

Evangelizing People in “Irregular” Situations

“Families are not a problem, they are first and foremost an opportunity.” (*Amoris Laetitia*, 7)

What is marriage?

CCC 1603 | The intimate community of life and love which constitutes the married state has been established by the Creator and endowed by him with its own proper laws....God himself is the author of marriage.

CCC1056 | The matrimonial covenant, by which a man and a woman establish between themselves a partnership of the whole of life, is by its very nature ordered toward the good of the spouses and the procreation and education of children; this covenant between baptized persons has been raised by Christ the Lord to the dignity of a sacrament

The Church admits to two types of marriage: a Christian marriage (two baptized individuals) or a good and natural marriage (two unbaptized or one baptized and an unbaptized person) (*Annulment, the Wedding That Was*, Foster)

What is an “Irregular” Situation?

- Divorced/Separated Couples (with or without children)
 - Those who have gone through a divorce
 - Those who are going through a divorce
- Remarried Couples
 - Those who have divorced and remarried in the Church
 - Those who have divorced and remarried outside the Church
- Cohabiting Couples (no children)
- Cohabiting Couples (with children)

Pastoral Considerations for People in "Irregular" Situations

1. Always assume the best when starting a conversation.

Here I [Pope Francis] would like to reiterate something I sought to make clear to the whole Church, lest we take the wrong path: “There are two ways of thinking which recur throughout the Church’s history: casting off and reinstating. The Church’s way, from the time of the Council of Jerusalem, has always been the way of Jesus, the way of mercy and reinstatement... The way of the Church is not to condemn anyone for ever; it is to pour out the balm of God’s mercy on all those who ask for it with a sincere heart... For true charity is always unmerited, unconditional and gratuitous”. (*Amoris Laetitia*, 296)

2. There is no “one size fits all” solution.

Consequently, there is a need “to avoid judgements which do not take into account the complexity of various situations” and “to be attentive, by necessity, to how people experience distress because of their condition”. (*Amoris Laetitia*, 296)

3. The Christian community has an obligation to assist its baptized members.

“In considering a pastoral approach towards people who have contracted a civil marriage, who are divorced and remarried, or simply living together, the Church has the responsibility of helping them understand the divine pedagogy of grace in their lives and offering them assistance so they can reach the fullness of God’s plan for them”, something which is always possible by the power of the Holy Spirit.” (*Amoris Laetitia*, 297)

4. Remember the suffering that happens with divorce and separation.

Spouses who have separated and divorced suffer tremendous loss, pain, and anger. The children's loss is even greater, as they are often the most innocent victims of divorce. It is a moral imperative of the highest order for the Church to be concerned for the welfare of the children of divorce. The Church encourages divorced parents to do all in their power to provide for the physical, social, cultural, moral and religious upbringing of their children. (Can 1136)

Evangelizing People in “Irregular” Situations

“Families are not a problem, they are first and foremost an opportunity.” (*Amoris Laetitia*, 7)

A Primer on Annulments

A declaration of nullity is not a dissolution of marriage: it is not a Church divorce. Rather, it is a judicial finding that a marriage had not been brought about on the wedding day, as the faith community had presumed. The Church's law on marriage is like a coin. On one side there is an exposition of "what marriage is." When the coin is flipped over, the opposite is established - "what marriage is not."

The law declares that marriage is brought about through:

1. The consent of the bride and groom
2. Legitimately manifested
3. By those qualified according to the law (again, the bride and groom)

If the consent was NOT legitimately manifested – marriage was NOT brought about. If one or both of the persons were unqualified according to law – the marriage was NOT brought about.

When a marriage is declared null, a couple is freed of the presumed "bond" of matrimony because a valid marriage bond had not come into existence on the wedding day. The declaration does not deny that love existed in the relationship of family; more often than not, it did. The wedding ceremony is not wiped away; it clearly occurred. The relationship between the husband and wife and the years they spent together are not wiped away. It is part of their individual and collective history. The children of the union remain legitimate in Church law. A declaration of nullity does not dissolve or erase a marriage, but rather declares a marriage did not come about on the wedding day.

After a wedding has taken place, it is legally presumed that a valid marriage came into existence through the consent of the two parties. A declaration of nullity is a judicial pronouncement that a valid marriage had not been brought about, as the faith community had presumed. The decree focuses either on the presence of a diriment impediment or on a defect of consent in one of the parties or on the celebration of an unauthorized wedding ceremony. (*Annulment, the Wedding That Was*, Foster)

Evangelizing People in “Irregular” Situations

“Families are not a problem, they are first and foremost an opportunity.” (*Amoris Laetitia*, 7)

Individual Diriment Impediments: These prevent people from marrying and must be dispensed before marriage can occur

Can 1083 Age: A man cannot validly enter marriage before the completion of his sixteenth year of age, nor a woman before the completion of her fourteenth year (**Dispensable**)

Can 1084 Impotence: By reason of its very nature, marriage is invalidated by antecedent and perpetual impotence to have sexual intercourse, whether on the part of the man or on that of the woman, whether absolute or relative (**Indispensable**)

Can 1085 Prior Bond: A person obliged by the bond of a previous marriage, even if not consummated, invalidly attempts marriage (**Indispensable – must be dissolved in some other manner – death, finding of nullity etc.**)

Can 1086 Disparity of Cult: A marriage is invalid when one of the two persons was baptized in the Catholic Church or received into it and had not by a formal act defected from it and the other was not baptized (**Dispensable**)

Can 1087 Orders: Those who are in sacred orders invalidly attempt marriage (**Dispensable**)

Can 1088 Vows: Those who are bound by a public perpetual vow of chastity in a religious institute invalidly attempt marriage (**Dispensable by Pope alone**)

Can 1089 Abduction: No marriage can exist between a man and a woman who had been abducted, or at least detained, with a view to contracting a marriage with her, unless the woman, after she has been separated from her abductor and established in a safe and free place chooses marriage of her own accord. (**Dispensable**)

Can 1090 Crime: One who, with view to entering marriage with a particular person, had killed that person's spouse, or his or her own spouse, invalidly attempts this marriage (**Dispensable by Pope alone**)

Can 1091 Kinship: Marriage is invalid between those related by consanguinity in all degrees of the direct line, whether ascending or descending, legitimate or natural. (**Dispensable depending on degree**)

Can 1092 Affinity: Affinity in any degree of the direct line invalidates marriage (**Dispensable**)

Can 1093 Public Propriety: The impediment of public propriety arises when a couple live together after an invalid marriage, or from a notorious or public concubinage. It invalidates marriage in the first degree of the direct line between the man and those related by consanguinity to the woman, and vice versa (**Dispensable**)

Can 1094 Legal Relationship: Those who are legally related by reason of adoption cannot validly marry each other if their relationship is in the direct line or in the second degree of the collateral line (**Dispensable**)