

Tribunal Annulment Cases: Canonical Considerations Where Domestic Violence Has Occurred

Rev. Thomas Ferguson VG, PhD
Diocese of Arlington, VA

Canon 1153 in the U.S.A.

- Canon 1153
 - Provides for the separation of spouses if one “causes grave mental or physical danger to the other spouse or to the offspring or otherwise renders common life too difficult”
- Canon 1155
 - Marriage is a partnership of the whole of life that has as one of its ends the good of the spouses
- Code of Canon Law = Law for the universal Church

Pope Francis *Amoris laetitia*, 241

“In some cases, respect for one’s own dignity and the good of the children requires not giving in to ... violence or chronic ill-treatment. In such cases, separation becomes inevitable. At times it even becomes morally necessary, precisely when it is a matter of removing the more vulnerable spouse or young children from serious injury due to abuse and violence, from humiliation and exploitation, and from disregard and indifference’. Even so, ‘separation must be considered as a last resort, after all other reasonable attempts at reconciliation have proved vain’”.



The juridic significance of domestic abuse in the annulment process

- Pope Francis' Reform of Tribunal Process
 - Truth, Mercy and Justice
- Legal Grounds versus Personal Experience
 - Pastoral Care and Patience

Domestic abuse as evidence used to determine the possible nullity of a marriage

- Regarding the Aggressor
 - Lack of knowledge
 - Defect in the Will
 - Inability to assume the obligations of marriage
- Regarding the victim/survivor
 - Consider family of origin history
 - Lack of Due Discretion