Robert H. Vasoli’s book, *What God Has Joined Together: The Annulment Crisis in American Catholicism,* is compulsory reading for any social scientist studying the future of the Catholic family, which once was the touchstone of Catholicity itself.

Oxford University Press claims that this book reveals “the degree to which the U.S. Church has gone its own way since Vatican II on what constitutes real marriage.” The author, himself a social scientist (Notre Dame), concludes that American canon lawyers “are making mockery of Christ’s solemn rejoinder that no mere mortals, including well-intentioned tribunalists, can tear apart what God himself has put together.” John Paul II, as late as January 21, 2000, warned the Roman Rota, the Church’s central court of appeals, against espousing the presumption, “unfortunately adopted by some tribunals,” that contemporary Catholics “desire a dissoluble marriage so much that the existence of true consent must instead be proven.” Journalist Charles Morris, in his well-written book *American Catholic* (293), scorns as hypocrisy “the contrast between the rigid Church teachings on divorce and the enthusiasm with which dioceses hand out annulments.” Peter Steinfels (of the *New York Times*) faults Vasoli for his “top-down” ideology — “not the Gospels, or Jesus, or the Holy Spirit, but the pope and canon law.”

On a matter of such importance, “facts” come first: the United States, with only 6 percent of the world’s Catholics, accounts for 75 percent of the Church’s annulments world-wide, 58,000 per annum, two-thirds of which are based on “the defective consent” of one or both of the parties, sometimes decided fifteen and more years after a marriage, even after four and more children had been born. While the Roman Rota handles only 200 appeals each year (hardly an effective response each year to the 80,000 annulments dispensed universally), it regularly nullifies almost 95 percent of the American nullities that come its way.

However, *What God Has Joined together* is more than a statistical abstract; it is a manual of present-day canonical theory and practice on annulment in eleven chapters. Chapter 1, “Profaning Marriage,” details the growth of annulments from 400 formal cases (in 1968) to an average of 40,000 per annum (from 1985 to 1994), the effect on Catholics of the country’s growing divorce mentality, the breakdown of the American family, theological and canonical changes within the Church, and the Tribunals’ share in the profanation of Christian marriage.

Chapter 2, “Winds of Change,” discusses the American Procedural Norms (APN), permitted by Rome ad experimentum after 1965 — especially
the use of one-judge courts (which meant the multiplication of cases) and the
discouragement of compulsory appeals for pro-nullity decisions. These
experiments helped create annulment-friendly diocesan tribunals.

Chapter 3, “Building on the Groundwork,” explains how the words of
Gaudium et Spes and technical expressions like “contract” and “covenant,”
“freedom and law” were changed in meaning by post-Vatican II commentators.
Also, marriage as exchange of consent was altered to suggest a union with
certain “rights and obligations,” then to a state in which people “exchanged
selves.” This change facilitated the process of a court judging postfactum that
the original consent at wedding time to enter a common life was defective, and
the marriage invalid, even if a quarter-century old.

Chapter 4, “The New Jurisprudence,” covers the relationship of the
Sacred Roman Rota to diocesan marriage courts, the introduction of “case law”
to Catholic jurisprudence, and “the mind of the Pope” as the source of
authentic interpretation of canon law. The goods of Christian marriage now
embrace more than the bonum prolis, fidei, et sacramenti: a right to “a
communion of life” — or to a successful marriage — has been added to the mix.

Chapter 5, “Psychologizing Annulment,” describes the idealization of
marriage; the emphasis on the psychological ingredients of a successful
marriage, which cannot per se be equated with valid marriage; the role of Canon
1095 as the basis of expanded annulments (lack of reason, lack of judgment
about the expectations and meaning of marriage); and the amending of the
nature of marriage, changes in the nature of the marriage contract required for
validity.

Chapter 6, “Systemic Abuse of Psychology,” explains the expansion of
the discretion of judges to determine via psychology what the law means. But
while law presumes choice, psychology tends to determinism. It also explores
the role in annulments of the expert, junk science, and of defective consent and
remarriage. The following is a verbatim account of one actual sentence where
subjective readings, not reality, triumphed:

[The Court concedes that] many of the factors that motivated Stella to
marry were good and proper. Unfortunately, the Court sees that Stella
was marrying not Steve but an imagined person she “thought” would
provide her with the things she wanted. Stella never really knew the
Steve she was marrying. She hardly knew herself. She married to
satisfy her perceived needs, not to love and accept the person of Steve.
She did not truly appreciate who Steve was, nor who she was! . . . Stella
did not marry the flesh and blood person of Steve. She married a
manufactured image of someone who she thought could meet her needs
as she perceived them to be at that time! . . .

[It] has been determined after a careful study of this case that Stella did
suffer from a serious lack of judgmental discretion. That grave lack of discretion was such that it invalidated the consent she exchanged with Steve despite the good intentions of both of them (99).

Chapter 7, “Promoting the Blueprint,” discusses the effects of “single judges” and “no appeals,” the selected use of Rota decisions, efforts at outreach to unhappy Catholics, the use of Catholic press, and the restrictions of confidentiality. It also covers Sheila Kennedy and her book Shattered Faith. Books on nullity were numerous, while books on the validity of marriage were few and little known. In probing for possible grounds of annulment, one Archdiocese used the following inventory, the italicized lines having no relevance to Church-approved grounds for validity:

The character of your parents, an assessment of their relationships, who was the dominant one in the home, your relationship with them. The personality [sic] of your brothers/sisters and your relationship with them. Your educational background, attitudes toward school. Your sense of accomplishment. Social activities and ease in forming friendships. Mental health problems or unusual physical problems. Any behavior problems in school. Unusual fears in childhood or later. History of dating, any other serious romances: if so, why terminated. Attitudes toward sex and related problems. Life goals and personal standards of achievement, religious practice. Number of jobs, reasons for terminating. Problems in adult life, e.g., alcohol, drugs, gambling, handling money, arrests. Evaluation of personal strengths and weaknesses: Ex. Are you sensitive to the needs of others, nervous, quick-tempered, moody, jealous, selfish, ungrateful? Would others consider you to be honest and truthful? Would others have reason to consider your conduct erratic, unpredictable, outlandish or fantastic? Would others consider you to have good judgment in everyday situations? (130).

In Chapter 8, “Screening and Docketing Cases,” Vasoli discusses the procedural and juridical mechanics of annulment. He remarks the presence of petition-friendly tribunals, the consequent high acceptance rate, the tendency to probe for grounds for annulment, the overcrowded calendars, a productivity that takes on a life of its own, etc. He summarizes the difficulties as follows:

The day-to-day operations of American tribunals bear witness to the theological and canonical premises that animate the system as a whole. The wholesale acceptance of petitions in many dioceses and subsequent adjudication of the petitions by single-judge courts are causes and effects of caseload size. Ultimately, however, heavy tribunal dockets are an inevitable by-product of the conceptions of marriage, matrimonial consent, and the rectitude of nullity which now rule the American canonical roost. Revisionist marriage theology, pronullity
jurisprudence, the pastoral imperative, psychologization of the annulment process, and tribunal administrative policies have been formed into a canonical apparatus designed to euthanize thousands of marriages (143).

Chapter 9, “Tribunal Personnel,” covers the role of tribunal personnel in deciding who has been married invalidly. Judges and Defenders of the Bond are the key figures in annulment proceedings. Very few clients, however, hire their own lawyer or know their rights. Vasoli also discusses the Defender of the Bond and his credentials, and notes the problem that advocates of nullity often confront guardians of validity without qualifications.

In Chapter 10, “Respondents and the Right of Defense,” Vasoli explores the general indifference to respondents who oppose nullity. Giving someone a new chance at a happier marriage supersedes a search for the validity of the original marriage. Moreover, petitioners frequently engage in forum-shopping, and while the defense has a right to access to pertinent documents, few participants are familiar with canon lawyers or canon law.

Finally, Chapter 11, “Appellate Review,” Vasoli explains how Second Instance Courts merely rubber stamp first decisions. Where is the Defender of the Bond? He also notes that the Rota reverses 95 percent of American defective dissent decisions, and that Appeal judges are inadequately trained.

Because this review is intended to be read mostly by social scientists, this writer will reduce his editorial comments to three words: Read this book. A Jesuit reviewer indicts Dr. Vasoli for his “vitriol,” the result, he thinks, of local Indiana tribunals declaring his fifteen-year marriage null and void (a decision overturned later by the Rota). From the first moment he came my way, however, I never encountered “hate” in his personality, although the loss of his children still remains a sore point. The way in which he uncovered a competent canon lawyer in Rome to handle his appeal was a story in itself. Vasoli’s language is sharp at times, and judgmental, but no different than the tribunalists who resent his criticism of canonists. By the time he decided to write for the history books, Vasoli’s passions on the subject, whatever they were, had ample time to cool. And his rise to expertness about the American annulment scene is the only “hot” dimension to his present persona. The Vasoli report may not be the last word on this subject — and his judgments should be evaluated, by bishops especially. Still, he lances a major ecclesial sore point, and the Church cannot afford to leave the toxin untreated.

Let me conclude with a little parish priest nostalgia, and one doctrinal observation.

Very early in my parish priesthood — now almost sixty years ago — I acquired canon lawyer friends, and continue to have those who still live. Whenever we sent a distressed soul “down” to the tribunal in our young days,
we chose our JCD carefully — usually one who could ferret out an invalid marriage if it came his way. And we hoped the best for our unhappy people, no differently from our canon lawyers, but we and they lived with the results.

Then the mentality of jurists changed. During the 1950s one well-known jurist told this story rather proudly to anyone who would listen: a Broadway mogul — not a Catholic — came to his office asking to marry an Irish chorus girl, although he was married already to a co-religionist. After an hour-long interview, ending with news that a Catholic marriage was out of the question, the headliner asked: “Would it help if I knew somebody?” “Who do you know?” asked the priest. “Jim Farley” said the petitioner. Assured that Farley enjoyed a great Catholic influence, especially with the local Cardinal, Mr. Broadway gushed enough enthusiasm to ask: “What will the Cardinal do, after Farley talks to him?” The jurist replied, “His Eminence will call me and I’ll tell him you do not have a case!” A dozen years later the tribunalist resented having that story told because, by then, he was a prime activist among canonists of the “love is dead, marriage is dead movement.”

Questionnaires occasionally come to me from tribunals, one of which told a Vasoli tale on its own. The petitioner was known to me from his boyhood. I had married him, watched him develop his own family of seven, and become a heavy drinker. Eventually I counseled him and his wife when their disagreements became bitter. Years later, a questionnaire from a small diocese arrived, informing me that my former altar boy had petitioned for the nullity of his 25-year-old nuptial bond. I returned the questionnaire with the advisory to the local tribunal that grounds for nullity did not exist in this case and that, if the case continued, I wished to appear in person before the court as a matter of justice. I never heard from them again. The annulment was granted anyway, and the man’s mother later was moved to ask me, “How could the Church do this?” During the 1980s about a half-dozen cases on their way to Rome found excuse to come my way. All of these annulments were de-nullified by the Roman Rota.

Now to the doctrinal question.

Annulment-friendly tribunals are another effort since Vatican II to modernize the Church by implying (sometimes denying) that its major preachments are not necessarily true. Secularists profess no faith in Christ or the Church at all. Self-proclaimed Catholic reformers, realizing that the American culture has gone the French Enlightenment way, somehow think that Catholicity will become more credible if its doctrinal claims about the supernatural are muted, e.g., the ongoing presence of God and Christ in its sacraments. The words can remain the same, but their meaning, it is said, must be made more understandable to unbelievers and to Catholics who find Christian marriage hard to live. Vatican II may have called the Church “the
sacrament of salvation,” but this concept must be re-interpreted symbolically. Baptism is a rite of entry to the Christian community, not exactly the cleansing of original sin. Confirmation confers new status in the Church, but not so much the gift of the Holy Spirit. Anointing the sick has become a quick fix of encouragement, especially in the middle aisle, not so much identifying with the suffering of Christ. Forgiveness of sin preferably should be a group process rather than the result of a face-to-face meeting with a priest with authority from Christ to absolve sin in his name. Real Presence occurs when Catholics gather around an altar more than in a host or cup. The priest and pope are community leaders acting in concert with their people, not Vicars of Christ acting solely on their own, and with divine authority. And, then, there is the sacrament of marriage, which comes into being not when a couple exchange vows till death do them part (at that moment they may not fully grasp the presence of Christ), but after experience has solidified their relationship. And, then, maybe not.

This inversion of priorities is only part of the Catholic story that has been playing out for thirty years in diocesan households. When Christ found his Father’s house turned into a center of personal gain or self-enrichment, instead of worship, he cleaned house (John 6). We moderns take malefactors in stride, and demonstrate annoyance otherwise — at thousands who actively challenge the annulment of their marriage, at those who criticize liturgical translations or abuses, at pastors who insist that Church law must be obeyed, or college presidents who demand that Catholic theology be taught in accord with the mind of the Church, at those who insist that the state of grace is necessary for the worthy reception of Holy Communion. Given this state of affairs, God in his heaven will likely be the one to clean his house in his own good time.

*Sic transit gloria ecclesiae Catholicae.*

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