This session will look at convalidation and other marriage issues, particularly as they relate to those in RCIA. Some basic points of Canon law can offer practical help to individuals while affirming the Church's profound respect for the Truth of God's plan for Marriage. Thankfully we do not have to wait for the synod on marriage to suggest changes for the universal Church, the Church in the United States has already invested a huge amount of money to have well functioning Tribunals.

Research found in Christians Are Hate-Filled Hypocrites... and Other Lies You've Been Told, shows that couples who are active in their faith are much less likely to divorce. Catholic couples were 31% less likely to divorce; Protestant couples 35% less likely; and Jewish couples 97% less likely,

- 53% of Very Happy Couples agree with the statement, "God is at the center of our marriage" (compared to 7% of Struggling Couples).
- 30% of Struggling Couples disagree with the statement, "God is at the center of our marriage."

I. Introduction
   A. Opening Prayer: GN 2:18-25
   B. Who and Why are you here
   C. What is marriage?
      i. We as Christians understand marriage to be a permanent commitment.
      ii. We understand that Jesus restored, and indeed raised, marriage to be a Sacrament.
   D. How hard can it be?
   E. The Tribunal and Canon Law as pastoral response (338 in 1968, to 28,918 in 1974, to a peak of 63,933 in 1991. By 2004 the number had fallen to 46,330, and it fell even further, to 35,009, in 2007) about 60% of Declarations of Nullity are granted in the United States.

II. Pastoral Perspective for Marriage
   A. For the Jewish people of Jesus' day, Adultery and Idolatry were similar sins.
   B. Monogomy is a big point. Understanding Christian marriage as a sign of God's love for His people and Christ's love for His Church. (Divorce and remarriage is in reality serial polygomy)
   C. We as a Christian community hold solidly to the words of Jesus prohibiting divorce and remarriage.
   D. How do we speak about marriage?
   E. Separation vs divorce and between 'divorce' and 'divorce and remarriage'

III. What's in the News about Marriage?
   A. What does our society say about marriage?
   B. The Synod Effect
i. Cardinal Kasper (As Bishop in 1993)
ii. Cardinal Burke, Pell, Mueller, (and others)
iii. No quick response expected, as there is another ordinary synod next year

IV. What does Scripture say about Marriage?

A. Jesus himself
   i. Mathew 19:1-12
   ii. Matthew 5:31-32
   iii. Mark 10:1-12
   iv. Luke 16:18

B. Prophets
   i. Jerimaiah 3:8 God divorces Israel
   ii. Malachi 2:16 For I hate divorce, says the Lord

C. St. Paul
   i. 1 Cor 7:10-11
   ii. 1 Cor 7:12-16 (believer and unbeliever)
   iii. Eph 5:22-33 (32 Profound mystery)

V. What's the Truth (Reality) about Marriage?

A. Reminder: Faith seeking understanding St. Anselm
B. God established marriage, even before the fall
C. Marriage is properly always a sacred reality, it is a Sacrament for Christians
D. Can. 1055 §1 The marriage covenant, by which a man and a woman establish between themselves a partnership of their whole life, and which of its own very nature is ordered to the well-being of the spouses and to the procreation and upbringing of children, has, between the baptized, been raised by Christ the Lord to the dignity of a sacrament.
   §2 Consequently, a valid marriage contract cannot exist between baptised persons without its being by that very fact a sacrament. (cf Vatican II, Gaudium et Spes, 48)
E. The reality of marriage, “What God has joined together, men must not divide”
F. Nullity of a marriage does not change the reality of the union.

VI. Possible “Issues” in Marriage
A. “What God has joined together”
B. Form (c. 1108-1123))
   i. Catholics bound to canonical form (or dispensation from it)
   ii. Non-Catholics, Christians, generally not bound to any particular place or minister
   iii. [Orthodox are obligated to an Orthodox priest. ]
C. Impediments (c 1073-1094)
D. Consent (c. 1095-1107)
E. “Mixed Marriages” (c.1124-29)
F. Grounds for separation (1151-1160)

VII. Types of Tribunal Marriage Cases
A. Invalidity can be established by:
   i. Lack of Canonical Form - (has to involve a Catholic)
   ii. “Ligamen” or Prior Bond (at least one party was not free at the time of the wedding due to prior marital bond
   iii. Formal Case – (formal legal procedure)
B. Non Sacramental Marriage the Bond can be Dissolved (c. 1141-1150)
   i. Pauline Case (2 unbaptized persons, one becomes a Christian, the bond can be dissolved (1 Cor 7:12ff)
   ii. Petrine Case (The Keeper of the Keys)

VIII. Practical Practice for Marriage
A. Speak carefully about non-marital unions
B. We seek to help them witness to the Truth. Where else could we send them?
C. Every wedding needs to be addressed
   i. If it was not one man and one woman, it is not a marriage.
   ii. Were the parties free to marry (unmarried, old enough, capable, …)
   iii. Were there any other impediments
   iv. Common law marriage (non-wedding): In Texas established by intention of parties to be married and having 'been together'.
D. Catholic's invalidly married need to have their marriage 'validated'. Either new exchange of consent or by decree (Sanation). [Protestant and even non-Christian marriages are valid already.]
E. Marriages need to be addressed as early as practical, since living outside of marriage is wrong and living rightly is part of preparation for Sacraments.
F. Abstinence is good preparation for marriage, (for older people as for younger) Sacredness of human sexuality.
G. Spiritual Communion can also help people on the journey.

IX. Conclusion
A. Marriage is about loving as Christ loves the Church, not some obscure legal notions.
B. Law helps us stay in reality.
C. We help people by walking with them in reality.

Resources:
Christians Are Hate-Filled Hypocrites... and Other Lies You’ve Been Told.
Kasper argued that the church must show more mercy to people whose first marriages have failed and who want to remain within the church.

"With respect to the divorced and the remarried people, the church does not give them absolution, [does] not give them Holy Communion. And many people say this is not the God of Jesus, because Jesus was very merciful — he forgives us — and the church does not," he said.

Kasper spoke to NPR after his address. He said it provoked sharp exchanges among some of the cardinals.

"Of course there was a heated debate, but there were not only cardinals who were against it, there were also cardinals who were in favor," he said. "And so the voices are divided. The pope himself was very grateful for the discourse."

On the Ignatius Press book:

Contributors include Cardinal Gerhard Muller, prefect of the Congregation for the Doctrine of the Faith; Cardinal Raymond Burke, prefect of the Supreme Tribunal of the Apostolic Signatura; Cardinal Walter Brandmuller, president emeritus of the Pontifical Committee for Historical Sciences; Cardinal Carlo Caffarra of Bologna, one of the closest theologians to St. John Paul II in questions of morality and the family; and Cardinal Velasio De Paolis, president emeritus of the Prefecture for Economic Affairs of the Holy See.