# THE Catholic Marriage Manual

By

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Foreword by

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The complete book of practical guidance & inspiration on every aspect of married life

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riages between two non-Catholics. Until and unless an annulment or a dissolution is actually granted by the Church Court, it is morally wrong for the married person to keep company with anyone. More often than not, there is no basis for that anticipated annulment or dissolution. Even when such a basis may exist, it may not be provable in accordance with the norms of the Church Court.

*Cost of annulments.* A libel sometimes made against the Church is that annulments can be obtained more easily by the rich than by the poor. Father Kelleher comments:

"For the year 1956 in the Matrimonial Court of the Archdiocese of New York, the expenses involved in the running of the court amounted to about $60,000. This included the full-time activities of seven secretaries and nine priests. Of this amount the people who were involved in the cases being processed paid approximately $20,000. This means that there was a deficit of $40,000. . . . During the course of the year, more than 2,000 marriages are brought to the attention of the court. When we find there is no basis for nullity, expenses are simply not mentioned, even though we often spend a good deal of time and money in preliminary investigations. In some hundreds of cases we ask for approximately $25 in expenses. In perhaps twenty-five cases we estimate the expenses at between $150 and $250. I use the word "estimate" because if the people cannot afford to pay, their cases are handled anyway. To obtain a civil divorce or annulment anywhere in the United States would probably cost at least $300."

*Two kinds of separation possible.* The Church recognizes that certain conditions may make it extremely difficult for a man and woman to live together as husband and wife. When a husband and wife cease to live together, however, the danger of adultery is magnified, along with a weakening of the faith and perhaps the ultimate loss of soul. Therefore, the Church always urges married persons to make every effort to reconcile their differences and to try to live in harmony. Separation should be undertaken only after all other attempts to live in peace have failed.

Separation may be of two types—permanent and temporary. Permanent separation is that in which cohabitation is consid-

ered out of the question for the rest of the lifetime of the parties involved. So gravely does the Church regard the potential evils of permanent separation that only one greater evil—the evil of adultery—is recognized as sufficient cause for it. When a husband or wife commits adultery, the innocent spouse may refuse to cohabit with the offending party ever again. According to Church law, the victim need not even consult a priest before taking this step. However, the innocent party must be certain that the mate has committed a complete act of adultery with another person; suspicion is not enough. Moreover, the innocent party must not have been responsible, even indirectly, for the commission of the adultery. If a wife habitually refused to engage in the marital act or indicated in any way that her husband should satisfy his physical needs elsewhere, she might have encouraged his adultery indirectly. Nor could she separate if she forgave her husband after discovering the adultery. In view of these conditions, prudence suggests that a priest be consulted before the decision is made to separate.

Temporary separation exists when a husband and wife live apart but with the possibility that they will be reunited if there is a change in the conditions responsible for the separation. Sometimes husbands and wives must separate temporarily for reasons not related to the harmony of their marriage. For example, a husband may be transferred by his employer to a different city in the middle of a school year. His wife remains behind until he obtains living quarters or until the children complete the school term. Or a husband is called into military service and sent to a remote base where facilities for family life do not exist. Such separations are involuntary and do not involve a deliberate decision to live apart; they are not the type which Church law considers.

Before the Church will permit validly married couples to break up their home and go their separate ways, there must be a serious reason for the step. Sufficient reason may exist if one partner has renounced Catholicism to join another religion, or has given up his belief in God entirely; if one insists that the children be educated in non-Catholic schools, when Catholic schooling is available and within the family's capacity to pay; if the husband refuses to provide for his family, or his wife re-

fuses to perform ordinary wifely duties around the home; if a partner is habitually drunk and makes life difficult by disturbances, cruelty, or threats; if the partner leads a life of public sin—for instance, if he is a known and habitual criminal; or if he demands that his mate commit mortal sin with him.

Persons who believe that sufficient reasons exist to justify separation must request permission to do so from their pastor. The pastor will refer the case to the judges of the marriage court established by the diocese.

Even when an innocent victim has a legal right to live apart from an erring spouse, it is often unwise to do so. This may be especially true when a partner has expressed sorrow for his adultery and promises not to repeat it. Although a wife may legally separate, by doing so she may deny her children the advantage of their father's companionship. Her refusal to engage in bodily communion with her husband may lead to future sins of adultery by him and possibly even by herself. By insisting upon the right to live apart, she may show a lack of the Christian virtue of forgiveness.

When faced with the possibility of a separation, the priest will usually advise against it. For trials are the lot of all men. When one of the parties is apparently more bound than the other by the "for worse" clause in the marriage contract, it would be well to remember that there is no strict justice in this world and that first one spouse, and then the other, may bear unequal burdens at different times. Often a little heroism helps a marriage emerge triumphant after a few stormy years. In some cases, a true sense of martyrdom may be necessary; more often, however, the grace obtainable through trust in God, prayer and the sacraments will enable the innocent party to bear the crosses of marriage with serenity.

If separation is finally counseled by the priest and consented to by the bishop, it should never be presumed to be for life. Our Faith teaches that there is always hope even for the greatest of sinners: adulterers repent and drunkards reform, and sometimes they even become more virtuous than they have ever been. The possibility of reconciliation should never be ruled out. If God willingly forgives the repentant sinner, one of His creatures should not refuse to do so.

*When civil divorce action is permitted.* Church law states that Catholics may not start a civil divorce action with the intention of ending their marriage. As we have seen, a civil divorce or annulment cannot destroy the bonds of any valid marriage. In the eyes of the State, however, two persons remain married until a divorce decree is granted. Therefore it may sometimes be necessary for a Catholic to go through civil divorce proceedings in order to protect his legal rights. When the Church annuls a marriage and states that a true marriage never existed, for example, the parties must obtain a civil divorce in order to be free to remarry in accord with the laws of the State. In cases where the Church permits a couple to separate, a wife may find it necessary to sue for divorce in order to force her husband to support her and the children.

Only a properly authorized representative of the bishop can grant permission to a Catholic to apply for a civil divorce. Church authorities require that the person involved fully understand that civil divorce cannot destroy the marriage bonds. Some dioceses require that the applicant for divorce swear under oath before witnesses that he or she is initiating the action only for civil purposes.

A grave reason must exist before Church authorities will approve a civil divorce application. For instance, the wife may require a court order to force her husband to contribute to her support in the form of alimony. A husband may need this protection against debts incurred by his wife.

Another requirement is that no element of scandal will be attached to the divorce action. The party to the proceedings must always make it plain, in discussing this action with friends, relatives or others, that it is taken solely for civil reasons. Catholics who obtain ecclesiastical permission to begin divorce proceedings must never give the impression to those either in or out of the Faith that their action represents any departure from Church teaching.