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# The church has lost control of marriage

Fr. Peter Daly | May. 20, 2013 Parish Diary

Our county courthouse is across the street from our parish church. Weddings are performed on both sides of the street. We both use the "vocabulary" of marriage, but the words don't have precisely the same meaning.

Let's face it -- the church has lost control of the cultural conversation on marriage. Just about any parish priest can tell you that. Even devout Catholics often ignore the church's teaching and views on marriage.

They live together before they are married. They have babies outside of wedlock. They get married outside the church, often in entirely secular settings. They don't stay married very long. They divorce with the same frequency as the general population. They remarry without benefit of annulments from the church. They often don't consult with us on whether they can go to Communion. And lately, in a dozen states and 14 countries, some very Catholic, they are marrying people of the same sex and bringing their babies to church for baptism.

The church was the dominant voice on marriage for a long time. For about 1,000 years, it defined marriage in Western Europe. From the time of Gregory the Great (pope from 590 to 604) until the Protestant Reformation in the 16th century, the law of the Catholic church was basically the law of Western Europe on marriage and family life. Admittedly, the enforcement was spotty. Different social classes and different cultures obeyed in different ways. But if you wanted to get married, you had to come to church. If you wanted an annulment (no divorce) you had to ask the church.

It took us a few hundred years to develop a jurisprudence of marriage. The church combined Germanic tribal law and Roman civil law into the ecclesiastical law of marriage, still reflected in our modern canon law. From the Romans, we got the idea that marriages had to be ratified by a ceremony (*ratum*). From the Germans, we got the idea that marriages had to be consummated by sex (*consumatum*).

The church dominance of the marriage conversation began to ebb with the Protestant Reformation. Witness the six wives of Henry VIII.

With more religious voices, there was less religious consensus, but when the church extended its reach to the New World and Asia and Africa, we still could dominate the conversation for Catholics.

But that ebbed more and more with the Industrial Revolution. Women began working outside the home. They had their own money. Many did not marry at all.

Since World War II, we have increasingly had less to say about marriage. No-fault divorce in the U.S. made it easy to end marriage. New sexual ethics and contraception detached sex from marriage. Financial independence of women reduced the need women had for marriage. And a globalized world means there are more and more interreligious and cross-cultural marriages.

One other thing in the American context -- the poor don't get married. The middle class and the rich are postponing marriage until they are older. And babies are born outside of marriage.

In 2012, the University of Virginia's National Marriage Project released a report called "The State of Our Unions: Marriage in America [1]."

It said people are waiting to get married. First marriages now take place on average at age 27 for women and 29 for men, the oldest ever in the United States. They also report that by age 30, two-thirds of American women have had a baby, most out of wedlock. Overall, 48 percent of first births today are to unmarried women. They also report that college-educated people get married before they have children and tend to stay married, while less-educated people tend not to get married.

Marriage is a good thing for children and for their parents. It contributes to human happiness. The National Marriage Project's report says men and women who are married are much more likely to be "highly satisfied" with their lives than unmarried men and women.

And now there is gay marriage. One thing the gay marriage debate has made clear -- the church no longer controls the conversation on marriage. Look at Rhode Island, the most Catholic state in the U.S., where the bill passed its House 56 to 15.

Catholic legal scholar Jesuit Fr. John Courtney Murray said back in the 1940s, "The church has a right and duty to speak, but we do not have the right to expect that our viewpoint will always be reflected in the civil law."

We can have a respectful dialogue without one party or the other dominating the conversation. I hope the church both listens and speaks.

Increasingly, people are making their own arrangements on marriage. That's what Fr. Raymond O'Brien calls "private ordering" in an article in the Arkansas Law Review. Private ordering means people do what they want, how they want. They don't expect the Catholic church or the law to have much to say about it.

I see "private ordering" every year, when people request weddings in farm fields, on piers or on boats, at the top of mountains or poolside at hotels.

They think of the wedding as purely personal and secular. Often, couples fly off to Las Vegas or some other destination for a wedding and later come to us for a blessing (validation). Personally, I prefer validations. They are sacramental, spiritual.

Our parish does only about 12 to 15 weddings each year, the same number we did 20 years ago when we had half as many parishioners. Even the children of the most devout parishioners are not getting married or getting married outside of the church.

Maybe all these competing voices on marriage will clarify at least one thing: When you come to the Catholic church for marriage, you are not just looking for a legal union or a bundle of rights; you are looking for a sacrament.

They don't offer sacraments across the street at the courthouse.

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**Editor's note:** We can send you an email alert every time Fr. Peter Daly's column, "Parish Diary," is posted to

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