



**YOU SAY TOMATO,
I SAY MARRIAGE (cont.)**

We began looking last month at the meaning of marriage and the different kinds of marriage. Last issue, we looked at natural marriage versus sacramental marriage. This month we will consider civil marriage versus canonical marriage.

A civil marriage is one that meets all the requirements of civil law to be considered legally valid by the civil government. Every state regulates marriage, attaching certain rights and obligations to it which are enforceable by the government. In order to enforce these regulations, each state has a body of law that determines what conditions are necessary for a civilly valid and binding marriage to exist. When all of those conditions are satisfied, there is a civil marriage, and the parties are bound by civil law to all of the attached rights and obligations.

Not surprisingly, a canonical marriage is one that meets all the requirements of canon law to be considered canonically

valid by the Catholic Church. As with natural marriage, a canonical marriage may or may not be sacramental, depending on whether it is between the baptized. Astute readers of *Marriage Matters* may object: But we thought canon law only applied to Catholics, so how can a marriage between Non-Catholics be canonical? This is possible because much of the canon law of marriage is simply an articulation of divine law, which applies to everyone, regardless of religion. Thus, marriage is one of the few areas where canon law applies to Non-Catholics, at least as far as the Catholic Church is concerned.

The relationship between civil marriage and canonical marriage is complicated. When it comes to marriage, civil law in this country does not recognize the authority of canon law. Canon law, however, does recognize the authority of civil law and requires that civil laws “be observed in canon law with the same effects, insofar as they are not contrary to divine law and unless canon law provides otherwise” (canon 22). This means that canon law requires the observance of civil laws regarding marriage except in those cases where civil law contradicts divine law or where canon law permits otherwise.

A good example of a case where civil law contradicts divine law and has no effect in canon law is in same-sex marriage. Thanks to the misguided efforts of the United States Supreme Court, every state now recognizes same-sex marriages as civilly valid. Divine law defines marriage as between one man and one woman, so a same-sex marriage would be a civil marriage but not a canonical marriage.

An example of a case where canon law allows persons to disregard civil law is the authority of the local ordinary to permit “a marriage which cannot be recognized or celebrated according to the norm of civil law” (canon 1071 §1, 2°). Such a situation may occur in countries where the government persecutes the Church and marriages must be celebrated secretly, so it would be a canonical marriage but not a civil marriage.

That’s it for now. Until next time, keep the faith, love God’s people, and always honor the code!

