

ANNULMENT

What seemed to be a marriage never was, in fact, a true marriage

Annulment does not affect the legitimacy of children

Yes, marriage is still permanent. The indissolubility of sacramental marriage remains a central Catholic teaching. The marriage bond is life long and cannot be broken by the civil or Church authority.

While carefully protecting Jesus' teaching of the sacredness of marriage, the Church also is obliged to provide justice for anyone whose marriage has failed when it can be shown with moral certainty that the marriage lacked from its onset some essential element for a true sacramental bond.

Vatican II streamlined the annulment process. Revisions were made part of the Code of Canon Law in 1983 and were aimed at making the annulment process more just. The interpersonal relationship of the spouses is an essential component of marriage.

Many divorced Catholics have experienced a personal tragedy and are wounded further by *feeling* cut off from the Church. Should they remarry, they are barred from the solace and strength of the sacraments. The annulment procedure is an attempt to bring justice and compassion to many divorced and separated Catholics whose marriage actually was one in appearance only.

Annulment is officially a "declaration of nullity." This is a judgment by the Church that what seemed to be a marriage never was in fact a true marriage. An annulment is not a divorce for it does not dissolve an existing marriage. A declaration of nullity is granted when it can be shown that some essential of juridical defect made a particular marriage invalid from the beginning despite outward appearance, despite even the good faith of the partners or the establishment of a family. It should be underscored that an annulment does not affect the legitimacy of the children of such a marriage.

Marriage is affected by *consent*, freely and knowingly saying "yes" to all that marriage involves. Therefore, in considering a particular marriage, this "yes" is the key issue. Its validity may be considered in the context of two basic questions about consent.

First, when they said their vows, did both parties freely accept and clearly understand the lifelong commitment they were making? And *secondly*, at that time, did both partners have the personal capacity to carry out consent, to form a community of life with the chosen partner?

• **Quality of Consent.** Consent must be free and discerning. External or internal pressure, which significantly reduced freedom or undermines critical judgment, could impair consent of such a degree that commonsense requirements for such a binding decision as marriage are not fulfilled. Such findings greatly help Church tribunals assess the adequacy of marital consent.

For example, consider the couple who have been intimate and now the woman is pregnant. She rightly refuses abortion and does not want to give the baby up for adoption. They see marriage as the only way out. Is this decision a free, mature choice of a lifetime partner, or is it a pressured solution to a problem?

Other examples are marriages between infatuated teenagers, youngsters with insufficient experience to appraise the character of their partners, people desperate to escape an unhappy home, a grieving widow or widower in need of a partner, or those lukewarm in their faith who have had their morals shaped by TV.

There is no automatic answer about the quality of consent in these examples. A thorough investigation by the tribunal of the premarital situation may support the conclusion that one or both partners could not freely and maturely choose to marry at that time.

• **Capacity to Carry out Consent.** Marriage essentially includes a community of conjugal life that is perpetual and exclusive. Therefore, both partners must have the maturity to establish and sustain a mutually supportive relationship with one another.

Saying "yes" without the capacity to carry it out is invalid.

Incapacity for carrying out consent can be due to psychological problems (alienation, inadequacy, etc.), psychoses (schizophrenia, dysfunctional personality—e.g., alcoholism), and personality disorders leading to constant discord, tension, and debilitating stress.

The precise clinical labels of these disorders are not important here. This sampling suggests how certain types of people can make a particular marriage a morally impossible venture.

Marriage tribunals of the Church do not seek to assign blame for marriage breakup. They seek only to understand a failed marriage, and determine whether either or both partners lacked proper consent or ability to carry out the consent.

After Annulment. Many persons remark how wrenching it was for them to recall and sort out painful memories. But they also find that it helped them to discover some meaning in the tragedy of a broken marriage. They appreciate their new insights about themselves and deepen their sense of values. This process can foster psychological and spiritual growth.

The greatest benefit of the pain for many who have established a happy and stable second marriage is their return to the sacraments, the sometimes tearfully joyful reception once more of the Lord in the Eucharist, and renewal of religious practice as a family celebration.

To learn more about an annulment, see a parish priest.

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