

## What Do Catholic Marriage Tribunals Mean by Annulment?

The permanence of marriage and the indissolubility of marriage are central beliefs in Catholic teaching and law. While carefully protecting the teaching of Christ and the sacredness of marriage (Mt 19:3-9, Mk 10:2-12), the Catholic Church recognizes her obligation to assist persons whose marriages have failed so as to clarify their status in the Church. The question is: are these people still bound to the former union, or are they free to marry again in the Catholic Church? In order to answer this question, the Church investigates marriages in a process which is commonly called >annulment=. The Tribunal of a Catholic Diocese is that Church=s judicial branch which studies such questions and renders decisions on the various types of marriage cases (cf. attached brochure on *Grounds*).

If a marriage was validly contracted between two baptized Christians, it is a sacramental marriage, otherwise it is a valid natural marriage. The Catholic Church has no power to dissolve a sacramental marriage or a valid natural marriage, and freedom from a marital bond can be obtained only by means of a Declaration of Invalidity (or Nullity), usually called >annulment=.

The law of both State and Church use the term >bond of marriage=, and both hold that the bond is >permanent= inasmuch as the parties themselves cannot dissolve it. For the State, however, >permanent= means that the bond continues until the State determines that it is dissolved; for the Church, it means that the bond of a valid marriage continues to exist until death of one of the parties, or until a Declaration of Invalidity is issued.

Because of Christ=s teaching that Awhat God has joined, no one must separate,@ divorce is not accepted in the Catholic Church. Although Catholic marriage Tribunals use the term >annulment= as a convenient short term to describe their formal investigations of marriage, this term does not accurately describe their activity. Tribunals do *not dissolve* a valid marriage, but rather declare that a marriage was *invalid* from the beginning because something essential was missing from the marital consent given at the wedding even though this was not apparent at the wedding. Therefore, the proper term for the Tribunal=s decision is >Declaration of Invalidity=; it is the result of a thorough investigation and states that, despite years of common life and children, the marriage was never fully valid according to Catholic doctrine (cf. attached brochure on *Procedures*). Yet there are some marriages which cannot be declared invalid, because they are not proven to be invalid, and then a negative decision is given to the person seeking an annulment.

### Common Misunderstandings

It is not true, as so many people still believe, that a Declaration of Invalidity will make the children born in the marriage illegitimate; neither the civil status of the children nor the terms of the civil divorce is affected in any way by such a declaration: Church law and State law are strictly separated in the United States. The Tribunal procedure is purely religious in nature, and its sole purpose is to clarify a person=s status in the Catholic Church, i.e., to determine whether this person is free to marry in the Catholic Church.

It is also not true that the Catholic Church considers marriages invalid if they were not celebrated

in the Catholic Church, or at least in some Church. Because the Church sees marriage as based on natural law, it recognizes any marriage celebrated between two baptized Christians as sacramentally valid, and any marriage celebrated according to the law of any state, or any non-Catholic religion as naturally valid. While baptized Catholics must follow the canonical form of marriage in order to marry validly, this does not apply to non-Catholics.

A decision in a marriage case takes time and is only made after the matter has been thoroughly investigated. When you, as the Respondent, are first contacted by the Tribunal about a case, the Tribunal is just beginning its investigation, and *no decision has yet been made*. You will certainly be informed of the *final decision* at a later date, and you have every right to participate in the process. As a matter of fact the Tribunal welcomes your participation, since it is our goal to find the *truth* about your marriage and to determine whether or not something essential was truly missing in your marriage (cf. attached letter). If such an essential lack cannot be proven, the marriage cannot be declared invalid.

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