

Pope Francis Streamlines Process for Granting Annulments

By Inés San Martín

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ROME — Pope Francis has sped up the process by which Catholics can obtain marriage annulments, reducing the number of courts and judges, dropping automatic appeals, and making the process free.

The pope's major overhaul of the Church's system for granting annulments, announced Tuesday, is designed to streamline the process out of "concern for the salvation of souls" while maintaining Catholicism's traditional ban on divorce.

An annulment is a finding by a Church court that a union between a man and a woman, even if it was ratified with a Church wedding, was not a real marriage because it didn't meet one of the traditional tests for validity, such as informed consent.

Under the rules, Catholics whose relationships break down and who wish to marry someone else in the Church must first obtain an annulment. Critics have complained that the process is overly lengthy and complicated, and in some places, too expensive.

In two legal documents issued on Tuesday, Francis said that in tune with the desire of the bishops, who last October during Synod of Bishops on the family requested a simplification of the process, he's decided to issue provisions "that favor not marriage annulments, but the speed of the processes."

Describing his reform as "no less than a just simplicity," the pontiff says his aim is that "the heart of the faithful awaiting clarification [of their marital status] is not long oppressed by the darkness of doubt."

Prior to this point, the system required annulments to be issued by one court and confirmed by another, a stipulation that critics blamed for unnecessary delays, especially in cases in which no one contested the results.

Under the changes approved by Francis, the process will now need only one sentence unless an appeal is made. In case there is an appeal, Francis also ruled that it can be handled by the nearest archdiocese, technically known as the "metropolitan see," rather than having to come to Rome.

The pontiff decreed that the annulment process will be free of charge, and that every diocese in the world has the responsibility of naming a judge or a church tribunal to process requests, with the possibility of the bishops acting as judges.

The changes were presented in Rome this Tuesday, in the form of two *motu proprio*. The documents were signed by Francis Aug. 15. They will take effect Dec. 8, the first day of the Holy Year of Mercy.

The new process was suggested to the pope by an 11-member commission he created to work on a simplification of annulment procedures. It was led by Italian Monsignor Pio Vito Pinto, dean of the Roman Rota, the main canon law court in Rome dealing with marriage cases.

At a Vatican news conference Tuesday, Pinto said the Church's "sacramental theology" of marriage remains unchanged, but that the reform responds to the pope's desire to have a more collegial Church, with bishops helping in Church governance as called for by the Second Vatican Council (1962-65).

Pinto said Francis is "putting great trust and confidence in the diocesan bishops," adding that the new process won't be an easy one, and referred to the "solemn responsibility of the bishops" to prevent abuses.

Technically, there are actually two new systems, one for the Latin Church and another for the faithful that belong to one of the 23 Eastern Churches in full communion with Rome that historically have had a different process.

Mitis Iudex Dominus Iesus and *Mitis et misericors Iesus* are the names in Latin of the two decrees respectively. The first one translates to "The Gentle Judge, The Lord Jesus." The second to "The Meek and Merciful Jesus."

The changes imposed by Pope Francis for the Latin Church include the following:

- One sentence of nullity is enough.
- One judge, under the responsibility of the bishop, is enough to oversee the process.
- Under certain circumstances, each bishop can himself serve as the judge.
- In case of the annulment being "evident," there will be an even shorter process.
- The local bishops' conferences are called to help individual bishops through the reform process, and are called to help guarantee, save for the "just and decent remuneration of workers of the courts," that the process be free of charge.
- Appeal of a sentence, in case it's required, can be dealt with locally (on the level of the nearest archdiocese), instead of taking it to the Vatican.
- A second appeal can be made to the Apostolic See, meaning the Vatican.

The changes for the Eastern churches are basically the same, with the main difference being that instead of bishops the reference is to patriarchs and eparchs.

The Catholic Church teaches that marriage is a permanent union between a man and a woman, and hence divorce is not permitted. However, Church law allows for the possibility that what may seem from the outside like a marriage may not actually be one, if the conditions for validity are not met.

According to the Church's code of canon law, there are several reasons that could lead to an annulment, such as lack of consent of the spouses, psychological capacity to understand the requirements of marriage, or unwillingness of one of the spouses to have children.

Among the causes given to merit a shortened version of the annulment process, the document mentions lack of faith, the brevity of living together, an abortion, persistence in an affair at the time of the wedding or in the period immediately following, and “malicious concealment of infertility or a serious contagious disease,” among others.

In the case of an annulment, the Church is not dissolving a marriage. Instead, it’s declaring that no marriage existed in the first place, explaining why the term “remarriage” doesn’t apply in these situations.

People seeking an annulment have been required to go through a detailed process that some critics find cumbersome, lengthy, and invasive, not to mention occasionally expensive.

Without it, a Catholic who marries another person outside the Church is considered to be an adulterer living in sin, and therefore can’t receive Communion. The situation of divorced Catholics who enter a second marriage has been one of the hot-button issues at the Synod of Bishops on the family, called for by Francis.

At his request, bishops from around the world met last October, and will meet again in Rome next month, with one less problem looming over their heads. The final document of last year’s meeting included a paragraph on annulments (48):

“A great number of synod fathers emphasized the need to make the procedure in cases of nullity more accessible and less time-consuming,” it says.

The graph then ticks off three possible reforms: eliminating the requirement of an appeal to Rome, allowing bishops to issue annulments without the need for a Church trial, and an even simpler procedure to be used in cases where the grounds for the annulment seem clear, all of which were included in the *motu proprio* published Tuesday.

With the new legal document, Francis also called for the bishops to make the process free, something many dioceses in the United States had already started doing, by eliminating the fees for marriage annulments requested to cover for administrative costs.

One such case is the Indianapolis archdiocese, which in July waved the fee of \$675.

In the *motu proprio*, Francis argues that the process has to be free because “the Church, showing itself to the faithful as a generous mother, in a matter so closely linked to the salvation of souls manifests the gratuitous love of Christ by which we were saved.”

Although the new process will impact every Catholic seeking an annulment, it’ll be particularly appreciated in the developing world, where the process is even more complicated and expensive than in the United States.

For instance, in Francis home city of Buenos Aires, Argentina, there’s one Church court tending to 15 different dioceses, each hundreds of miles apart. As of Tuesday, every bishop is called to

“create one [tribunal] as soon as possible, even through seminaries of permanent and continuous formation.”

However, a faster, simpler, and cheaper system won't necessarily result in substantially more annulments, since the grounds for granting them are still the same. In Italy, for instance, traditionally two-thirds of requests for annulments have been denied.

On several prior occasions, Francis had made a case for streamlining the annulment process. Like his predecessor, Benedict XVI, he used his addresses to the Roman Rota to advocate for such a reform. (In 2013, Benedict had asked the tribunal to consider “lack of faith” as a reason for annulment).

Last November, while addressing the participants of a course organized by the Rota, the pope said that “the Mother Church has to impart justice and say: ‘Yes, it’s true, your marriage is invalid, [or] no, your marriage is valid’.”

“Justice is to say this, so people can move on without having this doubt, without this weight in their souls.”

In January, also addressing the Vatican’s tribunal, Francis had insisted on the importance of sacraments being free. “The sacraments give grace, and a matrimonial process touches the sacrament of matrimony. I want so much for every process to be free of charge!”

At the time, he reminded the judges and advocates of the tribunal that the highest law of the Church is the salvation of souls, and that the Church’s legal system exists in the service of the faithful.