

Joe Cannon, this one's for you: Marriage, divorce, and annulments

Created on March 15th, 2008, by Father Thomas Dowd

Last Tuesday (March 11) I was interviewed on [the Joe Cannon show \(940 AM Montreal\)](#) regarding the so-called “new sins from the Vatican”. I found this whole affair to be a tempest in a teacup, and I said so on the air. Joe was a challenging interviewer (he clearly likes to keep things punchy), but I found him quite fair. At one point, though, he said he didn't understand one thing: how a Catholic priest can give communion to a confessed murderer, and not to a divorced and remarried couple. This is a complex topic, of course, so I did the best I could in the 15 seconds I had, but Joe was good to me and pointed out that perhaps we'd have to do a whole other show on that issue. Anytime, Joe, anytime.

Still, I've been thinking about this interview since then, so I thought I'd take a moment to write up a blog post for all those persons wondering about the Catholic understanding of marriage and divorce.

From the Catholic point of view, the breakup of a marriage always involves some sort of tragedy. We know this because while little kids may dream one day of being married, they never dream that if they are really really lucky they might also get divorced too. In my experience, marriages break up for one of three types of reasons.

The first category of reasons is **sin**. One person commits a particular sin or set of sins against the other, often retaliatory sins then happen as well, and the marriage is soon circling the drain. A classic example is an affair: adultery is a sin against the promise of fidelity. Whatever the sins might be, though, a couple can work through them through the gift of forgiveness.

Still, forgiveness is not always easy, because of unhealthy or unrealistic relationship patterns. This brings me to the next major category of reasons for marriage breakup: **lack of maturity**. Every person is born with a focus on self, and this is quite natural: after all, as babies all we really know is ourselves and our needs. As we grow, however, we go through a process of going from being self-centred to becoming other-centered: we go from *narcissism* to *altruism*. From the Catholic point of view, a fully mature person is not just someone who is able to function well in society, but someone who is able to live in an other-centred way. Marriage demands this approach: it is not simply a transaction, and it is even more than a partnership — it is a *covenant*, in which the couple is not involved in “give-and-take” but “give-and-give”. Parenting, especially, requires this approach, because in the end the only good reason to have kids is because you want to love them.

From the Catholic point of view, you cannot get married unless you possess a minimum of maturity in certain ways (for example, you have to be willing to have children). On the other hand, from practical experience we know that it is awfully hard to **stay** married unless you also have a willingness to continue to grow in maturity. A married relationship itself makes this kind of demand on people, because neither person is perfect. There is a constant challenge to grow in mutual understanding, generosity, forgiveness, and care. While marriage requires a minimum of maturity, it is also a school of simple virtues where that maturity is constantly tested and pushed to grow. A marriage which does not possess a minimum of maturity — including sufficient maturity to invest in the further growth process — that marriage will eventually founder. Small incidents or resentments are not resolved and grow into

bigger issues, and sooner or later sins (see the first set of reasons) start to creep in as well, and the marriage is in terrible trouble.

The third set of reasons for marriage breakup, in my experience, is something I call *force majeure*. Force majeure consists of external circumstances which test a marriage to beyond its natural breaking point *if it has no outside help*. For example, a couple may be married and unfortunately one of the two falls terribly sick, say with a disturbing mental illness. The healthy spouse has to carry a burden of house and home alone, including the burden associated with the illness of the other spouse, and it is tough. The sickness may not be anybody's fault, but the fact remains that it is a challenge and at a certain point the healthy spouse may just give up and throw in the towel. This being said, though, I do not believe that *force majeure* necessarily leads to marriage breakup, because the pressure only becomes intolerable if there is no outside support mechanism. Simply put, a married couple is not a self-sufficient unit, and it is foolish to think that it can be. A married couple needs to be part of a web of relationships with other family, friends, society, school, church and God, all of whom contribute their share of support in challenging times. Married couples sometimes do not have this support, and that can be the fault of the outside agencies (some extended families, for example, are just bastions of their own dysfunction; sometimes the local church doesn't have a lot to offer for family support; and so on). Still, sometimes married couples choose themselves to not be part of these networks in a meaningful way, or are too proud or embarrassed to turn to them when the need arises. *Force majeure* gets its marriage-destroying power, then, mainly if it interacts with this sort of lack of maturity (second set of reasons) which then often leads to sins (first set of reasons), and again the marriage is stressed to the breaking point.

While what I have provided here may seem to be a litany of disasters, in fact it is also a litany of hope, because we see the dangers and develop strategies to avoid them.

First, we need to head off any problems in the first place, by strengthening our network of supportive relationships. From this point of view, this starts with a strong relationship with God and with a local worshipping community **as a couple**. As the saying goes, "a family that prays together stays together". True spirituality helps people see clearly about themselves, in both their strengths and weaknesses, and automatically brings a connection to people who believe the same things.

Next, we need to be constantly growing in altruism, and again **as a couple**. From a Catholic point of view, this again has a special starting point in *holy sex*. Sex is holy when it is completely altruistic, free of selfishness through a total giving of self to the other. This is the main reason, actually, why the Catholic Church is opposed to the use of artificial contraception: because it involves telling the other person, "you can have everything of me except my fertility" — the gift is not total, so the sex is not holy. Studies show that couples who live a sexual relationship that is not just healthy but holy have a drastically reduced breakup rate, so it would seem the Catholic Church is onto something here.

Finally, a couple needs to practice mutual honesty and forgiveness. One of the key ways we know something is sinful is when we want to hide it from others. A couple that lives in mutual honesty will find it very hard to lie or keep secrets from the other, because the other will simply know that something is wrong. This becomes a strong incentive to avoid sin, but also to immediately turn to the other for forgiveness. This next point may be particularly hard, and the wounded spouse may want to try and understand **why** the sin was committed or keeps coming back. The sinning spouse may not even know him- or herself. In reality, though, this means that the couple needs to start to take a look at the roots of immaturity and narcissism that are still present in their relationship (i.e. the second tier

reasons) and work them through, perhaps with the advice of a counsellor (a therapist, a priest, or whomever).

Marriage can be a long and sometimes bumpy road, but those bumps don't need to lead to breakdowns. Still, breakdowns do occur, and sometimes there does not seem to be hope for reconciliation. So how are we to approach the topic of marriage breakup?

In civil society, such as here in Quebec, we typically see three forms of structured marriage breakup: separation, annulment, and divorce. Most people are familiar with the first and the last, but annulment also exists even in civil law. A famous case of civil annulment was Britney Spears' hours-long Vegas marriage to Jason Allan Alexander, a childhood friend. It wasn't a divorce, but an annulment granted by a Nevada judge.

Why don't we see more civil annulments, rather than divorces? The main reason has to do with the structure of civil marriage itself, which has no *theology*. Civil marriage is concerned with concrete elements in the external forum, such as property relationships, and that is all: no one can legislate some sort of requirement to actually love your spouse. Also, because there are many different perspectives within a given society as to the nature and/or purpose of marriage, civil law necessarily tends to avoid choosing between them and instead will focus on the merely formal aspects of actually getting married, such as the age of the couple. This sort of thing is externally verifiable, while something like a "lack of maturity" is very hard to measure in a court of law. We see more divorces than annulments, therefore, because there are fewer reasons in civil law for annulments to actually happen. Still, happen they do.

Now the Church also has three structured forms of marriage breakup, corresponding roughly to the civil three. These are "separation of the spouses", "dissolution of the bond", and "declaration of nullity". Let's see how these match up.

Both kinds of law (civil law and canon law) include the possibility of legal separation. Both kinds of law include the notion that spouses owe certain duties to each other, such as the duty to maintain common living, but both kinds of law admit the possibility that the spouses can separate for certain justifiable reasons. People often see civil separation as a prelude to civil divorce, so they are sometimes surprised to see that the Church also allows the possibility for couples to "justifiably" separate. It is true that the Church does not "believe in divorce" per se, but it is also true that the Church has been around for almost 2000 years and is not stupid. The idea that a "good Catholic woman" is not allowed to leave an abusive husband, for example, is false nonsense. [Canon 1153 paragraph 1](#), for example, states the following:

If either of the spouses causes grave mental or physical danger to the other spouse or to the offspring or otherwise renders common life too difficult, that spouse gives the other a legitimate cause for leaving, either by decree of the local ordinary or even on his or her own authority if there is danger in delay.

That is official Catholic practice. Don't let anyone tell you otherwise: not your parents, not even a badly misinformed priest.

If civil separation typically leads to civil divorce, though, what about canonical separation? The Church always hopes for reconciliation for a couple, and as a priest I have personally worked with couples and therapists to help reconciliation happen. When that reconciliation happens, often the marriage is even stronger after, but if it doesn't some sort of permanent separation may occur even though the couple

remains married. There is no time limit on canonical separation: as long as the original reasons for the separation endure, the separation can continue. As I say, though, the couple is still married, and so certain basic obligations are still in place, such as the duty to remain sexually faithful.

Now it often happens that, during the course of a separation, a couple gets a civil divorce. From the point of view of the Church a civil divorce has no binding spiritual force, and if you think about it this only makes sense. After all, who made that judge a priest, that he can declare when something is or isn't a sacrament? It is none of his business, and if we want to respect the separation of Church and State then we need to accept that civil divorce can only apply to the *external* dimension of marriage, such as property relationships, and not to its spiritual properties. In a civil divorce the couple might not be married in the eyes of the government, but in their eyes of God they still are. Marriage belongs to God and is regulated by the Church in its fundamental properties, and nobody else. The Catholic Church takes these words of Jesus very seriously: "What God has joined, let no man separate."

It is for this reason that the Catholic Church cannot admit people to communion who have married outside the Church. The issue is not the civil divorce *per se*, it is the fact of living in a conjugal relationship outside of the teaching of the Church, a relationship that involves sexual relations. From the point of view of the Catholic Church, sex outside of marriage is always wrong, and that marriage needs to be one that is consistent with the gospel of Jesus. As I say, it isn't the civil divorce that is the real issue, and in fact a Catholic priest can even counsel a person to seek a civil divorce in certain circumstances (for example, to protect the property of a spouse so as to be able to continue to properly provide for the children). But if a person starts to live as husband and wife without actually being husband and wife, a contradiction comes into play that prevents a person from being able to receive communion.

But is there such a thing as a "Catholic divorce"? Believe it or not, there actually is, although it applies only in very limited cases. It is called *dissolution of the bond*, and it can only apply if one of the members of the couple is not baptized OR if the marriage has not been consummated. Regarding the requirement of baptism, the Church believes that the indwelling presence of God that comes with baptism also brings with it all the graces that a couple needs to have a solid marriage, such that dissolution of the bond never becomes truly necessary (or possible). With regards to the consummation of the marriage, this relates to the issue of holy sex that I mentioned earlier: assuming the couple consummates the marriage in a truly human way, one that is respectful of what sexuality is supposed to be about, then the holiness of that sexual union seals the vows "until death do they part". If either of these things is missing, though, dissolution of the bond can theoretically be obtained (although it is not a given) by means of what is known as the "power of the keys", i.e. the power delegated by Jesus to St. Peter to bind and loose in spiritual matters.

Does this mean that a Catholic whose marriage collapses can never get married again? If the couple was in a sacramental and consummated marriage that was valid in the first place, then no, they cannot. "What God has joined, let no man separate," and not even the power of the keys can undo this sort of union. But such situations require us to honestly ask the question: was there ever a valid marriage in the first place? In other words, when the couple actually said "I do", did God really join them?

With regards to annulments, since we have already covered the basics of civil annulments let's look at canonical annulments (more properly called "declarations of nullity"). An annulment is not a divorce. A divorce means that the marriage really existed, but is now dissolved. A declaration of nullity means that a valid marriage never actually existed in the first place. Some people consider this to be some sort of legal fiction, but in reality the distinction is very important (and, as we have seen, is even found in

civil law). I remember hearing the following testimony of a woman who, after her civil divorce, decided to pursue a declaration of nullity as well:

When I got divorced, I knew it was necessary but I still felt bad. I sometimes felt guilty, wondering maybe I could have given it just one more try. When I decided to go for the declaration of nullity, though, I discovered something important. Because the declaration of nullity process goes back to the beginning of the marriage, and doesn't just look at the end when things are really bad, I came to see that the problems in my marriage had actually always been there, from the very start. We never really had a chance, and so I didn't need to feel guilty anymore. I also learned a lot about myself and about what a real relationship should look like, and I know I'll be better prepared for the next time. It was too bad I needed to do it, but getting a declaration of nullity was one of the best things I ever did.

This quote is a paraphrase, but it covers the essence of what she said. I could not have said it better myself, and from the many times I have counselled an ex-spouse with regards to a declaration of nullity I have found them universally quite pleased with idea of the process and the process itself.

What are the different possible grounds for a declaration of nullity? There are many. Some seem more like technicalities, and these resemble the civil annulment clauses (things like not being old enough, or not having the proper ceremony). The grounds for nullity are greatly expanded in canon law, however, because while civil law keeps away from the theology of marriage, canon law jumps right in. Basically, the Catholic Church believes that God is not stupid and therefore will not actually bind the couple spiritually if they don't meet some *interior* requirements as well. For example, both parties have to understand that marriage is one and indissoluble, that it is oriented towards the procreation and raising of children and for mutual support and consolation. A minimum of human maturity is required as well, as well as sufficient interior freedom to be able to actually say "I do" and mean it. While these may sound like loopholes which can be used to justify anything, in fact there is a lot of jurisprudence that guides the wisdom of the Church in such matters and helps make things more precise. I actually have a book of one year's worth of marriage tribunal decisions sitting in my personal library, and I take a look at it every so often. Of course, it is a sad litany of human misery, but at the same time contains a lot of wisdom into how we can help prevent marriages from starting out on the wrong basis.

I'd like to conclude this article with two stories.

My first story is of a time when I visited a Sunday school class composed of a bunch of 12-year-old kids. I was actually passing through, but the catechist in charge invited the kids to "ask Father Tom a question". One kid shot up his hand and asked, "What does the Church teach about divorce?" What I immediately suspected was later confirmed: his own parents were divorced, and so were the parents of half the kids in the room. So I took some time with them, explaining about the fundamental indissolubility of marriage but also about declarations of nullity. They were intrigued by this idea that a marriage might not be valid despite the ceremony, and they wanted to know more. So I read them a case from my aforementioned book:

According to the Petitioner (the wife), the couple began as good friends and nothing more. At one point in their friendship, she confided in her friend and future husband and told him a secret that she had never told anyone else: that she had once had an abortion. He promised to never reveal her secret to anyone, and their friendship continued to endure. Later, after each had a series of unsuccessful relationships, they decided to get married to each other: after all, weren't they already best friends? Despite this, during the course of the

engagement she realised that he was not actually the one for her, and she told him she wanted to call off the wedding. He replied that unless she married him, he would reveal her secret to her family. They went through with the wedding, with no one else suspecting what had happened, but the marriage did not last. The Respondent (the husband) confirms the details of this story.

As you can imagine, the 3-person tribunal granted this declaration of nullity unanimously, on the canonical grounds of fear: she was basically being blackmailed into getting married, and the Church simply does not accept that God would bless this kind of wedding. It turns out that 12-year-olds also don't accept that God would bless this kind of wedding either — even if her dress was beautiful, even if everybody else thought they were the perfect couple, even if the reception was fantastic. The externals just don't matter that much for the Church — it is the internals that count. The kids Got It, and I wonder if we could use an expanded form of this simple afternoon to help adolescents grow in maturity and realism about the real nature of conjugal relationships.

My second story has to do with a couple I met when I was visiting Quebec City in 2001. They were from Salt Lake City, and were on their honeymoon. I was walking around town in my clerical collar, and they simply approached me to say hello (both were practicing Catholics). We went for dinner, and that was when I discovered something surprising: both had been previously married, and had obtained declarations of nullity! In her case, she had requested the declaration after her husband left her, and it was granted — a fairly standard case.

His story, however, had a few twists. It turns out that he wasn't even Catholic when one day, sometime after his marriage had ended, a letter showed up from the Catholic marriage tribunal, inviting him to come in and talk to the tribunal about his marriage. He discovered that the reason he had been sent the letter was because his ex was trying to get a declaration of nullity and the tribunal felt it would only be fair to hear his side of things — even if she was a Catholic and he wasn't. This surprised him, and he agreed to cooperate. He found the process so healing that he actually converted to Catholicism shortly after the declaration of nullity came through! Later, at a parish picnic, some friends introduced these two to each other, figuring they had something pretty unique in common — they both had received declarations of nullity. It sounds silly, but the couple explained that not only did they have something in common, they also now had a much more solid basis upon which to build a second marriage. They hit it off, fell in love, and now were visiting Quebec City on their honeymoon. I was really edified by their story, because it proved (at least to me) the wisdom of the Church's approach.

Marriage is a vocation, a calling to a way of life that is full of meaning and dignity. Sadly, it is not always lived this way, and for all sorts of reasons. Still, I believe all the wisdom and graces necessary to make a successful marriage are available to us in Christ and his Church. As a priest, it is my mission to help make this grace and wisdom better known and better available, such as from my pulpit in church on Sunday. Joe, if you are reading this, maybe you can use your own pulpit — your radio program — to do something similar. You'd be doing a favour, not for me, but for all your listeners. Let me know if you'd like a hand with something like that, and I'll be there.

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