

**CHURCH MARRIAGE TRIBUNAL: AN APOSTOLATE OF
MERCY**

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Abstract

Courts or tribunals are established in the society to handle cases and controversies. When individuals or bodies recognized as legal entities within a legal system have issues needing resolutions, they often approach the courts. Courts are therefore meant to resolve conflicts that are brought before them. The Church as a society establishes courts to handle cases between or among her members. One of such is the marriage tribunals. This handles matters affecting marriages where at least one of the parties is a baptised Catholic or received into the Catholic Church. It deals only with the sacramental effects of marriage and nothing more. This study examines the work at the Church marriage Tribunal. It discovers that Church marriage tribunal is a special kind of tribunal that did not find guilt or apportion blames. Its sole goal is to bring parties of disturbed marriages to realise the truth of their marriage and get reconciled with themselves, with the Church and with God. It is essentially a throne of mercy where everyone is forgiven and no one is punished/penalized. Looking at the Church marriage tribunal from the angle of mercy, the paper recommends ways to optimise its operations/performance for the good of the Christian faithful.

Keywords: Church, Marriage, Tribunal, Apostolate, Mercy.

1. Introduction

The Church teaches that marriage is an intimate, exclusive, equal, loving and permanent partnership of a man and a woman for the procreation and education of children.²ⁱ Marriage in the eyes of the Church is brought about

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² *Codex Juris Canonici*, Auctoritate Joannis Pauli II Promulgatus, January 25, 1983: AAS 75(1983) II, 1-301, c. 1055. Second Vatican Ecumenical Council, Dogmatic Constitution on the Church, *Lumen Gentium*, 21 Nov. 1964, 48.

by the voluntary exchange of consent by parties who are legally capable.³ Once created, the Church affirms that a sacramental and consummated marriage is indissoluble till death.⁴ However, the Church does not ignore the reality of separation, divorce and remarriage in our society. The Church ministers to those struggling in broken marriage through the establishment and running of Church Marriage Tribunals. The marriage tribunal is not a fault finding or blame assessing tribunal. It seeks to clarify the truth about marriage. It considers whether the words of consent correspond to the object and capacity of the spouses' wills. In effect it investigates whether the broken marriage is valid or invalid from the beginning using mechanisms provided by the law. Thus, the principal task of the marriage tribunal is to search for the truth of broken marriages and declares them as they are. This search for the truth in relation to failed marriages is in essence an apostolate of mercy. It sought out parties of broken marriages who are estranged from themselves, the Church and God and directs them on the proper way to follow to attain salvation.

Accordingly, this paper reflects on the operations of the Church Marriage Tribunals pointing out the needful to be done by them in the light of Pope Francis' reform on the tribunal processes to lead parties of broken marriages to the truth about their marriage and reconcile them with themselves, with the Church and with God.

This paper is laid in five stages: first, it looks into the definition, grades, establishment and composition of the marriage tribunal. Next, it brings out the needful investigations to be made by the tribunal with regard to failed marriages. After this, it stresses Pope Francis' new reform on tribunal processes which reveals the tribunal as an apostolate of mercy. Then, it situates the tribunal work, pointing out basic things to be done to make it more efficient in the dispense of mercy. Finally, it summarizes the various ways the tribunal exhibits mercy and then concludes.

2. Church Marriage Tribunal: Definition, Establishment and Composition

The Church Marriage Tribunal or Court is one established by ecclesiastical competent authority (the diocesan bishop) to try marriage cases within its

³ c. 1057 §1.

⁴ c. 1143.

own territory or jurisdiction. The Church law provides that ‘the marriage of Catholics, even if only one party is baptised, is governed not only by divine law but also by canon law...’.⁵ and that ‘matrimonial cases of the baptised belong by their own right to the ecclesiastical judge’.⁶ The law mandates diocesan bishops to constitute within their diocese a diocesan marriage tribunal to handle cases of nullity of marriage or join nearby diocesan or inter-diocesan tribunal.⁷ The formation of inter-diocesan tribunal requires the approval of the Holy See.⁸

The diocesan marriage tribunal is made up of the diocesan bishop (who is the moderator of the tribunal). By virtue of his office, he is the ecclesiastical judge per excellence or native judge.⁹ This is because the Church teaches that ‘Jesus Christ as judge of the living and the dead’,¹⁰ granted the Apostles and their successors the power to judge. On this note, the Second Vatican Council, in accord with Holy Scripture and Tradition, reaffirmed that, by virtue of the power conferred upon bishops in their Episcopal Ordination,¹¹ they have ‘a sacred right and a duty before the Lord ... of passing judgment on their subjects.’¹² The diocesan bishop is judge by virtue of divine law. He is the native judge (*iudex natus*) in his own diocese.¹³

The law obliges the diocesan bishop to appoint a judicial vicar or ‘*officialis*’, with ordinary power to judge.¹⁴ The judicial Vicar can be given assistance, known as associate Judicial Vicar or ‘*Vice-officialis*’.¹⁵

⁵ . c 1143.

⁶ new c. 1671 § 1.

⁷ new c. 1673 § 2.

⁸ . c. 1423 § 1

⁹ C. 1419 § 1.

¹⁰ Acts 10:42

¹¹ *LG.* 21-27

¹² *LG.* 27

¹³ Marzoa J., et. al., ed. *Exegetical Commentary on the Code of Canon Law*, Montreal: Wilson & Lafleur, 2004. 761

¹⁴ c. 1420 § 1

¹⁵ C.1420 § 3

The law further provides that ‘in each diocese, the bishop is to appoint diocesan judges, who are to be clerics.’¹⁶ The Bishops' Conference can permit that lay persons also be appointed judges. Where necessity suggests, one of these can be chosen in forming a college of judges.¹⁷ In the light of the new law only one of the members of the college is required to be a cleric. Others could be lay persons.¹⁸

The law equally provides for the appointment of auditors,¹⁹ who are charged with the responsibility of instructing the case and gathering evidence for the judge or judges. They could be appointed by the judge or in the case of many judges by the presiding judge from a list of clerics or lay persons approved by the bishop for this purpose. The presiding judge of a collegial tribunal is to designate one of the judges of the college as *ponens* or *relator*. The Ponens is to present the case at the meeting of the judges and set out the judgement in writing...²⁰

A Promoter of Justice is to be appointed in the diocese for penal cases and for contentious cases in which the public good may be at stake. The promoter is bound by office to safeguard public good.’²¹ Any case that affects the salvation of souls is contentious.²² A Defender of the Bond is to be appointed in the diocese for cases which deal with the nullity of sacred ordination or the nullity or dissolution of marriage. The Defender of the Bond is bound by office to present and expound all that can reasonably be argued against the nullity or dissolution.²³ Where the Promoter of Justice or Defender of the Bond is supposed to perform and was not summoned, the subsequent judgment is invalid.²⁴ ‘It is the bishop’s responsibility to appoint the Promoter of Justice or the Defender of the Bond which could be either clerics or lay persons of good repute with doctorate or licentiate in canon law.’²⁵ The same person can be the Promoter of Justice and the

¹⁶ c.1421 § 1.

¹⁷ c.1421 § 2.

¹⁸ new, c. 1673 § 3

¹⁹ C. 1428

²⁰ C. 1429

²¹ C. 1430

²² Marzoa, 2004, 762

²³ C. 1432

²⁴ C, 1433

²⁵ C. 1435

Defender of the Bond but in different cases.²⁶ ‘A notary is to be present at every hearing, so much so that the acts are null unless signed by the notary. Acts drawn up by notaries constitute public proof.’²⁷ The Church Marriage Tribunal in sum consists of the bishop, who is the moderator, the Judicial Vicar, the Associate Judicial Vicar if any, the Judges, the Auditor, the Promoter of Justice, the Defender of the Bond, the Notary and other supporting secretarial staff.

Marriage Tribunal exists in grades and the trials is always in instances. The first trial is called the first instance and the tribunal that tries the case at the first trial is called the first instance tribunal. The appellate tribunal that receives the judgment of the first instance tribunal for review is called the second instance tribunal or appellate tribunal. Appeals from the second instance tribunal goes to the Roma Rota. Marriage tribunals are constituted to look into the cases of failed marriages in order to pronounce its validity or non-validity in accordance with the law of the Church. Tribunal judges are trained canonists with deep knowledge of canon law.

3. Investigations Made by the Tribunal in Order to Determine the Truth of Failed Marriages

The Church, while supporting the permanence of marriage, offers to look into failed marriages to see if there could be something defective in it from the beginning. If that could be proven, the Church will recognise the marriage as one that is null and void and issue the couple a Decree of Nullity. This allows spouses to marry again in the Catholic Church and the Catholic spouse or spouses in the new union are able to participate fully in the life of the Church. This investigation is basically in three areas which constitutes the grounds for annulment in the Church. These areas are ‘defect of consent’, ‘defect or lack of form’, and presence of marriage impediment not dispensed before the marriage.

Defect of consent: Since consent makes a marriage,²⁸ if it is defective, it cannot yield to a valid marriage. Consent can be defective in so many ways among which are:

²⁶ C. 1436

²⁷ C. 1437 §§ 1 & 2.

²⁸ C. 1057

Cases of total or partial simulation,²⁹ where one or both parties exclude marriage itself or any of the essential elements or properties of marriage - like fidelity, indissolubility, offspring, good of the spouse, etc., by a positive act of the will: Total simulation occurs in a situation whereby one or both parties to the marriage did not intend from the beginning to enter marriage at all but in fact went through the ceremony of marriage to get an advantage or for reasons extraneous to marriage. Take for example, one who enters into marriage for the sole reason of regularizing his stay in a country, or one who enters into marriage to be able to lay hand on the wealth of the other party (or their family wealth) or to be close enough to perpetrate harm on the other's person or their family. Partial simulation occurs where the property or essential elements of marriage is excluded by either or both parties at the time of the celebration of marriage. This includes exclusion of children, fidelity, indissolubility and the good of the spouses. It can so happen that one or both parties went through the ceremony of marriage knowingly affirming not to have children from the marriage, or not to be exclusively faithful to the spouse of their marriage, or with the intention of abandoning the union anytime it fails to suit them. A person or persons with such mentality at the time of the marriage contracts it invalidly. The fact of this is often revealed when there is problem in the marriage and the tribunal officials dig deep with their investigations.

Cases of deceit to secure consent:³⁰ In this scenario, one or both parties were deceived about a significant aspect of the other which if they were to be aware the marriage could not have taken place. A typical example is a situation where a man or a woman hides his/her addiction issues or very dangerous past records from his/her spouse. This matters which are unknown to the deceived party could lead to problems of the marriage years after the celebration of the marriage when it is discovered. Through diligent investigations, the tribunal officials coming to the truth of the deceit will declare such marriage null and void from the beginning no matter how long the marriage have lasted and no matter how many issues were produced in the marriage.

²⁹ c. 1101 § 2

³⁰ C. 1098

Cases about error of person or error about the quality of a person principally and directly intended prior to the marriage:³¹ When one is in error about the person he or she marries, the marriage is in valid. A situation for example, where ‘A’ intends to marry ‘B’ but ‘B’ turns out to be ‘C’ the marriage is null and void. This situation is not common in Nigeria. What is prevalent in Nigeria is the situation where one intends directly and principally the quality of the other party before the marriage. A typical instance is where ‘A’ intends to marry a man with whom she will have children of her own. The principal reason why ‘A’ wants to marry ‘B’ is that ‘B’ would be able to give her children. The quality of ‘B’ being able to give her children is more important to her than the person of ‘B’. If ‘B’ turns out to have a condition which prevents him from giving ‘A’ children, then the marriage could be declared null and void for error of quality principally and directly intended prior to the marriage. Cases like this occur frequently in many Nigerian marriage tribunals.

Cases of ignorance about the nature of marriage:³² Where one or both parties at the time of marriage did not understand the nature of marriage as a permanent and exclusive union between two people, ending only with death, and ordered for the procreation through sexual act and education of their children, the parties’ contract invalidly. A man who is born and raised in a culture where polygamy is the order of the day may understand marriage at all times as something that is polygamous with the possibility of having multiple wives. Such a man contracts invalidly if he maintains this mentality at the time of the celebration of the marriage and acts it out during the marriage.

Cases of force or fear:³³ In this case, one or both of the parties were forced to get married or got married out of some fear of a situation such as party vows to commit suicide if not married by the other party, or a mother will kill herself if his son fails to marry a given woman etc. In such a case, the marriage entered into will be declared invalid if the parties had problems in future and approach the marriage tribunal for determination of the truth of their marriage.

³¹ C.1097

³² c. 1096 § 1

³³ C. 1103

Cases of lack of sufficient use of reason at the time of the wedding:³⁴ In this instance, one or both parties lack the necessary use of reason to enter into marriage. This could be as a result of a temporal (e.g., severe intoxication at the time) or permanent (e.g., psychological infirmity) condition which debars a person from entering marriage.

Cases of grave lack of discretion at the time of wedding:³⁵ Marriage has essential obligations and rights attached to it. It is a permanent union for life. Persons entering marriage must possess due discretionary ability to evaluate the consequences of marriage before venturing into it. If it happens that one or both parties at the time of consenting to marriage lacks this ability to discern properly the consequences of entering marriage due to temporal or permanent disturbances which prevents them from evaluating properly the consequences of marriage, such party or parties' contracts marriage invalidly. A situation could be where a young lady consents to marriage because she is pregnant and would not want the stigma of pregnancy outside wedlock, or one marries without having sufficient knowledge of the other party or marries due to peer pressure or marries because his or her mates are all getting married etc.

Cases of inability to assume the essential obligations of marriage due to causes of a psychological nature:³⁶ It could happen that at the time of the celebration of the marriage, one or both parties have psychological situations which inhibits them from assuming the essential obligation of marriage. Such psychological anomaly could be latent at the time of the celebration of the marriage but surfaces after the marriage to disrupt the conjugal union. When such is spotted and its origin dates before the marriage, the party or parties concerned contracts marriage invalidly.

Cases of conditional consent at the time of the wedding: It could happen that one or both parties to marriage place condition upon their matrimonial consent. The marriage is invalid if the condition is concerned with the future.³⁷ If the marriage is entered into subject to a condition concerning the past or the present, its validity or non-validity depends on the existence

³⁴ C. 1095, n.1

³⁵ C. 1095, n. 2

³⁶ C. 1095, n.3

³⁷ C.1102 § 1

or non-existence of whatever is the basis of the condition.³⁸ Apart from defect of consent cases which are very prevalent, there may at times be invalidity arising from defect or lack of form. A marriage of which at least one party is a Catholic is defective on ground of lack of form if it is celebrated without fulfilling the requirements of canon 1108. This canon states that ‘only those marriages are valid which are contracted in the presence of the Local Ordinary or Parish Priest or of the priest or deacon delegated by either of them, who, in the presence of two witnesses assists’ in accordance with the rules set out in the code. This implies that unless a Catholic is lawful excepted from applying the canonical form, a marriage of which at least a party is a Catholic celebrated outside the prescriptions of the canonical form is *ipso facto* invalid.

Added to the above grounds of nullity are situations where there is presence of a diriment impediment which was not dispensed at the time of the marriage. If one or both parties to the marriage at the time of the marriage were prevented from entering marriage, the marriage would be invalid unless the impediments were previously dispensed. The law placed the following twelve invalidating impediments to marriage:

Age:³⁹ One or both parties are below the absolute minimum age of 16 for males and 14 for females. This minimum age requirement is accepted by the Catholic Bishops' Conference of Nigeria but allows individual bishops to fix relevant ages in their respective domain if they so wish.⁴⁰

Antecedent or perpetual impotence:⁴¹ This should not be confused with sterility which is not a ground for nullity. Impotence refers to the inability of any or both of the parties to perform the sexual act.

Ligament or being already married:⁴² One or both parties to the marriage were previously married without prior declaration of nullity by competent tribunal.

Disparity of Cult:⁴³ This is the situation where one party is a Catholic and the other has not been baptized unless a dispensation is granted.

³⁸ C.1102 § 2

³⁹ c.1083 § 1

⁴⁰ PCN. P. 36

⁴¹ C. 1084

⁴² c. 1085 § 1

⁴³ c. 1086 § 1

Sacred Orders:⁴⁴ The man was ordained to holy order either a bishop, priest or deacon.

Public Perpetual Vow of Chastity in a Religious Institute:⁴⁵ One or both parties made a perpetual vow of chastity in a religious institute.

Abduction with the intent of marriage (known as raptus):⁴⁶ As long as the person abducted remains at the kidnapper's power, marriage is forbidden.

Impediment of crime:⁴⁷ This is bringing about the death of one's own spouse or the spouse of another, with the intention of marriage.

Consanguinity or close relationship by blood:⁴⁸ The law forbids persons related by blood in the direct line from marrying each other. The law also prohibits those related by blood in the collateral line up to the fourth degree from validly entering marriage with each other.

Affinity or close relationship by marriage:⁴⁹ Marriage is prohibited between persons related by marriage in the direct blood line.

Public propriety:⁵⁰ This happens when persons notorious live in an invalid marriage or public concubinage. Marriage is prohibited between such persons and people related to them in the first-degree line of consanguinity.

Legal Adoption:⁵¹ Persons who are related by legal adoption cannot contract marriage with each other 'if the relationship is in the direct line or in the second degree of the collateral line'.

The presence of any of the above twelve diriment (invalidating) matrimonial impediments at the time of the celebration of marriage renders the marriage celebrated null and void.

4. Mercy at the Tribunal in the Light of Pope Francis Tribunal Reform

Pope Francis introduced significant reform in the tribunal processes to quicken and simplify its operations to better serve the end of mercy. A look at some of the reform provisions from the point of view of expediting the trial processes is worthy of note. This is because part of the mercy of the tribunal is not to keep petitioners waiting for so long before the conclusion

⁴⁴ C. 1087

⁴⁵ C. 1088

⁴⁶ C. 1089

⁴⁷ C. 1090

⁴⁸ C. 1091

⁴⁹ C. 1092

⁵⁰ C. 1093

⁵¹ C. 1094

of their case. Below is a bird eye view of Pope Francis Marriage Tribunal Reform

Mandatory establishment of marriage tribunal: The reform expressly mandated the bishop to establish in their dioceses a marriage tribunal or join with others to form an inter-diocesan tribunal.⁵² This obligation was previously deducted from the obligation of the bishop to appoint a judicial vicar for his diocese.⁵³ The new reform law made it very clear that the bishop must constitute a functional diocesan marriage tribunal or join in an inter-diocesan marriage tribunal.

Competent forum: The competent forum is simplified and made less cumbersome to assess. Catholics with marital problem needing determination of annulment could approach the diocesan tribunal in the diocese of the place of the celebration of marriage; or in the diocesan tribunal of the place where either or both of them have domicile or quasi-domicile; or the diocesan tribunal of the place where in fact most of the proofs needed could be gathered.⁵⁴ Previously, in order to approach the tribunal of the place of domicile of the petitioner or the tribunal of the place where most of the evidence needed will be found one needs the prior consent of the judicial vicar of the tribunal of the place of domicile of the respondent.⁵⁵

Abolition of automatic appeal of affirmative judgements: To prevent much delay in arriving at the conclusion of cases at the tribunal, the new reform law abolished the automatic appeal of affirmative judgments to the tribunal of appeal. New canon 1679 provides that ‘the sentence which first declared the nullity of the marriage, once fifteen days has elapsed and there is no objection become executed.

Composition of the college of judges: The new reform provides that ‘cases of nullity of marriage are reserved to a college of three judges. A clerical judge must preside; the remaining can be lay persons.⁵⁶ This

⁵² new. c. 1673 § 1

⁵³ 1420 § 1

⁵⁴ new c. 1672

⁵⁵ old c. 1673

⁵⁶ new c. 173 § 3

provision helps create avalanche of judges where there is scarcity of priests and help to quicken the trial of matrimonial cases at the tribunal.

Introduction of briefer cases before the bishop: Where the grounds of nullity are very pronounced and the petition is presented by both parties or one of the parties with the consent of the other, a briefer process could take place before the bishop and the sentence or judgment pronounced by him and communicated to the parties ‘as swiftly as possible’.⁵⁷ This actualises in no small measure the quicker and simplified annulment processes required by many Christian faithful labouring under the burden of failed marriages.

Reliance on the judicial confession of parties whose credibility are attested to by the witnesses and evidence of a qualified witness sufficing for full prove unless otherwise ruled out.⁵⁸ In such a case, there is no need to pile up evidence of witnesses.

In cases of impediments that were not dispensed before the marriage, or defect of legitimate form, ‘the diocesan bishop or the judicial vicar or a judge designated by him can declare the nullity of a marriage by sentence once a document that is not contradicted is presented. Here, formalities of the ordinary process are omitted except the citation of the parties and the intervention of the defender of the bond.’⁵⁹ The process could be *gratis*, as long as the tribunal workers are well remunerated. Like all litigations, Church nullity proceedings are time and money consuming. Many couples of broken marriages may not approach the tribunal because of the exorbitant charges to prosecute their case. All and sundry who feel that their marriage is broken down irretrievably can now conveniently approach the ecclesiastical marriage tribunal for consideration of their marriage case even without financial commitment.

5. Tribunal Apostolate of Mercy - Ways to Attain Optimal Functioning

All over the world, there are many Catholic couples labouring under the burden of broken marriages. Many have left the Catholic fold and pinch tent with other Christian denominational churches or religion. Others

⁵⁷ New cc. 1683-1687

⁵⁸ New c. 1678 § 1 & 2).

⁵⁹ New c. 1688

switch faith entirely or become non-believers. Many are however desirous of remaining in the Catholic Church but patiently waiting for their case to be decided by the tribunal. Others are afraid to come to the tribunal for the fear of the unknown.

When a marriage breaks down, there are many animosities and blame trading. The marriage tribunal comes in with a balm of mercy. The tribunal is not a blame apportioning one. The tribunal looks at the eyes of the disgruntled parties to the marriage and work with them through the history of their marriage to ascertain the validity or non-validity of their marriage. The tribunal is really a mercy ground. It welcomes all parties with equal affection. It bears the burdens of the parties by diligent investigation to assist the parties unload their worries.

All over the world, there should be as many marriage tribunals as the number of dioceses in the world. It is expected that all these tribunals should be functional to better meet the needs of the faithful struggling with broken marriages. To achieve the optimal performance in attending to people with broken marriage, the following needs to be done or reinforced where they are already in place:

Functional marriage tribunal in all the dioceses of the world: Many dioceses do not have a functional tribunal. The reform is a clarion call on all the diocesan bishops to make sure that they provide the faithful of their dioceses with a functional tribunal which they themselves are to oversee. This is an obligation imposed on the bishops. The canonical obligation on bishops to have judicial vicars and other judges in the diocese is one that must be kept. This paper therefore urges bishops to maintain in their domain marriage tribunal that are functional and efficient to avoid delays in cases and open to all the faithful who need its serve.

Christian faithful who are suffering from the scourges of broken marriage should be encouraged to realise that the end of one's marriage is not the end of life, nor is it the end of communion with the Church. They should be promptly informed that the Church is there for them with the provision of the ecclesiastical marriage tribunals. They should without delay commence the process of nullity at the marriage tribunal to ascertain the truth about their marriage.

The parish priests, other clerical members of parish pastoral team and marriage counsellors to possess the basic knowledge of what to do when a marriage is irretrievably broken down. They should be abreast with the basic things that make a marriage null and conduct preliminary pastoral investigations on their own before approaching the tribunal. Where possible they should be provided with appropriate hand book (*Vademecum*) which contains essential elements needed for conducting the investigation.⁶⁰

Trained personnel are needed to work at the tribunals. Bishops should make conscious effort to train man power to look into cases of marriage in their dioceses. The number of canon lawyers produced every year is not enough to serve the tribunal needs of all the dioceses. We therefore call on bishops to send more candidates to study canon law at approved ecclesiastical universities and institutions.

Other necessary factors include adequate remuneration of tribunal staff. Tribunal work is very tasking both mentally and physically. Personnel of the tribunal should be properly remunerated to enable them perform better in their work. Provision of conducive environment for tribunal work is equally important. Tribunal work is a brain work. It requires good environment suitable for mental work. Tribunals cannot be situated in places where there are crowded offices. Special location and special place need to be provided. Again, it important to specify the tenure of office of the tribunal staff as provided by the law.⁶¹ This provision has to be applied strictly to avoid persons too long in an office with the result of diminishing returns.

6. Ways The Marriage Tribunal Exhibits Mercy in Summary

The tribunal welcomes people with broken marriage problems. This in itself is an identification with people in difficulty which is a significant step towards showing mercy. The tribunal officials patiently listen to the story of parties with broken marriages and their witnesses with the goal of assisting them to arrive at the truth of their marriage. This diligent search or investigation undertaken by the tribunal officials to reach the truth of the marriage is an act not only of justice but of mercy.

⁶⁰ new Procedural rules, art. 3

⁶¹ C. 1422

The tribunal officials try to arrive at the conclusion of the case as quickly as possible so that parties of broken marriages will have their issues resolved without unnecessary delay. This act not to keep parties waiting longer than is necessary for the determination of their case is an act of mercy. The tribunal boldly declares the truth of the marriage without fear or favour effectively settling the parties and enjoin them to accept the truth of their marriage and get reconciled to themselves, to the Church and to God. The tribunal executed judgments bring about reconciliation. The tribunal does not apportion any blame or give any punishment to either or both parties for the failure of the marriage. It simply encourages the parties to turn a new leaf and start afresh. This is mercy epitomized. It is like Jesus would say, go your way and sin no more. Lastly, no one can be prevented from coming to the tribunal because of lack of fund. The tribunal services now are almost for gratis. In these and many other ways, it is very appropriate to tag the Church marriage tribunal as a throne more of mercy than of justice. The marriage tribunal is indeed an apostolate of mercy, reaching out to couples who sometimes due to their own carelessness enters into an invalid marriage which the law prohibits.

7. Conclusion

The Church now and at all times up holds the indissolubility of sacramental and consummated marriage. The truth however, is that marriage is an institution created by God but operated by human beings. This being the case, marriage is often filled with numerous human imperfections. The Church recognises the fact that sometimes, the words of consent do not march with the intent of consent.⁶² The Church also recognises that sometimes human error abounds in matrimonial consent. People who are not legally qualified to give consent do so under various pretences. Also, in some circumstances the canonical forms prescribed by the Church are not followed. Further, there could be marriages contracted with impediment/s which are not dispensed before the celebration. This implies that there are some otherwise ratified and consummated marriages that are not marriage in the real sense of the word due to the presence of invalidating elements concealed from one or both parties at the time of the marriage. Hence, anytime there is a problem in marriage, and a marriage is irretrievably broken down, the Church offers to apply the balm of mercy through the tribunal by investigating the validity or non-validity of the

⁶² C.1101

broken marriage. It is the duty of the Church marriage tribunals to seek the truth of the marriage and thus declare with mercy thus reconciling the parties to themselves, to the Church and to God. To optimally achieve this task, Pope Francis introduced new reform in tribunal processes which reflects the mercy side of the marriage tribunal work. Bishops are thereby called upon in the light of the new reform to ignite proper working of marriage tribunals in their respective dioceses.
