

## Explanation of Marriage Nullity Grounds

**Note:** Whenever someone has broken civil law, that someone has the right to know the specific charge or to know which particular law has been broken. In the same way, a petitioner, approaching a Church Tribunal, cannot simply assert that a marriage is invalid. That petitioner must also specify upon which ground or grounds the invalidity is based upon (and upon which party – the petitioner or the respondent). The following grounds are from cases tried throughout the history of the Church and that have subsequently become enshrined in the law of the Church (Code of Canon Law). What follows is a short explanation of all acceptable grounds in the Code, for your assistance.

### **Lack of sufficient use of reason (c. 1095.1)**

An individual must possess sufficient use of reason to give valid marital consent. Should a party be impaired by a severe psychiatric disorder, severe, mental retardation, or intoxication which prohibits the use of reason at the time consent is exchanged, the consent is invalid.

**Evidence of this ground:** 1) grave disturbance of the mind 2) diagnosed mental insanity 3) a significant degree of intoxication due to substance abuse at the time one says their vows.

### **Grave Lack of Discretionary Judgement (c. 1095.2)**

Marital consent is a function of a person's intellect and will. When one consents to marriage, their consent must be informed, prudent, and free. If the intellect is not able to make a mature evaluation of the decision to marry or the will is not able to make a truly free choice, the consent is invalid. In other words, the individual must be able to make a rational judgment about this marriage, to this person, at this time.

**Evidence of this ground:** 1) significant immaturity/irresponsible behavior on the part of either party 2) inability to keep employment 3) "party" mentality 4) extreme control/domineering of one party over the other 5) dysfunctional family of origin 6) bad examples of marriage in parents/grandparents 7) desire to escape one's own family 8) pressure of premarital pregnancy 9) disregard for warnings of others about marrying the other party 10) overlooking obvious red flags prior to getting married.

### **Inability to Assume the Essential Obligations of Marriage (c. 1095.3)**

An individual must be capable of assuming the obligations of assuming the obligations of marriage. If a party suffers from a psychological disorder which interferes with his/her ability to assume the obligation of a permanent, exclusive, heterosexual partnership, the marriage is invalid.

**Evidence of this ground:** 1) serious mental condition that has onset prior to the marriage 2) incurable mental illness that renders the person unable to function in the marriage despite treatment 3) deeply-rooted homosexual inclinations.

### **Partial Simulation: Intention against Fidelity (c. 1101.2)**

Partial Simulation: Intention against Fidelity describes a situation where at the time of the decision to marry, you and/or your ex-spouse married intending, either explicitly or implicitly, that you did not have to remain faithful to the other. I.e. you “reserved the right” to engage in an extra-marital relationship with another person during the course of your marriage.

**Evidence of this ground:** 1) one has habitually displayed infidelity in their relationships 2) a belief in “open marriage” 3) belief that pornography is morally acceptable 4) a party confesses to the simulation.

### **Partial Simulation: Intention against Children (c. 1101.2)**

Partial Simulation: Intention against Children describes a situation where at the time of the decision to marry, you and/or your ex-spouse married intending, either explicitly or implicitly, not to cooperate with the other's desire to have children or both parties intended on excluding children from their marriage;

**Evidence of this ground:** 1) the consistent use of contraceptives throughout the marriage in order to avoid children 2) vasectomy or getting tubes tied prior to consent with the intention of not having children during the marriage.

### **Partial Simulation: Intention against Indissolubility (c. 1101.2)**

Partial Simulation: Intention against Indissolubility describes a situation where at the time of the decision to marry, you and/or your ex-spouse married intending, either explicitly or implicitly, to enter a marriage where you had the right to end the marriage if certain circumstances happened (i.e. infidelity, fell out of love, experienced tragedy, etc.) Essentially, while you and/or your spouse may have intended the marriage last forever, you reserved the right to end the marriage if you chose or if a certain circumstance occurred.

**Evidence for this ground:** 1) a party reserved the right to leave the marriage if the marriage became unhappy 2) if one party was unfaithful 3) if one party failed to live up to the other's expectations, etc.

### **Partial Simulation: Intention Against the Good of Spouse (c. 1101.2)**

Partial Simulation: Intention Against the Good of the Spouse describes a situation where at the time of the decision to marry, you and/or your ex-spouse married intending, either explicitly or

implicitly, not to form a mutually giving union. This may include infidelity, abuse, neglect, non-support, irresponsibility and/or a lack of mutual love and respect.

**Evidence for this ground:** 1) severely selfish behavior on the party of one party at the expense of another 2) one party is often absent from the marital home 3) physical and emotional abuse of one's spouse.

### **Partial Simulation: Intention Against Sacramentality (c. 1101.2)**

PS: Intention against the Sacramentality of Marriage describes a situation where one or both parties make it known that he/she does not believe marriage to have sacramental dignity, and/or expresses hostility towards the Catholic faith and its teachings.

**Evidence for this ground:** 1) hostility towards Catholic teaching 2) expressed skepticism regarding Catholic teachings regarding marriage 3) failure to take marriage preparation seriously 4) being raised in a faith that explicitly rejects sacramental theology or at least the idea of marriage as sacrament.

### **Total Simulation (c. 1101.2)**

Total Simulation describes a situation where at the time of the decision to marry you and/or your ex-spouse participated in the wedding ceremony intending not to create a true marital relationship and/or to accomplish something other than marriage.

**Evidence for this ground:** 1) married to obtain legal status in the country 2) to legitimize a child 3) refusing to give a new consent again at "Church blessing" of invalid marriage and thought the Church ceremony was only a blessing and not a real marriage.

### **Ignorance (c. 1096.1)**

Marriage is a permanent relationship between a man and a woman which is ordered toward the procreation and education of children by means of sexual cooperation. If a party is ignorant of these facts, the marriage is invalid.

**Evidence of this ground:** 1) declaration of the parties 2) repressive family background 3) dullness of social development 4) horror or repugnance at first attempt of intercourse 5) grave shyness of even shame 6) gross of naïve disinterest in sex 7) the party did not give the other person the right to intercourse.

### **Fraud (c. 1098)**

Marital consent is invalid if a party exchanged consent as a result of being deceived concerning a quality of the spouse which could disrupt seriously the communion of life. The quality must be

capable of disrupting the marriage, i.e., serious medical condition such as AIDS, a criminal record, psychiatric illness, secret children, etc.

**Evidence of this ground:** History of being deceitful, special arrangements to avoid detection, concealing infertility, concealed health or mental issues, concealed criminal record.

### **Error concerning the person (c. 1097.1-2)**

Marriage consent is invalid if a person is in error about the actual identity of the spouse. Marriage consent is also invalid if a person is in error about a quality of the spouse that is directly and principally intended. In other words, if the person had known prior to the marriage that a specific quality was not present in the spouse, then he/she would never have married that person.

**Evidence of this ground:** never revealed a certain important quality; concealed infertility; concealed homosexuality; criminal record with consequences to the marriage; concealment of sexual disease; concealment of drug and alcohol addiction.

### **Determining error concerning the nature of marriage (c. 1099)**

A person must know that the Church teaches that marriages is permanent, requires fidelity and openness to children, as well as the fact that it is an equal partnership between spouses. Some people hold beliefs that are contrary to the Church's teachings on marriage.

**Evidence of this ground:** If an error about the Church's teachings determines one's will to enter the marriage, the consent was invalid. I.e. one believes that a marriage is dissolved when their spouse is unfaithful. If a person leaves the marriage upon this occurring, this error regarding the permanent nature of marriage can be said to have determined their will. The error must determine one's action. Simply having an erroneous belief about marriage and not acting on it is not enough.

### **Condition (c. 1102)**

Marital consent is invalid if a person attaches a future condition of particular importance to the marriage. The individual placing the condition ranks the condition of higher importance than the marriage. Unless the condition is fulfilled, the party would not want the marriage.

**Evidence of this ground:** the mentality that if a certain condition cannot happen, then the marriage is not wanted, i.e. my spouse must be or become a millionaire or a doctor, etc.; pre-nuptial agreement on a future condition; circumstance agreed upon prior to the marriage that were not fulfilled and one party left the marriage; conditions are often placed because of some doubt of the suitability of the person.

### **Force and Fear (c. 1103)**

The act of consent must be free. If consent is attempted due to an external physical or moral force, it is invalid. If consent is placed because of fear that is 1) grave 2) extrinsic, and 3) the cause of the wedding, it is invalid.

Evidence of the ground: threats of harm and the only way out was to marry, compulsion, retaliation, aversion of at least one of the parties to the marriage, strong ethnic or social mores, reverential fear of a family member.