



CATHOLIC DIOCESE OF KALAMAZOO

Office of the Tribunal

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LIGAMEN AS AN IMPEDIMENT

Ligamen and Some Typical Situations

A Ligamen is a bond that arises from a prior valid marriage (c. 1085 §1). Unless this bond has been dissolved by death or by the Church, it prevents the parties from entering a subsequent marriage validly.

It is important to emphasize, that if a prior marriage was invalid, it does not create the basis for invalidating a subsequent marriage by a Ligamen. Therefore, there should be nothing to indicate that the prior marriage used for the Ligamen was itself invalid.

Documentary Process

Examining the invalidity of marriage because of the impediment of Ligamen involves the documentary process of canons 1688 -1690. It is proven by documents rather than witnesses.

Normally, this process does not involve witnesses. It does not require confirmation by another tribunal unless the decision is appealed.

Examining the Possibility of Ligamen

Ligamen is one of the diriment impediments to marriage. Since it originates from divine law, it cannot be dispensed. The proof of a diriment impediment is established by the use of documents that establish its existence (canons 1688-1690). Thus, Ligamen cases involve the special “documentary” process.

There are two kinds of Ligamen cases, and the proper petitions for each are listed in this section.

1. The first kind of Ligamen case involves a prior valid marriage of the respondent, usually the first marriage for that person. Here is an example of a typical case. Adam was free to marry Eve. Yet Eve had been married validly to Samuel, and Samuel was alive when Eve wed Adam. The Ligamen is on Eve, and she will be the respondent.
2. A second Ligamen case involves prior valid marriage of the petitioner. In this case, the petitioner was not free to marry due to a prior marriage that was never declared null.

First, recall that a Ligamen is established only by a prior valid marriage and never by a prior invalid marriage. It would be impossible to use the prior marriage as the basis for the Ligamen in a subsequent marriage, and then turn around to declare the prior marriage as invalid (for example, in a formal case). The Ligamen would be “lost” because the prior marriage was found to be invalid.

LIGAMEN AS AN IMPEDIMENT (cont')

However, a petitioner's subsequent marriage could be found invalid because of a person's prior valid marriage even though that prior marriage were to be dissolved by the Pauline Privilege. The Ligamen would not be "lost" because the dissolution of the prior marriage did not make it invalid.

What is needed to process a Ligamen:

- 1) An accurate and complete **Ligamen Petition**.

If the Ligamen is on the respondent, use **Ligamen Petition on the Respondent**. If the Ligamen is based on a prior valid marriage of the petitioner, use **Ligamen Petition on Petitioner**

- 2) Include the official, recent and complete baptismal record of any Catholic party involved in any of the marriages. The baptismal record must have been issued within the last 6 months and both sides of the record are required. It should have a section about the sacrament of matrimony and that section should never be simply empty. It will list marriage(s), dispensation(s) and declaration(s) of invalidity or of dissolution; or it should be crossed out and read "no notations." Typically it is on the back of the forms parishes and archives issue. The authority which issues the certificate makes those entries and not the petitioner or the procurator and advocate.
- 3) Include official and complete civil marriage and final divorce records for both marriages: the one being investigated and the one that is the basis of the prior bond. Do not send souvenir or religious certificates of the marriage. Send all pages of the final divorce decrees for both the marriages.
- 4) The petition requires the petitioner to receive, and to acknowledge receipt of, the **Statement of Tribunal Policy in Documentary Cases** .