



CATHOLIC DIOCESE OF KALAMAZOO

Office of the Tribunal

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COMMON GROUNDS OF INVALIDITY

Insufficient Use of Reason (Canon 1095.1°) Serious conditions, such as profound mental retardation, certain personality disorders or black-out states (caused by alcoholic intoxication, drug use, or seizure disorder), might prevent a person from possessing or using reasoning ability during the marriage ceremony.

Grave Lack of Discretion of Judgment (Canon 1095.2°) To enter a valid marriage, a person must be free of any severe anomalies and have use of sound reason and mature judgment. This means that a person is capable of making a prudent and free decision, after careful judgment, to enter marriage with a particular person.

Incapacity to Assume the Essential Obligations of Marriage due to a Psychic Cause (Canon 1095.3°) To enter a valid marriage, a person must have the psychological ability to live out the life-time obligations of marriage. If a person was afflicted at the time of marriage with a serious psychological or psychiatric condition that prevented him or her from assuming the obligations of marriage, the marriage was invalid.

Force or Fear (Canon 1103) If someone is compelled to marry by force or grave fear inflicted from without (i.e., an outside person) the marriage is invalid; if marrying is the only way to be free from the fear.

Fraud or Deceit (Canon 1098) A person who enters marriage deceived by a serious kind of fraud, which is perpetrated to obtain the marital consent of the other person, marries invalidly. Fraud is the intentional act of deception.

Condition (Canon 1102) Marriage based on a condition concerning the past or present is valid or invalid depending on the actual fulfillment of the condition; marriage based on a future condition is invalid.

Ignorance of the Societal Nature of Marriage (Canon 1096) For matrimonial consent to exist, the contracting parties must be at least not ignorant that marriage is a permanent partnership between a man and a woman ordered to the procreation of offspring by means of some sexual cooperation.

Grave Error (Canon 1097) It is possible that a person does not know that marriage is a relationship between one man and one woman for the duration of life here on earth.

Error of a Person (Canon 1097 §1) 1. Error concerning the person renders marriage invalid.

Error about a Quality of a Person (Canon 1097 §2) To enter a valid marriage, one must know the essential qualities of the person he or she is marrying. If, at the time of marriage, one spouse was mistaken about a quality directly and principally intended in the other spouse (almost as a condition for marriage) then this ground could be considered.

Error about Marriage (Canon 1099) One who is mistaken about the unity, indissolubility or sacramental dignity of marriage contracts invalidly, if that person's will was determined by the error.

Simulation (Canon 1101) This requires an act of the will whereby a person has no intention of marrying but wishes others to believe he or she is married. For instance, a marriage of convenience to allow an alien to enter the United States. The intent is not to marry but to have marriage serve as a means of entering America. It may also be that a person has no intention of fulfilling the essential properties of a sacramental relationship.

COMMON GROUNDS OF INVALIDITY (CONTINUED)

Total Simulation (Canon 1101 §2) A positive act of the will at the time of marriage to exclude marriage itself while externally consenting to marriage. A person that has no intention of fulfilling the essential properties of a sacramental marital relationship. Example: a marriage of convenience to allow an alien to enter the United States and /or a person has no intention of marrying but wishes others to believe he or she is marriage.

Partial Simulation is acts that are against a particular element of the sacrament. For instance:

Contra Bonum Prolis is a positive act of the will whereby a person does not wish to have children. So, for instance, participating in sexual acts that are not open to the procreation of life may be *contra bonum prolis*. If a man finds his wife is pregnant and leaves her, this may be a case of simulation *contra bonum prolis*. Frequent abuse of the child by either parent may be heard on *contra bonum prolis* grounds. People who place their careers ahead of procreation of children may equally be suspect of simulation *contra bonum prolis*. Even the lack of providing for the educational, emotional and spiritual needs of a child may be symptoms of this.

Contra Bonum Fidei is against the good of the faithfulness. This may occur when a person is sexually unfaithful during the dating and “going steady” period. Sexual activity with a bridesmaid the night before the wedding is an example of *contra bonum fidei*. Continual sexual infidelity in marriage may be heard as a partial simulation *contra bonum fidei* as a person has the right to expect a relationship marked by fidelity.

Contra Bonum Sacramenti is against the good of the sacrament – against the indissolubility of marriage. A person may openly and with sincerity say to one’s intended spouse, “Well, we can try it for a while and if it does not work out we can always get a divorce”. That belief is *contra bonum sacramenti*. Due to multiple divorces in one’s immediate family, a person may not realize the element of marriage’s permanence. Permanence is a foreign thought to him or her.

Contra Bonum Conjugum is against the good of the spouse. A spouse who is continually absent from the home because he or she chooses to spend time with friends at the expense of the partner may be simulating *contra bonum conjugum*. Or, a person continually putting down one’s spouse may be acting *contra bonum conjugum*.

Conditional Consent (Canon 1102) Marriage cannot be based on a condition in the future. A man is told a certain young lady will inherit \$5 million upon her father’s death. He marries her with this expectation. When the young lady’s father dies, the daughter discovers that her father left all his money to the Catholic Church. The man/husband leaves his wife. In another example, a young lady marries a young law student in the expectations that he will join her father’s very successful law firm and thereby provide for her expense tastes. He chooses instead to work as a Public Defender. A valid marriage cannot be based on conditions.

Force and Fear (Canon 1103) A marriage is invalid if entered into because of force or grave fear from without, even if unintentionally inflicted, so that a person is compelled to choose marriage in order to be free from the external pressure.

NOTES:

- The judge determines the nullifying grounds based on preliminary facts given by the petitioner. Neither party determines the grounds but offers observations. The petitioner must also PROVE the existence of grounds by supportive testimony (from witnesses).
- A marriage is presumed VALID unless proved otherwise. Simply petitioning for a declaration of nullity does not guarantee that a favorable decision will be ultimately given.
- **IN ALL CASES, THE ALLEGED GROUNDS MUST BE PRESENT AT THE TIME OF THE MARRIAGE CEREMONY. A subsequent change of intention or the subsequent psychological problems cannot invalidate what is valid from the beginning.**