

## What a Catholic Marriage Annulment is, and What it is Not

By Jim Penrice

Catholic marriage annulments can be a confusing topic, among both Catholics and non-Catholics alike. This is a brief explanation of what a Catholic marriage annulment is, and what it is not.

The confusion arises because the Catholic Church uses the same word, “marriage,” to refer to two different things that can exist together, yet are separate realities:

1. **“Marriage”** refers first of all to a legal contract, made between two persons and ratified by the state that declares them to be husband and wife.
2. **“Marriage”** in Catholic terms also refers to a **sacramental bond**, in which husband and wife enter into **not only a legal agreement** with each other and the state, but also give themselves to each other as instruments of God’s love.

When the Catholic Church issues a marriage annulment, it declares only that the **sacramental bond** was never established; **it does not declare that the legal marriage never existed**. The Catholic Church acknowledges that the couple was truly, legally married as husband and wife, and that the legal marriage that truly existed has ended. It states that the sacramental bond, and **that bond only**, was never established in the first place.

For those from other Christian traditions that do not declare marriage a sacrament, an explanation of the sacramental nature of marriage may help make this a bit clearer, and why the catholic Church consider it so important.

Scripture uses “marriage” to describe the relationship between God and his people—first Israel, then the Church:

*On that day, says the Lord, you shall call me, “My husband,” and never again, “My Baal.”... I will espouse you to me forever. (Hosea 2:18, 21)*

*As a young man marries a virgin, your Builder shall marry you; and as a bridegroom rejoices in his bride, so shall your God rejoice in you. (Isaiah 62:5)*

*A man shall leave his father and his mother and be joined to his wife, and the two shall become one flesh. This is a great mystery, but I speak in reference to Christ and the Church. (Ephesians 5:31-32)*

*Let us rejoice and be glad and give him glory, for the wedding day of the Lamb has come, his bride has made herself ready. (Revelation 19:7)*

In a sacramental marriage a man and woman give themselves to each other to be the primary instrument through which they each will experience the love of God. By declaring a marriage sacramental, the Church is proclaiming that, as far as it can see, God has joined these two people through their mutual self-giving in his own unbreakable bond of love, to be that love to each other.

Yet we know that due to several factors involving human frailty, many marriage relationships do not last. The underlying reason a marriage ends is that one or both of the partners did not love the other the way God loves. If the Church were to regard such unions as sacramental, then it would necessarily be stating that God's covenant with us can also end. What could be more hurtful than telling someone whose relationship has come to an end that God has also broken his covenant, and that this is how God loves them? Yet that is exactly what the Church would be saying if the sacramental aspect of a marriage were simply declared "ended" as well.

What the Church will do in such instances, out of pastoral love for persons hurting from a broken marital relationship, is to declare that while a *legal marriage* did exist and was brought to an end, the *sacramental bond* necessary to preserve the union for life was never established in the first place. In Catholic theology the bride and groom bestow the sacrament of marriage upon each other through the free gift of themselves. While with every wedding the presumption is that the gift is truly being given, sometimes a person only appears to present the gift, when in reality it has not happened.

An analogy may be helpful. Suppose I give you a gift for your birthday, but a few months later I take the gift back; perhaps I want to give it to another, or I just

want it for myself. What appeared a few months ago to be a gift, in reality turned out to be not a gift at all. A gift is given freely, with no conditions attached, with the giver relinquishing all ownership and attachment to the gift, solely for the good of the other person. If I take my gift back awhile later, then it was never really a gift in the first place, even though it appeared to be at one time. It turns out that I did not have the proper dispositions to make the gift in the first place.

When the Church issues a statement of nullity for a marriage, it is saying to the partners, "What you experienced in that relationship is *not* how God loves you. God loves you infinitely more than that. God wants you to be whole and happy, not abandoned and hurt." By declaring an apparently sacramental marriage null, the Church is freeing and healing the partners from an experience that did not truly reflect God's love for them, so that they may be open to knowing his love in a real way. Jesus gave the Church the authority as his instrument that what it declares bound or loosed on earth will be so in heaven. (Mt. 16:19) If the Church formally declares a marriage union as sacramental, and later it is proven that it was not, then the Church is duty-bound to formally declare it null as well. By definition, the Church cannot declare another marriage union as sacramental until any prior divorced marriages are declared sacramentally null.

The Catholic Church presumes the marriage between any two baptized Christians, regardless of denomination, to be sacramental. This is why it requires a statement of sacramental nullity fore-marriage even if a prior marriage did not begin with a Catholic ceremony.