

## Conditions for the Application of the Pauline Privilege

In order to determine whether to apply for a **Pauline Privilege**, please review the following. If you have any questions, please do not hesitate to contact the Tribunal at (916) 733-0225.

A marriage entered into by two non-baptized persons may be dissolved by means of the Pauline Privilege when one of the parties receives Christian baptism and then enters a subsequent marriage, while the other person remains non-baptized. In Roman Catholic theology and canon law, to be validly baptized, one must be 'washed' with water using the Trinitarian formula, "In the name of the Father and of the Son and of the Holy Spirit." Some churches baptize their members, but not in the Trinitarian formula and/or with water. In those situations, individuals are considered to be unbaptized. If you have a question about the validity of a church denomination's baptism, please contact the Tribunal staff.

The dissolution of a previous marriage does not come about by the granting of permission to invoke the privilege, but rather, the first marriage is dissolved by the act of entering the subsequent marriage after the person is baptized. The bond of the former marriage is dissolved at the moment the new marriage takes place, provided the parties have not renewed conjugal life following the baptism.

- Both parties of the former marriage had to be unbaptized when the marriage was contracted and remained unbaptized throughout their common life. This is proven by witness testimony from two (2) witnesses for the Petitioner and two (2) witnesses for the Respondent.
- One party must be seeking, or have received, valid Christian baptism.
- The Petitioner must be able to give testimony regarding his or her non-baptism, and provide two witnesses, such as family members, who can testify to this fact. The Respondent must also give testimony regarding his or her non-baptism, and provide two witnesses, such as family members, who can testify to this fact. **If the non-baptism of each party cannot be proven, the case will be processed as a Formal Case (Form C).**
- No date or plans for future marriage can be made until the case has been completed and an affirmative decision is communicated by the Tribunal. If the Tribunal grants an affirmative decision and the petitioner is already in an "attempted marriage" (civil), with his or her spouse, then the baptism **must** precede the marriage.