

If a marriage to a non-Catholic is not considered a true marriage by the Catholic Church, why is it necessary to go before the Church tribunal for an annulment?

The Church recognizes a marriage as valid, or “true”, “when a man and a woman establish between themselves a partnership of their whole life, and which of its own very nature is ordered to the well-being of the spouses and to the procreation and upbringing of children”. (Can. 1055) Canon Law goes on to say: “A marriage is brought into being by the lawfully manifested consent of persons who are legally capable.” (Can 1057) The two spouses must be free to give their willing consent with full knowledge of the purpose of marriage. The investigation of the tribunal is concerned with determining whether a valid marriage ever existed. They focus on whether, at the time of the marriage ceremony, the two parties were able and willing to give themselves to each other for the purpose of contracting marriage.

The marriage of two non-Christians, i.e. non-baptized persons, is still considered valid if they followed all the legal requirements imposed upon them and gave valid consent to the marriage covenant. A marriage between a Christian and a non-Christian falls into this same category.

The valid marriage of two Christians is automatically considered a sacramental marriage in the eyes of the Church. The marriage of two non-Catholic Christians is sacramental, even if it is performed in a civil ceremony. Protestants themselves do not consider marriage to be a sacrament, and therefore do not legally require that it be conducted in a church service for validity.

An additional consideration arises when one, or both, of the parties is Catholic. Canon Law sets requirements for the validity of the marriage of a Catholic: “Only those marriages are valid which are contracted in the presence of the local Ordinary or parish priest or of the priest or deacon delegated by either of them, who in the presence of two witnesses, assists, in accordance however with the rules set out in the following canons” (Can. 1108) If a Catholic is not married according to the legal requirements of the Church, then that marriage is automatically considered not to be valid. It can be dissolved by a simple process called a “Lack of Form” and would not require an annulment for dissolution. The properly conducted marriage of a Catholic and a non-Catholic Christian is considered valid and sacramental. The marriage of a Catholic and a non-Christian can be valid, but not sacramental.

(If you have a question about a particular situation, please contact Father or me for a more specific answer. We can contact the Tribunal for the difficult situations if necessary.)

Deacon Joe