



## IN-DEPTH EXPLANATIONS OF THE GROUNDS OF NULLITY

By petitioning for a declaration of nullity, you are making an accusation that your marriage was invalid due to some serious factor that was already present on the day you exchanged marital consent. Therefore, you must indicate the basis for your petition, that is, the ground or grounds of nullity on which the validity of the marriage is being challenged.

Only three kinds of defects can cause a marriage to be invalid, and each of these can be further classified into several distinct grounds. A marriage can only be made invalid by: 1) defective consent, 2) the presence of an impediment that made one or both of the parties legally unqualified for marriage, or 3) a defect in the legal form in which the marriage was celebrated.

Below is a list of the possible grounds of nullity with a brief description of each ground, and examples that help illustrate what the ground is and is not. While all of these defects are exceptional and uncommon, some are marked as being especially rare. Please note that these are only examples; the grounds may be applicable in a wider variety of circumstances.

### PSYCHOLOGICAL DEFECTS OF CONSENT

*Consent is what makes a marriage, and all adults are presumed capable of consenting to marriage. It is possible, however, that this basic capacity can be disrupted by a serious psychological disorder or anomaly at the time of the wedding, rendering the person incapable of consenting to marriage validly.*

#### **Lack of Sufficient Use of Reason (canon 1095, 1°)**

**What is it?** A person who suffers from a permanent or temporary lack of the use of reason due to a severe disability, mental illness, psychological disturbance, or extreme intoxication at the time of the celebration of marriage is not able to give valid consent to marriage. For example:

- a) The bride asks for something to calm her nerves before the wedding; unbeknownst to her, she is given a heavy sedative. She loses consciousness shortly after the ceremony, and only learns that she did indeed get married when told so by others later.
- b) The groom has significant doubts about the decision to marry. Although he decides to go through with it, he slams nine tequila shots in the hour leading up to the ceremony and is heavily intoxicated throughout the wedding.

**What is it *not*?** A person who does not lack the use of reason at the time of the celebration of marriage, even if that person was on medication, consumed alcohol, or suffered from a psychological problem, does ***not*** attempt marriage invalidly on this ground. For example:

- a) The bride struggles with anxiety in crowds, and takes an anti-anxiety pill before the wedding in order to be more present in the moment. The medication has no impact on her basic mental functioning.
- b) The groom has a drink while getting ready with his groomsmen, but is fully in possession of his faculties at the wedding.

#### **Grave Defect of Discretion of Judgment Regarding the Essential Rights and Duties of Marriage (canon 1095, 2°)**

**What is it?** A person who lacks the *minimal* ability to make a concrete judgment about the *essential* rights and duties of marriage (i.e. those immediately related to permanence, fidelity, and openness to children) at the time of the wedding because of a serious psychological anomaly is not able to give valid consent to marriage. For example:

- a) After suffering years of childhood sexual abuse at the hands of a relative, the bride develops a severe case of depression and anorexia as a teenager, for which she is hospitalized on multiple occasions throughout college, and from which she does not recover until ten years after the divorce. While still in the throes of her disorder, she meets the groom, and the two decide to marry after a brief and tumultuous courtship that includes physical abuse. Despite her best intentions, at the time of the wedding, she remains so consumed by this

disorder that she is unable to evaluate practically what she is committing to, even minimally, and abandons the union, seemingly for no reason, to move in with an ex-boyfriend just a few months after the wedding.

- b) In the groom's infancy, his father abandoned him and his mother. The groom feels compelled to propose when he discovers the bride is pregnant. In spite of significant problems between them, the effect of the groom's abandonment is so severe that at the time of the wedding he found it impossible to back out of the wedding.

**What is it not?** A person who does not suffer from a serious psychological problem at the time of the wedding, and/or who is capable of making a concrete judgment about the essential rights and duties of marriage, does *not* consent invalidly to marriage on this ground, even if that person experienced pressure or doubts, had mixed motivations, or later regrets their decision. For example:

- a) The bride suffers from moderate depression and anxiety brought on by the stress of nursing school, and she is receiving professional treatment. She knows that her college sweetheart has faults and can sometimes be difficult to get along with, but she decides to marry him anyway because she is in love and thinks that he possesses the qualities that she desires in a husband. After things break down, she wishes she had paid more attention to his defects before she married him and wonders if she was truly in the right mindset when she got married.
- b) The groom has never been ambitious or good at school. In college, he mostly parties and plays video games with friends, occasionally making recreational use of marijuana. After college, he starts working for the family business and continues to use marijuana on a somewhat regular basis, with no significant impact on his basic functioning. During this time, he gets engaged to the bride, and the two marry shortly thereafter.
- c) Neither the bride nor groom has ever suffered from any serious psychological problem. They decide to marry at age 20 when the bride becomes pregnant because they feel it is the "right thing to do." They consider marrying civilly but decide to marry in the Church due to some moderate pressure from the bride's mother. Married life progresses normally at first, with the occasional disagreement. After five years, they grow apart and decide to go their separate ways.
- d) The bride and groom have been together for five years, and all of their friends are getting married. They are pretty happy together and feel that marriage would be the natural next step in their relationship. Married life quickly turns sour, with constant fighting and verbal abuse. A short time later, the parties separate.

### **Incapacity to Assume the Essential Obligations of Marriage (canon 1095, 3°)**

**What is it?** A person who suffers from a serious psychological anomaly and, as a result, is altogether incapable of assuming one of the essential obligations of marriage (i.e. those immediately deriving from permanence, fidelity, and openness to children), is incapable of marrying validly. The psychological problem must be so severe that it makes it humanly impossible, not merely difficult, to take on at least one of the essential obligations of marriage. This impossibility can be caused by a mental illness, a psychological disorder, a severe addiction, or a strong homosexual inclination. For example:

- a) The bride has suffered from anorexia for years prior to the wedding. Although after treatment her condition has stabilized to the point that she no longer requires active medical intervention, her body dysmorphia is still so severe that she cannot even think about the possibility of undergoing the physical changes caused by pregnancy without having a panic attack, and she is therefore unable to give her spouse a right to procreative acts at the time of the wedding.
- b) After being exposed to pornography at age 11, the groom develops a severe addiction to pornography, which eventually leads him to daily consumption of more explicit and demeaning forms of pornography. Although he wants to be chaste during the courtship and engagement, the groom is repeatedly unfaithful, engaging in indiscriminate and compulsive sexual relationships that he immediately regrets. Even though he loves his fiancée and wants to be faithful to her for life, his severe sexual addiction, which pre-dates the wedding, makes it humanly impossible for him to assume the obligation to observe fidelity in the marriage.
- c) From the time of early adolescence, the groom has only ever experienced sexual attraction to men, and the thought of pursuing a romantic relationship with a woman has always been repulsive to him. Nonetheless, he

agrees to marry the bride in order to win the approval of his parents. From the beginning of the marriage, however, the groom is completely unable to perform the marital act with his wife due to his deeply rooted homosexual tendencies.

- d) The groom is offered heroin at a party during his sophomore year of college and quickly becomes addicted. Over the next eight months, his addiction grows to the point that he is forced to drop out of college and is arrested for stealing from an employer. He spends the following year in and out of rehab and has multiple near-fatal overdoses. His addiction persists throughout his courtship and engagement to the bride. Though he loves his fiancée and wishes to treat her well, he is compulsively abusive as a result of his addiction.

**What is it not?** A person who does not suffer from a serious psychological anomaly at the time of the wedding and/or is capable of assuming of the essential obligations of marriage (i.e. those immediately deriving from permanence, fidelity, and procreativity), is not incapable of marrying validly on this ground. Similarly, a person for whom it is merely difficult to take on the obligations of marriage, or who simply chooses not to do so, does not marry invalidly on this ground. For example:

- a) The bride and groom have a fairly typical engagement. As the marriage begins, however, the bride realizes that the groom is self-centered and prefers to play video games rather than help her with chores, rendering their common life quite burdensome for her. When problems come to a head in the marriage, the groom looks for the easy way out, and ends up committing adultery. Although he could be a better spouse if he put in the effort, he simply chooses not to.
- b) Prior to the wedding, the groom suffers from no psychological or substance abuse problems, though he occasionally drinks with friends over dinner. A year into the marriage, he loses his job, and gradually begins drinking more and more. Even though he soon finds new employment, his drinking continues to become more frequent and severe. After a few years, it becomes so severe that he soon loses his job, begins struggling to perform basic self-care, and is entirely unable to contribute to the marriage.
- c) In his teenage years, the groom is sexually assaulted by a male neighbor, which causes him some initial confusion about sexuality that he is able to overcome in his college years, during which time he meets and began dating the bride. After a serene courtship lasting a few years, and confident of his ability to commit to a heterosexual partnership for life, the parties marry. They share a common life for 12 years and have three children together. The marriage breaks down because of infidelity on the bride's part. Ten years later, the groom begins a romantic relationship with a man.

## **OTHER DEFECTS OF CONSENT**

### **Partial Simulation Against the Good of Children (canon 1101 §2)**

**What is it?** In spite of what the parties say in their marriage vows, one or both of the parties actually wills against one of the essential elements of marriage, in this case, the good of children. By its nature, marriage is directed toward bearing and raising children. By marrying, spouses give each other the right to procreative acts, even if those acts cannot or do not end up resulting in pregnancy due to infertility, age, etc. If, at the time of the wedding, a party excludes this right, the party marries invalidly. For example:

- a) Because of her radical views on environmentalism and overpopulation, the bride decides before the wedding that she will never be open to having children with the Respondent under any circumstance. She consistently insists on the use of contraception throughout the course of their marriage, and unilaterally denies the groom's requests to reconsider.
- b) After having suffered abuse as a child himself, the groom decides that he never wants children. He initially believes the bride to be on the same page, but during the engagement she hints that she would like him to reconsider. Unwilling to reconsider his position and afraid that the bride will continue to press the issue once they get married, the groom reaffirms that he will never have children and has a vasectomy three weeks before the wedding.

**What is it *not*?** A person who does not actively make a decision to refuse or exclude the essential procreativity of the marriage at the time of the wedding, does not consent to marriage invalidly on this ground, even if that person was using birth control or did not actively desire to have children. For example:

- a) The groom is involved in a variety of hobbies, to which he dedicates a lot of time and energy. He really has no interest in having children of his own, and even hopes not to have any. While they are dating, he knows the bride is on birth control for medical reasons, and the issue of children doesn't really cross his mind until a few years after the wedding.
- b) During their engagement, the bride and groom both agree that they want to have children in the marriage, and their first child is born two years after the wedding, after an unexpectedly difficult pregnancy and a medically complex childbirth. Although the groom would like to have more children, the bride is terrified of having to undergo another difficult and high-risk pregnancy and decides that she is not willing to have more children.
- c) During the course of a prior, very troubled relationship, the groom had a vasectomy. Now, ten years later, he is marrying a woman whom he loves. He knows that he is sterile, and is not actively thinking about the issue of children. Naturally, no children are conceived in the marriage.

#### **Partial Simulation Against the Good of Fidelity (canon 1101 §2)**

**What is it?** In spite of what the parties say in their marriage vows, one or both of the parties actually wills against one of the essential elements of marriage, in this case, the good of fidelity. As terrible as adultery is, it does not make a marriage invalid. But, if a party enters marriage while intending to reserve the right to be unfaithful or to take multiple spouses, that intention might make the marriage invalid. For example:

- a) The groom has a girlfriend on the side throughout the entire courtship and the engagement. Even though he is getting married, he has no plans to break off this side relationship and actively makes plans to continue it. Even though he does not want to be found out, he has no remorse whatsoever about this arrangement, and maintains his mistress until she breaks up with him five years after the wedding.

**What is it *not*?** A person who does not marry with the active intention to be unfaithful or to take multiple spouses, does not consent invalidly on this ground, even if he or she has been unfaithful in the relationship or foresees the possibility of becoming unfaithful in the future. For example:

- a) The bride and groom marry for typical reasons after a faithful courtship. After 20 years of marriage, the bride decides to get in shape and ends up having an affair with a man she met at the gym, and the marriage breaks down. Looking back, the groom remembers that the bride did break up with an ex-boyfriend in order to pursue a relationship with him, and he now wonders if she ever fully, truly intended to be faithful in the marriage.
- b) Despite being in love with the bride, the groom continues to have some unresolved feelings about an ex-girlfriend, even though he has cut ties with her. He moves forward with marriage to the bride, wanting and intending to be her husband. A few years after the wedding, the parties get into a huge argument. Around the same time, the groom's ex-girlfriend reaches back out to him, and he commits adultery.

#### **Partial Simulation Against the Good of Indissolubility (canon 1101 §2)**

**What is it?** In spite of what the parties say in their marriage vows, one or both of the parties actually wills against one of the essential elements of marriage, in this case, the good of indissolubility. The bond of marriage lasts until death. No matter how bad things get, even if the parties have to separate, the bond of marriage remains, making a second marriage impossible. However, if a party enters marriage while reserving a right to dissolve the marriage through divorce and potentially remarry, that party marries invalidly. For example:

- a) In her family of origin, the bride witnessed her father's infidelity and became determined never to stay in the type of marriage her parents had. She initially trusts the groom to be faithful, but she becomes suspicious of him during the engagement when he starts spending more time with a female coworker. She decides to go through with the wedding, but also decides then and there that she will not commit to him unconditionally, and

she reserves the right to dissolve the marriage if the groom ever cheats. Five years into the marriage, the groom cheats, and the bride leaves him immediately.

**What is it not?** A person who, at the time of the wedding, is aware of the existence of civil divorce, but did not actively decide to reserve the right to divorce his/her spouse and remarry, does not consent to marriage invalidly on this ground. For example:

- a) The groom was raised in contemporary culture. He knows of the existence of divorce, and also knows people who have gotten divorced. He also knows that marriage is supposed to be for life, and he has relatives with lifelong marriages. He wants to spend his life with the bride, and imagines that they will do so. When they run into problems in the marriage, they go to counseling to try to work through them. Ultimately, they are unable to resolve their differences, and the groom files for divorce.

### **Total Simulation (canon 1101 §2)**

**What is it?** One or both parties has no intention to establish any kind of marital partnership, but has some totally unrelated goal that can be achieved through the appearance of marriage. The ceremony itself is essentially a sham. For example:

- a) The groom wants a green card in order to be able to remain in the United States. He convinces the bride to marry him solely for that purpose. They have no intention to cohabit or establish any kind of married life, except as necessary to convince immigration officials. The day the green card arrives in the mail, the parties separate, just as they had intended to do all along.

**What is it not?** A person who does not actively exclude the possibility of having a marital relationship with his/her spouse at the time of the wedding, even if by marrying they also achieve an unrelated goal, does not consent to marriage invalidly on this ground. For example:

- a) The bride and groom meet while the bride is studying abroad. After a long-distance courtship, they decide to marry and to live in the United States. Consequently, the groom applies for and obtains a green card.

### **Partial Simulation Against the Good of the Spouses (canon 1101 §2)**

**What is it?** In spite of what the parties say in their marriage vows, one or both of the parties actually wills against one of the essential elements of marriage, in this case, the ordination of marriage to the good of the spouses. By its nature, marriage is directed to the good of the spouses. If, however, one of the parties positively decides to enter a marriage that is directly ordered toward the harm or corruption of the other party, that party marries invalidly. For example:

- a) The groom is from a mafia family, with whom he is actively involved. He marries the bride solely in order to carry out a vendetta against her father, whom he believes landed his own father in prison. Although he intends to have children with her, be faithful to her, and remain with her for life, he marries her with the express intention of making her life as miserable as possible through torture and imprisonment.

**What is it not?** Mere selfishness, a failure to take into consideration the thoughts, feelings, or point of view of the other, or the commission of abuse during the married life, do not invalidate the marriage on this ground. For example:

- a) The groom is a selfish man who usually puts his own needs and wants first. In the marriage, he spends most of his free time playing golf and rarely helps with chores around the house beyond taking out the trash. He rarely initiates activities with his wife, and when he does it is mostly activities that he wants to do.

### **Ignorance (canon 1096)**

**What is it?** For matrimonial consent to exist, it is necessary that the parties at least not be ignorant that marriage is a permanent partnership between a man and a woman that is ordered toward the procreation of offspring by means of some sexual cooperation. The Church presumes that those who have reached the age of puberty have the necessary knowledge to marry. For example:

- a) The bride has lived an unusually sheltered life, and she believes that babies are brought by the stork. On the wedding night, she is shocked and disgusted to learn what the marriage act entails. She refuses to engage, and immediately returns home to her parents.

**What is it *not*?** A person who possesses the basic knowledge that marriage is a partnership between a man and a woman that is ordered toward the procreation of offspring by means of some sexual cooperation, does *not* consent to marriage invalidly on this ground, even if he/she lacks a fuller understanding of the nature or theology of marriage. For example:

- a) The bride and groom, baptized non-Catholics, marry in Las Vegas without taking any premarital preparation courses. They have marital problems and divorce a few years afterwards. The groom is later received into the Catholic Church, and looking back he is amazed at what a basic understanding of marriage he had. He was totally ignorant of the fact that marriage is a sacrament between the baptized.

#### **Error of Person (canon 1097 §1)**

**What is it?** At the time of the marriage, one of the parties believes he/she is marrying their intended spouse, when in fact, it is actually a different person. For example:

- a) The bride believes she is marrying the man she loves, when in fact, the person to whom she states her vows is that man's identical twin brother.

#### **Error Concerning a Quality of Person (canon 1097 §2)**

**What is it?** When a person does not intend to marry the other party so much as the quality that they erroneously judge the person to possess, that person marries invalidly. In other words, simple error about a certain quality of a person, such as a personality trait or some fact in the person's history, does *not* make a marriage invalid, unless that quality is directly and principally intended. For example:

- a) The bride is pregnant. She wants to marry the father of the child. Whoever the father of the child is, that is who she wants to marry. Her *only* reason for marrying the groom is to be married to the father of her child. She marries the groom, believing with reason that he is the father. However, a paternity test later reveals the father to be someone else, and she departs immediately.
- b) In an arranged marriage in a culture where virginity is highly esteemed, the groom wants to marry a virgin, a characteristic which he and his family prize above all others. After turning away two other women he likes because they lack this quality, he chooses to marry a woman he has only met once because she is presented to him as a virgin. Shortly after the wedding, the bride discloses that she was not actually a virgin, and the groom departs immediately.

**What is it *not*?** When a person intends to marry someone and also mistakenly believes that person to possess a given quality, such as a personality trait or some fact in the person's history, that person does not marry invalidly on this ground, even if the quality was the reason why he or she wanted to marry. Likewise, failed promises in the marriage do not make the marriage invalid on this ground. For example:

- a) One of the reasons why the bride wants to marry the groom, whom she loves, is because she erroneously believes him to be the father of her child.
- b) The bride marries the groom fully aware of some shortcomings, but expecting that he will change over the course of marriage and grow as a person in the way that she hopes. Over time, she grows frustrated with the fact that he does not put as much work into self-development as she would have hoped, and the parties divorce after growing apart for a number of years.

#### **Fraud (canon 1098)**

**What is it?** A person's consent is invalid if it is given as a result of being deceived by fraud that (1) is intentionally inflicted in order to get that person to give consent and (2) concerns some quality of the other party which of its very nature can seriously disturb the partnership of marriage. The deceit can be perpetrated by the other party or even by some third party, such as a parent. For example:

- a) The groom had polio as a child and was told by doctors that he was certainly incapable of having children. Knowing that he is sterile but that the bride would only marry him if he intended to have a large family, the groom lies to her prior to the marriage by telling her that he was also looking forward to having biological

children of his own. Two years into the marriage, the parties undergo fertility testing and the groom confesses that he concealed his sterility from the bride so that she would marry him. The bride promptly leaves.

- b) The bride is a police officer. Knowing her high regard for the law and fearing that she will decide to end their engagement if he reveals to her his criminal history, the groom tells her that he has never been arrested for any reason. After the wedding, the bride learns that the groom had previously spent five years behind bars for armed robbery and had an out-of-state warrant at the time of the wedding, and she immediately departs from the marital home.
- c) On their second date, the groom tells the bride that, although he hopes to have children of his own, he would never be comfortable pursuing a serious relationship with someone who already had children. Already hoping to marry the groom, the bride decides to hide the fact that she has a son who resides with his father overseas, and convinces her friends and family to do the same. A few years into the marriage, the groom accidentally discovers the child's birth certificate and immediately confides in his family regarding the deception, filing for divorce the following week.
- d) Early on in their courtship, the bride asks the groom about his faith beliefs, stating that her Catholic faith is so important to her that she would never marry someone who was not of the same religion. Unwilling to convert but desiring to marry her, the groom tells the bride that he is also Catholic, and even produces a fake baptismal certificate to that effect. Shortly after the wedding, the groom confesses that he tricked her so that she would marry him, and the bride departs immediately.

**What is it not?** A person's consent is not invalid on this ground if that person is not deceived by fraud that was intentionally inflicted with the aim of obtaining the marriage consent of the other, or if, even though deceived, the deceit does not concern (1) a quality of the other party which (2) of its very nature can seriously disturb the partnership of marriage.

For example:

- a) Prior to marriage, the parties discuss their financial plans and feel that they are on the same page about how they intend to spend and save in the marriage. After the wedding, however, the bride begins to spend more money than had initially been agreed upon, resulting in frequent arguments between them and leading to the breakdown of the marriage.
- b) While dating, the bride expresses her desire for the groom to improve himself professionally and he promises her that he will go back to school to finish his MBA once they are married. After the wedding, however, he never goes back to school.
- c) While dating, the bride tells the groom that she is really hoping to marry a man with a Master's degree. To impress her, the groom tells her that he has an MA, even though he actually left his Master's program a few credits short of the degree. She is disappointed to learn this and, feeling that trust has been broken, departs from the union.
- d) The bride and groom are both Catholic and attend Mass together throughout their courtship and engagement. They often speak about how they will practice the Faith together in married life. Five years after the wedding, they suffer a miscarriage. The groom's faith is shaken, and he stops attending Mass and even becomes antagonistic towards religion. This causes significant distress to the bride and results in constant arguments, leading to the breakdown of the union.

### **Error Concerning Marriage (canon 1099)**

**What is it?** Normally, error about the unity (i.e. marriage to one person), indissolubility (i.e. marriage is for life), or sacramental dignity (i.e. marriage between the baptized is a sacrament) of marriage does *not* make a marriage invalid. Error of this kind only invalidates when it determines the will. In other words, the error is so deeply held that, in the person's mind, the only kind of marriage that exists is unfaithful/polygamous marriage, or dissoluble marriage, etc. The alternative never seriously enters his/her mind. For example:

- a) The groom's parents were divorced when he was very young. Both of his parents have since been married several times, with each marriage ending in divorce. All of his aunts, uncles, siblings, and close friends have

been married several times to several different people. In short, he has never personally known anyone who had not been divorced and remarried even once. In his mind, marriage can and should end whenever the spouses are ready to move on, and he has never really considered the possibility of an indissoluble marriage. When he promises to stay with his wife “until death do us part,” he thinks it is just a nice figure of speech; really, he has no idea that marriage can be enduring.

- b) The bride was born and raised in a polygamous cult where children were taught from a young age that plural marriage was not only possible but actually necessary. All that she knows is polygamy, and when she marries the only type of marriage that she can conceive of is a polygamous marriage.

**What is it *not*?** Simply having wrong ideas about the unity (i.e. marriage to one person), indissolubility (i.e. marriage is for life), or sacramental dignity (i.e. marriage between the baptized is a sacrament) of marriage does *not* make a marriage invalid. For example:

- a) The groom was raised in contemporary culture. When he married, he knew of the existence of divorce, and also knew people who had gotten divorced. He was aware that if his own marriage broke down, divorce would exist as an avenue under civil law that would allow him to escape from the marriage. He also knew that marriage is supposed to be for life, and he had relatives with lifelong marriages.
- b) The bride was raised in a Protestant religion. When she married, she was aware that marriage is supposed to be a lifelong and faithful commitment to one person, but she did not possess a full understanding of the Catholic Church’s teachings on marriage.

#### **Conditioned Consent (canon 1102)**

**What is it?** One or both parties consent to marriage *if and only if* a certain condition is fulfilled. If the condition is not fulfilled at the time of the wedding, or if the condition relates to the future, the marriage is invalid. For example:

- a) The bride is pregnant at the time of the wedding, and the groom is uncertain if the baby is his. When he consents to the marriage, he consents strictly under the condition that he is the father. That is the only circumstance under which he is willing to enter marriage with the bride. In his mind, the marriage only exists if he is the father. When the baby is born, a paternity test determines that he is not the father, and he leaves immediately.

**What is it *not*?** A person who consents to marriage *if and only if* a certain condition is fulfilled, does not marry invalidly on this ground if the condition does not relate to the future and is fulfilled at the time of marriage. For example:

- a) The bride hopes to have biological children in the marriage and is uncertain whether the groom, who has a medical condition, is fertile. She agrees to marry him, but only on the condition that he is fertile. The parties marry, and they proceed to have four biological children.

#### **Force or Fear (canon 1103)**

**What is it?** When a person consents to enter an otherwise undesired marriage only because of force or grave fear inflicted by some other person(s), the marriage is invalid. For example:

- a) The bride, a teenager growing up in a rural town, agrees to marry the groom. After he behaves violently towards her during their engagement, the bride firmly decides that she will call off the wedding. However, when she informs the groom of her decision, he threatens to kill her family unless she marries him. Believing that he will carry out his threat, the bride proceeds with the wedding with a heavy heart. Married life is unhappy from the beginning.
- b) The bride, a very naïve 18 year-old, is pregnant. She does not want to marry the child’s father, but her parents have threatened to cut her off financially and never speak to her again if she does not marry him. She has no income other than her parents’ financial support, and her parents’ love and approval mean everything to her. She is afraid of losing them and of ending up on the streets with a baby, and so she chooses to marry because she sees it as the only possible way to avoid being totally rejected by her parents.



**What is it not?** A person who consents to enter a marriage, even if only because of moderate fear or pressure inflicted by other people or circumstances, or because of internal pressure, does not consent to marriage invalidly on this ground. For example:

- a) The bride is pregnant. She and the groom agree to marry because they believe it is the right thing for them to do in their situation and because they want their child to be raised by married parents. Their parents also agree that this is the right decision and even pressure them to a certain extent.
- b) The bride is in love with the groom and wants to get married, but starts getting cold feet shortly before the wedding. One of the factors that leads her to go through with the wedding is the fact that her parents had spent money on the wedding and invitations had already been sent out.

## **IMPEDIMENTS**

*Impediments disqualify one or both parties from entering marriage. In general, the Church is extremely diligent about discovering impediments before marriage, but sometimes they can remain undiscovered until after the marriage. Note that certain impediments only apply to marriages in which at least one party is Catholic.*

### **Age (canon 1083)**

A woman under 14 years of age and a man less than 16 years of age cannot validly marry. If neither party is Catholic, then civil law determines the minimum age for a valid marriage, but never below the age of puberty.

### **Antecedent and Perpetual Impotence (canon 1084)**

A person who is permanently and completely incapable of performing the sexual act cannot validly marry. This is not to be confused with simple infertility or even total sterility, which do not make a marriage invalid.

### **Prior Marriage (canon 1085)**

Marriage is for life. If either of the parties has previously been validly married, and the previous spouse is still living, there can be no second marriage. Note, however, that if the first marriage is later discovered to have been invalid, there was never any impediment to the second marriage. If the Respondent is the one with the previous marriage, please ask the Tribunal whether you should use the APPLICATION FOR A PRIOR BOND paperwork.

### **Disparity of Worship (canon 1086)**

Without a dispensation from the Church, a Catholic cannot validly marry a person who has never been baptized. This impediment is often dispensed, but sometimes the need for dispensation is overlooked. Note that this impediment only applies to marriages between Catholics and non-baptized persons, and *not* to (1) marriages between baptized non-Catholics and non-baptized persons, nor to (2) marriages between Catholics and baptized non-Catholics.

### **Sacred Orders/Vow (canons 1087-1088)**

A man who has been ordained to the diaconate or the priesthood cannot validly marry. A man or woman who has taken a public, perpetual vow of chastity in a religious institute cannot validly marry.

### **Abduction (canon 1089)**

A man cannot validly marry a woman whom he has kidnapped with the intention of marrying her.

### **Crime (canon 1090)**

A person who brings about the death of his or her own spouse or somebody else's spouse in order to marry cannot validly marry.

### **Consanguinity, Affinity, Public Propriety, and Adoption (canons 1091-1094)**

Canon law prohibits marriages between certain close blood relatives (consanguinity), as well as certain in-laws (affinity). It also prohibits marriage between a person and the parent or child of someone with whom that person has publicly cohabited, even if they were not married or were only invalidly married (public propriety). Finally, it prohibits marriage between certain people related by adoption.

## DEFECTS OF FORM

*Catholics are required to marry according to the form specified by the Church, namely, the presence of a priest or deacon who asks for and receives a manifestation of consent, and in the presence of at least two additional witnesses. Very often, the Church authority grants a dispensation allowing for some other form of celebration, such as marriage by a Protestant minister. But when there has been no dispensation, Catholics do not marry validly unless they marry according to the required form.*

### **Lack of Form**

When a Catholic, even a non-practicing Catholic, attempts to get married outside of the Church without a dispensation (e.g. before a justice of the peace), the marriage is invalid. If this is the case, please use the APPLICATION FOR LACK OF CANONICAL FORM paperwork.

### **Defective Form**

When the form of marriage is generally observed, but some required element is missing (e.g., only one witness is present), the marriage is invalid.