

Divorce & Remarriage

Book excerpt from “Don’t Tell Me What to Do!” by Fr. Dave Heney

“What God has joined, let no one divide.” (Mt. 19:6) Those are strong, clear, and direct words from Jesus Christ. So how is it possible for couples to divorce and remarry?

Well, when two Christians marry, we presume they are marrying as Christ would, and His love for us was always faithful, creative, and enduring. That means both partners promise to stay faithful, stay married forever, and be open to the possibility of new life. For Catholics, it also includes having their vows witnessed by a priest and two witnesses. We believe God wanted married couples to experience His love and grace in a special and *visible* way so we call marriage a *sacrament*, *an event God chooses that reveals His spirit in a way that appeals to our senses, like water in Baptism or bread and wine in the Eucharist*. Marriage is a *shared life of commitment* that reveals to the couple and all who know them the same love God has for all of us. Of course, we cannot make a presumption of Christian intentions for non-Christians so their marriages are called valid but non-sacramental.

However, while we sometimes focus on the last part verse; “let no one divide,” we cannot ignore the first part; “what God has joined...” Not every couple enjoys a marriage that God intends. Of course, anyone can say vows in a wedding ceremony, but just saying them is not enough to make them valid. Sometimes one person is mature and intends all that God intends for marriage but the other party does not. Sometimes one partner can be in mortal danger of violence from the other, or there is a real threat to personal or emotional safety. Sometimes no amount of counseling can reconcile these dangerous situations. The church understands the need for couples to separate at times and even seek the legal protection of divorce. While legal divorce does not actually break the marriage bond, the church does acknowledge the ending of a shared life together and the protection of legal rights and responsibilities, especially those regarding child support and alimony. The divorced person is still a full member of the church and able to receive

the sacraments, except of course for Holy Orders and Marriage until the first marriage is resolved in some way. However, no matter how necessary, almost every divorce is painful. It represents a shared dream, once deeply held, that will never happen. Every divorced person should receive the presumption of having good intentions, and our good will.

As always, we take seriously *Matthew 19:6*, “What God has joined let no one divide,” so we start with the presumption that God continues to affirm the marriage vows of the divorced couple even though they are separated. Before there can be a Catholic remarriage, the prior marriage, if between baptized people, is presumed sacramental and must be declared null, or if between non-baptized persons is presumed a valid non-sacramental marriage and must be dissolved. That happens in either the Declaration of Nullity, or Dissolution processes. A valid and non-sacramental union may be dissolved according to the teachings of St. Paul in *1 Corinthians 7:12-15*. *No matter what the title*, both attempt to reconcile the marriage with the words of the Lord in *Matthew. 19:6*, “What God has joined, let no one divide.”

Why are these Declarations of Nullity or dissolutions required? Well, Catholics deeply believe in the power of a promise kept. We believe in that power because it reveals God's relationship with us. God keeps His word and so must we. That is integrity. When words and behavior match in a couple they reveal a profound integrity that can have a powerful impact on others. That is part of its sacramental nature, its *visible-ness*. *It is one way people come to experience God*; through the love of others. Marriage vows are the permanent promises we make to God, our spouse, and the church community. We take them seriously, and at their face value of permanence, *unless it can*

be shown they were faulty in some way. Finding if there was some fault that prevented the fulfillment of those vows is the Declaration of Nullity process. It looks for visible signs that the vows were defective from the very start of the union. Visible signs could come from the statements of witnesses, marriage counselors, documents, as well as the testimonies of the spouses. It looks not to place blame but to discover the truth before God of the reality of the marriage.

Both the Declaration of Nullity and dissolution procedures are meant to be spiritual programs of this discovery process. Each involves the mutual discovery by the church and the petitioner and respondent of the couple's and God's intentions in this union. Did God intend for this couple to be married? Did this couple intend to marry with the intentions and abilities that God wants for Christian marriage? Both partners must have those abilities and intentions. If either partner lacks them *from the beginning* of the marriage then the marriage can be declared null. Every marriage has problems but not all of them are grounds for nullity. For example, if a problem occurs much later in the marriage it may be grounds for counseling, separation, or even legal divorce, but may not be grounds for nullity. Regrettably, it could be the "worse" part of "for better or worse." Of course, any children of this marriage are legitimate both in the eyes of the church and civil society. Children are always welcome in the world by the church and remain legitimate. A Declaration of Nullity accepts that the marriage also was legitimate, but not one that God intended a marriage to be.

After a Declaration of Nullity a person may remarry in the church. Of course, care must be taken that any of the original problems of the first marriage are no longer present for the one who wants to remarry in the church. Remarriage without a Declaration of Nullity or dissolution does *not* incur excommunication. But it does mean that a Catholic remarried person would not be able to receive the sacraments, except of course, the Anointing of the Sick in emergencies. This is not a punishment. It simply retains the consistency of the visible signs of sacramental

love and that each sacrament visibly reveals the fidelity of God. Despite the legal divorce, the prior marriage bond remains unless there is a reason to see it otherwise. Forming a new visible bond with someone else acts against that first bond which promised commitment.

What about dating a new partner after your divorce but before the Declaration of Nullity is finalized? This is a sensitive area. Obviously a divorced person should socialize by starting and maintaining friendships. That is simply the way God made us. But how dating occurs is important. Dating can mean different things to different people. It can mean ordinary socializing or it can mean socializing *for the purpose* of finding a marriage partner. Obviously, some situations are more romantically powerful than others so care must be taken to be honest about what is being communicated by our actions not only to our dating partner but also to others. Obviously, the opinions of others should not dictate our actions but they should not be simply dismissed either. How you approach dating friends after a divorce demands a lot of self-honesty from both partners. We have to honestly acknowledge that the first bond still exists so it would not be fair to seek a marriage partner while it remains uncertain whether the first marriage will be discovered to be null.

All of these events, marriage, divorce, declarations of nullity, dissolutions, remarriage are all about honesty before the Lord and about what is actually true and real in our relationships. Each event demands integrity and facing the truth about our lives before the Lord. Do we mean these vows? Were they valid? What is God's will here? Must I remain faithful to my promises? All of the church's processes are about discovering and living in the truth. None of it is meant to be bureaucratic, harsh, or limiting. They are about freedom. "Then you will know the truth, and the truth will set you free (*John 8:32*)."

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