



Grounds in Formal Cases - Expanded ¹

(As of February 24, 2020)

The following pages list the possible grounds that can be used in a marriage case before the Tribunal. After a brief *formal* and an informal description of each ground, a list of questions relating to that ground follows. If the answer to most or all the questions is “yes,” then that ground may apply to the marriage case. The Judge(s) decide each case solely based on whether the grounds are proven by the declarations, affidavits, and testimonies submitted by the parties (Petitioner and Respondent), their witnesses, and expert consultants.

Every marriage case must have at least one feasible ground. Throughout the processing of the case, the grounds are applied to the marriage at the time of consent, rather than, perhaps, to events as the marriage progressed.

When a case is submitted, upon review of the Petitioner’s declaration (*libellus*), the Judicial Vicar will propose preliminary grounds that appear reasonable to be pursued. If he cannot see any potential ground, the case is rejected. With proposed grounds, however, the Judicial Vicar will accept and acknowledge the *libellus*, and both parties are notified.

After both parties have had the opportunity to provide declarations, the Judicial Vicar will set the actual ground(s) for the case. The parties are notified of the ground(s) and given the opportunity to express any objections to the ground(s). The Judicial Vicar may then reconsider or proceed as determined by “Formulating the Doubt” and constituting the Court² in the Ordinary or Briefer Process. The Tribunal will contact witnesses for their testimonies.

Ground changes after this point must be requested by one of the parties or their Procurator. If this is the case, the other party again is notified and given the opportunity to express any objections.

After it appears the Tribunal has received all testimonies and evidence that can reasonably be expected, both parties are notified (“Publication of the Acts”) and given the opportunity to review the file in the Tribunal offices, to provide any additional information, or to rebut any statements. After that, the case is presented for the Court’s decision.

For many, contemplating the grounds brings a flood of memories, both happy and sad. The following pages hopefully will help the parties understand how a Tribunal makes decisions in marriage cases and to help the parties and their Advocates determine which ground(s) may apply to the case.

NOTE: Concerning Convalidation of Marriage (canons 1156-1165)

When considering a marriage that was convalidated, it is necessary to look at the consent at the time of convalidation, rather than the consent at the time of the attempted (civil or non-Catholic) marriage. Grounds discussed herein may be used in adjudicating a case for a convalidated marriage.

¹ Adapted from several sources, particularly www.consentmakesmarriage.com and the Diocese of Harrisburg

² The Court normally consists of one or three Judges, Defender of the Bond, Assessor(s), Auditors, and Ecclesiastical Notaries, each serving in specific roles to ensure the appropriate canonical procedures are observed and the parties’ rights are protected.

INCAPACITY

Insufficient Use of Reason (canon 1095, 1°)

The marriage is invalid because a person, at the time of consent, lacked sufficient use of reason at the time of consent. A person must have reasoning ability sufficient to know and understand that, in marrying, “a man and a woman give to and receive from each other, by an irrevocable covenant to constitute a partnership of the spouses’ entire life together, a partnership ordered, by its nature, to the good of the spouses and to the procreation and upbringing of children.

To enter a valid marriage, a person must have the degree of reasoning ability sufficient to know and understand what marriage is and be aware of what he/she is doing at the time of marriage. Serious conditions, such as profound mental retardation, certain personality disorders, or blackout states (caused by alcohol 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 you or your former spouse abuse alcohol or other drugs to the point of blacking out? If so, did either of you use alcohol or other drugs before the wedding ceremony?
- Were you or your former spouse intoxicated, “stoned,” or “high” during the ceremony?
- Were you or your former spouse ever diagnosed with a very low intelligence, a serious learning disability, or a serious difficulty with the ability to reason?
- Were you or your former spouse ever diagnosed with a mental disability or a mental illness that caused blackouts 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°)

The marriage is invalid because of a grave defect of discretionary judgment concerning the essential matrimonial rights and obligations to be mutually given and accepted, at the time of consent.

To enter a valid marriage, a person must have use of sound reason and mature judgment. This means the person is making a prudent and free decision, after careful judgment, to enter marriage with a particular person, and the decision is not impulsive or without forethought. The causes of such lack of discretionary judgment may entail a serious lack of understanding of the responsibilities of marriage and/or a serious lack of knowledge of oneself or the former spouse. Severe immaturity could be involved. If one or both spouses either lacked sufficient knowledge of marriage or could not 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. The Tribunal may require an evaluation by an impartial, professional expert.

- Did you or your former spouse have extremely little or no dating experience before becoming engaged?
- Were you or your former spouse on the rebound from a broken relationship or previous marriage when you decided to enter this marriage?
- Did either of you see marriage as simply “the next step” without much consideration?
- Was your courtship very brief or at long distance?
- Was the decision to marry made impulsively or without much thought?
- Did either of you make immature or impulsive decisions in other areas of life (career, finances, etc.)?
- Did either of you come from a family environment in which there never was a role model for a happy or healthy marriage?
- Looking back, would you say one or both of you did not know the other well enough before marrying?

- Was the decision to marry based on some pressing issue or circumstance (for example, a premarital pregnancy, difficult home situation, peer pressure, escape from another relationship, impending separation)?
- Did family or friends express serious concerns about this marriage? If so, did you or your former spouse ignore their advice?

Incapacity to Assume the Essential Obligations of Marriage (canon 1095, 3^o)

The marriage is invalid because of an inability to assume the essential obligations of marriage, at the time of consent, due to causes of a psychological nature.

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/her psychological capacity to fulfill. Even if the condition became known or diagnosed only after the marriage, if a person was afflicted at the time of the marriage with a serious psychological or psychiatric condition that prevented him/her from assuming the obligations of marriage, the marriage is invalid. Often this involves a personality disorder or mental illness that prevents a person, at the time of consent, from assuming the essential matrimonial rights and obligations to be mutually exchanged. Proof of the condition must be provided. Because the ground requires incapacity, not merely diminished capacity, it may be difficult to prove. The Tribunal may require an evaluation by an impartial, professional expert.

- Were you or your former spouse, at the time of the marriage, already 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 you or your former spouse have any addictions at the time of the wedding (alcohol, other drugs, prescription drugs, etc.)? If so, 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 sexual identity, or homosexuality? If so, did this affect the ability to live out the commitment to marriage?

IGNORANCE

Ignorance of the Societal Nature of Marriage (canon 1096)

The marriage is invalid because a person, at the time of consent, was ignorant of either the object or of the subject of marriage. The person is capable of knowledge but lacked the opportunity to know that Christian marriage is a permanent, exclusive, intimate, interpersonal relationship of a special nature between a man and woman.

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 you or your former spouse come from a family environment in which there were many divorces, separations, or live-in relationships?
- Did either of you have the experience of growing up in several households, whether among relatives or foster parents?

- Did either of you grow up in an institution, such as an orphanage? If so, can you say there never was a role model for a happy or healthy marriage?
- Can you say that you or your former spouse did not know when you married that marriage is a permanent partnership?
- Were you or your former spouse 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 you or your former spouse surprised or shocked after marriage by what marriage was all about?
- Did you separate early in the marriage after discovering what marriage was all about?

Ignorance of the Sexual Nature of Marriage (canon 1096)

The marriage is invalid because a person, at the time of consent, was ignorant of either the object or of the subject of marriage. The person is capable of knowledge but lacked the opportunity to know that Christian marriage is a permanent, exclusive, intimate, interpersonal relationship of a special nature between a man and woman and ordered to the procreation of children through sexual cooperation.

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 a person beyond the age of puberty, this ground may be considered if one or both spouses were truly ignorant of this fact.

- Were you or your former spouse extremely young when you began dating each other? If so, was this dating relationship the only one before marriage?
- Did either of you come from a family environment in which 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 you or your former spouse reared in an environment that was extremely sheltered or sexually repressed (to an unhealthy degree)?
- Were you or your former spouse 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 LAW or DETERMINING ERROR

Error Concerning the Person (canon 1097, §1)

The marriage is invalid because a person, at the time of consent, was in error concerning the other person at the time of consent.

To enter a valid marriage, one must know the person he or she is marrying. In other words, marital consent is exchanged between 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 can 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 each other only a short time before marriage?
- Was your courtship at a distance?
- Did you spend very little time together alone before marriage?
- Were you or your former spouse not the person the other expected to marry?

- After the marriage, did you or your former spouse discover the other partner was not the person he/she expected to marry?
- Did you or your former spouse react with shock or surprise when the error was discovered?
- Did you separate immediately afterward, or did your marital relationship change immediately after the discovery?

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

The marriage is invalid because a person, at the time of consent, was in error concerning a quality of the other person directly and principally intended in a spouse.

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 erroneous 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. The discovery of the truth must have had a serious effect on the nature of the marriage.

- Was there a certain quality or trait that you or your former spouse was looking for in a prospective husband or wife (for example, a certain social status, marital status, education, profession, religious conviction, freedom from addiction or disease, lack of criminal record)?
- Did you or your former spouse consider that trait so important in a prospective spouse that a marriage would have taken place only with a person with that trait?
- Would this marriage have been called off if the other person did not possess that quality/trait?
- When it was discovered that you or your former spouse did not possess that quality/trait, did the other spouse react with shock or surprise?
- Did you separate immediately after the discovery?
- Did your marital relationship change immediately after the discovery?

Fraud or Deceit (Imposed Error) (canon 1098)

*The marriage is invalid because a person entered marriage intentionally deceived by fraud, perpetrated to obtain marital consent, concerning some quality of the other party which of its very nature seriously disturbed the partnership of conjugal life. *Fraud is the intentional act of deception.**

A person who enters marriage deceived by fraud, which is perpetrated to obtain the marital consent of the other person, marries invalidly. The fraud could have been perpetrated by the other spouse or by a third party, but the result was the same: one of the contracting parties consented because he/she was deceived into doing so.

- 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 the person to make a well-informed marital decision?
- Was the deception intentionally done in order to get the person's agreement to marry?
- If the truth had been known and the deception not carried out, would the marriage not have occurred?
- Did the discovery of the deceit have an immediate effect on the marriage?
- Did the separation or divorce occur because of this discovery?

Error Concerning the Unity of Marriage (canon 1099)

The marriage is invalid because a person, at the time of consent, was in error determining the will concerning fidelity in marriage. Error about the substance of marriage can invalidate.

To enter a valid marriage, both spouses must intend to be absolutely faithful to one another. When a person is not aware of the true nature of marriage, he/she may have chosen a model of marriage contrary to Christian marriage. If one or both spouses entered marriage with an erroneous belief that infidelity, polygamy, or polyandry is possible, this ground can be considered. The belief must have been firmly held, or, in other words, marriage could not be conceived of in any other way than allowing for infidelity, multiple spouses, or sexual partners.

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

Error Concerning the Indissolubility of Marriage (canon 1099)

The marriage is invalid because a person, at the time of consent, was in error determining the will concerning the indissolubility of marriage. Error about the substance of marriage can invalidate.

To enter a valid marriage, both spouses must agree to the absolute permanence of marriage. When a person is not aware of the true nature of marriage, he/she may have chosen a model of marriage contrary to Christian marriage. If one or both spouses entered marriage thinking it may be a temporary arrangement, divorce is an option, or remarriage is a possibility, this ground can be considered. The error could include the idea that marriage lasts only as long as the spouses decide, if they remain in love, or that the state has the authority to dissolve a marriage. The 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 you or your former spouse reared in a family environment in which there were multiple divorces and remarriages?
- Did either family consider divorce and remarriage acceptable or desirable?
- Did either of you believe your marriage might not be permanent?
- At the time of the marriage, would either of you have said you could divorce and remarry for a particular reason (for example, physical abuse, adultery, unhappiness, illness)?
- If you and your former spouse had been told that divorce with remarriage would be impossible for any reason, would either of you backed out of the marriage?
- Did either of you clearly believe it was your right to divorce or remarry at will?
- Did either of you sign a prenuptial agreement because you thought the marriage might not be permanent?
- Were you or your former spouse reared in a home with no religious practice?

- Were you or your former spouse reared in a religion that accepted divorce with remarriage under certain circumstances (for example, physical abuse, adultery)?
- Did you sign a prenuptial agreement because you thought divorce would be an option?
- At the time of the marriage, did you or your former spouse accept the idea of a “trial” marriage with the understanding that you could divorce if it did not work out?

Error Concerning the Sacramental Dignity of Marriage (canon 1099)

The marriage is invalid because a person, at the time of consent, was in error concerning the sacred character or sacramental nature of marriage between two baptized people.

A person may enter marriage validly when he or she is in simple error (holding a false opinion) about the sacramental dignity of marriage. However, if one or both spouses entered marriage with an erroneous belief that marriage simply is a civil or secular matter and it has no relation to the sacred for the baptized, the marriage may be invalid. 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.

- Were you or your former spouse reared in a family environment in which there was no practice of religion?
- Did either of you come from a religious background that 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 civil official because one or both of you did not want a church wedding?
- Did either 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 had 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 and that he/she never could envision marriage as having some religious or sacred element to it?
- Did either of you have a hatred or aversion to religion?

SIMULATION

Total Simulation Marriage (canon 1101)

The marriage is invalid because a person entered marriage by a positive act of the will that excluded marriage itself.

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 the marriage, did not intend to enter a real marriage as taught by the Church. Instead, something quite different was intended. This ground may be considered if one or both spouses “went through the motions” to marry and but did not intend to enter a genuine, lasting, exclusive marriage with openness to children.

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

Partial Simulation of Marriage (canon 1101)

The marriage is invalid because one or both parties, by a positive act of the will, at the time of consent, withheld from consent the right to an essential element of marriage such as openness to children, fidelity, or permanence. These three bona, or gifts, lead to a fourth, the good or wellbeing of the other spouse.

Intention Against the “Good of Permanence”

An intention against the permanence (sacramenti) of marriage would involve withholding from the other party the right to perpetuity; that is, entering marriage with the idea that one had the right to divorce and remarry.

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 spouse themselves. The marriage is invalid if one enters it with the intention to make the marriage only temporary, to keep divorce with remarriage as an option, or to reserve to oneself the right to decide at any time to end the marriage.

- Did you or your former spouse believe one has 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 that taught that divorce was acceptable, perhaps under certain circumstances (for example, adultery, physical abuse, unhappiness, illness)?
- Were you or your former spouse 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?
- Is there a history of divorce in either your family or that of your former spouse, or among friends?
- Did you sign a prenuptial 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 never was possible?

Intention or Condition Against the “Good of Children”

An intention against children (prolis) would involve withholding the right to sexual acts open to the begetting of children and/or withholding the right to the education of offspring not only academically, but also religiously.

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 usually is that no children are conceived after the wedding day, or the number of children was deliberately and intentionally limited from the beginning.

Additionally, 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 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.

It is important to note that what invalidates the marriage is the intention, present from the beginning, to avoid or limit children. The use of contraception itself is not a ground of nullity.

- Did you or your former spouse believe firmly that one 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, saving money, traveling, or a certain number of years)?
- Was there a limit on the number of children you would have in the marriage?
- Was there a decision before marriage to have no children together?
- Even if there was a premarital pregnancy, was there the intention to have no other children in the marriage?
- Did 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 we have only one child.”)?
- Was this an absolute intention or condition and not just a vague thought about the futures?
- Was this a firm intention or condition and not negotiable or changeable?
If yes to any of these questions, were there definite means taken to avoid pregnancy (for example, consistent contraceptives, birth control medication or devices, abortion, sterilization by vasectomy or tubal ligation)?
- Was the exclusion or condition actually fulfilled?

Intention Against the “Good of Fidelity”

An intention against fidelity, or exclusivity (fidei), would involve the withholding from the other the right to fidelity by not recognizing that fidelity is essential to marriage and by not intending to keep the vow of fidelity.

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 an individual enters marriage with the intention of excluding such absolute fidelity, remaining open to the possibility of thinking that he/she 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 you or your former spouse believe you had the right to determine if either would have other sexual partners in this marriage?
- Did you or your former spouse intend to have an “open” marriage that would permit other sexual partners?
- Did either of you come from a family environment in which there were many sexual partners or live-in companions, or were the parents sexually unfaithful during their marriage?
- Was sexual infidelity acceptable to 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 you or your former spouse unfaithful to the other during your engagement?
- Were you sexually active with your former spouse before marriage?
- Did you and your former spouse cohabit before marrying?
- Did you or your former spouse cohabit or live with another person before this marriage?
- Was there infidelity or adultery during your marriage?

Intention Against the Good of the Spouse

An intention against the good of the spouse (coniugum) would involve not being mutually giving and accepting of one another, or as stated in Annulments, by Lawrence Wrenn, "... to exclude any obligation on their own part to be loving, caring spouses."

- Did you or your former spouse not perceive the other as a separate individual worthy of respect?
- Did you or your former spouse see the other's role in marriage as subservient or of less importance in the marriage?
- Did you or your former spouse listen to the other's wishes, hopes, and goals?
- Were you or your former spouse physically, mentally, verbally, or sexually abusive to the other?

CONDITIONED CONSENT

Future Condition (canon 1102, §1)

The marriage is invalid because a person entered marriage with a reservation or future condition.

To enter a valid marriage, 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 (for example, that one's spouse will change religions in the future, enter a certain profession, or will bear a child), the marriage is invalid. This ground can be considered if one or both spouses entered marriage with an expressed condition based on some event in the future. In the 1917 Code, a future condition suspended validity until it was fulfilled. In the 1983 Code, a future condition always invalidates.

- Did you or your former spouse attach to your marriage any condition concerning the future (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 prenuptial agreement thinking 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? If so, did this lead to the final separation or divorce?

Past and Present Condition (canon 1102, §2)

The marriage is invalid because a person entered marriage based on a past or present condition of the existence or non-existence of a fact, typically concerning the spouse's or his/her past (for example, citizenship, criminality) or present state (for example, pregnancy, a medical condition, career, a character or trait).

To enter a valid marriage, spouses are required to give total and free consent to marry one another. Placing a past condition on the 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 of marriage or 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 from the past or present.

- Did 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 never were married before; ... you have finished college; ... you never were in jail; ...you never abused drugs before.")?
- Did 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 do not have a sexually-transmitted disease; ... you are the father/mother of my child; ... you are a virgin; ...you do not abuse drugs or alcohol; ... you are free of debt.")?

- Did you sign a prenuptial agreement or any other document regarding a past condition?
- Would you or your former spouse have called off the wedding or ended the marriage if the condition had been discovered to be unmet or false?
- Did the condition remain unfulfilled? If so, was this a reason for the separation/divorce?

FEAR

Force or Fear (canon 1103)

The marriage is invalid because the marriage was entered into due to force or grave fear inflicted from outside the person, even when inflicted unintentionally, which was of such a type that the person was compelled to choose matrimony in order to be freed from it.

To marry validly, a person must freely choose to enter marriage. Fear is the internal result of the external force. The fear must be both grave and compelling, so that the person chooses to marry to escape from the force and fear. Force or threats could come from parents, family, employer, church, cultural expectations, etc. This ground can be considered if one or both spouses entered marriage in order to be free of some external force or some internal fear that 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 you or your former spouse forced or pressured in any way to enter this marriage?
- Was the marriage someone else's idea, and not yours or that of your former spouse?
- Did either of you feel you had no real choice other than to marry the other?
- Were 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?

Reverential Fear (canon 1103)

The marriage is invalid because the marriage was entered into due to force or grave fear inflicted from outside the person, even when inflicted unintentionally, which was of such a type that the person was compelled to choose matrimony in order to be freed from it.

To marry validly, a person must freely choose to enter marriage. If one or both spouses chose to enter marriage principally because of a grave fear of displeasing a person who was an important authority figure, this ground can be considered. As in the ground above, reverential fear is an internal emotion that 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 that is subjectively important.

- Were you or your former spouse forced or pressured to enter this marriage by someone important in your or your former spouse's life (for example, parents, clergy, relatives, or a teacher)? If yes, was the marriage this person's idea and not yours or that of your former spouse?
- Was someone making marriage a condition for something else (for instance, an inheritance, job, or baptism of your child)?
- At the time of the marriage, were you or your former spouse dependent on parents or others to make major decisions? 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 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 you go through with your plans.”)?