

MARRIED OUTSIDE THE CHURCH? DIVORCED AND REMARRIED? CAN I RECEIVE HOLY COMMUNION?

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Introduction: Why this teaching?

Since I have been at St. Mary I have encountered many people who are in invalid marriages. The question often comes up: can a person who is in married outside the Church still receive sacraments such as Holy Communion and confession? Different people are taking different approaches to this issue and I would like to clear up some confusion.

In every parish that I have been in this has been one of the hardest issues that I have had to face. As a parish priest, however, I think that the best thing that I can offer my people is clarity. As I lay out my explanation of the issues involved I want to urge you to have no fear. Please pray to the Holy Spirit before reading this document. Do not be discouraged. Regardless of your situation, you are part of the Church. We love you and care about you. At the same time, I want you to receive all of the grace that God wants to give you. It would be easier if I just did not bring this subject up. However, that would not be fair to you.

1. What did Jesus teach about divorce and remarriage?

Some people ask, "Why is the Catholic Church so hung up about divorce and remarriage? The Church should get with the times. Bad marriages happen, people deserve a second chance to find happiness." The Church has compassion for individuals who have suffered difficult relationships. However, we must first remember that the Catholic Church's teaching on divorce comes from our Lord Jesus Christ. Jesus' teaching on the indissolubility of marriage can be found in Matthew 19:3-9:

And Pharisees came up to him and tested him by asking, 'Is it lawful to divorce one's wife for any cause? He answered, 'Have you not read that he who made them from the beginning made them male and female, and said, 'For this reason a man shall leave his father and mother and be joined to his wife, and the two shall become one'? So they are no longer two but one. What therefore God has joined together, let no man put asunder.' They said to him, 'Why then did Moses command one to give a certificate of divorce, and to put her away? He said to them, 'For your hardness of heart Moses allowed you to divorce your wives, but from the beginning it was not so. And I say to you: whoever divorces his wife, except for unchastity, and marries another, commits adultery; and he who marries a divorced woman, commits adultery.

Jesus gives this same teaching in a more condensed form in the Sermon on the Mount (Matthew 5:31-32) and in other places in the Gospels (Mark 10:11-12; Luke 16:18).

Note: Throughout Church history different scholars have offered different interpretations of what is meant by "except for unchastity." Without getting into that discussion it suffices to say that, while some thought that divorce could be permitted for certain offenses or certain reasons, they did not think that remarriage was possible in these rare situations.

Jesus is teaching here about the indissolubility of marriage. It was the original intention of God that marriage be indissoluble. A valid marriage creates a bond that can be broken only by the death of one of the spouses. Even if a civil government declares a marriage to be over (a civil divorce decree) that decree does not change the fact that, in the eyes of God, the marriage bond still exists.

2. What is the difference between a valid marriage and an invalid marriages?

The Catholic Church has its own code of law to govern the life of its members. This *Code of Canon Law* describes a particular form under which a baptized Catholic must marry in order for the marriage to be valid. The “canonical form” for marriage is that the man and woman must exchange marriage vows before a minister (usually a priest or deacon) who is delegated by the proper Church authority (usually the Bishop) and two witnesses. These weddings almost always happen in a Catholic church. Exchanging vows before a priest who has been laicized (e.g. a “rent-a-priest”), or for any other reason does not have proper faculties from his bishop to witness weddings does not satisfy canonical form. It is possible in rare circumstances to request a dispensation from canonical form. For example, if a Catholic marries a non-Catholic Christian who wishes to marry at their Protestant church, the couple can request a dispensation from canonical form from the Bishop. In such a case the marriage would be valid even though they did not marry in a Catholic church building. Non-Catholics are not subject to Catholic canon law. As a result, if a Protestant Christian or even a non-baptized person marries another non-Catholic in any setting (including a civil ceremony) that marriage is presumed to be valid.

Why does it matter if a marriage is valid or invalid? A valid marriage between two baptized Christians constitutes the sacrament of Holy Matrimony. With the sacrament of Holy Matrimony, a husband and wife receive special graces to help them love and serve one another, to help them remain faithful and forgiving, to help them in their mission as parents, etc. If a marriage is invalid, there is no sacramental grace in the relationship.

3. Should one receive Holy Communion in a state of serious sin?

No. Why? Sin separates us from God. Sin constitutes a barrier that prevents us from loving God and our neighbor as we should. We all struggle with sin at some level. However, when one commits a mortal sin (or, “grave sin”) one loses sanctifying grace. It is a serious thing to be in mortal sin. First, and most importantly, to die in a state of mortal sin would lead to an eternity apart from God’s presence (what we call “Hell”). Secondly, such a person has ruptured their relationship with the Lord and is no longer in the state of friendship with Christ that Holy Communion presumes and requires. As the *Catechism of the Catholic Church* states, “Anyone conscious of grave sin must receive the sacrament of Reconciliation before coming to Communion” (CCC 1386). Recall that, in order to confess one’s sins, one must be sorry (have true contrition) and have a firm purpose of amendment. This means that the person has to have the serious intention to try to avoid the grave sin in the future. Confession requires true repentance.

If someone has sexual relations outside of a valid marriage then they have committed the mortal sin of **fornication**. If someone has had sexual relations with someone who is married to someone else then they are guilty of the mortal sin of **adultery**.

4. Can the divorced and remarried receive Holy Communion?

The *Catechism of the Catholic Church* (paragraph 1650) gives us the answer: “Today there are numerous Catholics in many countries who have recourse to civil divorce and contract new civil unions. In fidelity to the words of Jesus Christ—‘Whoever divorces his wife and marries another, commits adultery against her; and if she divorces her husband and marries another, she commits adultery’ (Mark 10:11-12)—the Church maintains that a new union cannot be recognized as valid, if the first marriage was. If the divorced are remarried civilly, they find themselves in a situation that objectively contravenes God’s law. Consequently, they cannot receive Eucharistic communion as long as this situation persists. For the same reason, they cannot exercise certain ecclesial responsibilities. Reconciliation through the sacrament of Penance can be granted only to those who have repented for having violated the sign of the covenant and of fidelity to Christ, and who are committed to living in complete continence”.

In 1981 Pope St. John Paul II reaffirmed the Church’s traditional teaching in his apostolic exhortation *Familiaris Consortio* (#84):

“...the Church reaffirms her practice, which is based upon Sacred Scripture, of not admitting to Eucharistic Communion divorced persons who have remarried. They are unable to be admitted thereto from the fact that their state and condition of life objectively contradict that union of love between Christ and the Church which is signified and effected by the Eucharist. Besides this, there is another special pastoral reason: if these people were admitted to the Eucharist, the faithful would be led into error and confusion regarding the Church’s teaching about the indissolubility of marriage.” This last point concerns scandal. What we do can effect what other people perceive to be right or wrong. We do have to keep this in mind.

5. Can someone in an invalid marriage receive Holy Communion?

If someone is in an invalid marriage then they are essentially living together without the benefit of marriage. Their situation would be akin to a couple who were not even civilly married and were simply cohabitating. If their cohabitation included sexual relations then the couple would be guilty of the grave sin of fornication. Since fornication is a grave sin they should not receive the sacrament of Holy Communion unless and until they vow to refrain from sinning and live “as brother and sister.” Their situation would thus be similar to a couple that has been divorced and civilly remarried.

6. Did Pope Francis “update” the Church’s teaching that those who are married need to be in a valid marriage in order to receive the sacraments?

Pope Francis issued a Post-Synodal Apostolic Exhortation entitled *Amoris Laetitia* (The Joy of Love) in 2016. In paragraph 305 of this document the Pope notes that it is possible that a person who is in an *objectively* sinful situation (for example, living in an adulterous relationship) may not, at the personal level, be *subjectively* guilty of serious sin. He does not give a concrete example, however. Perhaps such a person could be ignorant of Church teaching or somehow not sufficiently free in their actions such that they could avoid the sin. The Pope says that the Church must attempt to give pastoral care to people in such difficult situations. The document includes a footnote with a vague reference to help that can be provided by the sacraments (specifically mentioning confession and the Eucharist). (The implication would be that those who are not subjectively guilty of mortal sin could then receive the sacraments in good conscience.) Many different church leaders throughout the world have come up with competing interpretations of this paragraph. Some cardinals issued a formal request for the Holy Father to clarify his teaching. He has not, as yet, responded to the request with a clarification. While this paragraph has become very controversial, it must be taken in context with what the *Catechism*

of the Catholic Church and *Familiaris Consortio* teach about whether those in an invalid marriage can receive the sacraments of confession and/or the Eucharist. I cannot see any change or development of Church teaching or discipline here. Even if Pope Francis' teaching is ambiguous in that part of *Amoris Laetitia*, all Catholics should still want to inform their consciences with the truth and seek to be living their lives in line with the teaching of Jesus Christ and His Church. We should not want to seek shelter in ambiguity.

7. Can the divorced and remarried (any anyone in an invalid marriage) receive Confession?

The *Catechism of the Catholic Church* (1650) teaches that: "Reconciliation through the sacrament of Penance can be granted only to those who have repented for having violated the sign of the covenant and of fidelity to Christ, and who are committed to living in complete continence." Of course, continence here refers to the abstaining from the sexual act.

Once again, in *Familiaris Consortio* (#84) Pope St. John Paul II states that: "Reconciliation in the sacrament of Penance which would open the way to the Eucharist, can only be granted to those who, repenting of having broken the sign of the Covenant and of fidelity to Christ, are sincerely ready to undertake a way of life that is no longer in contradiction to the indissolubility of marriage. This means, in practice, that when, for serious reasons, such as for example the children's upbringing, a man and woman cannot satisfy the obligation to separate, they 'take on themselves the duty to live in complete continence, that is, by abstinence from the acts proper to married couples.'"

8. But what if my relationship with my spouse looks nothing like adultery?

Imagine the following situation: A woman was married to a man in a Catholic Church. It was a "bad marriage." The man was verbally abusive and failed to care for his wife. After a few years, the couple divorced. Then, this same woman meets a man who is caring, loving, sacrificing, responsible, etc. The two marry in a civil ceremony and have been married for 25 years. The woman might think, "how could the Church say that I am committing adultery? The state says that first marriage is over and that first man is my ex-husband. The state says that we are now married and my ex-husband does not even care that I have this new relationship. In fact, he married someone else also."

However, the Church has to presume that the first marriage was valid (especially since, as a Catholic, they followed "canonical form" and married in a Catholic Church). If the Church did an investigation into the first marriage (see below on the formal marriage investigation through a Church tribunal) then they might find that there was something necessary that was lacking for that first marriage to have created a valid marriage bond (for example, perhaps the man's tendency to verbal abuse was a symptom of a deeply-rooted narcissism that prevented him from truly recognizing the value and dignity of the woman and embracing her as an individual). However, unless and until such an investigation happened the Church would have to presume that the first marriage was valid. In the eyes of God and the Church, the woman would be still married to her first husband. We could all sympathize with this woman and understand her desire to be in a relationship of authentic love and finally have a good marriage. Perhaps she even has children from the first marriage and they are benefiting from her second husband who is an excellent father. Regardless, no civil authority has the power to declare a valid marriage bond as ended. Even if the second marriage was a great relationship of love, objectively speaking, that first marriage is still considered valid and a person cannot be married to two people at the same time. This is a matter of looking at the objective reality. Remember,

to say that a marriage is “invalid” is not a personal judgment on those who are in the relationship. It does not mean that there are not authentic goods (sacrificial love, commitment, mutual support, responsible parenting, etc) at work in that relationship.

9. What about an adult in an invalid marriage (or even merely cohabitating) who wishes to become Catholic or complete the sacraments of initiation—by receiving baptism and/or Confirmation, and/or First Communion?

This situation comes up often in “RCIA” classes. Those in an invalid marriage would also need to regularize their marital situation (seek a valid marriage) or recommit to continent chastity before being able to receive baptism, Confirmation, and/or First Communion. The reception of these sacraments is connected to living the moral life of a disciple of Jesus Christ. Part of that life involves exercising the gift of human sexuality in a chaste way (sexual activity exclusively within the bounds of a valid marriage).

10. If I am in an invalid marriage can I still participate in ministries, leadership positions, or act as a sponsor for baptism or confirmation?

Those who are in invalid unions are still a valuable part of Church, the parish, and the community. Such persons can still do ministries and acts of service. It would be best if such persons refrained from public liturgical functions (extraordinary minister of Holy Communion, lector). Normally, it would also be good to avoid certain ministry leadership positions. In addition, such persons are usually not in a position to serve as godparents or Confirmation sponsors.

11. If I am divorced and remarried civilly am I excommunicated?

No. I have heard people incorrectly say this before. As Pope Francis wrote in *Amoris Laetitia* (243): “It is important that the divorced who have entered a new union should be made to feel part of the Church. ‘They are not excommunicated’ and they should not be treated as such, since they remain part of the ecclesial community.” Excommunication is a formal Church censure. Many people can be in a state where they are not well-disposed to receive the sacraments for a given time. This, in and of itself, is not excommunication. For example, if you became gravely ill or near death you would be able to receive the sacraments.

12. If the Catholic Church does not accept my second marriage, should I leave and join another Christian denomination?

No. While our brothers and sisters in non-Catholic communities can be truly faithful followers of Jesus we still want to be in the Church that Jesus founded. We still want to be in the fullness of truth. We still want all the means available to help us grow in holiness. Some Christian churches accept divorce and remarriage. However, in doing so they are not really respecting what Jesus taught in the Gospel. Those who are divorced and remarried may find themselves in a difficult situation. However, the answer is to deal with the situation and not to run away. You still belong to the Catholic Church. The Church wants you and needs you. You just need assistance.

13. If I am divorced but not currently in a sexual relationship with anyone can I receive the sacraments of Holy Communion and Confession?

Yes. You are not in a relationship situation that runs contrary to chastity.

14. What if I am in an invalid marriage but we are not sexually active, can we receive the sacraments?

You should speak to your pastor about this situation. For various reasons (old age, health situations) a happily married couple may not be sexually active. The couple is still supporting each other and caring for each other. This situation would be akin to living as “brother and sister.” A couple could even choose to practice chaste continence until they can marry in the Church. In such cases, it may be possible to receive the sacraments.

15. If I am in an invalid marriage what should I do?

Talk to a priest. Priests exist to help you. Assuming that your current relationship is a good one, you should marry in the Church. When people are in an invalid civil marriage attempt to marry validly in the Church this is called a “**validation**” (or, sometimes, a “con-validation”). You would be formally exchanging vows in church before a priest or deacon and two witnesses. It can be a simple service (no cost!) or you could have a more solemn and elaborate service if you wanted to.

Some people who are in an invalid marriage have no prior marriages. For them the process of getting married would be very similar to any two people who wish to marry in the Church. There are just a few more pieces of paperwork that the priest would have to obtain.

Some people who are in an invalid marriage may have a prior marriage bond, however. If one or both parties were married before but they married outside of the Church (meaning that they failed to observe the Church’s canonical form for marriage) then they need to apply for what is called a “**declaration of invalidity due to lack of form.**” Basically, it is obvious that the marriage was invalid, but the Church still needs to obtain proof that the marriage occurred in violation of canonical form and then it needs to formally declare that the marriage was invalid. The priest will need to gather together some documents (baptismal certificate, civil marriage certificate, etc.) and send the application to the Diocese of Rockford chancery office. Usually, such applications are processed in about a month.

Some people who desire to marry in the Church have a prior marriage that is presumed to be valid. Consider the example of the Catholic woman who married her first husband in a Catholic Church. Another example would be if a Catholic man wants to marry a Protestant woman (or an unbaptized woman) who herself was married before by the Justice of the peace (recall, only Catholics are bound by Catholic canon law, so any time that a non-Catholic marries in any form, it is presumed to be valid). These situations, of course, would prevent these couples from being able to marry in the Catholic Church. One of the persons would need to avail themselves of a **formal investigation by the Diocesan Marriage Tribunal**. In common parlance, this is called seeking an “**annulment**” though a better term is a **declaration of invalidity**. I will be writing another article explaining this process. Basically, this involves the Church investigating the original marriage to see if something essential to a true marriage was missing before vows were exchanged. For example, did one of the persons not really intend to be faithful? Did someone not have an intention to be open to having children? Did someone have a psychological condition that prevented them from being able to love their spouse in an authentic way? Did one or both parties lack significant maturity. There are many potential grounds for which the Church can declare a given marriage to have been invalid. In other words, despite the effort of the couple to marry, a valid bond never actually occurred. This would mean that the couple was never really married in the first place. With such a declaration the person could then be considered free to marry in the Catholic Church. The process of the

formal marriage investigation entails a lot more than a simple lack of form declaration. The process can take anywhere from nine months to a year or more. When I talk to couples who were divorced I often hear of situations that lead me to believe that the first marriage may have been invalid. Do not be daunted by this process. A priest can help you through it.

16. If I am not in a valid marriage and cannot receive the sacraments, possibly for an extended period of time, how CAN I practice my faith and stay close to God?

You should listen to the word of God, attend the sacrifice of the Mass, persevere in prayer, contribute to the works of charity and community efforts in favor of justice, bring up your children in the Catholic faith, and cultivate the spirit and practice of penance so as to implore God's grace (Pope St. John Paul II, *Familiaris Consortio*, #82). In *Reconciliatio et Paenitentia*, St. John Paul II also notes that "the support of acts of piety, apart from sacramental ones, a sincere effort to maintain contact with the Lord, attendance at Mass and the frequent repetition of acts of faith, hope, and sorrow made as perfectly as possible can prepare the way for full reconciliation at the hour that providence alone knows (#34).

A person could object, "but how can I deprive myself of Holy Communion?" I NEED that to be close to Jesus. Sometimes, a person has a conversion and they get very serious about their Catholic faith after already having been divorced and remarried civilly. They might think, "now I finally get it, I want to dive deep into my faith, and yet, I have this obstacle!" Remember that The God who began to do a great work in you will not abandon you. It might be the case that you need to enter into a period of "fasting" from the Eucharist, possibly for an extended period of time. This could be extremely difficult. However, if you do so out of reverence and in obedience, while seeking to more perfectly confirm yourself to follow the will of God and follow Jesus, God *will* continue to help you grow in grace! You simply need to trust.

What next?

If you are at St. Mary feel free to contact any of the priests to discuss your situation and how you can move forward.