

# A MATRIMONIAL THING

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## The Ending Of Marriage

Marriage has been the almost universal way of life for people in our country for the last 150 years. Nearly everyone in the last four generations has eventually been married. Until this century most marriages would be for good, literally “till death us do part”. It would be easy to conclude that this means marriage was in a very healthy state until recently.

However, close scrutiny of the facts introduces some doubts. The forces of convention were extremely powerful on everyone during this period. Women, especially, were hardly free to choose in marital matters; hundreds of Victorian novels describe the ancient struggle of women *not* to be married to those chosen by their elders and betters, which could indicate a certain expectation that girls ought to do as they were told; once married, a woman was kept in her place by a powerful range of forces: *the Law* put husbands in full charge of their wives *and of their wives’ possessions*, so that a wife leaving her husband would be penniless; *her family* would very likely refuse her houseroom if she left her marriage: *society at large* had no respectable place for an absconding wife: and she would also be reprobate in the eyes of *the Church*. All of these conditions contributed to reinforce marriages which might at the same time be characterised as abusive. People’s experience of sexuality was largely dominated by the obvious requirement for the family. Women would have been very reckless to enter into a sexual relationship outside marriage, because of the near-certainty of a disastrous pregnancy. Within marriage, the presence of children, and the absence of any family social support, would more or less preclude a woman’s escape from even a very cruel home life.

Many believe that this was a situation preferable to that which obtains today. The stability of the family obviously depends on the stability of marriage, and the instability of all social relationship today can be, and is, traced to the apparent deterioration of fidelity and reliability in marriages. It would be quite wrong to infer that the majority of marriages in former ages were appalling stories of male dominance or oppression. People stayed married, and were much readier to make the best of things; and this was the nursery of a lot of sterling qualities which sustained powerful loyalty and real devotion. Similarly it is surprising how many people blame the ease of the present divorce procedures for the downfall of marriages - as if, were the Law more stringent, the quality of married relationships would suddenly improve. This is wrong; people in the past did not stay faithful because divorce was so difficult. What is wrong, is wrong with the way we relate; we should not be distracted into legalism.

**The Catholic Church Does Not Believe In Divorce** Jesus of Nazareth shocked his contemporaries, even the most conservative of them, by his rigid attitude to divorce. His simple formula, “What God has united, man may not divide” is absolute and, so far as we can tell, original - unsupported by any religious, social, or cultural current in the first century AD. For this reason, the Church accepts, as a direct dominical mandate, the principal that *divorce is impossible*. A true marriage binds the partners to each other for life, and if through whatever cause one or both of them should find it necessary to leave, it can only be a *separation*, not a divorce: the relationship continues to bind both parties.

Some Christians allege that a marriage can “die”. They point to the evaporation of love, the deterioration of interest in one another, the dividing of ways of life, the growth of acrimony, the feeling of imprisonment, the incidence of violence. Such definitions sort ill with the way Christians think about God and humanity. “Love does not come to an end” is a line from Paul, frequently read out at wedding services: infatuation, obsessive interest, lust, can all die, and the

sooner the better; but love is a participation in the eternal life of God, and it cannot be put to death. It may be tested in the fire, since marriage costs everything, and giving everything can be a devastating experience. It costs us the putting to death of selfishness, and if this seems a little like dying altogether, that is a sign of our need to be resurrected.

**What Is A True Marriage?** The Church says that it is a way by which a man and a woman commit themselves to build a *partnership of the whole of life*, which will be ordered towards the good of the husband and wife, and also the procreation of children.

It is brought into being by a free act of consent, validly and publicly enacted. This free consent is the vital reality. Nothing can replace it if it isn't present.

There are things in the formulae above that are essential for the consent to be valid. The couple must want their relationship to embrace the whole of their personalities. That is the meaning of phrases like "forsaking all other" (marriage is exclusive, to one other person) and "till death us do part" (marriage is permanent, only ended by death) and "freely and without reservation" (marriage does not have conditions attached, or areas left out of account).

It is possible that some people contract invalidly. If one of the spouses is mentally incapable or mentally ill, or if either is lacking in the proper personal discretion, the consent may be invalid, and the marriage *null*. This changes the whole picture, as it is precisely the consent which makes a marriage. A person who shows no discretion in social, financial, vocational, emotional, educational relationships is hardly likely to be conspicuously able to consent validly to a life-long union of life and love open to children! Perhaps the *freedom* of the consent is gravely impaired: there is a baby on the way, and the bride's parents insisted on a marriage nobody would have wanted. Or a mother forces her daughter to marry by threatening her with being "on the shelf". Or a daughter so reveres her father that she agrees to marry his unsuitable nominee against her own better judgment. Many people who have slept with someone believe they must go on to marry them, that they no longer have any choice - this also may indicate a lack of due discretion! LDD takes many forms. The unsuitability of a spouse may be clear for all to see, and someone will press on and marry them as if under compulsion. People knowingly marry drunkards, gays, drug addicts, spendthrifts, the promiscuous, the violently abusive, the incurably selfish, and the obviously immature. Sometimes they do it because they believe they will cure them, sometimes because they hope to see a change, sometimes because they are a little that way themselves, and the spouse seems to give them a sanction for being so. People who are very weak find an affinity with weak people from time to time. They do not cancel out; they simply compound each other.

**Church Marriage Tribunals** exist in every Diocese to decide whether any features of a union indicate that it is null - i.e., not a true marriage at all. If it can be declared null, then the parties can be set free from it, and that is a work of justice. If the evidence tends to support the validity of the marriage, then it binds the parties, and there is nothing the Church can do in formal terms to help; the marriage still enjoys the favour of law. If the nullity can be proved, the marriage never existed, and the couple are free. The process of enquiry is exhaustive, as a wrong decision would be technically sacrilegious; those who petition the Tribunal are obviously in need of considerable pastoral care, and this is the context which the legal processes serve.