

Church Laws Regarding Marriage

By FATHER
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Jesus said, "what God has joined, let no man put asunder". The Catholic Church has accepted over the years a very literal interpretation of His words. Furthermore, when we see the reality of marriage as described by Sacred Scripture, namely, "The two shall become one flesh", we see marriage as a permanent union that can be ended only by the death of one of the partners. Experience, too, has borne out this type of thinking. Every young couple about to be married plans on spending the rest of their life with the partner. Indeed, often young people will say how they could not imagine living without the partner they love so much. Church Law and teaching, therefore, reflect this basic philosophy.

For baptized persons, the Catholic Church sees marriage as an even more wonderful event, namely, a sacrament. When two baptized persons pledge themselves to each other in marriage for life, they receive the sacrament of marriage, sanctifying grace, and the guarantee of God's blessings and helps throughout their married life. For Catholics, the Church feels that there are certain acceptable ways for celebrating this sacrament. Therefore, when a Catholic is to be married, and the marriage is to be recognized, the marriage must take place before a priest and two witnesses. This is called the form of marriage. In recent years, the Church has permitted a dispensation from form allowing another, usually a Protestant minister, to be viewed as the official Church witness to the sacrament. These cases are still rather rare but they are possible. It is encouraging to see the desire on the part of prospective brides and grooms to have God as a part of their marriage and to celebrate their marriage in a sacramental way, seeing God as a real partner in their loving relationship.

Occasionally, a Catholic is married without the benefits of a priest present or a dispensation from form, and in cases like this, the Church does not recognize the marriage. It is possible later to have the couple go to a Catholic priest and discuss having the marriage recognized by the Church and it is certainly advised so that the benefits of the sacrament can truly be a part of their marriage. However, grace does build on nature and if the marriage seems to be in trouble, the blessing of the Church is not going to guarantee a solution to all problems. Our priests are well trained in giving advice to persons in this type of situation and every priest has had a great deal of experience along these lines.

For those who are not Catholics, the Church recognizes their marriages as true and valid ones, if they are recognized by the particular state in which the couple lives. This means that a marriage of two Protestants before a Protestant minister is recognized as a real marriage and also a marriage of two

Protestants before a Justice of the Peace is recognized by us. That means that should the marriage fail and one of the partners wishes to marry another, we would say he or she is not free to marry because his marriage is recognized by God and lasting until death.

As I mentioned previously, once a couple have entered a true and valid marriage, they are not allowed to marry again even after a civil divorce as long as the partner still lives. However, the question is what is a true and valid marriage, what has truly God joined? Because of changes in Church thought, especially since the Vatican Council, because of advances in the behavioral sciences enabling us to understand human nature better, because of new changes in Church Law regarding procedures of Church Tribunals, a Church Annulment of a marriage is much more common today than in the past. Annulments are still an exception to the rule and certainly not possible

in every case, but when there were serious difficulties from the beginning of a marriage, or the marriage was very short, an annulment should be considered. This procedure is possible for any marriage, even those of non-Catholics, and again the priest of the parishes are well trained in assisting people wishing to investigate the possibility of a Church annulment. No annulment procedure is begun until the marriage is certainly ended by civil divorce and there are no civil effects to Church annulment process.

Divorce is always a sad experience both for the partners, for children and for families. When it does occur, the Rochester Diocese is fortunate to have the outstanding Divorced and Separated groups that are so helpful to so many. There are also many programs that help prevent marriage failures, such as an outstanding Pre-Cana program, marriage enrichment programs and good priests and sisters who are willing to give of their time

to enrich marriages and to assist those in trouble. Continued effort is needed at

marriage enrichment since the family is indeed the basis of society and the more happy

and successful families we can have, the better will be our society in our diocese.



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