

The Marriage Tribunal.

By John Catoir JCD -10/22/18

Every Diocese in the Catholic Church has a judicial branch to handle legal matters involving marriage and divorce. The Church regards the bond of marriage between a man and a woman to be binding for life. However human nature being what it is, the best laid plans of brides and grooms often go astray. Among the marriages that fall apart, some are based on an invalid consent, which goes to the heart of the contract and makes the marriage invalid.

For example, you're not permitted to say, "I reserve the right to cheat any time I want." The Church has rules and won't marry you if you deviate from the terms of a valid contract, which requires a commitment to a permanence and exclusive union. If you secretly intend to be unfaithful to your spouse, you are giving a false consent that is ipso facto invalid. Such a marriage can be annulled.

In my many years as head of the Paterson Diocesan Tribunal, I concluded that the Tribunal system was making too many mistakes. Many courts are understaffed, and many canon lawyers lack sufficient training in the field of psychology. An annulment based on a defective consent is not easy to discern without a confession. Judges need a lot of wisdom and common sense. They do not always agree. A judge with a letter-of-the law mentality often renders an incorrect decision. Judicial wisdom sees more clearly than mathematical logic.

The grounds for nullity include the following: she was under legal age; he was once married and never told anyone, she lied when she said she intended a life-long union, he lied when he committed to an exclusive union, she lied when she said she was open to having children. Perhaps most common grounds being pleaded in recent years is psychic incapacity, when one or both parties lack the ability to enter and sustain the burdens and obligations of marriage.

In 1967, I wrote an article in Commonweal Magazine entitled, "The Church and Second Marriage." I challenged the wisdom of those who were rigidly obstructing justice. A month after my article appeared, the Canon Law Society of America elected me to their Board of Governors. Some cases were going on and

on for more than ten years. Justice delayed is justice denied. I encouraged the laity to exercise their God-given right to freedom of conscience, if necessary.

Of course, there was some backlash. I was accused of being in favor of adultery. A few Bishops called my bishop, urging him to fire me. Bishop Casey stood by me and kept me on as his Judicial Vicar. Eventually, the priests of my Diocese elected me to be their first fulltime Clergy Personnel Director, and I breathed a sigh of relief.

If you have ever wondered why I am such a huge fan of Pope Francis, now you know. It was music to my ears when, in Feb. of 2016, he encouraged the laity to place greater reliance on a “well-formed conscience”. Those legalistic bishops who have unwisely challenged him, may be well-intentioned, but in my judgment, they are in error. I ask them: Is better to send them the message that they’re living in mortal sin when there is reasonable doubt about the truth of such a statement?

May the Lord be your strength and your Joy, as you try to figure all this out.