage and make it an official church function. In the Middle Ages, Augustine's teaching led the Church to an explicit consciousness of the sacramentality of marriage among the baptized.
- In the twelfth century, the idea of marriage as a 'sacrament', i.e., as something fundamentally regulated by the Church, was established.
- The Council of Trent in the 16<sup>th</sup> c. capped a long development by declaring marriage as one of the seven sacraments of the Church.

From: Martos, J. Doors to the Sacred. Liguori, 2001; Commentary on the Code of Canon Law, p.1236. Paulist Press, 2000; Catechism of Catholic Church, #1603; People of Faith Generations, v.4, issue 4, Marriage, p. 4.

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## What is matrimonial consent?

- The Catholic Church holds the **exchange of consent between the spouses to be *the indispensable element* that "makes the marriage."** When two Catholics marry, they must exchange this consent in the presence of the Church's minister (priest or deacon), and two witnesses. The priest or deacon calls forth this consent and assists at the ceremony, but the marriage itself takes place through the public consent of the couple. If consent is lacking, there is no marriage.

- MATRIMONIAL CONSENT consists of the following:
  - FREEDOM. Matrimonial consent is given when a baptized man and woman, free to contract marriage, mutually give themselves to each other for as long as they live. To be free means not being under any force or constraint and not impeded by any natural or church law. *“Have you come here freely and without reservation to give yourselves to each other in marriage?”*
  - FIDELITY. Spouses must have the intention to establish a genuine interpersonal relationship, characterized by faithfulness in conjugal love and the understanding that marriage is an unbreakable union between them, a reflection of God’s unending love of the Church. *“Will you love and honor each other for the rest of your lives?”*
  - OPEN TO NEW LIFE. *“Be fruitful and multiply.” Gen 1:28.* The sacrament of marriage is ordered to “the good of the spouses and the procreation and education of children.” *“Will you accept children lovingly from God?”*

From: Catechism of the Catholic Church, #1623-1628; ; Code of Canon Law, #1057; Hughes, K. Saying Amen: A Mystagogy of Sacrament.

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## What does the Bible teach us about marriage?

- From the beginning the Bible teaches that marriage is part of God’s plan. We read in Genesis, “The Lord God said: ‘It is not good for man to be alone; I will make a suitable partner for him.’” Gen 2:18 God wants this union to be fruitful and lead to new life, according to his command, “Be fertile and multiply, and fill the earth and subdue it”. Gen 1:28
- The importance and beauty of married love is found throughout the Old Testament. The Law of the Old Covenant carries severe penalties for adultery and other sins against marriage. The faithful love in the Books of Ruth and Tobit are inspirational examples of the goodness of marriage. The love poetry in the Song of Solomon has always been considered symbolic of the passionate love that God has for the chosen people and for the church. In fact, some prophets speak of God’s love for Israel being like a bridegroom’s love for his bride. Isaiah 62:2-5
- In the New Testament when some Pharisees approached Jesus testing him about the lawfulness of divorce, he said, “...a man shall...be joined to his wife, and the two shall become one flesh. Therefore, what God has joined together, no human being must separate....because of the hardness of your hearts, Moses allowed you to divorce your wives, but from the beginning it was not so.” Mt 19:5-8

- “Husbands, love your wives, just as Christ loved the Church and gave himself up for her...This is a great mystery, and I am applying it to Christ and the Church.” Eph. 5:25-32 Thus the Bible teaches us that the sacrament of Matrimony signifies the union of Christ and the Church. The permanent nature of the marriage union symbolizes God’s unending love for all humanity. The sacrament gives a husband and wife the grace to love each other as Christ loves the Church.

From: Klein, P. The Catholic Source Book. Harcourt, 2007; The Catholic Youth Bible (New American Bible), St.Marys Press,2000.

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### **Who confers the sacrament of Matrimony? Who must be present for a valid marriage?**

- The Spouses confer the sacrament on themselves with Jesus as the center. As a result of its emphasis on the consent of the spouses as the efficient cause of marriage, the Catholic Church has come to see **the spouses themselves as the ministers** of the sacrament. The essential sacramental sign is the exchange of vows, thereby expressing the couple’s consent and freedom to enter marriage before the whole Church with Jesus at the center.
- Priest or deacon. The priest or deacon functions primarily as an official witness who asks for and receives the manifestation of the consent of both parties in the name of the Church; he does not ‘marry’ them. Non-Catholic ministers are observers not participants in the asking for and receiving of the consent in a wedding that takes place in the Catholic Church.
  - If the Catholic party receives a ‘lack of form’ dispensation to be married in a Protestant church, a priest does not have to be present for the marriage to be a valid sacrament.
- Two Witnesses. In addition to the minister of the church, valid marriages also require the presence of two witnesses. These witnesses must be sane, not intoxicated, and Minnesota law requires they be over 16 years of age.

From: New Commentary on the Code of Canon Law, #1108. Paulist Press, 2000; Klein, P. Catholic Source Book. Harcourt, 2007.

## What are the responsibilities towards children in a marriage?

- Spouses must be open to having children.
- The spouses promise to do all they can to share their Catholic faith, i.e., pass it on to their children by having them baptized and educated as Catholics.  
If one of the spouses is non-Catholic, only the Catholic party signs the prenuptial form promising to “do all that I can to share my Catholic faith with our children by having them baptized and educated as Catholics.”

From: Diocese of Winona Pastoral Center, Form I, Prenuptial Questionnaire (rev.3/06).

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**What are some impediments or obstructions to marriage in the Catholic Church?** (This list is not complete; for more comprehensive treatment of this subject, see the pastor and/or consult Code of Canon Law, #1083-1094).

- Insufficient age. In church law, the male must be 16 years of age and the female 14 years of age to enter into a valid marriage. Minnesota law, however, does not permit persons under 18 years of age to marry without the consent of parents. When church law and Minnesota law differ, Minnesota law prevails.
- Religious vows.
- Blood relationship. Marriage in all degrees of the direct line (father-daughter-granddaughter) and up to and including the fourth degree of the collateral line are not permitted. (In the collateral line, brother-sister are related to each other in the 2<sup>nd</sup> degree, uncle and niece related in the 3<sup>rd</sup> degree, and 1<sup>st</sup> cousins related in the 4<sup>th</sup> degree.)
- Crime, i.e., anything to do with the death of a former spouse or partner.

- A previous valid marriage whether consummated or not requires an annulment (long form) before remarriage. A previous invalid marriage or one dissolved for any reason, must also be annulled (short form).
- A marriage between a baptized Catholic and someone who is not baptized would need a dispensation for 'disparity of cult' which would permit marriage to an unbaptized person.
- Legally adopted persons cannot validly marry their adoptive parents and grandparents or their adoptive siblings.

From: Code of Canon Law, 1983 ed., #1083-1094; New Commentary on Code of Canon Law, Paulist Press, 2000, #1083-1094; Diocese of Winona Pastoral Center, Form I: Prenuptial Questionnaire (revised 3/06).

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### **What is a valid marriage in the Catholic Church? Is it necessary to have a Mass?**

- A valid marriage in the Church is one which has been carried out with the proper preparation and form,( i.e., in a Catholic church, before a priest or deacon, two witnesses, a public Statement of Intentions (freedom of choice, faithfulness to each other, and the acceptance and upbringing of children) and Consent (true to you in good times and bad....all the days of my life).  
A marriage between a Catholic and non-Catholic in a Lutheran ceremony is valid only if the proper dispensations have been obtained.
- In the diocese of Winona, the Catholic Church requires that weddings take place in a church because celebrating the wedding in a church, as the faith center of the community, establishes its religious dimension.
- Because the Eucharist is the source and summit of Catholic faith, the sacrament of matrimony between two Catholics is ideally celebrated as part of a Mass. Marriage between a non-Catholic and Catholic, e.g., a Lutheran and Catholic, would generally not be celebrated with a Mass out of respect for the religious beliefs of the non-Catholic.

From: Klein, P. Catholic Source Book. Harcourt, 2007.

## Can a divorced Catholic receive Holy Communion?

- A Catholic who is divorced but not remarried is still part of the Church and can receive Communion.
- A Catholic who is divorced but remarried after an annulment is part of the Church and can receive Communion.
- A Catholic who is divorced and marries another person (without an annulment) is not separated from the Church, but he or she cannot in good conscience receive Holy Communion unless the previous marriage is annulled.

From: Klein, P. Catholic Source Book. Harcourt, 2007.

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## What is the difference between an annulment and a divorce?

- The Catholic Church teaches that the Sacrament of Marriage is a permanent union.
- An **annulment** is a decree granted by the Church, after closely examining the circumstances surrounding the reasons for getting married, declaring that a particular union was never a valid marriage from the beginning. An impediment or obstacle was present at the time of the marriage, preventing the free and full consent by one or both spouses.
  - Pregnancy, mental illness, a secret addiction are possible impediments or obstacles that could prevent free and full consent.
- **Divorcing** a lawful spouse and marrying another person is breaking the indissolubility (permanence) of the sacrament of marriage. Divorce does not dissolve a sacramental marriage in the Catholic Church.

## What is a sacramental marriage?

- A sacramental marriage:
    - In the diocese of Winona the ceremony takes place in a church.
    - Is between two baptized persons, e.g., a Catholic (with pastor's permission) and a Lutheran or two Lutherans, or two Baptists, etc.
  - A marriage is not "sacramental" but rather "covenantal or natural" if one of the parties is not baptized, e.g., two non-baptized persons, or a Catholic and a non-baptized person (even in a Catholic ceremony).
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## Why does the Catholic Church teach that marriage is a permanent bond?

- God's plan for the unity and indissolubility of marriage developed gradually among the people of ancient Israel. The patriarchs and kings practiced polygamy and Moses permitted divorce. Jesus later repudiated Moses' concession to human sinfulness or 'the hardness of the human heart,' and reaffirmed the original plan of the Creator, "and the two shall become one flesh."