

# **What Catholics should know about divorce: it doesn't define you!**

The label “divorced” does not define a person. It’s an event that happened—terrible as it is—but it in no way is the sum total of who a person is. You may feel like you’re walking around with a big “scarlet ‘D’” on your forehead for all to judge you by, but what you need to focus on is how God sees you. He sees you as his beloved with all the gifts, talents and potential he gave you, especially the specific purpose in life you have to fulfill. It’s the love of God that will carry you through this difficult time.

Another extremely important lesson is that forgiving those who have hurt you is essential if you want to heal from divorce. There are no shortcuts, no half-measures when it comes to this. It can seem impossible to forgive someone for causing such devastation; however, you’ll never move forward if you don’t find a way to forgive. You will always be a victim. The key is to ask God for the grace to forgive because we cannot do it on our own.

Last but definitely not least, the cross of divorce can change a person for the better. This cross is an immense opportunity to grow emotionally and spiritually and to become a stronger, wiser person in the end.

## ***How do you explain the difference between divorce and annulment to people?***

A civil divorce decree and a declaration of invalidity (annulment) are apples and oranges, to be certain. A civil divorce decree means the government has terminated your marriage contract, which applies purely on a legal basis. The annulment process, however, does not terminate, dissolve or invalidate anything contrary to what many people believe. It determines whether or not a valid marriage was brought into being on the day of the wedding. If it is determined there was not a valid marriage, the tribunal issues a decree of invalidity stating such.

## ***What are some common misunderstandings Catholics have about divorce and annulment?***

One misunderstanding is the myth that receiving a decree of invalidity means your marriage never existed and your children are considered illegitimate. If you want to get someone angry, tell him or her exactly that, but I assure you, nothing could be further from the truth.

The church recognizes that you lived in society under the assumption that your marriage was valid. The technical term for this in Canon Law is “putative” (from the Latin for “supposed”) marriage. You had a real relationship that was witnessed by society, and nothing can make that untrue. The decree of invalidity declares that the bond was not valid, meaning that, although you lived together as husband and wife, your marriage was not an unbreakable covenant between you, your spouse and God.

The list of misunderstandings goes on, such as an annulment is just a “get-out-of-jail-free” card, or it’s just a money maker for the church. Many people believe the process places undue burdens on witnesses and that it takes years and years to get through. I tackle all these and more in my

book. But the important thing for anyone to remember is the annulment process is a tool. It's a valid tool whose purpose is to determine the truth and set healing in motion.

*Although the Mosaic Law allowed divorce for various reasons of human weakness, Jesus was famously tough on it in the Gospels, disallowing it entirely. In the face of these stern teachings, what does Catholicism offer divorced Catholics to help them grieve and heal?*

The sacraments are instruments of healing par excellence, of course. It is critical for divorced Catholics to understand whether or not they can receive [Communion]. What prohibits anyone from receiving the sacraments is being in mortal sin, and your confessor can help you determine this if you are unsure. The Church teaches that a divorced person who marries again without an annulment is not in the state of grace and should not receive communion. As a divorced person, if you are in a state of grace, you are welcome and encouraged to attend Mass and receive the sacraments as often as possible.

## What is an annulment?

An annulment is the church's colloquial term for the declaration of a "decree of nullity," a determination that a sacramental marriage did not take place on the wedding day of the couple in question because of an impediment that prevented one or both parties from giving full consent to the marriage.

The U.S. Conference of Catholic Bishops (USCCB) describes an annulment as "a declaration by a Church tribunal (a Catholic church court) that a marriage thought to be valid according to Church law actually fell short of at least one of the essential elements required for a binding union."

*The Catechism of the Catholic Church* states that the exchange of consent between spouses is the "indispensable element that 'makes the marriage'". If consent is lacking there is no marriage" (No. 1626). Further, that consent "must be an act of the will of each of the contracting parties, free of coercion or grave external fear. No human power can substitute for this consent. If this freedom is lacking the marriage is invalid" (No. 1628).

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Diocesan tribunals, therefore, focus not on the health or longevity of a marriage itself, but on the circumstances surrounding the beginning of a marriage: Was it a "shotgun wedding" because of an unexpected pregnancy? Was the marriage coerced by physical or verbal violence? Did one partner hide an ongoing addiction from the spouse? Did both parties actually understand what was meant by the sacrament itself—the promise to remain sexually faithful, not to abandon one's spouse, to be open to children without strings attached? Any and all can be evidence of "the absence or defect of consent," in church parlance. These days, tribunals can also request a petitioner undergo a mental health evaluation.

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## What an annulment is NOT

No matter how many times you hear it described thus—jokingly or not—an annulment is not just “Catholic divorce.” Church teaching is not that the marriage in question *failed*, but that *the marriage never existed in a sacramental sense*.

While the church requires a petitioner to get a civil divorce before requesting an annulment, it retains that a sacramental marriage has only a tangential connection to the civil proceeding. Despite perceptions to the contrary, the church also does not teach that divorced persons cannot receive the Eucharist; their marital status only becomes a problem for the church if they remarry without an annulment.

An annulment is also not a declaration that the children of a Catholic marriage are somehow illegitimate in the eyes of the Catholic Church. This misconception can cause great psychological harm in families—and can be the reason one or both divorced spouses decides against seeking an annulment. In such cases, phrases like “decree of nullity” or “fell short of at least one of the essential elements required for a binding union” can sound harsh and misleading. But one’s baptism (and subsequent reception of other sacraments) is not affected at all by the marital status of one’s parents—and baptism is the sacrament that brings a person into the church.

An annulment is also not a declaration that a marriage didn’t exist—to declare such a thing in a case where couples have been married for decades would be absurd—but simply that there was no sacramental component to the marriage. A priest once put it in laymen’s terms: “*All marriages look alike from the outside. When a marriage ends in divorce, the annulment process tries to look inside the marriage to see what may have been missing from the very beginning.*”

**For more information or to look further into the annulment process, please make an appointment with Fr. Dennis at [daudet52@gmail.com](mailto:daudet52@gmail.com)**