

The Grounds

The following pages list the possible grounds indicating defective consent that can be used in a marriage case before the Tribunal. After a brief description of each ground, there is a list of questions relating to that ground. The Judges decide each case solely on the basis of whether the grounds are proven by the testimony submitted by the parties, their witnesses, and expert consultants. Every marriage case must have at least one ground.

For many, contemplating the grounds brings a flood of memories, both happy and sad. In a spirit of prayer and with confidence in God's grace, allow the following pages to help you understand how a Tribunal makes decisions in marriage invalidity cases.

Insufficient Use of Reason (*canon 1095, 1º*)

To enter a valid marriage, a person must have the degree of reasoning ability sufficient to know and understand what marriage is and what he or she is doing at the time of marriage. Serious conditions, such as profound mental retardation, certain personality disorders or blackout states (caused by alcoholic intoxication, drug use, or seizure disorder), might prevent a person from possessing or using reasoning ability during the marriage ceremony. If one or both spouses lacked the use of reason during the wedding ceremony itself, this ground can be considered.

- *Did either you or your former spouse abuse drugs or alcohol to the extent of suffering from blackout periods? If so, did either of you use drugs or alcohol before the wedding ceremony?*
- *Were either you or your former spouse ever diagnosed with a very low intelligence or with a serious learning disability or a mental illness that caused blackout or delusional episodes? If so, did such an episode occur at the time of the wedding ceremony?*
- *Did either you or your former spouse suffer from epilepsy and grand mal seizures? If so, did a seizure occur just before or during the wedding ceremony?*

Grave Lack of Discretion of Judgment (*canon 1095, 2°*)

To enter a valid marriage, a person must have use of sound reason and mature judgment. This means that the person is making a prudent and free decision, after careful judgment, to enter marriage with a particular person and that the decision is not impulsive or without forethought. If one or both spouses either lacked sufficient knowledge of marriage or failed to exercise mature judgment in choosing to marry, this ground can be considered. Because it requires a grave lack of discretion of judgment, this ground may be difficult to prove.

- Did either you or your former spouse have extremely little or no dating experience before becoming engaged?*
- Were either of you on the “rebound” from a broken engagement or previous marriage when you decided to enter this marriage?*
- Did you see marriage as simply “the next step” without much consideration?*
- Did the two of you date for only a brief time?*
- Was the decision to marry made impulsively or without much thought?*
- Did either of you make immature and impulsive decisions in other areas of life (career, finances, etc.)?*
- Would you say you really did not know one another well enough to marry when you did?*
- Was your decision to marry based on some pressing issue or circumstance (for example, a pre-marital pregnancy, difficult home situation, peer pressure, escape from another relationship)?*
- Did family or friends express serious concerns about this marriage and did you choose to ignore them?*

Incapacity to Assume the Essential Obligations of Marriage (*Canon 1095 3°*)

To enter a valid marriage, a person must have the psychological ability to take on and to live out the lifetime obligations of marriage. A person cannot consent to something that is beyond his or her psychological capacity to fulfill. Even if the condition became known or diagnosed only after marriage, if a person was afflicted at the time of marriage with a serious psychological or psychiatric condition that prevented him or her from assuming the obligation of marriage, the marriage was invalid. Proof of the condition must be provided, however, and often the Tribunal will require a current evaluation by a mental health professional. Because the ground requires incapacity and not merely diminished capacity, it may be difficult to prove.

- *Were either you or your former spouse diagnosed with a serious psychological illness?*
- *Even without a specific diagnosis, did either of you suffer from a serious mental illness at the time of your marriage?*
- *Did either of you have any addictions at the time of the wedding (alcohol, drugs, prescription drugs, etc.)? If yes to any of these questions, did the illness or addiction prevent either of you from living out the commitment you made to each other or to your children?*
- *At the time of your marriage, did either of you have any serious sexual disorder, serious questions about your sexual identity, or homosexuality? If so, did this affect the ability to live out the commitment to marriage?*

Ignorance of the Societal Nature of Marriage (*canon 1096*)

To enter a valid marriage, a person must have some basic knowledge (*i.e.*, not be ignorant) of what marriage is all about. A necessary element of that knowledge is to know that marriage is a permanent partnership between a man and a woman. If a person truly has no knowledge that marriage is such a partnership, because of tragic or extremely dysfunctional circumstances in his or her personal or family background, this ground may apply.

- Did either you or your former spouse come from a family background where there were many divorces, separations, or live-in relationships?*
- Did either of you have the experience of growing up in several households whether among relations or foster parents?*
- Did either of you grow up in an institution, such as an orphanage? If so, can you say that there was never a role model for a happy or healthy marriage?*
- Can you say that either you or your former spouse did not know when you married that marriage is a permanent partnership?*
- Were either of you reared in an environment that was extremely sheltered (to an unhealthy degree)?*
- Were there any cultural factors that influenced your knowledge of what marriage was all about?*
- Were either of you surprised or shocked after marriage by what marriage was all about?*
- Did you separate or divorce quickly after discovering what marriage was all about?*

Ignorance of the Sexual Nature of Marriage (*canon 1096*)

To enter a valid marriage, a person must have some basic knowledge (*i.e.*, not be ignorant) of what marriage is all about. A necessary element of that knowledge is to know that marriage by its nature involves openness to children by means of sexual cooperation between the spouses. Although such ignorance is not presumed in persons beyond the age of puberty, this ground may be considered if one or both spouses were truly ignorant of this fact.

- Were either you or your former spouse extremely young when you began dating the other?*
- If so, was this dating relationship the only one before marriage?*
- Did either of you come from a family background where there was no discussion at all of sexuality?*
- Did either of you enter marriage with absolutely no understanding of human sexuality and sexual intercourse?*
- Were either of you reared in an environment that was extremely sheltered or sexually repressed (to an unhealthy degree)?*
- Were either of you surprised or shocked after marriage to learn about sexuality or sexual relations?*
- Did you separate early in the marriage because of an unwillingness to engage in sexual relations?*

Error of Person (*canon 1097, §1*)

To enter a valid marriage, one must know the person he or she is marrying. In other words, marital consent is exchanged with a specific man or woman, and it is essential to have true knowledge of who that person is. If one spouse made a substantial error in judgment concerning the true identity of the intended spouse, or in other words married the wrong person, this ground could be considered. The error in question is not about details of personality or behavior, but a serious error about the identity of the other spouse.

- Did you and your former spouse know one another for only a very short time before marriage?*
- Was your courtship at a distance?*
- Did you actually spend very little time together, alone, before marriage?*
- Was your intended spouse not the person you thought you were marrying?*
- Did you discover after marriage that the person you married was not, in fact, the person you intended to marry?*
- Did you react with shock or surprise when the error was discovered?*
- Did you separate immediately afterward, or did your marital relationship change immediately afterward?*

Error Concerning a Quality of a Person (*canon 1097, §2*)

To enter a valid marriage, one must know the essential qualities of the person he or she is marrying. If, at the time of marriage, one spouse was mistaken about a quality directly and principally intended in the other spouse (almost as a condition for marriage), then this ground could be considered. This ground might apply if you or your former spouse intended to marry someone who possessed a certain quality (perhaps of a moral, social, physical, religious, psychological, or legal nature) and the primary reason for entering this marriage was the belief that the intended spouse possessed that quality. The intended quality must be of such a magnitude that without it, the person would not have married the other.

- *Was there a certain quality or trait that either you or your former spouse were looking for in a prospective husband or wife (for example, a certain social status, marital status, education, a certain profession, religious conviction, freedom from addiction or disease, freedom from an arrest record)?*
- *Did you or your former spouse consider that trait so important in a prospective spouse that you would marry only someone who possessed that trait?*
- *Would this marriage have been called off if the other person did not possess that quality?*
- *When it was learned that you or your former spouse did not possess that quality, did the other spouse react with shock or surprise?*
- *Did you separate immediately afterward, or did your marital relationship change immediately afterward?*

Fraud or Deceit (*canon 1098*)

A person who enters marriage deceived by fraud, which is perpetrated to obtain the marital consent of the other person, married invalidly. Fraud is the intentional act of deception. It can be perpetrated by the other spouse or by a third party, but the end result is the same: one of the contracting parties consents because he or she was deceived into doing so. If fraud or deceit took place in order to make marriage happen, this ground can be considered.

- Did you or your former spouse intentionally misrepresent or conceal information necessary for the other person to make a well-informed marital decision?*
- Did someone else (a parent, for example) misrepresent or conceal information necessary for a well-informed marital decision?*
- Was the deception intentionally done in order to get the other person's agreement to marry?*
- If the deceit was later discovered, did it have an immediate effect on the marriage?*
- Did the separation or divorce occur because of this?*

Error Concerning the Unity of Marriage (*canon 1099*)

For marriage to be valid, both spouses must intend to be absolutely faithful to one another. If one or both spouses entered marriage with an erroneous belief that infidelity, polygamy or polyandry was possible, this ground could be considered. This belief must have been firmly held, or in other words, marriage could not be conceived of in any other way than allowing for infidelity or multiple spouses or sexual partners.

- Did either you or your former spouse believe that it was acceptable to have other sexual partners after marriage?*
- Was there anything in the family background to explain the belief that marriage was not an exclusive (totally faithful) relationship?*
- Were you or your former spouse reared in a home environment where there was sexual infidelity, or cohabitation, or several sexual partners?*
- Did either family consider infidelity or living together acceptable or desirable?*
- Had either you or your former spouse been unfaithful in previous relationships?*
- Were either of you reared in a home in which no religion was practiced, or a religion that accepted polygamy?*
- At the time you married, did you or your former spouse accept the notion of an “open” marriage?*
- Did either of you accept the idea of multiple sexual partners, or “exchanging” partners with others?*
- Were either of you unfaithful during your courtship or engagement?*
- Did either of you consider cohabitation or living together to be acceptable or desirable?*
- Were either or both of you sexually unfaithful during the marriage?*

Error Concerning the Indissolubility of Marriage (*canon 1099*)

For marriage to be valid, both spouses must agree to the absolute permanence of marriage. If one or both spouses entered marriage with an erroneous belief that marriage may be a temporary arrangement, that divorce was always an option, or that remarriage was always a possibility, this ground could be considered. The error could include the notion that marriage lasts only as long as the spouses decide, or only as long as they remain in love, or that the state has the authority to dissolve a marriage. This belief must have been firmly held, or in other words, marriage could not be conceived of in any other way than allowing for the possibility of ending or dissolving the marriage.

- Were either you or your former spouse reared in a home with no religious practice?*
- Were either of you from a family background in which there were multiple instances of divorce and remarriage?*
- Did either of your families consider divorce and remarriage acceptable or desirable?*
- Did either you or your former spouse believe that your marriage would not be permanent?*
- Did you sign a pre-nuptial agreement because you thought the marriage might not be permanent?*
- Did either of you accept the idea of a “trial” marriage, with the understanding that you could divorce if it did not work out?*
- At the time you entered this marriage, would you have said that you could divorce and remarry for a particular reason (for example, physical abuse, adultery, unhappiness, illness)?*
- If you and your spouse had been told that divorce and remarriage would be impossible for any reason, would either of you have backed out of the marriage?*

- Did either of you clearly believe that it was your right to divorce and remarry at will?*

**Error Concerning the Sacramental Dignity of Marriage
(*canon 1099*)**

A person may enter marriage validly when he or she is in simple error (holding a false opinion) about the sacred character or sacramental nature of marriage between two baptized people. However, if one or both spouses entered marriage with an erroneous belief that marriage is simply a civil or secular matter and that it has no relation to the sacred for the baptized, this ground may be considered. This belief must have been firmly held, or in other words, marriage could not be conceived of in any other way than as civil or secular in nature.

- Did either you or your former spouse come from a family environment in which there was no practice of religion?*
- Did either of you come from a religious background which taught clearly that marriage is not a sacrament or not a sacred bond?*
- Did either of you firmly believe that marriage was merely a civil contract, having only civil effects, with no relationship to religion or the Church?*
- Were you married by a judge or justice of the peace or other civil official, because you did not want a church wedding?*
- Did either or both of you intend to enter only a civil contract of marriage, with no thought of religious overtones? If yes to any of the above questions, would that spouse have called off the marriage if the other person insisted on a church wedding, or insisted that marriage was a religious matter?*
- Did either of you believe so strongly that marriage was only secular in nature that you could never envision marriage as having some religious or sacred element to it?*
- Did either of you have a hatred or aversion toward religion?*

Total Simulation of Marriage (*canon 1101*)

To simulate consent means to say one thing externally, but to intend something quite different internally. Total simulation of marriage means that one or both spouses, at the time of marriage, did not intend to enter a real marriage. Instead, something quite different was intended. This ground may be considered if one or both spouses “pretended” to marry, and did not intend to enter a genuine, lasting marriage.

- *Was this an arranged marriage, that is, you and your former spouse were “told” to marry by someone else such as your parents?*
- *Did you and your former spouse agree to marry for some reason other than being in love and wanting to marry one another?*
- *Was there some reason you decided to go through a wedding ceremony without being in love (for example, to obtain citizenship, to escape your childhood home, or for insurance, welfare or financial purposes)?*
- *If yes to any of these questions, did you separate shortly after marriage, or as soon as other conditions were met?*

Intention Against “The Good of Permanence” (*canon 1101*)

A valid marriage includes three essential “goods” – children, fidelity, and permanence. If one or both spouses entered marriage with the intention to exclude the lifelong permanence of marriage, this ground can be considered. Marriage, by its very nature, is a permanent partnership that cannot be broken or dissolved by the spouses themselves. The marriage is invalid if one enters it with the intention to make the marriage only temporary, to keep divorce and remarriage as an option, or reserving the right to decide at any time to end the marriage.

- Did either you or your former spouse believe that you had the right to end the marriage at any time and possibly remarry someone else?*
- Did either of you intend a “trial marriage?”*
- Did either of you come from a religious background which taught that divorce was acceptable, perhaps under certain circumstances (for example, adultery, physical abuse, unhappiness, illness)?*
- Were either of you divorced and remarried several times before entering this marriage? If so, did that person view marital commitment in such a way that it necessarily included divorce as a possibility? Was divorce seen as an option for dealing with an unhappy marriage?*
- Was there a history of divorce in either your family or your former spouse’s, or among friends?*
- Did you sign a pre-nuptial agreement because you thought divorce would be an option?*
- Do you think the marriage would have been called off if you and your former spouse had been told that marriage was absolutely indissoluble, and that divorce was never possible?*

Intention against “The Good of Children” (*canon 1101*)

A valid marriage includes three essential “goods” – children, fidelity, and permanence. If one or both spouses entered marriage with the intention to exclude or restrict childbearing or starting a family, this ground can be considered. This can take several forms: an outright intention to have no children in the marriage, a delay or postponement of children for illicit reasons, sterilization or consistent use of birth control to avoid pregnancy. The result is usually that no children are conceived after the wedding day, or the number of children was deliberately and intentionally limited from the beginning.

- Did either you or your former spouse believe firmly that you had the right to determine when and if you would have children in this marriage?*
- Did either of you enter marriage with the intention to delay or postpone childbearing until some later time?*
- Was there a definite time or condition for having children later in the marriage, but not right after marriage (for example, after completing school, or after saving money, or after a certain number of years)?*
- Was there a decision before marriage to have no children together?*
- Even if there was a pre-marital pregnancy, was there the intention to have no other children in the marriage?*
- Was there a limit on the number of children you would have in the marriage? If yes to any of these questions, were there definite means taken to avoid pregnancy (for example, contraceptives or birth control medication or devices, abortion, sterilization by vasectomy or tubal ligation)?*

Condition against “The Good of Children” (*canon 1101*)

To enter a valid marriage, a person must place no conditions or limits on the essential elements of marriage, which includes a radical openness to children. This ground can be considered if one or both of the spouses placed a condition on childbearing, such as a limit on the number of children to be born in the marriage. The condition must be present from the beginning of the marriage, and measures must have been taken to ensure that the condition was, in fact, met.

- Did either you or your former spouse express any condition or intention to limit the number of children in the marriage (for instance, “I will marry you on the condition that we have only one child”)?*
- Was this an absolute intention or condition, and not just a vague thought about the future?*
- Was this a firm intention or condition, and not negotiable or changeable?*
- Were there means taken during the marriage to guarantee the fulfillment of this condition or limit (such as contraceptives, sterilization, or abortion)?*
- Was the condition actually fulfilled?*

Intention against “The Good of Fidelity” (*canon 1101*)

A valid marriage includes three essential “goods” – children, fidelity, and permanence. If one or both spouses entered marriage with the intention to exclude absolute fidelity, this ground can be considered. Fidelity or exclusivity in marriage means to have only one’s intended spouse as a sexual partner for life. Absolute fidelity prohibits openness to any other sexual relationships. When one enters marriage with the intention of excluding such absolute fidelity, remaining open to the possibility or thinking that they may choose whether to have other sexual partners, the marriage is invalid. It is important to note that what invalidates the marriage is the intention, present from the beginning, to permit infidelity – not actual infidelity. Adultery itself is not a ground of nullity.

- Did either you or your former spouse believe you had the right to determine if you would have other sexual partners during this marriage?*
- Did either or both of you intend to have an “open” marriage which would permit other sexual partners?*
- Did either of you come from a family background where there were many sexual partners, or live-in companions, or were your parents sexually unfaithful during their marriage?*
- Was sexual infidelity acceptable to either you or your former spouse?*
- Did either of you view marriage in such a way that it would permit sexual infidelity or multiple sexual partners?*
- Were either of you unfaithful to the other during your engagement?*
- Were you sexually active before marriage?*
- Did you cohabit with your former spouse before marrying?*
- Did either of you cohabit or live with another person before this marriage?*
- Was there actual infidelity or adultery during your marriage?*

Future Condition (*canon 1102, §1*)

To enter a valid marriage, a person must have no reservation or future condition. The spouses are required to give total and free consent to marry one another. If a person enters marriage while waiting to see if in the future a certain condition will be fulfilled or not (*e.g.*, that one's spouse will change religions in the future, or enter a certain profession, or will bear a child) the marriage was invalid. This ground can be considered if one or both of the spouses entered marriage with an expressed condition based on some event in the future.

- *Did either you or your former spouse attach any condition concerning the future to your marriage (for instance, "I will marry you on the condition that: ...we will always live in this area, ...you will complete your medical degree, ...you will become a Catholic, ...we will have a child together")?*
- *Did you sign a pre-nuptial agreement, thinking that divorce was an option if a future condition were not met? If yes to either question, would the marriage have been called off if the other spouse did not agree to the condition?*
- *Did the condition remain unfulfilled, and if so, did this lead to the final separation or divorce?*

Past Condition (*canon 1102, §2*)

To enter a valid marriage, a person must give free and unconditional consent. A past condition concerns the existence or non-existence of a fact, typically concerning the spouse's past. Placing such a past condition on the marriage raises serious questions, and invalidates marriage when it is proven that the condition upon which the marriage decision depended was not fulfilled at the time of marriage. This ground may be considered when one or both spouses entered the marriage with an expressed condition based on something from the past.

- *Did either you or your former spouse attach any condition concerning the past to your marriage (for instance, "I will marry you on the condition that: ...you were never married before, ...you have finished college, ...you were never in jail, ...you never abused drugs before")?*
- *Did you sign a prenuptial agreement or any other document regarding a past condition?*
- *Would the marriage have been called off if the condition weren't fulfilled?*
- *Did the condition remain unfulfilled, and if so, was this a reason for the separation?*

Present Condition (*canon 1102, §2*)

To enter a valid marriage, a person must give free and unconditional consent. A present condition concerns the existence or non-existence of a fact or circumstance in the present time (*e.g.*, pregnancy, a medical condition, career, a character or trait). Placing such a condition on marriage raises serious questions, and it invalidates marriage when it is proven that the condition, upon which the marriage decision depended, was not fulfilled at the time the marriage was entered. This ground may be considered when one or both spouses entered the marriage with an expressed condition based on something present or absent at the time of the wedding.

- *Did either you or your former spouse attach any condition concerning the present to your marriage (for instance, “I will marry you on the condition that: ...you were never married before, ...you have finished college, ...you were never in jail, ...you never abused drugs before”)?*
- *Did you sign a pre-nuptial agreement or any other document regarding a past condition?*
- *Would the marriage have been called off if the condition weren't fulfilled?*
- *Did the condition remain unfulfilled, and if so, was this a reason for the separation or divorce?*

Force or Fear (*canon 1103*)

A person must freely choose to enter marriage or the marriage is invalid. Force is a grave threat from outside the person, and may be inflicted intentionally or unintentionally, even by a well-meaning person. Fear is the internal result of the external force. It must be both grave and compelling, so that the person chooses to marry to escape from the force and fear. This ground may be considered if one or both spouses entered marriage in order to be free of some external force or some internal fear which was related to the marriage decision. The choice, then, was not so much to enter marriage, but to be free of the external force or the internal fear of the moment.

- Were either you or your former spouse forced or pressured in any way to enter marriage?*
- Was the marriage someone else's idea, and not yours or your former spouse's?*
- Did either of you feel that you had no real choice whether to marry the other?*
- Were either you or your former spouse deeply afraid that NOT marrying would bring about a serious harm or threat?*
- Was there, in fact, a threat in not marrying?*
- Was there someone or something threatening harm or punishment if you did not marry one another? (Force or threats could come from parents, family, employer, church, cultural expectations, etc.)*

Reverential Fear (*canon 1103*)

The choice to enter marriage must be made knowingly and freely, or the marriage is invalid. If one or both of the spouses chose to enter marriage principally because of a grave fear of displeasing a person who was an important authority figure, this ground could be used. As in the ground above, reverential fear is an internal emotion which arises from some external force. The external force may have been a strong suggestion (or a command) to enter marriage, or an expression of disapproval over an alternative to marriage. Acting under reverential fear, then, one chooses to marry because failure to do so would greatly displease a person or ideology which is subjectively important.

- Were either you or your former spouse forced or pressured to enter this marriage by someone important in your life (for example, parents, clergy, relatives, a teacher)? If yes, was the marriage this person's idea and not yours or your former spouse's ?*
- Was someone making marriage a condition for something else (for instance, an inheritance, a job, or baptism of your child)?*
- At the time of the marriage, were either of you dependent on parents or others to make major decisions, and if so, was the marriage really decided by parents or another significant person?*
- Was this marriage arranged by your parents or relatives, and not your choice?*
- Do you think the marriage would not have occurred if someone important to either of you had not insisted on marriage?*
- Did either of you actually want to call off the marriage, but felt pressured to go through with it anyway (for example, by a parent saying, "All arrangements are made and I insist that you go through with your plans.")?*

Invalid Convalidation

When a Catholic person or couple seeks to have an invalid marriage recognized by the Church, it is accomplished only through a new marriage within the Church. Each party must make a totally new decision and a new act of consent. They must understand that they are beginning their sacramental marriage, not “blessing” the existing invalid marriage. This ground applies if one or both spouses were Catholic, first entered an invalid marriage not recognized by the Church, and later had that marriage convalidated in the Catholic Church. This ground can be considered if the convalidation was not done freely and knowingly, or if the spouses did not intend to enter a new sacramental marriage at that time, but saw the convalidation merely as a continuation of the existing invalid marriage.

- At the time you married your former spouse, were either of you Catholic?*
- Did the marriage first occur “outside the Catholic Church,” that is, not according to the laws of the Church? If so, was it later convalidated or “blessed” in the Catholic Church?*
- Was there a specific reason for the marriage to be validated (for example, the baptism of a child, illness of a family member, etc.)?*
- Were there serious marital problems before the convalidation occurred, and if so, did either you or your former spouse believe that the validation or “blessing” would help solve those problems?*
- When the marriage was validated or “blessed,” did you or your former spouse believe that it was simply a type of “renewal” of your earlier marriage vows?*
- Did either of you think that the validation was simply a ceremony to go through, and not a new commitment to marriage?*
- Did either of you think that the civil marriage was your “real” marriage, and the validation was just a formality?*
- Did you continue to celebrate your anniversary on the date of your original marriage outside of the Church?*