

CHAPTER VII.

MARITAL PROBLEMS

A. SEPARATION WHILE THE BOND ENDURES

Canon 1151: “Spouses have the duty and the right to preserve conjugal living unless a legitimate cause excuses them.”

The common life or actual living together of the spouses is essential if the purposes of marriage are to be attained. The “partnership of the whole of life”¹ that defines marriage and sets it apart from the single state depends on living arrangements facilitating the spouses’ actually being together since this community involves the joining of the persons in the total union that is the essence of marriage. The common life (*convictus conjugal*) is a fundamental obligation of marriage; the spouses must be present to each other in order to bring about the union. The gravity of the obligation is related to the nature of marriage itself.

Nevertheless, marital discord is a reality, and the reception of holy orders does not confer immunity to this pervasive human phenomenon. Situations may arise which make the harmonious living of married life impossible. While the spouses, especially the members of a deacon couple, have a serious obligation to do all in their power to foster the common life, a separation may be the only prudent way of dealing with a relationship that has deteriorated to the point where it actually is the opposite of what true marriage is supposed to be.

The public commitment to marriage, once made, is subject to the laws of an authority higher than the spouses themselves. Because of the indissoluble nature of marriage and its ecclesial role, ecclesiastical authority gives practical witness to the seriousness of the marital covenant by requiring couples to submit their case to the Church when separation is contemplated.² This step, too often ignored by the partners in a troubled marriage, is particularly important when the husband and wife are struggling to balance their mutual marital commitment against the demands of the permanent diaconate. Deacon couples who separate without ecclesiastical permission may not be deprived of the sacraments unless one or the other enters a subsequent marriage without ecclesiastical approval. Also, the canons on separation apply as much to interfaith marriages as they do to marriages between two Catholics.

Because serious marital problems can rarely, if ever, be solved by the spouses themselves, the help of a professional marriage counselor is essential. Deacon couples especially should not agree to a separation without first taking advantage of the best available counseling. Before a deacon couple decides to separate, they have a responsibility before God, to themselves, to their families, and to their ecclesial

community, to do whatever is possible to avoid divorce and to build a fulfilling marriage. If both deacon and wife are sincerely willing to undergo counseling, to work at resolving conflicts and building a relationship, there is some chance that divorce can be prevented.

B. PREVENTING DIVORCE

The most obvious way to prevent divorce is to build stronger marriages – marriages based on scriptural principles and characterized by mutual love, commitment, and open communication. Assume, however, that a deacon couple is contemplating divorce. How might this be prevented?

1. Self-Examination.

With or without counseling, each spouse must ask, “What am I doing (or failing to do) which contributes to the problems in my marriage?” Often there is bitterness, refusal to forgive, unrealistic expectations, constant criticism, sexual infidelity, unwillingness to work at building the marriage, or some equally harmful attitude that is contributing to the marital tension. Only after these root causes have been identified can there be effective efforts to overcome them.

2. Reconciliation.

Deacon couples intending divorce need to avail themselves of this avenue of possible help. Reconciliation comes about only after hours of discussion and a realistic evaluation of the problems involved by participating in marriage counseling and/or Retroville.

3. Divine Guidance.

Separately and together, deacons and their wives must seek divine wisdom, strength, and guidance as they grow spiritually and work to prevent divorce.

C. CIVIL DIVORCE

All Catholic couples, and especially deacon couples, should obtain ecclesiastical permission before initiating civil divorce action. A first step in seeking the permission of the Church before filing a petition for divorce is written notification to the Archbishop, with a copy to the Director, stating that a divorce has become the last option available to the troubled deacon couple. Whether or not this prior permission is obtained, a final decree of divorce is not, in and of itself, cause for the imposition of any ecclesiastical penalties. The Archbishop may decide whether the faculties of a permanent deacon who is party to a divorce should be withdrawn, suspended, or left in effect without interruption. The Community has, in these circumstances, a particular demand placed upon its charitable and fraternal support of the persons involved.

D. CELIBACY

A deacon may lose the married state because of the death of his spouse. He may also be declared to be not in the married state because of a decree of nullity. In both cases, the deacon is obliged to celibacy. And a deacon ordained when not married is bound to celibacy.

If a deacon is obliged to celibacy – whether by being ordained when not married, because of the death of his wife, or because of a declaration of nullity – wishes to marry again, two possibilities are available to him. They are:

1. The deacon can seek from the Holy See a return to the lay state and a dispensation from celibacy. (See Canon 390, 3^o, 291).
2. The deacon can seek the dispensation from the Holy See to remarry while still remaining a permanent deacon. The Congregation for Divine Worship and the Discipline of the Sacraments in 1997 issued the following reasons which might be considered for such permission: “any one of the three following conditions taken solely are sufficient for a favorable consideration of the dispensation from the impediment, namely: the great and proven usefulness of the ministry of the deacon to the diocese to which he belongs; the fact that he has children of such a tender age as to be in need of motherly care; the fact that he has parents or parents-in-law who are elderly and in need of care.

In either case, the Tribunal office has been delegated to work with such cases and has had success both for dispensations from celibacy and a the return to a clerical state, and for dispensation from celibacy and permission to remain a permanent deacon.

Notes for Chapter VII

1. Canon 1055.
2. Canon 1152, §3.

THE DEACON MANUAL
