



The Roman Catholic Archdiocese of Washington

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DISSOLUTION OF THE BOND OF MARRIAGE - PAULINE PRIVILEGE QUESTIONS AND ANSWERS

1. *What is marriage?*

Marriage is the matrimonial covenant, established by God, by which a man and a woman enter into a partnership of the whole of life. Since they are created in the image and likeness of God in such a way that “the two become one flesh,” the vocation to marriage is written in their very nature by the hand of their Creator. It is ordered by its nature to the good of the spouses and the procreation and education of children; therefore, the essential properties of marriage are unity and indissolubility.

It is through their own personal consent that a man and a woman enter the irrevocable matrimonial covenant, and give and accept each other in order to establish marriage. The Church’s understanding of marriage as something instituted by God applies to all marriages whatsoever, whether of Catholics or non-Catholics, whether of Christians or non-Christians.

For the baptized, whether Catholics or other Christians, this matrimonial covenant established by God for the whole human race has been raised by Christ the Lord to the dignity of a sacrament. The unity and indissolubility that are the essential properties of any marriage obtain a special firmness for Christians by reason of the sacrament.

All marriages, whether the spouses are baptized or not, are intrinsically indissoluble. That is, once the marriage is validly entered, it cannot be dissolved by the subsequent withdrawal of consent of the parties. The Church can, however, under certain conditions, dissolve non-sacramental marriages involving at least one baptized person.

2. *Why does the Catholic Church have marriage tribunals?*

The Church is the guardian of the sacraments. As the Bride of Christ, she is vigilant to protect the integrity of holy matrimony. She is faithful to the teachings of Jesus Christ, the Bridegroom, concerning marriage, as stated in Holy Scripture: “Have you not read that from the beginning the Creator ‘made them male and female’ and said, ‘For this reason a man shall leave his father and mother and be joined to his wife, and the two shall become one flesh’? So they are no longer two, but one flesh. Therefore, what God has joined together, no human being must separate.”

At the same time, when marriages have broken down and even been the subjects of civil divorce, people have a right to know their personal status and the status of their marriage, in order to determine their freedom to marry in the Church.

3. *What is the Pauline Privilege?*

Based on the writings of St. Paul in 1 Corinthians 7:12-15, the “Pauline Privilege” is the Catholic Church’s pastoral practice which recognizes that, under certain conditions, a marriage contracted by two unbaptized persons may be dissolved if one of them subsequently receives baptism and the dissolution of the prior bond of marriage is necessary to allow the baptized to live fully the Christian faith.

The dissolution of a marriage bond through the Pauline Privilege is not an ecclesiastical declaration of the nullity of a marriage. The Pauline privilege dissolves a presumably valid, non-sacramental bond of marriage. A declaration of nullity is a

finding by an ecclesiastical court (a tribunal) that a relationship that appeared to be a marriage was not in fact a marriage as the Catholic Church understands it.

4. What are the requirements for the application of the Pauline Privilege?

The following conditions are required for the application of the Pauline Privilege:

- a) the marriage was entered by two unbaptized persons;
- b) one and only one of the spouses subsequently received, or is seeking to receive, Christian baptism;
- c) the baptized party, after baptism was received, did not cause the breakup of the marriage;
- d) the still unbaptized spouse does not wish to receive baptism and (or), if already divorced, there is no possibility that the spouses will resume of married life.

5. What is the process for the dissolution of a marriage through the Pauline Privilege?

The process begins with the submission of a petition by one of the parties, who becomes the petitioner, together with supporting documents such as the marriage certificate, and the divorce decree. The petitioner also submits a brief narrative history of the relationship.

The petitioner also submits information on how to contact the other party. The tribunal is obliged by the natural requirements of justice as well as canon law to contact the other party in order to inform him or her of the petition, and to offer the opportunity to participate in the process. The petitioner must, and the other party may, submit the names, addresses, and telephone numbers of witnesses who can corroborate the claims made.

When a petition and its supporting documents have been submitted, the case is assigned to a judge who will conduct the investigation. The role of the judge is to verify whether the conditions exist for the application of the Pauline Privilege.

In the process, interviews are conducted with the parties and the witnesses. If the parties are not divorced already, the still unbaptized spouse will be asked whether he or she wishes to receive

baptism and (or) to continue common life while allowing the baptized party to fully live the Christian faith. If the answer to any of those two questions is affirmative, the Pauline Privilege may not be used.

When all the documents, information and testimony have been gathered, the process moves to the evaluation by the defender of the bond, whose role it is to ensure that the requirements of procedural law have been observed, and the rights of parties have been respected.

The judge then reaches a decision about whether in the particular case the petitioner may be granted the use of the Pauline Privilege. Both parties are notified of the outcome of the process.

6. What are the effects of the Pauline Privilege?

If the Petitioner is granted the use of the Pauline Privilege, he or she may enter a new marriage. The prior bond of marriage is dissolved at the moment and by the very fact that a new marriage is contracted.

In the United States, there are no civil effects of a dissolution of a marriage bond through the Pauline privilege, though there may be implications in other countries; nor is the legitimacy of children affected.

7. Is the process confidential?

Generally speaking, the process is confidential. However, it does not come under the sacramental seal of confession or the priest-penitent privilege recognized in some civil law jurisdictions.

The tribunal is not exempt from moral and legal obligations to report the abuse of minors and other vulnerable persons.

8. How much does the process cost?

In the Archdiocese of Washington, there are no fees or suggested offerings connected with marriage processes brought before the tribunal.