

ANNULMENT

What is the difference between the Annulment of a marriage which takes place as a result of the Roman Catholic marriage tribunal, and a divorce which is facilitated by the law courts of the land?

The fundamental difference is that in a divorce a couple go through the courts so that the marriage contract that they have signed is cancelled, brought to an end.

When a Roman Catholic marriage tribunal annul a marriage they proclaim that although the promises have been made in a traditional manner the marriage never actually took place.

The marriage was invalid.
In reality it never actually existed.

There are four basic situations which can result in this taking place.

The first, the easiest to understand, and perhaps the most unjust is where the law of the church has been broken.

So a baptised Roman Catholic goes through a marriage service outside the church without asking permission of the church authority. A member of our community (our club) takes up a contract with another community without contacting us. This under Canon Law (church law), is seen as unlawful. Therefore when the contract of marriage took place it was itself unlawful, and thus invalid and an annulment can be proclaimed.

In the eyes of the church the marriage never actually happened.

This example only applies to members of the Roman Catholic community. The marriage of two non Catholics would generally be considered valid by the church, as it is not in a position to make judgements on others faith traditions, other faith contracts.

The joy of this source of annulment is that it is a paper exercise involving **not** a judgement but simply a presentation of the facts.

Facts that our present prime minister presented before his last wedding

The following three grounds for Annulment involve judgement based upon the evidence of witnesses.

The first being the issue of permanence

If it can be shown that either party before the day of the wedding had no notion, or indeed intention of making this marriage a lifelong commitment. If it can be shown that either party believed before the day of the wedding that if things got difficult they would not fulfil the promises. Then despite verbalising the vows, these words were in fact a lie and therefore invalid.

Thus the marriage never actually took place.

A major problem is this has to be **proved** before an annulment can be proclaimed.

Openness to children

The second basic issue upon which invalidity can be judged is openness to children. Again if it can be shown that either party before the day of the actual wedding was not open to the possibility of having children, then the marriage can be deemed as being invalid.

This does not mean that if for physical reasons the couple are not able to have children the marriage is not recognised as valid. Such a couple may be desperate for a child, and there mutual yearning a source of great suffering. Pain that would demand tenderness and kindness ironically demonstrating a witness of faith.

This issue only refers to those who may even openly state that they are not prepared to accept children into there marital home.

If they are not prepared to have children then they are not prepared to full fill the promises that they make at the alter.

Thus after this has been proved the marriage tribunal can proclaim the marriage annulled.

That is it never existed.

Finally and most vaguely the issue of freedom.

If it can be shown that either party did not freely enter into the obligations of marriage then the marriage is considered invalid.

The simplest example of this is the shotgun wedding. Where he or she is dragged to the alter kicking and screaming. Against the will of either parties the promises are made, but are not a free choice, and are thus invalid.

Push this a little further and one can perhaps say that someone who does not understand what they are doing is not in control of the situation and is dragged along by circumstance. Maybe as a result of an enthusiastic mother or after financial investment the whole thing taking on its own momentum the service takes place.

Perhaps one or other of the parties is an inveterate liar so that the person who promises to marry them does not actually know who they are making the commitment to .Without such knowledge a free commitment may not be possible.

Perhaps immaturity precluded any possibility of making a free and informed choice.

Here we really do step into the vague area of the lawyer.

However what ever the grounds for lack of freedom, before a marriage can be proclaimed annulled it has to be **demonstrated** to the church tribunal that such a case exists.

Even then the authorities may suspect that a petitioner has a case but for lack of evidence a judgement can not be made

When there is a confused case there is within the church the internal forum. Which is obviously a controversial means within which in a confidential manner the marital status of an individual is reviewed taking into account the abundant love of God.

So to review.
The church does not accept divorce.

When a marriage is annulled
It is stated that although a marriage rite may have taken place, for one reason or another the promises made were not valid, and therefore the marriage never actually existed .

Not perhaps the most spiritual of sermons but one that affects many lives