

CONSENT MAKES THE MARRIAGE: SOME KEY INGREDIENTS OF THE MARRIAGE BOND

Mother Nature did a number on us last Sunday— a real attendance killing snowstorm. This week's column continues last week's general introduction to the goods of marriage. If you missed it, **extra copies** are available on the tables by the piers. There are **several key components** of a valid marriage as recognized by the Catholic Church. The Archdiocese's Metropolitan Tribunal offers **tremendous service** to Catholics, without fanfare or due recognition. They are diligent men and women— clergy and laity— trained in Canon Law and desirous to assist individuals who seek to live the marital covenant. They are empowered by the local bishop to evaluate specific cases. Ratified and consummated sacramental marriages may never be annulled, if by that term one means “wiped away” as if it never happened. A more proper term is “declaration of nullity” which connotes a positive statement that a **valid marriage never took place** in the first place. Am I nit-picking? Read on.

The Tribunal process is essentially a forum for discovering the truth about whether there truly was a valid marriage from the outset. If it can be demonstrated that an essential intention or the **capacity to give consent** was lacking at the time the parties wed, it may be judged invalid. The United States Conference of Catholic Bishops website summarizes **key aspects** affecting the validity of Catholic marriages: For a Catholic marriage to be valid, it is required that: (1) the spouses are free to marry; (2) they are capable of giving their consent to marry; (3) they freely exchange their consent; (4) in consenting to marry, they have the intention to marry for life, to be faithful to one another and be open to children; (5) they intend the good of each other; and (6) their consent is given in the presence of two witnesses and before a properly authorized Church minister. Today's column covers several of these aspects more fully.

To be “free to marry” refers to an absence of any impediments of divine, civil or ecclesiastical law. Examples of these abound: one is currently married (divine), lacks a marriage license (civil prohibition), is under religious promises or vows (ecclesiastical laws), or is too closely related by blood or adoption. While I myself am free to marry in the State of Minnesota (no offense, but the state could care less that I am a priest), I am obviously prohibited from marrying in the eyes of the Church. I made my **promise of celibacy** when I was ordained a deacon. That 1988 promise binds me for life, though as an ecclesiastical, not a civil law. Because sexual union is a constitutive element of marriage, inability to engage in the act proper to marriage is also an ecclesiastical impediment, if antecedent to the marriage and perpetual.

Being (2) “capable of giving consent” involves more subtlety but would surely include minimum age requirements. Two 13-year-olds in the throes of “puppy love” are incapable of giving consent, according both to civil and ecclesiastical law. The **minimum age for marriage** varies slightly from state to state in the USA and from country to country. This requirement could potentially also include issues related to mental capacity or various forms of a physic nature that could render someone incapable of consent. One could argue this requirement could also prohibit an intoxicated couple from exchanging vows. At the time of their vows, were they capable of making such promises?

In order to (3) freely exchange consent, one must **not be coerced** (forced) in any way. One obvious example **could be** an unplanned pregnancy. Would the couple have married if the issue of pregnancy was not a factor? Or consider if the parents of an individual, even unintentionally, place pressure on a child to marry, such that one feels he or she would be letting people down if they did not marry. It could also potentially be a reverential fear such as if one person made marriage a condition for something else (an inheritance). The Code's canon 1096 §1 reads: “For matrimonial consent to exist, the contracting parties must be at least not ignorant that marriage is a permanent partnership between a man and a woman ordered to the procreation of offspring by means of some sexual cooperation.”

No, couples do not need a Ph.D. in theology, but rather a **basic understanding** of the essential rights and duties of the marriage covenant. A good marriage preparation course is key and ideally the priest will play an active role in this preparation. Marriage is so vitally important in the Church and accordingly occupies a hefty section of the Church's legislation. Again, the Code states: Can. 1055 §1: “The matrimonial covenant, by which

a man and a woman establish between themselves a partnership of 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.” This partnership forms the Church at its most local level, the domestic Church. (To be continued)

- Partisan **rancor** has paralyzed Washington D.C. It may take a miracle to fix it! Proponents of congressional term limits come in all political stripes. But a 5-4 decision of the Supreme Court in 1995 ruled that **citizens are not allowed** to term limit their own members of Congress using state laws. Such a move would require three-fourths of the states to ratify a constitutional amendment. More importantly, congressional members themselves would have to vote to put it to the state ballots. Don't hold your breath!
- While the name **Mother Mary Elizabeth Lange** (†1882) may not ring a bell here, she is a revered figure in Baltimore MD. She founded the **Oblate Sisters**– the first religious order for women of African descent in the U.S.– providing Catholic education to black children in Baltimore. During his *ad limina* visit, Archbishop Lori noted that her canonization cause is proceeding with the completion of the *positio*, the official document detailing her life.
- Time flies– this is the **400th column** I have penned since serving here at the Cathedral. If you have read this far, thanks for putting up with my musings, my “bully pulpit” of sorts. Even if you disagree, know that I write from the heart and this represents my best attempt to present aspects of the Catholic faith as they relate to our culture. And occasionally, it's just a chance to vent!
- Could you spare 15 minutes? You may access the confidential Synod **Parish Survey** with the QR code in the sidebar. Paper copies are also available on the tables by the Selby Ave. entrances.
- We welcome **Bishop Don DeGrood**, an Archdiocesan priest fresh off his installation as Bishop of Sioux Falls this past week. He is celebrating a 2:00 p.m. Mass of Thanksgiving today for all the faithful who could not travel to SD. A reception follows in Hayden Hall.
- While surely a “hot-button” topic during the Amazonian Synod, Pope Francis' final document did not recommend married priests for the Amazon Region.

Sincerely in Christ,

Fr. John L. Ubel,
Rector