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Cornelius J. van der Poel, C.S.Sp

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# INFLUENCES OF AN “ANNULMENT MENTALITY”\*

CORNELIUS J. VAN DER POEL, C.S.Sp.

The influences of an “Annulment Mentality” is a delightful topic. To my knowledge there is no generally accepted definition of the concept “Annulment Mentality,” nor is it possible to give a sharp outline of influences that either lead to or result from any form of mentality. This means that we are placed in an open field or, that we are asked to find our way on a largely uncharted sea.

In an effort to draw the topic into sharper focus I suggest to search first for an acceptable meaning of “Annulment Mentality,” and to see this particularly in relation to the sacrament of matrimony. Secondly, I will try to develop an insight into the influences of such a mentality on the man-woman relationship in general and apply this to the particular meaning of the sacramental value of marriages among Christians. Finally, I want to suggest briefly what demands this mentality and its influences place upon the pastoral ministry of the Church.

## THE MEANING OF “ANNULMENT MENTALITY”

The “Annulment Mentality” is by its nature a vague concept. I assume that we should understand *mentality* here as “a mental status or inclination.”<sup>1</sup> In this context an annulment mentality would mean that individuals or groups of individuals express a general tendency or an inclination toward an annulment whenever a marriage does not work out. It is easy to recognize such a state of mind in an individual whose marriage *has* failed and who is engaged in an effort to seek an annulment. It is then a “state of mind in which an individual sees one’s self already as an unmarried person despite the past years of conjugal living.”

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\* Adapted from an address at the Eastern Regional Conference of Canon Lawyers, Hershey, Pennsylvania, April 11, 1978 and is reprinted with permission from 40 *The Jurist* 384 (1980).

<sup>1</sup> *The American Heritage Dictionary*, p. 820.

This state of mind is very common and perhaps even advisable in persons who are either preparing for or actively involved in annulment procedures. It would seem to me that this mentality is one of the aspects of an emotional divorce which hopefully will take place when the conjugal relationship is irreparably broken. However, this state of mind in an individual is not the immediate topic of our discussion. Our immediate concern is the mentality as it exists in the community. The individual's annulment mentality will normally develop after the marriage has broken up. An annulment mentality of the community may exist previous to the breaking up of a marriage and may have its influence on the conjugal relationship.

If the actual number of annulments which are granted by the Tribunals of the United States<sup>2</sup> are any indication we must say that the annulment mentality is strongly increasing. The total number of cases resolved in the Tribunals of the USA in 1968 were 4,044; 442 of them were formal cases. In 1978 the total number of cases was 29,782; 27,737 of them were formal cases. The total number of marriages contracted within the Church's jurisdiction in 1978 was 340,849. This means that for every 12 marriages contracted within the Church's jurisdiction there is one marriage in which a Tribunal has given a sentence relative to annulment. We do not know how many others have toyed with the idea of seeking an annulment or how many would consider it as a possible solution for their problems if they knew more about the possibilities. It is true that between 1968 and 1978 the new procedural norms have been introduced and have greatly simplified the task of the tribunals. However, the simple fact that the actual number of declarations of nullity equals nearly ten percent of the total number of marriages in a given year, may in itself be a strong indication that within the Roman Catholic community there is a state of mind or an inclination toward annulment when the going in marriage gets rough.

It would seem to me, however, that although the large number of actual annulments may be indicative of an annulment mentality, it does not explain either its nature or its meaning. I suggest that we can understand the nature of an annulment mentality only if we see it as a dimension of a conjugal state of mind. Most of us will agree that even the term "conjugal state of mind" is rather vague and escapes accurate description. However, there exists a fairly general understanding of what marriage means and what the normal expectations are for marriage.

I like to see the conjugal state of mind as a combination and integration of the following qualities:

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<sup>2</sup> Data are screened from the Proceedings of the Annual Conventions of the CLSA for the years 1969, 1970, 1975, 1976, 1977, 1979.

- a. there is an experienced need in one's own personality structure for an intimate relationship with a person of a different sex;
- b. there is an emotional and intellectual conviction that this (prospective) partner can respond to this need for relationship in a constructive manner;
- c. there is an expectation that this relationship will provide a sense of personal fulfillment in the mutual giving as well as in the receiving from each other;
- d. there is expectation for a general experience of happiness and satisfaction in the relationship;
- e. there is an expectation and wish that the relationship will be lasting and developing for the rest of their lives.

This last point in particular can have one of two basic undercurrents which can give a different flavor to the whole perspective of marriage; namely, there can be a *permanency-mentality* or a *dissolution-mentality*.

A "permanency mentality" is not totally explained by the intention to enter into a permanent marriage. In my limited experience I have never met a couple who wanted to get married for only a short time. They always wanted to make marriage a lifetime reality. Yet this does not guarantee a permanency-mentality. A "dissolution mentality" should not be seen as a basic intention to get out of marriage as soon as the going gets too rough. This approach is not uncommon but it does not always suggest a search for an easy solution.

*Permanency-mentality* and *dissolution-mentality* are rather the opposite ends of the spectrum that indicates the amount of effort a couple wants to put into a marriage in order to keep it viable. The decision to marry is a human decision, and I suspect that most of us will agree with Charles Curran when he says:

No particular human choice even the commitment to marriage or to religious life is totally identical with the reality of the person making such a decision. In such a choice a mistake is always possible, and it may only become apparent in the future . . . . Every decision of magnitude such as that of embracing marriage or religious life must be made with great reflection and prudence because in such a decision one is trying to discover the meaning and direction of one's entire life. However, the fact that no one act can be totally identical with the person means that one cannot demand irrevocability in this matter.<sup>3</sup>

The fact that the decision to be married to a specific individual is not irrevocable does not by itself signify an annulment mentality.

I would like to point to two different aspects of irrevocability. There is a *legal* irrevocability which means that once a contract or an agreement has been accepted its legal consequences cannot be revoked. There is also

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<sup>3</sup> Charles E. Curran, "Divorce from the Perspective of Moral Theology," *CLSA Proceedings* 36 (1974): 16.

an *interhuman* irrevocability which would mean that the interhuman responsibilities which are the object of the agreement could never be discontinued. The precise balance between these two aspects has never been clear.

The Church has always accepted the possibility of the discontinuation of the conjugal communion of life in exceptional circumstances (cf. canons 1128 and following). However, even if the conjugal communion of life is discontinued another marriage is not accepted. The doctrine of indissolubility of marriage has been understood by the Church as a basis for *legal* irrevocability but not necessarily for *interhuman* irrevocability. Thus it would seem that the permanency mentality which has existed in the Church for many years included at the same time the possibility of the breaking up of conjugal relationships.

The condition of legal irrevocability has undoubtedly contributed to keep the actual number of separations low. We may rightly assume that sometimes couples stayed together to the detriment of themselves and of their children. By and large, however, we may also assume that the strong mentality against separation has been for many people a profound encouragement to search for ways to make the marriage viable.

On the other end of the spectrum is the dissolution-mentality. This does not mean the acceptance of trial marriages. It is rather a mentality that intends marriage to be lasting a lifetime, yet simultaneously it excludes from the conjugal agreement the necessity of accepting a long and painful growth process as a normal dimension of marriage.

Somewhat on purpose, I have substituted dissolution-mentality for annulment mentality. In my understanding there is a difference. As I see it, an annulment mentality accepts the theory of indissolubility but when the relationship fails it tries to search for defects in the personality or in the matrimonial consent. A dissolution-mentality disregards the fact whether there is such a thing as indissolubility. It simply wants the marriage to be discontinued and to be disregarded when the relationship becomes dissatisfactory for whatever reason. The common denominator is that both mentalities are reluctant to see the full perspective of growth values in the conjugal relationship, and both mentalities are hesitant to consider the viability of marriage as a value to be obtained at the cost of great sacrifice. I used the term easy solution mentality to point to a psychological dimension which is usually part of this human approach, namely, the hesitancy or the fear to cope with difficult personal problems.

In an effort to describe the term "annulment mentality" we may perhaps say that it is a state of mind which in theory accepts the permanency of marriage but which also believes that marriage is a state of life which brings happiness with a minimum amount of personal effort and growing pains.

The above descriptive definition is very incomplete because it consid-

ers almost exclusively the psychological dimensions of the conjugal relationship. Annulment mentality touches also the understanding of the sacramentality of marriage. One of the arguments for the indissolubility of marriage is its sacramentality, the Christ-Church relationship. The redemptive Christ-Church relationship is understood as grace-giving, life-giving, constructive and sanctifying filled with infinite love. When love has disappeared from marriage, it becomes difficult to see how a loveless relationship can reflect the self-giving of God's infinite love. In an effort to see the sacrament of marriage as a life and love-giving relationship one may be inclined to forget that suffering and sacrifice belong to the essence of love. We may never become punitive, masochistic or sadistic, but it would be unrealistic to exclude hardship and pain from love and marriage. I do not say that an annulment mentality tries to exclude these properties altogether from the conjugal and sacramental meaning of marriage, but it does seem to make an effort to keep these properties to a minimum. Thus the annulment mentality seems to reflect an approach to Christianity which understands human as satisfying or providing satisfaction without incorporating the total reality of growth and development with its necessary pains and problems.

Completing my descriptive definition of annulment mentality I suggest that it includes the following convictions:

- a. the permanency of marriage;
- b. marriage is meant for happiness which must be obtained without serious growing pains;
- c. the sacramentality of marriage is the love relationship between Christ and the Church which creates self-fulfillment and happiness;
- d. when pain enters into marriage or when love-response dwindles the reflection of Christ's self-giving is absent or lost;
- e. in the growth process the essential pains are to be reduced to a minimum.

#### INFLUENCES OF AN "ANNULMENT MENTALITY"

The influences of an annulment mentality can be studied from many different angles. One can look at the origin of such a mentality, at its impact upon the matrimonial consent, or at its influence upon the effort a couple will make in difficult circumstances of their marriage relationship; or perhaps most importantly, one can study the influence of an annulment mentality upon the understanding of the Christ-Church relationship. The scope of this paper does not allow to treat these aspects in great detail. I want to restrict myself to some reflections on certain influences that contribute to the origin of an annulment mentality and its influence upon the conjugal relationship because these two aspects touch closest on the emotional stability of the community and on the values of the sacrament of marriage.

*The Origin of an Annulment Mentality*

A mentality is closely related to a state of mind, an inclination, an attitude. In this perspective we may apply what Erik Erikson says: Attitudes are caught, not taught. To a certain degree attitudes may be compared to a fundamental option which is neither produced nor radically altered by an individual decision. An attitude is the result of a slow growing process under influence of earlier experiences at home or in one's immediate surroundings. When one's home-life and one's immediate social contacts support the permanency of marriage, the individual's and the couple's thoughts and desires will be much less inclined toward the discontinuation of the conjugal relationship than when the immediate surroundings would support a separation.

It would be unfair to doubt the importance of a personal decision on the part of individuals who seek an annulment. On the other hand, we may not overlook Geraldine Spark's observation:

To observe and treat the marital relationship as a unit totally independent of or isolated from families of origin would be to ignore the major significance and value of these interlocking relationships. It would also be treating the marital relationship as if it were a closed system. To concentrate only on the need of each spouse would be to ignore the primary loyalty ties, indebtedness and obligations that exist with each one's family of origin.<sup>4</sup>

Thus we may say that an annulment mentality is more likely to arise when in the home setting, in the Church surroundings, and in the social contacts annulment or divorce has become a common or accepted reality. We do not have to prove that the social surrounding is often more supportive of divorce than of permanence of marriage. From this point of view an annulment mentality is certainly fostered.

Another aspect of an annulment mentality is the attitude that marriage is for personal happiness with the minimal amount of pain and effort in the process of growth and development. It would seem to me that this perspective too is greatly supported by today's society. One of the major thrusts in contemporary behavioral sciences is the emphasis on the value of the individual. Frequently this emphasis becomes so strong that it reaches the point of individualism if not egotism. I am trying to say that the emphasis lies on the individual *vis à vis* the community rather than on the individual *as a member* of the community. One of the dangers of this approach is the concern for a selfish-fulfillment rather than for the fulfillment of one's integrated self.

Obviously, the development of the individual is extremely important. Perhaps in the past the importance of the community has been overem-

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<sup>4</sup> Geraldine M. Spark, "Marriage is a Family Affair," *The Family Coordinator*, 26 (April 1977), p. 167.

phasized at the cost of the individual; but to place the community at the service of the individual includes the danger of making other people objects for the fulfillment of one's own desires. It is not hard to imagine what such an attitude will mean for the marriage relationship. Often the central question in marriage becomes "What can our relationship do for the development of my personality?" instead of "How can my personality grow and develop by contributing to your growth and to our relationship?" In such an approach the tables have been turned and the stage is set for insurmountable marital difficulties. The concentration on the first question: "What can our relationship do for the development of my personality?" has an individualistic focus which in the course of time will weaken any intimate relationship.

Through Christianity, particularly through the revelation of Jesus in the Gospels, we know that the human relationship is meant to be the expression of God's creative self-manifestation. This means a reaching out in order that life may grow and develop. This also means a development of oneself precisely through reaching out to others. This is a form of Christ's love for the Church. Christ's redemptive love does not ask "What can the Church do for me?" but, rather "How can the Church (the community of the faithful) be filled with the life of the Father?" In the Christian concept of personality growth an essential other-directedness is not an obstacle for the development of an individual. On the contrary, the individual can fully develop only to the extent that there is an ability to reach out to others. In the Christian concept of love the aspects of love of self, love of neighbor, and love of God are not three distinct steps but an integrated wholeness of three complementary aspects.

In this perspective an annulment mentality is not merely an attitude that expects an annulment when the couple experience serious marital problems. It also includes a basic self-orientation. We must be careful not to fall too easily into accusations. I do not want to suggest that underneath most of the petitions for annulment is a tendency toward selfishness or a lack of generosity. An annulment mentality belongs to the signs of the times and is a result of contemporary individual and community development. It has its roots in the civil society as well as in the Church's community.

The deeper understanding of human growth and development, contemporary insight in the integration of material and spiritual dimensions of human existence, the growing awareness of basic human goodness have created in the Church itself a leaning toward the fulfillment of human desires. The religious value of physical existence as a *locus theologicus* for the understanding of the human and Christian vocation has led to such an emphasis on the doctrine of the resurrection that we sometimes forget the resurrection came after suffering and death.



*Consequences of an Annulment Mentality*

I do not want to overstate the tendency toward individual self-fulfillment, nor do I want to make accusations, but we may not close our eyes to the reality that commitment has today a different meaning and strength than a few decades ago. In the past a commitment may sometimes have been pursued at the cost of personal happiness and growth, but at the present time personal happiness and growth is sometimes pursued at the cost of commitment. Undoubtedly there is much good in the quest for growth and happiness, but there is much evil in the loss of commitment. Vatican Council II warns against this tendency where it says:

When the scale of values is disturbed and evil becomes mixed with good, individuals and groups consider only their own interests, not those of others.<sup>5</sup>

It is at this point that an annulment mentality touches closely on the sacramentality of marriage. I do not suggest that accepting the possibility of divorce or annulment makes a marriage invalid, but the decline of faith and the weakening of commitment could place the validity of the sacrament on unstable grounds. The Second Vatican Council has placed the covenantal relationship in marriage at the center of its sacramentality when it says that an "intimate partnership of life and love constitutes the married state of life."<sup>6</sup> The same Vatican document also says that once this state of life has been accepted the bond between the couple does not depend any longer on the human decision alone.

The sacrament of matrimony is a participation in the redemptive mystery of Christ's total self-giving to humanity. A sacrament, however, is not only the celebration of the mystery of the risen Christ. It is a participation in the mystery of the *redeeming* Christ. Redemptive love means a total gift of personal life in order that life may be communicated. The gift of personal life demands a living faith in the believer as well as a commitment which is ready to accept self-giving without self-seeking. Total self-giving is not contrary to personal growth, but it means growth through commitment rather than growth by appropriation.

The difference between growth through commitment and growth by appropriation is succinctly stated by Harvey Aronson:

Commitment involves giving. But that does not mean that you're not free. I can realize myself and be committed to someone who can realize herself. And we can have the guts and faith to create a one-to-one relationship that enriches our lives. These singles-world people have cut themselves off from that choice. They are prisoners of what they call freedom. From my per-

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<sup>5</sup> Constitution on the Church in the Modern World, no. 37.

<sup>6</sup> *Ibid.*, no. 48.

spective they are building fences to protect themselves from their own feelings. They are, over the long haul, takers—not givers.<sup>7</sup>

Obviously, Harvey Aronson does not speak about the sacramentality of marriage. He is concerned about human relationships that are proper to marriage and which form the basis of marriage. If there is a mentality of "taking" rather than "giving," a lasting relationship is not possible.

The contemporary jurisprudence of the Rota as well as of most diocesan tribunals points to the fact that when a lasting relationship is not intended or possible between the spouses, a marriage cannot be a sacrament. Where sacramentality is lacking, a declaration of nullity is the only Christian approach. On the other hand, the more easily an annulment is granted the more deeply an annulment mentality (or a dissolution-mentality) will enter into the human relationship. It is almost a vicious circle, but we may not close our eyes to the reality. Sociological research points out that one of the important stimuli for divorce is the attitude toward divorce in the family of origin and in the immediate surroundings.<sup>8</sup>

This constitutes a special problem for tribunals.<sup>9</sup> On the one hand, they must uphold the indissolubility of the sacrament of marriage and convey the stability of marriage to the Christian community. On the other hand, they may not declare a broken relationship indissoluble when it is not sacramental. However, when annulments are more easily obtained, the message of indissolubility becomes weaker.

During the years 1974-1978 the number of formal cases decided in the tribunals of the United States has jumped by nearly 4,000 every year. If this trend has continued the number of formal cases decided in 1980 may reach 35,000. That this increasing number of annulments has an influence upon the understanding of the stability of marriage among Catholics cannot be doubted.

Again, this creates a problem for many tribunals. Tribunals are a court of law which must uphold the validity of marriage as well as declare the absence of a truly sacramental unity. However, tribunals also belong to the pastoral dimension of the Church and in this perspective they are called to contribute to the proper understanding of the sacramentality of matrimony. The pastoral concern to which they are called pulls them in opposite directions. Out of concern for those whose marriages were invalid they are called to give a declaration of nullity; but this declaration of nullity weakens the belief of many faithful in the permanence of marriage.

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<sup>7</sup> Harvey Aronson, "In Praise of Monogamy," *Newsweek*, March 27, 1978, p. 15.

<sup>8</sup> Clifford Kirkpatrick, *The Family as Process and Institution* (New York: Ronald Press Co., 1963), p. 582-584.

## ANNULMENT MENTALITY AND PASTORAL MINISTRY

In this third section of my reflections on the influences of an annulment mentality I want to focus briefly on two dimensions of ministry which are closely connected with the annulment mentality. First there is the pastoral ministry to families; second there is the pastoral task of tribunals in this perspective.

*Influences of an Annulment Mentality on Pastoral Ministry to Families*

In the context of an annulment mentality one would expect to pay special attention to the preparation for marriage. I acknowledge and support wholeheartedly the importance of this aspect of pastoral concerns. Yet I prefer to focus more explicitly on the pastoral ministry to *families*. The reason for this approach is that in the past we have paid considerably more attention to marriage than to family. Too often the family has been taken for granted as a natural consequence of marriage. It was fairly generally accepted that family relationships would fall into place if the marriage relationships were alright. We begin to discover that this is not always true. In the field of theology we begin to discover that the relationships within the family include the marriage relationships, but that they also have a nature and value of their own.<sup>9</sup> This direction came strongly to the surface in the studies and recommendations of the USCC Ad Hoc Commission on Marriage and Family.<sup>10</sup>

Earlier in this paper I indicated another reason for this special focus on the family. The individual partner may not be taken as totally separated from the family of origin. Attitudes and mentalities are more effectively communicated through a sharing of life than through any form of instruction.

It is in the communication of attitudes that pastoral ministry to families becomes of the utmost importance. Archbishop Jadot said in his address to the National Conference of Catholic Bishops in November, 1977:

With the best of intentions, some marriage and family life programs have perhaps overly emphasized the psychological and sociological findings in determining a course of action. This has precipitated a cascading trend to secularism. It is only when our doctrinal principles, in concert with other sciences, are asserted intelligently, clearly and strongly, that married people

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<sup>9</sup> See D. THOMAS, *Sacramentality and Spirituality of Family Life*, and C. VAN DER POEL, *Family: Communion of Life, Love and Grace. Toward a Theology of the Family*, in CURRICULUM OUTLINE AND RESOURCES FOR DEVELOPING A PASTORAL MINISTRY COURSE ON FAMILY LIFE AND A CONTINUING EDUCATION PROGRAM FOR CLERGY, (Washington, D.C.: U.S.C.C. Publications, 1977).

<sup>10</sup> *Final Report of the USCC Ad Hoc Commission on Marriage and Family*, USCC Department of Education (Washington, D.C.: U.S.C.C. Publications, 1977).

will find in them a satisfactory meaning of their lives and those of their children.<sup>11</sup>

This statement speaks about communication of attitudes and makes a distinction between two kinds of attitudes which ought to be complementary in the human being, but which often are separated to the detriment of couples and families. The attitudes of concern relate to the psychological/sociological structure of marriage and family as one factor, and to their spiritual meaning as the other factor. Neither of these two may be neglected. Both of them belong to the pastoral concern of the Church's ministry.

Sociological and psychological studies point to the increasing isolation of individuals and families. They also point to the need for the development and strengthening of personal values and dignity. Psychological findings suggest that in our technological age there is a higher degree of intellectual/factual knowledge in many individuals but also a greater uncertainty about the direction of their lives because circumstances are constantly changing. The sociological conditions which provide greater freedom and mobility also offer choices which were unknown at earlier times. This combination of increased freedom, mobility, and choice and of decreased stability, direction, and personal security creates a human condition for which pastoral ministry must become very sensitive. It is particularly within the family setting that young people learn to cope with these conditions by developing a sense of deep personal value and dignity. Family ministry must enter into this development and must thereby rely heavily on the findings of psychological and sociological research.

At the same time there is a need for a deepening of the spiritual meaning of daily life. Our doctrinal principles must be asserted intelligently, clearly, and strongly in order to find in human existence the meaning revealed to us in the Gospel. The revelation of the Gospel and the faith experience of the earlier centuries of Christianity have taught us much about the basic meaning of the sacrament of matrimony. Centuries of doctrinal development, culminating for us in Vatican Council II, give a vision of marriage as a covenant of grace. This means an unreserved self-giving in its most primitive but most basic and most essential form is experienced in acceptance within the family. The family is the place where people learn that love is a degree of commitment, and that commitment is the courage to become vulnerable for the growth and development of other persons. Since the sacrament of marriage is a celebration of Christ's self-giving, sacramentality is as much an attitude as a doctrine. Perhaps we may say that sacramentality is intrinsic to the conjugal relationship from the moment of creation but that its full meaning is revealed

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<sup>11</sup> *Origins* 7/24 (Dec. 1, 1977): 374.

by Christ. Sacramentality does not only refer to marriage; it embraces the reality of the family as well. Perhaps we may say that in the sacramentality of the family the grasp of the sacramental value and of the permanence of marriage is communicated.

If this last statement is anywhere near accurate then the annulment mentality places a heavy burden on pastoral ministry. It is the burden of creating and maintaining within the sacredness of the family a conviction or attitude in which freedom, security, and direction are combined with mobility, choice, and stability and where all these qualities are united in the one love of Christ. Pastoral ministry seeks the creation of a human being who is truly the image of God, totally human and deeply spiritual, never static but always well directed and secure.

The International Theological Commission, in a meeting held December 1-6, 1977, came to the conclusion that "among the baptized there can be no *sacrament* of marriage unless there is an actual faith." For Christian marriage to be truly a Christian marriage supposes in the spouses a real bond with Christ.<sup>12</sup> Undoubtedly, this real bond with Christ is a personal responsibility but this personal development cannot take place in isolation. The Jesuit sociologist John Thomas puts it this way:

Under conditions of pluralism and rapid change, modern Catholic couples can be expected to retain their distinctive family values only on the condition that they clearly understand the religious foundations of their values, are adequately motivated, and enjoy some measure of group support from their co-religionists.<sup>13</sup>

The clear understanding, the adequate motivation, and the group-support that John Thomas mentions form an integral part of pastoral ministry to families. Limitations of space, however, do not allow us to go into details on the development of various forms of this family ministry.

#### *The Pastoral Task of Tribunals Regarding an Annulment Mentality*

One of the tasks of the tribunals is to render judgment about the presence or absence of a sacramental bond in marriages that failed. This judgment, however, needs to be pastoral.<sup>14</sup> This means it must guide individuals and the community to a deeper love of Christ. The immediate concerns of tribunals deal with legal or canonical realities. It is not their task to be involved with dogmatic aspects, although their judgments must be a pastoral application of doctrinal understandings. Legal/canonical

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<sup>12</sup> *Origins* 7/27 (Dec. 22, 1977): 418.

<sup>13</sup> Quoted from paper presented at U.S.C.C. Ad Hoc Commission on Marriage and Family, October 1976, p. 6.

<sup>14</sup> Pope Paul VI, Address to Roman Rota, Feb. 2, 1977; *Origins* 6/38 (March 10, 1977): 602ff.

practices are not by themselves a source of doctrine. However, the experience of the tribunals with regard to the grounds for invalidity of marriages provides a rich source for understanding as to which human conditions prevent the formation of a conjugal communion of life. Thus the findings of a tribunal surface human conditions which effectively prevent the sacramentality of marriage in individual couples.

Serious theologians have in recent years begun to question the necessity of the coincidence of sacramentality of marriage and the marriage between two baptized.<sup>15</sup> This question goes beyond the reach of tribunals. But tribunals come in touch with people who did have the sincere intent to enter into a lasting communion of life, but who because of certain personality structures could not reach this goal. In one diocese in the Midwest which granted an affirmative decision in 100 cases during 1977 there were 56 decisions given on grounds of some form of psychological incapacity or immaturity, 22 decisions were cases *contra bonum sacramenti*, 19 *contra bonum fidei*, and 8 *contra bonum prolis*.<sup>16</sup> It will not be unreasonable to assume that the break-down will run along the same general lines in most dioceses of the United States.

The data and information collected by tribunals are by their nature highly confidential and must be treated with due reverence. However, tribunal personnel themselves or family life personnel in collaboration with tribunals can study the grounds which have a direct bearing on personality structures, on basic attitudes, and on mentalities which invalidate marriages among Christians.

A deeper understanding of these grounds would not in the first place indicate areas in which pastors should provide better marriage preparation. Such an understanding would be overly simplistic and would betray little pastoral experience. The deeper understanding of these grounds could, however, assist the Church in at least two very important ways.

1. It could help us to understand that human personalities need a close intimate relationship with another person for their own personal growth and development. This statement is not a compromise with the disintegration of moral values in a materialistic world. In former social structures there were many conditions of life which contributed to a healthy and undisturbed maturation process in the personalities. The earlier family relationships and human interdependence contributed greatly to the development of the persons. Our present isolated family and our

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<sup>15</sup> Among the more recent studies I want to refer to William LaDue, "The Sacrament of Marriage," *C.L.S.A. Proceedings* 36 (1974): 25-35; Cornelius J. van der Poel, "Marriage and Family as Expression of Communion in the Church," *THE JURIST* (1976): 59-89; William Maravee, "Is Marriage 'in the Church' a Marriage 'in the Lord?'" *Eglise et Theologie* 1977: 91-100.

<sup>16</sup> Kindness of the Tribunal of the Archdiocese of Omaha, Nebraska.

dependence on technology does not provide such circumstances; yet psychological maturation cannot take place without intimate human interchange. Such interchange is not readily available for the majority of people except in close living conditions. Moreover, many baptized persons who are quite sincere about their religion do not grasp the deepest Christian meaning of the sacramental value of marriage.

I am not advocating trial marriage. What I am trying to say is that many persons to whom a close interhuman relationship cannot justly be denied and who cannot find such interhuman relationships except by living together are not ready for a sacramental union. Perhaps the coincidence of baptism in both partners and the sacramentality of marriage is not a doctrinal necessity. The experience and insights of pastoral tribunals can be a significant contribution.

2. The second point in which a tribunal can be pastoral is that it provides to the personnel of family life offices invaluable information about the areas where pastoral guidance is most needed. When pastors in the field become more deeply aware of the psychological and religious needs of those who enter into marriage, they can develop a basic direction for their pastoral care of families. It opens the way for them to bring depth of personal growth and Christian development to those aspects of family living which otherwise would contribute to the growth of an annulment mentality. Thus, a pastoral concern in tribunals combined with actual pastoral involvement can counterbalance the tendency toward an annulment mentality to which the growing number of affirmative decisions seem to contribute.

In summary it seems to me that an annulment mentality touches at the heart of the Christian family. To counterbalance this growing mentality we do not need to decrease the number of declarations of nullity. We must, however, find ways to utilize the tribunals' experience and insights for a deeper understanding of the doctrine of the sacrament of marriage, and for the development of an effective pastoral ministry to families.