

COMMONLY USED GROUNDS

Please note that the Tribunal must objectively determine that a defect of consent was present at the time of the exchange of consent (marriage ceremony) before it may judge a marriage null and void from the beginning. Each ground has specific requirements determined by canon law. The Tribunal carefully and thoroughly examines each marriage for defects prior to rendering a decision.

Grounds: reasons a Tribunal may declare a marriage null and void from the beginning.

Lack of Due Discretion (canon 1095 ²2): a person does not enter marriage freely with the full use of sound reason and judgment when there is an anomaly present. For example, marriage simply and solely as the result of a pre-marital pregnancy or to provide a home for a child born out of wedlock, or under the influence of alcohol or drugs, or marriage because grandma/grandpa, mom/dad, siblings, or friends expect it.

Inability to Assume the Essential Obligations of Marriage (canon 1095 ³3): occurs when a person enters marriage with a serious psychological or psychiatric condition that impairs judgment. This includes latent onset of these conditions. For example, an individual marries at a young age and later develops schizophrenia, as the onset of this illness occurs in the late twenties or into the thirties.

Ignorance (canon 1096): the parties contracting marriage cannot be ignorant of the fact that marriage is a permanent partnership between a man and a woman, ordered to the procreation of children through some form of sexual cooperation. This ignorance is not presumed after puberty. The use of this ground is rare.

Error of Quality of Person (canon 1097): this is an act of comprehension concerning the persons seeking marriage. An error regarding the other person renders the consent invalid. For example, a woman presents herself to a man who discovers on their wedding night that the woman is another man, or vice versa. The use of this ground is rare.

Deceit and Fraud – Force and Fear (canon 1098): this is a marriage obtained using grave lies to obtain consent, or a marriage obtained by forcing another to marry. Two examples, the father of the bride standing in the back of the Church with a shotgun to make sure the groom, who impregnated his daughter (the bride), to make sure he takes responsibility for his actions. For those who are familiar with the movie *The Princess Bride*, Prince Humperdinck is forcing Princess Buttercup to marry him.

Error of Law (canon 1099): one or both of the parties believe that all marriages are invalid if a particular action occurs after the exchange of consent. For example, one or both of the parties believe that all marriages are invalid if there is an act of infidelity, and then act on that error by ending a marriage if infidelity occurs.

Total Simulation (canon 1101): one or both of the parties exclude marriage itself while externally consenting to a marriage. For example, a man and a woman marry so one of the two may obtain citizenship in the country.

Partial Simulation: Intention Against Fidelity (canon 1101): one of both of the parties enter marriage with the intent of having sex with whomever they wish if the situation arises. Infidelity includes the use of pornography.

Partial Simulation: Intention Against Permanence (canon 1101): one or both of the parties enters marriage with the intent of ending the marriage should something better come along. For example, as a career advancement one party accepts a new position with the intent of ending the marriage. Or, one or both parties enter marriage until someone perceived to be better comes along.

Partial Simulation: Intention Against the Good of the Spouses (*conjugum*) (canon 1101): one or both of the parties enters marriage with the intent of treating the other as they wish including but not limited to physical, emotional/mental, and sexual abuse.

Partial Simulation: Intention Against the Sacrament (canon 1101): one or both of the parties enters marriage with the intent of going against the sacramental nature of marriage. For example, both parties have a right to a conjugal relationship. However, one party uses that right to manipulate the other party.

Partial Simulation: Intention Against Children (canon 1101): one or both of the parties enter marriage intending to not have children. This could be decided before the marriage or revealed after the exchange of consent. The use of contraception is but one example of the possibility of an intent against having children.