

Statistical Analysis Marriage Nullity Cases in the United States of America from 2016-2018

Introduction

Over three years have passed since the reform of the process for the declaration of the nullity of marriage legislated by the *Motu proprio Mitis Iudex Dominus Iesus* and *Mitis et misericors Iesus* has gone into effect. Due to the novelty of the *Processus brevior coram Episcopo*, there is much interest in the way it is being used. Several have already produced statistical studies. There are the two studies for the Ibero-American tribunals.¹ In addition, the Canon Law Society of Great Britain and Ireland published in its 2019 *Newsletter* a statistical analysis for Tribunal activity in 2017.² There is also the periodical *Proceedings* of the Canon Law Society of America, which began in 2017 to published the statistics for the briefer process.³

Scope and Method

The present study seeks to analyze the statistics regarding the first instance activity of ecclesiastical Tribunals in the United States of America from 2016 through 2018. While some of above-mentioned studies relied heavily on reports of the Central Office of Statistics of the Church, the raw data for this study was gathered exclusively from the Annual Reports on the State and Activity of the Tribunal submitted to the Supreme Tribunal of the Apostolic Signatura.⁴ Certainly this choice placed some limitations on the data intake; however, the report provides a unique data set including the number of appeals lodged by the defender of the bond.

Throughout the study, several abbreviations are used:

- PB, *processus brevior coram Episcopo*
- PO, *processus ordinarius*
- DV, *defensor vinculi*

¹ Cf. Martín Astudillo, “El proceso más breve ante el Obispo: los tribunales iberoamericanos en el año 2016, primer año de vigencia del *Mitis Iudex Dominus Iesus*,” Vatican, *Supreme Tribunal of the Apostolic Signatura*, http://www.vatican.va/roman_curia/tribunals/apost_signat/documents/el-proceso-mas-breve2016.pdf (accessed Aug. 22, 2019); *id.*, “El proceso más breve ante el Obispo: los tribunales iberoamericanos en el año 2016,” Vatican, *Supreme Tribunal of the Apostolic Signatura*, http://www.vatican.va/roman_curia/tribunals/apost_signat/documents/el-proceso-mas-breve2017.pdf (accessed Aug. 22, 2019).

² Cf. Peter Kravos, “British & Irish Tribunal Statistics 2017,” *Newsletter* n. 195 (2019) 3-8.

³ Cf. Canon Law Society of America, *Proceedings of the Annual Convention* 79 (2017) 395-402 and 80 (2018) 452.

⁴ Cf. STAS, *Litterae circulares Inter munera*, 30 July 2016 (prot. n. 51716/16 VT), AAS 108 (2016) 948-953.

Data Intake

Below are the statistics regarding the total number of Tribunals in the United States of America and the number reporting in each of the major categories.

Year	Total # of US Tribunals	# of Tribunals reporting PB	# of Tribunals reporting PO Ia
2016	187	179	182
2017	187	182	183
2018	187	168	169

The difference in the number of tribunals reporting year-to-year is not simply a result of whether or not the Tribunal submitted the Annual Report, but also a result of the accuracy with which it was completed. Sometimes certain responses were left blank or the report contained conflicting data which could not be reconciled. In such cases, the tribunal was considered not to have reported in that category.

The data intake statistics reveal the limitation of this study. Indeed, the data set for 2017 is much more complete than those for 2016 and 2018, especially when it comes to the briefer process. The disparity in reporting is due to the difficulty tribunals had in adjusting to the new forms for the Annual Report, which began use in 2016, as well as the fact that for the purposes of this study data collection for 2018 closed August 20, 2019, limiting the amount of time for tribunals to report on 2018. Therefore, the hard numbers for 2016 and 2018 suffer in accuracy, though the averages and percentages remain a reliable point of comparison.

Overall Statistics

While not including the sentences of marriage nullity issued through the documentary process, the following table gives the total overall number of sentences issued and the appeals by the defender of the bond.

Overall	Total	Pro Vinculo	Pro Nullitate	DV Appeals
2016	19,323	748	18,575	33
2017	19,816	819	18,997	39
2018	16,577	756	15,821	46
Avg.	18,572	774.33	17,797.66	39.33
Total	55,716	2,323	53,393	118

Again, these numbers will differ from other sources due to reporting, however, the percentages are helpful here.

Percentages	Total Sentences	Pro Vinculo	Pro Nullitate	DV Appeals
2016	19,323	3.87%	96.13%	0.18%
2017	19,816	4.13%	95.87%	0.20%
2018	16,577	4.56%	95.44%	0.29%
Avg.	18,572	4.17%	95.83%	0.22%

As can be seen in these two tables, the number of sentences reported in 2018 is 3,239 less than in 2017. Notwithstanding the fact that 14 less tribunals reported in 2018, than in 2017, the statistical difference in the overall number of sentences between 2017 and 2018 would appear to be indicative of an actual decrease. This is significant since Judicial Vicars have often reported an increase in the number of *libelli* submitted due in large part to the change in competency (cf. can. 1672). Indeed, these statistics show that the so-called "MIDI Bump" is waning.

Looking specifically at the percentages, it is also noteworthy that over the three years the percentage of *pro vinculo* sentences increased, if only slightly, the percentage of *pro nullitate* sentences decreased, and the percentage of those sentences *pro nullitate* appealed by the defender of the bond increased.

Statistics on Sentences *pro nullitate*

The main point of interest of course is the comparison of *pro nullitate* sentences issued by the briefer and ordinary processes. The following table distinguishes between those sentences issued through the briefer process before the bishop and the ordinary process.

Sentences <i>pro nullitate</i>	Total	PB	PO	PB %	PO %
2016	18,575	201	18,374	1.08%	98.92%
2017	18,997	245	18,752	1.29%	98.71%
2018	15,821	202	15,619	1.28%	98.72%
Avg.	17,797.66	216	17,581.66	1.21%	98.79%
Total	53,393	648	52,745		

As is clear in the chart, the number of sentences issued by the bishop in favor of nullity pales in comparison with the number of sentences issued through the ordinary process. Perhaps more significant is the fact that the percentages do not appear to shift at all through the three years.

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