

Course Seven: “Spirituality, Morality, and Ethics”

Reflective Essay One: Ethical Analysis

MORAL DILEMMA: A CATHOLIC COUPLE’S DECISION TO MARRY DESPITE

ONE PARTY NOT SECURING AN ANNULMENT

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There are single Catholics who live according to the teachings of their Church when they meet *the woman who completes me* or *the man of my dreams*. The conflict comes when it is discovered this person has been married and is now divorced, but has never sought an annulment of a former marriage. In this paper, I will examine the ethical dilemma that develops when a faithful Catholic man falls in love with a divorced Catholic woman who has not yet sought an annulment. I will do this by describing the people involved and their situations, annunciating and applying the relevant moral principles, explaining how the dilemma was resolved and describing the lessons learned through the writing process.

The two people of limited means met in a Catholic chat room and had been chatting with one another for about a year. The 33-year-old woman was separated for quite some time from a very unhappy marriage that was blest by the Church immediately after high school, long before she met the man in the chat room. When she was 18, her then boyfriend agreed to marry her when she gave him the ultimatum to marry or part. One of the primary reasons she did so was to escape overbearing parents who browbeat her about personal foibles. She raised the three-year-old girl alone because her then husband was rarely present and because they had been separated for most the child's life. The man, from a State across the country, lived for 35 years as a single Catholic man. He had a spiritual awakening for four years in his early 20s, during which, he left because he was catechized poorly and was told the Catholic Church was the "great whore" written of in Revelation 17:1-18 (KJV). This betrayal deeply hurt and festered into bitterness. After returning to that Church, this bitterness caused him to hate and despise Catholics first and then Protestants. While he was aware of the scriptural injunction to not let

bitterness take hold which defiles many, he did not know how to keep this bitterness out of his heart (Heb 12:15 KJV). When paired with the sexual aberration of masturbation he struggled with most of his life, he felt out of control and was in deep need of love and companionship. Now let us examine the underlying values or moral principles which under gird this issue.

The first is the law of love (Lk 10:25-37, Mk 12:28-34, Mt 22:34-40, Gal 5:14, 1 Jn 4:7-21). This moral principle is the primary Christian moral principle because it affects all actions and inactions by individuals and groups. Second is the sacramentality of marriage (Denzinger n. 144*, n. 2051). A sacrament is a ritual action instituted by Christ that signifies and gives to the participants, grace being understood by this writer as a share in the life of God and the strength given to live out the demands of one who follows Christ grace (Lehmkuhl Sacrament 4¹). The third is that marriage is a union of the spouses (Gn 2:21-24, Mt 19:5, Eph 5:22-33 & Neuner 711). Union in this principle means there is only one when the two are so joined. The fourth moral principle related to this is that divorce can never sever the marital union (Mal 2:10-11 & 14-16, Mt 19:3-12, Mk 10:2-12, Lk 16:18-19, 1 Cor 7:10-11, Mt 5:31-32). This is clarified by Jesus as He expresses God's intention from the beginning of the permanence of the marital union, or "until death do us part", as used in the alternate form of consent in the marriage ceremony (Mt 19:7-8, Champlain 77, Catechism 1610 and 1644). A next moral principle is that one who has not received a Church annulment cannot validly contract another marriage (Canon 1085.1, 1085.2, 1108). An annulment declares that a sacramental union did not exist between two people who have divorced because of an impediment of matter, form or both, and is the only way to remarry within the Catholic Church. Finally,

Catholics are not allowed to marry civilly because Christian marriages have been subject to ecclesiastical control since at least the second century (Shahan 1). The Church is responsible to safeguard marriage as a sacrament. Now that we have outlined several underlining principles dealing with this issue, we need to explore the application.

In the story when the lawyer asked what must be done to inherit eternal life, he received the great commandment and the application of this principle in the story of the Good Samaritan when he sought to justify himself (Lk 10:25-37). “Go and do the same” teach us we have a responsibility to help others in need and to treat others as we treat ourselves (Lk 10:37). The woman in our moral dilemma had been neglected her entire life and had not received the love needed by all human beings as is implied by this principle. She therefore was in deep need of love for which she relied on her daughter to provide. Even though her baby gave her all the love babies do, the woman needed an adult love immersed in a spousal acceptance. The man believed himself responsible to help this woman and her child in their need based on his love for them. This man was raised in a loving home, but the sexual aberration he had lived with warped his concept and practice of love. When joined in this person with the hate he experienced, he drank to excess due to his deep emotional pain, which hindered him from loving as commanded in the first principle. Due to this, he would keep people at a distance instead of letting them get close enough to see him as he was. Because he loved and trusted this woman, he revealed himself to her and she felt responsible to help the man whom she loved. Both parties thought the best way to help the other whom they loved was to unite in marriage. Amid the difficulties each party struggled through, both lives were immersed in the sacraments, receiving Eucharist at Masses during the week as well as on Sunday, and the

woman and man going to reconciliation every three and six weeks, respectively. The sacramentality that defined their lives was deeply desired in the union they shared. The Church has taught that the sacramentality of marriage cannot be separated from the contract and so the union of this man and woman is sacramental in anticipation of the Church annulment of the first marriage which the couple had every intention of requesting (Denzinger n. 1640, n. 2237). While this way of thinking would be fraught with difficulties when considered in the abstract, it is very true of this specific situation. That in the union the sacrament and contract cannot be separated can be seen clearly in the Church teaching that marriage helps one live as God commands (CCC 1609). Its clarity stems from both the standard the Church sets for couples who are marrying, a sacred pact to love and care for one another until death parts them and the power the Church gives this action by calling it a sacrament, because it gives what it signifies. A union of spouses implies a working together, sexual union, willingness and openness to accept and love children God gives. This union shows forth the holy closeness, intimacy, and growth of Christ and Church and this is one reason I believe it has such an import reflected in Church teaching (Denzinger n. 702). The woman was supposed to have already been in a sacramental union, yet the start of their marriage was anything but sacramental and they were separated their last few years of their marriage. Through the entirety of it, both failed to realize union inasmuch as they had no intention to have children, much less to raise them Catholic, they did not work together and even though they did come together in the conjugal union, they did so infrequently, not to express love for the spouse or from the desire to conceive, but simply to gratify physiological desires. These impediments and problems thwarted God's commands for and expectations of the

spousal union of matrimony that assist the spouses to return to the God from Whom they come and in Whom they were designed to live. This union cannot be severed as Jesus said, "...let no man separate what God has joined" (Mt 19:6). Lehmkuhl has information to bear on divorce that is worth quoting as it gives language to this moral dilemma:

"The term divorce (divortium, from *divertere*, *divortere*, "to separate") was employed in pagan Rome for the mutual separation of married people. Etymologically the word does not indicate whether this mutual separation included the dissolution of the marriage bond, and in fact the word is used in the Church and in ecclesiastical law in this neutral signification. Hence we distinguish between *divortium plenum* or *perfectum* (absolute divorce), which implies the dissolution of the marriage bond, and *divortium imperfectum* (limited divorce), which leaves the marriage bond intact and implies only the cessation of common life (separation from bed and board, or in addition separation of dwelling-place). In civil law divorce means the dissolution of the marriage bond; *divortium imperfectum* is called separation (*séparation de corps*)" (Divorce 1).

In this language, the woman's civil divorce is called limited divorce or separation, not dissolution of the union. In applying this to the dilemma, it would indicate that the Church requires an annulment for a marriage in this dilemma to be valid and blest. Of course, there must be a union before it can be broken. In knowing the permanence of marriage, both people involved in this moral dilemma prayed about the new loves in their lives, asking for guidance as they grew closer to one another. This is accentuated by the knowledge of the Church teaching that a Catholic person could not marry without an annulment of a former marriage. This knowledge is contrasted with the belief God was calling them together and the awareness that they must live according to their consciences, not in intentional dissent from Church teaching, but as "prudential judgment" (Gula 160). As I recall reading several years ago, a Pope of times past indicated that a Catholic must follow his conscience, but be willing at the same time to submit to the discipline of the Church. Finally, they were aware that civil marriage for

Catholics is not allowed. The Church has authority to regulate the union of spouses.

This can be seen in the historical obligation of making known to the bishop all proposed marriages, which dates as far back as the beginning of the second century. (Shahan 1)

Now that we have explored the application of these principles to these people's specific circumstances, it is time to explicate the resolution of the dilemma.

This is a difficult and complex dilemma to be resolved for both people. Church teaching is painfully obvious to both and they have striven with all their strength to live according to that teaching, yet the belief in their innermost person of the heart is that God has called them to marriage. This is complicated because they do not have the means to support two separate households and realize their marriage and the love they will share will repair the hurts and brokenness they have. They did not believe they were going to change the other as young, naive people might think. The man particularly realizes the woman's first marriage was not a true union as the Church teaching commands, because neither of the participants entered into the marriage with the intentions the Church enjoins on its members even though carried out with the Church's blessing. While the woman in marrying the first time was escaping her overbearing parents who destroyed her self-image with their comments and actions, she was also enticed by the promise of access to drugs, alcohol, a Ford Mustang and the freedom that she had never had in her life. While she had these things, she found her life empty because she had no companionship or love, rather they lived separate lives and she consoled herself by purchasing rings and jewelry. The young man did whatever she said because he wanted to avoid confrontation, was afraid of losing the little he had and thought marriage would give him the sex he thought

he wanted. He realized after that the sex was not as good or often as when they dated and because he was afraid to have children, he desired anal sex, not a family nor any of the things the Church expected of people who wanted to marry in the Catholic Church. At the time of their marriage, they were Catholic by upbringing and inheritance, not in practice and lifestyle. Because they were raised to believe in the permanence of marriage, even one in which the spouses shared no love at all, neither one thought of divorce until 15 years had passed. This background being understood by the man and woman in this dilemma, both understood that the woman's first marriage would be annulled once the Church received the request and saw the extent to which it was directly contrary to its own teachings and how in the original marriage there was no intention of living as the Church commanded. This being the belief of both parties, they decided to marry civilly until the Church could grant the annulment because neither one could afford to support separate households financially or emotionally. They yearned for the day the annulment was granted, and when it was, both parties took action to have this union convalidated in their Church. In doing this, they respected and lived in accord with Church teaching by bringing this matter to confession, in not sharing a bed or sexual union until the convalidation and in staying away from Eucharist as Church law commands.

This assignment has helped me understand better the complications and complexity in making moral decisions. In working through it, I have learned how to better apply complex Catholic teachings to real situations whereas before my understanding of those teachings was more abstract. I have also realized how complex people are and how there

are not many simple, straightforward answers to the questions in life. The process and reasoning show the delicate balance between Church teaching and conscience. Neither one can negate the other. It is the believer's responsibility to struggle to implement this teaching in their lives and only after much prayer and reflection should making a decision that goes contrary to that teaching be implemented. This is to guard against selecting palatable beliefs and disregarding beliefs one refuses to accept. I have come to a deeper appreciation for the nuanced teachings of the Church and realize better how some people who have not grasped the breadth of this teaching could go so strictly by the laws of the Church as to deny a person the right to live according to the voice of God within, as if people were created for the law and not the reverse (Mk 2:27). Others live as if there is no law and the Church has no authority at all. This end of the spectrum shows a refusal to accept that all authority comes from God (1 Pet 2:13). Another thing was to see the effects sexual aberration has on a person. Even seeing these actions as wounds is quite revealing to me because before I would have never equated this with a person who was wounding him or her self, but just as a practice that, while not consonant with our Catholic faith, was an action that would not affect the rest of his or her personhood as I now see.

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¹ Page numbers of web references from standard MS-Word formatting as saved on my computer