

This dissertation explores, compares, and analyzes the Jurisprudence of the Tribunal of the Diocese of Metuchen from 1986 to 2015 as it evolved on the issue of incapacity to consent, as specified by canon 1095 of the Code of Canon Law of 1983. Through the universal Church, especially in the United States, there is evidence of a growing number of cases that have dealt with canon 1095 in Church tribunals on grounds which involve the question of psychology. The disproportionate number of declarations of nullity cases adjudicated by the local tribunals particularly in the United States is often a point of criticism. Therefore, the timing is appropriate for an evaluation of canonical jurisprudence, focusing especially on the local tribunals' jurisprudence concerning the nullity of marriage due to a defect of consent, particularly as canon 1095 is one of the most frequently used canons in her judiciary.

This dissertation seeks to provide some reflections on how the interpretation of this canon evolved and its present formulation in light of the studied cases. The purpose is to explore some of the issues that tribunal officials in Metuchen have found significant in practice. Certain recent developments pertaining to matrimonial jurisprudence in the studied tribunal will be identified and their ability to impact jurisprudence examined. This study pertains to the jurisprudence concerning the nullity of marriage in the Tribunal of Metuchen, but its analyses and conclusions could be applicable and helpful to other tribunals. The aim was to produce a work that could serve as a resource for those engaged in administering justice in the tribunals of the local church.

Those involved in the administration of justice in the Church are obliged by the nature of the office they hold to follow the sacred discipline of the Church. The theological-juridical methodology implemented in this research gives rise to a canonical inquiry into whether or not the jurisprudence of the Tribunal of Metuchen adequately reflects the intention and mind of the Supreme Legislator contained in canon 1095. This dissertation's method includes drawing on

conciliar documents, papal teachings emerging from multiple allocutions, and analysis of cases adjudicated by the judges in the Tribunal of Metuchen.

The first chapter explains the notion of jurisprudence as a science which deals with principles that emerge in the application of law to particular cases. The second chapter examines the foundational elements of marriage and the notion of secular personalism vs. Christian personalism. The third chapter gives an overview of the notion of consent, focusing in greater detail on the teaching of the Second Vatican Council which describes marriage as a covenant or pact (*foedus*) through which an intimate community of conjugal life and love is established. Furthermore, it explores other juridical concepts including internal freedom, the categories of persons incapable to contract marriage, and possible impediments that render the person's consent inefficient. The fourth chapter offers a comprehensive overview of the Tribunal of the Diocese of Metuchen - the structure, routing of cases, and the steps in the annulment process; explores the difference between a cultural (human) anthropology and a Christian anthropology; and provides an analysis of jurisprudence and judicial practices as found in the Tribunal of Metuchen. The final chapter of this dissertation examines the contribution of the judges of the Tribunal of Metuchen in detailing the standards formulated in canon 1095; provides a heightened assessment of the individual characteristics of the parties in canon 1095 regarding the inability to consent; investigates the challenge of marriage catechesis; and considers the analysis of *Vetitum* and its effectiveness as well as proposals for the future.

In light of these studies, it can be concluded that cultural differences pose a challenge for the interpretation and understanding of juridical concepts. They also present a challenge to the judges in the Tribunal of Metuchen in applying and interpreting the law. There is no doubt that different schools of thought in psychology and psychiatry affect administrators of justice in both

Rotal and American tribunals. This would support the fact that there would be a lack of common juridical language since there are various modes of understanding the same condition, especially as it relates to issues of psychic incapacity. In their quest for the truth of the matrimonial bond, judges must keep in mind both the cultural factors and the nuances of juridical language so that their ministry reflects the splendor of truth as reflected through the law.

The studies in the dissertation reveal the fact that the ministers of justice at the Tribunal of Metuchen conduct their ministry faithfully, apply Rotal jurisprudence, and endeavor to follow the correct procedures to adjudicate their cases. Together with the Bishop, they try to bring justice to those in failed marriages by searching for the truth through the correct interpretation and application of jurisprudence.