

those who should say something about this scandal and do not:

“Anyone who uses the power at his disposal in such a way that it leads others to do wrong becomes guilty of scandal and responsible for the evil that he has directly or indirectly encouraged. ‘Temptations to sin are sure to come; but woe to him by whom they come!’” (*Catechism of the Catholic Church* # 2287)

The Diocesan Marriage Tribunal

The most important function of the local diocesan marriage tribunal is not to issue decrees of nullity. Its most important function is to urge couples to reconcile:

"A judge, before he accepts a cause and whenever he perceives the hope of a good outcome, is to employ pastoral means to convince the spouses, if this can be done, to convalidate the marriage and re-establish conjugal life" (can. 1676, *Dignitas Conubii*, Art. 65.1)

Even when a couple visits the tribunal to petition for nullity the duty of the ministers of the tribunal is to promote "the hope of a good outcome" toward reconciliation.

Some helpful strategies that urge a couple to reconcile are:

1. Ask them how their children feel about visiting Dad in his house and Mom in hers. Most children are traumatized by such an arrangement. They become visitors, no longer having a home of their own.

2. Remind them that remarriage means that their children are denied the right to grow up in the family that it was not their idea to form. That they will have to get used to Dad's new wife and sharing him with her and her kids. Same with Mom's new husband. And they will likely be asked to share their rooms and belongings with strangers--step-siblings

3. Remind them that their salvation depends on keeping the vows that they, in all likelihood, know they made.

4. Remind them that second marriages end up in divorce courts more often than first.

Note: Parents who must live continent because they are invalidly married, can live under the same roof for the sake of the children. Adult happiness is not more important than children's security.

Where to go for more information

Addresses of Pope John Paul II to the Roman Rota are available on the Internet at The Holy See-The Roman Curia-Tribunals-Roman Rota.

Addresses of Pope Benedict XVI to the Roman Rota, http://www.vatican.va/holy_father/john_paul_ii/speeches/index_spe-roman-rot.htm

Marriage, A Path to Sanctity, Javier Abad and Eugenio Fenoy, Sinag-Tala Publishers, Inc., Manilla, 1988, Imprimatur: Rt. Rev. Msgr. Josefino S. Ramirez.

"Program for Divorced Catholics," by Fr. Donald Miller, c.s.s.r., Published 1962 by Liguorian Pamphlets, Imprimatur: St. Louis, 7 September 1962, Joseph Cardinal Ritter, Archbishop of St. Louis, Missouri.

"The Permanence of Marriage and the Mentality of Divorce," Cardinal Egan, 1988, available at <http://marysadvocates.org/eganpermanence.html>.

The Separation of the Spouses With the Bond Remaining: Historical and Canonical Study with Pastoral Applications, 1997, by Fr. Juraj Kamas, J.C.L., J.C.D., Gregorian University Press, Piazza della Pilotta, 35-00187 Rome, Italy. Available from Paxbook.com, Via Terenzio, 35, 00193 Roma, Italy, \$25.03 plus shipping.

What God Has Joined Together, The Annulment Crisis in American Catholicism, 1998, by Robert H. Vasoli, Oxford University Press, 198 Madison Avenue, New York, New York, 10016, \$22.50.

"A plan to save marriages," Sheryl Temaat, *Homiletic and Pastoral Review*, <http://www.marysadvocates.org/annulment/temaat0603.pdf>

"Judging invalidity the American Way," Sheryl Temaat, *Homiletic and Pastoral Review*, <http://www.marysadvocates.org/HomileticJan05.html>

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Pamphlet 360

What the Church Teaches About Marriage Vows

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What part of "I take you for better or for worse... until death" don't you understand?

St. Paul to the Corinthians:

"To those who are married, not I, but the Lord commands that a wife is not to depart from her husband, and if she departs that she is to remain unmarried or be reconciled to her husband. And not let a husband put away his wife" (1 Corinthians 7:10-11).

What Makes a Marriage?

A man and a woman give valid consent on their wedding day when they agree to take each other in marriage. This means that they agree to exchange the conjugal act exclusively, permanently, and be open to having children.

They don't agree to make each other happy, although they hope that they will be happy.

In the Catholic rite, they don't even vow to love; to vow an emotion is impossible. What they vow is a decision. They vow to love in the sense that they take each other as man and wife perpetually in an exclusive relationship that may or may not be satisfying to them both.

Whether or not a marriage is happy and satisfying, the vows a couple makes are binding until one of them dies.

Some make the claim that there are new requirements since Vatican II that must be met in order to make a marriage valid. These are merely opinions, however. The Church has not added any new requirements for validity.

Is divorce a sin?

When the Pharisees asked Jesus if it was permissible for a man to divorce his wife, Jesus said: "Whoever divorces his wife and marries

another, commits adultery against her; and if she divorces her husband and marries another, she commits adultery” (Mark 10:11-12). Because of that the October 2005 Synod of Bishops again reiterated that the divorced and remarried cannot receive the Eucharist. They are living in a state of adultery. Because of the law of no-fault divorce enacted in the U.S. in the 1970s, many Catholics are divorced against their will. This is a heavy burden and cross for them to carry. It is an evil injustice that faithful Catholics must oppose.

How the Church Looks Upon Divorce

Many Catholics today seem to take it in stride that divorce and even remarriage among them is a given. That is the way that society and our culture is moving, and there seems to be little that can be done about it. Yet the Catholic Church is the one institution that has held firm against divorce and remarriage for centuries.

God hates divorce:

“For I hate divorce, says the Lord. . . .” (Malachia 2, 2.-16). The author of the Old Testament book Malachia levels sharp reproaches against the priests and rulers of the people (445 B.C.) for their abuses of the sacrifice and religious indifference toward the laws of God.

The chosen people had made a sorry return for divine love; the priests had dishonored God by their offering of blind and other blemished animals for sacrifice, and the author of Malachia compares their idolatrous sacrifice with their likewise breaking of their vows to their wives.

Thus the Lord says that He hates both, blemished sacrifices and broken marriage vows, and that He regards what His chosen people are doing as evil.

Only the sacrifices of old will please the Lord, and His judgment will be swift against sorcerers, adulterers, perjurers and others who turn aside His statues and have not kept them (Malachia 3, 4-7).

What Makes a Marriage Invalid?

In order to avoid entering a marriage that is invalid, and therefore sinful, the following impediments need to be noted:

- (1) the male is not yet sixteen and/or the female is not yet fourteen at the time of the wedding;
- (2) the male is impotent, the female is frigid, or the marriage is never consummated;
- (3) either party is still involved in a marriage which is not properly dissolved;
- (4) a Catholic and an unbaptized person marry without a proper dispensation;
- (5) the male is a recipient of Holy Orders and is not personally dispensed by the pope;
- (6) either party who publicly vowed celibacy did not receive a dispensation to marry;
- (7) the female is forced to marry by means of abduction or confinement;
- (8) one party kills the other in order to enter a new marriage;
- (9) the parties are closely related by blood;
- (10) there is prior affinity between the parties such as a widowed person marrying the deceased spouse’s parent or child;
- (11) someone party to a common-law marriage later attempts marriage with the parent or child of the live-in partner;
- (12) a person marries a child or sibling he or she has adopted;
- (13) Catholics enter a marriage “lacking form” and, therefore, validity because it does not take place before an authorized priest and witnesses.

Not only is divorce a sin, but separation from one’s spouse is also sinful

According to Canon Law a couple is not to separate without serious reasons and without the permission of the local bishop. (Canon 1153.1)

“It is a grave sin for a validly married Catholic to institute divorce proceedings against a partner without permission of the bishop of the diocese,” Fr. Donald Miller, Program for Divorced Catholics, 1962.

This pamphlet is not about cases in which a spouse is threatening with weapons or where there are physical beatings which would entail “danger in delay.” This booklet is about those common disagreements, quarrels, arguments, verbal fights and the silent treatment that make life so difficult, one’s cross so heavy, and one’s burden so oppressive.

In his January 2003 Address to the Roman Rota, Pope John Paul II said the following: “To make possible the fidelity of heart to one’s spouse, even in the hardest cases, one must have recourse to God in the certainty of receiving assistance. . . . In every marriage the mystery of redemption becomes present, brought about by a real participation in the Cross of the Savior, accepting the Christian paradox that joins happiness **with the bearing of suffering** in the spirit of faith.”

Are the Separated/Divorced Allowed to Date?

In 1962, Liguorian Press published a pamphlet by Fr. Donald Miller, C.S.S.R., titled “Program for Divorced Catholics.” Fr. Miller says, “**God’s law strictly forbids validly married but divorced Catholics to keep company as if they were free to marry again. . . . When one is not free to marry, steady company-keeping becomes a serious and unnecessary occasion of sin, and therefore a grave sin in itself.**”

Nothing since Vatican II relaxes, abrogates, changes, or reverses this teaching. it is a matter of scandal, and every Catholic has a right not to be scandalized.

Unfortunately many in the Church today look the other way when they see divorced Catholics keeping steady company with a woman or man whom they are not free to marry.

Such people even serve as Eucharistic Ministers in parishes and teach religious education to the young. *The Catechism of the Catholic Church* has strong admonitions for