

The dissolving of a ratified marriage in the meaning of the Norms of Congregation for the Doctrine of the Faith from 2001  
Summary

The Congregation for the Doctrine of the Faith issued in the year 2001 the Norms about the possibility of dissolving marriages. It lays down in art. 1 that a marriage entered into by couple in that at least one person was unbaptized can be dissolved before ratifying it after receiving baptism by both spouses. The Congregation in the Introduction to the Norms was searching the problem in historical aspect and divided the question of dissolving marriages into four groups. The first possibility in the history of the Church was the Pauline privilege that allowed for dissolving a marriage entered into by two non-baptized people after that one of them has received baptism. The next ages showed situations that were not foreseen by Apostol. During the age of exploration, Catholic missionaries in Asia, South and Central America and the Caribbean encountered natives who were favorably disposed toward the Christian faith but who were impeded from receiving baptism because of polygamy and separation due to captivity or persecution. The sixteenth century popes like: Paul III, Pius V, Gregory XIII issued constitutions in that allowed of dissolving non sacramental marriages, different from cases met by Apostol Paul. There was the same rule in all these situations: at least one of spouses was unbaptized and wanted to receive baptism or a marriage before receiving baptism by both spouses was not ratified. From the oldest times the Catholic Church has saved the main rule that only sacramental and ratified marriage can not be dissolved. From that times we can say about four possibilities: Pauline privilege, favor of the faith, dissolving marriages because of polygamy or because of separation due to captivity or persecution. Formally the Code of Canon Law from 1917 extended these rules (previously included in the constitutions) to the universal Church. The Norms from the year 2001 of Congregation of the Doctrine of Faith confirmed original teaching of the Church and focused on dissolving marriage in favor of the faith. The author of the article focused on dissolving marriage in the Pauline privilege and in privilege of the faith. He was less interested in two next ways, because they are connected with and they are just a part of the second possibility of dissolving marriages. There are three conditions for application of the Pauline privilege: a marriage was entered into by two unbaptized people; one of them and only one received baptism; the still unbaptized spouse departed. There are three essential conditions for dissolution of a marriage in favor of the faith, too: at least one of the parties was unbaptized; marriage was not ratified after receiving baptism; if dissolution is requested to permit the marriage of a catholic with an unbaptized person or a baptized non-catholic the guaranties about practicing and education children in the catholic faith must be granted. The similar rules must be saved in the cases of dissolving marriages for the sake of polygamy and separation due to captivity or persecution.