

universal Church. Although critics can sometimes cite particular abuses (which should be promptly brought to the attention of the proper authorities), by and large the new norms have achieved justice in a way the old system could not.

It is important to note that having the Church's tribunal open to a Catholic is not a privilege by a right, flowing from one's membership in the Church. Therefore, Catholics can approach their parish priest with confidence regarding an annulment, or if need be, they can consult with the judicial vicar of the diocese who is the chief judge of the local tribunal.

Some Particulars

The length of time and the fees involved in annulment cases vary significantly from diocese to diocese. Usually these differences are the result of whether a particular tribunal has sufficient staff (both priestly and secretarial). Although the media frequently try to show that an annulment is related to a petitioner's wealth or prestige, one must realize that the modest fees (sometimes as low as two hundred dollars) do not begin to cover the costs involved. Furthermore, it is extremely unlikely that any case has ever been denied because of the inability to pay. Incidentally, it is ironic how normally charitable Catholics can turn harsh when the rich or the famous obtain the same consideration as anyone else. Should justice be denied simply because these people are rich or famous?

The biggest difference between earlier annulment procedures and the present norms is the admissibility of psychological evidence. This was a direct response to Vatican II's call for the Church to be open to valid insights coming from the social sciences. Pope John Paul II has enthusiastically supported this approach and reminded the judges of the Roman Rota (the marriage court of the universal Church) of their obligation to take seriously such testimony, all the while calling for proper caution.

Grounds for Annulment

As the process begins, one must recall that the Church believes that marriage has the benefit of law, which is to say that the burden of proving invalidity is on the person requesting the decree of nullity. What are the grounds for such a decree? The first and easiest is "lack of form", which means the marriage ceremony did not take place according to the Church's requirements (CCC 1630-31); the second most common ground is "lack of due discretion" or lack of consent. Here is where the psychology of persons and marriage itself comes into play.

"Lack of discretion" refers to insufficient knowledge or reflection on the part of one or both spouses, to the degree that the marital consent given on the day of the

ceremony was defective (CCC 1625-32). Full knowledge includes knowledge of the self, the other, and the demands of marriage. Adolescent fantasies do not produce Christian marriages, for example.

If one (or both) parties was unable to fill the obligations of marriage from the very beginning, no marriage ever took place (CCC 1629). True, spouses receive a special sacramental grace through Matrimony (CCC 1642), but theology also tells us that grace builds on nature. In other words, if the necessary prerequisites are not processed by the spouses, no growth will ever occur. Immaturity, instability, dependency on drugs and alcohol, promiscuity—all are warning signals of potential marital problems. In reviewing a failed marriage, a petitioner should look for the presence of those indicators before the marriage ceremony took place. Information about one's early life, personal relationships, and life in the Church are critical, as are the details about the courtship, the honeymoon, and the marriage itself.

Finally, some clarifications are in order. According to Church law, neither divorce nor remarriage brings about an excommunication. However, someone who is divorced and remarried (civilly) cannot receive the Eucharist because the present relationship is one of adultery (CCC 1650-51). The solution to the problem is to investigate the possibilities for an annulment and to refrain from conduct proper to marriage until such time as a decree of nullity would permit a Christian remarriage. Hard to do? Surely—and that is why our Lord's disciples concluded his views on marriage were so demanding that it might be better not to marry at all (Mt 19:10).

The correct conclusion to come to, of course, is not that marriage should be avoided, but that it should be carefully prepared for (CCC 1632). This is a responsibility of the couple but also of the Church. It is to be hoped that extra care at this end of the marital spectrum will render unnecessary judicial proceedings at the other end.

The Evangelization Station

Hudson, Florida, USA

E-mail: evangelization@earthlink.net

www.evangelizationstation.com

Pamphlet 409

Matrimony

Rev. Peter M. J. Stravinskias

"May Almighty God Bless You by the Word of His Mouth and Unite Your Hearts in an Enduring Bond of Love."

The marriage of two Christians was viewed by St. Paul as something deeply sacred because he saw in that relationship a direct parallel to the love of Christ for his Church (Eph 5:32; CCC 1617).

The love of a husband for his wife, then, must be unconditional. The husband's whole concern should be for the welfare of his wife, as hers should be for his. This is a high ideal, but Jesus expects us to be men and women of ideals. In fact, our purpose in life as Christians is to view human existence from a divine perspective, which is a theological way of saying that we must look on things the way God does.

Every marriage takes place, not in private, but in the presence of others, because it will profoundly affect the Church (CCC 1630, 1663). And each couple receives the support of the whole Christian community as they pledge the gift of themselves to one another because the act of self-giving is fundamental to Christian life (Jn 15:13).

The dignity of the married state comes from the love of the individuals committing themselves to each other and from the grace bestowed on the state by Christ himself (CCC 1601, 1613). Thus it is important to look upon a Christian marriage as an arena of salvation for the couple.

It is no accident that the Church of the West regards the bride and groom as the ministers of this sacrament (CCC 1623). They are the key agents of grace for each other. Having administered this sacrament to one another on their wedding day, they must continually provide each other with opportunities for growth in faith and love, to be Christ for each other. This is done most clearly in the unreserved, sacrificial gift of the self. And it is precisely here that so many couples fail. The old marriage rite reminded every couple that "sacrifice is usually difficult and irksome. Love can make it easy; perfect love can make it a joy." The quality of one's love is proven by the quality of one's giving (CCC 1601, 1609). Those factors determine whether or not a marriage is a genuine arena of salvation.

The Domestic Church

One of the great insights of Vatican II was the rediscovery of the Christian family as "the domestic church". In other words, every Christian home should be a Church-in-miniature, for it is here that most people will

begin to learn the basics of Christian life (CCC 1655-58, 1666).

The Code of Canon Law speaks of marriage as both a covenant and a contract. As a covenant, it must mirror God's relationship with the Chosen People and Christ's relationship with his Church. As a contract, it is the informed exchange of consent to accept the rights and duties of the marital state. These two views of marriage are not mutually exclusive, but complementary. The realization that our Lord so loved his Church as to give his life for her should enable Christian spouses to be prepared to do the same.

It has been said that the Church must raise a prophetic voice in society. If that is true, then one might expect the "domestic Church" to offer a witness uniquely its own. However, many couples do not seem aware of their need to do this today, and we are the poorer for it. I would like to suggest some areas for such witness.

The Witness of Exclusivity and Permanence

In the Christian scheme of things, the marital bond calls for exclusivity (CCC 1638, 1646-48). Here Catholic spouses have an especially powerful message to convey to a society in which soap operas and television melodramas glorify the notion of "open marriage", which is just a euphemism for infidelity. Christian couples must proclaim clearly and joyfully that total fidelity in marriage is God's will and, on that very account, meaningful. Conversely, they must argue persuasively that anything less than faithfulness can only cause heartache to the individuals involved and to society as a whole.

The Christian marriage is indissoluble: "Let no man separate what God has joined" (Mk 10:9; CCC 1611, 1614-16, 1643-45). Often we hear people say: "I don't agree with the Church's position on divorce and remarriage." To such people, committed Christian couples will say: "Please do not say, 'I disagree with the Church's position.' Better to say, 'I disagree with Christ's position.'" It will then be necessary to explain this "hard saying" of our Lord and to use the testimony of one's own married life to verify what God's grace can accomplish. Of course, God does not want his children to be miserable; but sometimes the greatest joys are experienced only after a couple has seen that divorce is not an option for genuine believers.

Love and Life Are Inextricably Linked

If marriage is truly a sign of God's love, it must be open to life (CCC 1652-54). The unitive and the procreative elements can never be separated. The unitive without the procreative is mere hedonism; the procreative without the unitive is mere reproduction of the species. Love and life are inextricably linked in the very nature of

man and in the very nature of gender. A promiscuous society desperately needs to hear of normal, happily married Christians who do not find fulfillment in mere recreational sex. Contemporary culture longs to hear that one can and must love in a spirit of chastity. If Christian spouses are unwilling to say this, who else will?

"Marriage vs. Celibacy" is the way life in the Church is sometimes depicted, and with some justification. However, a committed Christian couple and a committed Christian celibate are not in competition with each other (CCC 1618-20). Both forms of witness are valid and necessary. Both are sacraments or signs of higher realities. The bond of marriage is a reminder, in the present, of Christ's love for his Church. The life of celibacy points toward that future moment when God will be all in all. Catholic couples demonstrate in concrete, earthly ways the kind of sacrificial love that is at the very heart of the gospel message. Celibate clergy possess an objectivity in marital affairs that makes them ideal marriage counselors; their own life of chastity eminently qualifies them to serve as models of genuine sacrificial love for their people and to challenge their people to be all they can be, by cooperating with divine grace. Catholic spouses, then, will refuse to become parties to that mentality which creates dichotomies where none exist or which holds that direct, personal experience is required for a valid contribution to be made. On the contrary, they will unashamedly declare their respect and love for their priests, whose celibate lives enhance their own married lives.

More Than an Arrangement of Convenience

Catholic spouses are in a unique position to share the Catholic mission of marriage. Their testimony is needed, not simply to justify or vindicate the Church's point of view but to convince the world that marriage is more than the arrangement of convenience it has become so often in contemporary America. Catholic couples must never conform to the ways of the world but must do all in their power to transform the ways of the world to those of Christ. Therein lies both the difficulty and the nobility of the Christian vocation of marriage.

At every wedding the Church, through her knowledge of the past, helps couples gaze into their own uncertain future. In the final blessing of the old marriage rite, the Church summed up its essence of married life in poetic yet realistic form:

May Almighty God bless you by the Word of his mouth and unite your hearts in an enduring bond of pure love.

May you be blessed in your children, and may the love you lavish on them be returned a hundredfold.

May the peace of Christ dwell always in your hearts and in your home; may you have true friends to stand by you, both in joy and in sorrow. May you be ready with help and consolation for all those who come to you in need; and may the blessings promised to the compassionate descend in abundance on your home.

May you be blessed in your work and enjoy its fruits. May care never cause you distress, nor the desire for earthly possessions lead you astray; but may your hearts' concern be always for the treasures laid up for you in the life of heaven.

May the Lord grant you fullness of years, so that you may reap the harvest of a good life, and, after you have served him with loyalty in his kingdom on earth, may he take you up into his eternal dominions in heaven.

It is said that, unlike competitive games, marriage is a partnership in which both parties win or else both lose. A husband and wife are responsible for each other both in time and eternity; that is what the blessing means; that is what the Church's theology of marriage means; and that is what the grace of this special sacrament is meant to accomplish.

A Work of Justice, Not Mercy

When the Church uses her judicial system to examine the validity of a marriage bond, she is engaging in the work of justice and not a work of mercy. Both supporters and detractors of the revised annulment process seem to be confused in this regard. Therefore, some background information might be helpful (CCC 1629, 1601).

A decree of nullity (commonly but inaccurately referred to as an "annulment") is the Church's declaration that, after proper consideration, a determination has been made that the necessary qualities were lacking in one or both parties to the marriage, so that the *consortium totius vitae* (total sharing of a common life) envisioned by Vatican II was impossible.

In other words, what was taken to be a marriage was lacking in some essential characteristics. Simply put, no marriage really existed. This is quite different from a divorce, which is the declaration that a real marriage is now broken by some authority. Catholic theology, taking at face value the words of Christ in the Scriptures (cf. Mk 10:9), refuses to grant power to any human authority (civil or ecclesiastical) over a valid, consummated, sacramental marriage (CCC 1640).

After Vatican II, the Holy See gave marriage tribunals in the United States permission to use special norms to handle annulment cases. This experimental process was apparently viewed quite favorably by Rome because, with a few exceptions, the process was incorporated into the revised Code of Canon Law, and thus extended to the