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Canonical Reflection on Marriage in Society
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Given the state of human society at large, I think that one of the most important issues regarding the institution of marriage is the permanency, purpose, and very definition of marriage. While the former two are results of a defective definition, their loss was, in many ways, the beginning of the rejection of that proper definition. As such, these two issues cannot be clearly divorced. The more recent challenges to the institution, both divine and human, of marriage in secular culture, e.g., same sex unions, are almost always built on that initial defective definition of marriage that was initially eroded by the loss of purpose and permanency.

Canon Law provides a clear and definitive definition of marriage:

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. (CIC 1055 §1)¹

Even those parts of this definition that are not directly spiritual in nature have been, to a great extent, rejected by secular society in ways that were predicted clearly when Pope Paul VI wrote his encyclical *Humanae Vitae*. Sexual ethics and the close relationship between sex and procreation, were abandoned as sex became an increasingly selfish rather than self-giving act through the course of the sexual revolution. Marriage as a permanent bond wherein the two become one flesh as expressed in the conjugal act was lost as no-fault divorce spread through the country and became the default rather than the exception. These two aspects of the very nature and definition of marriage, in their abandonment, have struck at the heart of both natural and sacramental marriage.

¹ *Code of Canon Law: New English Translation* (Washington, DC: Canon Law Society of America, 1998). All citations from the *Code of Canon Law* will be taken from this edition unless otherwise noted.

The close relationship between marriage and the conjugal act and children cannot be abandoned without great detriment to marriage as we have clearly seen in the last fifty years. The sexual revolution, as was noted above, made the ultimate act of self gift, the sacramental act expressing the deep commitment total self gift in a married couple, into a primarily selfish act that can be seen as, when used with artificial contraception, little more than mutual masturbation. As such, there was no longer a reason to confine it to an expression of conjugal married love, and it became normal for it to be expressed outside the marriage union. Canon Law itself considers the conjugal act so central to the nature of marriage that it distinguishes a marriage that is merely ratified, that is for whom the wedding vows have been appropriately exchanged, from one that has been both ratified and consummated by “the spouses...in a human manner [engaging] together in a conjugal act in itself apt for the generation of offspring.” (CIC 1061 §1) It is notable that Canon Law defines the consummation of marriage in such a way that, if the conjugal act takes place only with the barrier of artificial contraception imposed, that marriage cannot be said to be consummated, properly speaking, since the act cannot be said to be “in itself apt for the generation of offspring.” (CIC 1061 §1) Hence when the conjugal act was divorced from both marriage and procreation, a nail was driven into the coffin of a right understanding of the sacrament and institution of marriage, both natural and sacramental.

The other nail that was driven into marriage’s nature in the last fifty years was the adoption of so-called no-fault divorce, making a marriage little more than a temporary contract that could be dissolved with little or no ramifications by either party for nearly any reason. As an illustration, the notion of divorce for “irreconcilable differences,” so often seen as grounds for divorce in public marriages of celebrities, is unthinkable when applied

against a proper definition of marriage. It would be akin to me severing my own arm because of “irreconcilable differences” since the two have become one flesh. This notion of severing the marriage bond for little more than convenience or temporal pleasure flies in the face of the nature of marriage as a permanent covenant, and, instead, imposes a temporary identity to the sacrament conceding to our own hardness of heart as was the case on the Mosaic Law and was condemned by Christ Himself. The law of the Church sets forth, in clear and absolute terms, that, if a marriage is between two baptized persons, and, therefore, sacramental, “cannot be dissolved by any human power or by any cause other than death” (CIC 1141) if that marriage has been consummated as set forth above. The gravity of dissolving a marriage that is unconsummated is implied by the fact that, according to canon 1142, the privilege to dissolve such a marriage is reserved to the Roman Pontiff.

To draw these threads into a single conclusion, it is clear that the definition of marriage itself is called into question in modern society. This challenge to the definition is unlikely to be able to be put to an end until either the institution of marriage is made fully and entirely irrelevant to secular culture or the necessary and essential aspects of the marriage covenant are returned to the institution. In the former case, the Church must retain its proper understanding of the sacrament in an evermore hostile environment. In the latter, society will have returned to looking to Divine Authority, the Church, and Right Reason to guide it in discerning right from wrong.