



KEEPING OUR FEET ON THE GROUNDS PART 2: CONSENT

As mentioned last issue, the reasons for the nullity of a marriage are what we call the grounds. The grounds for the nullity of a marriage refer to the presence of an invalidating flaw or the absence of something essential to forming a valid marriage contract at the time that it was “signed” – when the parties exchanged their vows, or consent. Last month, we covered some invalidating flaws that might be present in the parties (impediments) and in the form of marriage. This issue we will consider consent.

The parties’ consent can be fatally flawed in either the act of consent or the object of consent. The act of consent simply means the internal choice by the parties to marry each other, expressed externally and publicly in the exchange of vows. Like all choices, the act of matrimonial consent is an act of each of the parties’ will, informed by his or her intellect and fueled by his or her affect, or emotions.

The serious nature of marriage requires that these three mental faculties be proportionally healthy, developed, and coordinated to make such a life-altering choice responsibly. If either party is afflicted at the time of consent by a serious psychological problem, either permanently (such as a personality disorder) or temporarily (such as intoxication), such that the person is incapable of knowingly, freely, and deliberately choosing marriage, or of fulfilling its obligations, then his or her act of consent is fatally flawed and the marriage is invalid.

If the act of consent refers to the choice to marry, the object of consent refers to the object of that choice. Presumably, when the parties exchange their vows, each of them chooses marriage, and all that it entails, with the other party. However, if something essential to the understanding of marriage in the law of God or the Church is excluded from the object of either party’s consent, that consent is fatally flawed and the marriage is invalid. The reason for this is that the person did not choose marriage but rather something less than or even completely different from marriage.

Persons exclude marriage or its essential characteristics from their consent through simulation. They simulate, or misrepresent, their consent to marriage externally while internally choosing something else, either entirely, through total simulation (such as choosing to marry only to get insurance), or partially (such as choosing not to be open to children in the marriage).

Understanding the basic grounds for the nullity of marriage can help ministers assisting people seeking an annulment to better make their case by focusing on their marriage’s fatal flaws at the time of consent, and thus to avoid confusion and unnecessary delays in the process. That’s it for the grounds. Until next time, keep the faith, love God’s people, and always honor the code!

Canon Law of Marriage Update!

A reminder to priests, deacons, and lay ministers about the upcoming refresher course on the canon law of marriage and annulments coming to a parish near you this July. Please go to <https://www.eriecd.org/images/informationalbulletin/3ffdfb31fad74cfce375ee9dfafe3ae.pdf> for more information. Participants at the July 12th class at Queen of the World in St. Marys are invited to join parishioners for evening prayer in the church at 6:30 PM prior to the presentation at 7:00 PM.