



**IT TAKES TWO:
THE RESPONDENT IN
THE ANNULMENT
PROCESS REVISITED**

The tribunal often receives questions about the reason why the Petitioner's ex-spouse, or the Respondent, is included in the annulment process. These questions usually arise when the Respondent has been abusive or otherwise spiteful toward the Petitioner and his or her family, and the Petitioner understandably does not want to revisit that situation. In this issue, we will look at what the law requires regarding the Respondent and why.

Canon law defines marriage as a partnership of the whole life between a man and woman (1055 §1). By entering into this partnership, the legal status of both parties in the Church changes, entitling both to certain rights and requiring of both certain obligations. When one of the parties challenges the validity of the marriage, he or she challenges the marital rights and obligations of both parties.

One of the fundamental rights that people possess in canon law is the right to defend ones rights (221 §1). This right of defense requires us to inform the Respondent that his or her marital rights are being challenged by the Petitioner and to provide the Respondent with the opportunity to defend those rights.

Rights do not depend on a person's moral quality or past behaviors, nor on the possibility that the person may repeat those behaviors, however reprehensible. Rights in the legal sense are a guarantee of the law, regardless of the people involved, simply by virtue of being a person before the law. Furthermore, the Petitioner's assertion of the Respondent's past or possible future behavior does not prove said behavior. Such an assertion must be proven through the legal process, which requires the opportunity for the accused to defend him or herself. He or she can only do that if he or she is given that opportunity by notifying him or her of the process and how he or she can vindicate his or her rights.

The right of the Respondent to participate in the process is not an absolute right, however, nor does the failure

of the Respondent to participate prevent the annulment process from moving forward. The Petitioner may request a dispensation from the requirement to cite the Respondent from the Apostolic Signatura, the tribunal in Rome responsible for oversight of all the tribunals in the world. This is only granted extremely rarely for reasons such as preventing an international incident, so it is very unlikely that it would be granted solely because the Respondent is abusive. The Respondent also cannot prevent the process from moving forward simply by refusing to participate. In fact, most often the Respondent does not participate and is declared absent from the case by the judicial vicar with the case moving forward without him or her. The law only requires that he or she be given the opportunity to participate, not that he or she actually do so.

That's it for now. Until next time, keep the faith, love God's people, and always honor the code!

