

Dissolution of the Bond of Marriage – Favor of the Faith- Petrine Privilege

1. Background

While the teaching of the Church reflects the principles of Natural Law, it also extends to those baptized certain particular obligations and duties which arise from their baptism. “Holy Baptism is the basis of the whole Christian life, the gateway to live in the Spirit and the door which gives access to the sacraments. Through Baptism we are freed from sin and reborn as sons of God; we become members of Christ, are incorporated into the Church and made sharers in her mission: ‘Baptism is the sacrament of regeneration through water and in the word’.” (Catechism of the Catholic Church, 1213)

When we speak of marriage being a sacrament, we are presupposing that both of the parties of the marriage are baptized. The sacrament can only be received by one who is baptized. When both parties are baptized, they confer on one another the sacrament of marriage. Let us now consider the situation when one of the parties is not baptized. Although it is not a sacramental marriage, it is a natural, legitimate and valid marriage. In virtue of his authority as the Vicar of Christ, the Holy Father has the jurisdiction to set aside the union of a couple when one has not been baptized. In this dissolution of the natural bond which is sometimes call the Petrine Privilege, it must be established that one of the parties to the original marriage was not baptized. When this fact can be shown with certainty, it follows that the marriage in this circumstance is not a sacrament. When this is the case and in certain circumstances, a petition can be placed before the Holy Father asking that the former union be dissolved in favor of the faith of the Catholic party who is now involved.

2. How to begin the Process for a Favor of the Faith Case

The catechumen or a Catholic who wishes to marry an unbaptized meets with the Pastor or another priest or deacon of the parish to establish that the facts of the former marriage support the petition for a Privilege of the Faith. Through the assistance of the priest or deacon, a Fact Sheet for Privilege of the Faith case is completed, and the required civil documents (Marriage License/Certificate of Marriage as well as the Final Decree of Divorce) and Baptismal Certificates for baptized parties and/or the baptized intended or current spouse are presented. If a party has been baptized Roman Catholic, it is required that a recently dated Certificate of Catholic Baptism is presented and please ensure that the back of the baptismal certificate accurately states all of the sacraments received by the Catholic party. It is essential that the Fact Sheet be completed in its entirety. If any one of the required proofs explained can not be provided, it is best for the priest or deacon to consult with the Tribunal before any further action is taken.

3. Elements of Proof of the Petrine Privilege

- A. That one of the parties of the marriage was unbaptized before and during the common life.
- B. That the party requesting the petition of the Favor of the Faith is not the sole culpable cause of the breakdown of the marriage.
- C. That three family members of the unbaptized can serve as witnesses (They are listed in order of preference): Mother, Father, Aunt, Uncle or older sibling. The witnesses must be able to testify that the party was never baptized from the time of birth until the person reached the age of reason (7 or 8 years old) and that the person seeking the dissolution was not the sole culpable cause of the breakdown of the marriage.
- D. That the person seeking the favor of the faith is currently married or engaged to a person who is free to enter into marriage if the Holy Father grants the favor of the dissolution.
- E. That the Pastor of the Catechumen or the Catholic party is able to compose a letter of recommendation which includes: the sincerity of the parties in their request to seek this dissolution from the Holy Father; the desire of the couple to establish a Catholic home; and the commitment that any children born from this marriage will be raised Roman Catholic.

4. Explanation of the Process

After the facts have been established for a Favor of the Faith petition, the Fact Sheet is completed, and the Fact Sheet and the documentation is in hand, the priest or deacon will send the materials to the Tribunal. In turn, the Tribunal will send the priest or deacon a packet of materials which must be completed by the respective parties in collaboration with the priest or deacon. The packet includes the following materials. They are

- A. The outline of a petition is addressed to the Holy Father, and it outlines the non-baptismal status of at least one of the parties of a previous marriage. The petition will also seek the verification of the essential elements for the favor of the faith case.
- B. The request for a letter of recommendation from the parish priest or deacon.
- C. The signed promise of the couple which is a commitment to raise any children born from the marriage as Roman Catholics.
- D. A brief questionnaire to be completed by the Petitioner seeking the dissolution.
- E. A brief questionnaire to be completed by the intended or current spouse of the Petitioner
- F. Three brief witness forms to be completed by each witness. Each questionnaire seeks to establish the certitude of the non-baptismal status on the party; the religion of the family of the non-baptized party; the cause of the breakdown of the marriage; and the freedom of the Catholic party to enter into marriage with the Petitioner.

When these forms have been completed and returned to the Tribunal, the Defender of the Bond, the Instructor of the case and finally the Bishop of the Diocese of Arlington will review the materials to ensure they confirm to the guidelines established by the Holy Father for the Dissolution of a Marriage in Favor of the Faith. The Arlington Tribunal staff will prepare the packet of these materials for mailing to the Congregation of the Doctrine of the Faith (CDF) in Rome. If the materials are in proper order and the Commission at the CDF gives a favorable vote on the petition, the Cardinal-Prefect of the Congregation of the Doctrine of the Faith personally presents the petition and the gathered documentation to the Holy Father for his decision. Within a few weeks of the Holy Father's decision, the CDF will send a formal decree of the Pope's decision to the Bishop of Arlington, who asks the Tribunal staff to notify the Petitioner and the priest or deacon of the Holy Father's decision which includes a copy of the Vatican decree.