

The Theology of Marriage in the Catholic Church

The Pastoral Constitution on the Church in the Modern World **GAUDIUM ET SPES** promulgated by his Holiness, Pope Paul the VI on the 7 of December 1965 teaches how the "Marriage is a covenant by which a man and a woman establish between themselves a partnership of the whole of life, which, by its very nature, is ordered toward the good of the spouses and toward the procreation and education of offspring, and which, between the baptized, has been raised by Christ the Lord to the dignity of sacrament.

St. Thomas Aquinas taught in his **Summa Theologica**: "A human law has the character of law to the extent that it accords with right reason, and thus derives from the eternal law. In so far as it falls short of right reason it is said to be an unjust law, and thus has not so much the nature of law as of a kind of violence" (I-II, 93,3, ad 2). Founded in the human nature given by God and as an expression of the natural law "written on the hearts" of all people, truly reasonable and just human laws are an extension of the divine will for the well-being and good ordering of human society.

The law of the Catholic Church is founded upon **natural law** and **divine revelation**. Through the ages, the popes and councils of the Church, deliberating upon natural law and divine revelation, have issued numerous canons to govern the aspects of the life of the Church. These diverse decrees and laws were first gathered into a unified **Code of Canon Law** in 1917. On January 25, 1959, Blessed Pope John XXIII called for a revision of the 1917 Code. After many years of work and with the contributions of bishops, theologians, and canonists from around the world, Pope John Paul II promulgated the second **Code of Canon Law** on January 25, 1983. It took effect on November 27, 1983, and contains the universal laws that govern the structure, ecclesiastical life, sacraments, discipline, and practice of the Latin (Roman) Catholic Church throughout the world. Of the 1752 canons in the 1983 code, eighty-six deal directly with the sacrament of marriage. In a survey of the theology of Christian marriage, we discovered that the indissoluble, unitive, and fruitful union of conjugal love between a man and a woman was ordained from the beginning by God, and through Christ was raised up and taken into the very heart of the mystery of the Church, becoming a sacrament. This understanding of the exalted nature of the sacrament of marriage is also expressed in the universal law of the Church.

Canon 1055 explains "The marriage covenant, by which a man and a woman establish between themselves a partnership of their whole life, and which of its own very nature is ordered to the well-being of the spouses and to the procreation and upbringing of children, has, between the baptized, been raised by Christ the Lord to the dignity of a sacrament. Consequently, a valid marriage contract cannot exist between baptized persons without its being by that very fact a sacrament."

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Several canons articulate the theological framework of the Catholic understanding and practice of marriage in the 1983 code. We find in canon **1055 §1** a general overview of marriage: “The matrimonial covenant, by which a man and a woman establish between themselves a partnership for the whole of life and which is ordered by its nature to the good of the spouses and the procreation and education of offspring, has been raised by Christ the Lord to the dignity of a sacrament between the baptized.” **Canon 1056** further states, “The essential properties of marriage are unity and indissolubility, which in Christian marriage obtain a special firmness by reason of the sacrament.” And as an extension of this, canon 1134 asserts: “From a valid marriage there arises between the spouses a bond which by its nature is perpetual and exclusive. Moreover, a special sacrament strengthens and, as it were, consecrates the spouses in a Christian marriage for the duties and dignity of their state.” In these canons there are several elements that need to be explored further in order to better understand the Church’s teaching and law on marriage.

The first element is the marriage bond itself. The Catholic Church believes and teaches that the mutually free consent of a man and a woman to enter into a marriage, and the subsequent consummation of that marriage, give rise to a bond that is an irrevocable covenant guaranteed by God’s fidelity. “The consent by which the spouses mutually give and receive one another is sealed by God himself” (Catechism of the Catholic Church, 1639). The marriage bond cannot be dissolved by any human power: “What God has joined together, no human being must separate” (Matt 19:6). In addition to this marriage bond that unites each married couple; Christian spouses have the grace of the sacrament of matrimony to aid them in fruitfully living out their vocation to marriage.

The second element is **validity**. In sacramental law, when the 1983 Code speaks in terms of validity, it refers to the effectiveness of a sacramental action. For example, in the celebration of the Most Holy Eucharist, a validly ordained priest must use bread and wine and the prescribed words of institution found in the Eucharistic Prayers of the Mass (“this is my body; this is my blood”) for the bread and wine to become the Body and Blood of Jesus Christ. If he does so, then the Eucharist is confected validly. If he does not use bread or wine, or if he improvises the words of institution, or if the one who attempts to consecrate has not validly received the sacrament of Holy Orders, the Body and Blood of Christ are not made present. The Eucharist is invalid (the action has no sacramental effect) .

Regarding marriage, Latin Catholic theology understands the ministers of marriage to be the man and woman themselves (Eastern Catholic theology understands the priest to be the minister). Therefore, generally speaking, whenever a man and a woman who do not have a prior marriage bond manifest their consent to enter into “a union for the totality of life” characterized by conjugal love, indissolubility, fidelity, and openness to begetting children, the action has effect. That is, the couple is validly married. Even if one or both of the parties is not a Christian, they will have a valid “natural marriage” (for the natural state of marriage given by God from the beginning is perpetual, faithful, and open to procreation). In the case of a baptized man and

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woman, the exchange of valid marital consent has a far greater effect, it brings about a marriage that is also a sacrament, a union which has “a special firmness by reason of the sacrament.”

The Church believes that the very nature of the marriage of Christians has been elevated to the dignity of a sacrament so that the baptized now have more than a merely natural communion in marriage; they enjoy a sacramental one. For this reason, “a valid matrimonial contract cannot exist between the baptized without it being by that fact a sacrament” (canon **1055 §2**). That is to say, contained in the very nature of their baptism is the potential for a Christian man and a Christian woman, who are free to marry, to become an efficacious sign of Christ’s covenantal union with the Church in the sacrament of matrimony. Therefore, by virtue of their baptism, it is not possible for two Christians to marry without it being a sacrament.

However, we must immediately add that for Catholic Christians there is another requirement for a valid marriage, namely, the element of canonical form. Although baptism is the necessary foundational requirement for the valid exchange of matrimonial consent between two Christians, Latin Catholics have this additional disciplinary requirement. Canon 1108 §1 articulates the discipline of the ordinary canonical form: “Only those marriages are valid which are contracted before the local ordinary, pastor, or a priest or deacon delegated by either of them, who assist, and before two witnesses....” Here “assist” has a technical meaning. “The person who assists at a marriage is understood to be only that person who is present, asks for the manifestation of the consent of the contracting parties, and receives it in the name of the Church” (canon 1108 §2). The universal law also permits the dispensation of the canonical form in individual cases “if grave difficulties hinder its observance,” as long as there is some public form of celebration (canon 1127 §2). The (arch)bishop or his delegate usually grants such dispensations in the cases of marriages between Catholics and baptized non-Catholics (so-called “mixed marriages”) and marriages between Catholics and non-baptized persons (“disparity of cult”) when the circumstances warrant. Although canonical form is required for the valid celebration of marriage, proper marital consent is even more crucial.