



PONTIFICIUM CONSILIUM
DE LEGUM TEXTIBUS

II Presidente

Prot. N. 15181/2015

Vatican City, 4 November 2015

Your Excellency,

In regard to the matter indicated in your communications of September 5, 2014 (No. 8896), November 8, 2014 (No. 9388), February 4, 2015 (No. 8896) and February 5, 2015 (No. 1876), I write to offer the following indications that may be helpful to Your Excellency in advising those who inquire about whether or not the local bishop's permission is required for a baptized Catholic to initiate a civil divorce.

Canon 1692 §1 *CIC* establishes that "unless other provision is legitimately made in particular places, a decree of the diocesan bishop or a judicial sentence can decide the personal separation of baptized spouses". Since distinct positions are possible, depending on each conference of bishops' particular legislation as well as any concordat with the civil government, the diocesan bishop's permission for a Catholic spouse to initiate civil divorce may or may not be a requirement in a given place. In practice, this means that where there is no particular legislation or concordat to direct otherwise, and where the ecclesiastical decision has no civil effects (cf. c. 1692 §2 *CIC*), the local bishop's permission would not be an obligation—whether juridical or moral. However, the faithful may request advice from their bishop for reasons of prudence, pastoral clarification, or avoidance of scandals.

Concerning a related question about whether the decision by a Catholic spouse to initiate a civil divorce without a bishop's permission is contrary to divine law, it must be noted that, from a moral point of view, the Church recognizes the right to conjugal separation when there are lawful causes involving non-compliance or irregular compliance with conjugal rights and duties (cf. cc. 1151; 1152; 1153 *CIC*). The *Catechism of the Catholic Church* states clearly that "if civil divorce remains the only possible way of ensuring certain legal rights, the care of the children, or the

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protection of inheritance, it can be tolerated and does not constitute a moral offense” (cf. CCC, No. 2383).

Should any question or doubt remain concerning this matter, the faithful should feel free to address them directly to their diocesan bishop or his judicial vicar.

I hope the above will be helpful to Your Excellency in addressing these and other similar questions as they arise from time to time.

Most grateful for your concern in this important matter and with sentiments of fraternal esteem, I am

Sincerely yours in Christ,

A handwritten signature in black ink, appearing to read "Francesco Coccopalmerio". The signature is written in a cursive style with a large initial 'F'.

Francesco Cardinal Coccopalmerio
President