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## WHY MARRIAGE ANNULMENTS?

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This is the fifth article in this *Bishop's Journal* on the question of Christian marriage. I believe that it is important for you to have a sound idea of marriage so as to enter into it and commit to it wholeheartedly and with conviction. This article will deal with the delicate issue of marriage annulments. But before going into this, let us ask ourselves what is the Church's view of marriage.

### DIGNITY OF MARRIAGE

Vatican Council II defined marriage as an "intimate partnership of life, and the love which constitutes the married state has been established by the creator and endowed by him with its own proper laws; it is rooted in the contract of its partners, that is, in their irrevocable personal consent. It is an institution confirmed by divine law and receiving its stability, in the eyes of society also, from the human act by which the partners mutually surrender themselves to each other..." These words are taken from the document *The Church in the Modern World* (No. 47).

### VALIDITY ASSUMED

When a man and a woman are joined together in marriage it is assumed that they have fulfilled all the conditions for the marriage to be valid. This is one of the reasons why the Church insists that engaged couples follow a marriage preparation programme. This does not mean that taking the session will ensure perfect marital bliss and success across the board. At least the couple will have taken elementary precautions for the success of their life's project.

### COUPLES IN DIFFICULTY

Despite these precautions, it happens that couples cannot continue to live together. It is then that it could be important to look closely to discern whether there is a true sacramental bond between this man and this woman. For close to twenty-five years, our diocese has had a marriage tribunal to investigate the cases submitted to it. This is painstaking work requiring patience and discretion, discernment and justice, kindness and understanding. An auditor interviews and records each spouse individually, then the witnesses who can shed some light on the situation of the couple involved, before and on the day of their marriage. All of this work is done under oath and taken down in writing. The information is then passed on to the priest "defender of the bond" who is charged with ascertaining whether the conditions for a valid marriage were respected or not. The cause is then submitted to the priest-judge of first instance, following which the entire file is sent to the tribunal of second instance, outside the diocese of Edmundston. If the two judgements concur, the work is done, but if they do not, the case could be appealed to the Holy See; but usually cases are judged here in Canada.

## **GROUNDS FOR ANNULMENT**

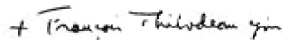
Each marital situation must be analysed with care and justice; still, there are factors to be examined closely in order to determine whether or not there is a marriage bond. That is why we check to see whether the liturgical celebration unfolded according to Church requirements: the presence together of the couple to be married and their verbal consent, the presence of a legitimate minister authorised by the bishop, and the presence of witnesses. Each marriage must be entered into in total freedom and human maturity. The defenders of the bond and the judges must carefully examine whether the man and the woman were not pressured into marriage and whether they had the required maturity for marriage. They also ascertain what were their intentions regarding fidelity and the permanence of their marriage, as well as their decision to have children or not: these elements are essential to all marriages. They must determine the couple's capacity for heterosexual love, mutual assistance, material responsibility, and interpersonal relationships. They must determine whether the couple had a sufficient grasp of the obligations of Christian marriage: the emotional growth of the couple, education of children, etc. Character or behavioural defects are also looked into: alcoholism, drug addiction, violence, jealousy, etc.

## **WHY GET A MARRIAGE ANNULMENT?**

As long as the marriage commitment of a couple has not been declared invalid, the man and woman cannot contract another marriage; there is presumption of real marriage, with attendant rights and obligations. But if two unanimous instances declare that there has been no sacramental bond, the persons involved are considered as never having committed themselves sacramentally to one another. The procedure followed by the Church's marriage tribunals comprises a long search for the truth and for justice.

## **HOW DOES ONE OBTAIN SUCH AN ANNULMENT?**

If a couple with marriage problems want to know whether they are truly bound by the sacrament of matrimony, all they have to do is to call the diocesan marriage tribunal at 735-5578. An annulment procedure begun at the beginning of the year is usually definitive before year's end. May the Lord who wishes all to be happy be light and peace on our way.



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