

“...but he’s divorced. Does that make a difference?”

In the country we’re living in, nearly half of all marriages end in divorce. This means that there are lots of divorced people around us, and that there is a great possibility that when any two people fall in love, one of them will be divorced.

Does this matter? *Of course it does.*

What’s a wedding day?

When you dress up as a bride and groom, and assemble the biggest collection of friends and relatives you can, and stand up before them and make your wedding promises, and then go on to have the most spectacular party of your life, it should be the day in all your life when you are the most *yourself*. You are making the great gift of your whole life to someone you love. You must make it the most generous, the most free, and the most truthful moment of your life. That’s what makes it uniquely important, and why it is uniquely celebrated.

But for one of you, it *can’t* be unique. It has already happened before. The one you want to marry has already said the same words, and meant the same things, and bound himself or herself - with these same promises, which now he or she makes to you - to someone else.

What’s a Divorce?

The Church doesn’t believe that promises like this should be vulnerable to a formal legal process that simply undoes them, and abolishes them. Jesus said of married people:

*They are no longer two, but one body;
what God has united, human beings must not divide.*

Therefore we have never believed in the possibility of divorce. Such a process cannot make the slightest difference to solemn promises made with the full force of the personality.

If the promises themselves are what make the day a wedding day, and give rise to the joy of a wedding, it is because they represent the biggest gift two people can offer each other: the greatest risking of the human personality that we know. You can’t promise like that to two people at the same time.

The Church believes that such a celebration can’t be simply darkholed and forgotten-about. It is a solemn bond which is made in the presence of God and of the Church; if a promise like that can be ignored, there is nothing that is trustworthy, and no promise has any value. To negate it would be to suggest that human nature is incapable of marriage.

What about failed marriages?

Many weddings, as already mentioned, lead only to separation and (from the legal viewpoint) divorce. Often these relationships have undergone really dreadful suffering, with great pressure on the partners leading on to all kinds of destructive behaviour. All human beings are capable of reacting badly, and even the best marriages experience fear, mistrust, jealousy, doubt, and all the other afflictions which belong to such a risky thing as a marriage. Two people are trusting each other with their whole lives; of course there will be moments of terrific anxiety as well as times of peace and security.

It’s very important to distinguish between the suffering which is part of any loving relationship, and suffering which is actually the sign of an impossibility, a complete and

permanent contradiction of love. If there is something incurably absent in the personality of one, or both partners as they make their promises, if something in them prevents their free gift of the whole of their lives to this holy partnership, the Church says: *this is not a real marriage*. No-one can be asked to keep promises they are actually incapable of making in the first place. (I find it important to mention here that such a prevention can apply simply and solely to this precise relationship. This relationship is impossible for these people; they might still be perfectly capable of marriage to someone else.)

What does a married couple take on?

The words of the wedding service deserve to be remembered. The bridegroom and bride say before the whole congregation:

***I call upon these persons here present to witness
that I do take thee to be my lawful wedded wife/husband:
to have and to hold from this day forward:
for better, for worse;
for richer, for poorer;
in sickness and in health to love and to cherish,
till death do us part.***

No wedding-guest wishes a couple anything but good things, wealth and health; but of course a partnership of the whole of life will also bring double doses of bad things, poverty, and sickness. (Married couples do have twice the number of toothaches and other illnesses as the rest of the population, to say nothing of the ones their children have!) What the wedding-promise says is that the difficult things will still leave them “loving and cherishing each other” until death. No-one making that promise knows the details of the future they take on; it is a blank cheque. That is what makes it so impressive; that is what makes it a wedding.

When “the bill comes in” for those massive promises, it may be in the form of illness, mental or physical; it may be through financial hardship; it may be in the form of social or sexual inadequacy; it may be emotional emptiness, or trouble in the families, or disagreements over children, house, job, or whatever. In themselves such things are already covered by the promises exchanged on the wedding day, and experience has shown that the overcoming of grave problems like those can open the real depths of the power of love, so that people break through the limits of their selfishness or fear or lovelessness to find the sacramental depths where God heals them through their mutual love.

But sometimes these problems only serve to display the devastating shortcomings in the marriage, and point up the grave suspicion that these people were not capable of giving themselves in the way that marriage demands. Some immaturity, some compulsion from outside their personality, caused them to make promises they did not have the power to keep. Sometimes people well able to sustain a marriage mistake the quality of the other partner, and marry the wrong person, even a person who doesn’t really exist; people marry a spouse who is constitutionally incapable of keeping promises, or who secretly contradict what they say out loud in Church. In our climate, many people marry with the firm belief that if unhappiness comes their way, they can easily get a divorce. It would be impolite, not to say unwise, to communicate that to one’s spouse on a wedding-day; but it is certainly true of quite a lot of people. The growing habit of making advance divorce provisions lodged with a solicitor “just in case” is evidence of that.

Marrying a divorced person

Since the Church doesn’t accept divorce, it cannot solemnize a marriage involving a person still regarded as married. The only way a valid marriage can take place is for the prior marriage to be found critically damaged *at its inception* - that is, to establish that it was never truly a marriage at all. How can this be done?

The Marriage Tribunal

Every Diocese has a marriage court, to which people can bring the question of their failed marriage. Unlike a divorce court, which simply establishes that married people have decided they no longer want to be married, the Tribunal seeks to look carefully at the marriage - still assumed to be valid, until the reverse is proved. The court proceeds according to a strict code of Canon Law which is the oldest body of legal principle on earth, expressing the huge experience of the Catholic Church in the area of marriage. It will lead the Petitioner, and if possible also the Respondent wife or husband, through their story, and by a searching, one-to-one examination it will seek to lay open the way in which they met and grew close and decided to marry. Many memories of courtship and preparation for the wedding will be brought to light, and the ground will be gone over in a sensitive and sympathetic way that is in complete contrast to the proceedings of civil courts.

The partners will be invited to nominate witnesses who can describe their impressions of what took place, and little by little the picture will fill out and significant moments will be remembered. When the picture is as clear as can be managed, it will be delivered to three judges, who will read the evidence prayerfully and with great attention. They will be offered the thoughts of an advocate, who will argue that the marriage is null, and by a defender of the bond, whose duty is to make the case for the marriage's validity. Then the judges will prepare their vote; a verdict will be reached by majority.

At this point the whole documentary evidence will be submitted to a second Tribunal (in the case of the Diocese of Nottingham, the Westminster Metropolitan Tribunal) for ratification. When this agreement has been established the verdict will be delivered to the partners.

The Tribunal Verdict

The Tribunal will only say that "It is agreed/not agreed that there is a nullity of this marriage." No statement is made about any children born of the union, whose status is quite unchanged. The Tribunal is not there to blame anyone, or to pass comment on anyone. It is there simply to say that this appears, or does not appear, to be an invalid marriage. Where this nullity is established, it means that the partners aren't married, and that therefore, with proper attention to any factors which disabled the first attempt, they are free to marry. The difference between this process and the process of the divorce court must be clear at once.

In the absence of the Tribunal Verdict

The Church does not recognise the marriage of a Catholic if it is not celebrated in the Church. That is because the Church's understanding of marriage differs so radically from that of (say) the Registry Office. For us marriage is a sacrament exchanged between two baptised Christians, and God is present in it. To celebrate this as a merely civil contract would imply a stepping-down from that understanding, in a place which uniquely determines that person's life. Those who do it this way are therefore seriously stepping down from their sacramental life in the Church, and can no longer receive the other sacraments either. They are still members of the Church, but their practice of the faith has become compromised in a cardinal area, and they cannot be understood as practicing their Christian faith. This brings great pain to the excommunicated person, to their families, and to the whole Church. It is something which should be understood by *both* partners, because it is a dramatic and powerful thing for Catholics to be separated from their Church by their marriage. A contradiction between a person's marriage and faith is not something which will leave *either* party unaffected; it cannot be ignored by either of them if they want their union to be firm. It should be understood that the Church is trying to remove all trace of untruth or doubt from the ground on which this new marriage is to be built. In an age when marriage is already disastrously difficult, nothing can be more seriously important than this: to make the promises free, solid, and secure: built on rock.

Marriage and religion

In a secular age, it may seem outdated to take religion so seriously. But by *religion* we mean whatever it is that unites the personality. You can see that this isn't irrelevant. If you marry someone whose personality is held together by their career - as a doctor, or a bookie, or a thief - that will have to be thought through. If you marry someone whose personality is built around his or her own enjoyment, so will that. If you marry someone who is an observant Jew, or a practising Muslim, you need to be sure that your lives are actually compatible; and not only your lives, but the lives of your families and, if they arrive, your eventual children. No contradictions are irrelevant, and everything possible must be examined in good time, so that the things which make for disagreements and divergences can be faced honestly. If they can't be removed, then the idea of the marriage must be rethought. It is happiness and health and your survival as a person that are at risk.