

I was recently asked a question by a friend concerning what she heard called 'Catholic Divorce' A series of stories currently entitled *RCIA, Ben and Joey's Way* is being prepared and will appear on the Additional Offerings page. This episode is one of those stories and I've included it here as it is evident this term is common and a widely perceived misconception.

A RED PONY

“Okay Lois, let’s say, you buy a new car.”

“Sounds good. What kind?”

“A Mustang, fire engine red, white rag top. chrome reverse wheels, and a turbo charged V- 6 plant.”

“You’re my kind of guy Mr. Karlsen.”

Nate chuckles. “O.K. Now say you trade in a low mileage four-year-old Chevy, you put four thousand down, and agree to \$375.00 a month for 36 months. You sign the contract and drive off in your new red pony.”

“I’m headed to the beach, already,” Lois chuckles.

“So, you enjoy the car for several weeks and your first payment comes due. The statement says you owe four hundred and twenty dollars. You scratch your head, wondering where this extra forty-five bucks came from. A quick calculation and you realize you’re looking at over sixteen hundred dollars for the life of the loan. Sixteen hundred you didn’t agree to.”

Lois scowls. “Alright, now you’re ruining my day.”

Muted laughter ripples through the room. Chuckling, Nate continues.

“So, you call the finance company. They tell you it’s a standard charge. You counter it’s not in the contract you signed and you’re not going to pay it. They agree it isn’t in the contract, but again they say it's their standard procedure and if you don’t pay it, they’ll repossess the car.”

“So, what do you do? You sue, right?” Nate asks.

“Right! You’re on retainer, counselor.”

Another chuckle is heard. Shaking his head, Nate continues.

“Okay, we go to court and the judge hears both sides. His verdict; since the extra charge wasn’t revealed at time of purchase, the contract is null and void. Why, because you could not render informed consent to a condition you knew nothing about. The finance company must return your Chevy, your four thousand dollars, and return you to the state you were in at the time you signed the contract. And pay your attorney's fees.”

Saying nothing, Lois nods and smiles.

“You see, Lois, that scenario is essentially what an ‘annulment’ is in the Catholic Church.”

Hi, Tony Baggz here. Another Wednesday night and another RCIA class. Last week’s class concerned the sacrament of Matrimony and during it, several questions came up about the concept of annulment; one candidate named Lois going so far as calling it “Catholic Divorce.” So, Joey decided to address that question this evening. Helping him is Nate Karlsen, a local attorney, a member of St. Kate’s parish, and an advocate in the process of petitioning for a decree of nullity in broken marriage situations. And tonight, Father Bob is sitting in on the discussion.

So, what do you say we listen in....?

“Father Bob, I’m sorry about that ‘Catholic Divorce remark’, Lois says. It’s just that the pastor at a church I once attended called it that, and not very charitably either.”

“No problem Lois. It’s not something I haven’t heard it before ... even from some of my own parishioners.”

Setting down his coffee cup, the priest picks up the conversation. “In fact, just last weekend a group of us were here having dinner and, a

friend of mine, one of the ministers of another denomination used the same term, but not as an insult.”

“How so? It was always insulting when I heard it used.”

“Well, my friend was performing a marriage ceremony for a member of his congregation. It was the gentleman’s third marriage and her second. My friend lamented he was tired of performing marriage ceremonies for people for the second, third, and even fourth time. It was discouraging to him in light of Christ’s words; ‘what God has joined together; no man may divide.’”

“I’ve always taken great joy in uniting a couple in marriage,” he said, “but I’m starting to ask myself, what do people think; Christ’s words are frivolous or meaningless? Or out of date? You know, Bob, I’m starting to feel like a hypocrite.”

“I can understand his frustration,” Lois says.

“Granted, but what he said next really surprised me.”

“And that was?”

“He said, you know, I’m beginning to see the logic in Rome’s position. You would refuse; why, because your bishop won’t let them marry unless it was decided any previous marriage was null. ... That marriage is meant as a one-time life experience. Something set forth by Christ himself.”

“I thought it was just hypocrisy until I realized what the word annul means and how your church understands it. Granted, we don’t see eye to eye on some things, but I’m beginning to believe Rome has the right idea and its protocols are a genuine attempt at both justice and mercy, and not the ‘catholic divorce’ it’s so commonly called.”

“You see,” Joey says, picking up the conversation, “when the church issues a decree of nullity, commonly called an annulment, it is saying a condition existed at the time the vows were exchanged that one of the parties would not freely consent to, had that party known the condition existed. Therefore, the marriage never existed. You cannot divide something that doesn’t exist. You cannot give full and free consent to something you know nothing about. Just like Nate’s car purchase analogy.”

“Okay, but where did this authority come from, Tom Jenkins asks? Is this something I’ve heard others call a man-made tradition when criticizing Rome?”

“No, Tom. Rome understands the authority originates in Jesus’ words to Peter. From the gospel of Matthew, He said to Peter in the company of the apostles, ‘to you I give the keys to the kingdom of heaven ... Whatsoever you bind on earth will be bound in heaven, and whatsoever you loose on earth shall be loosed in heaven.’”

“And it is that authority you cite for the church’s justification?” Lois asks.

“Yes. What the church is investigating in the process is like Nate’s auto loan story. In the case of the loan, a just judge will declare the contract null because you were unaware of a condition to which you would not have knowingly consented.”

“And the church says the same thing about marriage?”

“Right. Again, one cannot give full and free consent to something one knows nothing about.”

“Like, say, spousal abuse? Lois asks.”

“Exactly. What woman would agree to a union where several years down the road she was going to be beaten and abused?”

“What if the abuse is not be evident at the time of the marriage,” comes a question from the back of the room.

“True, it usually isn’t, but there might exist an inherent condition in the abuser, a defective psy not evident at the time the vows were exchanged. Something discovered in investigating the situation and the parties involved.”

“But isn’t that simply divorce, just by a different name? Aren’t you really just splitting hairs?” Tom asks.

Father Bob sets down his coffee cup. “Not really. Let me clarify. Say, a man marries a woman and several years later, he is unfaithful. The wife divorces him and appeals to the church for an annulment. In this case, the ‘cause,’ his infidelity, occurred after the vows were freely exchanged

and unless there were other circumstances, the marriage is determined as valid. No annulment would be forthcoming.”

The priest pauses, then continues.

“However, if it were proved that, prior to the vows being exchanged, he indicated to others he had no intention of being faithful, and had she known that, she would not have freely given her consent, the marriage may well be declared null based on what is called a “defective intention against fidelity.”

“Are there more?”

“Yes. For example, one party deceives the other saying they want children and then takes measures, unknown to the other, to assure children will not be conceived.”

“A defective intention against having children, I take it?”

“Precisely.”

“And there are others?”

“Well, there are some things that automatically render a marriage invalid, in addition to many defective intentions and conditions that also render a union null. That is the reasoning behind what so many derisively call, “Catholic Divorce.”

“And you’re saying it’s a means of mercy and healing, not just gaming the system,” Lois says, a look of understanding creeping into in her eyes ...

... “I understand that now.”

What God has joined together; no man may divide. Jesus’ words. A marriage demands full knowledge and consent by both parties to be both valid and sacred in the eyes of God. And if some condition, unknown to one or both parties, exists, where full and free consent would not be forthcoming, that marriage never occurred, and is neither sacred or valid.

Kind of like those extra \$1,600.00 bucks on Lois' car loan.

Thinkaboutit ... I'm Tony Baggz.

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Please note. The above is a very cursory look at a complex situation. Pursuit of a "decree of nullity" is a complicated legal process. If one feels their particular situation might qualify for this judgment, it is imperative to contact a Catholic priest to investigate your concern further. He is highly qualified to assess the particular matter at hand. The laws of the Catholic Church are very specific and it is not the intention of Catholic Stories to give advice on intricate and specific matters of canon law.