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CANONICAL PREPARATION FOR MARRIAGE: SOME NEW DIOCESAN PROCEDURES ‡

REV. MSGR. GERARD C. KRIEG*

BASED on a 1967 Survey of Economic Opportunity prepared by the U.S. Bureau of the Census it was reported: "For the greater part of the population those who remarry are much more likely to remain married until death intervenes than they are to become divorced. The highest proportion reporting divorce experience are those for persons who married . . . at a relatively young age (under twenty-two for men and under twenty for women) Barring marked change in current trends, it seems plausible to expect, during the lifetime of those who are now entering marriage at correspondingly young ages, between one-half and one-third will eventually end their marriages in divorce."¹

Men who married in their teens had consistently quite high probabilities of divorce, and men who married in their late twenties had consistently low probabilities of divorce. During the first five years of marriage, fully sixteen per thousand of the teen-age grooms, but only five per thousand of the grooms who married in their late twenties, obtained a divorce within an average one year period. Moreover the peak probability of divorce was reached relatively long after marriage for the men who married in their late twenties. For those married five years or more the only probabilities of divorce that were really divergent among the groups by age at marriage were the very high probabilities of divorce for the men who had married at a very young age. Thus, the

‡ Paper delivered to the Eastern Regional Conference, Canon Law Society of America, at Scranton, Pennsylvania on May 3, 1972.

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¹ Glick & Norton, *Frequency, Duration, and Probability of Marriage and Divorce*, 33 J. OF MARRIAGE & THE FAMILY 309-10 (1971).

timing pattern as well as the overall level of the divorce probabilities varied considerably by age at first marriage.²

It was further evident from this same survey that the probability of divorce after first marriage is cut in half if one compares age groups fourteen to nineteen years and twenty-five to twenty-nine years.³

Present New York State Domestic Relations Law requires conciliation efforts prior to every divorce action.⁴ A review of Oper-

² *Id.* at 315.

³ *Id.*

⁴ N.Y. DOM. REL. LAW § 215 (McKinney Supp. Jan. 1972):

There is hereby created and established a conciliation bureau of the state of New York in each judicial district of the supreme court. The head of such bureau in each judicial district shall be a supreme court justice designated by a majority of the justices of the appellate division of the judicial department in which the judicial district is located. Such justice shall be the chief administrative officer of the bureau and shall have the responsibility for administering and supervising the affairs of the bureau in accordance with rules and regulations promulgated by the appellate division of the appropriate judicial department. Upon the request of the supervising justice, one or more additional justices may be assigned to assist the supervising justice in the performance of his duties.

Id. at § 215-c:

Conciliation conference after commencement of the matrimonial action

Within twenty days after the commencement of a matrimonial action, except an action to declare the nullity of a void marriage, an action to annul a marriage on the ground of incurable insanity and a proceeding to dissolve a marriage on the ground of absence, the party plaintiff in such action shall file with the conciliation bureau in the judicial district where the action is pending, a notice of commencement of such action. Failure to file the notice as required herein shall be deemed a dis-

actions of the Sixth Judicial District Conciliation Bureau Program (7/1/70—6/30/71) reported:

In the calendar year 1970 in the Sixth Judicial District 45.16% of the matrimonial caseload consisted of actions between couples under the age of thirty. In the majority of these cases marriage occurred when the couples were in their teens or just over twenty years of age. One or more children of one or both of the parties were involved in the bulk of these "under thirty" cases. Low incomes predominated. They tended to marry for the wrong reasons, but seemed somewhat more receptive to reconciliation than their older counterparts.

In the group responses to the confidential statements, both sexes gave spousal inability to communicate a high priority. Male resentment of in-law interference, female inability to cope with limited finances and to adjust to male sexual demands constitute the other major problems among the young. There is some indication that where financial pressures are minor, chances of reconciliation are better.

Although more elusive, because seldom expressed in the format of the confidential statements, the underlying reasons for their high rate of marriage failures appear to center in (1) immaturity at the time of marriage, continuing throughout the union, (2) unrealistic expectations, (3) lack of perceptiveness as to the mate's needs, and (4) unwillingness to cooperate in finding solutions—in short, their poor preparation for marriage.⁵

In a further report of this same judicial district we read:

continuation of the cause of action except for good cause shown to the court.

⁵ Review of Operations of the Sixth Judicial District Conciliation Bureau Program July 1, 1970-June 30, 1971 and Reports of Special Studies Completed with Respect to Certain Aspects of the Cases, 2.

While we have not had the time nor personnel to do a detailed statistical study of the motivations leading up to marriages uncovered in these marital disasters, certain reasons are stated with enough frequency to warrant mentioning them here:

- a) Pre-marital pregnancy
- b) Rebellion against "repressive" home life and over-strict parents
- c) Guilt feelings as a result of pre-marital sex
- d) An "out" from required and unwanted schooling
- e) Father-or-mother substitutes sought by parentally rejected adolescents
- f) "All my friends were doing it so I wanted to do it too!"

Looking to the future, with the ever increasing caseload of marriage dissolutions among the young and immature, perhaps we should give more heed to the adage which starts, "An ounce of prevention . . . !"⁶

Any harried tribunal official from any given diocese in the United States would cry a loud "Amen" to the heeding of the fine old adage about prevention and cures. It would seem to be safe to say that the experiences outlined in the report of the conciliation bureau of the sixth judicial district of New York State have been known in every tribunal across the United States. It had certainly been the experience of the tribunal of the diocese of Rochester, and it was precisely the adage about prevention and cures that prompted steps to introduce into the diocese of Rochester procedures by which the tragic circumstances of the marriages of the young and immature might somehow be averted. Comparison of

these procedures with those in the dioceses represented by the Eastern Region of the Canon Law Society has produced some interesting information, and it is the insight from this study that I would like to share with you. Hopefully we can all come closer to the formation of diocesan policies that will meet more adequately the problem of the marriages of the immature young.

In times past it had been diocesan policy to protect at all costs the individual's natural right to marry. Diocesan practice, however, succeeded at times in making the protection of the right to marry little more than a sentence to life imprisonment in a marital situation that had little or no hope of success. It has been my personal experience, as I am sure it has been for many of you, that a parish priest, convinced that a couple was not prepared for an intelligent use of their right to marry, was nevertheless directed by the Chancery to witness the union at the importuning of the couple and with a sincere determination to protect that natural right to marry. Within a short time that couple is found in the tribunal demanding with equal importuning that a decree of nullity be awarded them for various and sundry reasons, all based upon the immaturity of either or both of them and the inadvisability of their choice.

The earlier appeal to the couple's natural rights is seen, in the clear light of hindsight, to have been a tragic mistake, and tribunals are then left with an almost impossible task of attacking the validity of a marriage which had, in effect, been witnessed at the direction of ecclesiastical authority.

The right to marry, if natural, as we

⁶ Review of Operations of the Sixth Judicial District Conciliation Bureau Program July 1, 1970-June 30, 1971 and Report on Marriage Dissolution Among the Under-thirty Couples, 9-10.

term it, does arise from the nature of man; it comes to him with his creation as man and demands in the individual a capacity to comprehend the notion of marriage and to live out its obligations. The intelligent exercise of such a right, therefore, demands of the individual a preparation so that he is, in fact, able to know what it is he is contracting and what it is that marriage demands of him.

Experience makes it patently clear to tribunal personnel that the natural right to marry must be exercised with a great deal of care and only after the most reasonable amount of preparation. To permit a couple to exercise the right to marry when they are not sufficiently prepared to accept the responsibilities of marriage can be a grave injustice. In days like the present we can no longer presume upon society to offer reinforcement to a married couple in their efforts toward fidelity or permanence. We cannot presume that the proper motivation will be present for the union. In fact, as has been seen in the earlier quoted report of the conciliation bureau, we can presume totally inadequate motivation in 50% of the cases of young people.

If, in fact, we profess a belief in the permanence of marriage and hold it as a sacred contract, our obligation to assist couples in bringing adequate motivation to marriage becomes a gravely serious one. And if we see marriage to be truly a divine institution, a contract rising out of nature and raised to the dignity of a sacrament, we will acknowledge that couples, properly guided, will discover for themselves the true concept of this bond and the motives that they must bring to it.

This guidance of young people to a

discovery of the true concept of marriage and the effort to assure the presence of proper motivation in marriages of the young is the purpose of the program introduced for teen-agers in the diocese of Rochester. The attempt has been made to bring about a confrontation between the young couple and those who can bring positive assistance in the formulation of adequate motivation for marriage or, at least, in the recognition of the lack of such adequate motivation. The Rochester program simply attempts to bring together the already existing resources of Church, family and community and make them available to young people who present themselves for marriage.

To reinforce civil legislation the program is made mandatory for minors, i.e. men under twenty-one and women under eighteen. When a minor or minors present themselves for marriage, the parish priest is directed to initiate the premarital investigation using slightly modified questionnaires and attempting to allow the individuals to express through this interview why they judge themselves prepared for marriage. An appointment is made for the couple through the Family Life Office for the pre-cana program designed specifically for them.⁷

⁷ Intensive pre-cana

The group process utilized in the intensive pre-cana program for the most part includes the format of group process utilized in social group work which is well described in G. KONOPKA, *SOCIAL GROUP WORK—A HELPING PROCESS* (—).

Some of the techniques utilized and modified in the groups which we have worked with will be described below.

Beginning the meeting

We usually have coffee, tea and cookies avail-

Through small groups led by a staff couple trained in group dynamics, the couple is once again forced to speak out their preparedness for marriage and this time in circumstances in which criticism

by other couples in similar circumstances can be active.

The program seeks to force the couple to express to others precisely why they judge themselves prepared for marriage.

able to the couples upon arrival and permit them to help themselves whenever they desire. Sometimes encouragement is required in order to get them started, as they are usually quite shy and reserved upon arrival. If possible, we sit in a circle in order that all of the persons are in view of one another. The lead couple does not sit together but attempts to divide the room in half with a partner at each end. This seating arrangement gives each of the leaders the opportunity to sit next to different persons and to chat with them informally at times.

Generally, when the couples arrive it is of interest to all to allow ten or fifteen minutes of informal talking among the couples in order that they become familiar with one another and relax. One may find, especially during the first meeting, that the couples are extremely shy and tend to keep to themselves until the formal session starts. If this is so, it becomes paramount that the host couples attempt to initiate conversation when possible, in an informal manner and of a nonpersonal nature.

As the general session commences, we announce that we are not going to lecture the group but hopefully will cover material which is important to them. We stress the idea that they should bring up the subject matter and we will attempt to provide answers from the group if possible. If the group is unable to assist with the questions, we act as resource persons (the leaders). It is important that we attempt *NOT* to set ourselves up as authority figures in order that we do not stifle interaction and the free flow of conversation. We must keep in mind that one of our primary objectives is to become more acquainted with the persons attending the group. If we assume a dominant role we do not provide adequate opportunity for the couples to speak and therefore will not know them as we should.

A technique for providing good group interaction is to reflect the questions or material to the entire population and ask them to assist in the resolution of any problems presented. If the group members can assist each other, we have

the establishment of a positive relationship and the beginning of a more cohesive group. Sometimes, it becomes necessary to offer stimulation to the group, especially during the first session when the members are usually more guarded and nervous. This is done by presenting topics for discussion which most frequently enter into the newly married couples lives, such as: Inlaws, Finances, Night Out For Each, Role Of Husband, Role Of Wife, Working After Marriage, Communication Between Couple, Arguments and, generally, Relationship Between The Couple And Among Others.

A new technique which has proven to be an "ice breaker" or a get-acquainted method has proven quite successful during our last meetings. We ask each person in the room to pair up with a person whom they do not know. We allow about ten or fifteen minutes for the persons to get to know each other. One should find out the name, occupation, ambitions and general information about the person. After the fifteen minutes has elapsed, we ask each person in the room to assume the identity of the person with whom they were speaking and to introduce themselves as though they were the person with whom they just spent fifteen minutes. This process presents some humor and a certain amount of difficulty at first, but as the program progresses, the group involved seems to enjoy the activity. All of the persons in the group acquire some insight into the other persons' activities and occupations while at the same time, they are getting well acquainted with at least one other person in the room. The couples are usually divided by sexes, that is, a strange male and female are made partners.

It cannot be overemphasized that the leaders do not preach to the attending couples, but offer suggestions, recommendations and resources with regard to the content of the material forthcoming. We must consider the fact that the young people involved have already made a decision to marry and are quite capable of deciding what they should and should not do. As with most older adolescents or mature young adults, we can

Statements are received from parents, parish priest and pre-cana staff couple, and a judgment is made by the Bishop's representative whether the marriage is to be permitted or postponed. The tribunal, act-

ing as the Bishop's representative, at this point enables parents, staff couple and parish priest to share insights. In this way trouble areas uncovered can be dealt with prior to marriage.

present all sides of the picture, pro and con, and inform them that the decision is theirs. They are also acquainted with the statistics with regard to the probability of young marriages succeeding, etc., and usually react negatively to a statistical analysis of their situation.

Perhaps the most difficult aspect of conducting a group for some married couples will be that of an enabler, helper and supporter, but not a "doer." The goal of the leaders is to stimulate thinking, to be provocative *without* being dictatorial. Examples from ones own life situation are usually accepted by the attending couples if they are pertinent to the topic or may be used as a means of stimulating conversation. The examples show that the leading couple is not afraid to expose some of their own feelings and difficulties before the group, which may act as a stimulus for others. Providing this is done prudently, and not overdone so as to occupy the floor for the entire evening, it can be of benefit to all.

Some couples will remain extremely quiet during the entire pre-cana course. This makes it very difficult to acquire a good perspective with regard to their maturity and characteristics. It is usually impossible to force them into conversation as this becomes more threatening. Occasionally a round robin of questions is helpful and less threatening due to the fact that everyone is responding to the same question. Questions such as "Where are you going to live after marriage?", "Should the wife work?", "Who handles the money?", etc., are quite acceptable to the group and non-threatening.

If a couple poses a question such as "How do we handle the problem of visiting our inlaws for dinner on holidays?" or other such questions, it is natural for the lead couple to immediately respond as to how they resolved the situation. This type of response deprives the other couples of the opportunity of sharing with their peers their feeling and difficulties with the problems. It also inhibits conversation as the lead couple is setting themselves apart as the authority. The

lead couple should ask if any other persons are facing the same difficulty and how they handled the problem, or if anyone would offer suggestions to the couple presenting the problem. Such a process involves everyone in the problem, makes them feel a part of the group and helpful to one another.

If religious, moral, legal or other questions arise for which there is not an answer, do not be afraid to state that you do not know the answer but that you will find out for the next meeting or will refer the persons to someone who does know. Again, we do not have to have all of the answers and will not possibly be able to resolve all of the problems.

The primary task of the group leaders is to promote discussion, interaction, elicit feelings, opinions and thoughts about the subjects pertinent to the forthcoming marriage. In this manner, the lead couple will become more familiar with the attending couples and therefore be more capable of making an adequate judgment with regard to their readiness.

There will be some couples or persons who you will find it extremely difficult to know after three or four sessions due to their lack of involvement. One might try to spend a few minutes with the more reserved couples before or after a meeting in order to become better acquainted with them. If you are still unable to know them, a judgment has to be attempted solely upon non-verbal behavior which certainly is not absolute but has some merit. Do they communicate with other couples before or after the meeting? Do they communicate with each other? How do they sit . . . continually clinging to each other, in the furthest corner of the room? Are they giggly, solemn, afraid or responsive? Some persons are naturally shy and learn much from just listening. This does not essentially mean that they are immature. One should, however, be aware of non-verbal cues.

As the meetings are in progress, or at the last meeting, it should be made evident to the couples in attendance that you and your spouse are

It seemed essential to involve all elements in this decision: the couple themselves, their parents, the community (as represented in the pre-cana staff couple). It was not overlooked that the parish priest is the official witness, not only to the fact of the marriage, but also to the preparedness of the couple. Practically, it was recognized that in the unusual and sometimes emotional circumstances that frequently accompany the proposed marriage of minors, the parish priest can also feel the pressure of the importuning of couple or parents. To require the Bishop's permission frequently affords the parish

available for individual consultation if any of the couples are desirous of individual consultation. Generally make it known that you will talk to anyone privately if they have any questions with which they feel they need assistance.

Perhaps an important aspect of the group counseling technique is that of being non-judgmental. By this is meant that we do not say, "That is wrong, You can't do that, You should do it this way," etc. Such a method of handling problems certainly can destroy communication and interaction and set the leaders in the position of being dogmatic. A more sensitive approach would be one whereby alternatives to the problem would be presented; thus, you would be helping the couple to make a judgment based on the material presented. Though they are young couples, we must always keep in mind that they feel old enough to marry, to be responsible for their decisions and their lives and do not want people dictating decisions to them.

Generally speaking, the small groups should prove to be very rewarding but certainly there will be some frustrations. To permit young persons to air their views with regard to marriage and its many aspects and to provide them with consultation and a reflection of their own opinions is, indeed, a rewarding opportunity. To know them as individuals and couples, while at the same time respecting their separate identities is a challenge and a worthwhile contribution to their future.

priest the opportunity to achieve a more objective point of view and accept what other independent observers can provide. Should circumstances demand the postponement or permanent deferment of a marriage, it is much easier to resort to the requirements of the law than to make that deferment come from the opinion of a single individual, albeit the parish priest.

The procedure currently in use in the diocese of Rochester is by no means completely satisfactory. The principle, however, is proving itself to be valid. One of the rewarding moments was when a young girl said to me: "No one can say we were in any way forced into this union unknowingly. You are the sixth person to whom we have had to say why we felt we were ready for marriage." The procedure does seem to involve all who should be heard and all who could provide assistance to the young in their preparation for marriage. In the present form of the intensive pre-cana program, there is the opportunity for what can be called peer criticism. What advice would be rejected out of hand because it came from the authority figure of parent or parish priest is sometimes far more palatable and acceptable when offered by another of one's own age and condition. The opportunity for discovery of the reality of marriage, its beauties, and responsibilities is there for the young who will accept it.

The principle is valid also for those who are immature for reasons other than extreme youth and it is hoped that the attitude of mind engendered by the approach of the diocese to the marriage of minors can somehow be extended to other categories of the immature or unprepared.

In a poll of all the dioceses represented in the Eastern Region of the Canon Law Society thirty-three replies were received from our inquiry which was sent to forty-eight dioceses.

Of those who replied, twenty-five dioceses indicated they had no specific policy or program for teen-age marriages. Of the remaining dioceses indicating the existence of some policy or program regarding teen-agers or the immature only three involved the parents directly, three involved a counseling service, and the remaining specified the parish priest as the only one with the burden of determining the maturity of the couple. As far as analysis permitted, it would seem that only one diocese involved all the elements described above.

The most extensive plans come from the archdiocese of Hartford and the province of New Jersey. I would commend them to your study. To attempt a summary: in the plan for the archdiocese of Hartford a parish priest may not proceed with plans or a date for marriage until he has referred the couple to Catholic Family Services, making it clear to the couple that this referral is for positive counseling and assistance and that the counselor will be reporting back to him the results of their interview. The parents of the couple are to be advised by the priest that this referral to Catholic Family Services has been made in accord with diocesan policy. Evaluation by the Catholic Family Services is tailored to each individual couple depending upon their needs and circumstances. Upon receipt of the report of Catholic Family Services, the priest then schedules his own interview with the couple and

their parents so that a written resume may be prepared containing, among other things, information regarding motives for marriage, family background, financial status, and psychological maturity. This, along with the priest's final opinion regarding the case, is forwarded to the Chancery along with the counselor's report and an answer is given to the priest indicating either permission to proceed with the marriage or a mandatory postponement.

The province of the State of New Jersey has been at work on a common policy to deal with exceptional cases—"those who wish to be married, but are too young, too immature, pregnant, or who seem to lack a true Faith concept of the Church, Christ and the Sacraments." The goal of the common policy is "to make priests sensitive to all couples that come to be married." It was suggested that the policy be divided into four parts: the first, pastoral in nature, giving support to priests who are attempting to prepare couples for a stronger, healthy and happy Christian marriage. The second part was to help the couple define a healthy average marriage relationship; the third was to question the preparedness of the couple, and the fourth was the presentation of the couple to a Counselor for a continued evaluation process. The policy centers, however, so far as I can determine, on the parish priest, and the proposed policy is to aid the priest in his counseling role.

The policy in those dioceses having no program is, oftentimes, to recognize the province of the parish priest to make the decision regarding maturity, and yet no assistance is given the priest in making this admittedly difficult decision. It has

been the experience of us all, I am sure, to have encountered the parish priest who had set his own policy of refusing marriage to any and all teen-agers. Many dioceses, too, have their own "marryin' Sam" who will witness the union of any two people requesting his official presence, considering investigation to be an infringement of the rights of individuals. In either case a real injustice can so easily be inflicted on couples presenting themselves for marriage, and in both cases the Church's presentation of marriage as the beautiful sacrament typifying Christ's love for His people becomes a bit less credible to the outside observer and to those presenting themselves for marriage.

In an age when family life is threatened from so many sides, when short term personal commitments are presented as the most that can be expected of an individual, when more and more sociopaths appear in our society (reported to be now about 5% of the total population), and when

those suffering from this condition of sociopathy are almost universally found to be individuals whose parents have not enjoyed nor made the effort to achieve a good marital relationship, it is beyond the zero hour for us to express concern for the reality of marriage and family life. If this concern is not reflected in official policy regarding preparation for marriage, our credibility is strained a bit more.

It seems essential that we recognize that, though the right to marry is seen to be natural, its exercise is by no means unrestricted by the circumstances of those who possess it. In days when affirmation of positive values is possibly not sufficiently loud or frequent, the Church can offer a word of belief in man's ability to accept the gifts of God and a bit of hope that man will in fact respond to those gifts and present to our modern world living proof of that beautiful concept of marriage so elusive to so many in our present day society.