

What about Marriage Issues?

Marriages, Annulments and Convalidations

Collaboration is Important

Pastors and catechumenate directors or coordinators should work closely together to assure that the marriage situations arising in the catechumenate are addressed in a pastorally sensitive and expeditious manner. Pastors should inform catechumenate directors or coordinators of the progress of annulment cases, and consult them concerning the needs and progress of those going through the process of initiation. **Catechumenate directors should see to it that the need for a Church annulment is identified, and the process of seeking it begun, before the Rite of Acceptance and the Rite of Welcome is celebrated.** In planning for the marriage of catechumens or the convalidation of marriages for those who are in the catechumenate, the catechumenate director's advice and cooperation should be sought by the parish priests and deacons, so that the formation process can be integrated with these important events.

Marriage

1. Rules Concerning the Marriage of Catechumens

Once a person has become a catechumen (the result of celebrating the Rite of Acceptance into the Order of Catechumens), that person is a member of the household of faith and has certain rights in the Church. Among them is the right to be married according to the Catholic Rite of Marriage. When a catechumen is married, the language of the rite is adapted to reflect the fact that the catechumen is unbaptized. The marriage should take place outside Mass, following the order described in Chapter III of the Rite of Marriage. When a catechumen marries an unbaptized person, no dispensation is needed. When a catechumen marries a baptized person, a dispensation is needed for disparity of cult.

2. Divorced and Remarried Persons Seeking the Sacraments of Initiation

As people enter into the Christian initiation process, they begin examining many aspects of their lives, including their marriage relationship. In forming people for the Christian way of life, the Church is concerned about bringing all aspects of life into relationship with Christ, including marriage. The scriptures, including permanence and indissolubility, proclaim specific qualities of marriage. St. Paul proclaimed marriage a mystery that manifests the love of Christ for each of us (Ephesians 5:32). The Catechism of the Catholic Church refers to matrimony as a sacrament of the communion of the Church. Those who minister to divorced persons seeking initiation should keep in mind these pastoral and theological concerns.

A person who is divorced but not remarried may celebrate the sacraments of initiation. That person should clearly understand however that the Church considers him or her bound by the bond of the previous marriage and that a future marriage would not be possible unless the previous marriage was dissolved by death or by a Church annulment. The time of preparation for initiation may be an appropriate time to present their case so they can know of their freedom to enter into a future marriage within the Church.

Anyone who was married and divorced, and is now remarried, must seek an annulment of the prior marriage or marriages. (N.B. If the ex-spouse has obtained a Church annulment, that annulment frees both parties.) Also, anyone who is married to someone who was previously married and divorced cannot be admitted to the sacraments unless the spouse obtains an annulment of the previous marriage.

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An annulment is a declaration by the Church that the marriage in question was not binding in the eyes of the Church. It affirms that a required intention or capability was not present. An annulment (declaration of nullity) does not deny that a real relationship existed, or implies that the relationship was entered with ill will or moral fault. It is a statement, which says that the Church has judged that the relationship lacked at least one of the elements considered essential for a binding union. An annulment has absolutely no effect on the legitimacy of children.

The person seeking initiation should understand that the process of getting an annulment is not the same as getting a divorce. Civil law views marriage as a contract that can be broken or dissolved. The Church understands marriage to be a covenant relationship that is indissoluble. A covenant relationship demands more than the establishment of a contract. Only when the parties involved bring certain intentions and capabilities to the relationship is the covenant real and genuine.

It is necessary to begin the annulment process as soon as the inquirer's intention to join the Church becomes clear, that is, some time before the Rite of Acceptance and the Rite of Welcome.

It is possible to receive someone into the catechumenate while their marriage case is pending, but it will not be possible for them to enter into the final period of purification and enlightenment, nor to receive the sacraments, nor to celebrate the rite of reception, until such time as the marriage situation is resolved.

Any questions about the annulment process (or anyone needing to begin the process) should be referred to the clergy or a qualified member of the pastoral staff of the parish, or to the Archdiocesan Marriage Tribunal office.

Types of Annulment Cases

Those who minister to people in the process of Christian initiation should always refer annulment cases to those who are fully professionally competent to assess them. Initiation ministers should take care not to make promises or predictions concerning the time frame or outcome of the annulment process. It is helpful however to know some of the possible reasons for granting a Church annulment.

Some possible reasons for an annulment are:

1. lack of ability or intention to enter into a lifelong commitment
2. lack of ability or intention to be faithful to one's spouse
3. lack of freedom in entering into the marriage
4. intention against having children
5. lack of complete commitment (placing conditions or restrictions on the commitment)
6. lack of ability or intention to form a relationship based on love and respect for the good of one another
7. psychological, mental, or emotional illness or personality disorders

There are certain cases, in addition to those listed above, in which an annulment may be obtained.

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A. Lack of form

This type of annulment can only be sought in cases where one or both of the parties are Catholic. It is based on the rule that in order for a Roman Catholic's marriage to be considered valid and binding in the Roman Catholic Church, that person must be married before a Roman Catholic priest or deacon and two witnesses, or who have obtained a dispensation from the form of marriage. If the person was married in any other way, such as a civil ceremony or a non-Catholic ceremony for which no dispensation was obtained, the marriage can be declared null and void.

B. Privilege cases

There are two types of privilege cases, both dealing with either one or two unbaptized people:

I. **Pauline Privilege**: The Pauline Privilege comes from an ecclesiastical interpretation of 1 Corinthians 7:12-15, and applies to the marriage of two unbaptized persons, one of whom is later baptized. The first marriage of the now-baptized party can be dissolved with this privilege only when the baptized party enters into a new marriage. For example: A Catholic who wishes to marry a convert to the faith who was previously unbaptized and married to another unbaptized person could invoke the use of the Pauline Privilege. This can be handled at the local level (i.e. the diocesan level). It does not have to be sent to Rome.

II. **Privilege of the Faith (Petrine Privilege)**: This is the dissolution of a legitimate marriage of a baptized party with an unbaptized party granted only by the Pope in favor of the faith. It pertains only to those cases in which one of the parties remained unbaptized during the entire marriage. For further information, contact the marriage tribunal.

Convalidation of Marriages

Convalidation of an irregular marriage of a catechumen or a candidate should be completed before the sacraments of initiation are celebrated. One cannot enter into the full sacramental life of the Church unless one is completely free to receive the sacraments. It is pastorally advisable to convalidate the marriage as early in the process as possible.

If one party of the marriage does not want to be subjected to a convalidation ceremony, it is usually possible to obtain a ***radical sanation*** from the chancery, provided that both parties intend to remain faithful to the marriage bond. Ordinarily, the sanation involves a dispensation from any further public rite, and it effects a valid marriage between the parties (canons 1161-1165).