

Marriage
Annulments
Under
POPE
FRANCIS

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Foreword

While Pope Francis affirms the sacrament of marriage is a holy union that cannot be dissolved, he issued two apostolic letters in 2015, *Mitis Iudex Dominus Iesus* (The Lord Jesus, the Gentle Judge), and *Mitis et misericors Iesus* (Gentle and Merciful Jesus). In these letters, Pope Francis acknowledged there are circumstances in which a marriage can be annulled and announced a streamlined process for acquiring that annulment. This process went into effect December 8, 2015, at the launch of Pope Francis' Extraordinary Jubilee of Mercy.

Pope Francis signed the new law "for the purpose of implementing justice and mercy with regard to the truth of the bond to those who have experienced the failure of their marriage....The recently concluded Synod of Bishops expressed a strong exhortation that the Church draw near

to 'the weakest of her members, who are experiencing a wounded or lost love' (*Final Report*, 55 [October 13, 2014]), to whom confidence and hope must be restored. Indeed, the laws now entering into force seek to show the Church's *closeness* to wounded families, with the desire that the many who experience the trauma of a broken marriage may be touched by the healing work of Christ, through ecclesiastical structures, in the hope that they discern that they are the new missionaries of God's mercy toward other brothers and sisters, for the benefit of the institution of the family."

—Pope Francis,
Rescriptum ex audientia,
December 7, 2015

Introduction

The Christian view of marriage is one where the couple enters into union with God and in God's grace fulfills and completes each other in their vocation of marriage. We see marriage and family as willed by God to help the spouses attain perfect happiness in eternal life with God. For these reasons, Christian marriage is both joyful and happy, as well as serious business.

Every gift God gives us has a divine purpose and intention. Our call is to live out—realize—that intention and purpose. The various teachings and regulations of the Church formulated through the centuries to govern marriage are intended to support the understanding of God's

purpose and intention that marriage, when validly entered into, be unconditional, permanent (until death), and exclusive (wholehearted faithfulness between the spouses).

What, Why, and How

Divorce is so common in our society, why does the Church hang on to such old-fashioned teaching?

God's will and teaching are never out of date. It is the world that can fall out of step with God.

Where does the Church get the right to regulate marriage?

Believing that a marriage between a man and a woman is a sacred union, the Church is obliged to presume that every marriage, on the face of it, is valid and binding. Christ gave the apostles the responsibility of continuing his work of salvation, and this means that the Church has been given the authority to administer the sacraments and determine under what conditions they will be celebrated.

Why can't I just decide for myself that my marriage was invalid?

Celebration and administration of the sacraments belong rightly to the Church. The Church's whole orientation is to be as generous or liberal as possible with the conditions under which the sacraments can be celebrated. Sometimes, however, there are situations where something has occurred that needs to be cleared up before people in those circumstances can fully live the sacramental life. Divorce and remarriage are good examples. Christ entrusted the right and responsibility for this to people in leadership in the Church, not to every individual. There are many sacred actions or decisions that none of us can make for ourselves and which require that we submit to lawful, competent authority in the Church. For example, no one, not even a priest or bishop, can minister the sacrament of penance to himself. And a priest who wants to relinquish his ministry and marry cannot decide on his own to do that. He must submit his request to the authority of the pope.

Does the Church expect that I should have remained in a marriage where I was abused by my spouse?

Sometimes, despite the best intentions of one of the parties to the marriage, the other can make it impossible to stay in that marriage without jeopardizing the safety or spiritual welfare of the other spouse and/or children. In such a case, when all attempts at reconciliation have come to naught, the sad reality is that a civil divorce may be the only way to protect the rights of one of the spouses.

Civilly divorced after being married in the Church, am I free to date and enter a marriage by a judge or in another denomination?

No. This is a common misconception. The Church recognizes civil society's right to order marriage by just laws, and conforms its own marriage administration to just civil law, for example, the requirement to have a marriage license issued before the celebration of a marriage "in the Church." But a civil divorce does not affect the status of a couple who has been sacramentally married in the Church. While civil society doesn't