

DIVORCE VS ANNULMENT

When a couple gets married, whether in a religious or civil ceremony, the parties do so intending to be married for life; at least that was the practise in the past. However, we all know too well our human characteristics and their frailties and this can sometimes lead to separation and reconciliation or, unfortunately, separation and eventual divorce. Divorce is a civil process whereby the parties declare a permanent end to their marital relationship. So, if civil divorce is an end to the relationship, why does one require an annulment to get remarried in the Catholic Church? Actually, annulment is not the right word but is used due to common usage by the general population. The actual terminology is *Declaration of Invalidity*. Nevertheless, divorce deals with the civil components of a marriage, for example: division of properties and assets including pensions, custody of children and visitation rights, support payments, etc. The Church does not deal with those issues.

So, why the annulment? What else is there? Marriage in the Catholic Church, when celebrated between two baptized parties, is a sacrament or Holy Mystery and is a partnership of the whole of life. Just as the Church does not deal with the civil components addressed in a divorce, the State does not deal with the religious or sacramental component of marriage. These are two separate issues but yet we must keep in mind that an annulment is not a Church-style divorce. It is a judicial process through which the background of both parties are examined, their characters at the time of the marriage, the courtship period, early married life, and the circumstances that lead to the demise of the marriage. All this will help the Church tribunal determine why this couple was unable to commit to a partnership of the whole of life, in essence, the sacrament.

There are two questions which the tribunal seeks to find an answer to: 1- were both parties ready at the time of marriage for the partnership of the whole of life, the sacrament? And 2- were they ready for marriage to each other? A person may very well have been prepared for the obligations of married life but just not to that particular person, hence their relationship deteriorated and eventually they were no longer able or willing to commit to the marriage. Some people only find his or her soulmate the 'second time around.' Regardless, the Church recognizes human frailty and has instituted the tribunal process in order to help a person heal from a broken marriage, regain self-confidence, and pursue a new relationship, if that is the intent, which is blessed by the Church. Furthermore, if certain serious issues came to light during the examination of the case, the tribunal can delay a person from remarrying in the Catholic Church until the serious issue has been dealt with. To remove a restriction, called a vetitum, a person may be required to attend AA, Anger Management, counselling for addictions, counselling for personal issues, etc. This is not done to make life miserable for someone. The Church cares for its faithful and strongly desires that they heal from vices in order to be more able to establish a partnership of the whole of life and a union of love and fidelity which is an integral part of the sacrament of Marriage.

Most non-Catholic Churches do not recognize marriage as a sacrament; it is a civil matter which can take place in a Church setting or by the Justice of the Peace and their members can get remarried simply by presenting a divorce certificate or decree absolute. So, if a baptized non-Catholic, married in a Church which does not recognize marriage as a sacrament, gets divorced and then eventually desires to marry a Catholic in the Catholic Church, would he or she be required to submit an application to the Catholic Marriage Tribunal to obtain a declaration of invalidity? Yes. Why? The Catholic Church teaches that all marriages between baptized persons are recognized as sacramental. This may be difficult for non-Catholics to understand but when we look at what marriage is in the Catholic Church and the reason for the tribunal process, it's all about the desire of the Church for the couple, its faithful, to be prepared as much as possible to embrace fully the partnership of the whole of life; a sacramental marriage.