

# Divorce and Remarriage: The Church's Perspective

**ISSUE:** What does the Catholic Church teach about remarriage after divorce? Can divorced and remarried Catholics substitute their personal judgment for a Church annulment? Can divorced and remarried Catholics receive Holy Communion?

**RESPONSE:** The Catholic Church does not permit the practice of divorce and remarriage under any circumstances. As our Lord says, “The man who divorces his wife and marries another is guilty of adultery against her. And if a woman divorces her husband and marries another, she is guilty of adultery too” (Mk. 10:11-12). One can be an innocent victim of divorce, and serious circumstances may warrant a separation of spouses, but remarriage is morally wrong.<sup>1</sup>

A Catholic cannot substitute his personal judgment as to whether his marriage was invalid (internal forum) in place of the legitimate Church annulment process.

In general, the Church does not allow divorced and remarried Catholics to receive the sacraments. For serious reasons, there are certain exceptions to this discipline.<sup>2</sup>

**DISCUSSION:** The marriage covenant is an irrevocable, sacred union between a man, a woman and God. Once a marriage occurs, no human means can destroy the union of husband and wife. The marriage covenant reflects the great love and covenant God has joined with His people (Eph. 5:32). Just as God's covenant with us is irrevocable, so is the marriage covenant irrevocable. As explained by the Church:

The intimate partnership of married life and love has been established by the Creator and qualified by His laws. It is rooted in the conjugal covenant of irrevocable personal consent. Hence, by that human act whereby spouses mutually bestow and accept each other, a relationship arises which by divine will and in the eyes of society too is a lasting one. For the good of the spouses and their offspring as well as of society, the existence of this sacred bond no longer depends on human decisions alone.<sup>3</sup>

## What is divorce?

Contrary to what many believe, divorce does not end a marriage. Quite simply, divorce is a permanent separation of spouses recognized by the authority who grants it. A divorce does not change or remove the obligations to the marriage bond. Our Lord made this clear in Mark 10:1-12 (see also: Mt. 19:1-12) and the Catholic Church upholds this divine truth.<sup>4</sup>

## Moses allowed divorce and remarriage, Jesus does not

Basing their opinion on a misunderstanding of the Lord's teaching found in the Gospel of Matthew, many people claim that divorce and remarriage is allowed under certain circumstances. The misunderstood passage reads, “But I say to you that every one who divorces his wife, except on the ground of unchastity, makes her an adulteress; and whoever marries a divorced woman commits adultery” (Mt. 5:32; see also 19:9). Some interpret the clause “except on the grounds of unchastity” to mean that in marriages where there has been adultery, divorce and remarriage is permissible. This has never been accepted by the Church.

The Church has held consistently from Her beginning that there can be no remarriage after divorce. While certain circumstances allow for divorce, no circumstance allows for remarriage. The placement of the “unchastity” clause, the reaction of the apostles and the parallel passages later in the New Testament clearly establish this truth taught by the Church.

When Jesus first offered these words, He had just told the people that “every one who looks at a woman lustfully has already committed adultery with her in his heart” (Mt. 5:28). He established an ideal directed at man’s intentions. He then addressed the Mosaic law on divorce when He gave this teaching. He condemned the practice of divorce and remarriage, but maintained His teaching on the seriousness nature of adultery. The clause does not say, “Except in cases of unchastity, whoever divorces his wife and remarries another commits adultery.” Rather, Jesus qualifies grounds for divorce only, not remarriage.

In Matthew 19:1-12, Jesus repeats this same teaching. Before repeating the same phrase, He emphasizes the covenant of marriage and its perpetual nature. He quotes Genesis 2:24 and then states, “What therefore God has joined together, let not man put asunder” (Mt. 19:6). His disciples react strongly to this teaching by saying, “If such is the case of a man with his wife, it is not expedient to marry” (Mt. 19:10). They knew He had closed the doors to “a way out.” In other words, they knew full well He did not allow remarriage, even in the case of adultery. If He had allowed remarriage in such situations, the disciples would not have considered the teaching such a heavy burden.

In the Gospels of Mark and Luke, this same teaching is stated without the “unchastity” clause (Mk. 10:1-12; Lk. 16:18). Furthermore, St. Paul warns that the Lord demands “the wife should not separate from her husband (but if she does, let her remain single or else be reconciled to her husband—and that the husband should not divorce his wife” (I Cor. 7:10-11).

### **Authority of personal conscience**

A declaration of nullity is not a divorce. While a divorce is the separation of spouses who remain married, a declaration of nullity is a judgement by lawful ecclesiastical authority that a marriage never took place. Because the marriage never occurred, those who receive a declaration of nullity are free to marry. A subsequent wedding does not celebrate “re”marriage, but rather a first marriage.

There are those in the Church who erroneously teach the “internal forum solution.” Proponents of the “internal forum solution” wrongly argue that a Catholic can substitute his personal judgment about his marriage for a legitimate declaration of nullity. Such a solution allows for an easy means to dispose of an unwanted marriage situation, legitimize remarriage and return to the sacraments unhindered.

The mistaken conviction of a divorced-and-remarried person that he may receive Holy Communion normally presupposes that personal conscience is considered in the final analysis to be able, on the basis of one’s own convictions, to come to a decision about the existence or absence of a previous marriage and the value of the new union. **However such a position is inadmissible.** . . . [T]he consent that is the foundation of marriage is not simply a private decision, since it creates a specifically ecclesial and social situation for the spouses, both individually and as a couple.<sup>5</sup>

Joseph Cardinal Ratzinger, Cardinal Prefect of the Vatican’s Congregation for the Doctrine of the Faith (CDF), elsewhere writes forcefully on the subject of the indissolubility of marriage. He concludes with a quote from the International Theological Commission’s “Propositions on the Doctrine of Christian Marriage”:

I would underscore that what is at stake in respect to the teaching of the indissolubility of marriage is nothing less than the Church’s fidelity to the radicalism of the Gospel. “The severity does not derive from a purely disciplinary law or from a type of legalism. It is rather a judgment pronounced by Jesus Himself (Mk 10:6ff). Understood in this way, this severe norm is a prophetic witness to the irreversible fidelity of love that binds Christ to His Church. It shows also that the spouses’ love is incorporated into the very love of Christ (Eph. 5:23-32).”<sup>6</sup>

In short, because marriage is an irrevocable covenant established by God, it is not a mere personal and private act. Marriage consent pertains to the common good and directly effects the Church. Subsequently, a mere personal and private act cannot substitute for a judgement of marriage nullity. In determining such a grave matter, only the Church herself, acting in the name of Christ, has competence to pass judgement.

## Respect for the divorced

While divorce itself is an evil inflicting our society (*CCC*, no. 2384), those who are divorced are not evil. All are created in the image and likeness of God and all are essentially good (Gen. 1:27,31). Furthermore, the Church recognizes that there are those who are innocent victims of divorce. They neither desire the separation nor substantially contribute to the situations leading to divorce. Consequently, the Church recognizes that there are grave situations in which a separation of spouses, even permanent, is warranted.<sup>7</sup> In short, while the divorce situation may be frustrating and even scandalous, it does not warrant showing disrespect for anyone involved.

When we consider pastoral care of divorced persons, we must consider two categories of peoples: Those who are divorced, and those who are divorced and remarried. Those who are divorced but remain single should bear no lack of unity with the Body of Christ. They remain free to receive the sacraments and participate fully in the life of the Church.

Pastors must carefully discern between an innocent victim of divorce and one who through his own grave fault destroys the marriage relationship.<sup>8</sup> To the first, he must administer the healing salve of Christ's peace. To the other, he must carefully induce him to penance and reparation for sins. As our Holy Father states, "The Church, mother and teacher, seeks the welfare and happiness of the home, and when it is broken for whatever reason, she suffers and seeks to provide a remedy, offering these persons pastoral guidance in complete fidelity to Christ's teachings."<sup>9</sup>

Whether offering assistance to innocent victims of divorce or to one who caused the breakup, the Church upholds her practice, which conforms to Sacred Scripture,

of not admitting to Eucharistic Communion divorced persons who have remarried. They are unable to be admitted thereto from the fact that their state and condition of life objectively contradict that union of love between Christ and the Church which is signified and effected by the Eucharist....Besides this, there is another special pastoral reason: If these people were admitted to the Eucharist, the faithful would be led into error and confusion regarding the Church's teaching about the indissolubility of marriage.<sup>10</sup>

Although the divorced and remarried cannot receive the sacraments, the Church demands pastors of souls to seek remedy for their situations. Whatever the remedy, the focus must be to end the adulterous situation and restore the person to grace. When seeking remedy, it is helpful for pastors to understand that people in these situations commonly focus on themselves and the emotional aspects of the situation. Unless such a person experience a personal movement of grace, their focus on self can lead to a false belief that they "deserve" an annulment or that their conscience replaces the jurisdiction of the Church over the sacraments. Unless the person experiences a true healing of their soul, mind and emotions through contrition and penance, remedies applied often become an end to themselves.

First and foremost, pastors should encourage the divorced and remarried to attend Mass, persevere in prayer and participate in works of charity and justice. In this way, God's grace may move them to repentance and an understanding of truth.<sup>11</sup> Furthermore, because marriage is so important for the restoration of society, pastors of souls should make every effort to reconcile the spouses. Such reconciliation is extremely difficult when one or both spouses have remarried, particularly if children are involved in the subsequent union. Only if reconciliation is impossible, pastors should refer the divorced and remarried to explore the possibility of a declaration of nullity or dissolution, as the situation allows. Pastors could encourage the remarried to end common life and live as a single person. If the moral responsibility to a third party or children is grave and scandal is avoided, the remarried could maintain common life but end the adulterous union and live as brother and sister. Thus allowing for the reception of the sacraments.<sup>12</sup>

In closing, we must remember:

Jesus' teaching itself, however, is embodied in the relevant Church pronouncements and laws. By making it clear that marriage is indissoluble, that teaching enables Christian couples to recognize how great a good true marriage is and to enjoy the blessings which God, from the beginning of creation,

intended for man and woman. If the realization of God's plan were not at stake, it would be possible to scrap Church pronouncements and laws in order to help civilly remarried couples. But since those pronouncements and laws implement God's plan as revealed by Jesus, [we] cannot do other than adhere to the Good Shepherd's word.<sup>13</sup>

<sup>1</sup> *Catechism of the Catholic Church (CCC)*, nos. 2383, 2386; *Code of Canon Law (CIC)*, canons 1151-1155.

<sup>2</sup> Pope John Paul II, *Familiaris Consortio (FC)*, no. 84.

<sup>3</sup> Vatican Council II, "Pastoral Constitution of the Church in the Modern World," (*GS*), no. 48; translation found in: "The Documents of Vatican II," ed. Walter Abbott, S.J., Herder and Herder, 1966. The *Catechism of the Catholic Church (CCC)* provides a beautiful explanation of the marriage covenant in Part II, Article 7, titled "The Sacrament of Matrimony."

<sup>4</sup> A declaration of nullity is not a divorce. A declaration of nullity is a statement by competent ecclesiastical authority that a marriage never took place. A divorce presupposes the existence of a marriage.

<sup>5</sup> Vatican Congregation for the Doctrine of the Faith (CDF), *Reception of Communion: Divorced-and-Remarried Catholics; Origins*, Oct. 27, 1994, nos. 7-8 (emphasis added).

<sup>6</sup> *The Tablet*, October 26, 1991.

<sup>7</sup> *CCC*, no. 2383; *Code of Canon Law*, canons 1151-1155.

<sup>8</sup> *CCC*, no. 2386; cf. *FC*, no. 84

<sup>9</sup> Pope John Paul II, *Welcoming the Divorced and Remarried (WDR)*, no. 1; *Origins*, Feb. 20, 1997, pp.583-84.

<sup>10</sup> *FC*, no. 84; cf. 1 Cor. 11:23-33.

<sup>11</sup> *CCC*, no. 1651; *FC*, no. 84.

<sup>12</sup> *FC*, no. 84

<sup>13</sup> "Pastoral Ministry to the Divorced and Remarried," Most Rev. Rene Gracida, D.D., Bishop of Corpus Christi, p. 10.

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