



Brief: The Nature of Marriage

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Key Points:

- 1. Marriage exists for the good of each spouse & the blessing of children.**
- 2. Law should encourage & support families as a response to recent trends.**
- 3. We support HBs 922 & 926 to promote marital reconciliation & fidelity.**

A Catholic perspective: We support policies that recognize the sacredness, fidelity, and permanency of marriage. Families, which are the fundamental unit of a healthy society, are created and maintained through marriage. As such, the U.S. Bishops have written:

“We are a society built on the strength of our families, called to defend marriage and offer moral and economic supports for family life.”¹

Such a call rests upon the Catholic Church’s teaching that the two principal purposes of marriage are (1) the good of the spouses and (2) the procreation and education of children.² In accord with this twofold purpose, Catholics recognize that marriage is a union of a man and a woman for the whole of life.

The U.S. Supreme Court, for its part, has reduced marriage to friendship by jettisoning the twofold purpose.³ Nevertheless, marriage remains distinct from friendship and so we do not tire of maintaining:

“Children have a basic right, wherever possible, to know and be loved by their mother and father together. The law has a duty to support every child in this most basic right.”⁴

By nature, the role of parents in procreation cannot be replaced and the role of parents

in education is invaluable.⁵ As such, civil law should encourage and support families by:

1. maintaining the freedom to establish a family & educate children in the family’s moral and religious convictions;
2. maintaining the freedom to profess one’s faith & hand it on to one’s children;
3. promoting access to medical care & aid for the elderly in keeping with our institutions;
4. maintaining access to private property, free enterprise, & opportunities to obtain work & housing, as well as the right to emigrate;
5. countering dangers to a family’s security & health, including drugs & pornography;
6. promoting the formation of free associations between families; and
7. supporting the recruitment, formation, & support of foster and adoptive parents.⁶

Texas law and policy: The Family Code contains our state’s marriage laws and defines the main public policy goals of Texas marriage law, which includes providing stability for those entering into marriage and an orderly determination of parentage and security for children.⁷ Furthermore, the Family Code outlines the main requirements to receive a marriage license, including an age requirement, waiting period, and a process of solemnization with a religious or judicial official.⁸

Additionally, Texas is one of the handful of states that also permits common law marriage.⁹ Common law marriage can be recognized by the State if the spouses agree to be married, live together as husband and wife, and hold out to others that they are married. Finally, while Texas' laws do not allow for same-sex marriage, that statute is currently unenforceable due to the U.S. Supreme Court ruling in *Obergefell v. Hodges*.¹⁰ Nevertheless, Texas law does protect the religious liberty of certain organizations and persons from recognizing or performing marriages that conflict with their sincerely held religious beliefs.¹¹

While social science confirms that marriage offers benefits to the members of each family, Figure 1 illustrates that the marriage rate in Texas has steadily been declining over the last four decades. The state government attributes multiple factors to this downward trend in marriage rates: the age structure of the population, the trend of postponement of marriage, and the growing incidence of many young adults opting to cohabit prior to—or rather than—getting married.¹²

In response to these challenging trends, we support laws that recognize the true nature of

marriage and seek the well-being of spouses and children. In the Catholic view, the family is the original cell of social life; it is the foundation for social freedom, security, and fraternity.¹³ Because families are a child's first education, our state will go where our families lead.

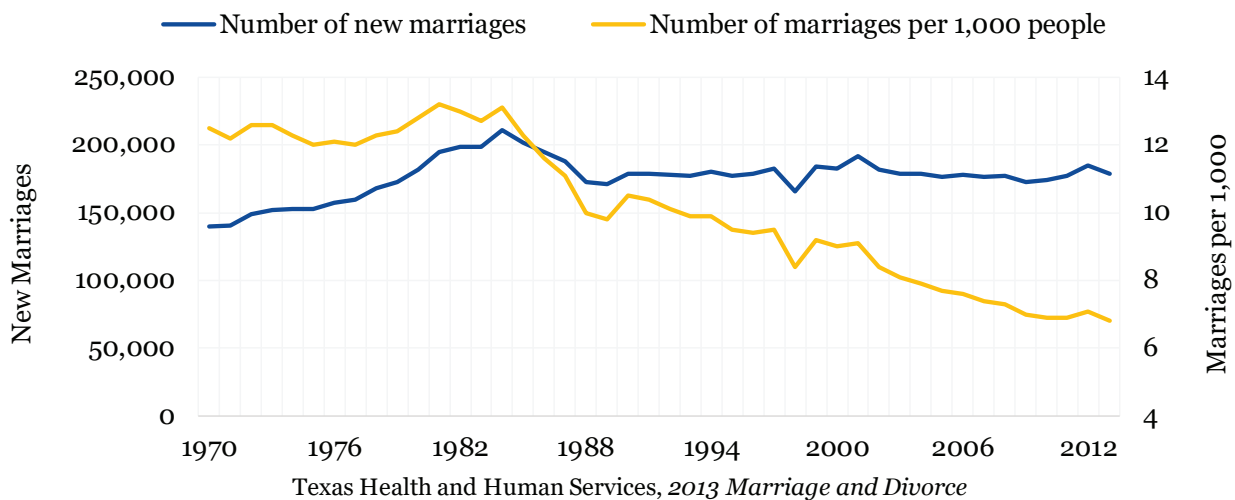
Key bill summaries: HB 922 requires that both parties to marriage agree to the marriage's insupportability before granting no-fault divorce. We support this bill to promote the sacredness and permanency of marriage.

HB 926 establishes a six month waiting period for no-fault divorce in marriages with minor or school age children or disabled adult children. We support this bill to protect the permanency of marriage and children.

Call to action: To support these bills, please visit txcatholic.org/life to find and contact your lawmaker. Please also pray for Texas and for our legislators, that they may respect innocent life and care for the weak and defenseless.

The TCCB is a federation of all Roman Catholic dioceses and ordinariates in Texas. There are 8 million Catholics living in our state. To contact us, call our office at 512-339-9882 or find TXCatholic on [Facebook](#) and [Twitter](#).

Figure 1: Number of Texas marriages and marriage rate (1970 - 2012)



Endnotes

1. USCCB, [*Forming Consciences for Faithful Citizenship*](#). 9. For helpful reflections on the communicative, moral, religious, and spiritual aspects of marriage, see Amy Kass and Leon Kass, [*Wing to Wing, Oar to Oar*](#). (Notre Dame, IN: University of Notre Dame Press, 2000).
2. Canon Law [#1055](#), Catechism [#2201](#).
3. See [*Griswold v. Connecticut*](#) for the definition (Page 381 U.S. 486 (1965)) which was echoed in [*Obergefell v. Hodges*](#) (2015). If marriage is akin to friendship, a definition that requires lifelong commitment or requires one man and one woman appears arbitrary, capricious, or mean.
4. TCCB, [*Statement by Texas Catholic Conference on Supreme Court 'Same-Sex Marriage' Ruling*](#). (June 27, 2015).
5. Congregation for the Doctrine of the Faith (CDF), [*Donum Vitae \[Instruction on Respect for Human Life in Its Origin\]*](#). II.A.1, 7.
6. Catechism [#2211](#).
7. Texas Family Code § [1.101](#).
8. Texas Family Code § [2.003](#); [2.204](#); [2.202](#).
9. Texas Family Code § [2.401](#).
10. Id. at § [2.001](#); [*Obergefell v. Hodges*](#) 576 U.S. ____ (2015).
11. Texas Family Code § [2.601-602](#).
12. Texas Health and Human Services, [*2013 Marriage and Divorce*](#).
13. Catechism [#2207](#).