



## CATHOLIC DIOCESE OF KALAMAZOO

### Office of the Tribunal

215 N. Westnedge Street, Kalamazoo MI 49007-3760; 269-903-0215

#### FOUNDATIONS OF INVALIDITY

**Insufficient Use of Reason (Canon 1095.1<sup>o</sup>)** 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<sup>o</sup>)** 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<sup>o</sup>)** 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.

**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. Additionally one or both partners can partially simulate marriage by positively excluding some essential element:

- Openness to children (contra bonum prolis)
- The good of the spouse (contra bonum coniugum) or by excluding some property:
- Unity (fidelity) (contra bonum fidei)
- Indissolubility (permanence) (contra bonum sacramentum) if they do so they contract invalidly

**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)** To enter a valid marriage, a person must have some basic knowledge (i.e., not be ignorant) of the sexual cooperation needed for marriage. A necessary element of that knowledge is to know that marriage is a permanent partnership between a man and a woman.

**Error of a Person (Canon 1097 §1)** To enter a valid marriage, one must know the person he or she is marrying. In other words, marital consent is exchanged with a specific man or woman and it is essential to have true knowledge of who that person is.

**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.