

FAITH *Enrichment*

Busting some common annulment myths

Each month, we receive many phone calls at the Metropolitan Tribunal that exhibit a good deal of confusion about the very basics of a Declaration of Invalidity of Marriage. It is apparent from the calls that much misinformation, misconception and myth about annulments are passing themselves off as facts. Therefore, in an effort to “shine light into the darkness,” this month we will examine some of the more common myths that are burning up our phone lines.

The first myth is that a Declaration of Invalidity of Marriage is a reward. Of course, no one actually puts it that way. Instead, this myth usually arises in a statement that a spouse somehow “deserves” an annulment because of the infidelity of the other spouse, or because of one’s long-suffering in the marriage, or a newfound deepening of faith, or overall personal holiness.

However, a Declaration of Invalidity is not necessarily related to any of these things. Rather, it is a statement about the presence of a serious obstacle to the marital bond at the time of the exchange of the vows. For this reason, the tribunal investigates and interviews the parties and their witnesses to discover whether there was something seriously lacking at the time of the exchange. If it is proven that something was seriously wrong *from the beginning*, an annulment decree can be granted; if not, the validity of the marriage stands.

Of course, the ability of some spouses to inflict misery upon the one

for whom they once asserted their undying love can, at times, boggle the mind. However, no one earns a Declaration of Invalidity because of a troubled marriage, or even for holiness of life.

Conversely, a second myth is that a Declaration of Invalidity is a punishment for a failed marriage. (While it is true that some spouses do sin gravely against each other, a decree of invalidity is not a statement about the sinfulness of either; it’s a statement about the exchange of marital consent.) This second myth is frequently expressed in cases where the party who was ultimately the cause of the breakdown is the one who begins the annulment process. The innocent party may again feel victimized, and it is especially at these times of greater vulnerability that this particular misconception can cause untold harm to a person’s spirit. It is important, therefore, to be able to step back and recall that an annulment investigation is an attempt to understand the truth about the very beginning of a marital union, and is neither a punishment nor an accusation of wrongdoing.

A third myth that frequently comes to the tribunal is that an annulment is a sure thing. This myth is based in the misconception that all failed marriages are invalid. It most frequently causes difficulties when one of the parties is ready to choose a date for a subsequent Church wedding, sometimes even getting one “penciled in the book” in the hope that the annulment decree will “come

A Primer of Christian Marriage



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through in time.” However, the mere petitioning for a Declaration of Invalidity is by no means a guarantee that the investigation will produce sufficient evidence to declare the marriage invalid. For, sometimes, after a serious investigation of the facts and circumstances of a failed marriage, the *validity* of the marriage is proven. Because of this, the parties are always counseled by the tribunal to make no plans concerning a wedding until they have received a definitive decision. From beginning to end, the process generally takes about 18 months, but because each case is distinct, certain investigations may require considerably more time. In any event, an annulment decree is never certain until the Declaration of Invalidity is in hand.

A fourth commonly held myth is that a Declaration of Invalidity makes the children born of the marriage illegitimate. This misconception is pervasive among today’s Catholics, and does follow a certain logic, which says: if a marriage is declared to be invalid, then

the children were born of a union that “was not,” and therefore are illegitimate. This line of reasoning is not consistent with the Church’s law on marriage and the legitimacy of children. Church law states that all children “conceived or born of a valid or putative marriage are legitimate.” A putative marriage is a marriage that, although later declared to be invalid, was celebrated “in good faith” by “at least one of the parties,” and was presumed to be valid for a time. Thus, the Church understands that as long as one of the parties entered the union in good faith, the children are recognized as legitimate, even if the marriage is eventually declared invalid.

A final myth that occasionally raises its head is that a Declaration of Invalidity is granted because of financial or personal influence. This myth is voiced in such claims as “if you have enough money, you can buy an annulment,” or “it all depends on whom you know.” While it is true that there are fees for petitioning for an annulment, if a party is unable to make payment because of personal circumstances, these fees are reduced or waived. Additionally, in order to avoid even the appearance of favoritism in the tribunals, Church law forbids judges and other Tribunal personnel from accepting personal gifts from the parties. If such gifts are sent to the tribunal, they are returned to the donors with an explanation. Moreover, personal influence bears no weight because the judges, in good conscience,

must have “moral certitude” that a marriage is invalid before issuing that decision. And, ultimately, the tribunal judges are answerable for their decisions to a Power far beyond any ecclesiastical authority. Church law also requires that each affirmative decision receive an independent evaluation by a second tribunal. (For Hartford this tribunal is in Providence, RI.) A decree of invalidity will be granted only if both Tribunals reach separate affirmative decisions. Neither money nor personal influence has any bearing on those decisions.

What then remains of our understanding of a Declaration of Invalidity? (1) An annulment is a declaration by the Church that some radical defect existed at the time of the ceremony that prevented the permanent marriage bond from being formed. (2) An annulment is not a favor, a privilege, a purchase, or a punishment. It is a statement by a judge, who reaches moral certitude after considering all of the facts and testimony, that the marital consent lacked at least one of the elements essential for a binding and lifelong union. (3) Every marriage properly celebrated and entered into without impediment is presumed valid until the opposite is proven. (4) All children born of a valid or presumed valid marriage are legitimate.

And the annulment myths? They’re BUSTED!

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