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**29th Sunday in Ordinary
Time
October 21-22, 2017**

Note that these reflections can be found in
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Questions, Comments Suggestions?
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Living Catholic in the 808: Canon Law and Domestic Violence

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To put it bluntly, canon law recognizes the right of a party to not maintain a common household with one's spouse in situations of danger.

While canon 1151 says: "Spouses have the duty and right to preserve conjugal living unless a legitimate cause excuses them," canon 1153 §1 provides an example of such a legitimate cause: "If either of the spouses causes grave mental or physical danger to the other spouse or to the offspring or otherwise renders common life too difficult, that spouse gives the other a legitimate cause for leaving. ..."

Note that the danger can be to either husband or wife or to children, and that the danger may be physical or some other danger or grave difficulty (e.g., drug use, alcoholism).

The Church in these situations encourages repentance, change of behavior, forgiveness, and reconciliation. That said, as long as danger exists, the innocent spouse has no obligation to resume marital life. Divorce may even be necessary to protect the rights of the innocent party.

The right to separate does not mean that the person has a right to marry someone else. The parties are presumed to still be married even if they civilly divorce. In this situation, the person may petition for a declaration of marital nullity through the Diocesan Tribunal to determine if the marriage was invalid from the beginning. This would allow a new marriage. Contact your parish to start the process.