Synod Talk on Making Annulments Easier

Should the focus be on streamlining annulments or saving marriages?

By Dr. Rick Fitzgibbons, Oct. 13, 2014

The current Extraordinary Synod on the Family is looking at proposals to make annulments easier to obtain. One proposal – floated by Cardinal Walter Kasper in his February 2014 presentation to the Extraordinary Consistory of Cardinals – suggested a novel alternative path to streamline the process, whereby a bishop would entrust the nullity process to a priest with spiritual and pastoral experience as a penitentiary or episcopal vicar.

Other Cardinals and experts among clergy, however, have raised serious concerns over this and other proposals to streamline the annulment process, as well as over Cardinal Kasper’s view that divorced and remarried Catholics should be allowed to receive the Eucharist, perhaps after some undefined period of penance. “[Remaining in the Truth of Christ: Marriage and Communion](http://www.ignatius.com/Products/RTC-P/remaining-in-the-truth-of-christ.aspx)” is one such critique.

Another was written by Msgr. Cormac Burke, a former judge on the Roman Rota, the Church’s High Court. He [points out that annulments negatively impact family life.](http://www.hprweb.com/2014/08/what-should-the-october-synod-discuss) Hence, proposals to make them more “available” seem counter to the stated principles of the Synod on the Family.

Social scientists, too, have raised concerns about making it easier for those in troubled marriages to obtain annulments. Research findings supporting their view include the following:

•  unhappiness and a desire to divorce often arise from complex (and often unconscious) psychological conflicts from childhood and adult life that can be addressed, resolved and result in the marriage being strengthened

•  two-thirds of divorces occur in marriages with low levels of conflict, and wives initiate two-thirds of divorces

•   80 percent of divorces are forced on a spouse who opposes the process and wants to work to save the marriage

•   a large body of social science research demonstrates that marital conflicts can be resolved

•   the current psychological evaluation of spouses who apply for annulment [is inadequate](http://www.thecatholicthing.org/columns/2014/annulments-justice-and-marital-healing.html)

•   males from divorced families are particularly vulnerable to severe depression, having three times the odds of suicidal ideation in comparison to men whose parents had not divorced. [Fuller-Thomson, E. & Dalton, A.D. (2011) “Suicidal ideation among individuals whose parents have divorced: Findings from a representative Canadian community survey.”*Psychiatry Research*:187:150-155.]

•   divorce causes lifelong damage to the psychological and spiritual well- being of children.

In addition, the research of family scholar Elizabeth Marquardt has documented numerous cases of conflict in the spiritual lives of children of divorce. [Marquardt, "[Between Two Worlds](http://www.amazon.com/Between-Two-Worlds-Children-Divorce/dp/0307237117/ref%3Dsr_1_1?ie=UTF8&qid=1413160796&sr=8-1&keywords=Elizabeth+Marquardt+Between+Two+Worlds)," pp. 135-168.] Some described how their bitter anger toward their parents led them to deny the existence of a caring God. Marquardt noted, moreover, that the children of divorce frequently reported the sad fact that religious leaders rarely approached them or responded to their troubled questions.

Dr. Brad Wilcox, a sociologist at the University of Virginia and director of the National Marriage Project, [wrote](http://www.firstthings.com/web-exclusives/2014/03/time-to-accommodate-the-divorce-revolution) last March in “First Things” that —

*the social scientific bottom line is this: From America to Africa, the divorce revolution has exacted a devastating price on those who can least afford it, namely, children and the poor.*

Wilcox cited a new [study](http://link.springer.com/article/10.1007/s13524-013-0220-6) that found child mortality to be significantly higher in children of divorce in many countries. In Kenya, for instance, children are 75% more likely to die if they grow up in a divorced home, compared to a married home, even after controlling for socio-demographic factors. Wilcox recommended that

*Pope Francis would do well not to simply accommodate the divorce revolution that has "put asunder" millions of families across the globe, but rather to search for new ways to make the [Church’s] plan [for marriage] visible, achievable, and attractive to the more than one billion Catholics in his global flock.*

But in September 2014, in a surprise move, the Vatican announced that Pope Francis had established a special commission to examine possibilities for streamlining the annulment process. Many had assumed that such a decision would depend on the recommendations of the Synod of Bishops meeting in 2015. The Vatican stated that the goal of the new body, which will begin work as soon as possible, “is to prepare a proposal to reform the matrimonial process, with the objective of simplifying its procedure, rendering it more streamlined, and safeguarding the indissolubility of marriage.”

**Causes of Divorce**

A 2010 study of 886 Minnesotans who filed for divorce revealed that the most common reasons given for seeking divorce are capable of being resolved: 53% identified “not being able to talk together” as a major contributing factor to the decision to divorce; “growing apart” was cited by 55 percent; and insufficient attention and infidelity by 34 percent. (Alan J. Hawkins, Brian J. Willoughby & William Doherty, "Reasons for Divorce and Openness to Marital Reconciliation," Journal of Divorce & Remarriage 53, no.6 (2012): 453-463.) These common conflicts can arise due to modeling after a similar weakness in a parent – from unresolved anger and the loss of trust, from giving in to selfishness, from controlling behaviors or from a weakness in faith and failure to rely upon the Lord’s love and grace.

In our experience, and in that of many Christian mental health professionals who work with married couples, these conflicts can be resolved and divorce can be prevented. At a time when we are witnessing a [doubling of the divorce rate](http://link.springer.com/article/10.1007/s13524-013-0270-9) in the past two decades among adults over 35, the Church should have as its major focus the strengthening of marriages rather than focusing on making annulments easier to obtain.

**Greater knowledge of marital and family of origin conflicts**

Improvements should be made in the annulment process, for example, requiring that husband and wife individually identify the following: his/her primary weakness in self-giving; which parent disappointed him/her the most; and who had the greatest weakness in self-giving in the family of origin history, which disappointed him/her the most. This background information is critical in the annulment process because psychological research has demonstrated that approximately 70 percent of adult psychological conflicts arise from unresolved childhood and adolescent conflicts. In other words, many spouses are unhappy, mistrustful, unfulfilled and angry because they lack self-knowledge about the weaknesses they brought into their marriages from their family background or from a previous loving relationship.

These weaknesses can be identified by reviewing the “secure attachment relationship” with each parent in regard to the degree of warmth, love, trust and affection experienced in those relationships. The relationship in which unresolved emotional pain emerges most frequently is in the father relationship. Deep emotional wounds of sadness, anger, mistrust and insecurity are unconsciously misdirected toward one’s spouse. A recommendation to work on a process of forgiveness can free the spouse from being under the control of past emotional pain. ("[Forgiveness Therapy: An Empirical Guide for Resolving Anger and Restoring Hope](http://www.amazon.com/Forgiveness-Therapy-Empirical-Resolving-Restoring/dp/143381837X/ref%3Dsr_1_1?ie=UTF8&qid=1410958981&sr=8-1&keywords=forgiveness+therapy+an+empirical+guide+for+resolving+anger+and+restoring+hope)") As Pope St. John Paul II wisely wrote, “without forgiveness one remains a prisoner of the past.”

**Recommended Changes to the Annulment Process**

To secure justice and protect spouses, children, the sacrament of marriage and the culture, several steps should be taken. Most importantly, the spouse who seeks an annulment should not be permitted to begin the process until there is clear knowledge of how this person’s emotional weaknesses and conflicts contributed to the marital stress and the divorce.

In addition, the petitioner should be required to demonstrate that he/she has made at least two years of effort in addressing the petitioner’s weaknesses and those of his/her spouse.

Too often the petitioning spouse presents himself or herself as the victim of insensitive treatment by the other spouse without ever discussing his/her weaknesses in self-giving that contributed to the marital conflicts. In fact, many spouses who wounded their marriages by their emotionally distant, controlling, angry, and selfish behaviors nevertheless feel entitled to an annulment and are often granted them.

In the experience of many Catholic marital therapists, spouses and family members, annulments are being granted in marriages in which the conflicts can be resolved. One of the major reasons for failing to work to resolve the conflicts is selfishness, often described as the major enemy of marital love.

A more rigorous process of annulment is needed that requires applicants to prove that they have addressed their own psychological weaknesses, rather than allowing them to blame solely their spouse for the marital stress.

A critical issue that needs to be evaluated is whether the applicant’s unhappiness and emotional pain is primarily the result of marital conflicts or primarily due to unresolved family of origin issues. Qualified mental health professionals can assist those who serve on tribunals in creating such an evaluation process.

Applicants for annulments can also be helped by reviewing the Church’s teaching on marriage and its indissolubility. The Catechism of the Catholic Church states,

*The love of the spouses requires, of its very nature, the unity and indissolubility of the spouses' community of persons, which embraces their entire life: ‘so they are no longer two, but one flesh.’ They ‘are called to grow continually in their communion through day-to-day fidelity to their marriage promise of total mutual self-giving.’ This human communion is confirmed, purified, and completed by communion in Jesus Christ, given through the sacrament of Matrimony. It is deepened by lives of the common faith and by the Eucharist received together (no. 1644).*

The new Saint of the Family, Pope St. John Paul II has written that —

*The Catholic Church is the only institution in the world who continues to defend the indissolubility of marriage; it holds marriage to be a sacrament that through Christ’s grace present to us in the Holy Spirit should last a lifetime as it was meant to from the beginning.” (“*[*Man and Woman He Created Them: A Theology of the Body*](http://www.amazon.com/Man-Woman-He-Created-Them/dp/0819874213)*,” 99:6; 100:4).*

The Church needs to work to support and strengthen marriages and to encourage growth in total mutual self-giving and in resolving the weaknesses in spouses that interfere with such giving rather than attempting to make it easier to obtain annulments.

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