

MARRIAGE AND ANNULMENT

Over the centuries, the Catholic Church has upheld the sanctity of marriage. It has upheld the teaching of Jesus on marriage, and has seen individuals and groups abandon the Church because they could not accept its teaching. Christianity is a revealed religion and we must be faithful to the teaching of Jesus Christ.

The Church came to recognise the sacramentality of marriage over a period of time, but always the sacred nature of marriage was recognised.

Four **New Testament** writers speak about the prohibition of Jesus to remarry after divorce. 1 Corinthians 7: 10-11 is the earliest text. Saint Paul reinforces this in Romans 7:1-3. Then there are texts in the Gospels: Mark 10:2-12; Luke 16:18; Matthew 5:31-32 and Matthew 19:3-9.

Code of Canon Law accessible on Vatican website: www.vatican.va

The 1983 Code stated in **canon 1055, 1**:

- "The marriage covenant,
- by which a man and a woman
- establish between themselves
- a partnership of their whole life,
- and which of its own very nature
- is ordered to the well-being of the spouses
- and to the procreation and upbringing of children,
- has, between the baptised,
- been raised by Christ the Lord to the dignity of a sacrament."

Principles: Consent makes marriage

The marriage of two baptised people is a sacrament



DISSOLUTIONS

- **Pauline privilege**
- **Privilege of the Faith**

These situations are becoming more common as our society becomes more and more multicultural.

DECLARATIONS OF NULLITY

1. **Lack of Form** C. 1117 for baptised Catholics. (Church recognises the marriages of all non-Catholics no matter where they take place.)
2. **Impediment** (as with a previous marriage to a person already married)
3. **Lack of Consent** –

Canon 1095 "The following are **incapable of contracting marriage**:

- 2° those who suffer from a grave **lack of discretion of judgement** concerning the essential matrimonial rights and obligations to be mutually given and accepted;
- 3° those who because of causes of a psychological nature, are **unable to assume the essential obligations of marriage.**"

INTENTIONS: Canon 1101

1. Against children
2. Against faithfulness
3. Against permanence
4. Total simulation

TRIBUNAL PROCESS for FULL ANNULMENTS

- Initial interview
- Fact Sheet and Autobiography, supported by church and civil documentation
- Petition
- Write to former spouse (respondent) – an essential part of any enquiry – inviting their welcome participation
- Witness schedule and Interviews – normally 5-6, conducted by trained tribunal auditors
- 3 character witnesses
- Defender of Bond brief
- Judgment in New Zealand
- Judgment at Appeal tribunal in Australia

The enquiry is formal, with set procedures and protocols, but one that is compassionate and personal, without involving 'counselling.' The object is to discover the truth of the matter – ***Was this marriage a marriage according to the criteria of the Catholic Church?***

The personal result can also be healed humans ready for the next stage in life.



PRE-NUPTIAL DOCUMENTATION CAN BE VERY HELPFUL

- Documents help to give clarity to any inaccuracy in establishing facts.
- **Comments on readiness of the couple for marriage.** This is where a concern can be recorded, to be useful later on if needed. The form has been amended to provide the opportunity. Priests are encouraged by tribunals to use it and gratefully acknowledged when they do. We can add this to the documentation of the case enquiry.

WHEN ANNULMENTS ARE GRANTED:

1) Children are legitimate:

Canon 1137. "Children who are conceived or born of a valid or of a putative marriage are legitimate".

2) There was a real civil marriage and a real relationship.

In a third of cases both parties are non-Catholic.

Pope Benedict XVI, Apostolic Exhortation, *Sacramentum Caritatis*, February 22, 2007: 29...

"The Synod of Bishops confirmed the Church's practice, based on Sacred Scripture (cf. Mk 10:2- 12), of not admitting the divorced and remarried to the sacraments, since their state and their condition of life objectively contradict the loving union of Christ and the Church signified and made present in the Eucharist. Yet the divorced and remarried continue to belong to the Church, which accompanies them with special concern and encourages them to live as fully as possible the Christian life through regular participation at Mass, albeit without receiving communion, listening to the word of God, eucharistic adoration, prayer, participation in the life of the community, honest dialogue with a priest or spiritual director, dedication to the life of charity, works of penance, and commitment to the education of their children.

When legitimate doubts exist about the validity of the prior sacramental marriage, the necessary investigation must be carried out to establish if these are well-founded. Consequently there is a need to ensure, in full respect for canon law (93), the presence of local ecclesiastical tribunals, their pastoral character, and their correct and prompt functioning (94). Each Diocese should have a sufficient number of persons with the necessary preparation, so that the ecclesiastical tribunals can operate in an expeditious manner. I repeat that "it is a grave obligation to bring the Church's institutional activity in her tribunals ever closer to the faithful" (95).

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