What are the grounds for nullity?

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Grounds of Nullity in Formal Trials

When it is determined that a given marriage did not lack the required form, or that there was no impediment, then it likely goes on to formal trial. The following are, in summary form, the possible grounds for a declaration of nullity in a formal trial.

Lack of Due Reason | Canon 1095 §1

At the time of the wedding, a spouse did not possess the intellectual ability to understand the basic nature of marriage and/or to be responsible for his/her actions.

Lack of Due Discretion | Canon 1095 §2

At the time of the wedding, a spouse did not possess the ability to make a mature and prudent decision about whether to marry due to severe cognitive or volitional impairment.

Inability to Assume the Essential Obligations of Marriage | Canon 1095 §3

At the time of the wedding and for severe psychological reasons, a spouse was unable to live up to the responsibilities of being a spouse and/or a parent.

Ignorance | Canon 1096

At the time of the wedding, a spouse did not know that marriage involved any one of the following: permanence, a partnership between a man and a woman, procreation, sexual intercourse.

Error of Person | Canon 1097 §1

The physical identity of a spouse’s intended spouse was mistaken. As a result, he/she married the wrong person.

Error of Quality | Canon 1097 §2

A spouse only wished to marry a spouse that had a certain quality. This quality or characteristic was the primary and most important consideration, but it is now known that the spouse's future spouse did not have this quality.

Imposed Error | Canon 1098

In order that he/she give consent to marry, a spouse was maliciously deceived about an important quality of his/her future spouse.

Determining Error | Canon 1099

A spouse entered marriage while not accepting that marriage is a faithful union of one man and one woman, a lifelong commitment, or a sacrament. His/her beliefs in this regard were so pervasive and deep-seated that he/she could not and did not marry according to the Church's understanding of a true marriage.

Total Simulation | Canon 1101

A spouse entered marriage without having the intention to be a spouse in any sense, or he/she did not believe that the wedding ceremony actually resulted in a marriage. In either case, the wedding ceremony took place for another motive or purpose.

Simulation contra bonum sacramenti | Canon 1101

A spouse entered marriage while intending to not make the commitment for life. He/she held the conviction that there were certain circumstances which would justify ending the marriage.

Simulation contra bonum prolis | Canon 1101

A spouse entered marriage while denying the possibility of procreation either permanently or for a time. In either case, the other spouse did not have the right to request otherwise.

Simulation contra bonum fidei | Canon 1101

A spouse entered marriage while intending to not make the commitment to marital fidelity. There was either an absolute openness to infidelity or openness to infidelity under certain circumstances.

Simulation contra bonum coniugum | Canon 1101

A spouse entered marriage while intending to inflict harm or not provide for the well-being of his/her spouse.

Simulation contra bonum sacramentalitatis | Canon 1101

A spouse entered marriage while rejecting that his/her marriage would be a Christian Sacrament.

Future Condition | Canon 1102 §1

A spouse entered marriage on the condition that a certain circumstance or event would occur or some expectation would be met in the future.

Past/Present Condition | Canon 1102 §2

A spouse entered marriage on the condition that some fact was true at the time of the wedding or before. It is now known that the fact was not actually true.

Force & Fear | Canon 1103

In the face of some outside force or pressure, the spouse experienced grave fear which compelled him/her to choose marriage in order to escape the threatened negative consequences.

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