

HOMILY ON MARRIAGE, DIVORCE, ANNULMENT AND RE-MARRIAGE

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27th Sunday Ordinary Time in Year B

Genesis 2:18-24: "That is why a man leaves his father and mother and clings to his wife, and the two of them become one flesh."

Mark 10:2-16: "So they are no longer two but one flesh. Therefore what God has joined together, no human being must separate. Whoever divorces his wife [Mt 19:9 - "except for unchastity" - "porneia"] and marries another commits adultery against her; and if she divorces her husband and marries another, she commits adultery."

As in our Opening Prayer of today: "Lord, lead us to seek beyond *our* reach; give us the courage to stand before *your* truth." Give us the courage to listen to Jesus's own teaching, to the teaching that takes us beyond the Law of Moses, beyond the Old Law, which allowed for divorce, and on to the New Law of Jesus Christ, the Good News. According to Jesus (and the Book of Genesis): a man and a woman in marriage "are no longer two but [now] one flesh. Therefore [and, here is the novel thing, in Jesus' own words] what God has joined together, [let] no human being ... separate." No more divorce!

According to Jesus, God's plan for marriage, established at the time of our creation, is now to be restored, in Jesus' own divine mission of salvation, in Jesus Himself, and in His teaching, "let no man separate what God has joined together." "Lord, lead us to seek beyond our reach; give us the courage to stand before your truth."

I have heard it said, in the context of Jewish-Catholic Dialogue, that the teachings of Jesus represent a whole new religion, "Christianity," one substituting an "easier to follow" code of behavior, for the "harder to follow," code of the Old Law, of Judaism. Christianity is thus presented as a kind of "watered down Judaism," diluted so as to be more manageable, for us Gentiles who just could not handle the "real thing" - Judaism! That is a misrepresentation, of course! Today's Gospel proves that viewpoint to be wrong. Here, Jesus makes it very clear that he comes not to abolish the Old Law, but to fulfill it in the New Law. In the comparable section of the Gospel of Matthew, He says, "I tell you, unless your righteousness surpasses that of the scribes and Pharisees you will not enter the Kingdom of God." We have a higher standard to meet! Not a lower! "Lord, lead us to seek beyond *our* reach; give us the courage to stand before *your* truth."

Jesus comes to flesh out the bare bones of the Old Law, with its "fuller meaning," already present in the Old Law, but obscured. For instance, the Old Law allowed for divorce, even in cases of valid marriage (Dt 24:1), but then, only in certain cases, and only as exceptions to the general rule of the Old Law - that "valid marriage" was permanent, and was not to be ended by a divorce; it was "indissoluble," not to be dissolved, not to be divorced. That was the Old Law's general rule - the same as Jesus's own rule. But, in today's Gospel, Jesus now fulfills the Old Law, by taking its general rule, "there is no divorce of a valid marriage," and extending it out to all the possible cases, Jesus, now, leaving no exceptions to the rule allowing for divorce. Jesus says that now, after he has come to us, divorce followed by a re-marriage is always going to result in a situation of "adultery." That is Jesus's own word!

Divorce never dissolves the first marriage, as long as it is a valid marriage. Marriage is permanent! There is just no possibility of a second, valid marriage -- after a divorce of a first, valid marriage. In this, Jesus fulfills the Old Law! He completes the Old Law. Jesus (Mt 19:4-9) says that Moses gave you divorce, because of the hardness of your hearts, but only as a temporary expedient. "From the beginning it was not so." Rather, the Creator made us male and female, "the two shall become one flesh, no longer two, but one flesh. Therefore, what God has joined together, let no human being separate." (Mt 19:6). "Lord, lead us to seek beyond *our* reach; give us the courage to stand before *your* truth."

Jesus' "New Law" of love is at work here. God loves us so much that he sent his Son, Jesus Christ, God himself, to become one of us, in his own person to "marry" divinity and humanity, once and for all, permanently. Christian marriage, matrimony, is a "representation" between man and woman, between husband and wife, of that permanent, loving "marriage" between Christ and humanity. Catechism of the Catholic Church 1647-48. That is why we call it a "sacrament." Just as it is not possible to break the unity in Christ of his divinity and our humanity, so also it is not possible to break the marital unity of husband and wife, once established in a valid marriage, after the sacrament of matrimony. One flesh! Not really possible to divorce! It is only a pretense! Only an illusion!

Today's Gospel of Mark passage is just one of the Scriptures from which we Catholics derive Jesus' teaching that valid sacramental marriage is not to be terminated by divorce. Cannot happen! Marriage is permanent. Mt 5:31-32; Mt 19:3-9; Mk 10:11-12; Lk 16:18; 1 Cor 7:10-11.

Summing up, the "New Law" of love is that there is to be NO DIVORCE AFTER A VALID MARRIAGE; AND NO REMARRIAGE AFTER SUCH

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A DIVORCE. "Lord, lead us to seek beyond *our* reach; give us the courage to stand before *your* truth."

For many married couples that teaching of Jesus has been a very difficult theology - and church law - to follow in their lives. But, the holiness of Christians is required to surpass that of followers of the Old Law. And, the grace of Jesus Christ, not least the sacramental grace of the sacrament of matrimony, is given to us, so that we may have the strength, and the love, to follow Jesus' much more demanding New Law of love.

By the grace of God, we may keep working at valid, but not very "good" marriages, hoping that they will be really "good" marriages, at least someday! And by that same grace of God, even after those valid marriages have finally failed in practice, fallen apart, we may yet hope to avoid violating their permanency, which happens, however, whenever, after we get divorced we get re-married - invalidly. By that same grace of God, those among us who have entered into such invalid re-marriages - after a divorce - are called upon to continue to attend Sunday Mass, to pray, to repent (CCC 1651), and to turn back to Jesus's own teachings, and to all of them. And, meanwhile, Catholics in such situations are also called upon to refrain from receiving Holy Communion - so long as the invalidity of their re-marriage lasts, so long as it is not corrected (CCC 1650). Some of our people in situations like that are living now as "brother and sister," at home, rather than as husband and wife, and, thus, are enabled to get back to receiving Holy Communion after consultation with a priest. This all takes the grace of God in Jesus Christ - no other way that we may live up to these, his teachings! "Lord, lead us to seek beyond *our* reach; give us the courage to stand before *your* truth."

So, if we Catholics are bound by this New Law of love - NO DIVORCE AFTER A VALID MARRIAGE; AND NO REMARRIAGE AFTER SUCH A DIVORCE, why is it that we hear so much in recent years about "ANNULMENTS," now available to Catholics, after which they may marry again -- and validly? What are "annulments?" These very same Gospel passages (especially Matthew 19:9) are the scriptural foundation for our law of annulments and its theology.

In Mt 19:9, Jesus distinguishes the case of "unlawful marriage," in Greek, "porneia," i.e., incestuous marriage. Jesus separates that case of "unlawful marriage," i.e., invalid marriage, from the case of valid marriage. "Unlawful marriage" is, for example, a "marriage" between two "too" closely related family members, incestuous marriage, which is not a valid marriage at all, in the first place. It is really no marriage at all. Lev 18:6-18. It is "null." There are other examples of "unlawful marriage," more commonly occurring than incest, which we will come to later.

For porneia, "unlawful marriages," i.e., non-marriages, therefore, divorce is the appropriate remedy, and we read Jesus's teaching in Mt 19:9 to say just that. Really, the remedy for such non-marriages is "annulment," or better to call annulment a "declaration of nullity," just because the marriage is no marriage at all, right from its beginning. So that, therefore, in such a case of "unlawful marriage" there could then be a "second" and valid marriage, after the declaration that the "first," but "unlawful marriage" is no marriage at all, never was, and is therefore null. The point is that Jesus's NO DIVORCE rule applies to "valid marriages," but that that rule of his does not apply, of course, to "invalid (unlawful) marriages," for which, annulment is an appropriate remedy.

And, marriages, though seemingly valid, may be, in reality, invalid for a variety of reasons. For instance, a Catholic whose earlier marriage was "outside the Church," without permission of the Church (and not later blessed "in the Church"), was not validly married that first time. That is because all Catholics must marry "in the Church;" otherwise they are not married at all. Of course, this Canon Law rule of marrying "in the Church" applies only to weddings of persons who are Catholic (at least one of them) at the time of their wedding. If the rule was not followed, then we have an easy ground for a fast annulment.

Another example of invalid marriage, people who seem to be validly married, but whose consent to marry was so weakened, by problems of immaturity, addictions, or unfaithfulness, as to be really no consent at all, are not validly married. "I do" may not really mean "I do" in every case. This is a common ground for the more difficult to prove type of annulment.

For a last example of invalid marriage, people previously married, then divorced, and not yet annulled, cannot then validly marry another time. These people, if re-married anyway, should seek an annulment of that first marriage, if possible; and then seek to get that second and invalid marriage validated, in the Church, otherwise they are not really married that second time.

So, the Church allows for the annulment of invalid marriages. And we should be able to see that annulment is not in contradiction of the Rule of "NO DIVORCE AFTER A VALID MARRIAGE," but, is actually in support of that very rule, and of its policy, which is to uphold the permanence of every "valid" marriage. Lord, help us to understand the appropriate application of our annulment theology and law. Help us to support true, valid marriage - and matrimony - as permanent, always, "till death do you part." Help us to follow the teachings of Our Lord Jesus Christ. "Lord, lead us to seek beyond *our* reach; give us the courage to stand before *your* truth."