

MARRIAGE
IN THE
DIOCESE OF MEMPHIS IN TENNESSEE:
PRACTICES, POLICIES, PARTICULAR LAW

JANUARY 14, 2009

Introduction

As the Christian faithful of the Church of Memphis, we gather regularly to render our praise and thanksgiving to our God of life and love. All of us have experienced the Trinitarian God, as community, in marriage. Whether we are ourselves married or are single, we have all been directly affected by marriage, either by our own relationship or by the relationship of our parents.

Marriage has been described at times as “a little Church” (*ecclesiola*) or as the basis of society.¹ Individual marriages can be identified as “natural” or “sacramental.” The Catholic Church acknowledges all marriages, natural or sacramental, as life-long, unions between a man and a woman, open to the procreation of children, in which the couple pledges fidelity to each other. Marriages between two baptized persons are sacramental by the very fact of the baptisms of the spouses. Marriages involving a person who is not baptized in the name of the Trinity are natural marriages. Some people have the mistaken notion that the Catholic Church only acknowledges sacramental marriages as binding. Since God is the creator of marriage, whether it be sacramental or natural, the Church presumes that all marriages are binding.

1. Preparation for Marriage

Preparation for Marriage in the Diocese of Memphis consists of several stages. These stages may be described as informal and formal.

a. Challenges

The informal stage really begins at birth. A child begins to learn about what marriage is from the example presented by its parents. This learning faces many challenges in our world today. Many of our children do not know both of their parents. Even more children are reared in single parent homes. Other children experience the breakdown of marriage in the divorce of their parents. Still other children grow into adulthood in homes where the parents continue to live together but in some form of truce that is many times anything but quiet.

All of these situations present a manifold challenge to the Christian faithful of the Diocese of Memphis in terms of preparing our young people for marriage and in caring for adults who have conceived a child outside of marriage or whose marriage has broken down. As the disciples of Jesus who welcomed children, protected women who were accused of adultery, and who gave life to the children of widows, we will face these challenges and reach out in compassion, reconciliation, and healing to our sisters and brothers who experience one of more of these difficulties.

One particular challenge facing marriage in our contemporary society is the widespread practice of cohabitation prior to the celebration of marriage. This practice is clearly contrary to Catholic moral theology.² Various sociological studies have demonstrated that cohabitating couples are at a higher risk of experiencing the breakdown of marriage. As the Christian faithful in the Diocese of Memphis approach this challenge, we endeavor to be sensitive to couples who find themselves in this situation and we desire to emulate Christ who brought forgiveness to those who found themselves in the condition of sin. Furthermore, not all couples who cohabit can be regarded as a single type. Some couples begin to cohabit after they have become

¹ Pastoral Constitution on the Church in the Modern World, *Gaudium et Spes*, 52.

² See *Catechism of the Catholic Church* 2353.

engaged to marry. They have already made a commitment to one another and usually are simply anticipating the celebration of marriage. There are other couples who use cohabitation as a form of experimentation to see if the relationship is truly compatible. A third type of cohabitating couples live together simply for the sake of cohabitation and have no plans to marry.

The pastoral ministers who assist cohabitating couples in preparing for marriage need to balance the condition of the couple and the demands of Gospel living. An excellent resource for understanding the risks that cohabitation present to a couple and various pastoral approaches in helping a couple in that situation is *Faithful to Each Other*, a handbook for marriage preparation developed by the then National Conference of Catholic Bishops.³ Two qualities that the ministers need are an informed compassion for the couple and graced courage to proclaim the evangelical demands to the couple. The power of the sacrament of penance or reconciliation should always be extended to these men and women.

b. Informal Preparation

As a child begins its formal education, it begins to experience the marriages of people other than its parents and immediate relatives. The child already before this time has also learned informally about marriage as it is presented in the media.

The most effective preparation for marriage is the remote formation and education that young people receive. In their developmental years, youth are open to what the Catholic community values in marriage. They are not yet focused on their personal desire to marry an individual and are free to consider the various possibilities that are available to them.

The Catholic schools of the Diocese of Memphis have a Family Life Curriculum that extends from pre-school through the twelfth grade. This curriculum addresses relationships focusing on the relationship of friends and one's relationship with God. Human sexuality is specifically addressed in the fourth grade. Parents are engaged in this topic with work that the student brings home to discuss with the parents. The curriculum is designed to infuse values into students. Family life is also addressed in the religious texts series that are approved for use in the Diocese, particularly in courses addressing the sacraments. The high school curriculum specifically addresses the various topics related to marriage in the study of the sacraments and in the course on Christian Lifestyles.

Parish catechetical programs in the Diocese use the same religion textbooks as the Catholic schools. The students experience an integrated approach to faith development and family values. The high school youth ministry programs integrate all aspects of the young person's development, including the spiritual, educational, and social aspects, which are critical in preparing for adult life, including marriage.

c. Formal Preparation

The formal preparation for marriage consists of the program established by the Diocese and the Office of Family Ministry facilitates the program. The time for this preparation in the Diocese of Memphis is six (6) months. A couple initially contacts the pastor of one of the two parties to begin the program.

The formal preparation for marriage has four elements. The first element is the completion of the Pre-Nuptial Investigation form at the parish of one of the parties. Couples in the Diocese of Memphis who intend to marry initially meet with the proper pastor of one of the two even if the marriage will be celebrated in a church other than one of their parish churches. The reason for this contact is that the Catholic Church understands marriage to be a life-long

³ Bishops' Committee for Pastoral Research and Practices. *Faithful to Each Other Forever*. Washington, D.C.: United States Catholic Conference, 1989.

project. The wedding, or the celebration of marriage, is simply the formal initiation of this project. As a couple lives their marriage, they experience “joys and hopes and sorrows and anxieties (*Gaudium et spes*, I.)” These experiences are not isolated in the couple’s relationship; their fellow Christians share these with them. The community becomes aware of their intention to marry in the person of the pastor. The pastor need not accompany the couple in the preparation for marriage. The ordained minister who assists at the wedding usually accompanies the couple in the preparation program. Those involved in the preparation, the couple and the one working with them, may find an opening prayer for each session beneficial.

After this initial meeting with the pastor, the couple meets with the assisting minister to complete the Pre-Nuptial Investigation form. If the pastor is assisting the couple, they may complete the Pre-Nuptial Investigation form during this initial meeting.

The assisting minister completes the form. He or she asks the couple the questions and writes the answers on the form himself. He or she meets with each one separately to question the person on the questions pertaining to the groom and the bride respectively. It is important to question each of the couple privately on the respective sections because there are questions about things that they may not have discussed with each other before. Each should have the privacy to answer without fear of possible repercussions in the relationship at that point.

The Pre-Nuptial Investigation form is completed at the first meeting of the formal preparation so that there is sufficient time to address any impediment or other potentially invalidating cause promptly. This meeting need not be as formal as it may appear. The assisting minister can use this initial meeting to learn about the couple personally if he or she does not already know them. If he or she does know them, the minister can discuss what has brought them to this development in their relationship. The meeting can then conclude with the form as a natural result of needing specific information to begin the formal preparation in the Catholic Church for the celebration of marriage.

Another element in the formal preparation for marriage in the Diocese of Memphis is **FOCCUS** (Facilitating Open Couple Communication, Understanding, & Study). This inventory is conducted also by the assisting minister or a trained lay person. The couple has a session on the parish campus and completes the inventory. When they have completed it, he makes arrangements with them to meet again to review the results and implications of the inventory. In between the meetings, the minister makes arrangements for the read-out from the inventories to share with the couple in their third meeting.

The couple must also attend a session presented by the Office for Family Ministry on marriage. Special arrangements for marriage preparation may be needed for various ethnic groups or people who are entering a second marriage. The Department for Multicultural Ministries and the Office of Family Ministry are available to assist. Since the Diocese has a department for Natural Family Planning, the couple is required to attend at least the introductory session. Natural Family Planning sessions are available in Spanish, as well as in English.

A parish may have a married couple or a team of couples to assist engaged couples in the formal preparation of marriage. This approach can be very helpful in several respects. The married couple can be more credible in presenting the Catholic Church’s moral teachings about risk factors for marriage, such as cohabitation and premarital sexual activity. They can also share from their lived-experience the benefits and challenges that marriage has in store. This ministry also enhances the life of the parish community by giving an emphasis to the sacrament of matrimony in the parish’s organization.

The couple also meets with the assisting minister to plan for the celebration of marriage. The next section of this document specifically addresses the celebration.

2. Celebration of Marriage

a. Liturgical Preparation and Celebration

When a couple exchanges their vows during a wedding liturgy, the celebration not only pertains to the couple, their family and friends but they are offering a visible sign of God's presence to the parish and the larger church. As ministers of the sacrament of marriage the couple should strive for a wedding liturgy that is "valid, worthy, fruitful, simple and dignified. Inasmuch as it is a sacramental action of the Church, the liturgical celebration of marriage should involve the Christian community, with the full, active and responsible participation of all those present."⁴ If a couple is convalidating a civil union or entering into a second marriage, they should celebrate the marriage with simplicity.

b. Engagement

Significant occasions in human life are often given the Church's official blessing. The use of the blessing for an engagement found in the *Book of Blessings* can help integrate the couple's religious practices and their engagement, especially if the blessing takes place at a parish Mass.

c. Preparation of the Wedding Liturgy

The priest, deacon, or parish representative works together with the couple in preparing the celebration. The person assisting the couple works with them in understanding the various options for readings and other official liturgical texts for the rite and choosing which will be used. They can turn to various aids that are available for this purpose. The process of selecting the wedding texts can be a pastoral occasion for further instruction on marriage, reading scripture together as a couple, or praying together.

The bride and groom have the opportunity to choose between different options for several elements of the wedding liturgy. Those elements will vary depending on the form of the wedding liturgy and may include: the opening prayer, the readings, the responsorial psalm, the gospel acclamation, the form for declaring consent, the blessing and exchange of rings, the general intercessions, the prayer over the gifts, the nuptial blessing, the prayer after communion, and the final blessing.

d. Date, Place, & Time

Due to different daily schedules in each parish, the specific dates and times available for wedding celebrations are to be set by the individual parishes. Before a wedding date is finalized, the couple should discuss the date chosen with their priest or deacon to make sure the date is available in their parish and that there no liturgical limitations determined by the date to oppose the use of the wedding liturgy form they have chosen.

The couple should be advised of the nature of Lent and that weddings celebrated during this season must be consistent with the penitential spirit of the season. As a rule, marriages are not celebrated during Holy Week and are prohibited on Good Friday and Holy Saturday.

The couple should also be advised that the nuptial Mass with its prayers and readings is not used during the Triduum; Christmas; Epiphany; Ascension; Pentecost; the Sundays of Advent, Lent and Easter; Ash Wednesday; the weekdays of Holy Week; the octave of Easter; the

⁴ John Paul II, Apostolic Exhortation *Familiaris consortio (On the Family)*, November 22, 1981 [hereafter FC], no.67. See also *Rite of Marriage*, Introduction, no. 5.

solemnities of the Lord, the Blessed Virgin Mary, and the saints listed in the general calendar; All Souls; and proper solemnities.⁵

If the wedding Mass is celebrated on a solemnity, a Sunday during the Christmas Season, or on a Sunday in Ordinary Time the proper prayers for the Mass of the day are used. On such occasions, one of the readings may be chosen from the texts provided for the celebration of marriage, the nuptial blessing is given, and the proper formulary of the solemn blessing is used. Universal law allows marriages between Catholics to be celebrated in churches and in oratories (popularly called chapels) with the permission of the local ordinary or pastor. Marriages between Catholics and other baptized persons are to be celebrated in a sacred place. Marriages between Catholics and those who have not been baptized may be celebrated in an appropriate place. (Weddings in the Diocese of Memphis are not permitted to be celebrated outdoors, in parks, or in private homes. The diocesan bishop must give permission for a couple to celebrate marriage in a church or oratory in the Diocese if neither party is Catholic.)

c. Forms of the Wedding Liturgy

The marriage of two Catholics should normally take place during Mass. However the pastor may determine in particular cases that it might be better to celebrate the sacrament outside of Mass.

Normally, a marriage between a Catholic and a baptized non-Catholic or between a Catholic and one who is not baptized should take place outside of Mass. In the Diocese of Memphis, marriages of a Catholic and a baptized Christian who is not Catholic are always celebrated in a church.

The marriage of a Catholic and a catechumen or an unbaptized person can use any form that is civilly valid. If the marriage is between a Catholic and a catechumen, it is appropriate to celebrate the marriage within a celebration of the Liturgy of the Word.

f. Convalidation of Marriage

When spouses (at least one being Catholic), free to marry, enter a union without the use of the canonical form required by canon law, the union can be convalidated in one or two forms. The assisting minister does the Pre-Nuptial Investigation. If neither has been married previously, they will participate in the diocesan program for those who entering marriage for the first time. If either party has previously been married before the current civil union, the couple participates in the diocesan program for second marriages.

g. Simple convalidation

Convalidation requires the canonical form. The presence of two witnesses and a priest or deacon is required for validity. If the marriage was invalid due to a diriment impediment which has ceased, a new act of consent is required.

h. Radical Sanation

There are instances in which an invalid marriage can be convalidated without a new act of consent. A radical sanation is granted by the competent authority. No celebration of marriage occurs with a radical sanation.

i. Cooperation with other Clergy

⁵ See Table of Liturgical Days in *General Norms for the Liturgical Year and the Calendar*.

Many marriages today are occur between people from different Christian denominations or even different faiths, therefore joint participation by a priest or deacon and a member of the clergy from another Christian faith tradition are common. In situations such as this Pope John Paul II suggested that “an effort should be made to establish cordial cooperation between the Catholic and non-Catholic ministers from the time that preparations begin for the marriage and the wedding ceremony....”⁶

j. Multicultural Concerns

Praiseworthy customs that belong to various peoples or ethnic groups can be brought into the celebration⁷ provided that they express above all the coming together of the ecclesial assembly as a sign of the faith of the Church, which recognizes in the sacrament the presence of the Risen Lord uniting the spouses to the love of the Trinity. Any such praiseworthy customs may be discussed with the appropriate staff persons at the diocesan offices for Multicultural Ministries and Worship and Spiritual Life.

Many countries require citizens to marry civilly and do not recognize ecclesiastical celebrations of marriage as civilly binding. This requirement has given rise to the practice among some groups to pursue a civil marriage and to convalidate it at a later date. The assisting pastoral minister needs to be aware of this practice and to adapt the formal preparation for marriage according to the length of the union and the relationship of the couple.

k. The Wedding Liturgy Rehearsal

All who will take an active part in the wedding liturgy, including the families of the bride and groom, should be present at the rehearsal for the wedding liturgy. A prayer or prayer service to begin and end this evening of final preparation sets the tone and ensures that the rehearsal will indeed lend itself to the mindful and soulful preparation of all who will participate.⁸

An ordained priest should be present to allow Catholics participating in the wedding liturgy and the rehearsal the opportunity to prepare further for the liturgy and possible reception of the Eucharist by receiving the sacrament of penance or reconciliation. The reception of the sacrament before the wedding liturgy is strongly recommended for the bride and groom.⁹

l. The Ceremony: The Wedding Liturgy

Marriage is the only sacrament in which the persons receiving the sacrament are also the ministers and signs of the sacrament. The priest or deacon is a witness to the vows. Therefore, the couple conduct themselves during the marriage liturgy in a mature manner mindful of their dignity as ministers and signs of the sacrament.

m. People in the Wedding Liturgy

The wedding liturgy should include those ministers needed to serve in the liturgical celebration. Care should be taken in selecting those who will exercise liturgical ministries in the marriage celebration. These ministers include competent cantors, musicians, readers,

⁶ FC 78.

⁷ See FC 67.

⁸ *Faithful to Each Other Forever* has a sample prayer service for use at a wedding rehearsal on page 123.

⁹ Canon 1065 §2.

extraordinary ministers of Holy Communion, greeters or ushers, altar servers, gift bearers, and others. They can be chosen from among those present, especially witnesses and family members, but it is not appropriate for the bride or groom to serve in these ministries during the wedding liturgy. Well-intentioned family members and friends do not always meet the criteria for competence or experience. Friends, relatives, or parishioners who already serve in these ministries at their own parishes are often better suited to serve in the capacity in the wedding celebration. Where needed, the parish can provide guidance and instruction to those serving in the liturgical ministries.

n. Printed Programs

The full, active, and conscious participation of those present is to be favored in every way. Suitable materials can help them comprehend, follow, and savor the richness of the rite. Couples may wish to prepare a wedding program to be distributed to the guests assembled for the wedding ceremony. The official witness and the music director should assist the couple in the preparation of the program which generally contains at least, the order of service, music, and a list of liturgical ministers. When copyrighted music or words are printed in the program, it is necessary to obtain permission from the company that holds the copyright.

Care should be taken that for situations in which a couple finds the production of such a worship aid a financial burden. Parish ministers can be a creative resource.

o. Music in the Wedding Liturgy

The responsibility for effective pastoral celebration in a parish community falls upon all those who exercise major roles in the liturgy. Music is an important part of all liturgies but it brings on a special meaning in weddings. Therefore, it is important for early meetings for the Pastor, Music Director, and couple to take time to discuss the music.

Plans for the music should follow the basic structure outlined in Catholic music documents such as *Music in Catholic Worship* and *Liturgical Music Today*. Great care should be taken, especially at marriages, that all the people are involved at the important moments of the celebration, that the same general principles of planning worship and judging music are employed as in other liturgies, and, above all, that the liturgy is a prayer for all present.¹⁰

Music selections should be based upon the liturgy. Secular music, the “couple’s song”, or a popular selection can have an important place in the relationship of the couple but rarely have a proper place in the liturgy. These songs can be effectively used at the rehearsal dinner or reception. Selections before the liturgy should help establish the spiritual mood for the liturgy; therefore, the same selection process should apply. Particular decisions about the choice and placement of wedding music should be based on three criteria presented in *Music in Catholic Worship*: (1) the music’s text, form, placement, and style are congruent with the nature of the liturgy; (2) the music has technical, aesthetic and expressive quality irrespective of the musical idiom or style; and (3) the music assists the assembly in its prayer.

Many parishes have prepared lists that suggest appropriate songs. Such a list of suggestions can be beneficial. Revisions should be made regularly in order to acquire appropriate and new material. A parish must rely upon the talents available within the community. Suggestions may be requested from other parishes or the Diocesan Office of Liturgical Music. Music is also available to parish musicians through the Diocesan Liturgical Music Resource Library.

p. Photographs and Videotaping

¹⁰ 82 *Music in Sacramental Celebrations*

Photographs and videotapes are an important remembrance of the wedding liturgy. Most parishes allow photographs and videotaping before, during, and after the liturgy. Special care should always be taken by each parish when choreographing the photographing or videotaping of the wedding liturgy to ensure that this action, in and of itself, does not become a distraction to the participants nor does it interfere with the movement and dignity of the liturgy. Photographers should not be in the sanctuary during the liturgy nor flash be used. Since the church is a sacred place, the arrangement of the sanctuary should not be disturbed.

It is the responsibility of each parish to establish its own guidelines as to the times and places wedding photographs and videotaping will be allowed. These guidelines need to address as well the movement and dignity of liturgy, the sacredness of the sacrament being celebrated, and respect for the reserved sacrament present.

4. Ongoing Formation during Marriage

Marriage and family life within all parishes in the Diocese are essential elements of the Christian community. As such, marriage should be celebrated and given constant support and recognition. In the *Catholic Handbook of Pastoral Help for Marriage* it is stated that pastoral care after marriage should be “extensive in time and diverse in approach.” In a time when cultural norms are counter to Catholic values, marriage within the community must be carefully nurtured and supported by the community.

a. Appointment of Marriage Support Minister(s)

The pastor appoints a person or team of people to be responsible for pastoral care for marriages within the parish.

b. Training of Minister(s)

The training of pastoral care ministers is coordinated through the Office of Family Ministry.

c. Duties of Minister(s)

The duties of the ministers encompass a wide range of activities including:

- i. recognition of marriage anniversaries in the parish by notice in the parish bulleting and blessing given during the celebration of the Eucharist;
- ii. promotion of Marriage Encounter groups;
- iii. promotion of Married Couples retreats;
- iv. scheduling speakers on marriage and family life;
- v. planning events to promote marriage on special feasts dates, e.g., Feast of the Holy Family;
- vi. meeting with couples to direct them for help on issues of marriage;
- vii. promotion of Retrouville;
- viii. coordination of renewal of vows for all married couples on appropriate liturgical feasts;
- ix. coordination of other events that support and celebrate marriage.

The Office of Family Ministry produces a quarterly newsletter highlighting marriage and important events and news from the Diocese including messages from the diocesan bishop.

5. Policies for the Diocese of Memphis in Tennessee

a. Radical Sanation

Before a radical sanation is requested, the Pre-Nuptial Investigation form is completed. The marriage is entered in the proper register. The church of baptism is notified of the sanation and

the proper form returned to the Tribunal. A sanation takes effect at the moment it is granted whether parties are notified or not

b. **Double Ceremony**

Presuming marriage between a Catholic and a baptized non-Catholic has been celebrated according to canonical form, it is forbidden to have another non-Catholic ceremony at which consent is exchanged or renewed. Nor is it permitted for the Catholic minister to ask for and receive consent of the Catholic party while the non-Catholic minister receives the consent of the other party.

6. Particular Law for the Diocese of Memphis in Tennessee

1. §1—The time of formal preparation for marriage in the Diocese of Memphis in Tennessee consists of six (6) months.

§2—This time is calculated from the time that the couple meets initially with one of the proper pastors to begin preparation.

2. A member of the Diocese of Memphis in Tennessee who is preparing to celebrate marriage must participate in an approved diocesan program of preparation and complete the FOCCUS inventory.

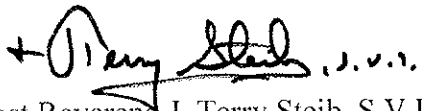
7. Resources

Bishops' Committee for Pastoral Research and Practices. *Faithful to Each Other Forever*. Washington, D.C.: United States Catholic Conference, 1989.

For Your Marriage (www.foryourmarriage.org): a website of the National Conference of Catholic Bishops for the preparation for marriage and ongoing care of marriages.

This above particular law is promulgated by publication on the website of the Catholic Diocese of Memphis. The effective date for the law is March 1, 2009.

Given this fourteenth day of January 2009
at Memphis, Tennessee



Most Reverend J. Terry Steib, S.V.D.
Bishop of Memphis in Tennessee



Rev. Michael P. Joyce, CM
Chancellor