

JOINING THE CATHOLIC CHURCH

PASTORAL MINISTRY TO CATECHUMENS AND CANDIDATES WHO ARE SINGLE, MARRIED, DIVORCED AND REMARRIED

	Marital status of the inquirer	Faith and marital status of fiancé or spouse	Annulments needed	Occasion for Catholic marriage	Affect on the occasion for baptism or reception
1	never married, is engaged	never married	N/A	any time	N/A
2	never married, is engaged	divorced	fiancée	after fiancée's annulment	N/A
3	married first time	non-Catholic, married first time	N/A	N/A	N/A
4	married first time	Catholic, married first time in Church	N/A	N/A	N/A
5	married first time	Catholic, married first time but outside the church	N/A	after spouse celebrates reconciliation	after convalidation
6	married first time	(Catholic) divorced, remarried	spouse	after Catholic spouse's annulment	(after convalidation)
7	divorced, not engaged and not married	N/A	N/A	N/A	N/A
8	divorced, is engaged	never married	inquirer	after inquirer's annulment	N/A
9	divorced, is engaged	divorced	both partners	after annulments	N/A
10	divorced, remarried	(Catholic) married first time	inquirer	after inquirer's annulment	(after convalidation)
11	divorced, remarried	(Catholic) divorced, remarried	both partners	after annulments	(after convalidation)

Many who wish to join the Catholic Church come to us having experienced a divorce. The marital status of catechumens and candidates often creates an opportunity for additional pastoral care. The laws of the Catholic Church governing marriage and

divorce are many and complex. But they all support our belief that marriage is holy, and that one of its defining features is permanence of commitment. Although the process of obtaining an annulment involves soul-searching, self-disclosure, examination, cooperation, and sorrow, the results can be uplifting. A bruised memory can be healed with the realization that an earlier marriage did not possess the spiritual quality of a later one, and that the Catholic Church essentially agrees that a particular divorce - though painful - was the right choice.

When catechumenate ministers visit with a person interested in joining the Church, they usually ask about marital status. It is difficult to talk about annulments on the first visit, but in many cases it is important for the inquirer to have a good idea about the steps he or she takes in order to join Catholics at the communion table. Many ministers find this conversation distasteful, but an honest discussion early on will present an occasion for speaking about values and lay a foundation of trustworthiness upon which catechesis can build.

Not every catechumenate minister has experience in annulments, and many find the laws difficult to follow. They often look for a simple way to evaluate the situation and to explain the basics to those who are joining the Church.

This article aims to help those in catechumenate ministry understand the procedures that may be necessary to advance a

divorced person to the sacraments. The accompanying chart helps with a quick assessment. Several points should be kept in mind.

Form. A baptized Catholic is bound by the form of marriage (that is, the Catholic rite of marriage, witnessed by a deacon or a priest). When marrying a non-Catholic, a Catholic may obtain a dispensation from canonical form through the Church, in which case a marriage conducted elsewhere by a different minister is valid. But if this step was never taken, and if the Catholic marries outside the Church, the Church considers the marriage invalid and the Catholic may not receive communion. The Catholic may return to the sacraments if this marriage fails, ending in divorce; or if this marriage endures and is convalidated by a deacon or a priest (see below).

Non-Catholics are not bound by the form of Catholic marriage. Their marriages are presumed to be valid, even if the ceremony takes place in a courthouse.

Annulments and privileges. If the marriage of two baptized Christians ends in divorce, and if one of them wishes to enter a marriage recognized by the Catholic Church, an annulment will need to be completed on the failed marriage.

If the marriage of two unbaptized persons ends in divorce, and if one of them wishes to enter a marriage recognized by the Catholic Church, the failed marriage may be dissolved by means of the Pauline privilege. The Pauline privilege has its origin

in divine law (1 Corinthians 7:12-15). It may be applied if the partners of the failed marriage were unbaptized at the time of the wedding, as long as the one who now wishes to marry a new partner has since been baptized or is joining the Catholic Church. These cases are processed within the diocese. Once the conditions can be verified, the first marriage is dissolved by the new marriage.

If the marriage of a baptized Christian and an unbaptized person ends in divorce, the failed marriage may be dissolved by means of the Petrine Privilege. The marriage is not considered to be a sacrament because one partner was never baptized. The paperwork must be submitted to the Congregation for the Doctrine of the Faith in Rome, which presents it to the Pope. In practice, many dioceses prefer to use the annulment process in these cases; they resort to the Petrine privilege only if the annulment is unsuccessful.

When the chart in this article refers to "annulments", it also means to include the Pauline and Petrine privileges when these apply. The word "inquirer" in the chart refers to a person interested in joining the Catholic Church, whether or not he or she is baptized.

All the chart's cases involving divorce apply to all divorces in question. Although the chart refers to someone who may have one previous marriage and divorce, annulments must be

obtained on all previous marriages. The only exception is when a Catholic divorces and then marries outside the Church one or more times. Only one formal annulment is needed: for the first marriage. The others are handled more simply as cases that are invalid for lack of canonical form since they were not celebrated in the Church.

Occasion. Ordinarily, an unbaptized adult or child of catechetical age should be baptized at the Easter Vigil. Exceptions may be made (*Rite of Christian Initiation of Adults* 26), but these should be rare.

A person baptized validly in another Christian family may be received into the full communion of the Catholic Church at any time of year. (See National Statutes 33 in the appendix of the RCIA). This ceremony need not take place at the Easter Vigil. The priest who receives the candidate always has the faculty to confirm (Code of Canon Law 883 §2 and 885 §2.)

Some pastors wait to convalidate a marriage until just before the person joining the Church celebrates baptism or the rite of reception. There is no need to wait. The convalidation may take place immediately after the annulment is complete. This will allow the Catholic spouse to return to the sacraments.

Convalidation. When there are no further obstacles, an invalid marriage between the inquirer and a Catholic spouse may be blessed by a Catholic deacon or priest in a ceremony more

properly called convalidation. He follows the same Rite of Marriage used for a typical wedding, but usually with no mass or solemnity. At least two witnesses must be on hand. In practice, most couples prefer a simple ceremony to which they invite only a few family and friends, if any.

The valid marriage of two baptized persons is a sacrament. If one or both partners are unbaptized, the marriage may be valid, though not sacramental. A valid nonsacramental marriage becomes sacramental at the time of baptism. No convalidation is ever required for a valid marriage.

Here are some explanatory notes to each of the 11 situations in the chart.

1. Marriage may be celebrated before or after the person's baptism or reception into the Church. It depends on the couple's preferences and the person's readiness to join the Church. A catechumen who wishes to marry before baptism has a right to have a Catholic ceremony, but without mass (RCIA 47).
2. A person who has never been married, and who is engaged to a person who is divorced, may join the Church at any time he or she is still single. However, if the marriage takes place before joining the Catholic Church, it becomes case #6 below. If the marriage is to take place after joining the Church, it cannot be a Catholic wedding unless the

Church has first granted an annulment to the previously married party. If the new Catholic marries without the fiancée's annulment, outside the Catholic Church, the new Catholic becomes ineligible for communion until the previous marriage is annulled and the present marriage is convalidated. In order to avoid this situation, it would be prudent to complete the fiancé's annulment before the person joins the Church.

3. The first marriage of two non-Catholics should not be convalidated, even if they were married in a civil ceremony. It is presumed to be a valid marriage.
4. If the person joining the Church is married to a Catholic, if this is the first marriage for both of them, and if they had a Catholic wedding, or were dispensed from the canonical form, they have a valid marriage.
5. If the person joining the Church is married to a Catholic, if it is the first marriage for both of them, and if the marriage took place outside the Catholic Church without a dispensation from canonical form, the marriage is invalid because of the Catholic party, who is also ineligible for communion. No annulment is necessary because there is no divorce in question, but the marriage needs to be convalidated. The pastor may determine the amount of marriage preparation required. The Catholic party should

go to confession, and a priest or deacon should convalidate the wedding. There is no need to wait for the non-Catholic party to join the Church. As soon as the wedding is convalidated, the Catholic may return to communion. The inquirer cannot join the Catholic Church until after the convalidation takes place because the invalid marriage makes him or her ineligible for communion in the Church.

6. If the person joining the Church is married to a person who was previously married and divorced, the spouse must obtain an annulment. If the spouse is a Catholic, the marriage is then convalidated. If the spouse is not a Catholic, there is no convalidation. The inquirer may not join the Church until these steps are completed because an invalid marriage makes a person ineligible for communion in the Catholic Church.

7. A divorced person who is not engaged and not married may become a Catholic at any time. The former marriage does not have to be annulled in order to join the Church. However, after becoming a Catholic, if the person wishes to marry in the Church, the former marriage will need to be annulled.

8. If the person joining the Church is divorced and engaged to someone who has never been married, the inquirer may become a Catholic before the new marriage. However, the new

Catholic will need to have an annulment before a Catholic marriage can take place. If the marriage takes place without the annulment, the new Catholic will be ineligible for communion. If the marriage takes place before joining the Church, it becomes case #10 below. Although it is not necessary to obtain the annulment before joining the Church, it would be prudent to do so because of the engagement.

9. If the person joining the Church is divorced and engaged to another divorced person, he or she may become a Catholic before obtaining an annulment. However, both partners will then need to have their previous marriages annulled before they can be married in the Church. If they do not obtain annulments, they cannot have a Catholic marriage; if they marry outside the Church, the new Catholic will be ineligible for communion. It would be prudent to have the annulments resolved before joining the Church; but it is not absolutely necessary. If the couple marries before the person joins the Church, it becomes case #11 below.

10. If the person joining the Church is divorced and remarried to a Catholic not formerly married, he or she must obtain an annulment before the marriage can be convalidated. This person may join the Church only after the convalidation of the present marriage. If the spouse

is not a Catholic, there is no convalidation, but the annulment must be obtained before the person joins the Church because without it he or she would be ineligible for communion.

11. If the person joining the Church is remarried to a Catholic and both spouses have previous marriages and divorces, those marriages need annulments and the present marriage needs to be convalidated before the person may join the Catholic Church. The convalidation may take place as soon as the annulments are completed, even if baptism or reception into the Catholic Church takes place later. If the present spouse is not a Catholic, there is no convalidation, but the annulments still must be obtained because without them the person joining the Church would be ineligible for communion.

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