
PSYCHOLOGICAL GROUNDS

Grave Lack of Discretion of Judgment

At the time of the wedding a person labors under a grave lack of discretion of judgment which significantly affects his/her ability to understand the essential rights and duties of marriage, i.e. that it is open to children and is a permanent and faithful partnership of the whole life. This lack must be caused by a serious pathological condition or gross immaturity.

Incapacity to Assume Essential Marital Obligations

A person suffers from a serious psychological disorder which is rooted in his or her personality, existed already before the wedding and prevents the person from being able to fulfill all, or some of, the essential marital obligations, i.e. openness to children, permanence, fidelity, and mutual partnership.

Any of these grounds may invalidate a marriage at its beginning. In order to declare a marriage invalid, sufficient proof, or evidence, of the conditions required for the ground/s considered in each case must be provided. The Church presumes that a marriage is valid, but this presumption can be overturned by contrary proof.

DOCUMENTARY CASES

A marriage may be invalid for a variety of reasons:

Lack of Form

A baptized Catholic must follow the canonical form of marriage and be married before an authorized representative of the Church, ordinarily a priest or deacon, and two witnesses. Any of these elements may be missing.

Defect of Form

A baptized Catholic married in another church without the required permission, and without subsequent validation, did not follow the canonical form required of all baptized Catholics.

Undispensed Canonical Impediments

If impediments are not recognized at the time of the wedding and are thus not dispensed, they may invalidate the marriage. For example:

Ligamen – A previous valid marriage of one or both parties invalidates the subsequent marriage.

Privilege Cases

A previous natural, i.e. non-sacramental, marriage may be dissolved so that a planned Catholic marriage can take place if during the entire marriage:

1. Both parties were unbaptized (Pauline Privilege)
2. One party was not baptized (Privilege of Faith)



Ecclesiastical Declaration of Nullity

FOUNDATIONS

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FORMAL CASES

A marriage between two Catholics (or two baptized persons) can be investigated on various ecclesiastical grounds.

SIMULATION

A. Total Simulation

A person goes through a wedding as a means to an end other than marriage. The person doesn't want to be married and may have an aversion to the spouse or marriage itself. When the actual end is reached, the person leaves the marriage.

B. Partial Simulation

A person may want a marriage, but for a significant reason excluded at the time of the wedding one or more of the essential elements of marriage by a positive act of the will, i.e. rejecting a part which is known to be essential for a valid marriage. An appropriate reason for any such exclusion must exist.

I) Intention against Children

One or both parties exclude the right to those marital acts which produce children; one party excludes children permanently, or unilaterally reserves the right to determine the time and/or number of children (usually one).

II) Intention against Permanence

At least one party rejects permanence intending to seek divorce and remarriage if the marriage should be unhappy. While permanence is essential for marriage is known, it is excluded in certain circumstances.

III) Intention against Fidelity

At least one party intends at the time of the wedding either to continue sexual relations with someone other than the spouse, or to have such relations whenever the occasion presents itself.

DETERMINING ERROR

Because of strong cultural or personal influences, a person firmly believes that valid marriage exists without one or more of its essential elements. The most frequent element considered here is *permanence*. At the time of the wedding, the person believes to have the legitimate right to divorce and remarry. This belief is so strong that it determines the person's will to act.

ERROR OF QUALITY OF A PERSON

A person directly requires that the spouse have a certain quality. If after the wedding it is discovered that this quality does not exist and if the lack of this important quality seriously disturbs the conjugal life, an error may be proven.

FORCE OR FEAR

Since marriage must result from a free decision, it may be invalid if one party agreed to marry under external force, or under a *grave* fear of some threatened evil. This person has an aversion to the spouse or marriage, but, because of grave objective or subjective fear, feels that only marriage will avoid the threatened evil.

CONDITIONED CONSENT

Marital consent must be unconditioned ("for better or worse"). Marriage may be invalid if one person included a condition concerning the future in the consent and decided that, if a certain condition was not realized in the future, he or she would not continue the marriage.

FRAUD

One person intentionally deceives the other, i.e. by hiding important personal information *in order* to achieve marriage, knowing that the marriage would not take place if the information withheld was known. The content of the deception and its discovery must seriously disturb the marital life and lead the deceived person to abandon the marriage as soon as possible.



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