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LA THÈSE A ÉTÉ
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PSYCHIC IMMATURITY
AND
MARRIAGE NULLITY

by James B. Zusy, O.P.

A dissertation submitted to the
Faculty of Canon Law of Saint
Paul University, Ottawa, Canada,
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CURRICULUM VITAE

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ABBREVIATIONS

<u>A.A.S.</u>	Acta Apostolicae Sedis
<u>C.I.C.</u>	Codex Juris Canonici
<u>E.I.C.</u>	Ephemerides juris canonici
<u>I.D.E.</u>	Il diritto ecclesiastico
<u>M.D.E.W.</u>	Matrimonial Decisions of England and Wales
<u>M.E.</u>	Monitor ecclesiasticus
<u>R.D.C.</u>	Revue de droit canonique
<u>S.R.R.Dec.</u>	Sacrae Romanae Rotae Decisiones
<u>S.C.</u>	Studia Canonica

TABLE OF CONTENTS

INTRODUCTION.....	page	x
CHAPTER ONE - MATRIMONIAL CONSENT IN ROTAL JURISPRUDENCE.....		1
1. Consent Makes Marriage		1
2. Renewed Marriage Definition		2
3. Distinction: Marriage Consent <u>In Matrimonio and Ad Matrimonium</u>		7
I. Consent <u>In Matrimonio</u>		10
A - A Human Act		10
B - Discretion of Judgement		14
1. Necessity		15
2. Essence		19
C - Freedom of Choice		26
1. Necessity		26
2. Essence of Free Will		30
3. Object of the Will		32
4. Voluntary		35
D - Intrapersonal Integration		37
II. Consent <u>Ad Matrimonium</u>		45
A - Capacity of Interpersonal Relation		45
B - Capacity of Communion of Conjugal Life		55
C - Capacity of Conjugal Act		57
Conclusion		59
CHAPTER TWO - ROTAL CONCEPT OF IMMATURITY.....		61
I. Immaturity of Consent		62
A - Discretion of Judgement		62
1. Necessity		63
2. Nature		65
3. Requisites		71
B - Mental Immaturity		74
1. Due Discretion and Immaturity		74
2. Immaturity of Consent		75
II. Immaturity of the Person		78
A - Affective Immaturity		78
1. Existence		79
2. Essence		80
B - Integrational Immaturity		84
1. In General		85
2. Intrapersonal Integration		87
3. Interpersonal Integration		90
4. Integrational Immaturity and Matrimonial Consent		101
Conclusion		105

TABLE OF CONTENTS

vi

CHAPTER THREE - THE NATURE OF PSYCHIC IMMATURITY	page	107
I. Marriage and the Psychological Sciences		108
A - Contemporary Society		108
B - Canonical Jurisprudence		109
C - Ecclesial Magisterium		115
Summary		117
II. Psychic Maturation		118
A - Maturity and Marriage		118
B - Developmental Psychology		121
C - Nature of Maturation		123
D - Theories of Psychic Development		125
Summary		127
III. Psychic Immaturity		129
A - The Foundation		129
B - A Descriptive Notion		135
Summary		138
IV. Psychic Immaturity and Marriage		139
A - Parent-Child Relationships		140
B - Intrafamilial Experience		142
C - Infancy		143
D - Childhood		146
E - Adolescence		149
F - Early Adult Transition		153
Summary		155
Conclusion		157
CHAPTER FOUR - DIMENSIONS OF PERSONAL IMMATURITY.....		159
I. Self Identity		160
A - Childhood		160
1. The Devaluation Crisis		161
2. Adult Emancipation and Preparation		163
Crisis		
B - Adolescence and Identity Formation		165
1. The Concept of Identity		166
2. The Elements of Identity		167
Summary		168

TABLE OF CONTENTS

vii

II.	Intellectual Development	page 169
	A - Infancy	169
	1. Perceptual Development	170
	2. Sensori-Motor Development	171
	B - Childhood	172
	1. Pre-school age	172
	2. School Years	174
	C - Adolescence and Early Adulthood	175
	Summary	176
III.	Emotional Development	179
	A - Stages of Emotional Development	180
	1. Infancy	180
	2. Childhood	182
	B - The Sphere of Emotional Development	184
	Summary	191
	1. The Emotions in Successful Marriage	191
	2. The Emotions in Marital Failure	193
IV.	Sexual Development	196
	A - Infancy	196
	B - Childhood	197
	1. Early Childhood	197
	2. Late Childhood	199
	C - Adolescence	200
	1. Early Adolescence	200
	2. Later Adolescence	202
	D - Youth and Early Adulthood	202
	Summary	203
V.	Moral Development	205
	A - Moral Development and Conscience	205
	1. The Role of Conscience	205
	2. The Elements of Conscience	207
	B - The Dynamics of Conscience	208
	1. Executive Personality Development	208
	2. Moral Judgement Development	209
	C - Moral Individuality	210
	D - The Integral Conscience	211
	1. The Divine Rapport	212
	2. The Humanistic Rapport	212
	Summary	213
	Conclusion	214

TABLE OF CONTENTS

viii

CHAPTER FIVE - LACK OF VALUES AS CRITERIA OF IMMATURITY.....page	216
I. Values in Canonical Jurisprudence	217
A - Practical Judgement and Values	217
B - Matrimonial Consent and Values	221
1. Modern Psychology Requires Evaluation	222
2. Scholastic Philosophy Explains Evaluation	222
3. Matrimonial Consent Requires Evaluation	228
C - Values and Personality Development	230
1. Personality Development	230
2. Personality and Moral Conscience	232
3. Disharmony of Personality and Moral Conscience	233
4. Importance of Values for Moral Conscience	234
Summary	235
II. Psychological Understanding of Values	236
A - Notion of Values	238
B - Notion and Phases of Consciousness	239
1. Egocentric Phase	240
2. Social Acceptance Phase	241
3. Independent Phase	242
4. Interdependent Phase	243
C - Development of Values	244
1. Primary Values	244
2. "Core" Values and Value Indicators	246
3. Value Development Guide	247
4. "Skills" and Values	249
Summary	251
III. Values and Psychic Immaturity	252
A - Institutional Values	252
B - Values and Behavior	253
C - The Evaluation of Immaturity	256
1. The Yvon Saint-Arnaud Technique	257
2. The Brian Hall Method	258
Conclusion	261

TABLE OF CONTENTS

ix

CHAPTER SIX - PSYCHIC IMMATURITY AND MARRIAGE NULLITY.....	page 263
I. Judicial Certitude of The Existence of Immaturity	264
A - The Canonical Norms	264
B - Moral Certitude	265
C - Psychic Immaturity	268
II. Immaturity in Intrapersonal Development	269
A -	269
B - Deficient Emotional Development	273
III. Immaturity in Interpersonal Development	275
A - Dimensions of Immaturity	275
1. Elements for Interpersonal Immaturity	275
2. Elements in Interpersonal Immaturity	285
B - Consequences of Immaturity	288
IV. The Invalidating Effects of Immaturity	290
A - Psychic Causes of Nullity	290
1. Different Types of Immaturity	290
2. Different Degrees of Immaturity	292
B - Canonical Grounds of Nullity	294
1. Lack of Due Discretion	294
2. Incapacity to Assume the Obligations of Marriage	295
3. Incapacity to Fulfill the Responsibilities of Marriage	296
Conclusion	297
BIBLIOGRAPHY.....	299

INTRODUCTION

There have been significant changes within the North American family in recent years. The nuclear family has replaced the extended one as the family life model. The new family is small, self-sufficient and isolated; ties between individual families and kinship relations have been greatly loosened; young people are marrying at an earlier age; adolescence and youth periods in life have been extended by economic and cultural factors; television brings various family life models visually into the family living room.

All of these factors have affected the Church. An increasing number of spouses are approaching the marriage tribunal for possible annulments. To meet this challenge tribunal staffs have been enlarged, tribunal workshops are being conducted on the local and regional level to make existing personnel more efficient in their healing ministry, common policies of marriage preparation are emerging on the diocesan and provincial levels.

In the dioceses of North America, immaturity is seen as an increasingly important factor in marriage annulment cases and in marriage preparation programs. Yet there is confusion regarding the notion of immaturity and its implications for marriage annulment and marriage preparation programs. The importance of maturity for marriage was also stressed recently in the working paper prepared for the 1980 Synod of Bishops on the Christian Family.

Three serious studies have already been carried out which provide background for this study of psychic immaturity and marriage

nullity. In 1963, John R. Keating prepared a doctoral dissertation for the Pontifical Gregorian University, Rome, on The Bearing of Mental Impairment on the Validity of Marriage, An Analysis of Rotal Jurisprudence. Using Rotal jurisprudence as a springboard, he investigated how mental impairment intrinsically prevents a valid negotiation of the marriage contract.

In 1978, Colin J. Correa presented a thesis at the Pontifical University of St. Thomas, Rome, on Intrapersonal and Interpersonal Integration in Marital Consent. In his study of the evolution of the concept of defect of consent in cases of nullity in Rotal jurisprudence, he carefully examined what jurisprudence had to say about intrapersonal and interpersonal unity to discover if there were any directions noted for future developments and interpretations of the law.

A recent thesis has focused directly on immaturity, but only on one of its elements: emotional immaturity. John McAreavey, in 1979, defended a thesis at the Pontifical Gregorian University on Emotional Immaturity and Marriage. This was a study of emotional immaturity for marriage based upon a canonical analysis of diocesan pre-marriage policies and ecclesiastical jurisprudence.

These studies provide essential background or limited focus on psychic immaturity and marriage. A comprehensive study of immaturity is needed from the perspectives of Canon Law and Psychology. In this dissertation, we intend to investigate the possibility of arriving at a more uniform understanding of immaturity, using the contributions of

the juridical and the behavioral sciences.

Accordingly, this study will begin with a comprehensive analysis of the elements of matrimonial consent as found in Rotal jurisprudence. The ecclesial Magisterium teaches that marriage is constituted by consent. Therefore, before any study of defective consent for marriage can be undertaken, the essential elements of valid marriage consent should be presented. This analysis will provide the setting against which immaturity can be studied.

The Roman Rota is the Church's highest court for the ordinary study of marriage cases. Its function consists not only in adjudicating cases, but also in interpreting the Law. It is essential to discover how the Rota perceives immature consent for marriage. Thus, its jurisprudential concept of immaturity will be examined. It will be seen that immaturity has been considered under various aspects by Rotal judges. Msgr. C. Lefebvre treats of affective immaturity; Msgr. N. Ferraro speaks of immaturity of consent and immaturity of the person; Msgr. A. di Felice refers to immaturity of judgement; Msgrs. J.M. Serrano and L. Anné, using Lefebvre's original distinction, refer to lack of intrapersonal and interpersonal integration.

Some Rotal notions of immaturity are philosophical, others are psychological. For a common notion of psychic immaturity to be adopted, a developmental notion of psychic immaturity will be proposed. This notion will find its basis in the Diagnostic and Statistical Manual of Mental Disorders - DSM-III, of the American Psychiatric Association.

The essential element of marital maturity is interpersonality; this element will be traced as it develops within the personality from early childhood to adulthood. The critical periods of childhood dependence and adolescent independence will be seen as crucial times for the development of immature sociability or interpersonality.

There are certain personality components that are prerequisite for adult interpersonality to be achieved in marriage. These include identity, intellectuality, emotivity, sexuality and morality. These personal maturity elements will be followed through the life cycle and shown how they themselves, when arrested or retarded, cause psychic immaturity for the marital relationship. Psychology and Psychiatry provide many insights into developmentally immature consent for marriage.

A very useful tool is also available for the diagnosis of psychic immaturity in marriage tribunal cases: values. These are directly related to a person's behavior and view of the world. Here again, it can be asked whether a union of Canon Law, Psychology and Psychiatry is possible. While jurisprudence refers to the necessity of valuing for marital consent, Psychology and Psychiatry provide the foundation for the relationship between values, behavior and a person's view of the world.

There are two very useful instruments, value identification systems, that could assist marriage tribunal personnel in recognizing psychic immaturity. These systems, developed by Rev. Yvon Saint-Arnaud and Dr. Brian Hall will be fully detailed in this study.

We will then be in a position to determine whether importance should be attributed to adolescence as a critical period for growth into maturity for marriage. Identity, sociability, intellectuality, sexuality and morality all converge in this period of the life cycle for attaining perfection for marriage. Emotivity development is important at the time of adolescence, but the period is not as crucial as that of childhood for development. Adolescence initially is the "no man's land" that should be crossed before mature behavior develops, and mature values are chosen.

Lastly, psychic immaturity will be directly related to marriage nullity. We will examine whether serious psychic immaturity can give rise to the moral certitude required for declaring marriage nullity. Examples will be taken from the elements of intrapersonal and interpersonal development. Psychic causes of nullity will be described and canonical grounds of nullity explained in the light of psychic immaturity. It will be asked whether serious psychic immaturity causes lack of due discretion, the incapacity to assume the obligations of marriage, and the incapacity to fulfill the responsibilities of this state.

Briefly, then, the aim of this dissertation may be restated: to present a comprehensive summary of the notion of psychic immaturity according to Rotal jurisprudence and to examine the relevance Psychology and Psychiatry have for a deeper understanding of the notion of psychic immaturity and its effect on marriage consent. This study does not pretend to solve all problems and provide all the answers for questions

INTRODUCTION

xv

regarding psychic immaturity and marriage nullity. Rather, it is an attempt to remove some of the confusion on the meaning of immaturity and to reflect upon immaturity in the light of the contributions of Rotal jurisprudence, communications for the Revision of the Code, Psychology and Psychiatry.

CHAPTER ONE

MATRIMONIAL CONSENT IN ROTAL JURISPRUDENCE

To begin our study of matrimonial consent in Rotal jurisprudence, we shall analyze selected Rotal sentences from 1931 through 1979 to determine their content. The majority of the decisions are from cases judged during the past 15 years.

Consent is studied as an internal integration. It comprises both discretion of judgment and freedom of choice. There must also be integration between the intellect and will.

Matrimonial consent is likewise comprehended as external integration, the capacity for interpersonal relations.

There are three preliminary notes that must be emphasized before beginning an analysis of the notion of consent in Rotal jurisprudence:

(1) marriage is constituted by the consent of the parties, (2) a renewed definition of the object of marriage consent given by the Second Vatican Council and (3) the distinction in marriage consent in matrimonio and ad matrimonium.

1. CONSENT MAKES MARRIAGE

Pope Paul VI, in his address to the Sacred Roman Rota, February 9, 1976, stated:

[...] there is something we consider it important to stress here once more and it is this: The Christian teaching on the family, as you are well aware, can in no way admit a concept of conjugal love that would lead to ignoring or depreciating the value and significance of that well-known principle: A marriage is constituted by the consent of the parties. This principle is of the utmost importance in all traditional canonical and theological teaching, and it has frequently been presented

by the magisterium of the church as one of the chief points upon which are based the natural law as it applies to marriage and the gospel precept as well.¹

The first note to emphasize, then, is that marriage is constituted by the consent of the parties.

2. RENEWED MARRIAGE DEFINITION

In the Code of Canon Law, the two canons which most accurately describe marriage consent and its object are c.1013 §1, which lists the primary and secondary ends of marriage, and c.1081 §2, which denotes the object of marriage consent.

c.1013 §2. The primary purpose of marriage is the procreation and education of children. The secondary purpose is to furnish mutual aid and a remedy for concupiscence.

c.1081 §2. Matrimonial consent is an act of the will by which each party gives and accepts the perpetual and exclusive right to the body for the performance of actions that of their nature pertain to the procreation of children.^{2,3}

¹ Cf. Paul VI, "Defending the Stability of Marriage," in Origins, 5(1975-76), p. 615.

² Stanislaus WOYWOOD, Callistus SMITH, A Practical Commentary on the Code of Canon Law, Vol. I, p. 643; p. 740.

³ C.I.C. 1013 §2 Matrimonii finis primarius est procreatio atque educatio prolis; secundarius mutuuum adiutorium et remedium concupiscentiae.

c.1081 §2 Consensus matrimonialis est actus voluntatis quo utraque pars tradit et acceptat jus in corpus, perpetuum et exclusivum, in ordine ad actus per se aptos ad prolis generationem.

In addition, two other canons complete the picture:

c.1082 §1, which specifies the knowledge necessary for matrimonial consent; and c.1086 §2, which lists exclusions invalidating matrimonial consent.

c.1082 §1 That there can be matrimonial consent, it is necessary that the contracting parties at least do not ignore that marriage is a permanent society between man and woman for the procreation of children.

c.1086 §2 If, however, either one or both parties by a positive act of the will exclude marriage itself, or integral right to the conjugal act, or any essential qualities of marriage, they contract invalidly.⁴

From these canons of the Code of Canon Law, the juridical essence of marriage is the right to carnal copulation ordered to procreation. This right has the qualities of permanence and exclusivity. Here the Code determines the essential formal object of matrimonial consent.

The deliberations of the Second Vatican Council produced a more comprehensive definition of the object of marriage consent.

⁴ C.I.C., c.1082 §1 Ut matrimonialis consensus haberi possit, necesse ut contrahentes saltem non ignorent matrimonium esse societatem permanentem inter virum et mulierem ad filios procreandos.

c. 1086 §2 At si alterutra vel utraque pars positivo voluntatis actu excludat matrimonium ipsum, aut omne jus ad conjugalem actum, vel essentialiam aliquam matrimonii proprietatem, invalide contrahit.

MATRIMONIAL CONSENT IN ROTAL JURISPRUDENCE

4

The intimate partnership of married life and love has been established by the creator and qualified by His laws and is rooted in the conjugal covenant of irrevocable personal consent. [..] By their very nature, the institution of marriage itself and conjugal life are ordained for the procreation and education of children, and find in them their ultimate crown. Thus a man and a woman, who by their compact of conjugal love "are no longer two, but one flesh" (Matt. 19:6), render mutual help and service to each other through an intimate union of their persons and of their actions. Through this union they experience the meaning of their oneness and attain to it with growing perfection day by day.⁵

From this Pastoral Constitution, Gaudium et Spes, marriage, more than being ordained for the procreation and education of children, is seen as an intimate partnership of married love. Marriage renders mutual help and service to the spouses through an intimate union of their persons and actions. It is now more than a contract bearing on an object, it is a covenant, binding persons.

After the Second Vatican Council, this renewed concept of the object of matrimonial consent flowed into the jurisprudence of the Roman Rota.

Msgr. Lucien Anné, in a 1969 decision on lesbianism, attributes juridical significance to the description of marriage in Gaudium et Spes, as an intimate partnership of married life and love.

More correctly, therefore, matrimonial consent is defined as an act of the will whereby a man and a woman establish by an alliance or irrevocable consent, a

⁵ Cf. VATICAN COUNCIL II, Constitution, Church in the Modern World, Boston, St. Paul Editions, pp. 49-50, paragraph 48.

consortium vitae conjugalis, which is perpetual and exclusive and which of its very nature is ordered to the generation and education of offspring.

Thus the formal substantial object of this consent is not only the jus in corpus, perpetual and exclusive, ordered to acts naturally suitable for the generation of offspring, to the exclusion of any other formal essential element; rather it comprises also the jus ad vitae consortium seu communitatem vitae which is properly considered matrimonial; and likewise corresponding obligations, that is jus "to the intimate conjunction of persons and actions" by which they "perfect each other in order to collaborate with God in the procreation and education of new lives" (Encyclical Humane Vitae).⁶

Not all Rotal judges have accepted this renewed definition of the formal object of matrimonial consent. However several judges, following Anné, have used this renewed definition in recent decisions of the Roman Rota.⁷

⁶ Cf. S.R.R.Dec., c. Anné, February 25, 1969, in E.I.C., 26(1970), pp. 430-431: "Rectius, itaque, consensus matrimonialis definitur: actus voluntatis quo vir et mulier foedere inter se seu irrevocabili consensu constituunt consortium vitae conjugalis, perpetuum et exclusivum, indole sua naturali ad prolem generandam et educandam ordinatum.

Obiectum, exinde, formale substantiale istius consensus est non tantum ius in corpus, perpetuum et exclusivum, in ordine ad actus per se aptos ad prolis generationem, excluso omni alio elemento formali essentiali, sed complectitur etiam ius ad vitae consortium seu communitatem vitae quae proprie dicitur matrimonialis, necnon correlativas obligationes, seu ius ad 'intimam personarum atque operum coniunctionem' qua se invicem perficiunt ut ad novorum viventium procreationem et educationem cum Deo operam sociant (Enc. Humanae vitae)." (All translations by the author, unless otherwise noted.)

⁷ Cf. S.R.R.Dec., c. Fagiolo, November 27, 1970; ibid, c. Serrano, April 5, 1973; ibid, July 9, 1976; ibid, c. Raad, April 14, 1975.

In his dissertation, The Consortium Omnis Vitae as a Juridical Element of Marriage, David Fellhauer summarizes these recent developments of Rotal jurisprudence on the consortium vitae and marriage consent.

He states:

What can be identified, certainly, are the beginnings, or a foundation, of a jurisprudence, a foundation which is already in the first stage of being elaborated and even to some extent - refined by the depth of analysis being given to the psychological dimensions of the human personality and the interpersonal character of marriage. The outright opponents of the juridical value of the consortium seem to be in the minority.⁸

A renewed descriptive definition of the formal object of marriage consent appears in the text of the Schema on Marriage of the proposed new Code of Canon Law. Marriage is described in these terms:

[...] a covenant by which man and woman constitute between themselves an intimate communion of the whole life, ordered by its natural character to the good of the spouses and to the procreation and education of offspring; (a covenant which) between baptized persons (has been) elevated by Christ the Lord to the dignity of a Sacrament.⁹

It is vitally important, in the ensuing considerations on marriage consent, to remember that consent makes marriage. Marriage is more than procreation of children, it is the intimate communion of the whole of life both for the good of the spouses and the procreation and education of children.

⁸ Cf. David FELLHAUER, "The Consortium Omnis Vitae as a Juridical Element of Marriage", in S.C., 13(1979), p. 152.

⁹ Cf. Communicationes, 10(1978), pp. 125-126; Fr. Morrissey Translation.

3. THE DISTINCTION: MARRIAGE CONSENT
IN MATRIMONIO AND AD MATRIMONIUM

Msgr. José Maria Serrano has furnished a distinction in Rotal Jurisprudence that provides a clearer and more comprehensive concept of marriage consent.

He considers marriage consent (1) not only as the ability to evaluate and choose marriage, (2) but also under the heading of the capacity to live marriage.

This distinction is seen in a 1977 decision of Serrano:

More recent documents of our jurisprudence extol to a greater extent the relation existing between the act, by which marriage is effected - marriage, as they say, in fieri, and the perpetual bond, of which that act is the first and qualified beginning - marriage called in facto esse. [...]

A consequence of this is that conjugal consent may be considered not only through reason in relation to its object, but also in relation to the capacity of the subjects.¹⁰

Marriage consent, considered as the act by which marriage is effected, is marriage consent in fieri. Marriage consent, considered as the perpetual bond, is marriage consent in facto esse.

¹⁰ Cf. S.R.R.Dec., c. Serrano, March 4, 1977, P.N.10.623, n. 4-5 "Recentiora Nostrae jurisprudentiae documenta multum extollunt arctiorem nexum vigentem inter actum, quo matrimonium conficitur - matrimonium, uti aiunt, 'in fieri' - et vinculum perpetuum, cuius ille actus est primum et qualificatum initium - matrimonium dictum 'in facto esse'.

"Quasi consequens fuit ut clarius et plenius consensus conjugalis consideraretur non modo per rationem ad s.d. objectum eiusdem, sed etiam relate at capacitatem subjectorum." Author's translation.

A decision by Serrano, May 19, 1978, provides further insights into this distinction between marriage in fieri and marriage in facto esse.

Marriage in fieri, primarily and essentially concerns directly the intellect and will, by which one tends to perceive and seek the substance of marriage; marriage in facto esse does not consist in affecting an abstract notion or volition, but in the existential acceptance of the other person and giving of himself, which cannot be perfected without necessary consideration of the other person.¹¹

Therefore marriage consent in fieri concerns the ability of the intellect and the will to perceive and seek marriage. Marriage in facto esse consists in the existential capacity of giving oneself and receiving the other person in marriage.

Serrano provides a simple expression of this distinction of marriage consent in fieri and in facto esse in a further decision of November 18, 1977.

This specific capacity, under the guidance of the Second Vatican Council, is studied more openly today, as in a summary, including the ability to live the intimate communion of life and conjugal love. That is, so that we might use words perhaps more suitable to our office, in matrimonio, which they call in fieri, must be found that which is required to sustain marriage as they say in facto esse.¹²

11 Cf. S.R.R.Dec., c. Serrano, May 19, 1978, P.N.11.239, n.7: "Matrimonium 'in fieri' primo et per se directe respicit intellectum et voluntatem, quibus in substantiam matrimonii percipiendam et appetendam intenditur; matrimonium vero 'in facto esse' non in abstracta notione vel volitione perficienda stat, sed in existentiiali acceptatione alterius et sui ipsius traditione, quae perfici nequeunt sine necessario respectu ad alterum."

12 Cf. S.R.R.Dec., c. Serrano, November 18, 1977, P.N.11.730, n.6: "Haec specifica capacitas, sub ductu Concilii Vaticani II hodie libenter perspicitur, tamquam in summam redacta, includens habilitatem ad ducendam intimam communionem vitae et amoris conjugalibus. Id est, ut verbis forte magis Nostro muneri congruentibus utamur: id in matrimonio, quod dicunt 'in fieri' inveniendum est quod ad matrimonium, uti aiunt 'in facto esse' sustinendum exigitur."

MATRIMONIAL CONSENT IN ROTAL JURISPRUDENCE

9

Marriage consent in matrimonio is the ability of the intellect and will to perceive and seek the substance of marriage. Marriage consent ad matrimonium is the capacity of actually giving of oneself and receiving the other person in marriage.

This distinction, marriage consent in matrimonio and ad matrimonium, will be used extensively in discerning the Rotal notion of matrimonial consent.

I. CONSENT "IN MATRIMONIO"

In this section elements of matrimonial consent in matrimonio will be gathered from Rotal jurisprudence and analyzed. The necessity of consent as a human act will be shown; the basic elements of discretion of judgement and liberty of choice will be detailed; the absolute necessity of integration between the intellect and will in this consent will be stressed.

A. A HUMAN ACT

The first element of matrimonial consent in matrimonio noted from Rotal jurisprudence is that ~~this consent must be a human act, an~~ actus humanus. This is a traditional and universally accepted teaching.

Massimi writes about the requirement that consent must be a human act.

With respect to defect of consent in general, and in particular to defect of internal freedom, it is evident there is no marriage, not only if consent is entirely lacking, but also if consent is vitiated by defect of internal freedom. For a human act, proceeding from deliberata will, requires that man be master of the same act through reason and will.¹³

¹³ Cf. S.R.R. Dec. c. Massimi, July 10, 1931, in S.R.R. Decisiones, 23(1931), p. 274. "Quod vero attinet ad consensus defectum in genere, et in specie ad defectum internae libertatis, planum est nullum esse matrimonium non tantum si deficiat omnino consensus, sed etiam si consensus vitietur defectu internae libertatis, Ad actum enim humanum, i.e. ex voluntate deliberata procedentem, requiritur ut homo eiusdem actus dominus sit per rationem et voluntatem."

For consent to be a human act, proceeding from deliberate will, man must be master of both intellect and will. This deliberate act equates matrimonial consent with a human act. Where man is not master of intellect and will there can be no valid marriage consent.

Pinna states that consent is lacking when the spouse is incapable of eliciting a truly human act.

It must be admitted then, that consent is only lacking when the intellect and will are so disturbed in their functions that the spouse will have turned out to be incapable of eliciting a truly human act, or cannot be dominus of his own actions: "Those actions are properly called human, which proceed from a deliberate will" (S. Thomas, Summa Theologica, I-II, q.1, a.1).¹⁴

Where a person is not master of his own actions, because his intellect and will are so disturbed, there can be no marriage consent.

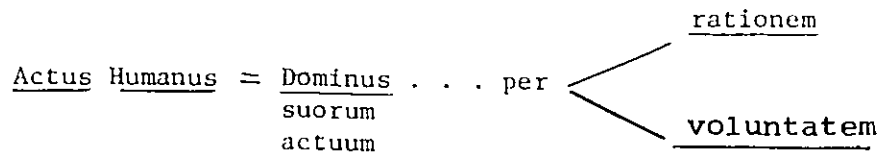
Anné lists the substantial qualities of a human act. Like Pinna, he uses St. Thomas as a source for data on this act.

With respect to the substantial formal qualities of a human act, St. Thomas teaches us that at least those acts are truly human in which man is the dominus. "Man however is dominus of his own actions through reason and will; indeed free will is called the faculty of the will and reason. Those actions therefore are properly called human which proceed from

¹⁴ Cf. S.R.R.Dec. c. Pinna, December 21, 1959, in S.R.R. Decisiones, 51(1959), p. 623: "Consensum tunc tantum defuisse admittendum est quando ita perturbantur in suis functionibus intellectus et voluntas ut nupturiens incapax evaserit eliciendi actum vere humanum, seu haberi non possit dominus suorum actuum: 'illae actiones propriae humanae dicuntur, quae ex voluntate deliberata procedunt' (S. Thomas, Summa Theologica, I-II, q.1, a.1)."

deliberate will" (I-II, q.1, a.1, in corp.). Therefore, essentially, matrimonial consent, can be vitiated, if either necessary knowledge, or sufficient discretion of judgement, or liberty required by natural or positive law is lacking.¹⁵

For a more graphic understanding of the text from St. Thomas the following schema is useful:



Matrimonial consent, essentially as a human act, is defective if either necessary knowledge, sufficient discernment of judgment or free will, required by natural or positive law, is deficient. From this decision of Anné, a much more detailed concept is obtained of matrimonial consent as a human act. The three essential elements are:

(1) necessary knowledge, (2) sufficient discretion and (3) free will.

In this very brief view of Rotal jurisprudence references are found to the writings of St. Thomas Aquinas on the human act. In the

¹⁵ Cf. S.R.R. Dec., c. Anné, January 17, 1967, in S.R.R. Decisiones, 59(1967), p. 24: "Quod attinet qualitates substantiales formales actus humani, S. Thomas nos docet illos dumtaxat esse actus vere humanos quorum homo sit dominus. 'Est autem homo dominus quorum actuum per rationem et voluntatem; unde et liberum arbitrium esse dicitur facultas voluntatis et rationis. Illae ergo actiones proprie humanae dicuntur quae ex voluntate deliberata procedunt' (I-II, q.1, art 1, in corp.). Essentialiter, itaque, vitiari potest consensus matrimonialis, si desit vel scientia necessaria, vel discretio iudicii sufficiens, vel libertas a jure, sive naturali sive positivo, requisita."

quoted texts, both Anné and Pinna cite St. Thomas as a source on the human act. As background to the works of St. Thomas quoted in the Rotal decisions, a fuller development of his text is presented here:

Of the actions a man performs those alone are properly called human which are characteristically his as a man. He differs from non-intelligent creatures in this, that he is master of what he does. Consequently those actions alone which lie under his control are properly called human.

Now he is master through his mind and will, which is why his free decision is referred to as an ability of reason and will. Therefore, those acts alone are properly called human which are of his own deliberate willing. Others may be attributed to him may be called "acts of a man", but not "human acts", since they are not his precisely as a human being.¹⁶

Matrimonial consent can properly be called human when it lies under man's control. Matrimonial consent can only be called properly human, when it emerges from a person's own deliberate willing. Man differs from non-intelligent creatures in that he is master of his action, when it emerges from mind and will. A very basic question can be asked: "Was this matrimonial consent an act of man, or a human act?"

¹⁶ Cf. AQUINAS, Thomas, Summa Theologiae, Ia IIae, Q.1, Art. 1, London-New York, Blackfriars, 1969, Vol. 16, p. 5.

In an appendix to the English translation of the Summa by Blackfriars, there is a very useful schema in explaining what is encompassed by a human act.¹⁷

While studying this schema, it should be noted that this schema does not imply that a living human act can be divided into 12 separate compartments. The interpenetration of mind and will must be stressed as well as mutual influence of their partial acts on one another.

B. DISCRETION OF JUDGEMENT

Matrimonial consent as a human act proceeds from reason and from will. Besides knowledge, a vital element of this human act is discretion or discernment of judgement. The necessity for this discretion in matrimonial consent, as well as its essence will be analyzed here from decisions of the Roman Rota.

17 Cf. ibid, Q.8-17, Appendix, Vol. 17, pp. 211-213:

Structure of a Human Act

<u>Mind</u>	<u>Immanent Activity</u> <u>in "Order of Intention"</u>	<u>Will</u>
	(About End)	
1. Perception		2. Wish
3. Judgement		4. Intention
	(About Means)	
5. Deliberation		6. Consent
7. Decision		8. Choice
	<u>Practical Action</u> <u>in "Order of Execution"</u>	
9. Command		10. Application
	11. Performance	
	12. Completion	

1. NECESSITY

Sabattani in a decision of 1961 on alcoholism gives what he considers to be the only norm for consent sufficient for marriage. He cites a Jullien decision of 1935.

The only measure of sufficient consent is a discretion of judgement proportionate to marriage.

- a) [...]
- b) This supposes the doctrine of discretion of judgement, which can be summarized in the following words of the S.R.R. in a decision c. Jullien: "Since matrimony is a most weighty contract, indissoluble, looking towards the future, to contract it legitimately, a greater discretion of judgement is required than to consent to one present act, as suffices to sin mortally" (S.R.R.Decisiones 27, dec.10, n.3).

Indeed, since marriage is "a weighty pact, on which every fortune of life rests" (S.R.R.Decisiones, 55, dec.29, n.2), deservedly, it is said that "greater liberty and deliberation for this is required, than in other contracts" (S.R.R.Decisiones, 18, dec. 14).18

18 Cf. S.R.R.Dec., c. Sabattani, February 24, 1961, in S.R.R.Decisiones, 53(1961), p. 118: "Unica mensura sufficientis consensus est discretio iudicii matrimonio proportionata. [...]"

"Hic supponitur doctrina de discretione iudicii, quae summaripotest in sequentibus verbis S.R.R., in una coram E.mo Jullien: 'cum matrimonium sit contractus gravissimus, indissolubilis, spectans ad futurum, ad id legitime contrahendum discretio rationis requiritur major quam ad consentiendum in actum unum praesentem, ut sufficit ad peccandum mortaliter' (S.R.R.Decisiones, vol.XXVII, dec.X.n.3).

"Immo, cum matrimonium sit 'pactum onerosum, quo omnis fortuna totius vitae inniti solet' (S.R.R.Decisiones, vol.XXXV, dec.XXIX,n.2), merito dicitur quod 'major adhuc libertas ac deliberatio requiritur, quam in aliis contractibus' (S.R.R.Decisiones, vol.XVIII, dec.XIV,n.5)."

In this sentence, great emphasis is placed on the necessity of discretion of judgement for marriage. Marriage is a most serious contract, looking to the future, and indissoluble. It is a very consequential pact for the fate of the rest of life depends upon it. Sabattani presents very powerful arguments for discretion of judgement in matrimonial consent.

Ewers, in a decision of 1969 on mental illness, emphasizes this same point of the necessity of discretion of judgement for marriage.

Indeed in the spouses a certain maturity of judgement is required which must be truly proportionate to the importance of the matrimonial contract; attention of the intellect to the act, or a generic understanding of the obligations to be undertaken, would be hardly sufficient for there is necessary in those contracting (marriage) a certain projection of the intellect into the future, that is into the bond and the marital duties arising therefrom.¹⁹

The special discretion so fundamental in marriage finds its function in projecting the intellect into the future, and evaluating the marital bond and the marital obligations arising from that bond. There must be planning for the future in marriage.

¹⁹ Cf. S.R.R. Dec., c. Ewers, May 12, 1969, P.N. 8978, n.2: "Re quidem vera in nubentibus quaedam iudicii maturitas requiritur, quae proportionata sane sit momento negotii matrimonialis; idest haud sufficeret intellectus attentio ad actum vel comprehensio generica obligationum suscipiendarum, oportet enim in contrahentibus aliqualis intellectus projectio in futurum, idest in vinculum et officia conjugalia exinde oritura."

In 1974 Pinto wrote on the incapacity of eliciting matrimonial consent.

He is also incapable of eliciting matrimonial consent, who although actually enjoying use of reason, lacks however the discretion of judgement proportionate to the marriage to be contracted.²⁰

Pinto's decision certainly stressed the necessity of due discretion for eliciting marriage consent. Without this discretion, there can be no human act of marriage consent.

Di Felice, in a 1976 decision on the defect of discretion of judgement, refines the understanding of just what that discretion of judgement entails.

As to what kind of discretion of judgement is required to enter marriage, no rule taken from elsewhere can serve to measure this, since only that discretion suffices that must be proportionate to so great a concern as marriage. The future spouses, not only theoretically, but also concretely must evaluate whether or not they are capable enough to fulfill the conjugal duties and therefore able to give and receive with free choice the matrimonial rights.²¹

Discretion of judgement is the concrete evaluation of whether a person is really able to live the marriage rights and obligations. It is an evaluation of whether the person can really give and receive freely the rights and duties of marriage. Only such discretion of judgement is sufficient for marriage consent.

²⁰ Cf. S.R.R.Dec., c. Pinto, February 4, 1974, in M.E., 100 (1975), p. 107.

²¹ Cf. S.R.R.Dec., c. Di Felice, November 13, 1976, P.N. 10.831, n.2: "Quaenam discretio iudicii ad matrimonium ineundum requiratur nulla mensura aliunde desumpta demetiri potest, cum tantummodo discretio illa tanto negotio, prout est matrimonium, proportionata esse debeat. Nupturientes non theoretice tantum, sed concrete aestimare debent utrum necne ipsi officia conjugalia adimplere valeant ideoque iura matrimonialia libera electione tradere et accipere queant."

Decisions by Lefebvre in 1966 on discretion of judgement and in 1970 on mental illness further emphasize this same point.²²

In very recent jurisprudence by Stankiewicz, the necessity of discretion of judgement is also stressed. In a 1978 decision on psychic incapacity, Stankiewicz states:

To elicit matrimonial consent, it is necessary that the future spouses enjoy due discretion of judgement about the rights and obligations of marriage.²³

In a case on schizophrenia in 1979, Stankiewicz writes that:

Discretion of judgement implies more than simple use of reason. A boy, seven years old, is only just presumed to have the use of reason. He must not however be said to have sufficient discretion of judgement to enter marriage, because in so young an age, sufficient discretion of judgement for the perpetual bond of conjugal consent cannot be found.²⁴

To elicit true matrimonial consent the spouses must possess due discretion. This discretion is much more than the simple use of reason found in a seven-year-old boy.

22 Cf. S.R.R.Dec., c. Lefebvre, October 20, 1966, in Apollinaris, 52(1969), pp. 209-210; c. Lefebvre, January 17, 1970, in M.E., 98(1973), pp. 181-183.

23 S.R.R.Dec., c. Stankiewicz, June 15, 1978, P.N. 12.031, n.5.

24 S.R.R.Dec., c. Stankiewicz, April 5, 1979, P.N. 11.979, n.4: "Quae iudicii discretio plus importat quam simplex usus rationis, sicut iure docet jurisprudentia Nostri Fori (Decis. coram Ferraro diei 18, Aprilis a. 1969, n.7; coram Parisella diei 19 decembris a. 1974, n.13). Nam et puer septennium vix adeptus praesumitur usum rationis habere (can. 88 §3) quin tamen dicendus sit pollere sufficienti discretione iudicii ad matrimonium ineundum, quia 'in tam tenera aetate nequit reperiri discretio sufficiens ad perpetuum consensus conjugalium vinculum' (Sanchez, De sancto matrimonii sacramento, lib. VII, disp.104, n.22).

From the various Rotal decisions just quoted, discretion of judgement appears essential to matrimonial consent. Marriage is a serious contract, it is very weighty, looks to the future, and is indissoluble. More than just a general comprehension of the marital rights and duties is needed. Indeed the comprehension and assessment for marriage must be concrete, considering the real life situation. This discretion is more than a simple use of reason. The spouses must be realistically knowledgeable and judgemental about the rights and obligations of marriage. They must be realistic about the capability of establishing an intimate community of life and love.

2. THE ESSENCE

Rotal consideration of the necessity of discretion of judgement for matrimonial consent as a human act has been demonstrated. The question may now be asked, "What is discretion of judgement?" The essence of this discretion will now be studied.

Anné, in a decision of 1965 on amentia, declares:

This discretion of judgement, "which must pertain to the particular nature and force of the marriage contract" (Cf. c. Béjan, May 16, 1963), at least in relation to its substance and its substantial value, must be perceived in the order of contracting marriage - without requiring that this be done reflexively - it implies the exercise not only of the cognitive faculty, which consists in simple apprehension of the truth, but also the critical faculty," which is the force of judging and reasoning and gathering judgements together, that a new judgement may then be deduced" c. Felici, December 20, 1957 (...). For beyond merely intellectual cognition, there is required "the capacity of properly and

spontaneously putting it into practice" (c. DeJorio, December 19, 1961). For that reason, "then only is marriage valid, when through the critical faculty, man can form deliberation and freely elicit the act" (c. Sabattani, February 24, 1961 [...])²⁵

Discretion of judgement for marriage implies the operation of the critical faculty. It implies a whole series of judgements and reasonings, that ultimately result in the final practical judgement, to marry or not to marry. This discretion of judgement means taking into consideration all aspects of a person's life, as well as his partner's life) and judging whether marriage is best for him. These judgements and reasonings of the critical faculty arriving at a final practical judgement, are of the very essence of discretion of judgement.

A decision by Quattrococo in 1943, quoted twice by Anné, add further insight into the essence of the critical faculty.

25 Cf. S.R.R.Dec., c. Anné, June 28, 1965, in S.R.R.Decisiones, 57(1965), pp. 502-503: "Haec iudicii discretio, quae 'sinit peculiarem naturam et vim contractus matrimonialis' (Cf. c. Bejan, May 16, 1963), saltem quoad eius substantiam substantialemque valorem, percipere in ordine ad matrimonium contrahendum - quin requiratur ut hoc reflexe fiat - implicat exercitium non tantum facultatis cognoscitivae, quae sistit in apprehensione simplici veri, sed etiam facultatis criticae, 'quae est vis iudicandi et ratiocinandi et iudicia una componendi, ut novum iudicium inde deducatur' (cf. c. Felici, December 20, 1957 [...]). Etenim praeter illam cognitionem mere intellectualem, requiritur 'capacitas eam rite and sponte in praxim deducendi' (c. De Jorio, December 19, 1961). Itaque, 'matrimonium tunc tantum valet, quando per hanc criticam facultatem homo potuit deliberationem efformare et libere excitare actus' (c. Sabattani, February 24, 1961, [...])." }

However the use of reason presupposes both reason itself, and the ability of reflecting upon itself, which the psychiatrists generally call "the critical faculty" [..].²⁶

The critical faculty is the ability of reason to reflect upon itself, to assess and evaluate the data gathered through simple apprehension.

Anné writes in this regard:

Human action is placed by man, not defined here by philosophic reason, but as he is individuated in a particular body makeup with a psycho-physiological substratum in every way proper to himself.²⁷

In the study of discretion of judgement, evaluation and assessment of marriage by the critical faculty must not be concretely separated from the particular individual with his own psycho-physiological substratum. The critical faculty in its evaluation process is influenced by the particular person's physical and psychological makeup.

Further knowledge into the functioning of the critical faculty is furnished by a decision, c. Felici, December 3, 1957.

In the intelligence of man, one may correctly distinguish the cognoscitive faculty, which consists in the abstractive operation of the universal from the particular, or in simple apprehension of the truth; and the critical faculty, which is the power of judging and reasoning, or affirming or denying

²⁶ Cf. S.R.R.Dec., c. Quattrocolo, June 16, 1943, S.R.R. Decisiones, 35(1943), p. 433.

²⁷ Cf. S.R.R.Dec., c. Anné, January 17, 1967, in S.R.R. Decisiones 59(1967), pp. 24-25.

something about some thing, and gathering together judgements, that a new judgement may then be deduced logically. The critical faculty appears later in man than the cognoscitive faculty.²⁸

The role of the cognitive faculty consists in abstracting the universal from the particular. A person, in his daily experience, sees married couples; he sees them on the bus, at work, in the movies, on television. The universal concept of marriage is abstracted in his mind from daily experience.

The critical faculty's role consists further in judging and reasoning, in affirming and denying things; all of which leads to a final judgement. Its role is an evaluation process: The person looks at his own life; he considers his own income, work, likes, dislikes; he evaluates his spouse in the same manner. This series of judgments and reasonings leads to the final practical judgement: to marry or not to marry.

An important note is given by Felici, when he writes that the critical faculty appears later in man than does the cognitive faculty. It is a developmental process.

28 Cf. S.R.R.Dec., c. Felici, December 3, 1957, in S.R.R. Decisiones, 49(1957), p. 788: "In intelligentia hominum rite distinguas facultatem cognoscitivam, quae sistit in operatione abstractiva rei universalis ex particulari, seu in apprehensione simplici veri; et facultatem criticam, quae est vis judicandi et ratiocinandi, seu affirmandi vel negandi aliquid de aliqua re, et judicia una componendi ut novum judicium inde logice deducatur. Facultas critica serius in homine apparet quam facultas cognoscitiva."

A number of Rotal decisions between 1975 and 1978 have referred to the critical faculty. Di Felice, in a decision of March 8, 1975, on defect of due discretion, states:

The critical faculty of those marrying, must be evaluated not so much as to age, but with respect to psychological maturity.²⁹

Looking at due discretion for marriage, the psychological maturity of the critical faculty must be considered. This supports Felici's previous point that the critical faculty is produced through a developmental process.

The existence of a mature or sufficiently critical faculty to comprehend the rights and obligations of marriage is stressed by Di Felice in a decision of December 11, 1975:

The capacity of the subject is more accurately considered in the particular order of marriage from the object of the consent and the special consideration of the rights and obligations, which are exchanged in that consent. Who does not enjoy sufficient critical faculty to form the intimate community of life and conjugal love, or who is unable to comprehend rightly the duties and goods of marriage, is impeded to give and receive matrimonial consent.³⁰

²⁹ Cf. S.R.R.Dec., c. Di Felice, March 8, 1975, in E.I.C., 31(1975), p. 177.

³⁰ Cf. S.R.R.Dec., c. Di Felice, December 11, 1975, in E.I.C., 32(1976), p. 279: "Ex objecto itaque consensus et ex peculiari consideratione iurium et officiorum, quae commutantur in eodem consensu, capacitas subjecti accuratius attenditur in ordine specifico matrimonii. Qui sufficienti facultate critica ad intimam communitatem vitae et amoris conjugalibus efformandam non gaudet, seu qui iura et bona matrimonii apte aestimare nequit, consensum matrimoniale tradere et accipere praepeditur."

Where this critical faculty is insufficient, there can be no matrimonial consent.

Three decisions by Masala show more precisely what is the function of the critical faculty, and how the faculty may be impeded or vary according to different persons.

From a decision of March 12, 1975, the various functions of the critical faculty are shown:

[...] the critical faculty must be operative, which composes and divides, discerns and deliberates, and finally is strong enough to move the free will, which alone ultimately elicits the act.³¹

In another sentence of Masala, on the capacity for evaluation, causes which can impede or destroy the critical faculty are mentioned:

Many causes may either impede or disturb within certain limits the normal exercise of the critical faculty, which man is presumed to follow after puberty. Some are caused by sickness, congenital or specifically developed, or by abnormal conditions even transient and curable with apt care: according to their differences the mastery of the human act is totally destroyed or only lessened.³²

The same judge in another sentence emphasizes that although the essence of critical faculty is found in all men, its operations vary in different persons:

31 Cf. S.R.R.Dec., c. Masala, March 12, 1975, P.N.11.355, n.6: "[...] operari debet facultas critica, quae componit, et dividit, discernit ac deliberat, denique, movere valet liberam voluntatem, quae una postremo actum ponit."

32 S.R.R.Dec., c. Masala, June 22, 1977, P.N.11.444, n.3: "Expeditum autem facultatis criticae exercitium, quod consequi homo praesumitur post pubertatem, natae sunt vel praepedire vel intra certos limites turbare plurimae causae, aliae autem genesim habentes, sive nempe morbi congeniti, aut acquisiti presse definiti sive abnormes condiciones etiam transeuntes et curis aptis sanabiles: pro quorum differentia dominium actus humani aut prorsus tollitur aut solum minuitur."

But the critical faculty, identical in essence in all men, operates differently in different persons, in that men vary in temperament and culture, and also from the fact that age, social life and health exert different influences.³³

The essence of discretion of judgement is the critical faculty. In arriving at a decision to marry, there is need of reflection before eliciting consent. Taking time to reflect, arriving in time at a judgement whether to marry or not; this is real marriage consent. The cognitive faculty tells a person what marriage is. The critical faculty tells the person whether to marry or not to marry with this particular person, at this particular time in his life.

Psychological maturity is a prerequisite for the critical faculty to operate efficiently. The critical faculty must consider marriage as a communion of the whole of life both for the good of the spouses and the procreation and education of children. A person's natural dispositions, culture, age, social life, health, all affect the critical faculty. The critical faculty enables the person to bring together, distinguish, divide, and discern all the factors of marriage. The result is the practical judgement on whether to marry or not.

³³ S.R.R.Dec., c. Masala, May 10, 1978, P.N.11.965, n.3: "Facultas autem critica, eadem, quoad essentiam in omnibus hominibus, aliter tamen in aliis agit, ex hoc scilicet quod homines diversae sunt indolis ac diversi cultus, et ex hoc etiam quod aliter influunt aetas, ratio vitae socialis valetudo et cetera."

C. FREEDOM OF CHOICE

Besides sufficient knowledge and discretion of judgement, freedom of choice is essential, so that matrimonial consent can be a human act. This section will provide a comprehensive view of freedom of choice. It will treat of its necessity, its essence, its object, as well as its voluntary characteristic.

1. NECESSITY

There are several Rotal decisions that make specific mention of the necessity of free will in the human act. Such is a sentence of Heard:

[...] marriage is invalid [...] if consent is vitiated by defect of necessary discretion of mind, or of internal liberty. For a human act, it is necessary that a person must be master of his own act through reason and will. However he is not master of the act, who on account of defect of discretion, is unable to sufficiently understand the nature of the contract, or who on account of intrinsic defect of liberty is necessarily determined to an act.³⁴

From this decision, it appears that to elicit a truly human act, man must be master of his own act through reason and will. Marriage is invalid, therefore, when man is necessarily determined to an act because

³⁴ Cf. S.R.R.Dec., c. Heard, December 22, 1947, in S.R.R. Decisiones, 39(1947), p. 619: "[...] matrimonium invalidum esse...si consensus defectu mentis discretionis necessariae vel internae libertatis vitiat. Nam ad actum humanum habendum necesse est ut quis dominus sui actus sit per rationem et voluntatem. Dominus autem actus non est qui ob defectum discretionis naturam contractus sat intelligere nequit, vel ob defectum intrinsecum libertatis necessario ad actum determinatur ([...])."

of deficient freedom of choice. Freedom of choice is essential for marriage.

Lefebvre, in a decision of January 12, 1967, stresses this same necessity of freedom of choice when choosing a state of life. He reaches this conclusion from earlier decisions by Wynen, Heard, and Felici. Wynen declares:

Every internal predetermination, which man cannot resist on account of his own abnormal condition, must be excluded.³⁵

Heard writes:

Given sufficient knowledge in the agent, there is also required for valid consent a sufficient deliberation of will [...] the intellect being sane, on account of defect in the equilibrium of the organs and co-ordination of the powers, the will becomes inefficacious, and thus there exists abulia, as it is called, or inertia, or an irresistible impulse.³⁶

³⁵ Cf. S.R.R.Dec., c. Wynen, April 13, 1941, in S.R.R. Decisiones, 33(1941), p. 273: "Excludatur oportet omnis praedeterminatio interna cui homo ob abnormem suam conditionem resistere non valet."

³⁶ Cf. S.R.R.Dec., c. Heard, June 5, 1941, in S.R.R. Decisiones, 33(1941), p. 489: "Supposita sufficienti scientia in agente, requiritur etiam ad consensus valorem sufficiens deliberatio voluntatis [...] integro manente intellectu, ob defectum in equilibrio organorum et coordinatione potentiarum voluntas inefficax redditur et habetur vel abulia, uti dicitur, seu inertia, vel impulsio cui resisti nequit."

Felici concurs there is required:

That strength of will which must be at par with the rights and obligations to be given and received.³⁷

Building upon these citations of Wynen, Heard and Felici,

Lefebvre states:

[...] there is required at least that freedom of will by which a state of life is chosen.³⁸

Lefebvre's statement on the requisite freedom of choice for determining a person's state in life is soundly reaffirmed by a decision c. Bejan, July 23, 1969:

Most certainly that freedom of will is required by which a state of life is chosen; therefore it is necessary that abulia, or inertia, or an irresistible impulse is excluded. In other words, every internal predetermination must be excluded.³⁹

A later decision, c. Davino is very enlightening regarding free will.

It is beyond controversy that marriage cannot be established, unless through a human act proportionate to the most weighty occupation, about which marriage is concerned.

37 Cf. S.R.R.Dec. c. Felici, May 22, 1956, in S.R.R. Decisiones, 48(1956), p. 468: "[...] id robor voluntatis, quod ad corriyantia jura obligationesque danda et acceptanda par sit."

38 Cf. S.R.R.Dec., c. Lefebvre, January 12, 1967, in Apollinaris, 52(1969), p. 204: "Sed, requiritur, saltem illa voluntatis libertas qua eligitur status vitae, [...]."

39 Cf. S.R.R.Dec., c. Bejan, July 23, 1969, in R.D.C., 22(1972), p. 72.

For such action to be duly proportionate the contractants must enjoy not only knowledge on the part of the intellect, but also the capacity of freely determining themselves to act, or of choosing that which is apprehended as a good. This is concisely explained by the Angelic Doctor: "For election, there is concurrence both on the part of the cognoscitive power and the appetitive power. On the part of the cognoscitive power, council is required, by means of which is judged what must be preferred to another. From the part of the appetitive power is required that it may grasp by seeking" (I,q.83,a.3).

Thus it happens, that if a person apparently enjoying due discretion of judgement, nevertheless lacks the capacity of freely determining himself for the matrimonial contract, because of an illness which enters the sphere of the will, his consent must be held to be invalid.⁴⁰

Davino stresses, like other Rotal judges, the necessity of freedom of choice for marriage. In addition, he goes deeper into this freedom. A person chooses something under the aspect of its goodness; freedom of choice is eliciting something apprehended under the aspect of good; on the part of the intellect council is required. On the part of the will, freedom is essential.

40 Cf. S.R.R.Dec., c. Davino, December 12, 1974, P.N.11.242, n.3: "Extra controversiam est matrimonium constitui non posse nisi per actum humanum proportionatum negotio gravissimo, de quo agitur. Ut talis actio humana debitam proportionem servet necesse est ut gaudeant contrahentes non solum scientia ex parte intellectus, sed etiam capacitate libere sese determinandi ad agendum, seu eligendi id quod sub ratione boni apprehenditur. Quae concinne breviterque ita ab Angelico Doctore exponuntur: 'Ad electionem concurrunt aliquid ex parte cognoscitivae virtutis, et aliquid ex parte appetitivae. Ex parte quidem cognoscitivae requiritur consilium, per quod dijudicatur quid sit alteri praeferendum. Ex parte autem appetitivae requiritur quod appetendo acceptetur' (I, q.83, a.3).

"Exinde fit ut si quis, apparenter debita iudicii discretionem gaudens, ob quamdam morbosam conditionem, quae spheram voluntatis ingrediatur, privatur capacitate sese libere determinandi ad contractam matrimonialem, eius consensus irritus habendus est."

Two observations could be made on this segment of the Davino decision: (1) a person's value system enters into the operations of the will, in its capacity of choosing that which is apprehended under the aspect of goodness; and (2) for a more complete understanding of free will, one could turn, as Davino does, to the writings of Thomas Aquinas.

2. ESSENCE OF FREE WILL

For a clearer comprehension of the nature of free will required for marital consent, it is indeed very useful to study the works of Thomas Aquinas on the subject, Aquinas asks: "Whether man is free in his decisions?"

Man is free to make decisions. Otherwise counsels, precepts prohibitions, rewards, and punishment would all be pointless.

To clarify this, recall how some things act without judgement, so a stone falls to the ground; all things that lack knowledge are like this. Others act from judgement, but without freedom; thus brute animals. For a lamb perceives that a wolf is to be fled from by natural judgement which is not free; it does it by natural instinct not by deliberation, and this holds for any judging that something is to be shunned or sought after through his ability to know. Because this particular practical conclusion proceeds not from natural instinct but from reasoning from experience, he acts freely, being open to several possible courses.⁴¹

⁴¹ Cf. Thomas AQUINAS, Summa Theologiae, Ia Pars, Q.83, Art.1, Vol. 11, p. 239.

In summary, man is free to make decisions, he acts freely, being open to several possible choices. Man acts through judging that something is to be shunned or sought after, and through his ability to know.

The Angelic Doctor then asks, "Whether free will is a power?"

A power is usually named from its act. And so from the act of free decision we name the power from which this act comes. Otherwise, if free will were an act, man would not always have it.⁴²

Thomas goes further, "Whether freedom of decision is an appetitive power?"

Choice is the distinguishing mark of free decision. For we are said to be free in a decision when we can adopt one course and reject another: This is to choose. And so the nature of true decision has to be considered in terms of choice.

Now choice involves something cognitive and something appetitive. [...] As regards appetite it demands that what counsel determines on be accepted with a will. [...] choice's specific concern is with means to an end. Now this precise concern is concern with the kind of goodness called utility. So since good as such is the object of appetite it follows that choice is more an act of appetitive power. And so freedom of decision is an appetitive power.⁴³

This "appetitive" power is the "will power". Thomas then asks, "Whether free will is a power distinct from the will?"

[...] understanding is related to reason in the realm of intellect, so will is related to freewill in the realm of intellectual appetite. Freewill is simply choice.

42 Cf. ibid., Art. 2, Vol. II, p. 243.

43 Cf. ibid., Art. 3, Vol II, p. 243.

[...] Willing indicates the simple appetition of something so we speak of willing the end, since it is desired for its own sake. Choosing, however, means to seek something for the sake of something else, hence it is used most strictly touching means to an end.

[...] Choosing and willing are different acts, but they belong to one power as do understanding and reasoning.⁴⁴

According to these texts of Aquinas, free will means being open to several possible choices. The mark of free decision is choice. Free will is the power of choosing; it is simply choice.⁴⁵

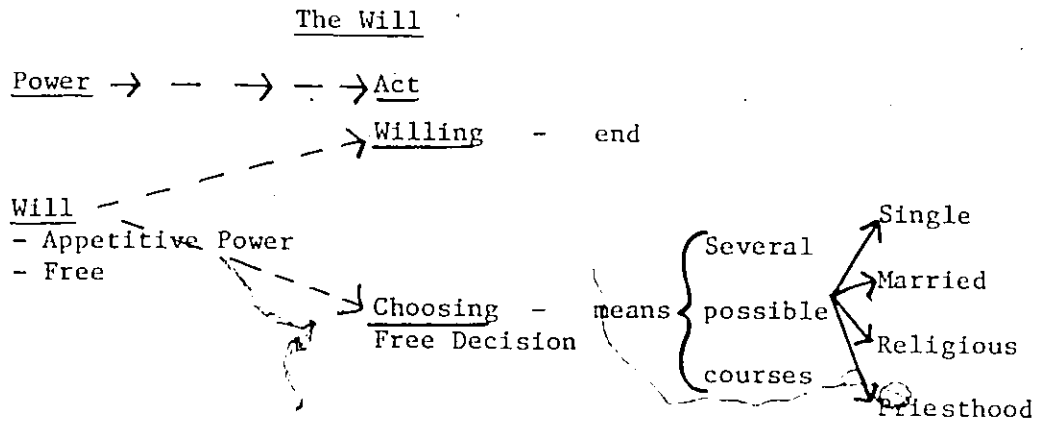
3. OBJECT OF THE WILL

Davino, in a decision on consent and the will, shows that the person contracting marriage chooses marriage under the ratio of good apprehended.⁴⁶

Wynen helps in understanding the interrelation between will and goodness.

44 Cf. ibid., Art. 4, Vol. II, p. 247, 249.

45



46 Cf. S.R.R.Dec., c. Davino, December 12, 1974, P.N.11.242, n.3.

[...]

In order that an object of the will could be said to be desired or intended, by a deliberate and free act by a man, first its value ought to be desired or intended, at least substantially. But the value is the very goodness of the object, in as much as it is fitting and desirable, that is, it is that towards which and because of which the will, according to its own specific nature, is drawn towards the object. Wherefore the will cannot be said to desire or embrace any object unless it shall have perceived the value of the object at least substantially. But the value of the object cannot be sought after by a human act unless it has previously both known and weighed. Therefore a person not having the power to perceive and to weigh the value (esthetic, ethical, social, juridical) of some object ought for this reason to be said to be incapable of seeking after and willing the same object by a deliberate and free act in the same order (esthetic, social, ethical, juridical); and if, nonetheless, he passes on to seek after it, the act placed in that order is null, since, in that order, it does not proceed from a deliberate and free will.⁴⁷

Wynen shows here that the will is drawn to an object by the particular value or goodness of the object. The will must be able to perceive the value or goodness of the object. This perception is dependent upon the "knowing and weighing" of the intellect in due

⁴⁷ Cf. S.R.R. Dec., c. Wynen, February 25, 1941, in S.R.R. Decisiones, 33(1941), pp. 146-147: "Ut obiectum voluntatis dici possit actu deliberato et libero ab homine appetitum seu volitum, prius eius valor debet esse appetitus vel volitus, saltem quoad substantiam. Est autem valor ipsa obiecti bonitas, in quantum est conveniens et appetibilis, seu est id, in quod et propter quod voluntas secundum specificam proprietatem suam fertur in obiectum. Quare voluntas nequit dici modo sibi proprio obiectum aliquod appetere et amplecti, si, ne quoad substantiam quidem, valorem obiecti attigerit. Valor autem obiecti actu humano appeti nequit, nisi antea fuerit et cognitus et ponderatus. Ideo homo, non valens alicuius obiecti valorem (aestheticum, sociale, ethicum, iuridicum) percipere et ponderare, ob hanc rationem in eodem ordine (aesthetico, sociali, ethico, iuridico) incapax dici debet ad idem obiectum actu deliberato et libero appetendum et volendum; et si nihilominus ad illud appetendum transit, actus positus in respectivo ordine est nullus, quippe in hoc ordine non procedit a deliberata et libera voluntate."

discretion. This "weighing and knowing" is the normal operational field of the mature critical faculty.

A little further into the Wynen decision, the will, in perceiving the goodness of something, is shown really to choose the object itself.

The value of the thing, as we have already mentioned, is identified with the thing itself in as much as the thing is some desirable good, whether in itself or for the agent subject, and the perception of the value is the perception of this goodness, whether it be merely representative or at the same time evaluative. But the thing is understood to be the object, whether material or immaterial, toward which the desire of the will is directed.⁴⁸

Wynen relates the will and goodness to the marriage contract:

A marriage contract whose ethical, social, juridical value is not even substantially known, is not now a matrimonial contract for the will placing the act of contracting, though it be said to be; in other words the matrimonial consent does not now exist in the ethical, social, juridical order for the will, and therefore does not exist at all [...].⁴⁹

⁴⁸ Cf. *ibid.*, pp. 148-149: "Valor rei, prout supra monitum iam est, identificatur cum ipsa re, in quantum res est quoddam bonum appetibile, sive in se sive pro subiecto agente, atque perceptio valoris est perceptio huius bonitatis, sive mere repraesentativa sive simul aestimativa. Res vero intelligitur obiectum, sive materiale sive immateriale, circa quod versatur appetitio voluntatis."

⁴⁹ Cf. *ibid.*, p. 147: "Unde contractus matrimonialis, cuius valor ethicus, socialis, iuridicus ne quoad substantiam quidem cognoscitur, non iam est contractus matrimonialis pro voluntate ponente actum contrahendi, licet dicatur id esse; aliis verbis: Contractus matrimonialis pro voluntate in ordine sociali, ethico, iuridico non iam existit, ideoque omnino non existit, [...]."

4. VOLUNTARY

To obtain a more detailed view of the human act and the role of the will, reference can be made to a decision in which Palazzini treats of their "voluntary" character.

Palazzini writes, using Saint Thomas as a source, that the human act as voluntary and free is a voluntarium. This voluntarium proceeds truly from the determination of the will and admits of many grades of perfection. The voluntarium is perfect when there is full cognition and deliberation. It is imperfect when the voluntarium is accomplished in sudden movements of the passions. Likewise when there is a deficiency of freedom of act there is an imperfect voluntarium.

Free will, then, is the will, which after deliberation determines a practical judgement about its own act and the act itself by its own choice. This requires: (a) that reason, both in habitu and in actu has an abundance of discretion of judgement about the good formally taken, and the proportion in which the particular good suits the subject and his inclination or appetite and (b) that there is reflex knowledge of the object and the act.

In this decision Palazzini gives a complete view of freedom of choice fundamental to the human act of marriage consent. He sketches in detail what the human act of marital consent implies. As a will act, a voluntary, it proceeds from full cognition and deliberation of the object of consent: the intimate community of life and love.

In this process, the will, not hindered by the turmoil of passion, adheres to what is proposed by the intellect.⁵⁰

There is freedom of choice, when the will after deliberation, forms a practical judgement whether to act or not. This infers:

1. that reason has discretion of judgement about the good formally taken and in proportion as it suits the subject;

50 Cf. S.R.R.Dec., c. Palazzini, January 25, 1977, in E.I.C., 34(1978), pp. 145-146: "[...] Actus humanus qua voluntarius et liber 'voluntarium' appellatur."

"[...] Stricte, autem voluntarium est solum quod a determinatione voluntatis vere seu physice procedit (Aristol., Ethica, Lib.1, c.2,20; S. Thomas, Summa Theol., I-II, q.6.a.1). Et plures gradus admittit pro varia perfectione sui:

"a.-voluntarium potest esse perfectum quando cum plena cognitione et deliberatione perficitur, et imperfectum quando in repentinis motibus, in magno passionis aestu, peragitur. [...]"

"Voluntarium et liberum suapte natura necessario coniunguntur; quantum deficiat voluntarium, tantum libertas deficit, et omnis defectus libertatis actum imperfecte voluntarium dicit.

"Liberum enim arbitrium est ipsa voluntas quae post deliberationem, iudicium practicum de actu suo et ipsum actum electione sua determinat. Ad hoc requiritur in homine:

a) ut ratio, habitu et actu, copiam habeat iudicandi (discretio iudicii) de bono formaliter sumpto et de proportione qua bonum particulare quadrat ad subjectum eiusque inclinationem seu appetitum:

b) ut reflexa cognitio objecti et actuum habeatur (cfr. Summa Theol., I,q.84,c.)."

2. that there was reflex knowledge of the object and acts.

There is freedom of choice for marriage, when the will, after deliberating about marriage, forms a practical judgement to marry or not. This implies:

1. that there be critical knowledge about marriage in itself and in its relation to the person getting married.
2. that there be reflexive knowledge about the intimate community of life and love and the person of the spouse.

D. INTRAPERSONAL INTEGRATION

A requirement for interpersonal relationship of marriage is that both parties have mature personalities. Lefebvre states: "[...]" The mature personality manifests good intrapersonal and interpersonal integration.⁵¹

Anné, writing on due discretion, relates this twofold integration more precisely to marriage consent:

However, conjugal life, or marriage in facto esse, is especially perfected in interpersonal communication, for which, in both parties, there underlies a healthy interpersonal ordination. Moreover, if from the life history of the future spouse, in the judgement of the experts, already before the marriage, it is plainly evident that he seriously lacks intrapersonal and interpersonal integration, he must

⁵¹ Cf. S.R.R. Dec., c. Lefebvre, March 1, 1969, P.N. 7236, m. 3: "Iamvero personalitas matura manifestat bonam integrationem intrapersonalem et interpersonalem."

be judged unable to grasp correctly the nature of the communion of life ordered to the procreation and education of offspring, which is marriage, and thus equally incapable of rightly judging and reasoning about this lasting communion of life that must be undertaken with another person. There is also lacking, in this case, that discretion of judgement which can be conducive to valid choice of a conjugal consort. Indeed he can remain capable of fulfilling other duties, which are extraneous to this intrapersonal and interpersonal integration.⁵²

The precise nature of marriage, in facto esse, and consequently in fieri, demands that a person have the intrapersonal integration that Anné speaks of in this decision. The ability to consent validly to this intimate community of life and love, and live it, an interpersonal community, presupposes the spouses' capacity to reason rightly, to judge and to consent to marriage. The intrapersonal integration reflexively to know, judge and then consent to this common life of mutual support, and procreation and education of offspring, is the essence of marriage in fieri. It is likewise the essence of marriage consent in matrimonio.

⁵² Cf. S.R.R.Dec., c. Anné, July 22, 1969, P.N.8971, n.4: "Vita, autem, coniugal, seu matrimonium in facto esse, maxime absolvitur commercio interpersonal, cui, in ambabus partibus, subjacet sana ordinatio interpersonalis. Porro, si ex historia vitae nupturientis, iudicio peritorum, plane constat in ipso, jam ante nuptias, graviter deficere integrationem intrapersonalem et interpersonal, iste existimandus est impar ad rite capiendam ipsam naturam communionis vitae ad procreationem et educationem prolis ordinatae, quod est matrimonium, et proinde incapax, pariter, recte iudicandi et ratiocinandi de hac communione vitae perenni cum altera persona instauranda. Deficit, itaque in hoc casu, illa iudicii discretio quae conducere valet ad validam conjugalis consortis electionem. Profecto, ille manere potest capax persolvendi alia officia quae huic integrationi intrapersonali et interpersonal extranea sunt." (Underlines by Anné)

Bejan, in a decision on the incapacity to elicit valid consent, reiterates Anné's decision:

[...] if already before the marriage, it is plainly evident that he seriously lacks intrapersonal and interpersonal integration, he must be judged unable to grasp correctly the nature of that communion of life ordered to the procreation and education of offspring, which is marriage [...].⁵³

Raad, in a decision on psychic incapacity, reaffirms the decisions of Anné and Lefebvre just quoted:

"Indeed, he can remain capable of fulfilling other duties, which are extraneous to this intrapersonal and interpersonal integration." [...] "Personality, as it is called a mature structure [...] from which arises the intrapersonal and interpersonal integration, [...]."⁵⁴

Searching in Rotal jurisprudence, the essence of this intrapersonal integration can be discovered. Since matrimonial consent requires reflexive knowledge, judgements and consent to the intimate community of life and love, intrapersonal integration is implied. There must be co-operation between the intellect and will.

On the intellect and will, as the spiritual faculties of man, Canestri writes:

But one thing must be held absolutely: the intellect and the will are two purely spiritual faculties of the soul, of which the later depends upon the former in eliciting a human act. [...] The two potencies of this type, as purely spiritual, are distinguished either really, or simply by.

53 Cf. S.R.R.Dec., c. Bejan, December 3, 1969, P.N.9745, n.5.

54 Cf. S.R.R.Dec., c. Raad, April 14, 1975, P.N.10.832, n.17.

reason from the substance of the soul, they can be subject to no disease; they can only be impeded or disturbed in their activity from extrinsic influence, of other potencies with which they are in conjunction.⁵⁵

In eliciting a human act there is a certain working relationship between the intellect and the will. These faculties can be impeded by something external, or disturbed from the outside. From this decision on the intellect and the will, an integration appears between them for a human act, and consequently for consent to marriage.

Pinna, from a decision on amentia and the exclusion of children, furnishes additional insights on the working relationship between the intellect and the will.

"[...]" about this, one has to recall the mutual relations between the intellect and will. The intellect, by the ministration of the senses, forms ideas, judgements, and reasonings, and proposes things to the will, under the aspect of good, in which it must tend. The will seeks through simple volition, the good apprehended by the intellect and influences the intellect so that among many indifferent practical judgements formed through deliberation, there is formed a final practical judgement, under the light of which consent is elicited.

Passions and diseases can influence the intellect and will, by changing the corporeal organs, the ministration of which the spiritual faculties need.

⁵⁵ Cf. S.R.R. Dec., c. Canestri, July 16, 1943, in S.R.R. Decisiones, 35(1943), p. 597: "[...] Sed unum absolute tenendum est: intellectum et voluntatem esse duas facultates pure spirituales animae, quarum altera pendet a prima in eliciendo actum humanum. [...] Huiusmodi duae potentiae, utpote pure spirituales, sive distinguantur realiter, sive ratione simpliciter a substantia animae, nullo morbo subiacere possunt; impediri tantum vel turbari valent in sua activitate, ab extrinseco, aliarum potentiarum quae sunt in conjuncto, influxu."

Whenever causes of this manner impede the intellect from forming a practical judgement about the goodness of something, or from the indifference of judgement, either the act of will or deliberation of intellect will be missing.⁵⁶

This is a model view of the working relationships of the senses, intellect and will. In addition, Pinna shows how the intellect and will can be influenced by the alteration of the bodily organs through passion or sickness: this ultimately impedes the practical judgement of the goodness or value of something or produces an indifferent judgement. Further, these passions or sickness may make the will or deliberations of the intellect completely deficient.

In this decision, a clear view of the operations of the intellect, senses, and will is presented. For valid consent, there must be orderly operation of the senses, intellect and will: that is personal integration. There must be an absence of sickness or passion to a degree that the orderly operations of the senses, intellect and will for matrimonial consent are not seriously hampered or completely destroyed.

⁵⁶ Cf. S.R.R. Dec., c. Pinna, December 21, 1959, in S.R.R. Decisiones, 51(1959), p. 623: "Hac de re juvat recolere mutuas relationes inter intellectum et voluntatem. Intellectus, ministerio sensuum, efformat ideas, judicia, ratiocinia, proponitque voluntati res, sub adpectu boni, in quod tendere debet. Voluntas appetit, per simplicem volitionem, bonum ab intellectu apprehensum, atque influit in intellectum ut inter tot judicia practica indifferentia per deliberationem efformata emittat judicium ultimum practicum, sub cuius lumine consensus eliciatur.

"In intellectum et voluntatem influere possunt passiones vel morbi, organa corporea alterando, quorum ministerio facultates spirituales indigent. Quoties causae eiusmodi impediunt intellectum ab efformando judicio practico de rei bonitate, aut ab indifferentia judicii, deerit vel actus voluntatis vel deliberatio intellectus."

Lefebvre, in a decision on amentia, details further what is involved in intrapersonal integration.

For there is required for a serious contract, as the matrimonial contract shows itself to be a certain harmony of the various structures of the personality itself, which harmony is destroyed by a certain essential instability, suggestionability, changeability of affection, excessive anxiety, and incapacity of tolerating minimal frustrations, provided they attain a degree which impedes the right process of volition.⁵⁷

Lefebvre refers to decisions of Heard and Mattioli to support his remarks. Heard states:

Sufficient deliberation of will is required for valid consent, which certainly is deficient not only when the intellect is deficient, but also where, on account of a disturbance of phantasm and nerves, either the intellect or the will is impeded and no true election is possible.⁵⁸

Also, Mattioli writes:

When it is evident that a person, either before or after marriage has suffered such an illness, that even though his intelligence remains well and he has sufficient knowledge of marriage as required in c.1082, yet the harmonious ordination and cooperation of the intellect and

⁵⁷ Cf. S.R.R.Dec., c. Lefebvre, July 8, 1967, in S.R.R. Decisiones, 59(1967), p. 563: "Namque requiritur ad gravem contractum, uti se praebet matrimonialis contractus, certa harmonia variarum structurarum ipsius personalitatis, quae harmonia destruitur constitutiva quadam instabilitate, suggestionabilitate, mutabilitate affectionis, catatimia, incapacitate tolerandi minimas frustrationes, dummodo gradum attingant qui rectum volitionis processum impediunt, [...]."

⁵⁸ Cf. S.R.R.Dec., c. Heard, June 5, 1941, in S.R.R. Decisiones, 33(1941), p. 482, n.2.

will is disturbed (from which proceeds a conscious and free determination to a certain object, with the faculty of choosing another) there is moral certitude of no real marital consent, and likewise the absolute imparity of bearing the marital rights and obligations.⁵⁹

Lefebvre explores the area of harmony of the intellect and will for valid matrimonial consent. He supports his statements on this harmony by earlier decisions of Heard and Mattioli. The harmonious ordering and conspiracy of the intellect and will can be equated with intrapersonal integration, which can consequently be affected by disturbed "phantasms" and "nerves".

Pinto, in a decision on psychopathic personality, gives additional explanation on how this harmonious order between the intellect and will, this intrapersonal integration, can be hindered or altered.

There is no doubt, that the deliberation of the will and its freedom can be weakened or destroyed by mental illness which "more immediately affects the will than the intellect itself [...] indeed, though rarely, it does happen that conflict of motivations militate against each other [...] thereupon it draws the critical faculty and henceforth seriously corrupts it, so that no true election can be accomplished" (c. Anné, June 28, 1965).

59 Cf. S.R.R. Dec., c. Mattioli, December 20, 1962, in S.R.R. Decisiones, 54(1962), p. 710: "Ubi constat subjectum sive ante sive post matrimonium tali aegritudine laborasse ut, integra manente eius intelligendi facultate, salvaque scientia seu notione de qua in can.1082, perturbata tamen in eo appareat harmonica illa ordinatio ac conspiratio superiorum facultatum, intellectus scilicet et voluntatis, ex qua procedit conscia et libera determinatio ad certum objectum, cum facultate ad aliud divertendi: morali certitudine judicari potest ac debet consensum maritalem, a tali subjecto externe manifestatum, solummodo apparentem fuisse, et non realem, ideo essentialibus matrimonii iuribus et obligationibus gignendis absolute imparem.

There can be disturbances of the will not only in mental illnesses, strictly speaking, but also in abnormal psychopathic personalities. For in these either the will is so weak that they cannot withstand others; or they can control but with difficulty their own emotive reactions.⁶⁰

Thus liberty and deliberation of the will can be lessened or destroyed not only by mental illness but also by psychopathic personality.

There are many factors that can hinder the intrapersonal integration fundamental to marriage consent. Passions, diseases, instability, changing affections, incapacity of tolerating minimal frustrations, disturbed phantasms and nerves disrupt the judging, reasoning and willing processes in man.

The underlying principle to all these factors is that marriage consent in matrimonio requires harmony between the intellect and the will, i.e., intrapersonal integration.

⁶⁰ Cf. S.R.R.Dec., c. Pinto, June 26, 1969, in M.E., 95(1970), p. 442: "Non est dubium quin voluntatis deliberatio eiusque libertas minui vel tolli possit ob morbum mentalem qui 'magis immediate afficere potest voluntatem quam ipsum intellectum . . . Pariter interdum - quamvis raro - accidit ut conflictus motivationum voliti in adversum militantium... facultatem criticam hinc inde trahat, eamque graviter inficiat, ita ut nulla vera electio fieri possit' (coram L. Anné, 28. 6, 1965).

"Voluntatis perturbationes non solum in morbis mentalibus stricte dictis dari possunt, sed etiam in personalitatibus abnormalibus psychopathicis [...]. In his enim vel voluntas est ita debilis ut aliis resistere nequeant; vel suas emotivas reactiones dominare difficile possunt."

II. CONSENT "AD MATRIMONIUM"

Referring to marriage consent ad matrimonium, Serrano writes that this expression looks not abstractly at marriage in its intellectual and volitional elements, but concretely in the actual traditio and acceptatio of the marital spouses.

[...] marriage in facto esse, truly does not consist in the perfection of the abstract notion or volition, but in the existential acceptance of the other person, and in the giving of oneself, which cannot take place without necessary consideration of the other person.⁶¹

There are certain essential capacities for this marital traditio and acceptatio which are prerequisite to eliciting valid matrimonial consent ad matrimonium. These essential capacities will be considered: (1) the capacity of interpersonal relation, (2) the capacity of communion of conjugal life and (3) the capacity of the conjugal act.

It is these capacities which enable a person to be interpersonally integrated for the communion of life in marriage.

A. CAPACITY OF INTERPERSONAL RELATION

Lefebvre in a decision on the incapacity to assume the marital obligations refers to this capacity of interpersonal relation.

61 Cf. S.R.R.Dec., c. Serrano, May 19, 1978, P.N.11.239, n.7.

But the foresaid incapacity can be had either on account of some sickness, or on account of a non-maladive abnormality from causes of a diverse nature, among which the experts in the case have singled out the impossibility of fostering an interpersonal relationship, and also affective immaturity.⁶²

This capacity for interpersonal relations is at the very heart of matrimonial consent ad matrimonium. This capacity presupposes the spouse has interpersonal integration. The term interpersonal integration was initially used in a decision by Lefebvre on amentia. "The mature personality manifests good intrapersonal and interpersonal integration."⁶³

What is meant by this interpersonal integration is further detailed by Lefebvre:

Indeed the expert [.] insists on the immature personality of the man which can hardly be reconciled with that intrapersonal and interpersonal integration required for accepting the duality essential to the married state. For this consultant previously established that the reported excessive selfishness shows an "insufficient self-giving capacity". Because of which an authentic interpersonal relationship becomes gravely difficult to achieve.⁶⁴

62 Cf. S.R.R.Dec., c. Lefebvre, January 31, 1976, in E.I.C., 32(1976), p. 285. "Incapacitas autem praedicta haberi potest sive propter morbum quemdam, sive propter non morbosam abnormitatem ob causas quidem diversi generis, inter quas periti in casu determinaverunt eminere impossibilitatem fovendi relationem interpersonalem, et adhuc immaturitatem affectivam."

63 Cf. S.R.R.Dec., c. Lefebvre, March 1, 1969, P.N.7236, n.3: "Tamvero personalitas matura manifestat bonam integrationem intrapersonalem et interpersonalem."

64 ibid., n.12: "Profecto peritus . . . extollit personalitatem immaturam viri, quae difficulter componi potest cum integratione 'intrapersonali et interpersonali' ad admittendam conditionem dualem propriam status matrimonialis (Suppl., 14 int.). Determinat enim superius relatum 'ipertrofia dell'io' ostendere 'insufficientem capacitatem oblativam sui' ex quo difficilis graviter quidem fit relatio interpersonalis authentica."

According to this, interpersonal integration in marriage means accepting and living the duality essential to marriage, without which there can be no community of life and love. An essential note of this interpersonal integration is the self-giving capacity.

This self-giving capacity for interpersonal relation is referred to by Anné, and based upon doctrine of the Second Vatican Council.

This proposition of Vatican II (Gaudium et Spes, n.48) [...] has juridical meaning, for it refers, not to the mere fact of the beginning of shared life, but rather to the right and obligation to that intimate sharing of life, the most specific element of which is that close union of the persons by which a man and woman become the one flesh toward which that sharing of life tends as towards its climax. This means that marriage is a most personal relationship and that marriage consent is an act of the will by which the spouses mutually give and accept each other [...].⁶⁵

The very specific element of marriage is shared life. Marriage is an interpersonal relation consisting in shared life.

65 Cf. S.R.R.Dec., c. Anné, February 25, 1969, I.D.E., 81(1970), pp. 226-227: "Propositio haec Conc. Vaticani II - [...] - sensum iuridicum habet. Non respicit enim merum factum instaurationis communitatis vitae, sed Jus et obligationem in hanc intimam communitatem vitae, quae uti elementum maxime specificum habet intimam personarum coniunctionem qua vir et mulier fiunt una caro ad quam, uti culmen tendit illa vitae communitas. Id denotat matrimonium esse relationem maxime personalem consensumque matrimonialem esse actum voluntatis quo coniuges 'sese mutuo tradunt atque accipiunt' [...]."

A few months later, Anné gave a decision in a case on defect of discretion. He wrote:

Indeed, conjugal life, or marriage in facto esse, is characterized especially by interpersonal communication, to which in both parties a healthy interpersonal ordination belongs. Indeed, if from the history of the life of the spouse, in the judgement of the experts, there is clearly evident in him, already before the marriage, a grave deficiency in intrapersonal and interpersonal integration, he must be considered unable to understand rightly the nature itself of the communion of life ordered to the procreation and education of offspring, which is marriage, and then equally incapable of correctly judging and reasoning about this lasting communion of life that must be started with another person. Therefore, he lacks in this case that discretion of judgement which is able to lead to a valid choice of a conjugal partner. He really can remain capable of accomplishing other duties which are outside of this intrapersonal and interpersonal integration.⁶⁶

Marriage requires interpersonal communication. In both parties this presupposes a healthy interpersonal ordination. If this ordination is lacking before marriage, the party will not be able to understand rightly the community of life and love. The person might be competent to accomplish other duties, but he is not competent for marriage.

Interpersonal integration implies that a person has a healthy ordering to other persons.

Support is given to Anné's decision by Bejan and Raad who quote from it in their sentences.⁶⁷

66 Cf. S.R.R.Dec., c. Anné, July 22, 1969, P.N.8971, n.5.

67 Cf. S.R.R.Dec., c. Bejan, December 3, 1969, P.N.9745, n.5; S.R.R.Dec., c. Raad, April 14, 1975, P.N.10.832, n.17.

Of all the Rotal judges, Serrano has provided the greatest development in the capacity for interpersonal relations. This is found in some of his sentences from 1973 through 1978.

On April 5, 1973, Serrano handed down a decision that centered on capacity for interpersonal relation.

When, then, the law defines the act by which each partner hands over and accepts the perpetual and exclusive right to the body (c.1081 §2), it already implies the interpersonal element in which marriage essentially consists and upon which its perpetuity and exclusivity depend, and from which they derive their source.⁶⁸

Serrano here states that the interpersonal relation capacity is implied from c.1081 §2. The marital notes of perpetuity and exclusivity are rooted in this capacity for the interpersonal relation of marriage.

Serrano, in this same decision, supports his statements on capacity for interpersonal relation with two statements from the Church's Magisterium.

A man and a woman, who by the marriage covenant of conjugal love 'are no longer two, but one flesh' (Mt.19:6), render mutual help and service to each other through an intimate union of their persons and of their actions (Cf. Vatican II, Gaudium et Spes, n.48).

68 Cf. S.R.R.Dec., c. Serrano, April 5, 1973, in M.E., 101(1976) pp. 107-108: "Cum igitur Lex definit actum, quo utraque pars tradit et acceptat ius in corpus perpetuum et exclusivum (can. 1081 §2) iam innuit interpersonale illud, in quo matrimonium essentialiter consistit et a quo perpetuitas et exclusivitas eiusdem pendent et initium sumunt."

Hence through the mutual gift of themselves, which is specific to them and exclusively theirs, spouses carry into effect that sharing of persons, by which they bring one another to perfection (Cf. Encyclical, Humanae Vitae, Paul VI, n.8).⁶⁹

The Second Vatican Council defines the mutual help and service of the spouses to each other through an intimate union of their persons and their actions. Paul VI writes of the spouses' mutual gift of themselves by which they effect the sharing of persons, thus bringing one another to perfection. In these statements from the Magisterium, the capacity for interpersonality in marriage is evidently affirmed.

Serrano analyzes even further the capacity for interpersonal relations in marriage.

Hence, the examination of the personalities of the parties is not to consist merely or even primarily in the separate investigation into each of them in relation to the mental acuity or strength of will, in each one's personal actions, thoughts, and intentions; in marriage cases, the most attention must be given to that area of psychic life in which an interpersonal relationship is established and developed. I speak of an interpersonal relationship which in every respect, is concrete and singular, endowed with that individuality which modern scholars usually term 'incapable of repetition', and which is special to a human person who develops himself, gives

69 Cf. *ibid.*, pp. 108-109: "[...]... Vir itaque et mulier, qui foedere coniugali iam non sunt duo, sed una caro (Mat., 19, 6) intima personarum atque operum coniunctione mutuam sibi adiutorium et servitium praestant, (cfr. Conc. Vat. II, Const. Past. Gaudium et spes, n.48).

"Quocirca per mutuam sui donationem, quae ipsorum propria est et exclusiva, coniuges illam persequuntur personarum communionem, qua se invicem perficiant, (cfr. Litt. Encyl. Humanae Vitae Pauli PP. VI, n.8)."

himself, and accepts another as a person, just as he is in the existential order in an original way and as a person.⁷⁰

When considering the capacity for interpersonal relation, the specific area of psychic life in which interpersonal relation is established and developed must be studied. This study of interpersonal relationship means having sufficient knowledge from psychology and psychiatry to interpret the interpersonal relation capacity of a particular individual.

Later, in a decision on the capacity of understanding and willing at the time of marriage, emphasis is again placed on the capacity of the spouses for interpersonal relation.

However, about this thesis, namely the persons of the spouses, attention is precisely drawn to the capacity of establishing the intimate, perpetual and exclusive interpersonal communion which the Magisterium, already cited, teaches is derived from consent: "The intimate community of life and conjugal love,

⁷⁰ Cf. *ibid.*, pp. 111-112: "Non igitur tantum sicut nec praevalenter examen personalitatis partium exhaustiendum est in studio uniuscuiusque sumpto per rationem ad individuale mentis acumen aut roborem voluntatis in iis, quae personaliter agit vel cogitat et intendit; in causis matrimonialibus maxime attendendum est ad illam provinciam vitae psychicae ubi relatio interpersonalis instauratur et perficitur. Relatio, inquam, interpersonalis ex utrobique concreta et singularissima, illa nempe singularitate - quam 'irreperitibilita', moderni dicere solent - propria personae humanae, quae seipsam ponit, tradit et alteram acceptat in ordine existentiali modo autoctono et qua persona sicuti est assumendo."

established by the creator and qualified by his laws, or the covenant of marriage, is established by irrevocable personal consent" (Cf. Const. Past., Gaudium et Spes, n.48).⁷¹

The type of interpersonal relation capacity is considerably refined in this decision of Serrano. There must be the capacity to form and maintain the intimate, perpetual and exclusive interpersonal relationship of marriage.

In this same decision, Serrano appears to reduce interpersonal relationship to the three bona of marriage:

As qualities of this relationship, which is considered as substance, must be taken as essential properties and ends of marriage, so that it be permissible to discern the notes of the conjugal way of life in order that the capacity of the subjects for marriage may be aptly established.

Indeed the marital consortium requires that a person be capable of establishing an interpersonal bond, by which intimacy is ordered to the begetting and educating offspring in a human way; - exclusive, also in a positive sense, sufficient and satisfying to himself, lest the same exclusivity become a morally intolerable burden; - perpetual, endowed namely with that strength which must be equal to bring forth and sustain a certain indefectibility.

⁷¹Cf. S.R.R.Dec. c. Serrano, November 18, 1977, P.N.11.730, n.10: "De his autem, seu de personis nubentium, praecise attenditur capacitas perficiendi communionem interpersonalem intimam, perpetuam et exclusivam, quam modo citatum Ecclesiae Magisterium docet enasci e consensu: 'Intima communitas vitae et amoris conjugalis, a Creatore condita suisque legibus instructa, foedere coniugii seu irrevocabili consensu personali instauratur.' (Cf. Const. Past. Gaudium et Spes, n.48)."

Under these aspects particularly, lest we are mistaken, particular maturity of a person predicated suitable for marriage must be considered, and not only under the generic sharpness by reason of intellect and strength of will. For it is not per se a question of diverting consideration from the intellect and the will [...] but rather of establishing the context wherein these faculties are applied.⁷²

The qualities of intimacy, exclusivity and perpetuity are essential properties of the capacity for interpersonal relation.

It must be kept in mind that the core of this interpersonal capacity is interpersonal integration in each spouse. The person must have the ability to conceive and educate children in a human manner. He must have the capacity of making the interpersonal relation sufficient and satisfying, not morally unbearable. He must have the capacity of undertaking and maintaining a lasting interpersonal relationship with a particular person until death. All of these capacities are founded in interpersonal integration in each spouse.

⁷² Cf. *ibid.*: "Tamquam qualitates istius relationis, quae locum obtinet quasi substantiae, adsignandae sunt proprietates essentiales et fines matrimonii, unde colligere liceat notas consuetudinis conjugalis ut apte stabiliatur subiectorum capacitas ad nubendum.

Consortium equidem conjugale requirit hominem capace[m] nectendi vinculum interpersonale intimum - qua intimitate ad prolem modo humano suscipiendam et educandam ordinatur -; exclusivum sensu quoque positivo sibi sufficiens et satisfaciens, ne eadem exclusivitas deveniat onus moraliter intolerabile;; et perpetuum - praeditum nempe illo vigore qui par sit quamdam indefectibilitatem gignere ac sustinere -.

Sub quibus praesertim respectibus, nec solum sub generica aciei intellectus ratione et vigoris voluntatis, spectanda est, ni fallimur, peculiaris maturitas personae ad matrimonium habilis praedicandae. Nam non agitur per se de advertenda consideratione ab intellectu et voluntate, [...] potius diceretur questionem esse de stabiliendo ambitu facultatum applicationis."

Marriage requires a special type of maturity. This maturity is the ability for interpersonal relation, undertaking and maintaining an intimate, exclusive, and perpetual community of life and love.

From a more recent decision by Serrano on March 19, 1978, another element of marriage in facto esse emerges: motions of the affect.

Marriage, when it takes place, comprises an intellectual act, and also under the leadership of the intellect, a willed act; marriage, when it continues existing, embraces other operations of the soul, such as motions of affectivity and certain complex interpersonal relations.⁷³

The capacity for interpersonal relation is expanded further here to include complex interpersonal relations and motions of affect in that relationship. Marriage consent ad matrimonium includes this expanded capability for the intimate, exclusive and perpetual communion of marital life.

What these complex interpersonal relations, and the related motions of affect are, is to be explored by the sciences of psychology and psychiatry.

The capacity for interpersonal relation is basic to marriage consent ad matrimonium. Serrano concludes in the same sentence:

73 S.R.R.Dec., c. Serrano, May 19, 1978, P.N.11.239, n.7:
"Matrimonium, dum perficitur, proponit actum intellectualem, necnon, sub ductu intellectus, volitivum; matrimonium, dum in esse pergit, alias amplectitur animi operationes sicuti sunt motus affectus et implexas quasque relationes interpersonales."

[...] Moreover the attention of the judge, who must decide about conjugal consent, must be directed to those faculties and their operations, by which the interpersonal relation between two concrete persons is accomplished.⁷⁴

B. CAPACITY OF COMMUNION OF CONJUGAL LIFE

There are Rotal decisions by Di Felice and Davino which refer more precisely to the capacity for the communion of conjugal life.

Consent ad matrimonium is the capacity for interpersonal relation within which lies the capacity for the communion of conjugal life.

Di Felice, in a decision on defect of due discretion, declares:

The incapacity for the communion of conjugal life exists in two ways: either it affects a person adversely, weakened by a particular physical and psychic state certainly required to validly contract; or it only arises from slightly impaired characters, which can be diagnosed and treated.

The former state of the person is often related to psychoneurotic or psychopathic personalities, and includes the ineptitude, even constitutional, to fulfill and maintain the conjugal obligations. Psychopathic persons sometimes cannot have relations with other persons, which psychologists call "interpersonal rapport". [...] Also the inability to elicit consent can arise from serious

74 Cf. ibid.: "[...] praeterea attentionem Iudicis, qui de consensu conjugali pronuntiare debet, dirigendam esse ad illas facultates earumque operationes, quibus nectitur relatiō interpersonalis inter duas concretas personas."

psychic anomalies in which the spouse cannot give himself totally, body and mind, to the other party.⁷⁵

Di Felice here equates the communion of conjugal life to a total giving of oneself in marriage, both body and mind. Psychic anomalies can prevent this capacity for the communion of conjugal life.

Ferraro, in a decision on discretion of judgement, emphasizes the capacities necessary for persons suitable by law for marriage, that is: "[...] physical, psychic and moral capacity of obligating themselves for the rights and obligations (of marriage); [...]"⁷⁶

Davino, in a decision on defect of consent, refers both to the necessity of the capacity for the communion of conjugal life and also to the possibility of psychic impairment of that capacity.

⁷⁵ Cf. S.R.R.Dec. c., Di Felice, March 8, 1975, in E.I.C., 31(1975), p. 178: "Dupliciter enim invenitur in hominibus incapacitas ad vitae conjugalis communionem; vel afficit personam, imminutam peculiari statu physico et psychico certe requisito ad valide contrahendum; vel tantum pendet ex levibus vitiositatibus indolis, quae perspicui ac in melius converti possunt.

"Prior status personae saepe connectitur psychonevrosibus vel psychopatiis atque includit ineptitudinem veluti constitutionalem ad onera conjugalia implenda atque servanda. Psychopatici consuetudinem cum aliis, quam psychologi dicunt 'rapporto interpersonale', aliquoties habere nequeunt. [...] Ideo haberi potest inhabilitas ad validum eliciendum consensum ex gravibus anomalis psychicis, quibus nupturiens totalem sui corporis et animi traditionem alteri parti tradere non valet [...]"

⁷⁶ Cf. S.R.R.Dec. c. Ferraro, February 8, 1977, P.N.11.363, n.5.

To invoke therefore the true notion of the incapacity to contract, there must be evidence of either grave psychopathy, or grave psychic defect, from which the contractant must become unfit to undertake the communion of life with the other party either on account of a grave defect of due discretion of judgement, or serious disturbance of the will in the act of deliberation, or lastly on account of the incapacity of fulfilling the marital obligations likewise founded in a grave psychological anomaly.⁷⁷

C. CAPACITY OF CONJUGAL ACT

Lefebvre and Di Felice stress the procreational aspect of marriage in mentioning the capacity for conjugal acts. This capacity for procreation of children is an essential element in marriage consent ad matrimonium.

Lefebvre writes in a decision on the incapacity of assuming the obligations for marriage:

For in those cases, they who are affected with such defect, are unable, to give and receive the perpetual and exclusive jus in corpus in order for acts of themselves suitable for the generation of offspring. Indeed, as Wernz-Vidal point out "giving and receiving do not have for their object jus in corpus under any aspect, but a perpetual and exclusive jus, as is clear from the double essential property of marriage [...]"

⁷⁷ Cf. S.R.R.Dec., c. Davino, May 18, 1977, P.N.11.517, n.4: "Ad invocandum igitur germanam notionem incapacitatis ad contrahendum, constare debet vel de gravi psychopathia vel de gravi psychico defectu, ex quibus contrahens fit inhabilis ad instaurandam communionem vitae cum altera parte vel ob gravem defectum debitae iudicii discretionis, vel ob gravem voluntatis perturbationem in actu deliberationis, vel denique ob incapacitatem adimplendi conjugalia opera item in psychologica gravi detorsione fundatam."

For it is clear that no one can contract obligations which he may be incapable to fulfill with his own resources, even if acquired ones. For the doctrine holds that a contract on a relatively impossible object is invalid, since no one is held to the impossible [...].⁷⁸

According to Lefebvre's decision, particular individuals, who are unable to give and receive the jus in corpus, exclusively and perpetually, they are unable to contract marriage validly. Consent ad matrimonium includes the capacity for an exclusive and perpetual jus in corpus, that is the conjugal act.

A decision of Di Felice supports the necessity of the capacity for the conjugal act:

[...] or it was established from evidence that the incapacity of giving and receiving the jus in corpus or the ineptitude of presenting the object of consent itself existed, which in some circumstances is also said to be an autonomous heading of nullity.⁷⁹

Where this capacity for the conjugal act is absent, there is no object of marriage consent.

78 Cf. S.R.R.Dec., c. Lefebvre, December 2, 1967, in S.R.R. Decisiones, 59(1967), p. 803: "Istis enim in casibus, ii qui tali afficiuntur vitio tradere-acceptare Requeunt 'jus in corpus perpetuum' et exclusivum in ordine ad actus per se aptos ad prolis generationem". Namque, ut animadvertit Wernz-Vidal, 'traditio et acceptatio non quavis ratione habent pro objecto jus in corpus, sed jus perpetuum et exclusivum, ut constat ex duplici proprietate essentiali matrimoni [...].'"

"Iamvero patet neminem posse contrahere obligationes quas incapax sit dotibus ipsis suis etsi acquisitis adimplere. Doctrina tenet invalidum esse contractum de objecto relative impossibili, cum ad impossibile nemo teneatur [...]."

79 Cf. S.R.R.Dec., c. DiFelice, April 8, 1978, P.N.10.765, n.2: "[...] vel evidentibus constabat de incapacitate tradendi et acceptandi jus in corpus seu de ineptitudine praestandi objectum ipsius consensus, quod in aliquibus adjunctis dictum etiam est caput autonomum nullitatis."

CONCLUSION

In this chapter, elements of matrimonial consent have been studied. Following the distinction given in recent decisions, consent was considered under two headings: marriage consent in matrimonio (in fieri) and consent ad matrimonium (in facto esse).

Marriage consent, was first considered as consent in matrimonio. There was an indepth consideration of due discretion: its necessity and essence. The central role of the critical faculty in this type of marriage consent was shown. Free will was studied: necessity, essence, and object. There was brief consideration of the role of a person's values in free will. The voluntarium, the final product of the will, was observed. Finally intrapersonal integration, the integration between reason and will, fundamental to marriage consent in matrimonio, was examined.

Studying marriage consent ad matrimonium, the person's capacity for interpersonal relation was considered. The relation in marriage was shown as an intimate, exclusive and perpetual interpersonal relation.

Secondly, the capacity for communion of conjugal life was studied. This was seen as the capacity of giving oneself totally, body and soul, to one's spouse in marriage.

Lastly, the capacity for the conjugal act was examined. This was observed to be the capacity for the exclusive and perpetual jus in corpus.

In this presentation, these capacities were shown in a logical order proceeding from the more general to quite specific. All these are essential to matrimonial consent ad matrimonium.

The inner core for these capacities is the capacity for an intimate, exclusive and perpetual interpersonal relation. It is dependent upon a person's own interpersonal integration.

This study of marriage consent in matrimonio and ad matrimonium is fundamental for the further study of immaturity in Rotal decisions.

CHAPTER TWO

THE ROTAL CONCEPT OF IMMATURITY

For a more precise understanding of immaturity according to Roman jurisprudence it would be useful to recall a distinction made by Ferraro in one of his decisions.

[...] in regard to the required maturity marriage can fail in two ways: on the part of the consent and on the part of the person.

It fails on the part of consent if the adult contractant lacks the critical faculty (which must be carefully distinguished from the cognoscitive, or abstractive faculty, which appears earlier), whose function it is to "form judgements and elicit a marital act of free will" (c. Felici, December 3, 1957).

In addition, it fails on the part of the person, if the contracting party is unable to give and receive the conjugal rights and obligations because of psychic disturbances, immaturity, or other causes.¹

Accordingly, our consideration of immaturity will be divided into two parts: immaturity of consent and immaturity of the person. From the study of various Rotal decisions, on the grounds of immaturity, the foundations for this distinction will be better understood.

¹ Cf. S.R.R.Dec., c. Ferraro, February 6, 1979, P.N.11.885, n.16: "[...] matrimonium, ad praefinitam maturitatem quod attinet, dupliciter deficere potest: Ex parte scil. consensus et ex parte personae.

"Deficit ex parte consensus, si adultus contrahens careat facultate critica (a facultate cognoscitiva seu abstractiva, quae prius apparet, sedulo distinguenda), 'cuius est iudicia efformare et liberae voluntatis excitare actus' (c. Felici, December 3, 1957 [...]).

"Deficit praeterea ex parte personae, si contrahens, psychicas ob perturbationes vel ob immaturitatem vel alias ob causas, impar sit ad iura et officia conjugalitatis tradenda vel ferenda."

I. IMMATURITY OF CONSENT

To begin with, two points should be noted regarding immaturity of consent.

First, for Ferraro, the basis for the recognition of immaturity of consent is the lack of the critical faculty, which, as noted previously, is essential for valid consent. This is in accordance with the teachings of Felici, who showed that the task of the critical faculty is to form judgements and bring forth acts of free will.

Secondly, it should also be noted that some Rotal decisions treat of immaturity, while others consider the notion of maturity positively, maturity. In fact these decisions complement each other.

Our study of immaturity of consent, will first focus on discretion of judgement; then the notion of mental immaturity will be examined.

A. DISCRETION OF JUDGEMENT

Felici states that the forming of judgements leading to freedom of choice about marriage is essential to marriage consent, for discretion of judgement lies at the core of maturity of consent. Indeed for an understanding of immaturity of consent, reference should be made to discretion of judgement. A review of this notion considers the necessity, nature and requisites for discretion of judgement.

1. NECESSITY OF DISCRETION OF JUDGEMENT

In a decision on defect of consent, Wynen gives an indication of the necessity for consent of evaluation, the proper act of the critical faculty. He states that lack of evaluation can be caused by immaturity of mental development:

[...] The following points can be established. In many judgements, a double cognitive function can and ought to be distinguished: the one merely representative, that is conceptual, the other reflective, that is evaluative; this double cognitive function is especially noticed in judgements dealing with "things which can be done", that is in practical judgements. A merely conceptual knowledge brings out what is the object of knowledge, evaluative knowledge, its importance or value, that is, what it is worth. Man generally reaches each of these at the same time by the same act of knowledge; this is especially for adults in those matters which come up in daily ordinary experience. [...] They bring out different aspects of the same object. Experience shows that mere conceptual knowledge is formed earlier and much easier; later and with more difficulty, the evaluative knowledge is acquired.²

² Cf. S.R.R.Dec., c. Wynen, February 25, 1941, in S.R.R. Decisiones, 33(1941), p. 149: "Quibus praemissis, haec statui possunt. In non paucis iudiciis revera duplex functio cognoscitiva distingui potest et debet: Altera mere repraesentativa seu conceptualis, altera ponderativa seu aestimativa; quae duplex functio maxime attenditur in iudiciis quae versantur circa 'agibilia', seu in iudiciis practicis. Cognitio mere conceptualis effert quid sit obiectum cognitionis, cognitio aestimativa, quanti momenti vel valoris illud sit, seu quid valeat. Generatim homo utrumque momentum simul attingit, eodem actu cognitionis; maxime adultus in iis, quae intra cotidianam et ordinariam experientiam continentur. At neque re neque conceptu duae hae cognitiones idem efferunt, sed efferunt eiusdem obiecti respectus diversos. Experientia teste, prius et multo facilius efformatur iudicium mere conceptuale; posterius et difficilior acquiritur cognitio aestimativa." (English translation - Based on Chicago Tribunal)

Wynen uses the example of a five year old boy who buys games and toys for a thousand coins. The boy may conceptually know what a thousand coins, games and toys are, maybe even the meaning of buying and selling. However, he cannot contract validly (buying - selling), because he lacks the required mental development and maturity: he cannot evaluate and weigh the buying of toys and games for a thousand coins.

From this can be seen a developing correspondence between mental development and maturity on the one hand, and between evaluating and weighing on the other. Wynen infers the necessity of the existence of discretion of judgement when he refers to evaluating and weighing in this decision. This evaluative knowledge is usually acquired at a later stage in life.

Heard, also specifies the necessity of right judgement for the marriage contract and he infers in a decision that some persons may not be developmentally capable of forming right judgements for marriage.

In the first place, therefore, they must be prevented from marriage, [..] not only who lack the use of reason, such as idiots, but also those who have a certain amount of reason in some way, but are so immature or so weakened that they are unable to form for themselves right judgements about the nature of the contract, and those who, because of imperfect development of their faculties, are equivalent to infants.³

³ Cf. S.R.R. Dec., c. Heard, June 5, 1941, in S.R.R. Decisiones, 33(1941), pp. 489-490: "In primis igitur a nuptiis arcendi sunt [..] non solum ii, qui omni rationis usu destituti sunt, ut sunt idiotae, sed etiam qui eundem aliquo modo quidem habent, sed tam immaturum vel diminutum, ut rectum iudicium sibi efformare nequeant de natura contractus, sicut infantes, et ii, qui ob imperfectam evolutionem organorum infantibus aequiparandi sunt."

2. NATURE OF DISCRETION OF JUDGEMENT

In a decision on amentia, Felici clearly states what is the nature of this discretion of judgement suitable for marriage.

[...] it is not sufficient, nor can discretion of this type (of a seven year old boy) suffice for undertaking the particular duties inherent to marriage, pressing upon the entire life, sometimes all the way to sacrifice. [...]

Psychological and especially juridical considerations must determine in what this adult maturity is to consist.

For psychologists teach in the first place, that this discretion faculty does not appear before the age of twelve; however psychiatrists add that they are to be judged by similar criteria, who although adult in age, nevertheless on account of congenital or acquired illness, do not yet appear to have reached the mental age of twelve.⁴

The adult age of discretion, established by psychological considerations is explained in Felici's decision:

Intelligence, which is the cognoscitive faculty of truth, tends to make its own that which really exists outside itself, although it is substantially identical in everyone, differs for different persons in quality and that it

⁴ Cf. S.R.R.Dec., c. Felici, December 3, 1957, in S.R.R. Decisiones, 49(1957), p. 788: "[...] non sufficit neque potest sufficere huiusmodi discretio pueri, (qui septennium egressus est) pro suscipiendis peculiaribus officiis matrimonio inhaerentibus, et totam vitam, aliquando usque ad sacrificium, urgentibus. [...]"

"Quae autem talis maioritas discretionis esse debeat, considerationibus tam psychologicis quam praesertim iudicis statuendum est.

"Docent in primis psychologi huiusmodi facultatem discretivam non ante decimum secundum aetatis annum evolvi; addunt autem psychiatri pari criterio eos esse considerandos quotquot, licet aetate adulti, mente tamen, propter morbum vel congenitum vel acquisitum, nondum duodecim annos numerare videntur."

evolves with progressing age, according to what are called somatic dispositions; indeed, especially from the time of adolescence, it is affected and qualified through noetic elements (it acquires broadness, namely fuller "documentation"; profundity, whereby we distinguish the essence with speedier intuition; and finally by depth, whereby we abstract more easily the universal from the particular); and later it is affected through endotymic elements, namely pertinence to nature or its natural disposition; finally through the social elements, namely of the society in which a person finds himself.⁵

In this explanation of adult discretion, Felici shows that it consists in a psychological developmental process.

Where does this evolution in intelligence occur, as regards discretion of judgement?

In human intelligence, we may rightly distinguish the cognoscitive faculty, which consists in the abstractive operation of the universal from the particular, or in simple apprehension of truth; and the critical faculty, which is the power of judging and reasoning, or affirming or denying something about some thing, and of combining judgements together, so that a new judgement may be logically deduced therefrom.

⁵ Cf. ibid.: "Intelligentia, quae est facultas cognoscitiva veri, eoque tendit ut suum quodammodo faciat quod verum extra ipsam versatur, si eadem est substantialiter omnibus, alia aliis est qualitate et quantitate; eaque evolvitur, progrediente aetate, secundum dispositiones somaticas, quas vocant: et inde praesertim ab adulescentia afficitur et qualificatur per elementa noetica (largitatem, scilicet ampliorem 'documentationem' acquirit: profunditatem, qua rem essentialem expeditiore intuitione cernimus: demum altitudinem, qua facilius ex particularibus universalia abstrahimus): deinde per elementa endotymica, nempe ad indolem seu ingenium cuiusque pertinentia: postremo per elementa socialia, scilicet societatis (i.e. dell'ambiente) in qua quisque conversatur."

The critical faculty manifests itself later in man, than does the cognoscitive faculty; it develops in him because the elements of which we have spoken above have developed and progressed to a greater extent.⁶

This evolution takes place precisely within the critical faculty, in the developmental process of acquiring the noetic, endotymic and social elements to which reference has been made.

Support for this Felici decision is to be found in^a 1961 decision by Sabattani:

The singular measure of sufficient consent is discretion of judgement proportionate to marriage.

- a) When maturity of judgement of this type sufficing to understand and choose marriage is lacking [...].
- b) This supposes the doctrine on discretion of judgement' [...].⁷

6 Cf. *ibid.*, p. 788: "In intelligentia hominum rite distinguas facultatem cognoscitivam, quae sistit in operatione abstractiva rei universalis ex particulari, seu in apprehensione simplici veri, et facultatem criticam, quae est vis judicandi et ratiocinandi, seu affirmandi vel negandi aliquid de aliqua re, et judicia una componendi ut novum judicium inde logice deducatur.

"Facultas critica serius in homine apparet quam facultas cognoscitiva: Illa autem eo crescit, quo magis progrediuntur ei evoluuntur elementa, de quibus diximus supra,"

7 Cf. *S.R.R.Dec.*, c. Sabattani, February 24, 1961, in *S.R.R. Decisiones*, 53(1961), p. 118: "Unica mensura sufficientis consensus est discretio iudicii matrimonio proportionata.

- a) Quando deficit huiusmodi maturitas iudicii sufficiens ad matrimonium intelligendum vel eligendum [...].
- b) Hic supponitur doctrina de discretione iudicii [...]."

Sabattani adds:

It is not sufficient to have a cognoscitive faculty which consists in the simple apprehension of truth, but the critical faculty is also required, which is the power of judging and reasoning, and of combining together judgements so that a new judgement may be logically deduced therefrom.⁸

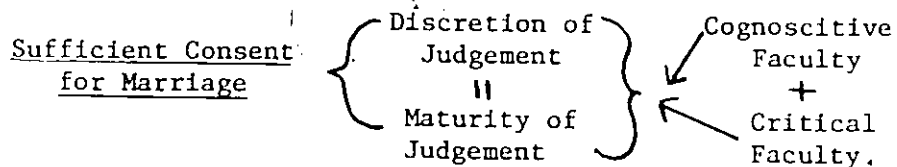
Ferraro, in 1979, maintains the necessity of the existence and operation of the critical faculty for valid marriage consent:

It (marriage) is deficient on the part of consent, if the contracting adult lacks the critical faculty, [...], which has as its purpose "to form judgements and to elicit an act of free will" (c. Felici, December 3, 1957).⁹

Discretion of judgement or maturity of judgement thus implies the normal operations of the critical faculty. If this critical faculty is retarded or arrested at an early stage of development, immature judgement and insufficient consent for marriage result. This is what Ferraro calls immature consent.

8 Cf. *ibid.*: "Nec sufficit facultas cognoscitiva, quae sistit in apprehensione simplici veri, sed requiritur facultas critica, quae est vis judicandi et ratiocinandi, et judicia una componendi ut novum iudicium inde logice deducatur [...]."

A summary of Sabattani's thought could be graphically portrayed as follows:



9 Cf. *S.R.R.Dec.*, c. Ferraro, February 6, 1979, P.N.11.885, n.16: "Deficit ex parte consensus, si adultus contrahens careat facultate critica, [...] cuius est 'judicia efformare et liberae voluntatis excitare actus' (c. Felici, December 3, 1957)."

Parisella also speaks of maturity of judgement which comprises two elements: (1) maturity of cognition and (2) maturity of freedom.

For him, the essence of maturity of cognition is to be found in the critical faculty of which Felici spoke. This eventually provides a comprehensive picture of the nature of discretion of judgement.

Therefore maturity of judgement consists of two properties, mutually concurrent and dependent:

1. In maturity of cognition, indeed not abstract, or merely theoretical, but in concrete or critical maturity which consists in "the power of judging and reasoning, or affirming or denying something about some thing, and of combining judgements together, so that a new judgement may be logically deduced therefrom" (c. Felici, December 3, 1957).
2. In maturity of freedom, not only exterior, as is easily concluded, but especially in interior freedom. For this power of choosing between opposite and diverse elements proposed by the intellect can be lacking, although no ab extrinseco deficiency of exterior freedom appears to exist.¹⁰

¹⁰ Cf. S.R.R.Dec., c. Parisella, October 28, 1976, P.N.11.487, n.5: "Binis igitur proprietatibus iudicii maturitas constat, mutuo quidem concurrentibus ac dependentibus, seu:

1. "Maturitate cognitionis non abstracte quidem, vel mere theoreticae, sed concretae, criticae, quam vocant "Quae est vis iudicandi et ratiocinandi seu affirmandi vel negandi aliquid de aliqua re, et iudicia una componendi, ut novum iudicium inde logice deducatur" (c. Felici, December 3, 1957).
2. "Maturitate libertatis non tantum, uti facile cogitur exterioris, sed cum maxime interioris. Haec enim potestas eligendi inter opposita et diversa ab intellectu proposita abesse potest quamvis nulla exstet ab extrinseco exterioris libertatis inopia."

More light is shed on the nature of maturity of judgement in two Rotal decisions by Ewers in 1969, and by Ferraro in 1977.

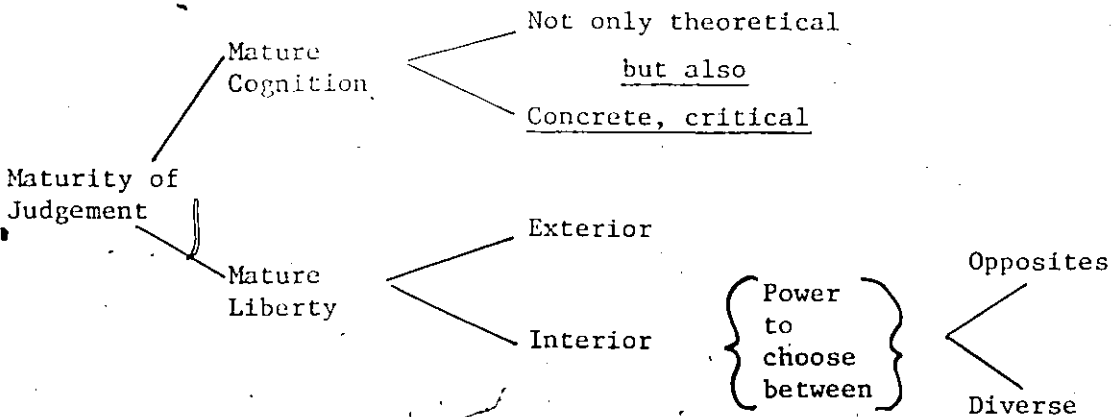
The Ewers' decision state:

Indeed, a certain maturity of judgement is required in the spouses, which must be reasonably proportionate to the gravity of the matrimonial contract [...]. For in those contracting, some projection into the future is necessary, that is both into the bond and the conjugal duties that arise therefrom.¹¹

Ferraro's decision declares:

As in every bilateral contract, so too in marriage, its essence is composed of two elements: the matter, or the res, which in this case, is constituted by the persons of those

10 (cont'd) Another diagram illustrates this comprehensive presentation of discretion of judgement as proposed by Parisella:



11 Cf. S.R.R.Dec., c. Ewers, May 12, 1969, P.N. 8978, n.2: "Re quidem in nubentibus quaedam iudicii maturitas requiritur, quae proportionata sane sit momento negotii matrimonialis; [...]. Oportet enim in contrahentibus aliqualem intellectus projectio in futurum idest in vinculum et officia conjugalia exinde oritura."

contracting, and the consent, which, in this case, taking into account the particular seriousness of the contract, cannot be elicited without suitable maturity of judgement.¹²

Marriage is such a serious contract, that there must be a projection into the future about it and its rights and obligations.

3. REQUISITES FOR DISCRETION OF JUDGEMENT

Decisions by Mattioli on homosexuality, by Lefebvre on defect of discretion of judgement, by Di Felice on maturity of judgement and by Ferraro on psychic incapacity, all provide additional insights into the requisites for discretion of judgement.

Mattioli writes that the critical faculty is not legitimately exercised if it is disturbed in:

[...] the harmonious ordination and cooperation of the superior faculties, namely the intellect and will, from which a conscious and free determination to a certain object proceeds with the ability of turning to another object.¹³

¹² Cf. S.R.R.Dec., c. Ferraro, February 8, 1977, P.N.11.363, n.6: "Quemadmodum enim in omni contractu bilateralis, ita in matrimonio essentia duobus elementis componitur, materia, seu re, quam, in casu, ipsa contrahentium personae constituunt, et consensu, qui, in casu, attenta peculiari negotii gravitate, absque congrua iudicii maturitate praestari nequit."

¹³ Cf. S.R.R.Dec., c. Mattioli, December 20, 1962, in S.R.R. Decisiones, 54(1962), p. 711: "[...] harmonica illa ordinatio ac conspiratio superiorum facultatum, intellectus scilicet et voluntatis, ex qua procedit conscia et libera determinatio ad certum objectum cum facultate ad aliud divertendi."

Lefebvre's decision teaches that:

The question is then raised about the degree of weakness which is such that truly marriage cannot be legitimately celebrated, for it may happen that the contractant may not yet be able "to form deliberation through the critical faculty and also to elicit acts freely" on account of immaturity of character, as is referred to in a decision c. Sabattani, February 24, 1961. Consequently, it must be admitted that a certain proportion is required between the mind itself and the act to be elicited.¹⁴

From these decisions of Mattioli and Lefebvre, it is seen that the critical faculty should not only be mature for deliberation, but also be able to work in harmony and cooperation with the will.

Di Felice adds that this discretion of judgement should be psychologically capable of valuing correctly the rights and obligations of marriage. Di Felice supports Lefebvre in this regard.

[...] such discretion of mind to elicit matrimonial consent is required, that the person, more suitable psychologically than in age, can rightly value and wish, at least generically, the rights and obligations to be given and received in order to establish the partnership itself.¹⁵

14 Cf. S.R.R.Dec., c. Lefebvre, July 6, 1967, in Apollinaris, 42(1969), p. 206: "Quaestio tunc ponitur de gradu debilitatis talis ut revera matrimonium non possit legitime celebrari, nam occurri potest quod contrahens nondum aptus sit ad deliberationem efformandam per criticam facultatem necnon ad libere excitandos actus propter ingenii immaturitatem, uti refertur in una. c. Sabattani diei 24 februarii 1961. Admissum est exinde quamdam proportionem requiri inter mentem ipsam et actum eliciendum."

15 Cf. S.R.R.Dec., c. Di Felice, June 9, 1973, in M.E., 99(1974), p. 198: "[...] ad matrimonialem consensum praestandum requiritur insuper talis mentis discretio, ut ille, potius psychologicè, quam aetate aptus, recte aestimare atque velle possit, saltem generice, opera et jura tradenda et accipienda ad ipsam societatem constituendam."

Ferraro's decision sheds more light on Sabattani's previous statement, repeated by Lefebvre, to the effect that immaturity of character can impede operations of the critical faculty.

[...] maturity is usually designated as the terminal stage, or the conclusion of, an evolutive process, which however man the viator, or maturer, as such, never attains.

On account of which among the English-speaking people, the word "readiness" or "suitability" applies [...].

With respect to this line of interpretation, a merely relative significance is to be attributed to maturity in as much as it concerns, presupposing the physical degree corresponding to age, the mental and psychic degree required for marriage.¹⁶

When considering immaturity of character, it should be realized that maturity is a relative term, an evolving process. Evaluation of a person's discretion of judgement for marriage will be dependent upon that person's mental and psychological maturity at his particular age.

¹⁶ Cf. S.R.R.Dec., c. Ferraro, February 6, 1979, P.N.11.885, n.15: "[...] maturitas designare assolet stadium terminale, seu conclusivum processus evolutivi, quod tamen homo viator seu maturativus, utpote talis, numquam attingit.

"Hanc ob rem apud gentes anglicas [...] adhibetur (vocabulum: 'readiness' seu 'idoneitas' [...]).

"Ad huius quippe interpretationis tramitem maturitati tribuenda est heic significatio mere relativa, quatenus scil. ipsa spectet, supposito gradu physico, in aetate posito, gradum mentalem et psychicum pro matrimonio requisitum."

THE ROTAL CONCEPT OF IMMATURITY

74

B. MENTAL IMMATURITY

It is now possible from the analysis of the nature and requisites of discretion of judgement to develop an understanding of the nature of the core of immaturity of consent and, by so doing, to determine what constitutes mental immaturity.

Discretion of judgement is studied in relation to immaturity. Immaturity of judgement, the essence of immaturity, will then be examined in more detail.

1. DUE DISCRETION AND IMMATURITY

From the various Rotal decisions we have studied on discretion of judgement, the following assertions can be made.

In immature judgement:

1. there is a lack of proper evaluation, not only of evaluating what marriage is, but also of the value of marriage in a person's own life;
2. there is the inability to form right judgements about marriage because of the arrested or retarded evolution of bodily organs;
3. due to insufficient psychological age, though the person has sufficient chronological age, there is the inability to judge prudently about the undertaking of marital obligations;
4. there is faulty judging and reasoning, faulty forming of judgements about marriage;

5. there is a lack of sufficient concrete and critical consideration of this particular marriage at this specific time with this given person;

6. there is an insufficient projection into the future in evaluation of the communion of life and love, and resultant duties and obligations;

7. there is a lack of proportion between marriage and a person's mind; the person is not attentive to the special seriousness and gravity of marriage; there is no proportion between judgement and the object of that judgement;

8. the critical faculty is impeded due to disharmony between intellect and will; there is greatly disturbed ordination and conspiracy between the intellect and the will;

9. the critical faculty is impeded by psychological illness to the extent that it cannot rightly judge about marriage.

2. IMMATURITY OF CONSENT

Many Rotal decisions refer to the positive elements of consent. It was essential to study these positive elements. This led to providing a basis for determining the existence of mental immaturity, a faulty critical faculty. Various transpositions were made from discretion to immaturity, based upon the deficiency of the critical faculty. Now, a synopsis of the teaching on immaturity of judgement, that is immaturity of consent, will be presented.

a. ESSENCE OF IMMATURITY OF CONSENT

The essence of immature consent is to be found in a disturbance of the critical faculty. Due to a disturbed, retarded or arrested critical faculty there is faulty judging and reasoning about the communion of life and love and the rights and obligations to be mutually given and received. The critical faculty is faulty because of insufficient evolution of the noetic, endotymic and social elements. As a result there is faulty deliberation regarding the worth or the value of marriage; the proportion between marriage and consent is lacking and the resultant consent is immature.

b. ELEMENTS OF IMMATURITY OF CONSENT

Three elements of immaturity of consent should be noted:

1) insufficient critical evaluation, 2) deficient psychological age and 3) relative immaturity.

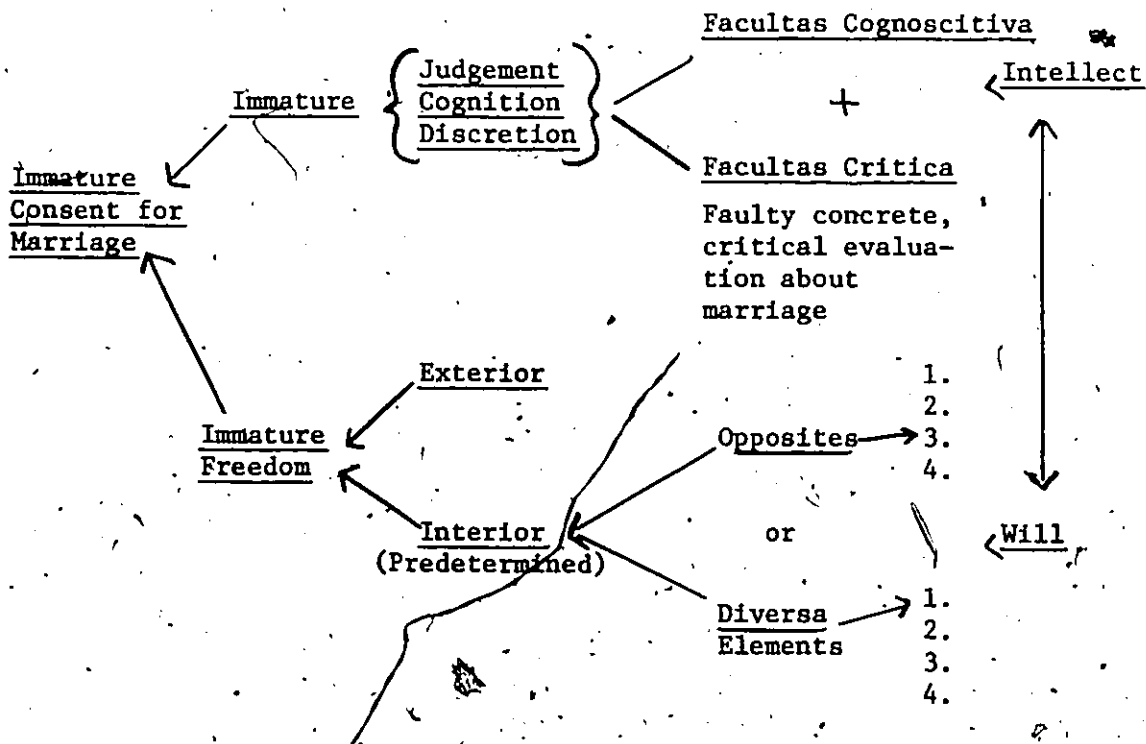
In immaturity of consent, there exists an insufficient concrete, critical evaluation of marriage. In addition, there may be a pre-determination to marriage with a resulting weakening of interior freedom. There is also deficient projection of the mind into the future about the very communion of life and love, and the interpersonal relationship with its resultant rights and obligations.

There exists immaturity of consent, when the critical faculty has not reached the required psychological age; evolution through the noetic, endotymic and social elements has been arrested or retarded;

the person as a result is not of the proper psychological age to deliberate and consent to marriage.

A person is always a traveler along the road leading to full maturity. In case of immaturity of consent it can be stated the person is relatively immature for marriage at his age. Indeed, a person may be physically of age for marriage, but at the same time psychologically immature; or he may be immature both physically and psychologically for marriage at that age. It is furthermore possible for him to be physically and mentally mature, but psychologically immature for marriage. Immaturity could then be said to be relative to age: physical, mental and psychological.¹⁷

17 A schematic diagram of immature consent, based upon the decisions of Sabattani and Parisella could be presented as follows:



II. IMMATURITY OF THE PERSON

According to Ferraro, consent is defective, "[...] on the part of the person, if the contractant is unable to give and receive the conjugal rights and obligations because of psychic disturbances, immaturity, or other causes."¹⁸

Under this heading, consideration will now be given to certain disorders, whether arising from immaturity or from other causes, creating a disproportion between the person and the rights and obligations to be given and received in marriage. Using Rotal jurisprudential principles, affective immaturity will first be analyzed, then the notion of integrational immaturity will be studied.

A. AFFECTIVE IMMATURITY

Affective immaturity is identified with immaturity of the person, which is the subject of a number of Rotal decisions by Lefebvre. The existence of affective immaturity will be considered together with the nature of this particular type of immaturity. A decision by Palazzini then provides additional insights on the nature of affective immaturity.

¹⁸ Cf. S.R.R. Dec., c. Ferraro, February 6, 1979, P.N.11.885, n.16; also footnote #1.

1. EXISTENCE OF AFFECTIVE IMMATURITY

Lefebvre writes in a July 6, 1967, decision that "[...] a person must be cautious, so as not to confuse immaturity of judgement with 'affective immaturity' which is merely a sign of a certain disturbance of the affections more rare and likewise more serious."¹⁹

Two days later, Lefebvre wrote in another decision:

Indeed, immaturity of affect, which is a sign of a certain disturbance of affect, more rare and as such more serious, is not the only type of affective immaturity, as we were reminded in the decision of July 6, 1967. For in certain cases, affective immaturity reaches the degree, which must not be overlooked, where true choice is so seriously disturbed, that true election is deficient.²⁰

On January 31, 1976, Lefebvre delivered a decision on the incapacity to assume the marital obligations. He wrote at that time:

However, the aforesaid incapacity can exist, either where there is a determined illness, or where there exists an abnormality not arising from illness but from various other causes;

19 Cf. S.R.R.Dec., c. Lefebvre, July 6, 1967, in S.R.R. Decisiones, 59(1967), p. 555: "Cavendum tamen est ne confundatur immaturitas iudicii cum 'immaturitate affectiva', quae solummodo est signum cuiusdam perturbationis affectuum rarius adeo gravioris."

20 Cf. ibid., July 8, 1967, in M.E., 94(1969), p. 53: "Profecto non una est immaturitas affectus, quae est signum cuiusdam perturbationis affectuum rarius adeoque gravioris, uti monebamur in una diei 6 julii 1967. Certis enim in casibus immaturitas affectiva gradum attingit non spernendum, ita ut graviter perturbetur, et inde deficiat vera electio."

the experts shall have determined which of these have given rise to the impossibility of establishing the interpersonal relationship, and thus to affective immaturity.²¹

It would seem that the following conclusions are drawn:

1. Affective immaturity exists and is to be distinguished from immaturity of judgement.
2. Affective immaturity can become so serious that true election is lacking. As a result there can be no valid marriage consent.
3. Affective immaturity is an abnormality which prohibits the formation of an interpersonal relationship.

2. ESSENCE OF AFFECTIVE IMMATURITY

Turning now to the essence of affective immaturity, decisions by Lefebvre and Palazzini furnish a descriptive, or existential, understanding of its nature. These decisions provide us with a listing of its various elements: a) serious incapacitation, b) prevalent egotism, c) internal conflicts, and d) psychological compulsivity.

a) Lefebvre's decision of 1967 states that affective immaturity denotes a certain constitutional instability, suggestionability, mutation of affection and the incapacity of overcoming minimal frustrations. All of these signs indicate serious incapacity for the

²¹ Cf. *ibid.*, January 31, 1976, in *E.I.C.*, 32(1976), p. 285: "Incapacitas autem praedicta haberi potest sive propter morbum quemdam, sive propter non morbosam abnormitatem ob causas quidem diversi generis, inter quas periti in casu determinaverunt eminere impossibilitatem fovendi relationem interpersonalem et adhuc immaturitatem affectivam."

personal harmony fundamental to the intimate, exclusive and perpetual interpersonal relationship of marriage.

[...] in certain cases this affective immaturity reaches a degree which must not be rejected, such that election is seriously disturbed, and eventually is deficient.

There is required for a serious contract, such as the matrimonial contract, a certain harmony of the various structures of the personality, which harmony is destroyed by a constitutive instability, suggestionability, mutation of affection, catathymia, incapacity of tolerating small frustrations, as long as they attain the degree which impedes the right process of choice; indeed incapacities also arise, whose importance E. Bleuler stresses when he writes: "they are unique to the psychopath, in that not only affectivity is openly or fundamentally disturbed, but also the train of thought" (Lehrbuch der Psychiatrie, Berlin, 1960, 10, p. 501).²²

b) In Lefebvre's decision of January 17, 1970, affective immaturity is depicted as an incomplete evolution or development of the affects. The predominant trait emerging from this developmental affective immaturity is a prevalent egotism.

22 Cf. ibid., July 8, 1967, in M.E., 94(1969), p. 53: "[...] Certis enim in casibus immaturitas haec affectiva gradum attingit non spernendum, ita ut graviter perturbetur, et inde deficiat vera electio.

"Namque requiritur ad gravem contractum, uti se praebet constitutiva matrimonialis contractus, certa harmonia variarum structurarum ipsius personalitatis, quae harmonia destruitur constitutiva quamdam instabilitate, suggestionabilitate, mutabilitate affectionis, catathymia, incapacitate tolerandi minimas frustrationes, dummodo gradum attingant qui rectum volitionis processum impediunt; immo etiam interveniunt ineptiae, quarum E. Bleuler extollit momentum asserens. 'Sie sind die einzigen der Psychopathen, bei denen nicht offensichtlich die Affektivitat allein oder hauptsichtlich gestort ist, sondern auch der Gedankengang' (Lehrbuch der Psychiatrie, Berlin 1960, p. 501)."

For it happens that some normally intelligent persons, and sometimes greatly endowed intellectually, are affected with incomplete affective evolution, since maturation of the natural instincts, of the senses and of the emotions has not fully taken place. In those cases, strong egocentricity prevails, in particular among some types of disturbed personality, in which affective immaturity is noted in the course of life, (/.../).²³

c) Lefebvre writes in 1976 that not only does affective immaturity include narcissism and egotism, but in addition there is an absolute incapacity to overcome obstacles. As a result, the person resorts to various defense mechanisms. There is a fundamental incapacity to solve internal conflicts realistically.

However, in some cases, the importance of this abnormality cannot be denied. This abnormality is characterized by these particular notes: "limitation in interest to one's own person; (narcissism or egotism), or to the narrow domain of his own activities and his own little interests, a very particular kind of egotism, consisting of susceptibility, vanity and stubbornness" (H. Ey. P. Bernard, Ch. Brisset, Manuel de Psychiatrie, Paris, 1974, p. 632), and it is determined as follows:

"There exists in a weak-minded person, a greater difficulty, sometimes an absolute incapacity to overcome those conflicts," while the author goes on to say, "he

23 Cf. ibid., January 17, 1970, in M.E., 98(1973), p. 183: "Accidit enim nonnullos normaliter intelligentes, et nonnumquam valde dotatos intellectualiter, affici evolutione affectiva incompleta, cum maturatio instinctuum, sensuum et commotionum plene locum non habuerit. Istis in casibus praevallet egocentrismus ingens. Quod in specie invenitur apud personalitates nonnullas characteriales, in quibus immaturitas affectiva denotatur in institutione vitae (/.../)."

resolves them therefore by ineffective solutions, which are allied to neurotic defense mechanisms" (ibid.).²⁴

d) Palazzini describes existential affective immaturity in terms similar to those used by Lefebvre in his decision of July 8, 1967. There exists in affective immaturity a certain instability, suggestionability, conflict, mutation of affect and the incapacity of tolerating frustrations. Palazzini then provides an additional insight: these conditions can prevent the freedom essential for valid marriage consent due to psychological compulsivity.

(Affective immaturity) is found among immature personalities for various reasons, which do not necessarily reach a pathological degree. On account of their instability, suggestionability, troubledness, mutation of affect, incapacity of tolerating frustrations, matrimonial consent sometimes does not have that freedom necessary to choose a state of life, when in those persons who do not show psycho-pathological symptoms in the strict sense or who cannot be considered to be true neurotics.

Therefore, serious affective immaturity is reduced to a defect of internal freedom, which impedes sufficient deliberation, since the contractant certainly is then unable

24 Cf. ibid., January 31, 1976, in E.I.C., 32(1976), p. 286: "At, certis in casibus negari nequit momentum istius abnormitatis. Describitur haec ex notis particularibus sc. 'la limitation de son intérêt à sa propre personne (narcissisme ou égotisme) ou au domaine étroit de ses activités et de ses petits profits, un égotisme très particulier fait de susceptibilité, de vanité et d'entêtement' (H. Ey. P. Bernard, Ch. Brisset, Manuel de psychiatrie, Paris, 1974, p. 632), et determinatur: 'Il existe chez ce faible d'esprit une difficulté plus grande, parfois une incapacité absolue^{de} surmonter ces conflits', dum prosequatur auctor: 'Il les résout alors par des solutions ratées qui s'apparentent aux mécanismes de défense névrotiques' (ib.)."

to resist the force of the impulse coming ab intrinseco, because of the disrupted harmony of the personality.²⁵

From these Rotal decisions, it can be seen that the judges consider that affective immaturity can nullify marital consent when it gravely restricts freedom of choice and of free will.

B. INTEGRATIONAL IMMATURITY

There exists a further group of decisions by Lefebvre, Anné, Stankiewicz, Raad, Bejan and Parisella, which identify immaturity with the person himself. These judges state that immaturity is not only a lack of intrapersonal integration, but interpersonal integration as well.

Their interpretation of immaturity provides a more holistic, comprehensive definition of immaturity which considers not only the person's capacity to contract marriage, but also the capability of living that marriage.

²⁵ Cf. S.R.R.Dec., c. Palazzini, January 11, 1978, P.N.11.374, n.3d: "Invenitur apud personalitates immaturitas variis ex causis quae non necessaria ad gradum pathologicum praevinire debent. Propter earum instabilitatem, suggestionabilitatem, conflictuitatem, mutabilitatem affectionis, incapacitatem tolerandi frustrationes, consensus matrimonialis nonnunquam ea libertate non gaudet quae necessaria est ad eligendum statum vitae, statim in subjectis quae phaenomena psychopathologica proprie dicta non ostendunt vel stricte neurotica dici nequeunt.

"Reducitur itaque immaturitas affectiva gravis ad defectum internae libertatis, quae impedit sufficientem deliberationem cum nempe contrahens ob destructam harmoniam personalitatis impetui impulsione ab intrinseco provenientis resistere non valet."

We shall, in this section first consider integrational immaturity in general, discovering the origin and nature of the term. Then both intrapersonal and interpersonal immaturity will be studied individually. Lastly, integrational immaturity will be related to matrimonial consent.

1. INTEGRATIONAL IMMATURITY IN GENERAL

Comprehensively, before looking at intrapersonal and interpersonal integration, we must determine where the notion originated and what is meant by it.

a. ORIGIN

The origin of the identification of immaturity with the lack of intrapersonal and interpersonal integration appears to be found in a decision by Lefebvre on March 1, 1969. He writes that, "indeed the mature personality shows good intrapersonal and interpersonal integration."²⁶

Very briefly and concisely, Lefebvre writes that a mature person reveals good intrapersonal and interpersonal integration. This statement follows upon describing how a gravely disturbed affective faculty disturbs the will. Yet, Lefebvre does not at this time describe in detail

²⁶ Cf. S.R.R.Dec., c. Lefebvre, March 1, 1969, P.N.7236, n.3: "Iamvero personalitas matura manifestat bonam integrationem intrapersonalem et interpersonalem."

what is meant by intrapersonal and interpersonal integration of the mature person. This will come later.

b. THE NATURE OF INTEGRATIONAL
IMMATURITY

There are two decisions, one by Anné in 1969 and the other by Stankiewicz in 1979, which provide some details regarding the essence of intrapersonal and interpersonal integration for the mature person.

Anné wrote in 1969 that "the mature structure of the personality, as it is called, from which intrapersonal and interpersonal integration arises is seriously disturbed by paranoia."²⁷

Immediately beforehand, he related maturity to marriage:

Now, married life, or marriage in facto esse, is especially fulfilled in interpersonal communication, for which there is in both parties an underlying healthy interpersonal orientation. Furthermore, if, in the judgement of the experts, from the life history of the person marrying, it is established that there existed before marriage, a serious deficiency in intrapersonal and interpersonal integration, that person must be considered incapable of correctly understanding the nature of the communion of life itself, ordered to the procreation and education of children,

27 Cf. S.R.R.Dec., c. Anné, July 22, 1969, P.N.8971, n.5:
"Personalitatis, uti dicitur, matura structura, ex qua oritur integratio intrapersonalis et interpersonalis, graviter turbatur paranoia."

which is marriage, and likewise incapable of rightly judging and reasoning about the enduring communion of life that must be undertaken with another person.²⁸

Stankiewicz repeated this teaching in 1979:

"[...] if already before the marriage, there existed a serious deficiency in intrapersonal and interpersonal integration, the person must be considered incapable of correctly understanding the nature of the communion of life itself, ordered to the procreation and education of children, which is marriage, [...]" (c. Anné, July 22, 1969, n.4).²⁹

From these decisions, it can be seen that integrational immaturity of the personality is identified with the serious lack of intrapersonal and interpersonal integration.

2. INTRAPERSONAL INTEGRATION

Lefebvre, Anné and Stankiewicz have provided the foundation for a definition of integrational immaturity. We must now determine what is meant by these two types of integration. We shall begin with intrapersonal integration. What indeed is intrapersonal integration?

²⁸ Cf. *ibid*, n.4: "Vita, autem, conjugalis, seu matrimonium in facto esse, maxime absolvitur commercio interpersonalis, cui, in ambabus partibus, subiacet sana ordinatio interpersonalis. Porro, si ex historia vitae nupturientis, iudicio peritorum, plane constat in ipso, jam ante nuptias, graviter deficere integrationem intrapersonalem et interpersonalem, iste existimandus est impar adrite capiendam ipsam naturam communionis vitae ad procreationem et educationem prolis ordinatae, quod est matrimonium, et proinde incapax, pariter recte iudicandi et ratiocinandi de hac communiione vitae perenni cum altera persona instauranda."

²⁹ Cf. *S.R.R.Dec.*, c. Stankiewicz, April 5, 1979, P.N.11.979, n.5.

Stankiewicz, in the same decision of 1979, provides an interpretation of what is meant by intrapersonal integration.

He declares:

However, this discretion of judgement, or the psychic capacity of contracting marriage, embraces both the fundamental integrity of the intellective faculty, in which the scholastics distinguish the speculative aspect and the practical aspect, /.../ and the integrity of the volitive faculty. In other words, it treats of the proper endowment of the internal structure, by which every personality is constituted (G.W. Allport, Pattern and Growth in Personality, Italian Translation, 1977, p. 24) and at least of the ordinary maturation it attains in the natural course of events.³⁰

After stressing the due proportion that should exist between maturity of cognition and freedom on the one hand, and the marriage contract on the other, he then adds:

However, the degree of maturity of the personality itself sufficient for undertaking marriage is usually indirectly measured by taking into account the formal object of matrimonial consent. For the spouse must be capable of perceiving, evaluating or weighing, and freely determining himself for the perpetual and exclusive

30 Cf. ibid.: "Haec autem discretio iudicii seu-capacitas psychica contrahendi matrimonium complectitur tum fundamentalem integritatem facultatis intellectivae in qua scholastici distinguunt aspectum speculativum et practicum (/.../), cum etiam facultatis volitivae. Aliis verbis agitur de dotatione propria structurae internae, qua omnis personalitas constituitur (G.W. Allport, Pattern and Growth in Personality, tr.it. 1977, p. 24) ac suam maturationem, saltem communem, naturali rerum cursu assequitur."

consortium vitae conjugalis, ordered by its own natural disposition to the generation and education of offspring" (l...l).³¹

Intrapersonal integration, then, is the harmony between, and within, the intellect and will that allows an evaluation and free determination for marriage, the consortium vitae conjugalis.

It seems that from Anné and Stankiewicz, the following conclusions can be drawn about mature intrapersonal integration.

a. The mature person manifests a mature personality structure with sufficient intrapersonal integration.

b. Married life essentially consists in communication. This communication presupposes a healthy intrapersonal ordination in both spouses.

c. With mature intrapersonal integration the spouse is able to understand, consent to, and undertake the communion of the whole of life both for the good of the spouses and for the offspring.

d. Mature intrapersonal integration is basic harmony within the intellectual faculty, with its speculative and practical aspects, and within the volitive faculty. In addition, there is harmony between the intellectual and volitive faculties.

31 Cf. Ibid.: "Gradus autem maturitatis ipsius personalitatis ad matrimonium ineundum sufficiens indirecte dimetiri solet ratione habita objecti, formalis consensus matrimonialis. Nupturiens enim idoneus esse debet percipiendi, aestimandi seu ponderandi atque libere sese determinandi ad 'consortium vitae conjugalis perpetuum et exclusivum indole sua naturali ad prolem generandam et educandam ordinatum' (can. 295 schematis - Communicationes, 1977, p. 124; c.1081 §2."

e. Maturity is a proper internal structure of the personality. This structure is the result of an evolutionary, developmental process. There is no retardation or early arrestment of development.

f. The level of maturity of intrapersonal integration should always be considered in light of the perpetual and exclusive consortium vitae conjugalis for the procreation and education of offspring.

g. Mature intrapersonal integration is the developmental state of the intellect and will which provides sufficient harmony between these two faculties so that proper evaluation of marriage and freedom of choice for marriage ensues. Marriage is considered here as the consortium vitae conjugalis.

3. INTERPERSONAL INTEGRATION

The decisions of Lefebvre, Anné, and Stankiewicz state that the mature personality has intrapersonal and interpersonal integration. The nature of intrapersonal integration has just been considered. We can ask what is interpersonal integration?

Fundamental to this question is a prior understanding of interpersonal communication in the community of life and love, and the object of this interpersonal relationship in marriage. Marital interpersonal communication determines the integration requisite in the personality of the spouses. After this consideration of interpersonal communication, interpersonal integration will be discussed.

a. INTERPERSONAL COMMUNICATION

Is interpersonal relationship really necessary in marriage? What is the object of this relationship? Decisions by Anné, Bejan, Raad and Parisella furnish answers to these questions.

i. NECESSITY

Anné, in a decision of 1969, states that marriage in facto esse especially involves interpersonal communication. Indeed, the nature of marriage lies in interpersonal communication.

He writes that marriage in facto esse is,

"[...] especially fulfilled in interpersonal communication, for which there is in both parties an underlying healthy interpersonal orientation, [...] if already before the wedding, it is established that there existed a serious deficiency in intrapersonal and interpersonal integration, that person must be considered incapable of correctly understanding the nature of the communion of life itself, ordered to the procreation and education of offspring, which is marriage, and likewise incapable of rightly judging and reasoning about this communion of life [...]."³²

This section of Anné's decision is quoted directly and confirmed by Bejan in a decision of December 3, 1969,³³ and by Raad in a decision of April 14, 1975.³⁴

³² Cf. S.R.R.Dec., c. Anné, July 22, 1969, P.N.8971, n.4; cf. Footnote 28 for Latin text.

³³ Ibid., c. Bejan, December 3, 1969, P.N.9745, n.5.

³⁴ Ibid., c. Raad, April 14, 1975, P.N.10.832, n.17.

ii. OBJECT OF INTERPERSONAL COMMUNICATION

Marriage is interpersonal communication. What is the object of this interpersonal communication?

Parisella provides the answer to this question:

[...] This type of deliberation or discretion of judgement, of which we have been speaking, is impeded by those mental illnesses, which [...] must be judged so severe that it can be asserted with moral certitude that total valid consent is destroyed and likewise no union of indissoluble life can be formed which of its nature is "interpersonal" and "intrapersonal", and which constitutes conjugal life; indeed, this life depends upon the close relationships between the parties, as spouses, between the parties and their future offspring.

We are treating therefore about that "personal maturity" which, [...] is necessary to explain "the proper function of the spouse or parent, inherent in conjugal society" (cf. L. Ancona, La psicologia dell'amore conjugale, in Sessuologia, 1965, VI, n.2).³⁵

The object of marital interpersonal communication is an indissoluble union between the spouses. The object of these relationships is the proper functioning of husband and wife both as spouses and as parents to maintain this indissoluble union of marriage.

³⁵ Cf. S.R.R.Dec., c. Parisella, November 25, 1976, P.N.11.554, n.8: "[...] Huiusmodi autem deliberationi seu iudicii discretionem, de qua hucusque, refragantur illi morbi mentales, qui [...] tanti ponderis sint existimandi, ut, cum morali certitudine, asseverari possit eos validum consensum pessumdasse totum, ideoque effecisse ut nulla possit constitui unio illa indissolubilis vitae, suapte natura 'interpersonalis' et 'intrapersonalis', quae vitam conjugalem constituit, quippe necessitudines respiciat inter partes, ut conjuges, inter partes, et futuram prolem.

"Res igitur est de illa 'maturitate personali', quae, uti refert egregius actoris Patronus, est 'necessaria ad explicare la propria funzione di coniuge e di genitore che è inerente alla società conjugale' (Confr. L. Ancona, La psicologia dell'amore conjugale, in Sessuologia, 1965, VI, n.2)."

b. INTERPERSONAL INTEGRATION

Marriage necessarily is interpersonal communication. There can be no indissoluble union in marriage without interpersonal communication. Instead of a community of life and love, husband and wife would only be two individualists living under one roof.

The requisite for this interpersonal communication of marriage is interpersonal integration within the personality of each spouse. Lefebvre and Serrano provide the data for determining in what this interpersonal integration consists.

Lefebvre, in a 1969 decision, states that interpersonal integration consists in sufficient self-giving capacity:

Indeed the expert [] speaks of the immature personality of the man which can hardly be reconciled with that intra-personal and interpersonal integration required for accepting the duality essential to the married state []. For this consultant previously established that the reported excessive selfishness shows an "insufficient self-giving capacity". Consequently, an authentic interpersonal relationship becomes very difficult to achieve.³⁶

Serrano, in a 1973 decision, provides further information on interpersonal integration for marriage. Interpersonal integration is the ability to direct oneself to another person, with his own

³⁶ Cf. S.R.R.Dec., c. Lefebvre, March 1, 1969, P.N.7236, n.12: "Profecto peritus [] extollit personalitatem immaturam viri, quae difficulter componi potest cum integratione 'intrapersonali et interpersonal' ad admittendam conditionem dualem propriam status matrimonialis []. Determinat enim superius relatam 'ipertrofia dell'io' ostendere 'insufficientem capacitatem oblativam sui' ex quo difficilis graviter quidem fit relatio interpersonalis authentica."

individuality, and to accept him as he really is. The personality can be so seriously disturbed that it is unable either to give itself to another person, or accept that person within itself.³⁷

Two notes are then added by Serrano in this same decision:

(1) in marriage cases special attention must be given to the psychic area in which an interpersonal relationship is established and developed and (2) interpersonal integration is required of every marriage spouse.

In marriage cases, great attention must be given to that area of psychic life in which an interpersonal relationship is established and developed. I speak of an interpersonal relationship which, in every respect, is concrete and most singular, endowed with that individuality which modern writers usually term "incapable of repetition", and which is special to a human person who develops himself, gives himself, and accepts the other in the existential order³⁸

37 Cf. S.R.R.Dec., c. Serrano, April 5, 1973, in M.E., 101(1976), pp. 110-111: "Nam, quamvis relatio intima interpersonalis, ea quoque, pendat ab iisdem citatis facultatibus: personalitas potest graviter perturbari in eo praecise quod ad alterum - in huiusce ipsamet personalitate subsistentem - tendere debet illumque sicuti est assumere ut eundem suiipsius quodammodo dominum in aliquibus faciat; ...". (Fr. J. Persich, S.J., translation.)

38 ibid., pp. 111-112: "In causis matrimonialibus maxime attendendum est ad illam provinciam vitae psychicae ubi relatio interpersonalis instauratur et perficitur. Relatio, inquam, interpersonalis ex utroque concreta et singularissima, illa nempe singularitate - quam 'irrepebilita' moderni dicere solent - propria personae humanae, quae seipsam ponit tradit et alteram acceptat in ordine existenti"

An additional insight into interpersonal integration is given in this decision. Integration is the capacity of giving oneself and accepting another as a person, just as he is. Interpersonal integration is a requisite for every valid act of marriage consent. This integration is requisite for every marriage, not just the "more perfect" or "desirable" marriages. When this integration is seriously lacking, there is no marriage.³⁹

Interpersonal integration requisite for the interpersonal relationship in marriage does not have to exist in a fully mature or perfect degree.

Some of the problems associated with interpersonal integration were mentioned by the philosopher Merleau-Ponty and referred to in the Serrano decision.

It is difficult to partake of, or share, in another person's experiences as Merleau-Ponty wrote:

The grief and the anger of another have never had quite the same significance for him as they have for me. For him these situations are lived through, for me they are displayed. Or in so far as I can, by some friendly gesture, become part of that grief or that anger, they still remain the grief and anger of my friend.⁴⁰

39 Cf. *ibid.*, p. 112: "Cum ultro concedatur relationem 'interpersonalem' majorem vel minorem posse apud diversos nupturientes perfectionem attingere nequaquam tamen licebit asserere eam ad 'perfectius' vel 'optabile' matrimonium ideale totam pertinere, cum 'proprietaem essentialem cuiscumque matrimonii 'in fieri' iuxta dicta, constituat qua penitus deficiente, et ipsum matrimonium corrumpit [...]."

40 Cf. *ibid.*, p. 113.

The difficulty in sharing a common project is also mentioned by Merleau-Ponty:

If, moreover, we undertake some project in common, this common project is not one single project, it does not appear in the selfsame light to both of us, we are not both equally enthusiastic about it, or at any rate not in quite the same way, simply because Paul is Paul and I am myself. Although his consciousness and mind, working through our respective situations, may contrive to produce a common situation in which they can communicate, it is nevertheless from the subjectivity of each of us, that each one projects this "one and only" world.⁴¹

Laing, Phillipson and Lee provide more perception on the interpersonal integration requisite for marriage. Serrano quotes from them in his celebrated decision:

Effective and undistorted interaction is possible only if each partner approaches the wedding attuned to the point of view of the other partner. Granted that interpersonal perceptivity can take place at many levels, so can obtuseness; and it is possible that, for every level of perceptivity, there is an analogous level of obtuseness or failure to perceive.⁴²

Within the interpersonal relation of marriage, the problem of interpersonal perceptivity arises. The inability to give witness is mentioned by Callieri, Castellani and De Vincentiis as another obstacle to dialogue within the interpersonal integration. Serrano likewise refers to their writings:

41 Cf. ibid.

42 Cf. ibid., p. 114.

The block to dialogue essentially consists in the inability to give witness, to arouse in the other a similar form of mutual presence. In the final analysis, this block is the inability to make tangible and enjoyable the meeting of two persons.⁴³

Another potential source of difficulty in interpersonal integration arises from the fact that communication between spouses is an emotional, conceptual communication. Gozzano's teaching is referred to, in the same decision:

"[...]. Even when one is dealing with mere information (the common link between communicating people), that happens through the codification and decodification of the message. But when one deals not with mere information, or in other words, with a merely conceptual communication, but with a message which contains an emotional element, the relationship between the source and the receiver of the message is much more complex and deep."⁴⁴

Before drawing conclusions on the nature of interpersonal integration, Serrano in 1977 furnishes a few more notes on interpersonal integration for marriage.

He now refers to H.S. Sullivan's listing of certain traits for human maturity and maintains that these traits are basic for the capacity to marry. Among them, as applicable to interpersonal integration, he mentions two: (1) the ability to collaborate with another person, and (2) capability of being sensitive to the needs of the other person and of one's own interpersonal security.

⁴³ Cf. ibid.

⁴⁴ Cf. ibid., and p.115.

Most appropriately, certain tendencies of human maturity as described by Sullivan, can be applied to the marital consortium, "I would say that each of the principal conquests, 'the need of interpersonal intimacy' (p. 276 seq.) and 'the integrity of sexual dynamism' (p. 317 seq.) - arising in evolutive stages, which we have described, will manifest itself also as an important element of the mature personality. The last of these great developments is constituted by the appearance and growth of the need of intimacy, that is of collaboration with at least one other person, and preferably with more than one: The important element of this collaboration is a lively sensitivity for the needs of the other person, and for one's own interpersonal security" [...]: All of which, though said generally of human maturity, may even be of more help of the experts and judges in establishing the limits within which the investigation for the capacity to marry is to be carried out.⁴⁵

In the same decision, Serrano restricts the interpersonal relationship in marriage to an intimate, exclusive, and perpetual one. This imposes upon the person whose interpersonal integration is required for marriage, the ability to undertake and maintain the intimate, exclusive and perpetual interpersonal relationship of marriage.

45 Cf. Id., November 18, 1977, P.N.11.730, n.10: "Aptissime applicantur ad consortium maritale quasdam a SULLIVAN descriptas tendentias maturitatis humanae: 'To direi che ciascuna delle principali conquiste-inter quas notat il bisogno di intimita interpersonale' (pag. 276 ss.) et 'il dinamismo sessuale integrativo' (pag. 317 ss.) - raggiunte nell epoche evolutive che abbiamo descritto si manifestera anche come elemento importante nella personalita matura. L'ultimo di questi grandi sviluppi e costituito dalla comparsa e dalla crescita del bisogno di intimita, cioe di collaborazione con almeno un'altra persona, e preferibilmente con piu d'una: L'elemento importante di questa collaborazione e una viva sensibilita per i bisogni dell'altra persona e per la sua sicurezza interpersonale [...]' (Cf. H.S. Sullivan, Teoria interpersonale dell Psichiatria, ed. ital., Milano, 1975, pagg. 337-348): Quae omnia, quia generice dicta de maturitate humana, eo magis inserviunt ut periti necnon et Judices statuunt fines intra quos de capacitate inquisitio fiat ad nubendum."

[...] the conjugal consortium requires a person capable of forming an intimate interpersonal bond - by which intimacy, man is ordered to beget and educate offspring in a human manner; a bond which is exclusive - also in a positive sense, sufficient and satisfying for it, lest exclusivity reach a point where it becomes a morally intolerable burden; and perpetual - endowed with that strength to engender and sustain a certain indefectibility.

Unless we are mistaken, the particular maturity predicated of the person destined for marriage must be considered under these aspects and not only under the general keenness of intellect and strength of will.⁴⁶

From the preceding decisions by Serrano and Lefebvre, a number of conclusions can now be drawn regarding interpersonal integration. They seem to teach that the essence of integrational maturity consists in:

- a) the capacity for self-giving;
- b) the ability to direct oneself to another person;
- c) the capacity of giving oneself and accepting another person, as a person, just as he is;
- d) sharing in another person's experience;
- e) interpersonal perceptivity;

46 Cf. *ibid.*: "Consortium equidem conjugale requirit hominem capacem nectendi vinculum interpersonale intimum - qua intimitate ad prolem modo humano suscipiendam et educandam ordinatur-; exclusivum - sensu quoque positivo sibi sufficiens et satisfaciens, ne eadem exclusivitas deveniat onus moraliter intolerabile -; et perpetuum - praeditum nempe illo vigore qui par sit quamdam indefectibilitatem gignere ac sustinere.

Sub quibus praesertim respectibus, nec solum sub generica aciei intellectus ratione et vigoris voluntatis, spectanda est, ni fallimur, peculiaris maturitas personae ad patrimonium habilis praedicandae."

- f) giving witness, arousing in another person a similar form of mutual presence;
- g) being able to collaborate with another person;
- h) being sensitive to the needs of others;
- i) being able to maintain an intimate, exclusive and perpetual interpersonal relationship.

There are several additional notes on interpersonal integration that can be deduced:

- a) It is from the subjectivity of the spouses that projection is made into the community of life and love.
- b) Communication in the interpersonal relationship in marriage is an emotional conceptual communication.
- c) Interpersonal integration for marriage is required at least in an imperfect degree in each spouse.
- d) Special attention must be drawn to that psychic area of a person in which the interpersonal relationship is formed.

From these conclusions derived from the decisions of Lefebvre and Serrano the question as to what is interpersonal integration can now be answered.

Interpersonal integration is one's ability to give himself, and to accept another person, as a person, as is; the ability to undertake and sustain the intimate, exclusive and perpetual relationship of marriage.

This ability to give and receive includes the capability of giving, collaborating with another, and having interpersonal sensitivity and perceptivity.

4. INTEGRATIONAL IMMATURITY AND MATRIMONIAL CONSENT

The nature of both intrapersonal and interpersonal integration has been analyzed. The elements of mature personality and of healthy intrapersonal and interpersonal integration have likewise been studied; and from these studies, the elements of integrational immaturity may now be deduced. We shall ask what is the Rotal notion of "integrational or psychic immaturity". As a further step, this integrational or psychic immaturity will be related to marriage consent.

a. PSYCHIC IMMATURITY

Lefebvre wrote in 1969 that the "mature personality clearly manifests good intrapersonal and interpersonal integration."⁴⁷

Four months after Lefebvre's decision~~on~~, Anné wrote that the mature structure of the personality arises from intrapersonal and interpersonal integration.⁴⁸ In the same decision, he declared that if a person were seriously deficient in intrapersonal and interpersonal

⁴⁷ Cf. S.R.R.Dec., c. Lefebvre, March 1, 1969, P.N.7236, n.3; cf. Footnote #26.

⁴⁸ Cf. S.R.R.Dec., c. Anne, July 22, 1969, P.N.8971, n.5; cf. Footnote #27.

integration, he would be incapable of marriage.⁴⁹

From these decisions, it appears that immaturity could be defined as deficient intrapersonal and interpersonal integration. It can become so deficient that any attempted marriage is invalid.

The previous analysis of intrapersonal and interpersonal integration provides the data upon which the following conclusions regarding integrational or psychic immaturity can be drawn:

a) The immature personality manifests poor intrapersonal and interpersonal integration.

b) It is a deficient structure which arises from poor intrapersonal and interpersonal integration.

c) Immature intrapersonal integration is lack of harmony within and between the intellectual and volitive faculties, resulting in deficient evaluation and freedom of choice.

d) The most characteristic element of marriage is interpersonality. The psychically immature spouse is deficient in interpersonal integration.

e) Psychic immaturity is the inability to give oneself and to accept another sufficiently as a person, just as he is, in the existential order of his particular culture.

49 Cf. ibid., n.4; Cf. Footnote #28.

f) Psychic immaturity is the inability to be sufficiently attuned to the point of view of one's spouse.

g) In marriage, psychic immaturity is the incapability of sufficiently reaching out beyond one's subjectivity in establishing and maintaining the communion of life and love.

h) Psychic immaturity, immature interpersonal integration, is the incapacity for good interpersonal perceptivity with one's spouse and offspring.

i) Psychic immaturity is insufficient collaboration with one's spouse.

j) It is deficient witnessing, sharing, and sensitivity with one's partner in marriage.

k) From psychic immaturity arises the inability to undertake and maintain the intimate, exclusive and perpetual interpersonal relationship of marriage.

l) Psychic immaturity is the result of a faulty evolutionary, or developmental process. It results from delayed or impaired development.

b. MATRIMONIAL CONSENT AND MATURITY

Pope Paul VI, in his address to the Roman Rota, February 9, 1976, stated that:

[...] marriage is constituted by the consent of the parties. This principle is of the utmost importance in all traditional canonical and theological teaching, and

it has frequently been presented by the magisterium of the church as one of the chief points upon which are based the natural law as it applies to marriage and the gospel precept as well.⁵⁰

Marriage is constituted by the consent of the parties. How will psychic immaturity, as just described, affect marriage consent? If psychic immaturity can nullify marriage, then it must invalidate marital consent.

Anné writes in a 1969 decision:

[...] Furthermore, if, in the judgement of the experts, from the life history of the person marrying, it is established that there existed before marriage, a serious deficiency in intrapersonal and interpersonal integration, that person must be considered incapable of correctly understanding the nature of the communion of life itself, ordered to the procreation and education of children, which is marriage, and likewise incapable of rightly judging and reasoning about the enduring communion of life that must be undertaken with another person. Therefore, the person lacks in this case, that discretion of judgement which is able to lead to the valid choice of a conjugal partner.⁵¹

If psychic immaturity, immature intrapersonal and interpersonal integration, exists before the marriage and is of a sufficiently grave degree, no valid consent for marriage is possible and any attempted marriage is invalid.

⁵⁰ Cf. PAUL VI, "Defending the Stability of Marriage," in Origins, 5(1975-76), p. 615.

⁵¹ Cf. S.R.R.Dec., c. Anné, July 22, 1969, P.N.8971, n.4; Cf. Above, Chapter I, p. 38, footnote #52.

CONCLUSION

Increasing interest in immaturity for marriage and its consequences in various parts of the world has led to this study of psychic immaturity for marriage.

In this chapter on Rotal jurisprudence on immaturity, using Ferraro's distinction between immaturity of consent and immaturity of the person, the first object of consideration was discretion of judgement. This was basic to the consideration of immature consent. The essential role of the critical faculty was shown. It can be stated that immature consent involves either immature discretion or immature freedom.

Under the heading of immaturity of the person, affective immaturity and integrational immaturity were considered. Though the definition of affective immaturity was somewhat vague, this immaturity does exist and can, in given circumstances nullify marriage.

Within integrational immaturity, the origins and nature of intrapersonal and interpersonal integration were investigated.

Marriage was shown to be, among other things, an interpersonal communication. Both interpersonal integration and intrapersonal integration are prerequisites for marriage. There should exist in the spouses the particular ability to undertake and maintain the intimate, exclusive and perpetual interpersonal relation of marriage.

From the Rotal decisions that were studied, the conclusion was drawn that both immaturity of consent and immaturity of the person invalidate marriage, provided that they existed before the marriage and were of a sufficiently serious degree.

CHAPTER THREE

THE NATURE OF PSYCHIC IMMATUREITY

Psychic immaturity has often been referred to in Rotal jurisprudence. It arises from a person's deficient intrapersonal and interpersonal integration. Its effects can be so devastating that marriage cannot take place when it exists.

Recognizing the constant reference to psychic immaturity in Rotal decisions, it is fundamental therefore to study its nature. What is psychic immaturity? What can be learned from the psychological sciences about it? What could be a definition of psychic immaturity? What affect does it have upon that most characteristic element of marriage, interpersonality?

To answer these questions, the following areas will now be studied: I. Marriage and the psychological sciences, II. Psychic maturation, III. Psychic immaturity and IV. Psychic immaturity and marriage.

I. MARRIAGE AND THE PSYCHOLOGICAL SCIENCES

Today there is greater union between Canon Law and the psychological sciences. The Magisterium has called upon tribunals to study and to apply valid psychological advances in marriage nullity cases. This occurs in many tribunals of the world where today psychological findings are applied in the healing ministry of the tribunal. Marriage and the psychological sciences will be considered here according to data provided by contemporary society, canonical jurisprudence and the Magisterium of the Church.

A. CONTEMPORARY SOCIETY

The need for a deeper understanding of the nature of psychic immaturity is evident from a study of the increased number of cases brought before the marriage tribunals.

Some of the reasons for this upsurge in immaturity cases are mentioned in an article by M. Huftier, where it is stated that young people today, while having more knowledge, make the passage to adulthood later than in former years. As a result, they are often less mature for entering marriage. An additional reason given is that young people now spend a longer time in school, which keeps them longer in the world of young people; their dependence upon parents for financial assistance is also of longer duration.¹

¹ Cf. M. HUFTIER, "Problèmes Des divorcés remariés", in Esprit et Vie, 89(1979), p. 49.

B. CANONICAL JURISPRUDENCE

A number of tribunals are using developmental psychic immaturity as a ground for marriage nullity. A very specific case of this type of psychic immaturity comes from Fargo, North Dakota, c. Vetter. In this case, we find a detailed description of the personality of both the petitioner and the respondent.

The petitioner is described as:

[...] a very immature teenager, with a lot of growing up to do. [...] a personality characterized as restless, naive, impulsive, argumentative, headstrong and irresponsible to an evolution and development of a young woman who becomes very dependable, settled, committed and a responsible wife and mother in a second marriage.²

The judge concludes:

Obviously, the immaturity at the time of her marriage to the Respondent was of a developmental nature with a potential that, in time, would be actualized in responsible, adult behaviour.³

Vetter then presents these characteristics of the respondent who

[...] was also very immature, but his immaturity was of a much more serious nature wherein certain personality qualities were fixated and not merely arrested as was the case with the Petitioner. It is important to keep in mind he was twenty-six years old in contrast to sixteen for the Petitioner at the time they married each other.⁴

2 Cf. Fargo Tribunal Decision, c. Vetter, 78/12, May 15, 1978, p. 8.

3 Cf. ibid.

4 Cf. ibid., p. 9.

Regarding this particular marriage, Vetter writes:

[...] the Petitioner ultimately grew up and matured, however, the Respondent remained very immature throughout the marriage and was seen as a kid out for kicks and a good time without much concern for obligations or responsibilities to a wife and family.⁵

In another case from the Fargo Tribunal, developmental psychic immaturity was also referred to. At the time she married, the respondent was 16 years old and had not established her own identity. She is pictured, before and during the marriage, as a very insecure adolescent rather than as a woman capable of building a marriage relationship.

As support for reference to developmental immaturity in this case, the judge quotes from Erik Erikson, a renowned authority on the maturing process:

Whenever a particular function of growth is not successfully accomplished then the next stage is that much more difficult, often resulting in what is known as Developmental Immaturity.⁶

The court consultant in this case relates developmental psychic immaturity to marriage:

[...] the Respondent, had not achieved an adequate level of maturity of age sixteen, at the time she married the Petitioner, to effect a stable self-identity and a secure self-concept thereby making her highly vulnerable to the interpersonal stress and the demands of a close and intimate relationship in marriage.⁷

5 Cf. ibid.

6 Cf. Fargo Tribunal Decision, 78/85, p. 7.

7 Cf. ibid., p. 11

Not only these cases from Fargo, but also a decision from Melbourne, Australia, closely relates marriage and the psychological sciences. In this decision, Harman quotes from two authorities Albino Ronco, Lecturer in Psychology at the Pontifical Salesian University, Rome; and Piero A. Bonnet, Lecturer in Canon Law at the University of Rome. The material quoted in the decision is taken from lectures given to the Archsodality of the Roman Curia in 1976.

Ronco analyzes the general dynamics of a decision process:

Its key is the general life-project, which again can be formulated only in adolescence.⁸

Ronco lists the stages that begin with seeing a need for a new line of conduct and culminating in a decision, after examining the situation, the person himself, his capabilities, and after reflection upon all of these variables. To achieve this decision process for marriage, he says that a development in the ability to make this particular decision is required. Such capability only begins to emerge in adolescence.

Bonnet gives his analysis of what is entailed in arriving at a knowledge of marriage. Only after successfully making the passage of youth, through adolescence to adulthood can one know critically what marriage is about. For both Ronco and Bonnet, this age is between 17 and 25 years.⁹

⁸ Cf. Melbourne Tribunal Decision, c. Harman, December 9, 1977, 77-164, p. 4.

⁹ Cf. ibid., pp. 3-5.

Both of these writers, Ronco and Bonnet, infer that sufficient knowledge emerges through psychological development.

From the jurisprudence of England, the union of marriage and the psychological sciences is also seen. Brown, in a decision of September 27, 1972, comments on emotional immaturity:

[...] if the person has not yet reached this stage (of sufficient level of emotional psychological maturity), this is not a statement as to the person's absolute ability to marry; merely a statement about his ability to marry at the time in question.¹⁰

That maturity is a growth or developmental process is further seen from a decision, c. Brown, December 20, 1973:

The process of maturation is not merely a physical process, it is also a process of the person learning to know himself or herself as a person. It is a process of the person differentiating himself or herself from the early relationships within the family, and becoming a person who is independent and able to "leave his father and mother and cleave to his wife".¹¹

Later in the same sentence Brown writes,

To put it another way, a person whose emotional development has not yet reached the stage of being able to require other than love of parents, this person has not yet reached the emotional age of marriage.¹²

¹⁰ Cf. Westminster Tribunal Decision, c. Brown, September 27, 1972, in M.D.E.W., 7(1972), p. 283.

¹¹ Cf. ibid., c. Brown, December 20, 1973, in M.D.E.W., 9(1973), p. 501.

¹² Cf. ibid., p. 503.

The conclusion can be drawn, it seems, that maturity is a growth or a developmental process.

Scanning Rotal decisions, there is further reference to maturity as a developmental process and to the close relationship between marriage and the psychological sciences.

Felici writes in a 1957 decision:

The critical faculty is manifest later in man than the cognoscitive faculty; it develops in him because the elements of which we have spoken above, have developed and progressed in him to a greater extent.¹³

Referring to the critical faculty, Felici states that this faculty appears later in man than does the cognoscitive faculty. The critical faculty develops more and more as the noetica, the endotymica and the social elements evolve during adolescence. This is a clear reference to the fact that maturity of consent reaches greater development as these particular elements within the critical faculty emerge and grow. The process is a developmental psychic process.

Developmental maturity is also inferred in a Rotal decision by DiFelice in 1973:

[...] In addition such discretion of mind to elicit matrimonial consent is required, that the person, more apt psychologically than chronologically, can rightly value and wish, though generically, the rights and obligations to be given and received in order to establish the partnership itself.¹⁴

¹³ Cf. S.R.R.Dec., c. Felici, December 3, 1957, in S.R.R. Decisiones, 49(1957), p. 788.

¹⁴ Cf. S.R.R.Dec., c. DiFelice, June 9, 1973, in M.E., 99(1974), p. 198.

Psychological age and physical age are two different realities in estimating the rights and obligations to be given and received for the community of life and love. Psychological and physical age may not necessarily be equal in giving marriage consent. When a person has grown in age, this does not mean that he has developed psychologically to the same extent. The distinction drawn by DiFelice between chronological and psychological age is an important one.

Ferraro in a 1979 decision also shows that maturity is an evolving or developmental process:

For differently from discretion, commonly called "discernment", maturity is usually designated the terminal stage, or the conclusion of an evolutive process, which however, man the viator, or maturer, as such, never attains.¹⁵

Maturity, according to Ferraro, is the conclusion of an evolutive process.

Earlier, in a decision by Lefebvre in 1969, the mature personality was seen as one which "manifests good intrapersonal and interpersonal integration".¹⁶

Lefebvre writes that the mature personality requires integration. Ferraro emphasizes that maturity is an evolving process. Man is a viator along the road to maturity. It can be concluded from these two Rotal judges that maturity of personality, good intrapersonal and inter-

15 Cf. S.R.R.Dec., c. Ferraro, February 6, 1979, P.N.11.885, n.15.

16 Cf. S.R.R.Dec., c. Lefebvre, March 1, 1969, P.N.7236, n.3.

personal integration, is something that is called upon to evolve. It is a developmental process.

The dependency of marriage jurisprudence upon the contributions of the psychological sciences is evident from these cases.

C. ECCLESIAL MAGISTERIUM

Popes Pius XII, Paul VI and John Paul II have advocated the use of psychology in marriage tribunal work.

Speaking to the Rota, October 3, 1941, Pope Pius XII, declared:


The Sacred Roman Rota has recently been occupied with cases concerning psychic incapacity, based upon some pathological defect; and on these occasions the judicial sentence had to apply certain theories which are presented as very recent by modern psychiatrists and psychologists. Surely this is a matter of congratulation and a sign of painstaking and broad judicial scrutiny; for ecclesiastical jurisprudence cannot and must not ignore the genuine progress of the moral and juridical sciences; nor can it deem it permissible and proper to reject their findings merely because they are new.¹⁷

In the mind of Pope Pius XII, ecclesiastical jurisprudence should not ignore the genuine progress of psychology and psychiatry.

Pope Paul VI stated that canonical equity demands the use of psychology in evaluating a person's capacity for marriage:

It would be quite useful toward this end to plumb the depths of the idea of "equity" which has already been

¹⁷ Cf. PIUS XII, "Allocutio", October 3, 1941, in AAS, 33(1941), p. 423.



mentioned, either in the development of Roman Law or in the total complex of canon law; such a concept implies a demanding evaluation of the subject awaiting a judicial decision. Thus we have the modern process, be it canonical or civil, which takes into account the psychology of the partners in the case and of the subjective elements involved, evaluating also the environmental, familial, sociological circumstances, etc.¹⁸

Pope John Paul II, in his address to the Rota on February 4, 1980, referred to the contribution of psychology and psychiatry. At the same time he gave a word of caution.

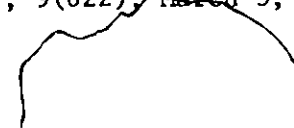
It comforts me to see how great your faithfulness to the law of the Church has been in the midst of the difficult circumstances of the last few years, when the values of married life, rightly highlighted by the Second Vatican Council, and the progress of the human sciences, especially psychology and psychiatry, have brought to your Court new cases and new approaches to matrimonial trials, which are not always correct.¹⁹

Pope John Paul II, while recognizing the validity of the use of data from psychology and psychiatry in marriage cases, cautions against using unsure psychological findings in tribunal decisions.

These statements by the Popes show the intimate working relationship between Canon Law, marriage, psychology and psychiatry. New psychological findings must not be overlooked. Yet the approach must be watchful, lest incorrect scientific findings be used. Canonical equity requires the use of valid psychological findings in evaluating the partners in marriage cases.

18 Cf. PAUL VI, "Allocutio Pauli VI ad Sacram Romanam Rotam," in AAS, 62(1970), p. 112.

19 Cf. JOHN PAUL II, "Pope John Paul II to the Sacred Roman Rota", in L'Osservatore Romano (Eng. Ed), 9(622), March 3, 1980, p. 7.



SUMMARY

We have seen that both the development of jurisprudence and the ecclesial Magisterium call for a close working relationship between Canon Law and the psychological sciences in the marriage tribunal ministry.

People entering marriage appear to be more immature in the present age. Consequently, there is need for a deeper comprehension of the nature of psychic immaturity. Many tribunals, like those of Canada, the United States, England and Australia are building up a jurisprudence on developmental immaturity for marriage. The ecclesial magisterium beckons the tribunals to investigate and use valid psychological findings in tribunal evaluations, for psychology can provide many insights into the nature of developmental immaturity for marriage.

II. PSYCHIC MATURATION

The close relationship that exists between Canon Law, the psychological sciences and marriage has just been noted. In many of the decisions cited, psychic immaturity was considered to be a deficiency in a developmental or maturation process. Man is viewed as a viator on the road to full maturity. The question then logically should be asked: "What is psychic maturation?" To respond to this, the following topics will be treated: A. Maturity and marriage; B. Developmental psychology; C. Nature of maturation and D. Theories of psychic development.

A. MATURITY AND MARRIAGE

What is the minimal maturity required for marriage?²⁰ A useful approach to this complex question is provided by a developmental view of marriage proposed by the psychoanalysts Rubin and Gertrude Blanck.²¹

The Blancks list three groups of individuals who enter marriage:

- 1) Those who approach marriage psychologically equipped to cope with the tasks of marriage. They have achieved success with earlier developmental tasks.

²⁰ Cf. D.F. TWOMEY, A.C. ZARKADAS, "Minimal Maturity Required for Entering Marriage", in Pastoral Life, 25(1976), #8, pp. 8-9.

²¹ Cf. Rubin and Gertrude BLANCK, Marriage and Personal Development, pp. 1-8.

2) Those still burdened by the pressure of unfinished business from earlier developmental tasks which cause difficulties in marriage; success depends upon facing the tasks imposed by the new relationship of marriage and the completion of the unfinished developmental tasks carried over from the past.

3) Those who are less favorably endowed due to more serious disturbances in their earlier years. They show greater failure in the mastery of developmental tasks. This group looks to marriage to provide gratifications for which marriage is not designed. They are so preoccupied with finishing earlier developmental tasks, that they have little or no energy to contend with the new relationship of marriage.

It is with this third group of persons that an understanding of a developmental approach to marriage is especially necessary.

Our understanding of this third group with its high potential for marital troubles is rooted in a developmental approach. The developmental view of personality growth is based on the premise that the attainment of higher levels of functioning, culminating in maturity, presupposes a degree of mastery over earlier developmental tasks.²²

Having considered these three groups of persons developmentally entering marriage, the question can be raised: "What earlier developmental tasks must have been minimally mastered so that a person has the psychological integration necessary for marriage?"

22 Cf. D.F. TWOMEY, A.C. ZARKADAS, loc. cit., p. 9.

Five central tasks that have an impact on all aspects of maturity and can be readily assessed in the pastoral situation were studied by Rev. Dennis F. Twomey, and A.C. Zarkadas.²³

The first two tasks are of critical importance and form the foundation for the remaining ones.

The first is the capacity to establish relationships with other persons.

This encompasses the ability to deal with others in reciprocal ways. It takes as a given that development has proceeded beyond the desire for gratifying one's needs only. Normal young adults have long since moved beyond infantile, self-centered ways of dealing with people; they are able to regard other persons as separate individuals who also have needs.²⁴

The second critical task is the achievement of sufficient psychological separation from parents to enter a permanent relationship with a new person who is not a member of the primary family.

Although the desire to get married is an indication of wanting to separate from one's parents, it doesn't necessarily mean that this basic developmental task has been accomplished. [..] It is important to keep in perspective that we are speaking of a relative emotional separation as it is neither desirable nor possible, except in pathological instances, to achieve absolute emotional separation from one's parents.²⁵

23 From a series of talks presented by these staff members, Family Counseling and Guidance Centers, Inc., Boston, on the introduction of a new marriage preparation program for the Boston archdiocese.

24 Cf. D.F. TWOMEY, A.C. ZARKADAS, loc. cit., pp. 9-10.

25 Cf. ibid.

The remaining tasks consist in acquiring some measure of autonomy, the attaining of a level of independent identity and a healthy acceptance of sexuality.

Autonomy refers to the attainment of a measure of self-mastery, good judgement, self-discipline and self-direction. [...] Identity refers to the comfortable acceptance of one's self as an individual moving in the direction of authenticity where there is increasingly less distance between the self one shows and the self one knows.²⁶

This developmental view of marriage and its critical tasks, visualized by the Blancks and Twomey and Zarkadas, illustrates what developmental psychology can provide for the study of marriage maturity.

B. DEVELOPMENTAL PSYCHOLOGY

The Blancks, Twomey and Zarkadas applied developmental psychology to marriage maturity. What is developmental psychology? Where did it originate?

Developmental psychology actually has a long history but a short past. General psychology came into being as a separate science, in the final quarter of the nineteenth century in Germany. Later it was introduced into the United States. Its purpose was to study normal behavior, primarily that of adults, and to discover what mental processes accompanied or led to a particular type of behavior.

²⁶ Cf. ibid., pp. 11-12.

During the early decades of this century, psychology expanded its goals, methods and technology. Specialization resulted. From this specialization grew physiological, clinical, experimental, social and child psychology. Developmental psychology grew out of child psychology. Only recently has it emerged as a separate branch of psychology. While being such, it still uses material from the other branches of psychology.²⁷

Developmental psychology cuts through content areas to describe and explain changes in human behavior over the years of a person's life span. This includes an accurate and detailed description of those changes and provides explanations for them.²⁸

In addition to data from general and specialized fields of psychology, developmental psychology utilizes the findings of biology, sociology and anthropology.²⁹

Developmental psychologists depend on information on the individual's biological history and maturation, on social organization, and on cultural influences, which comes from these other disciplines. They need such information to explain behavior because psychologists see the developing person as a changing system that integrates biological factors and experience.³⁰

27 Cf. R. SCHELL, E. HALL, Developmental Psychology Today, 3rd Edition, pp. 9-10.

28 Cf. ibid.

29 Cf. ibid., p. 12.

30 Cf. ibid.

From the history, scope of study, and resource materials of developmental psychology, a notion of this science can be given: developmental psychology describes and explains changes in human behavior across the years of the life span.

C. NATURE OF MATURATION

Basic to an understanding of developmental psychology is the nature of maturation itself. What is meant by maturation? From experience, all normal infants grow first into children and then into adults. This progression implies several characteristics.

Maturation is: (1) orderly change; (2) directional; and (3) cumulative to a large extent. It is characterized by increasing differentiation and complex organization. The notion of sequence of maturation is essential to developmental psychology.³¹

Before the maturation of cognitive, linguistic, perceptive social interactive, or personality behavior can be explained, it is essential to give the exact nature of the maturation sequence.

The changes in behavior over the life span are neither accidental nor random. There is an orderly sequence to behavioral development, whether we talk about language acquisition, social play or moral judgement. Each kind of behavior can be described in a series of developmental steps.³²

31 Cf. ibid., p. 16.

32 Cf. ibid.

What are the sequences of maturation of behavior in man? It seems that there is no exact or right way to divide the life span. In referring to maturation in the North American culture, it is customary to speak of five chronological periods or phases that roughly correspond to cycles in this culture.

First there is the prenatal phase. This begins at conception and ends at birth. It is the easiest to define because its beginning and end are clearly marked.

Infancy begins at birth and continues until approximately the age of two. By this time most children have begun to acquire language and symbolic thought.

Childhood begins around the age of two and extends into late childhood around the age of twelve. Important changes occur in social and emotional behavior during this period. The advent of puberty is usually considered as the end of childhood and the beginning of adolescence.

Adolescence commences at puberty, around the age of twelve, and continues until the late teens or early twenties. The end of this period is not defined as clearly as that of the other phases. Adolescents are usually viewed as adults when they acquire adult economic and social roles.

Adulthood usually begins in the late teens or early twenties and continues until death. It is really the longest phase, covering the early, middle and late adulthood years with their numerous social and

biological changes. The rate of maturation is much slower than in previous years.³³

An important point to remember here is that maturation is continuous. Even though there are periods of relatively rapid or slow maturation, each person's life show a continuity from conception to death.

D. THEORIES OF PSYCHIC MATURATION

Having seen something of the nature of maturation, the question may be asked, "Can maturation development be considered only under one aspect?", or "Are there various theories of maturation?"

There are four broad categories of maturation theory that relate to different aspects of development. These theories are called the maturation theory, the behavior-learning theory, the adaptation theory and the psychodynamic theory.

The theory of maturation is based upon the idea that every aspect of development reflects the unfolding of a person's genetic inheritance. Behavior appears when the bodily organs and neural connections have matured. This theory is strongly influenced by Charles Darwin's theory of evolution. Prominent proponents are G. Stanley Hall, founder of child and adolescent development as fields of study, and his two students, Arnold Gesell and Lewis Terman.

33 Cf. ibid., pp. 17-19.

Behavior-learning theory perceives the human person as an organism that has learned to behave in uniquely human ways. The infant is regarded as a "malleable recipient" of environmental stimulation, ready to react to stimulation with little organizing capabilities of his own. What he becomes depends upon what he had experienced or learned. Learning begins in the uterus of the infant's mother.

Proponents of this theory are John B. Watson with his classical conditioning process, and B.F. Skinner with his operant conditioning process.³⁴

Social-learning theory proponents emerged from the behavior learning school. These included N. Miller, J. Dollard, J. Kagan, A. Bandura and R. Walters.

Adaptation theorists see human development from an evolutionary perspective. This group has also been influenced by the evolutionary theory of Charles Darwin. It maintains that man, as a primate, has evolved to behave in uniquely human ways. As the bodily organs and external limbs have evolved to certain forms, so too human behavior has evolved to certain patterns. Interaction is necessary between the developing person and his environment. Members of this school are H. Werner and J. Piaget.³⁵

34 Cf. ibid., p. 24-26.

35 Cf. ibid., p. 29.

Psychodynamic theorists analyze human development in terms of confrontations between the growing individual and the demands of his social world. They emphasize how the individual must accommodate to society while obtaining gratification for his basic drives. The child gradually develops a sense of self, an identity against which to judge his behavior.

The psychodynamic theorists center their attention on personality development. Their objective is to understand and explain the development of both rational and irrational feelings and behavior. Nearly all these theories attempt to account for human development by looking for early experiences, usually emotional, that influence later behavior. Leaders in this school of maturation are S. Freud, H.S. Sullivan and E. Erikson.³⁶

SUMMARY

Marital psychic maturity is the capacity to accomplish certain vital tasks within the marriage community. These include establishing relationships with one's spouse, acquiring sufficient psychological separation from one's parents, possessing some measure of autonomy and level of independent identity and having a healthy acceptance of sexuality.

Developmental psychology provides much data on the emergence of this capacity to fulfill the vital tasks of marriage. It provides

36 Cf. ibid., p. 35.

details on the nature and phases of maturation, and furthermore, provides an explanation for the emerging capacity to fulfill the vital marital tasks through the various theories of development.

From the study of psychic maturation, as outlined by developmental psychology, a notion of marital psychic immaturity can now be proposed.

III. PSYCHIC IMMATURITY

In recent years there appears to be a significant increase of instances of psychic immaturity in persons entering marriage. There correspondingly has been an increase both in canonical jurisprudence on immaturity and diocesan marriage preparation programs to ensure marital maturity.

Nevertheless there is still confusion regarding the notion of immaturity; various tribunals use different notions. With the emergence of developmental psychology, more precise concepts of psychic immaturity are now available. From the data provided by the psychological sciences, it is now possible to propose a common notion or concept of psychic immaturity for marriage tribunal use.

This will be done by providing both the foundation of psychic immaturity and a descriptive notion of what it entails.

A. THE FOUNDATION

The basic classification in the United States and much of North America for the diagnosis of mental disorders is the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.

In April, 1980, the Diagnostic and Statistical Manual of Mental Disorders, Third Edition, DSM-III, was published by the

THE NATURE OF PSYCHIC IMMATURITY

130

American Psychiatric Association.³⁷ This manual's latest edition emerged after five years of preparation.

From it, a generally accepted notion of psychic immaturity could be drawn. However, there are a few facts that should be noted beforehand regarding the DSM-III itself, before providing its foundation for the notion of psychic immaturity. The purpose and the diagnostic approach of the DSM-III should be explained, and its compatibility with the International Classification of Diseases, Ninth Edition, examined.³⁸

By providing clear descriptions of diagnostic categories of mental disorders, the DSM-III will enable clinicians and research investigators to diagnose, treat, study and communicate with one another about the various mental disorders. The DSM-III is seen as providing the best current approximations available for describing mental disorders.³⁹

The ICD-9 is the official system in the United States, as of January, 1979, for recording all diseases, injuries, impairments, symptoms, and causes of death. The DSM-III classification and its diagnostic terms are included in the ICD-9-CM classification. The

³⁷ Hereafter the Diagnostic and Statistical Manual of Mental Disorders, Third Edition, will be referred to as the DSM-III.

³⁸ Hereafter the International Classification of Diseases, Ninth Edition, will be referred to as ICD-9.

³⁹ Cf. AMERICAN PSYCHIATRIC ASSOCIATION, Diagnostic and Statistical Manual, Third Edition, p. 12.

ICD-9-CM codes and diagnostic terms for mental disorders are included in Appendix D of the DSM-III. The DSM-III, by providing explicit criteria for defining the content and boundaries of the diagnostic categories overcomes a deficiency of the ICD-9.⁴⁰ Of course, not everyone will agree with all the data found in the DSM-III. Its findings are subject to further development.

The DSM-III recommends the use of a multiaxial system for diagnostic evaluation. This system provides the most complete available information needed to plan for treatment and to predict the eventual outcome for each individual under evaluation.⁴¹

Each person diagnosed under the DSM-III is assessed on five axes:

- Axis I Clinical syndromes
 Conditions not attributable to a mental disorder
 that are a focus of attention and treatment
 Additional codes
- Axis II Personality disorders
 Specific developmental disorders
- Axis III Physical disorders and conditions
- Axis IV Severity of psychosocial stressors
- Axis V Highest level of adaptive functioning past year

The first three of the above axes, though, constitute the basis for the diagnostic assessment. In some individuals there will be dis-

40 Cf. ibid., p. 5; pp. 399-457.

41 Cf. ibid., p. 8.

orders on both Axis I and Axis II, while others may have a disorder only on Axis II.⁴²

The foundation for a notion of psychic immaturity is primarily related to Axis II, "personality disorders and specific developmental disorders".

Personality disorders are personality traits that are inflexible and maladaptive causing either great impairment in social or occupational activity, or subjective distress. They begin in childhood or adolescence and are characteristic of most of adult life.⁴³

There are five common personality disorders which provide a foundation for the definition of psychic immaturity: 1) the Schizoid personality, 2) the Histrionic personality, 3) the Narcissistic personality, 4) the Anti-Social personality and 5) the Compulsive personality. A short summary of these disorders will be given.

The schizoid personality possesses the incapacity to form social relationships. There is an absence of warm, tender feelings for others; indifference to praise, criticism and the feelings of others; little or no desire for social involvement; preference to be "loners", and have few, if any friends. The person appears reserved, withdrawn, seclusive, and usually seeks solitary interests or hobbies. Men with this disorder

42 Cf. ibid., pp. 23-24.

43 Cf. ibid., pp. 305-306.

usually are incapable of dating or marrying. Women may passively accept courtship and marriage.⁴⁴

The histrionic personality is overly dramatic, reactive, and intensely expresses behavior. There is self-dramatization, i.e. exaggerated expression of emotions; incessant drawing attention to oneself; craving for activity and excitement; overreaction to minor events; and irrational, angry outbursts or tantrums. In interpersonal relationships, this personality is perceived by others as shallow and lacking genuineness, even though superficially warm and charming; egocentric, self-indulgent and inconsiderate of others; vain and demanding, or dependent, helpless, constantly seeking reassurance; or prone to manipulative threats, gestures and attempts.⁴⁵

The narcissistic personality has a grandiose sense of self-importance, i.e. exaggeration of achievements and talents. This focuses on the special nature of the person's problems. There is pre-occupation with fantasies of unlimited success, power, brilliance, beauty or ideal love; constant attention and admiration seeking; cool indifference or marked feelings of rage, inferiority, shame, humiliation, emptiness in response to the criticism or indifference of others. In interpersonal relationships, there is expectation of special favors with-

44 Cf. ibid., pp. 310-311, n.301.2. 3

45 Cf. ibid., pp. 313-315, n.301.50.

out assuming reciprocal responsibilities; exploitativeness, over-idealization or devaluation of others; and lack of empathy.⁴⁶

The antisocial personality exhibits a history of continuous and chronic aberrant behavior in which the rights of others are violated. Before attaining the age of fifteen years, the person displays truancy, expulsion or suspension from school for misbehavior; delinquency; running away from home overnight; persistent lying; repeated sexual intercourse in a casual relationship; repeated drunkenness or substance use; thefts; vandalism; poor school grades; chronic violation of rules at home or school; or initiation of fights.

After eighteen years of age the individual cannot sustain consistent work behavior; function as a responsible parent; accept social norms with respect to lawful behavior; maintain enduring attachment to his or her spouse; control irritability and aggressiveness; honor financial obligations; resist impulsive action; be truthful; or drive safely.⁴⁷

The compulsive personality is limited in its ability to express warm and tender emotions. It is unduly conventional, serious and formal. There is preoccupation with trivial details, rules, order, organization, schedules and lists; insistence that others submit to his or her way of doing things; lack of awareness of feelings elicited by

46 Cf. ibid., pp. 315-317, n.301.81.

47 Cf. ibid., pp. 317-321, n.301.70.

this compulsive behavior; excessive devotion to work and productivity to the exclusion of pleasure and value of interpersonal relationships; and avoidance, postponement, or protraction of decision making.⁴⁸

The personality disorders just cited from the DSM-III provide a foundation for the notion of psychic immaturity.⁴⁹ These disorders denote an arrest or retardation in the psychic maturation of an individual. They further denote the inability of fulfilling the critical tasks requisite for marriage and mentioned earlier by Twomey and Zarkadas.

B. A DESCRIPTIVE NOTION

Having established a foundation for psychic immaturity within the categories of mental disorders recognized by the DSM-III, it is now possible to propose a descriptive notion of psychic immaturity for tribunal use.

48 Cf., ibid., pp. 326-328, n.301.40.

49 Additional disorders that provide a foundation for a notion of psychic immaturity from the DSM-III are:

1) Infancy, Childhood, Adolescence Disorders: Intellectual Retardation, pp. 36-40; nos. 317.0-319.0; Attention Deficit, pp. 41-45, nos. 314.01-314.80; Conduct, pp. 45-50, nos. 312.00-312.90; and Identity, pp. 65-67, no. 313.82.

2) Personality Disorders: Avoidant Personality, pp. 323-324, no. 301.82; Dependent Personality, pp. 324-326, no. 301.60; Paranoid Personality, pp. 307-309, no. 301.00; and Passive-Aggressive Personality, pp. 328-330, no. 301.84.

3) Psychosexual Disorders: Fetishism, p. 268, no. 302.81; Transvestism, pp. 269-270, n.302.30; Exhibitionism, p. 272, no. 302.40; Voyeurism, pp. 272-273, no. 302.82 and Sexual Sadism, pp. 274-275, no. 302.84.

Adult psychic immaturity is the developmentally impaired state within the personality structure which is dominated by infantile, childhood, or adolescent patterns of feeling, thinking and behavior.

For an understanding of this notion of adult psychic immaturity, it should be noted that:

1. This definition is a descriptive or operational definition. There is no definition stricto sensu in psychology and psychiatry.

2. The terms "adult", "infantile", "childhood", and "adolescent" are used as described above. They represent phases of life with no precise or fixed age span.

3. "Psychic immaturity" is the same as personality immaturity.

4. "Developmentally impaired" indicates impairment in the various phases of the life cycle: infancy, childhood or adolescence.

5. "Personality structure" indicates the various elements that determine the habitual configuration of a person, reflecting his physical and mental activities, attitudes, interests and corresponding to the sum total of his adjustment to life.⁵⁰

6. The DSM-III simply states that the Immature Personality disorder is listed under Specific personality disorders, n.301.89. There is difficulty arriving at a common description of the immature

⁵⁰ Cf. A. FREEDMAN, H. KAPLAN, B. SADOCK, Modern Synopsis of Psychiatry, p. 785.

personality by psychologists and psychiatrists, thus the DSM-III does not provide a description of the Immature personality disorder.⁵¹

The mental disorders listed in this chapter and taken from the DSM-III are foundations for the proposed definition of psychic immaturity. They contribute serious aberrations that nullify marriage. Anné stated in a decision of 1971, that a precise diagnostic category of mental illness need not be identified, as long as there is serious aberration.

It is good to note in advance that in those marriage cases which deal with a consent which may be invalid due to some serious mental disorder or the exercise of free will, it is not necessary that the precise diagnostic category of the mental illness from which the person suffers be identified, provided that serious aberration is clear.⁵²

This is further emphasized in a footnote to the case:

[...] we deem especially noteworthy the well-founded statement that, to establish in the candidate for marriage a sufficient degree of mature judgement and of freedom of choice, one must take into consideration, not abstract conceptual outlines "nor diagnostic descriptions" but rather the personality of the subject and evaluate this in⁵³ the concrete with the help of experts in psychiatry [...].

51 Cf., AMERICAN PSYCHIATRIC ASSOCIATION, DSM-III, p. 330.

52 Cf. S.R.R.Dec., c. Anné, March 30, 1971, in I.D.E., 83(1972), p. 8: "Juvat praenotare quod, in causis matrimonialibus de invaliditate consensus ob quamdam mentis conditionem graviter morbosam, quae, saltem in re matrimoniali, funditus perturbat sive discretionem iudicii sive liberi arbitrii exercitium, haud necesse est ut perspicue definiatur species ultima morbi mentalis quo nupturiens laborat, dummodo de ipsa gravi mentis perturbatione morbosa plane constat." (English translation by Rev. William B. Cogan, SJ).

53 ibid.; English Translation p. 1; Latin text c. Anné, January 26, 1971, in I.D.E., 83(1972), I-II, p. 3.

SUMMARY

Tribunals report an increasing number of marriage cases where psychic immaturity is a major factor. Yet in many tribunals there is confusion over the meaning and use of the term "psychic immaturity".

Using one of the latest and most comprehensive manuals of mental disorders available, the DSM-III, it is now possible to provide a descriptive notion of psychic immaturity with a generally accepted foundation. As there is no definition stricto sensu in psychology and psychiatry, a descriptive notion is as close to a definition as is possible at this time.

In proposing the descriptive notion of psychic immaturity, it should be noted that a serious aberration of personality is found for which it is not necessary to provide a precise diagnostic category. By offering this notion of psychic immaturity, it is hoped that confusion in the meaning and use of the term, "psychic immaturity", can be considerably lessened in tribunal practice.

IV. PSYCHIC IMMATURITY AND MARRIAGE

The most characteristic and essential element of marriage is interpersonalitv. This was stated by Serrano in his decision of April 5, 1973.

More recent and deeper studies, including elaborate work carried out in this Apostolic Tribunal concerning the true nature of marriage, usually shed greater light on the most characteristic element of the marriage covenant, which is its interpersonalitv, so it is most difficult to compare it with any other juridical or moral matter, no matter how bilateral it may be.

Thus, when the law defines the act whereby each party grants and accepts the perpetual and exclusive right to the body (C.1081 §2), it already implies the interpersonal element in which marriage essentially consists and upon which its perpetuity and exclusivity depend, and from which they derive their source.⁵⁴

Twomey and Zarkadas, as mentioned above, stressed the interpersonalitv in marriage when listing two very critical tasks to be mastered for maturity in marriage: (1) the capacity to establish relationships with other persons and (2) sufficient psychological

⁵⁴ Cf. S.R.R.Dec., c. Serrano, April 5, 1973, in M.E., 101(1976), pp. 107-108: (English Translation by Fr. Francis Morrisey, OMI)
"Recentiores profundioresque circa genuinam matrimonii naturam, etiam apud N.A.T. elaboratae investigationes haud raro in id tendunt ut in majorem lucem ponant peculiarissimam indolem foederis coniugalis, quod interpersonale est et quidem tali sensu ac vi, quod difficillimam ad quodlibet aliud iuridicum vel morale negotium, utcumque bilaterale, inveniat analogiam.

"Cum igitur Lex definit actum, quo utraque pars tradit et acceptat jus in corpus perpetuum et exclusivum (c.1081, §2) jam innuit interpersonale illud, in quo matrimonium essentialiter consistit et a quo perpetuitas et exclusivitas eiusdem pendent et initium sumunt."

separation from parents.⁵⁵ Paraphrasing a concept of the psychologist, Dr. Michael Cavanaugh, we could say that interpersonality is the psychological intravenous injection of marriage.⁵⁶

Interpersonality is the essence, the critical task, the psychological intravenous injection of marriage. The question can then be raised, "What is psychic immaturity in marriage?" To answer this fundamental question there should be an analysis of the development of interpersonality. Marital psychic immaturity is interpersonal immaturity. This analysis will proceed through considerations of:

A. Parent-child relationships; B. Intrafamilial experience; C. Infancy; D. Childhood; E. Adolescence; and F. Early adulthood. Before analyzing interpersonality development in the phases of life, we should preface this by brief considerations of parent-child relationships and intrafamilial experience.

A. PARENT-CHILD RELATIONSHIPS

Parental influences are very crucial and pervasive in child development. They constitute the most important single category of variable impinging on the personality development and socialization of the child.⁵⁷

⁵⁵ Above, p. 126.

⁵⁶ Cf. Michael E. CAVANAGH, Making Your Tomorrow Better, p. 218.

⁵⁷ Cf. David Paul AUSUBEL, Theory and Problems of Child Development, Second Edition, p. 289.

Parental attitudes are determined by their own culture, personal and family experience, personality structure and situational variables.⁵⁸

They have an important determinant effect on the child's personality development because the parent is associated from the beginning of life in a benevolent and altruistic light satisfying the child's visceral needs: biological survival and emotional security. Throughout childhood the parents continue to have great power in regulating the child's motivations, satisfactions, and standards, and in influencing the course and outcome of various stages of ego development. Further, early experience has such an effect because it enjoys the benefits of being the first experience.

Yet, there can be serious qualifications on the impact of parental attitudes due to the quality of communication with their children, to individual differences in cognitive capacity and perpetual acuity, to particular developmental needs at a given stage of personality growth, to the temperamental characteristics of the child, and to concurrent and subsequent experience outside the home.

Parental attitudes themselves originate in their own childhood and their relationships with their own parents. Their own attitudes reflect the influence of parent-child relationships on their own

58 Cf. ibid., p. 290.

personality development and the influences their parents had as models of parental role and function.⁵⁹

In considered competency for marriage, consideration should be given to the origin and influence of parental interpersonal attitudes on a particular individual's personality.

B. INTRAFAMILIAL EXPERIENCE

The second praenotanda, before consideration of the phases of interpersonal development, concerns the impact of intrafamilial experience on later social development. There is the noticeable dependency for a child in its consequent interpersonal relations with peers and adults, to reflect the influences of social attitudes, expectancies, and adjustive techniques experienced in dealings with the child's first socializers, its parents.⁶⁰

The child's capacity for forming good interpersonal relationships outside the home is influenced by interfamilial experiences: 1) where friendly relations with parents led it to expect the best from people; 2) where the parents did not create unique or unrealistic needs and expectations which they alone were willing and able to satisfy; 3) where special adjustive techniques were not encouraged to the exclusion of the more usual and adaptive abilities necessary for most social situations; and 4) where there was neither insufficient nor excessive availability

59 Cf. ibid., pp. 303-310.

60 Cf. ibid., p. 316.

of family support, assurance and guidance when difficulties with others were encountered.⁶¹

The capacity for good interpersonal relationships outside the home is influenced by: (1) the absence of home attachments so strong as to be pre-emptive; 2) personality traits, or adjustive habits, acquired from parent-child relations that other children find offensive; 3) a developed predisposition by home training for withdrawal from extra-familial social experience to the extent that learning of realistic social roles became impossible.⁶²

The influence of intrafamilial experience on later interpersonal development should not be overlooked in assessing maturity for marriage.

C. INFANCY

Having considered the influence of parent-child relationships and intrafamilial experience on the development of interpersonality, focus should now be drawn to the phases of development of interpersonality.

The infant enters the world with a complex set of innate organized behaviors, e.g. looking, sucking and smiling. These behaviors appear to form the foundation for early social interaction between mother and child.

61 Cf. ibid.

62 Cf. ibid.

There are three milestones in interpersonal development in infancy: 1) the infant's attention is drawn more to people than to inanimate objects in his environment; 2) the infant learns to distinguish the special people in his world from strangers; and 3) the infant forms a strong emotional bond with specific people, as seen in his active seeking of their company and attention.⁶³

Around the age of four months, the infant's social smile discriminatingly heralds the beginning of a unique attachment between mother and infant. Stranger anxiety between six and twelve months strengthens the infant's attachment to his mother. Separation anxiety emerging within the ninth or tenth month further indicates the strong attachment between mother and infant. This anxiety peaks around the fifteenth month and declines near the second year.⁶⁴

In reflecting upon the social smile, stranger anxiety and separation anxiety, the three milestones of the infant-mother emotional bond, one should remember that this emotional bond is not a one sided attachment.

In the complex emotional bond between infant and mother, each member makes a separate important contribution, which is woven together determining the course of the infant-mother attachment.

⁶³ Cf. Deborah L. HOLMES, Frederick J. MORRISON; The Child, p. 132.

⁶⁴ Cf. ibid., pp. 132-135.

The infant's contribution to this complex emotional bond is influenced by his activity level, cuddliness, sex and age. The mother's contribution is affected by her hormonal condition, and the infant's birth order and feeding situation.

What is crucial to a strong infant-mother emotional bond is a good "match" between them: the mother is sensitive and responsive to the baby's needs; the baby conforms at least in some degree to what mother expects it to be like.⁶⁵

The lack of opportunity for the infant to develop a secure attachment either through institutionalization, inadequate mothering, or some other deprivation, causes serious psychological damage to the young infant. This need not be permanently damaging, if there is suitable therapy.⁶⁶

The psychological damage caused by poor infant-mother emotional attachment can result in adult psychic immaturity for marriage. If the damage was serious and not corrected, there arises the inability to live the interpersonality of marriage. While the data on a person's infant-mother attachment may be difficult or impossible to obtain, where possible, it should be investigated to establish a person's competence for marital interpersonality.

65 Cf. ibid., pp. 151-153.

66 Cf. ibid., p. 160.

D. CHILDHOOD

During the preschool period of two to five years, the parents remain an extremely powerful force in the child's life. The parental attachment of the child still remains very important: there is poor adjustment to prolonged separation from parents. Yet, during this time the child begins to expand his emotional tie to an increasing number of persons within and outside the family.

In this period, parents assume a new role. They are now the socializers or shapers of the child's social behavior. Parents come to influence their child's behavior by the use of reward and punishment, and by providing a model for imitation and identification.

Peers, or age-mates, begin to influence the child. The vital influence of the child's peers is often neglected in its social development.⁶⁷ The one-year old enjoys being around and playing with children of his own age. He begins to form rudimentary friendships with other children. By preschool age, the child's relations with other children are expanding and changing in vital ways. The preschool child actively seeks out his peers. Certain peers are preferred over others. He is becoming an active social being with his own interest and friends.

67 Cf. ibid., pp. 243-244.

Another great socializing force in the preschool period is television. This communication media affects a child's emotions and motivations. Television supplies the preschool child with detailed role models for behavior.⁶⁸

During the school years there are further quantitative and qualitative changes in the child's interaction with others. The role of the parents becomes more indirect. Parental attitudes and beliefs, rather than the parents themselves, begin to guide the child's behavior. Direct socialization pressures, while continuing to come from parents, come to a greater degree from teachers and peers.

Peers now play a major role in the development of the child's social behavior. There is pressure to conform to the behavior and attitudes of peers. Friendships are formed, providing models of behavior for the child. Peer proximity, similarity, status, social qualities and situational factors substantially influence these friendships.⁶⁹

Peers exercise so great an influence upon child interpersonal development, that the function and impact of peer groups should be understood. The peer group furnishes: 1) a little to a goodly portion of the child's primary status; 2) a subsidiary source of derived status for the child; 3) a new source of values and standards, and experiences

68 Cf. ibid., p. 264.

69 Cf. ibid., p. 353.

in behaving as a sovereign person; 4) an important socializing, enculturative and training institution; and 5) a particularized social identity.

The type of interpersonal relationships that are experienced in childhood condition later personality development. From early acceptance or rejection by peers, the child either acquires enhanced feelings of self-esteem and confidence about being intrinsically accepted by others, or suffers ego deflation and considers social acceptance as something to be won by impressing associates or buying their favor.

Should peer group experience be habitually unsatisfying or downright threatening, introversion occurs. There is retreat into the home, withdrawal from group activities. If the opportunity for social experience is sufficiently hindered, there is interference with the development of fundamental skills of communication, self-assertion and self-defense and with realistic and effective interpersonal roles during adolescence and adulthood.⁷⁰

The major areas of childhood interpersonality development are parental and teacher socialization, peer group contact, and television viewing experience. Of particular importance in this period is the influence of peer groups on the child. An inferior quantity or quality of peer group contact can sufficiently cripple a child, so that he becomes psychologically immature, as an adult, for marriage. He becomes

70 Cf. ibid., pp. 326-328.

so introverted that he cannot realistically and effectively live the interpersonality of marriage. The person does not possess the necessary skills of communication for marriage. The full impact of television upon later adult interpersonal relations, by providing role models of behavior, is not yet fully understood, but merits close scrutiny.

E. ADOLESCENCE

Adolescence is one of the more easily observable phases of the life cycle in tribunal interviews. For a deeper understanding of this phase in the life cycle, the findings of Harry Stack Sullivan on interpersonality are utilized.

Within adolescence there is an initial phase of preadolescence. This is a time for interpersonal intimacy with a particular individual of the same sex.⁷¹ It is a time not necessarily for physical closeness but for "an interpersonal relationship where the person can validate his or her own personal worth."⁷²

The peer relationships in preadolescence are completely different from those of childhood. There is a difference in both the kind and the intensity of these relationships. The preadolescent peer relationship is an exclusive type of relationship between two members of the same sex. It elicits more personal involvement than those of playmates in

71 Cf. John Paul MCKINNEY, Hiram E. FITZGERALD, Ellen A. STROMMEN, Developmental Psychology, The Adolescent and Young Adult, p. 110.

72 Cf. ibid., p. 111.

childhood. It is a time when a young boy has a special friend, a buddy, and a young girl, her confidante, to whom innermost hopes, secrets and concerns can be disclosed without fear of rejection.

The time of puberty is important for the onset of these same sex (isophilic) relationships. They are a defense against identity confusion during the time when bodily changes and initial sexual urges challenge the stability of one's identity and self-image. Young adolescents support one another to face these changes by the intimate exchange of experiences. These isophilic attachments are healthy and integrating, not pathological and debilitating.

The period of early adolescence begins with the development of puberty and the first appearance of the lust dynamism. A dynamism for Sullivan is a relatively stable pattern of energy transformation which characterizes interpersonal relations. An example of such would be a person reacting with fear to a terrorist. Lust is the last of the integrating dynamisms and here carries no moral overtones.⁷³

Just as there is a shift from intimate to lust development in early adolescence, so also, there is a shift from isophilic to heterophilic attraction. The adolescent may become puzzled, embarrassed or guilty at the awakening of these interests. The need for intimacy and lust may collide. A certain awkwardness may occur when an individual

73 Cf. ibid., pp. 109-112.

relates to the opposite sex in a new way. The "girl next door", seen earlier as bothersome or troublesome; may suddenly become sexually interesting to the adolescent boy. New skills are required here. Diffidence, embarrassment, excessive precaution, and overboldness are reactions which result from the collision of intimacy and lust.

A way in which some adolescents deal with the problem of intimacy and lust is to separate persons who satisfy their need for lust from persons who satisfy their need for intimacy. This segregation of intimacy and lust does not lead to maximal psychological development. Crippling pseudosibling relationships result, which do not allow the development of a repertoire of interpersonal behaviours that permit the expression of one's own needs and the awareness of the needs of others.⁷⁴

Late adolescence is the period of dating. It is the time of establishing a fully mature system of interpersonality. This period looks forward to and profits from new interpersonal relations. Choices made in these relations are not necessarily permanent. The adolescent is not necessarily committed for life to a single individual simply by having a date, nor is one committed for life to a specific occupation simply by showing an interest in it. Freedom of movement is important in this period. The adolescent should be allowed to develop a set of values around his or her choices.

74 Cf. ibid., pp. 113-114.

Restrictions in this movement can arise from internal or external restrictions. The adolescent isolates himself from others because of inferiority feelings or failures in social relations. External restrictions develop from external rules formulated at home, in school or in the community. A certain amount of freedom should be allowed adolescents in movement and rule setting or changing. Rules are very crippling if they provide little freedom of movement and are given in an autocratic and authoritarian manner.

In America, there is a tendency for adolescents to date much earlier than they do in many other countries. In light of the importance of establishing isophilic relationships before heterophilic ones, early dating hinders important development that otherwise occurs during the isophilic period.⁷⁵

The area of vital importance during adolescent interpersonal development is the emergence of both isophilic and heterophilic relationships and in their proper order. Grave deficiencies in isophilic relationships result in serious identity problems. Serious deficiencies in heterophilic relationships result in failure to express one's own needs and being aware of the needs of others. These deficiencies seriously cripple a person's psychic maturity for the adult interpersonality of marriage. Both self-identity and awareness are vital to the essence of marriage.

75 Cf. ibid.

F. EARLY ADULT TRANSITION

During the past few years there has been significant advancement in the study of adulthood. Major work has been done by Daniel Levinson on the phases of adulthood. After dividing adulthood into the early, middle and late eras, he subdivides the early adult era into:

1) Early adult transition; 2) Entering the adult world; 3) Age 30 transition and 4) Settling down. The early adult transition period occurs approximately from age seventeen through twenty-two years.⁷⁶

Significantly, many first marriages occur during the first phase of early adulthood. This is a time when interpersonal development has not fully matured into adulthood. A legacy of guilt, anxiety and mystification in interpersonal relationships accompanies a person entering early adulthood. This legacy complicates the young adult's efforts to know women, to take them seriously, and to join women in the long-term enterprise of building a marriage and family.⁷⁷

The important developmental task in the male adult transition phase is to form adult peer relationships with women. These relationships have many components: affection, sexuality, emotional intimacy, dependency, nurturing, romantic love, friendship, collaboration, respect, admiration and enduring commitment. Time is required for

⁷⁶ Cf. Daniel LEVINSON, Charlotte DARROW, Edward KLEIN Maria LEVINSON, Braxton MCKEE, The Seasons of a Man's Life, p. 57.

⁷⁷ Cf. ibid., p. 106.

the young man to know his inner resources and vulnerabilities in relation with women. It takes time for him to know what women offer, demand and withhold from him. He has much to learn about the traits of women that attract him, and what it is about him that women find appealing.⁷⁸

In spite of the demands of this adult transition phase, young men, prepared or not prepared, in all cultures, have been marrying and starting families. There has probably never been a society in which the average age of first marriage was more than twenty-five years of age.

With marriage taking place at this time, the young adult faces many tasks. He has had little experience in forming peer relationships with adult women. Courtship and marital choice are likely to be heavily involved within the tasks of early adult transition. Most notable is the task of separation from parents: The young adult wants both to be very grownup, while still maintaining his pre-adult ties to parents and other persons. He is barely beyond adolescence, where sex is often a frightening mystery or an exploitive act.

Most men in their twenties are not ready to make an enduring inner commitment to wife and family, and they are not capable of a highly loving, sexually free and emotionally intimate relationship. Yet statistics show that most young adults marry during this transition period from adolescence to adulthood.⁷⁹

78 Cf. ibid.

79 Cf. ibid.

The work of Levinson so far has only been with young adult men. There are plans for a similar study of young adult women. This study stresses the importance of adult peer relationships and parental separation. It has important implications for both sexes entering marriage at this time. Have the spouses experienced adult peer relationships and have they really sufficiently separated from their parents? Psychic immaturity for the interpersonality of marriage at this time in life arises from poor quality adult peer relations and insufficient separation from parents. Adult peer relationships and parental separation are vital to marriage.

SUMMARY

When discerning the potential for the interpersonality of marriage, several questions should be asked by the judge of the parties in a particular marriage case:

1. Was there secure attachment to the person's mother or some other mothering person in infancy? How would the spouse or witness describe his particular mother-infant bond? Was there stranger and separation anxiety?

2. In childhood, what was the quality of the person's attachment to parents? How were their peer group relationships? Perhaps a more fundamental question needs to be asked: was there attachment to parents and were there peer group relationships?

3. Were the parents and teachers of this person really socializers for him during childhood? What was the model of socialization?

4. Were television and other forms of communications media behavior models for the party? What type of behavior model were they?

5. In preadolescence was there development of isophilic peer group attachments? Was there a shift from isophilic to heterophilic attraction in early adolescence? Was this shift earlier or later than others in their environment?

6. Was there dating during childhood and adolescence? What was the quality of this dating? Who set the rules for dating? How did the person view these rules?

7. In early adult transition were there adult peer relationships with members of the opposite sex? Was there separation from parents? What was the quality of their relationships with adult peers and parental separation?

Comparing the answers to these questions for a particular person, with what has just been noted in the phases of interpersonality development, will help determine the person's aptitude, and maturity or immaturity for interpersonality in a particular marriage situation.

CONCLUSION

Psychic immaturity has become significantly more common in marriage tribunals as a cause of marriage nullity. Young people enter adulthood later now, and are more dependent financially upon parents. There is confusion among various tribunals on the use and meaning of psychic immaturity. There is an emerging trend in some tribunals to use psychic immaturity in the developmental sense as ground of nullity.

The Magisterium has encouraged tribunal personnel to study and apply new psychological and psychiatric findings in the healing ministry of marriage annulment. At the same time, there should be caution, lest erroneous findings be used.

The relatively new science of developmental psychology provides a foundation for a descriptive notion of psychic immaturity for marriage. The developmental understanding of immaturity furnishes good comprehension of a person's incompetency in accomplishing the critical tasks prerequisite to marriage. Developmental psychology supplies a thorough understanding of maturation over the entire life cycle. In providing this understanding, there are several schools of thought which together give an extensive view of the process of maturation.

There should be a well-accepted foundation for the notion of psychic immaturity. Such a possibility is found in several areas of the Diagnostic and Statistical Manual of Mental Disorders, Third Edition, of the American Psychiatric Association, published in April, 1980.

Foundations for the notion of psychic immaturity are found in personality disorders, psychosexual disorders, and disorders usually found in infancy, childhood and adolescence.

Based upon developmental psychology and the DSM-III, the descriptive notion of psychic immaturity was given as "the developmentally impaired state within the personality structure which is dominated by infantile, childhood or adolescent patterns of feeling, thinking and behavior."

The most characteristic and essential element of marriage is interpersonalitv. To assess psychic immaturity for marriage, the essential element of interpersonalitv was analyzed through the phases of life. Immaturity arises in adulthood from poor quality infant-mother attachment in infancy. It arises from the lack or poor quality of peer relationships in childhood and adolescence. The models of socialization provided by parents, teachers or television cause adult immaturity, if they are seriously deficient in childhood and adolescence. Poor isophilic relationships or early dating in adolescence result in adult immaturity. The shift from isophilic to heterophilic relationships results in adult immaturity, if the intimacy and lust dynamisms are not integrated. In early adulthood, poor adult peer relationships with those of the opposite sex, and weak parental separation result in psychic immaturity for marriage. The life cycle offers many opportunities for arrested or retarded interpersonalitv and immaturity for marriage.

CHAPTER FOUR

DIMENSIONS OF PERSONAL IMMATURITY

The most characteristic and essential element of marriage is interpersonality. Marriage consists in giving oneself to another, in accepting that other person, and in maintaining an intimate, exclusive and perpetual interpersonal relationship. Marriage is collaborating with another person in a communion of life and love.

For achievement of marital interpersonality, the individual spouses should possess maturity of their individual personalities. This individual maturity consists in achieving adult perfection in the elements of personality: self-identity, intellect, emotions, sexuality and morality.

Immature personality results from the failure to achieve growth into adulthood of any of the essential elements of personality required to form and maintain the interpersonality of marriage. The individual immature personality is dominated by infantile, childish, or adolescent patterns of feeling, thinking, sexual, or moral behavior.

For an understanding of the dimensions of personal immaturity, the following developmental areas will be considered in this chapter:

- I. self-identity;
- II. intellect;
- III. emotions;
- IV. sexuality and
- V. morality.

I. SELF-IDENTITY

Before the spouses in marriage can give and receive each other, they should be able to answer the question, "Who am I?" They should have certainty about their long-term goals, friendship patterns, career choice, behavior, values and loyalties. From the various aspects of their personality, they should have a coherent and acceptable sense of themselves, a self-identity. A person cannot live the communion of life and love in marriage without knowing who he or she really is.

For an understanding of this dimension of immaturity, self-identity will be considered in the period of A. childhood and B. adolescence.

A. CHILDHOOD

During infancy the person begins to develop a consciousness of self. The infant is conscious of the inevitable delays in the gratification of its needs; it cries when its diapers need changing or when it is hungry.

From the emergence of a functional self-concept in infancy, the person emerges into childhood in the all-powerful stage. He perceives his helplessness and dependence on others, yet when he wills satisfaction of his needs, they are satisfied. There is at this time a volitional omnipotence and independence. When he cries in hunger, food is provided.¹

¹ Cf. David Paul AUSUBEL, Theory and Problems of Child Development, Second Edition, pp. 255-259.

1. THE DEVALUATION CRISIS

Between the ages of two and four years, the parents become less deferential and attentive to the child. They comfort him less and less. They demand more conformity to their own desires and cultural norms. During this time the child is expected to do more things for himself. Parents are less disposed to respond to his demands for immediate gratification; they expect more frustration tolerance and responsible behavior. The supports for the child's volitional independence and omnipotence are undermined. At the same time the child perceives, intellectually, his own relative insignificance and impotence in the household power structure.²

There are two possible solutions to this devaluation crisis:

a) dependence, or b) independence.

a. THE DEPENDENT SOLUTION

The dependent solution is more stable, realistic, and less traumatic than any other solution for the child at this time. In the dependent solution, the child willingly adopts a dependent and subordinate role with his parents. If he cannot be omnipotent, the next best thing is being dependent upon others who are omnipotent, his parents. The child, with this solution, maintains a great degree of self-esteem, similar to other children of his culture.³

2 Cf. ibid., p. 260.

3 Cf. ibid., p. 261.

An important condition for resolving the devaluation crisis via the dependent solution is the right kind of home environment. The child should be able to perceive himself as genuinely accepted and valued for himself in the home. If this condition is weak or non-existent, the child will not seek the dependent solution.

A vital consequence of the dependent solution is the correct resolution of infantile hedonism, executive dependency and moral irresponsibility through parental guidance. The child's self-identity is guided towards maturity.

Development in the dependent solution is not carried out in a straight line. There are fluctuations. The four year old becomes expansive, boisterous, obstreperous, less anxious to please, obey and conform. During the age of five years, there is relative quiet: this is the well-conforming age. The six year old tends to be aggressive, expansive, boastful and resistive to direction. Despite these fluctuations, there is a general trend toward greater dependence.⁴

b. THE INDEPENDENT SOLUTION

Within the independent solution, there are two alternatives. Either there is no devaluation at all or there is complete devaluation. Either solution has dire and profound consequences that dwell deep

⁴ Cf. ibid., pp. 261-263; 269-272.

within the child. Either he has his way in everything, or else he is completely rejected.⁵

2. ADULT EMANCIPATION AND PREPARATION CRISIS

In attaining mature self-identity, there is a second crisis that should be resolved: the adult emancipation and preparation crisis. This crisis involves emancipation from the home and preparation to assume volitional independence in adult society. While completion of this crisis occurs in late adolescence, it begins in middle and late childhood. For an understanding of this crisis, the role, mechanisms, conditions, and impact of independence will be considered.⁶

a. THE ROLE OF INDEPENDENCE

Mature self-identity attained in adulthood is reached through the process of independence, a path away from the docility and submissiveness of childhood. The role of independence in this crisis is the attainment of volitional freedom and self-assertiveness.

There are changes in the personality brought about by independence. There is attenuation of hedonistic motives, achievement of increased executive independence and frustration tolerance, development of greater moral responsibility, more realistic aspirations and

5 Cf. ibid., p. 266.

6 Cf. ibid., p. 272.

self-critical ability. Much of this change results from maturation in intellectual and social capacities.⁷

b. THE MECHANISMS OF INDEPENDENCE

Two important mechanisms are involved in the process of resolving the adult emancipation and preparation crisis by independence. First, there is the gradual replacement of parents by agemates and other persons as necessary socializing agents of children. Secondly, there is the child's increased need to obtain primary status for the basis of self-esteem. Primary status, primary worth, now should come from within the person himself.⁸

c. THE CONDITIONS OF INDEPENDENCE

Certain conditions are required for children to acquire the skills and confidence of volitional independence. There should be opportunities to practice self-direction, make plans and decisions, participate in mature role-playing experience and learn from their own mistakes.

Overdominated and overprotected children tend to be shy, submissive, lacking in self-confidence and deficient in the volitional

7 Cf. ibid., p. 273.

8 Cf. ibid., p. 277.

aspects of independence. Puberty is a crucial catalytic agent in reversing social expectations and individual aspirations about the type of status the child seeks.⁹

d. THE IMPACT OF NON-DEPENDENCE

The child who earlier never submitted to dependence upon his parents, never really surrendered his hopes for volitional independence. Values of parents were never internalized because of personal loyalty, but only for personal enhancement. The obligation to abide by internalized moral values, when they are in conflict with one's own enhancement, is seriously threatened. A very serious problem for the non-dependent in childhood and later in adulthood is unrealistic goal development and instability of moral values.¹⁰

B. ADOLESCENCE AND IDENTITY FORMATION

The process of self-identity maturation has been shown to emerge from infancy to adolescence through the crises of devaluation and adult preparation-emancipation.

Erik Erikson, one of the most prominent developmentalists today, equates identity with adolescence.¹¹

9 Cf. ibid., pp. 278-280.

10 Cf. Gardner LINDZEY, Calvin S. HALL, Theories of Personality, pp. 81-91.

11 Cf. Theodore LIDZ, Person, His Development and Her Development Throughout the Life Cycle, p. 356.

Since the phase of adolescence is vital in tribunal investigations, Erikson's ideas on both the concept and the elements of identity will be reviewed.

1. THE CONCEPT OF IDENTITY

Identity is the evolving process of personality configuration. From infancy, through adolescence, into adulthood there are personality syntheses and resyntheses. The various phases of the life cycle evolve into mature adult identity. It is from the successful attainment of trust, autonomy and initiative that identity is attained. Adolescence is mentioned by Erikson as the phase in which the critical factor of self-identity should be attained.

Adolescence is the time for identity formation for two reasons. First, with the onset of puberty, the adolescent experiences a physiological revolution within himself or herself. Manhood or womanhood emerges from the child. Second, the adolescent realizes now that adult tasks lie ahead. The adolescent realizes that he needs skills for work, that he must support himself. He begins to think of life in terms of possible marriage. From these two developments the adolescent is concerned not only about how he appears in the eyes of others, but also how this image compares with his own concept of himself.¹²

From Erikson's view of self-identity, a concept of identity itself can be given. Erikson defines identity as "the accrued con-

12 Cf. Erik H. ERIKSON, Childhood and Society, p. 261.

fidence that the inner sameness and continuity prepared in the past are matched by the sameness and continuity of one's meaning for others."¹³ Simply put, self-identity is personal integrity and self-sufficiency enabling the individual to fulfill an adult role in life.

2. THE ELEMENTS OF IDENTITY

The elements of self-identity are identifications. A person likes what he sees in another personality. These identifications are fused into a new personality configuration, hopefully at adolescence. These elements include various identifications: with one's parents; with various ideal figures, friends and enemies; with significant persons who have been lost or abandoned. There are identifications with groups as well: the family unit, the social class, ethnic and religious groups, one's nation and one's gender. Basic for identity formation is identification with one's gender and parents. Identity emerges from the selective discarding or assimilation of childhood identifications, and their absorption into a new personality configuration during adolescence. The society within which a person lives, often determines what identity the young individual should have. From such a brief view of the various elements of identity, it is evident that identity formation is not a simple process.¹⁴

¹³ Cf. *ibid.*, p. 262.

¹⁴ Cf. Theodore LIDZ, *op. cit.*, pp. 357-358.

SUMMARY

The essential element of marriage is interpersonality. A prerequisite of this interpersonality is the ability of each spouse to answer the question, "Who am I?" There can be no traditio and acceptatio in marriage without resolution of this question. Where there is no harmony within individual spouses resulting from personal integrity and self-sufficiency, the intimate, exclusive and perpetual interpersonality of marriage is impossible.

Failure in resolution of self-identity through the crises of devaluation in childhood and adult preparation and emancipation, results in the inability to establish the interpersonality of marriage. The spouse wants his own way in everything, or has never severed the "umbilical cord" with his parents. Failure in identification assimilation at adolescence results in the inability to form the marriage relationship. Confusion in identifications to assimilate, brings a very confused spouse to marriage which is sometimes seen as a solution to the problem. Not only is there this problem to solve, but also there is the task of establishing the interpersonal relationship in marriage. The quality of the identification assimilated can doom a marriage. Should the identification be that of a non-moralist, there is no chance that the interpersonality of marriage in its intimacy and exclusivity can be initiated. Gender confusion can render the interpersonality of marriage impossible. The prior resolution of the question, "Who am I?", should be fundamental to the mature establishment of this interpersonal relationship.

II. INTELLECTUAL DEVELOPMENT

Another dimension of immaturity, leading to deficient marital interpersonality, is inadequate intellectual development. This development consists in insufficient growth of a person's intellect for marriage. The capability of understanding the communion of life and love to be established is fundamental for the marriage relationship. There is a philosophical axiom which states that a person cannot give what he doesn't know. This is also true of marriage. The spouses cannot establish the traditio and acceptatio of marriage without previous knowledge of what this communion of life and love is and entails.

In the analysis of intellectual development, the phases treated here will be: A. infancy, B. childhood, C. adolescence and early adulthood.

A. INFANCY

There are two areas of intellectual development that occur in infancy: 1) the determination of things and 2) the determination of their use. The first development is perceptual development, the second, sensori-motor development.

Just as infants must build up mental representations for objects in the world (that is, "What is it?") if they are to recognize them in the future, they must also build

up mental representations for their behavior (that is, "What do I do with it?"), if they are to behave appropriately in the future.¹⁵

Jerome Kagan, a leading infancy development psychologist in the United States, utilizes a comprehensive theory of perceptual development. Jean Piaget, the well-known intellectual development psychologist from Switzerland, uses a theory of sensori-motor development. Both theories are supported by real-life evidence. Let us examine these now.

1. PERCEPTUAL DEVELOPMENT

During infancy, according to Kagan, the person's attention is first drawn to objects by their physical properties. Within the first year, attention is drawn by similarities of objects to the schemata already in the infant's mind. After the first year, the child's attention is centered on hypothesizing about things. He relates new to past experience. During the first two years there is a gradual transition from a sensing organism to a perceiving organism and finally to a thinking one. The infant first sees his mother's face and color of her hair. Later, he recognizes his mother's hair, because he remembers the color it was previously. By the completion of the first

¹⁵ Cf. Deborah L. HOLMES, Frederick J. MORRISON, The Child, p. 112. (This current textbook on child development is used to obtain the latest writings of Jerome Kagan and Jean Piaget).

year, the child recognizes his mother as someone special as she holds him, regardless of the color of her hair.¹⁶

2. SENSORI-MOTOR DEVELOPMENT

At the same time, the infant is learning new behaviors and the use of these behaviors in appropriate situations. This is known as sensori-motor development.

Within the first month, the infant acquires the use of his reflexes. After the first month, he repeats simple actions for their own sake. Into the fourth month, he repeats certain responses to produce interesting results. From the eighth into the twelfth month, the infant begins to solve simple problems. By eighteen months, the child is performing trial and error experimentation. The two-year-old begins to solve problems through the use of mental imagery.

The infant begins with just sucking, grasping, wiggling and crying and matures to grabbing a particular rattle. Later from the "toy dropping" stage he emerges into "pulling the blanket to reach a toy" period. Finally, after experimenting with trial and error to assemble a toy, he can construct a toy without physical experimentation.¹⁷

The normal intellectual development in infancy can be affected by both environmental and biological factors. If a child is to learn how to use objects and form mental representations of them, the objects

16 Cf. ibid., pp. 106-112.

17 Cf. ibid., pp. 102-120.

must be available to him. Severely restricted or inadequate environment produces children who are seriously mentally retarded, if the environment is not changed:

Lack of mental progress is also due to biological causes. Malnutrition and inappropriate stimulation within the child's environment result in mental retardation or brain damage in the infant. A good environment is essential in this initial stage of the person's intellectual development.¹⁸

B. CHILDHOOD

As the person advances into the childhood phase of life, a better understanding of intellectual development is achieved by considering separately the pre-school and school phases of childhood.

1. PRE-SCHOOL AGE

From the age of two to seven years, the child is able to retrieve and use mental representations. He can internally evoke mental schemes at will, think about behavior without actually behaving overtly. From this newly acquired capacity for representation there results improved behavior, deferred imitation, insight learning; the ability to pretend and to make believe, and to use language.¹⁹

18 Cf. ibid., pp. 121-123; 217.

19 Cf. ibid., pp. 200-201.

In this preschool period, the child's cognitive skills are still limited. They are centered around the child's viewpoint. The thoughts are only linked mechanically: there is no thought coordination into a unified system, but rather a tendency to see human traits in inanimate objects.²⁰

a. RELATIONSHIP WITH THE WORLD

During this preschool period the child's knowledge of the world around him greatly increases. He learns to recognize and name colors, and to some extent, letters. He develops an elementary understanding of the number and time concepts. His knowledge of objects and their relationships becomes more sophisticated.

In the later preschool period, the child begins to show an appreciation for certain relations between objects. There is increasing interplay and coordination between thought, language and behavior.²¹

b. DEPENDENCE ON ENVIRONMENT

The importance of a proper environment for the preschool child cannot be overstressed. Nutrition, health care and the level of stimulation that the child receives at this time, affect the actual structure of his brain and the normal development of his cognitive skills.

²⁰ Cf. ibid., pp. 202-204.

²¹ Cf. ibid., pp. 204, 211, 217.

The child needs ample opportunity and encouragement to explore his environment, use his imagination and talk about his discoveries and fantasies. He needs help to learn about the world that surrounds him.

2. THE SCHOOL YEARS

During his school years the child is learning and perfecting a wide new array of abilities for understanding and dealing with the world. This is a time of major upheaval and change in the child's cognitive abilities.

This change in the child's intellectual development is called the "5 to 7 shift". The child's behavior becomes planned; he thinks about and evaluates the probable outcome of his behavior before acting; he becomes less impulsive, less dominated by his surroundings; he steps aside, examines and evaluates his world.

The "5 to 7 shift" is called by Piaget the shift to the concrete operational period. Mental operations are performed interiorly, without acting them out in behavior. Objects of these mental operations can be changed and reversed within the mind from one state to another. A new ability to classify objects emerges. This shift to the concrete operational period, beginning between the ages of five and seven years, continues to develop well beyond the age of seven.

While the cognitive abilities of the child mature in the school period there are still limitations: (1) he is limited to coordinating

concrete objects or ideas in concrete situations and (2) cannot at this time coordinate possible objects or ideas into a hypothetical and abstract situation.²²

C. ADOLESCENCE AND EARLY ADULTHOOD

From the period of concrete operations, the intellect advances to formal operational logic development in adolescence. The person learns to formulate hypotheses. He is capable of deductive reasoning. He engages in casual thinking and provide scientific explanations for events. The adolescent pays attention to the form, as well as to the content of an argument, an experiment, a syllogism or a proposition. The person reasons about his own reasoning. He answers problems by extension to all possibilities, considers the real and the unreal, ponders what will work and what will not work. The adolescent can think abstractly.²³

The intellect, in its formal-operational mode, can consider abstractly such issues as morality, love and nationalism. Very important abstract questions the adolescent considers are: "Who am I"; "Where am I going?"; "What do I want from life?"; "How do I feel about love, commitment and sex?" A good number of the questions which emerge in

22 Cf. ibid., pp. 276, 285.

23 Cf. John Paul MCKINNEY, Hiram E. FITZGERALD, Ellen A. STROMMEN, Developmental Psychology - The Adolescent and Young Adult, pp. 131-133.

the adolescent at this time are concerned with the adolescent's sense of; and quest for, self-identity.²⁴

There is no precise age at which the formal operational logic stage is acquired. It usually appears in adolescence, but some adults never do acquire formal operational logic.²⁵

As the person enters the transitional phase of adulthood, a relationship develops which is vital for intellectual development: the mentor relationship. A mentor is ordinarily a person, several years older than the young adult, of greater experience and seniority in the world. He or she acts as a teacher furthering the young adult's skills and intellectual development. The mentor is a sponsor, host, guide, exemplar and counselor to him. This mentor relationship usually lasts from three to ten years, during the time a person is contemplating marriage.²⁶

SUMMARY

Interpersonality is the essential element of marriage. It is the ability to initiate and maintain the communion of life and love. This means the capability of understanding that marriage requires:

²⁴ Cf. Deborah Lott HOLMES, Frederick J. MORRISON, op. cit., p. 384.

²⁵ Cf. John Paul MCKINNEY, Hiram E. FITZGERALD, Ellen A. STROMMEN, op. cit., p. 133.

²⁶ Cf. Daniel J. LEVINSON, The Seasons of a Man's Life, pp. 97-101.

1) oblatory love, a love providing for the welfare and happiness of the marriage partner; 2) respect for conjugal morality and the partner's conscience in sexual relations; 3) respect for the heterosexual personality of the marriage partner; 4) responsibility of both husband and wife in establishing conjugal friendship; 5) responsibility of both husband and wife in providing for the material welfare of the home; stability in work, budgetary foresight etc.; 6) moral and psychological responsibility in the generation, care, love and education of children; and 7) mutual communication or consultation on important aspects of conjugal and family life.²⁷

To understand really the nature of marriage interpersonality and its application to a particular marriage, intellectual development should have attained the formal operational logic stage. The person should be able to consider abstractly all the aspects of marriage interpersonality before contemplating and consenting to marriage. The spouse in marriage should be able to consider abstractly the many possible solutions to a marital problem before deciding with the spouse upon one particular manner of action.

Immaturity in intellectual development for the interpersonality of marriage is the failure to achieve formal operational logic capability.

27 Cf. G. LESAGE, "The Consortium Vitae Conjugalis: Nature and Applications," in S.C., 6(1972), p. 103.

DIMENSIONS OF PERSONAL IMMATURITY

178

This failure can arise either because of non-resolution of earlier developmental stages within the intellect or simply because of just not achieving the final formal operational logic. It is evident from a brief glance at Rotal jurisprudence that for this final stage, the critical faculty is required for marriage.²⁸

28 Cf. above, Chapter II, pp. 71-77.

III. EMOTIONAL DEVELOPMENT

A third dimension of immaturity for the interpersonality of marriage is emotional development. Marriage is a relationship between persons. Persons not only think about things, they also have feelings about them.

Emotion is defined as a heightened state of subjective experience accompanied by a physical response and generalized stage of lowered response threshold.²⁹ This is best illustrated by an example. A person, arriving into a hostage-taking situation, perceiving a harmful confrontation, flees the area to avoid physical harm or death.

The importance of emotional maturity cannot be underestimated. As the axiom states: as the twig is bent, so the tree is inclined. Faulty emotional influences during childhood account for later personality disorders: personal neuroses and psychoses. Poor emotional experiences in childhood warp a person's personality for marriage.³⁰

For an understanding of emotional influences on the personality and on marriage the following topics will be considered: A.) the stages of emotional development; and B.) the sphere of emotional development. The conclusion will relate the emotions to marriage in particular.

²⁹ Cf. David Paul AUSUBEL, Theory and Problems of Child Development, p. 414. -

³⁰ Cf. Leon J. SAUL, Emotional Maturity, p. x.

A. STAGES OF EMOTIONAL DEVELOPMENT

There are two periods within the life cycle when the emotions undergo very important development: the periods of infancy and of childhood. Each of these periods will be studied separately.

1. INFANCY

The first true emotional reactions of the infant begin by the age of three months. Frustration, tension, rage and wariness arise when the infant is not fed or changed immediately. This is the beginning of emotional life.

By the age of nine months, the infant is an emotional being. The meaning of a particular event for the infant produces an emotional response. Being held in the arms of his mother, produces a joyous response in the infant. This event means happiness for the child. By this age, the infant has in his mind various events, from previous experience. Some of these events arouse anger, others cause joy; there are affective components to his memory; feeling is associated with the event.

After twelve months, the child is capable of moods. He more purposefully shows and communicates affect. He acts within a prevailing emotional state. By eighteen months the infant is aware of himself as experiencing something.

Within the infant, pleasure and rage emotion evolve about the third month of life; delight and wariness about the fourth month; joy and anger about the seventh, and fear near the ninth month.³¹

There is emotional and cognitive interaction within the infant; with recognition comes pleasure and disappointment. Only by development of causality, object permanence, intentionality, and meaning, emerge joy, anger, and fear. With self awareness, comes shame. At the same time, emotions are the infant's primary medium of communication and meaning. Through affective experience, the infant can be touched and moved along. Awareness of causality and intentionality occur in affective exchange.

The principal construct of infant emotional development is the affective bond of attachment, the infant-mother relationship. The bond or attachment is central to the study of infant emotional development. Poor quality or non-existent infant emotional bond of attachment, either through institutionalization, inadequate mothering, or some other deprivation results in serious psychological damage in the infant. This damage, if not treated, is emotionally harmful to later adult interpersonality for marriage. It becomes very difficult to establish the emotional bond to one's spouse in marriage.³²

³¹ Cf. Alan L. SROUFE, Socio-emotional Development, Pt. I, pp. 45-47, 63.

³² Cf. ibid., Part II, pp. 5-12. Cf. also Deborah L. HOLMES, Frederick J. MORRISON, The Child, p. 132.

The patterns, quality and security of the attachment relationship are dependent upon the sensitivity of the caregiver. The sensitive caregiver provides the proper emotional climate, helps the infant reach and maintain a good level of tension, and really helps him to develop the right emotional behavior.³³

2. CHILDHOOD

The childhood pattern of emotions is so important for a person's life and the interpersonality of marriage, that both the nature and the importance of the childhood emotional pattern will be analyzed.

a. THE NATURE OF EMOTIONAL PATTERNS

The childhood emotional pattern is the nuclear constellation of adult emotions. The childhood pattern is the basic emotional pattern a child develops between the time of birth and completion of the sixth year. This pattern emerges from the emotional interplay of the child and those persons important to him or her.³⁴

b. THE IMPORTANCE OF EMOTIONAL PATTERNS

The childhood emotional pattern is a person's destiny. It is the basis of good mental health in some persons and psychopathology in others. A poor emotional pattern in childhood results in psychosomatic

³³ Cf. Alan L. SROUFE, op. cit., Pt. II, pp. 20-21.

³⁴ Cf. Leon J. SAUL, The Childhood Emotional Pattern, p. 13.

problems, neurosis, psychosis, perversions, addictions or criminality in adulthood.

Being able to ascertain the childhood emotional pattern during the time between birth and completion of the sixth year provides a good solid guideline or principle for determining a person's later emotional pattern. This time period encompasses the formation of both the personality and of various pathologies. The time between birth and completion of the third year is the period for the formation of borderline, more severely neurotic and even psychotic disorders. The entire span between birth and completion of the sixth year is the period for the emergence of neurotic disorders.

How a child develops emotionally between the ages of six and seventeen is determined largely by the manner in which his personality was shaped before he was six years of age. The influence of later experiences after seventeen years of age is not nearly as great, as are those experiences between birth and age seven.

A person learns emotionally during all of his life. He is subject to traumatic experiences throughout his existence. The particular way an individual reacts to these experiences is determined largely by his emotional pattern before the traumatic event.

Every infant is born with certain potentiality. Yet its congenital capacities and potentialities only partially mold the adult that ultimately emerges. The other great influence on the infant is the physical and emotional environment in which the infant grows up

during his early life. Especially important are the first six years of life, which are the most formative.³⁵

B. THE SPHERE OF EMOTIONAL DEVELOPMENT

The development of the emotions in infancy, the importance of both the emotional bond of attachment in this same period and the childhood pattern of emotions have been noted. The emotions were considered in a general, overall view. It is useful in understanding emotional development to consider the sphere of the development of the individual emotions such as: 1) fear, 2) anxiety, 3) anger and aggression, 4) jealousy and envy, 5) love, 6) joy, humor and boredom, 7) sympathy.

1. FEAR

Fear is the emotion that arises from an intellectual awareness of some threat to a person's physical well-being or self-esteem. The response to fear is affected by culture, personality differences and situational factors.

Children are more fearful where there is an atmosphere of fear, insecurity, and hostility. Where children are burdened prematurely with adult worries and problems, when they are chronically subjected to threats, intimidation, harsh punishment and demands beyond their

35 Cf. ibid., pp. 13, 19, 22-23, 73, 222-223.

capacity, they are more responsive to fear. They are more fearful when parents are overprotective or establish an example of fear in the home. Firstborn, widely spaced and institutionalized children show fear of strangers and objects. Where acceptable standards of behavior are ambiguous, children become fearful.³⁶

2. ANXIETY

Anxiety is a special form of fear. It is fear experienced in response to an anticipated threat to an individual's self-esteem.

Anxiety presupposes the child's ability to understand and react to his own self-esteem and anticipate threats to it.

Self-esteem develops in a child by his identification with his parents in a dependent way. Some children are rejected outright. Others are accepted by their parents, but only for their capacity to improve the parents' self-esteem.

For rejected or extrinsically valued children, self-esteem develops only from what they can accomplish themselves. Already existing anxiety is multiplied by their active or passive parental dependence, since they actually seek independence from their rejecting or extrinsically valuing parents.³⁷

36 Cf. David Paul AUSUBEL, Theory and Problems of Child Development, pp. 421-422.

37 Cf. ibid., pp. 426-434.

3. ANGER AND AGGRESSION

Anger is an emotional response initiated by a threat to a person's self-esteem, in which awareness of the threat is partially or completely replaced by subjective aggression and verbal or bodily activity.

If there is no direct outlet for the anger, passive sabotage, exaggerated friendliness, or "injury-wishing" to others occurs. Anger towards one's parents or those in authority can be displaced to animals, siblings and classmates. Anger can be expressed in truancy from school, delinquency, antisocial attitudes and racial prejudice. Anger can be turned inward with the child injuring himself.

Anger and aggression in children are influenced by parental attitudes. Parents are the first teachers of culture. Where aggression is valued by culture, there will be aggression in families.

Anxious, over-critical, absolutistic, inconsistent or recriminating parents result in angry children. Anger outbursts are noted also where there is extreme permissiveness and little self-control in the family.

There are other sources of aggression and anger. Punishment which is unreasonably harsh, capricious, discriminatory, or a sign of rejection causes deep resentment in children. This leads to bullying, cruelty to animals, and delinquency. Peer groups influence anger and aggression. The peer groups can be models of aggressive behavior. If

a child is less popular with his peers, he demonstrates more anger and aggression. Adopted children are more likely to be aggressive.³⁸

4. JEALOUSY AND ENVY

Jealousy is a composite emotion. There are elements of both fear and anger with jealousy. With jealousy, the person feels threatened when he sees that his or her exclusive possession of a source of security, status, or affection is challenged by others. This challenge is either a need, aspiration or activity of another.

Envy is a related, but more complicated emotion than jealousy. It is a threat to a person's self-esteem originating from a perception that another individual is superior in status, attainments or possessions.

The most common type of jealousy in childhood is sibling jealousy. This type of jealousy comes from the desire for the exclusive possession of parental affection. In young children sibling jealousy is directly expressed in bodily assault, or in belittling, teasing and tattling. Later this jealousy takes the form of displaced hostility towards older siblings and age peers. Extreme competitiveness over prestige and accomplishment in older children is an expression of this jealousy. Various withdrawal techniques are frequently used: studied

38 Cf. *ibid.*, pp. 434-440.

indifference, blustering nonchalance, even outright denial of a younger child's existence. Older children may regress to earlier eating and dressing habits in jealousy.

Children who are insecure or lacking intrinsic feelings of adequacy, are especially threatened by parental exclusion of affection and by achievements of their brothers and sisters. Marital discord, favoritism, discrimination, and unequal parental affection cause jealousy within a family.³⁹

5. LOVE

In the child, love is the instinctual aspect of its complete dependence on its parents, particularly the mother. Receiving love is vital for the development of the person. Love, interest in the child's well-being, is the child's assurance that his wants will be satisfied, so that he will not die. This early need for love later forms the nucleus for friendship and sexual love. The interrelation between mother and child is very strong, yet delicate. The whole development and adjustment of the child becomes disordered and may perish if this interrelation is deranged.

The infant's need for love continues into adulthood. In the adult, this need is expressed in many ways: demands for praise, recognition, understanding and acceptance. Hunger for superiority,

³⁹ Cf. ibid., pp. 439-444.

fame or money arises. Sexual love and satisfaction is sought. Strong homosexual desires develop in those where the need is turned to persons of the same sex. Self-love arises, which seeks satisfaction in food or drink; gross overeating and alcoholism may result. Ulcers, asthma, and certain skin disorders result from an unsatisfied need for love.

The need for parental love can become so strong in adults that they are unable to leave home. A particular crisis in life may reawaken desires for parental love after a person has left home. The desire for parental love is one of the most important sources of frustration and hostility in life.

Adult life, with its social, sexual and occupational demands, is dependent upon the fusing of infantile and adult love needs in workable proportions. Many people never accomplish this workable proportion as regards these needs.

The most common problem found in men, as a result of an unresolved need for parental love, is passive dependence and competition. Maternal functions of the wife can be disturbed because of emotional deprivation in childhood. Within the mother there may still be a deep underlying need to be a baby and to have a mother.

Mature emotional love is growth from the child's intense need for love to the ability to give love. This growth is prevented in overprotected, rejected or overvalued children. The overprotected child is emotionally isolated from other persons by an overwhelming dose of parental love. The rejected child, regarding himself as

unworthy, withdraws from other emotional involvements to avoid further rebuff. The overvalued child, so used to receiving affection, has so great a self-concept, that he has little capacity for loving other persons.⁴⁰

6. JOY, HUMOR, BOREDOM

The emotion of joy is the response to visceral satisfaction. Joy evolves from the simple coos and gurgles of the infant and the clapping of hands in early childhood. Joy and happiness emerge through the birthday and holiday celebrations of later childhood. Graduations, weddings, anniversaries, job promotions in later adolescence and adulthood effect joy and happiness. Events that enhance self-esteem more and more become determinants of joy in adulthood.

Humor is a complex state of joy. It is initiated by cognitive appreciation of surprise or incongruity. Appreciation of verbal humor and puns develops as intellectual maturity occurs.

Boredom is the emotional state produced by the absence of challenging stimulation and activity, or by oversatisfaction of a particular need. This is experienced more in adulthood than childhood, as the child has many life experiences that still lie ahead of him.⁴¹

⁴⁰ Cf. ibid., p. 446; Leon J. SAUL, Emotional Maturity, pp. 50-79.

⁴¹ Cf. David P. AUSUBEL, op. cit., pp. 457-458, 460.

7. SYMPATHY

The emotion of sympathy is sorrow brought on by distress perceived in another person. Sympathy requires a degree of cognitive maturity, social maturity and experience. An independent solution to the devaluation crisis in childhood results in less sympathy and altruism than is the case for the dependent child, for parental support and concern in distressful situations is available to the dependent child.⁴²

SUMMARY

The stages and sphere of emotional development have just been analyzed. What is the influence of emotional development upon the interpersonality of marriage? Two areas will be treated here: 1) the role of the emotions in a successful marriage; and 2) the emotions' role in marital failure.

1. THE EMOTIONS IN SUCCESSFUL MARRIAGE

For an emotionally good, harmonious and happy marriage both spouses should have childhood emotional patterns of good, harmonious, and happy feelings. Great risks arise if one of the marriage partners is emotionally disturbed; their emotional patterns may not mesh. For a successful marriage, there should be good emotional relations in the spouses' childhood between birth and the age of six.

42 Cf. ibid., pp. 458-459.

A young woman assumes a great risk if she marries a man who has had a poor relationship with his mother from birth through the age of six years. There is great risk also if the man lacks a stable father with whom he can identify, a father who loves his wife and son. The same is true for a young man seeking a stable, loving wife. In marriage the interpersonal emotion pattern of childhood is revived in an adult version, with a degree of closeness unknown since early life.

Sex is a very powerful drive in marriage, and it is extremely sensitive to the spouse's emotional state. A degree of impotence in men and frigidity in women occurs in nearly half of the adult population. The physical need for coitus is very sensitive to the childhood emotional patterns, and can complicate the interaction between husband and wife.

The most fateful expression of the childhood emotional pattern is found in the relation between child and parent in marriage. A good, harmonious, and happy parental childhood emotional pattern enables offspring to attain healthy maturity. If there is a bad parental emotional pattern, child neurosis, psychosis, perversion, addiction or criminality may result.⁴³

⁴³ Cf. Leon J. SAUL, The Childhood Emotional Pattern, pp. 23-24; 256-258.

2. THE EMOTIONS IN MARITAL FAILURE

Marriage failure is frequently associated with spouses acting as agents to complete emotional growth which should have been completed before marriage. The roots of marriage failure lie in insufficient or distorted emotional development before marriage.

There are two types of emotional immaturity leading to marital failure: a) emotional dependence; b) emotional deprivation.

a) EMOTIONAL DEPENDENCE

In emotional dependence, the young person remains emotionally dependent on his parents, afraid to leave the security of the home and to make any independent decisions. In one pattern of this type, one or two emotionally dependent people marry, but find that separation from home is too anxiety-provoking. The marriage lasts only a few weeks, months, or at the most two or three years.

In another type of emotional dependence, one of the marital partners is a parental substitute. The marriage lasts until the dependent partner matures, and begins to feel trapped, imprisoned by the stronger, dominant partner. These marriages last anywhere from five to fifteen years.

The third type of emotional dependence exists when the dependent partner never matures. After twenty or thirty years of marriage their relationship is still emotionally arid. One of the spouses remains strong and dominant, the other weak, and dependent. There is no sexual

fulfillment or emotional gratification. After twenty or thirty years of marriage the dominant spouse seeks fulfillment elsewhere.⁴⁴

b) EMOTIONAL DEPRIVATION

Normal emotional growth requires that persons not only be aware that they are worthy of recognition, attention and acceptance, but also that they be recurrently reassured of their worthiness.

Deprivation of this emotional need can occur through:

1) illegitimacy, desertion, or loss of parents, without any effective substitute; 2) preoccupation of parents with other needs, little attention being given to the child, oftentimes the child being pushed into the hands of a nannie or boarding school; 3) unequal or insufficient parental attention due to the size of the family; or 4) parental inability to love, because of the parents' emotional makeup.

In addition, there are children whose emotional needs are in excess of what the parents can provide or whose make-up does not allow them readily to accept parental attention.

In emotional deprivation, men and women marry with marked emotional needs. They expect their spouses to act not only as husband or wife, but also to fulfill childhood emotional deficiencies. All of these marriages are extremely unstable and can breakdown early or well into the marriage.⁴⁵

44 Cf. Dr. J. DOMINIAN, "The Christian Response to Marital Breakdown", in Ampleforth Journal, pp. 7-8.

45 Cf. ibid., pp. 9-10.

Marriage is a communion of life and love. Its essential element is intimate, exclusive and perpetual interpersonality. This unique type of interpersonality requires of each spouse a good, happy, harmonious childhood emotional pattern. This pattern of emotions should emerge into young adulthood, without emotional dependencies or deprivations. The individual emotions should have developed normally through the phases of life into young adulthood.

IV. SEXUAL DEVELOPMENT

Marriage interpersonality is intimate interpersonality. The spouses have the right to sexual relations between themselves, posited in such a manner that a child can be conceived. This implies the capacity in each spouse for these connatural, heterosexual acts. Deficient sexual development, a dimension of psychic immaturity, restricts this capacity in the spouse for the intimate interpersonality of marriage. For an understanding of the sexual dimension of immaturity, sexual development will be considered through the phases of the life cycle from infancy through childhood, into adolescence and early adulthood.

A. INFANCY

During the first eighteen months of life, the main source of satisfaction for the person is the mouth. Erotic attachments and pleasures coming from self-stimulation and relationships with important other persons form the foundation for later development. Should normal curiosity be blocked, and the infant's relationship with others be weak, anxiety and uncertainty develop.

Sexual identity is initially imprinted in infancy by parents. Boys and girls are treated differently. Fathers play rough with their sons, and gently with their daughters. Mothers are usually warmer and more affectionate with their daughters. Social customs, e.g., color of the room, clothes, cleanliness, help form the core gender identity in

the infant. Understanding infant sexuality is very difficult at this time, because there is no verbal communication with the infant. It also has not developed sexually or biologically.⁴⁶

B. CHILDHOOD

With childhood extending over the wide age span between eighteen months and eleven years, it is useful for analysis, to divide this phase of the life cycle into: 1) early childhood, and 2) late childhood.

1. EARLY CHILDHOOD

The time span of eighteen months to five years sees the development of language and motor autonomy. The child is now better understood; he begins to understand the adult world.

During this toilet-training period, the child first learns to relate the genitalia with privacy, and with cleanliness or dirt. Non-sensitive child rearing, in this period of toilet-training, traumatizes the child and future conflicts arise. The child has pride in his genitals. He discovers them and finds that they bring him pleasure. He wishes to share this feeling with other persons. This is the beginning of the life-long association between the genitals and sexual feelings.

⁴⁶ Cf. Daniel OFFER, William SIMON, "Stages of Sexual Development", in Comprehensive Textbook of Psychiatry - II, pp. 1392-1395.

Parents, who are too strict and shame the child for his behavior, or are too encouraging, cause the child to experience negative feelings, guilt and shame, with something that gives him pleasure and is associated with the genitals. The child's fantasy life is very vivid, and unwarranted conclusions by the child result. Negative feelings at this time affect the child into adolescence and adulthood.

Between the ages of three and four, the child works through his relationships with the parent of the opposite sex. He realizes that he cannot possess, emotionally or sexually, the parent of the opposite sex. This first love relationship should be rejected in favor of future gratifications.⁴⁷

In this early childhood period, social, family, environmental and cultural factors emphasize the difference between the role models for boys and girls. The child observes the different role models of his mother and father. Much of the warmth the child experiences with his parents now is later transferred to relationships with persons of the opposite sex.

The child's sexual training is a delicate, highly personalized process. There is no adequate formula for this process. André Guindon, the author of The Sexual Language, writes that "demonstrating what a Sexed Adult is, is far more effective than defining what a Sexed Adult is."

⁴⁷ Cf. Daniel OFFER, William SIMON, "Stages of Sexual Development", in Comprehensive Textbook of Psychiatry - II, p. 1395.

The child should live in a routine atmosphere of loving care, basic honesty, trustful understanding, festive freedom. Parents who are their own healthy sexed selves, provide the best sexual models for children.⁴⁸

These home conditions are good barometers of a child's sexual development. They provide clues for a marriage tribunal to check out when investigating a person's sexual development.

2. LATE CHILDHOOD

The period between five and eleven years of age is normally a time of sexual latency. There is harmless play between boys and girls. Boys continue to be curious about girls. Girls' curiosity is more episodic. As children grow older, parental concern for the child's sexuality increases.

The main psychological task at this period is smooth transition from home to school environment. The child develops meaningful relationships with peers of the same sex over hobbies, activities, and later fantasies relating to sexuality. These peer relationships are important, as they establish the child's sexual identity. Social and cultural expectations, fiction, movies, television, and everyday experiences introduce the child to the world of sexuality. Latent erotic inquiry starts; morals are acquired. Yet the cognitive and

48 Cf. André GUINDON, The Sexual Language, p. 153.

affective meaning of words and symbols may not be fully understood. A large portion of sexual information is absorbed by the child at this time. There may have to be much learning later to correct false information absorbed now.⁴⁹

C. ADOLESCENCE

The adolescent phase of the life cycle is most accessible to marriage tribunal investigations; therefore it helps to analyze this particular segment of sexual development in more detail. The period is also closest to the time of marriage and is marked by two phases: 1) early adolescence, twelve to fifteen years of age and 2) late adolescence, sixteen through eighteen years of age.

1. EARLY ADOLESCENCE

Adolescence is initiated by biological and socio-cultural factors. Biologically, this is the time of the "growth spurt". The pituitary gland at the base of the brain secretes gonadotropic hormones. Stimulated by these hormones, the sex glands secrete their own hormones.

Androgen, the male sex hormone, develops the penis, the prostate gland, the seminal vesicles, as well as the secondary sex characteristics. Estrogen, the female sex hormone, develops the uterus, the vagina, the fallopian tubes, the breasts and the secondary female

⁴⁹ Cf. Daniel OFFER, William SIMON, "Stages of Sexual Development", in Comprehensive Textbook of Psychiatry - II, pp. 1395-1396.

sex characteristics. These physical changes confront the adolescent with discontinuities about earlier physical experience. These changes raise questions in the adolescent's mind about his or her normality.⁵⁰

Sociologically, this is a time of great autonomy and less direct adult supervision. There is greater involvement in same-sex peer groups; greater importance is placed on peer groups; there is social recognition of sexual interest and capacities.

Puberty has an important impact on the intrinsically sexual dimension of life for the adolescent. In males, the capacity to ejaculate, its link with sexual pleasure, is the major development. Patterns of masturbation may develop that last into middle and late adolescence. In females, the important development is menses. Periodic flows strengthen ambivalence about their genitalia. They serve as reminders of the potential reproductive consequences of sexual activity. Generally, the pattern has been to avoid genital involvement.

Masturbation, necking, petting, and especially heterosexual intercourse is performed with intense feelings of anxiety and guilt by the adolescent. During this time regression to earlier stages of development often occurs, because of unresolved, unconscious conflicts, e.g., unconscious incestuous attachment to one's parents. Guilt, shame,

⁵⁰ Cf. John Paul MCKINNEY, Hiram E. FITZGERALD, Ellen A. STROMMEN, Developmental Psychology - The Adolescent and Young Adult, p. 34.

or anxiety are partly the reason an adolescent takes many years to work through the fantasy-reality maze and achieve his own conflict resolution.⁵¹

2. LATER ADOLESCENCE

In the sixteen to eighteen year age period of later adolescence, there is further autonomy and detachment from adult supervision. There is a change from homosocial to heterosocial activities; the rating-dating system becomes central in adolescent society; there is increased sexual activity due to more frequent peer social life. Conflicts arise between parental and peer attachment: the male has more freedom; the female has more restrictions imposed upon her by parents. She is able to rehearse and confirm her more adult-like femininity by interaction with her family, especially her father or near-father figures. This is the period of completion of sexual identification.⁵²

D. YOUTH AND EARLY ADULTHOOD

Nearing the time of marriage, in this eighteen to twenty-three years age span, there is maximum interpersonal and intrapsychic sexual selfconsciousness. The youth's sexual status is part of his public status. Sexual competence problems arise among otherwise normal men: secondary impotence, premature ejaculation, and anxieties about penis

⁵¹ Cf. Alfred M. FREEDMAN, Harold I. KAPLAN, Benjamin J. SADOCK, Comprehensive Textbook of Psychiatry-II, p. 1396.

⁵² Cf. ibid., pp. 1396-1397.

size. Good girl-bad girl syndrome and masturbation add further difficulties. A woman's anxieties center on unwanted pregnancies and her reputation, if a particular relationship does not culminate in marriage. This is the phase of permanent object choice; it is also the time for selecting a marriage partner.

The age period of twenty-three to thirty years is the time of married life. Within marriage, sexual access is regular and legitimate. Personal attention is focused on the sexual activity itself. Problems of sexual adequacy, or anxieties about this adequacy, develop among men and now increasingly among women. Frequency of sexual interaction and pressures of early pregnancy and child-rearing cause a decline in eroticism.⁵³

SUMMARY

In marriage, husband and wife constitute an intimate partnership of the whole of life, for their own good and the procreation and education of children. To achieve their own welfare and the procreation and education of offspring, the spouses should approach marriage, having achieved mature sexual development.

This implies previous good quality early parental relationship and personal training, resolution of childhood incestuous conflicts, healthy acceptance of adolescence, good quality homosocial

53 Cf. ibid., p. 1397.

and heterosocial activities, and mature choice in a permanent love partner for marriage.

Maturity of sexual development in marriage entails successful achievement of the various sexual phases within the life cycle. When individual sexual growth is seriously arrested or delayed, the interpersonality of marriage is gravely deficient.

V. MORAL DEVELOPMENT

A final dimension of personal immaturity preventing the interpersonality of marriage is poor moral development. The unique interpersonal relationship of marriage is founded for both the good of the spouses and the procreation and education of children. Living the marriage relationship, as intended by God, requires making moral judgements and living in accordance with these moral judgements. Behavior of the spouses in marriage has a moral aspect, the psychological reality of which cannot be ignored.

Requisite personal moral development should be established before the spouse undertakes the interpersonality of marriage. To perceive the effects of immature personal moral development in marriage, the following areas will be considered: A) moral development and conscience; B) the dynamics of conscience; C) moral responsibility; and D) the total conscience.

A. MORAL DEVELOPMENT AND CONSCIENCE

When speaking of moral development, reference is made to conscience. What is the role of conscience? What are its elements?

1. THE ROLE OF CONSCIENCE

Moral development is expressed in terms of conscience. Yet, when someone lives in accordance with his conscience, he is described as having moral character. What then is the role of conscience and of

moral character? Conscience decides in a particular case what is to be done or avoided, based upon general moral principles provided by synderesis (the habitual grasp of the first moral principles). The actual living of the moral judgements reached by conscience is known as moral character.⁵⁴

Conscience, psychologically speaking, refers to: 1) the cognitive-emotional organization of an individual's moral values; 2) the feelings of an obligation to abide by these values; 3) other psychological processes involved in keeping conduct compatible with internalized moral standards. There are two distinct elements in conscience, psychologically: 1) a feeling of guilt, fear etc.; and 2) a judgement about what is right.

Living the moral judgements reached by conscience or moral character requires legislative, judicial, and executive capacities. The legislative capacity generates norms and rules for action; the judicial determines whether the rules apply in a particular situation; the executive enables the individual to operate consistently according to these rules, when they apply to the situation in question.⁵⁵

Moral development is expressed in terms of conscience development. The maturity of the decisions of conscience will determine the maturity

⁵⁴ Cf. D.M. PRUMMER, Manuale Theologiae Moralis, Vol. I, pp. 197-198. Cf. Also David Paul AUSUBEL, Theory and Problems of Child Development, 2nd Edition, p. 470.

⁵⁵ Cf. ibid., pp. 468-470. Cf. Also David Paul AUSUBEL, Theory and Problems of Child Development, 2nd Edition, p. 470.

of moral development. Living the mature decisions of conscience results in mature moral character.

2. THE ELEMENTS OF CONSCIENCE

Conscience, psychologically, is the cognitive-emotional organization of an individual's moral values. There are certain elements or capacities of this organization: 1) capacity for personal assimilation; 2) capacity to anticipate consequences, and 3) a self-critical capacity.

First, there is the ability to assimilate external standards of right or wrong, good or evil, and accept them as one's own moral standard. A sense of obligation evolves to conform one's own behavior to these moral values, and feel accountable for lapses from them.

Conscience includes the capacity to anticipate the consequences of one's actions before their execution. This capacity is the ability for volitional and inhibitory control to bring these anticipatory consequences into line with moral values. A third element is a self-critical capacity. It is the ability to appraise objectively one's own intentions and behavior in light of internalized moral principles.⁵⁶

⁵⁶ Cf. ibid., pp. 471-473.

B. THE DYNAMICS OF CONSCIENCE

Having seen the role of conscience in moral development and the elements of conscience, the dynamics of conscience can now be perceived. Conscience development is dependent upon the development of both moral judgement and executive personality. Executive personality development influences moral judgement development. Both of these types of development are detailed here.

1. EXECUTIVE PERSONALITY DEVELOPMENT

Earlier in this chapter, the development of self-identity was analyzed through the phases of the life cycle. In the phase of childhood, the devaluation crisis was resolved either in a dependent or in an independent solution. Resolution of the adult emancipation and preparation crisis was resolved best by an independent solution in adolescence. This is known as executive personality development.

Executive personality development influences moral value assimilation. In the pre-independence phase, there is development of inhibitory control to anticipate or avoid punishment. In early stages, dependence upon parents is acknowledged, parental values are gradually assimilated. In the late parental dependence phase, internalization and assimilation of parental values is completed. Then in the

independence phase, moral responsibility is placed upon a person's own principles of justice and accountability derived from society's values.⁵⁷

2. MORAL JUDGEMENT DEVELOPMENT

Lawrence Kohlberg, a leading expert on moral development, has devised the following evolutionary view of moral development.

In the pre-moral stage of moral judgement development, there is primitive use of moral statements, lack of sophisticated judgements. Initially an act is wrong because punishment results. Later there is conformity to rules, motivated by promised rewards.

The second stage is "the conventional rule conformity period". In the beginning, there is conformity to maintain good relations with other persons and avoid disapproval of the family. Later there is conformity to usual authority in society to avoid censure by fines, jail terms, etc. This phase is attained in later childhood.

The final stage of moral judgement development is "the autonomous period". Judgement is based upon self-accepted moral principles. Initially, there is conformity to social contracts, respect for the rights of others. Eventually, there is conformity to individual principles in order to avoid self-condemnation. This stage is reached in adolescence.⁵⁸

57 Cf. ibid., pp. 479-484.

58 Cf. ibid., pp. 477-479.

Executive personality development and moral judgement development provide a comprehensive view of moral development. The development and interaction of these two systems constitute the dynamics of conscience.

C. MORAL INDIVIDUALITY

There are several factors which result in individual differences in moral development. These factors include personality development, parental attitude, cultural influences, intellectual development, social class differences, peer group and mass media pressure.

Where there has been an independent solution to the devaluation crisis in childhood, there never are strong, emotionally charged feelings of obligation toward significant figures in the child's world. Independence needs are often in conflict with the content and goals of ethical norms. The stability of moral obligations is very precarious.

The overvalued child thinks of himself as exempt from ordinary moral obligations. In the rejected child, there is a defective self-critical faculty. A strong rational conscience develops with occasional moral lapses. Overprotected and overdominated children have problems transferring moral obligations from parents to society.

More intelligent children perceive better the expectations of culture and learn suitable forms of conduct. Culture influences particular moral value assimilation and transmission. Lower social class children are more absolutistic, rigid and authoritarian in

concepts of moral law; middle class ones are more self-critical of their own transgression. The peer group is the person's first introduction to society outside the family. The child's moral obligations are not yet thoroughly interiorized. Poor morals of the peer group result in deficient moral development in the child. The mass media present to children a more dramatic version of life; there is little reality restraint. The media influence the kind of values children interiorize, the inhibitory potential of moral obligations and the development of guilt feelings. All of these factors individuate moral development of the child growing towards adulthood.⁵⁹

D. THE INTEGRAL CONSCIENCE

Psychology presents an understanding of conscience, but not an integral concept of it. Theology alone provides the integral concept of conscience which is the ultimate judge of morality of human action. Man should come face to face with conscience in the two dimensions of his life: 1) self-realization in this world, and 2) his transcendent destiny of union with God. Psychology and theology should be joined for the comprehension of conscience. Human life and human history are at the same time God's speaking to mankind and mankind's response to God. To understand the two dimensions in man, the divine and the

⁵⁹ Cf. ibid., pp. 484-497.

human, integral conscience will be considered in its divine and human rapports.⁶⁰

1. THE DIVINE RAPPORT

The Second Vatican Council aptly describes conscience in its divine rapport:

Deep within his conscience man discovers a law which he has not laid upon himself, but which he must obey. Its voice, ever calling him to love and to do what is good and to avoid evil, tells him inwardly at the right moment: do this, shun that. For man has in his heart a law inscribed by God. His dignity lies in observing this law, and by it he will be judged. His conscience is man's most secret core, and his sanctuary. There he is alone with God whose voice echoes in his depths. By conscience, in a wonderful way, that law is made known which is fulfilled in the love of God and of one's neighbor.⁶¹

The principles from which conscience acts are of divine origin. They are God's law. The integral conscience, in its divine rapport, perceives man "as a reality endowed with an autonomous value which, however, in every aspect is totally dependent on the creator who communicates existence to him at every moment of his being."⁶²

2. THE HUMANISTIC RAPPORT

Within man, there are two directions possible as conscience is formed: 1) the authoritarian conscience or 2) the integral conscience.

⁶⁰ Cornelius J. VAN DER POEL, *The Search for Human Values*, pp. 106, 114.

⁶¹ Cf. SECOND VATICAN COUNCIL, "The Church in the Modern World", in *Vatican Council II*, Northport, N.Y., Costello Publishing Co., p. 916.

⁶² Cf. Cornelius J. VAN DER POEL, *loc. cit.*, pp. 106, 114.

In the authoritarian conscience, external authority, such as parents, society, the Church, or others, is merely internalized. The standard of morality is the letter of the command and the expectations of authority. In this conscience there is little personal approach to life and decision-making. This type of conscience tends to become lax. Authority becomes his own authority; a person's guide is his own wish.

The integral conscience sees man, though autonomous, dependent totally upon his Creator. Every moment of his existence is dependent upon God, the destiny of man being total union with God. The integral conscience responds to the whole human reality, individual and interpersonal, material and transcendent. Maturity of moral development consists in possessing an integral conscience. Failure to attain an integral conscience constitutes the immature dimension of personal moral development.⁶³

SUMMARY

Marriage was established by God. The interpersonality of marriage exists both for the good of the whole of life of the spouses and for the procreation and education of children. A person is not free to do as he wishes in marriage. God's laws should be followed. The spouses approaching marriage should possess an integral conscience

63 Cf. ibid., pp. 139, 143.

to understand and apply God's plan to their own intimate, exclusive and perpetual marriage relationship. The immature dimension of personal moral development is failure to attain integral conscience. This failure arises from executive personality and moral judgement developmental deficiencies.

CONCLUSION

Psychological maturity is the first, essential condition for men and women to live the reciprocal relationships within the home.⁶⁴ Psychological maturity is the essential condition for men and women to live the reciprocal relationships of marriage. In this chapter, the fundamental personality elements that constitute psychological maturity for undertaking and maintaining marriage were analyzed: self-identity, intellect, emotions, sexuality, and morality. These individual personal maturity elements are necessary before the unique interpersonality of marriage can be initiated. The individual personality elements were scanned from their origin in infancy to their maturity in adulthood.

The dimensions of personal immaturity for marriage were shown to be the failure to achieve adulthood, maturity, in one or several of the personality areas. It was established from the analysis that

⁶⁴ Cf. SYNOD OF BISHOPS, The Role of the Christian Family in the Modern World., pp. 15-16.

personal immaturity can be so devastating that the intimate, exclusive, and perpetual interpersonality of marriage cannot be undertaken or maintained.

This analysis of personal psychological immaturity was undertaken so that a more unified and comprehensive understanding of psychological immaturity for marriage could be had. Through this understanding of the personal dimensions of immaturity, it is hoped that the Church's ministry to the broken family may become even more effective.

CHAPTER FIVE

LACK OF VALUES AS CRITERIA OF IMMATURITY

The notion of psychic immaturity was previously given as: "the developmentally impaired state within the personality structure which is dominated by infantile, childhood, or adolescent patterns of feeling, thinking and behavior." The full expanse of this definition was shown in the dimensions of marital immaturity, where interpersonality was found to be gravely deficient, and in the dimensions of personal immaturity, where self-identity, intellectual, emotional, sexual or moral development were seriously inadequate.

With cases involving immaturity constituting an increasingly greater problem in marriage, there should be some criteria to use in identifying the existence of psychic immaturity, some indications within a person's life that he or she is seriously immature for marriage. Values are one way of diagnosing the existence of psychic immaturity; they are criteria of maturity or immaturity. There are canonical and psychological foundations for the consideration of a person's values, as criteria of immaturity.

For an understanding of the relationships between values and psychic immaturity in marriage, the following points will be developed:

- I) values in canonical jurisprudence; II) a psychological understanding of values and III) values and psychic immaturity.

I. VALUES IN CANONICAL JURISPRUDENCE

In a survey of decisions from the Roman Rota, the Appeal Tribunal of the Vicariate of Rome, and United States diocesan tribunals, various aspects of values were found to have been mentioned by the judges in their cases. From this survey of canonical jurisprudence, the following points on values can be reviewed: A) practical judgement and values; B) matrimonial consent and values; and C) values and personality development.

A. PRACTICAL JUDGEMENT AND VALUES

The role of values in practical judgement is developed in a sentence by Rev. Mark Said of the Appeal Tribunal for the Vicariate of Rome. He states that since the greatest contract that man can enter is marriage, man's consent must therefore be proportionate to the marital contract.

A man should give his consent in marriage only after deep thought, i.e. a discreet, careful, and practical judgement of the object of the choice should precede the matrimonial consent. The will then applies itself to the object by the act of consent and grasps it. Otherwise, man does not have true mastery over this act of the will and consequently this act cannot be called a true human act.¹

¹ Cf. Vicariate of Rome Dec., c. Said, March 13, 1965, in M.E., 93(1968), p. 308: (English Translation by Fr. James A. McEnerney, SJ), "Homo scilicet debet suum consensum matrimonialem ponderate praeberere seu actui voluntatis debet praecedere iudicium discretum et appetitivum practicum obiecti voluntatis cui haec potentia per actum consensus sese applicat et illud appetit. Secus homo non haberet verum dominium super illo acto voluntatis et consequenter ille actus verus actus humanus dici non potest."

What is the practical judgement of the object? What does it include? In a real practical judgement regarding matrimony, man makes an estimation of the value of marriage for himself here and now.

[...] a man cannot have the deliberation proportionate to the act to be placed through the mere apprehension of the act to be placed and the end to be attained, nor can he have it through a mere speculative judgement concerning the relationship of the act to the end. But he can have it through a truly practical judgement by which a man has an estimation of the value of his act as fitting for him here and now.²

This valuating is known as an appreciatory judgement and calls for maturity of judgement.

[...] such a judgement and such maturity, i.e. discretion, are required most especially in placing those actions from which grave consequences flow, or by which burdensome and continual obligations are assumed.³

It appears then that consent for marriage follows upon a practical judgement on marriage which involves an evaluation of matrimony for a given person here and now. This evaluation flows from and presupposes maturity of judgement.

2 Cf. *ibid.*: "[...] homo illam deliberationem proportionatam actui ponendo habere non potest per meram apprehensionem actus ponendi et finis acquirendi neque per iudicium mere speculativum circa relationem actus ad finem sed per iudicium vere practicum, quo homo aestimationem valoris illius actus, uti sibi hic et nunc convenienti."

3 Cf. *ibid.*: "Quod autem tale iudicium et talis maturitas seu discretio maxime requirantur in ponendis illis actionibus ex quibus graves consequentiae fluunt vel quibus onerosae et diuturnae obligationes suscipiuntur."

Consequently, it can be stated that maturity of judgement gives value to practical judgement which is an appreciatory or evaluating act.

The role of counsel, the pondering of pertinent circumstances, is vital in any evaluation by the practical judgement of the nature and importance of the eliciting will's object.

[...] This estimation (of the nature and importance of the object) is made by the practical judgement of the intellect which St. Thomas assigns to counsel [...]. In that practical judgement, the intellect proposes to the will not only the apprehended good but also the value of the good, in the concrete, for the person, and what in regard to it, the will ought to elicit as its act here and now.⁴

When there are several conditions or circumstances to be considered, it is not easy for one person to consider them all. Consequently, it is preferable for several persons to consider all the conditions and circumstances. This is the role of counsel, the inquiry about contingent singulars. Counsel is useful for action, as St. Thomas writes:

Now, we must take note that in contingent particular cases, in order that anything be known for certain, it is necessary to take several conditions or circumstances into consideration which it is not easy for one to consider, but are considered by several with greater certainty, since what one takes note of, escapes the notice of another [...].

* Cf. *ibid.*, p. 310: "Nam illa aestimatio fit per ipsum iudicium practicum intellectus quod ab Angelico Doctore assignatur consilio, [...]. In illo namque iudicio practico intellectus proponit voluntati non tantum bonum apprehensum sed simul quid valeat illud bonum in concreto pro homine et circa quod voluntas hic et nunc actum suum elicere debet."

Wherefore, the inquiry of counsel is concerned properly speaking with contingent singulars. Now the knowledge of the truth in such matters does not rank so high as to be desirable of itself, [...], but it is desired as being useful towards action [...].

Consequently, properly speaking, counsel is about things done by us.⁵

Prior to consenting to marriage, a person should have maturity of judgement about marriage for himself at this particular time. This judgement is a practical one, an evaluation of marriage for himself at this particular time, using counsel.

After deliberation or counsel, the intellect proposes to the will the value of marriage, and the value of this particular marriage in the concrete for this individual person. This practical judgement of the intellect also advises the will as to the opportunity of eliciting marriage at this particular moment.

The evaluation process in the practical judgement is vital for valid marital consent. Without it, there can be no marital consent. Likewise, without maturity of judgement there can be no valid consent.

If one party, at the moment of eliciting consent, is not able to have aestimative cognition of the value of what he is doing, [...] it must be said that he lacks the sufficient

⁵ Cf. Thomas AQUINAS, Summa Theologiae, I^a II^{ae}, Q.14, Art. 3, Vol. 17, pp. 146-149.

discretion of judgement necessary for a matrimonial consent and consequently the consent possibly given is null.⁶

B. MATRIMONIAL CONSENT AND VALUES

Canonical jurisprudence furthermore refers to the values entailed in matrimonial consent. There is a definite connection between evaluation and valid matrimonial consent, according to a sentence of the Rotal judge, Msgr. Arthur Wynen. For a better understanding of values and evaluation in matrimonial consent, a closer study of this document would be useful. It can be readily seen that this portion of the Wynen decision, later corroborated by Said, is in harmony with traditional scholastic philosophy.⁷

As this sentence is fundamental to an understanding of the jurisprudence on values, it deserves to be closely analyzed. Hence the following points taken from it will be studied: 1) modern psychology's requirement for evaluation and 2) scholastic philosophy's explanation of evaluation.

6 Cf. Vicariate of Rome Dec., c. Said, March 13, 1965, in M.E., 93(1968), p. 311: "Si enim nupturiens, momento eliciendi consensus, non potuerit habere illam cognitionem appetitativam valoris rei agenda supra expositam, dici debet illum carere sufficienti discretione iudicii ad consensum matrimonialem necessariam et consequenter consensum forte datum nullum esse."

7 Cf. S.R.R.Dec., c. Wynen, February 25, 1941, in S.R.R. Decisiones, 33(1941), pp. 144-168.

1. MODERN PSYCHOLOGY REQUIRES EVALUATION

Wynen emphasizes that modern psychologists and psychiatrists teach that to place a human act, consequently to elicit marriage, simple use of reason and a formal act of the will do not suffice. There is needed, in addition, an appraisal, an evaluation of the object.

[...] to place a human act and consequently to elicit matrimonial consent, simple use of reason and a formal act of the will do not suffice; but there is also required an appraisal, that is an evaluation, of the object which includes both the cognitive and the appetitive elements, therefore the operation of both the reason and will.⁸

Some psychologists and psychiatrists would require a third evaluative faculty, the critical faculty. The importance of this evaluative faculty has been neglected in moral theology and canon law until his decision, according to Wynen.

2. SCHOLASTIC PHILOSOPHY EXPLAINS EVALUATION

Psychologists say that evaluation is necessary for a human act. Scholastic philosophy explains what is entailed in this evaluation, showing that the will cannot be said to desire any object unless it has perceived the value of the object at least substantially. Yet, the

⁸ Cf. ibid., p. 146: "[...] ad ponendum actum humanum, et consequenter ad consensum matrimonialem eliciendum, non sufficere simplicem usum rationis et actum formalem voluntatis, sed requiri insuper appretiationem seu aestimationem obiecti, quae contineat elementum et cognoscitivum et appetitivum ideoque functionem tam rationis quam voluntatis."

value of the object cannot be sought by a human act unless it has previously been both known and weighed.

What is value? It is the very goodness of the object, which goodness is explained in these terms:

But the value is the very goodness of the object, in as much as it is fitting and desirable, that is, it is that toward which and because of which, the will according to its own specific nature is drawn towards the object.⁹

The person who does not have the power to perceive and to weigh the value (esthetic, ethical, social, juridical) of some object is incapable of seeking after, and willing in the same order. If, nevertheless, he acts in that order (esthetic, ethical, social, juridical), the act would be null.

Consequently, a person who is unable to perceive and weigh the ethical, social, and juridical values of marriage, enters an invalid union.

[...] a marriage contract whose ethical, social, juridical value is not even substantially known, is not now a matrimonial contract for the will placing the act of contracting, though it be said to be; in other words the matrimonial consent does not now exist in the ethical, social, juridical order for the will, and therefore does not exist at all, because marriage does not exist except in the ethical, social, and juridical

9 Cf. ibid. (Latin text quoted above, Chapter I, p. 34).

order. These orders, of their very concept, denote the value which belongs to each object and act of the same order.¹⁰

Scholastic philosophy then explains the meaning and role of values.

a. THE MEANING OF VALUES

According to scholastic thinking, man takes possession of good through his intellect, not only intellectually, but also through an appraisal.

[...] man takes possession of "the good" through his intellect, not only intellectually "as good", but at the same time and indeed by numerically the same act he also appraises it, that is he evaluates and reflects upon it, since the intellect proposes to the will the worth of that good both in the abstract, that is, in this or that order, and especially in the concrete for the man himself who endeavors to place a deliberate act with regard to this object.¹¹

¹⁰ Cf. *ibid.*, p. 147: "Unde contractus matrimonialis, cuius valor ethicus, socialis, iuridicus ne quoad substantiam quidem cognoscitur, non iam est contractus matrimonialis pro voluntate ponente actum contrahendi, licet dicatur id esse; aliis verbis: contractus matrimonialis pro voluntate in ordine sociali, ethico, iuridico non iam existit, ideoque omnino non existit, quia matrimonium nisi in ordine sociali, ethico, iuridico non existit. Qui ordines ex conceptu suo denotant valorem, qui singulis obiectis et actibus eiusdem ordinis competit."

¹¹ Cf. *ibid.*, p. 148: "Revera homo 'bonum' per intellectum non solum intellectualiter 'ut bonum' apprehendit, sed simul, et quidem numerice eodem actu, etiam appretiat seu aestimat et ponderat, cum intellectus proponat voluntati quid valeat illud bonum, tum in abstracto seu in hoc vel illo ordine, tum potissimum in concreto pro ipso homine, qui circa hoc obiectum aliquem actum deliberatum ponere intendit".

This appraisal is not merely an intellectual representation. The value of the thing is identified with the thing itself which is seen as a desirable good. The perception of the value is perception of this goodness.

The value of the thing can be distinguished into the substance of the value, its substantial goodness and desirability, and accidental degrees, quantitative differences (more or less).

The subjective act of appraisal is seen as either substantially integral, nothing lacking, or substantially incomplete, when some substantial element is missing. Substantial integrity being maintained, one subjective appraisal can differ from another in degree, being more or less perfect.

Perception and appraisal of the value can be direct or reflex, as one perceives only the value, or at the same time understands the reasons and foundations for the value and evaluation.

The appraisal which a person normally makes in his practical judgements is a direct one. This means that a person normally evaluates and reflects upon the goodness of something. He usually would not understand the reasons and foundations for the goodness.¹²

¹² Cf. ibid., p. 149.

b. THE ROLE OF VALUES

In many judgements there is a double cognitive function:

1) conceptual, representative, and 2) evaluative, reflective. This double cognitive function is especially found in practical judgements, "things which can be done".

These two functions bring out different aspects of the object. "A merely conceptual knowledge brings out what is the object of knowledge; evaluative knowledge, its importance, that is what it is worth."¹³

In practical judgements about important actions, such as entering marriage, not only should there be a conceptual cognitive function (what is marriage), but there should also be an evaluative cognitive one (what is marriage worth for me).

Several observations could be added regarding the dual cognitive function found in many judgements. Wynen refers to them at length in his decision.

1) Man generally performs each of these functions at the same time by the same act of knowledge. This is particularly true of adults in matters of daily, ordinary experience.

2) Mere conceptual judgement is formed earlier and much easier. Evaluative knowledge is acquired later and with more difficulty.

13 Cf. ibid.

3) Man should be able to dispose of himself and of his own actions according to this dual knowledge of the object.

4) The appraisal of value can be fully present both substantially and in its accidental degrees, although the experience of the value itself is completely missing. From this fact, the validity of an act can never be attacked because of the faulty experience of its value; it can be attacked because of the lack of required evaluation.

5) A person is presumed to be endowed with the power of sufficiently evaluating things, according to his age; yet he sometimes acts without sufficient evaluative knowledge or is unwilling or unable to evaluate the thing to be done.

6) This inability to evaluate a thing to be done can arise from actual or habitual defects. There can be an actual and transitory impediment to the natural faculty of evaluating, e.g., drunkenness, delirium, strong fever, etc. There can also be a habitual defect, congenital or acquired, that impedes the natural evaluating faculty, e.g., many of the mental and psychic disorders.

7) While psychologists and psychiatrists see three elements in eliciting things to be done: a) conceptual understanding, b) appraisal and c) consequent act of the will, in scholastic philosophy, practical judgement consists of a dual cognitive function, not of two elements: a conceptual function and an evaluative one.

8) The teaching of psychologists and psychiatrists, although using new terminology, substantially agrees with the principles of scholastic philosophy.¹⁴

From this very detailed philosophical exposition of values and evaluation, we see that values can be considered as the goodness of some thing. Evaluation is the appraising and reflecting upon the goodness of an object. Values enable a person to accomplish things, to act after knowing that something is worthwhile.

3. MATRIMONIAL CONSENT REQUIRES EVALUATION

The mere use of reason is not sufficient for validly placing matrimonial consent. There must also be a proportionate maturity of judgement. As Wynen states:

It must be recalled, according to the teaching of the scholastic authors and ecclesiastical jurisprudence, that in no way does the mere use of reason suffice for validly placing matrimonial consent [...]. In addition, there is required the discretion and the maturity of judgement which is proportioned to the matrimonial contract to be entered.¹⁵

St. Thomas teaches that greater maturity of reason is required for looking toward the future than for consenting to a present act. This holds, a fortiori, for the matrimonial contract, which places a

¹⁴ Cf. ibid., pp. 150-152.

¹⁵ Cf. ibid., p. 151: "Recolendum est, iuxta doctrinam Auctorum scholasticorum et iurisprudentiam ecclesiasticam nullatenus sufficere merum usum rationis ad valide ponendum consensum matrimonialem [...] sed insuper requiri discretionem et maturitatem iudicii quae contractui matrimoniali ineundo proportionata sit."

serious and lasting burden on man. The maturity of judgement for marriage requires an evaluation, an appraisal, a weighing and reflection, upon all the circumstances of a proposed union and reaching the conclusion that marriage should, or should not, be initiated at this time. In maturity of judgement for marriage, we find the third element mentioned by psychology and psychiatry: evaluation. Indeed, maturity of judgement for marriage implies an evaluative judgement.

It will be immediately clear to one diligently weighing these words (marriage contract placing a serious and lasting burden on man) that in that maturity of judgement is found that "third element" enriched with a new name by the moderns.¹⁶

This mature evaluation for marriage is within the capabilities of most adults contemplating matrimony. Wynen writes:

[...] it must be presumed that any one adult with sufficient general intelligence and free will and the knowledge of marriage, as described in the quoted canon 1082, can actually know its nature as well as the value conjoined with it through a mental act, which is required and suffices, so that the will may elicit valid consent by a human act.¹⁷

16 Cf. *ibid.*, "Haec diligenter perpendenti illico apparet in maturitate iudicii celebre illud 'tertium elementum' a Modernis novo nomine ditatum."

17 Cf. *ibid.*, p. 152: "[...] praesumendum est determinatum quendam hominem adultum, qui gaudet generali intelligentia et libero arbitrio, atque cognitione de natura matrimonii descripta in cit. can. 1082, naturam necnon cum ea coniunctum valorem reapse cognoscere posse per actum mentalem, qui requiritur et sufficit, ut deinceps voluntas actu humano eliciat consensum validum."

C. VALUES AND PERSONALITY DEVELOPMENT

In psychiatry, a prominent element of personality is the super-ego. A sentence by Rev. Robert Spaight of the Dubuque tribunal highlights the role of values in super-ego development within the personality. These are some of his main points on values.

1. PERSONALITY DEVELOPMENT

Super-ego formation is the incorporation into the personality of the values of society, as expressed by one's parents.

In the classical explanation of the super-ego formation, the super-ego is seen as the incorporation into the personality of society's values as they are expressed by the parents. The very word itself suggests something being super-imposed on the ego.¹⁸

Super-ego formation starts when the child is able to receive and obey orders. This formation is completed by the age of approximately three and one-half to four years. There are three steps to this super-ego formation:

a) The child is exposed to commands to do, or not to do, certain things; and he either does, or does not do them. "We'll assume that the child does respond positively to the command. This first phase can be summarized as follows: 'Mother tells me to do this, and I do it.'"¹⁹

¹⁸ Cf. Dubuque Tribunal Dec., c. Spaight, October 23, 1975, M.56 - #79, p. 2.

¹⁹ Cf. ibid., p. 3.

b) The child is now able to anticipate what mother will command. Here there is an incorporation of her values into the child's personality. "This phase can be described as 'mother expects me to do this and I will do it.' [..] The point here is that he does anticipate what she wants and he does conform to her words. Most would say at this point, the super-ego has been established."²⁰

c) Having incorporated mother's values, the child now can appropriate them to himself. This third step goes beyond the classical value for formation. This step is the time of definite establishment of the super-ego. "It is at this point, that of appropriation of values, that the super-ego is definitely established. The formation here would be 'Mother and I expect me to do this and I will do it.'"²¹

The second step in super-ego formation is called "incorporation", and the third step "appropriation". As a consequence of this appropriation of the mother's values and the definite establishment of the super-ego, the child attains a level of autonomy. This is new to him. As a result, he can "start to make decisions for himself. He can begin to move out into wider circles of activity."²²

At this point erroneous values develop, either because the transmitted values themselves are erroneous, or because the child's reception of the value is erroneous. "In the last analysis it doesn't

20 Cf. ibid.

21 Cf. ibid.

22 Cf. ibid., p. 4.

matter what mother said; it's more important how I take it. So there is trouble occurring because of faulty communication."²³

2. PERSONALITY AND MORAL CONSCIENCE

There is a direct bearing between personality development and the formation of moral conscience. As the child moves to new experiences, he can verify through his own experience the correctness of the values he has appropriated from his parents. There is a shift from faith in what one's parents say, to personal knowledge. The value is now his, because he has verified it. The super-ego is resolved into the moral conscience. "This shift from faith to experiential knowledge furthers the perfection of the child's autonomy and resolves the super-ego into the moral conscience."²⁴

The experience of verifying values obtained from the family makes having faith a value itself. The child is open to reception of new values on faith in what his parents tell him. These new values will be verified later, and the moral conscience will become more and more enriched. With the resolution of super-ego elements into moral conscience, two very important events occur: a) the very important values of being open to instruction is established and b) the valorization of faith as a reasonable way of acting is determined.

23 Cf. ibid.

24 Cf. ibid., p. 5.

This transition from super-ego to moral conscience is a shift from the child's expression of his individual, limited character to expression of his unique personal character. Failure to resolve the super-ego constitutes failure to express one's personal character. Consequently, the child's self-knowledge is inadequate, and his self-concept is deficient.

3. DISHARMONY OF PERSONALITY AND MORAL CONSCIENCE

Extrinsic factors, such as over-indulgent or neglectful parents, limit the child's experiences and lessen his super-ego resolution. Should a child be raised in a ghetto of any kind, where everyone is experiencing the same thing, there is little chance of verifying values.

One intrinsic factor impeding super-ego resolution is the existence of a psychiatric disorder, such as psychoneurosis. There is a reaction to the super-ego which leads to formation of the ego-ideal structure. Some teen-age rebellion and adolescent turmoil is likewise seen as ego-ideal behavior.

An interesting observation is made in this Dubuque sentence. Military service or college experience commonly has a liberating effect on people who have been raised in cultural or economic ghettos. The military or college experience provides the first occasion to verify values and form moral conscience and thus express personal character.

4. THE IMPORTANCE OF VALUES FOR
MORAL CONSCIENCE

There are two kinds of values held in the super-ego structure: ethical or moral values, and social or cultural ones. In appraising a person's maturity, his moral values should be noted: "In evaluating a person's maturity, in terms of the success of the resolution of the super-ego into a moral conscience, weight would be given to the moral values rather than the cultural values."²⁵

For a child to be able to verify values and allow moral conscience to develop, the following qualifications are necessary:

- a) some degree of self-confidence in relationship to his parents;
- b) some sense that his parents approve of that type of behavior, namely verification of values; and
- c) some degree of autonomy.

For a child to affirm through his experience that a particular value received from his family is a non-value, or is wrong, the above qualifications are required to a greater degree.

A person operating with a neurotic super-ego does not have the self-confidence, rapport with parents or degree of autonomy to affirm that certain values received are false ones.

25 Cf. ibid., p. 7.

The non-neurotic child, not having qualifications sufficiently strong to affirm the falseness of a value, operates under conditions which limit resolution of the super-ego.

Both the neurotic and the non-neurotic child develop an ego-ideal structure. With this structure, the child, rebelling against "them", embraces the opposite of many of the values that he has received from his family. Some of these values will be false values, others indeed are true ones. Affirmation of true values would be a non-authentic resolution of the super-ego.

SUMMARY

Various degrees of resolution of the super-ego are encountered in individual persons. What is important to note is that non-resolution of the super-ego can perdure into advanced adolescence and early adulthood. The value system presented and constantly reinforced by the parents and society in these individuals becomes such an overwhelming force that adolescents cannot and do not effectively resist. Yet proper values and valuation are vital for valid consent to marriage.

The personality is crippled when moral development has not emerged through resolution of the super-ego. If this has not occurred, there is no way that a practical judgement can be made about marriage, or that an appraisal for marriage can be made. Without a moral conscience and practical judgement there is invalid consent for undertaking and maintaining the communion of the whole of life both for the good of the spouses and for the procreation and education of children.

II. PSYCHOLOGICAL UNDERSTANDING OF VALUES

From canonical jurisprudence, the necessity of values and of evaluation for valid marriage consent was demonstrated. Yet, within these decisions, there was no precise definition of values. It is imperative to ask, "What is the essence of values?"

Three specialists in the field of values are very useful in helping us define values: Gail M. Inlow, Milton Rokeach and Brian Hall.

Inlow defines values as "[...] the determiners in man that influence his choice of life, and thus decide his behavior. It follows, that the person who chooses beef over lamb, or pacifism over combat, [...] does so in each instance, in response to a given set of determiners called values."²⁶

For Inlow, values are the "determiners" that affect a person's choice of life and determine his resultant behavior.

Rokeach sees value as:

[...] a standard that guides and determines action, attitudes, towards objects and situations, ideology, presentation of self to others, evaluations, judgements, justifications, comparisons of self with others, and attempts to influence others. Values serve adjustive, ego-defensive, knowledge and self-actualizing functions.²⁷

26 Cf. Gail M. INLOW, Values in Transition, a Handbook, p. 2.

27 Cf. Milton ROKEACH, The Nature of Human Values, p. 25.

From Rokeach's definition of values, some relationship is seen between values, judgement and behavior.

A value, for Brian Hall, is a person, relationship or object influencing the various aspects of man's personality. A value is: "Any person, relationship, or object which when freely chosen and acted upon contributes to the self's meaning and enhances its growth."²⁸

Brian Hall's definition of value is multi-dimensional: it considers the moral, affective and behavioral dimensions of man. Hall's system of values is a confluent one which draws into itself many aspects of man.

The system of values as defined and described by Brian Hall is the system used in this chapter on the essence and development of values and their relation to immaturity for marriage. It most effectively visualizes man, as he really exists and closely develops the cognitive, affective and behavioral elements of valuing found in canonical jurisprudence.

For a complete understanding of the confluent system of values, the following areas will be considered: A) the notion of values, B) the notion of consciousness, and C) the development of values.

28 Cf. Brian HALL, The Development of Consciousness, p. 24.

A. THE NOTION OF VALUES

According to Brian Hall, values are any persons, relationships, or objects which when freely chosen and acted upon, strengthen a person's self-image and furthers his growth.

There are several points that should be made for a better understanding of Hall's notion of values:

- 1) Not everything chosen by the person qualifies as a value. The value must assist him in his own meaning-seeking. It must also foster the growth of his person. The definition has a moral dimension: value-choice should contribute to growth.
- 2) This definition is developmental. What is needed at one stage of life for meaning and growth may not be desirable at a later one.
- 3) The definition comes from a confluent approach to value development. Growth is never simple; a wide range of cognitive, affective and behavioral skills are necessary for choosing and realizing values.
- 4) The ontological foundation of any value is outside, but not apart from the person as subject. Persons, relationships, and objects are values only as the result of interaction with the person.
- 5) The value character of a person, relationship or object receives something real when chosen. The indifferent reality when chosen thus becomes a value for that particular person.²⁹

29 Cf. ibid., pp. 24-25.

B. THE NOTION AND PHASES OF CONSCIOUSNESS

For an understanding of the essence of values and valuing, knowledge of consciousness is essential, for a person determines the way values are chosen, which ones are selected, and the ranking and meaning of them by his perception of the world around him. Consciousness is the "manner in which we perceive the world".³⁰ It is at the very heart of valuing, the sine-qua-non, of valuing.

Consciousness is a developmental, maturing process. It matures through value-related four phases. As the person grows, there is a rearrangement of value priorities.

The four phases of consciousness are developmental in the sense that each one depends upon the full experience of the previous phase. It could be stated that the phases are a mental construct based upon observation of human behavior. They are the way a person orders his experience and gives priority to things; they are the needs controlling his attention and determining what meaning he gives to life.

The individual phases of consciousness will now be explained: 1) the egocentric phase; 2) the social acceptance phase; 3) the independent phase and 4) the interdependent phase.

30 Cf. ibid., p. 50.

1. THE EGOCENTRIC PHASE

This first phase is normally found in the child from the time of birth through the fifth year of age. Some persons remain at this phase which is the level of the young child: they see the world and all it contains, as there just for themselves.

For the adult who remains at this level, personal needs are most important in determining behavior. He is so influenced by these self-centered impulses, that he seldom resists them. The adult has few personal or environmental skills. His main choices refer to survival, security, and physical pleasure. The adult is aware primarily of his own self and its preservation. There is very little long-range planning; his actions are reactive, rather than creative. Goals are immediate and concrete. In social interaction, actions are manipulative, insensitive to the needs of other persons.³¹

In tribunal interviewing, this phase of consciousness is not difficult to determine. The person wants his or her way in everything. He wants to be out drinking with the boys all the time. It is either his way, or no way, in decision making. The interviewer is really dealing with a young child in the physical form of an adult. This phase of consciousness is not compatible with marital interpersonality.

³¹ Cf. ibid., pp. 58-65.

2. THE SOCIAL ACCEPTANCE PHASE

This second or social acceptance phase, extends from the age of six years to sixteen. The person's world is enlarged now, beyond his own self-centered needs, to include the social dimensions of life. The world exists for others, as well as for himself. It is established by others into which the individual should fit to experience personal worth. The world is depicted as being controlled in childhood by parents and teachers, in adulthood by politicians, bishops, all persons in authority.

In this phase, self-esteem is important. In a world perceived as founded and run by others, a person should play by the accepted rules, if he or she is to be successful in the eyes of others. There is need to develop interpersonal and work skills, so that acceptance of other persons is achieved, and self esteem strengthened.³²

Now personal meaning is acquired, not through satisfaction of a person's senses, but ~~through~~ cooperation with others, which is reinforced by social approval. This phase of consciousness is not sufficient for marriage: the person is too dependent upon others for reinforcement of self esteem, and also too insecure to enter the marital relationship. He is unable to make clear personal decisions in marriage.

32 Cf. ibid., pp. 65-70.

3. THE INDEPENDENT PHASE

This third phase extends from the late teens up to forty years of age. The self now takes charge of the person. Internal and personal expectations replace external ones. There is need now to be self-directed; there is a personal sense of power and authority.

A person's choices originate within himself. He himself expands his world, he becomes sensitive to the rights of others; meaning comes to the person, when he listens to his own inner voice.

This phase of consciousness is a phase maturity. A person honestly and clearly evaluates himself and makes moral decisions from his own conscience. He now makes clear and responsible decisions by himself.³³

Prospective marriage partners should at least have reached this phase of consciousness before contemplating marriage. It is indeed the minimum phase of consciousness for marriage. No one could undertake and maintain the intimate, exclusive and perpetual relationship of marriage without being able to evaluate himself and make moral decisions from his own conscience. Spouses should be able to make clear and responsible decisions for themselves.

33 Cf. ibid., pp. 70-75.

4. THE INTERDEPENDENT PHASE

The final phase of consciousness development, the interdependent phase, usually is reached around forty years of age. This period is characterized by great expansion of the person's world, by the need to help others, and to care for other persons. With this expanded consciousness, a need arises to accomplish interrelated tasks with other like-minded persons. The person begins to act interdependently with others. Independent actions opposed to interdependent ones are no longer valid.³⁴

This is the level of consciousness development that should be attained for the interdependent relationship of marriage. While personal maturity is achieved in the third phase, the independent phase, the intimacy, interpersonality and common goals of marriage require the potential for, and ideally actual attainment of this phase of consciousness by the time a person reaches the age of forty. This is a point worth noting when a couple in later years comes to the healing ministry of the tribunal for assistance.

Philip Phenix in Realms of Meaning, and Victor Frankl in Man's Search of Meaning write that the search for meaning is the fundamental human motivation and the primary force in man's life.³⁴

³⁴ Cf. ibid., p. 83.

They mean that consciousness and values are interrelated. A person acquires meaning through the values chosen at his particular phase of consciousness. Man's view of the world around him will determine his consciousness. It could be stated that the particular view of the world a person possesses will manifest that individual's maturity for marriage.³⁵

C. THE DEVELOPMENT OF VALUES

Having studied the notion of values and consciousness and their relationship, the question may now be asked, "How do values develop?" To help answer this question, the following will be considered: 1) primary values; 2) "core" values; 3) value indicators; 4) value development guide and 5) "skills" and values.

1. PRIMARY VALUES

Primary values are those which are primarily operative in the life of the person at the particular corresponding phase of his consciousness. These values constitute the core meaning of the person at that particular time of his life.

During the egocentric phase of consciousness, the primary values are self-preservation and self delight. In the social acceptance phase, they are self-worth and self-competence. Successfully having completed

³⁵ Cf. ibid., p. 106.

these two phases constitutes the minimum psychological requirement for mental health.

Independence and "being self" are the primary values of the independent phase. The principal primary value of the interdependent phase is harmony. These later values of the third and fourth phases are now seen as increasingly important for personality growth. In marriage, they are essential for undertaking and maintaining the marital relationship.

For attainment of the fourth phase of consciousness, the interdependent one, previous phases should have experienced good environmental supportive conditions. In the egocentric stage, for instance, there should have been an experience of love; the experience of the external environment should not have been frightening. During the social acceptance phase, conditions should have allowed the person to affirm himself as an individual, and also have taught him to grow with a sense of his own ability; there should have been no feelings of disability or inferiority. The independent phase should have allowed personal freedom to make mistakes and grow in responsibility through these mistakes. Knowledge of these supportive conditions assists in the determination of a person's particular phase of consciousness and primary values in marriage case work.³⁶

36 Cf. ibid., pp. 106, 107-113.

2. CORE VALUES AND VALUE INDICATORS

Another set of values is determined by a person's particular phase of consciousness development: the "core" values. These are the priority values an individual has at a particular stage of his development. They are the choices that provide meaning and self-enhancement at a precise moment in a person's life. Core values represent the value foundation for human behavior; they are bottom line items without further reference to additional underlying values. Primary values are those that assume prominence within the core values at a particular stage of development.

The following are considered by Hall to be core values:

Self-Worth	Knowledge/Insight
Community (personalist)	Self-Assertion
Food/Warmth	Self-Delight (sensory)
Personal Harmony	Wonder (curiosity)
Intimacy	Health (personal)
Recreation	Creativity/Ideation
Self-Preservation	Security
Work/Labor	Construction/Order
Relaxation	Ecological Harmony
Solitude	Being Self
Ownership	Power/Honesty
Prestige	Wholeness
Truth	Affection (physical)
Being Liked/Appreciated	Education (certification)
Achievement/Success	Interdependence
Transcendence	Community (supportive)
Justice	Celebration/Limitation
Competence/Confidence	Service
Self-Centered	Cooperation
Self-Directedness	Presence (of other)
Sex (experience)	Learning/Insight
Instrumentality	Simplicity/Play
Self-Control	Equilibrium
Friendship	Word

Social Affirmation
 Empathy
 Discovery
 Congruence
 Equity/Rights
 Law (guide)

Concern for Nature
 Convival Tools/Technology
 Human Dignity
 Family
 Beauty/Arts
 Leisure.

There should be signs that point to an individual's underlying core values: the value indicators. They are portions of a person's total behavior that clarify core values, but are not core values in themselves. Money, for example, is an indicator of value; it is not, itself and ordinarily, a core value.³⁷

3. VALUE DEVELOPMENT GUIDE

Having seen the notion, phases and elements of consciousness, the primary and core values, a value development guide can now be given. There are, however, a few praenotanda. The values are presented in the order in which they tend to appear during the eight stages of development. These words symbolize certain values that appear as priorities at these stages. All of them are potentially present in the individual from the beginning.

The first phase of consciousness, the egocentric phase, extends from birth to the age of six years. In the initial stage, self-preservation is the primary value; core values are "self as center", survival, warmth and food. In the later stage, self-delight and security are the primary

³⁷ Cf. ibid., pp. 114-117.

values; core values are wonder, sensory pleasure, sex, affection and discovery.

The second phase of consciousness, the social acceptance phase, extends from six years to twelve years of age. In the initial stage, the primary value is self-worth; core values are appreciation, being liked, friendship, belonging and family. In the later stage, self-competence is the primary value; core values include labor, instrumentality, success, achievement, prestige, law, control, ownership and certification in education.

The third phase of consciousness, independence, extends from sixteen years to forty years of age. In the initial stage, independence is the primary value; core values are self-action, self-assertion, self-directedness, equity and rights, honesty, insight learning, equilibrium and empathy. In the later stage, the primary value is being self; core values are creation, ideation, service, order, justice, relaxation, health, recreation, cooperation, community, supportive assistance, human dignity and leisure.

The final phase of consciousness is interdependence. As mentioned, it runs from the age of forty years until death. In the initial stage, the primary values are intimacy, interdependence and harmony; core values are congruence, solitude as unitive, personal community, celebration, limitation and wisdom. In the later stage, the primary values are ecological harmony and truth; core values are intuitive knowledge, insight, presence of others, simplicity,

transcendence, concern for nature, controllable tools and technology. 38

4. "SKILLS" AND VALUES

Essential to value development and expansion of consciousness is the acquisition of skills. These are acquired personal practices that enable a person to cope with various aspects of life, and become proficient in dealing with the many facets of life's experience. For example, a person learns the skill of sailing in order to be able to skipper a sailboat down the Ottawa river. Skill building is an essential part of personality development. A number of skills must come together for growth to occur.

Skills for personality development center around four areas: a) skills in coping with systems; b) instrumental skills; c) interpersonal skills; and d) imaginal skills.

There are three basic kinds of systems that a person learns to cope with: his own body, the family, and social institutions. For advancement in life and full use of a person's potential, skills in each of these areas should be acquired.

Instrumental skills are task oriented. These include the ability to accomplish a job within a given culture, whether it be the culture of the United States or of Nigeria. The instrumental skills

38 Cf. ibid., pp. 122-123.

include such general ones as reading, professional skills, such as law, driving, journalism, nursing, etc., and the design and use of "tools" for these skills.

Interpersonal skills are those involved in human relationships. The essential and most characteristic element of marriage is interpersonality. The capability for interpersonality in marriage is so crucial that the various skills and skill components of interpersonality are listed here.

As a person develops from the initial, egocentric phase of consciousness to the final, interdependent phase, there should be corresponding growth in interpersonal skills: from the ability to listen, through general communication, being in touch with one's feelings, empathy and caring, to intimacy.

The components of the skill of listening include attentiveness to another, curiosity, expanding interest and ability to concentrate. The elements of the skill of general communication are skill to verbalize, sense of self-worth-confidence, imagination, spontaneity, enjoyment of others, accuracy and precision.

The integral parts of being in touch with one's own feelings include the capacity to listen to emotions, appreciation of emotions as valuable sources of information and life enrichers, and ability to use emotions constructively as a judgement faculty.

The factors of empathy are sensitivity to feelings of another, aptitude to identify with another, lively imagination, objective mental attitude and intuition. The constituents of caring include openness

and availability, empathy, being happy with oneself, willingness to let others be themselves, and pain tolerance.

The elements of intimacy are tolerance for self-disclosure, willingness to be accountable for another, conflict capability, emotional warmth and consistency. The final skill of intimacy presupposes the acquisition of all previous interpersonal skills. This enumeration of interpersonal skills provides a unique listing of marital interpersonal skills development.

The fourth general area of skills are the imaginal skills. These include interaction between imagination, emotions and the reflective intellect of a person. They are fundamental to the other three areas of skill development.³⁹

SUMMARY

Psychology has provided a comprehensive understanding of values. The close relationship between values and phases of consciousness was shown. From the persons view of himself in the world, basic core and primary values were ascertained. The fact was established that behavior is a value indicator: there appears to be a direct relationship between behavior, values and phase of consciousness. This has great implications for the specific segment of life, marriage, and for the evaluation of psychic maturity.

³⁹ Cf. ibid., pp. 132-173.

III. VALUES AND PSYCHIC IMMATURITY

Values tell a lot about a particular person. They determine a person's world view, his primary and core values; they seem to point to certain behavior. It can be asked whether values determine psychic immaturity for marriage? For an answer to this question the following points will be studied: A) institutional values; B) values and behavior and C) evaluation of immaturity.

A. INSTITUTIONAL VALUES

Within society and particularly marriage, there are certain values that humans have in common and agree upon: the institutional values, common values, chosen institutionally and representing the goals and the quality of a society's existence.

Some of the major institutional values are:

Loyalty	Family-Community
Patriotism-Esteem	Research-Originality-Knowledge
Law	Creativity
Control	Honesty
Interdependence	Communications
Cooperation	Functions
Life	Power
Mission	Expressiveness-Freedom
Security-Survival-Safety	Health
Work/Labor	Economics
Productivity	Administration
Justice	Management-Identity
Courtesy-Respect	Obedience
Pioneerism	Duty-Obligation
Distribution	Honor
Perpetuity	Exclusivity
Intimacy	Interpersonality

Equality	Adaptability
Pluriformity	Accountability-Responsibility
Education	Property
Unity-Solitary	Membership-Institution
Objectivity	Workmanship
Efficiency	Criteria-Rationality
Support	Competition
Service	Growth and Expansion
Tradition	Harmony
	Ritual

Core values and institutional values are interchangeable. Core values are defined in terms of the person; institutional values are defined from the institutional viewpoint. The intimate, exclusive and perpetual marital interpersonal relationship adds a further dimension to the personal values required of the spouses for marriage.⁴⁰

B. VALUES AND BEHAVIOR

Do values reflect behavior? In the jurisprudence c. Said, c. Wynen and c. Spaight, valuing is seen as leading to action and behavior. It is placed in the context of maturity of judgement, ultimately leading to consent for action. Valuing is shown as leading to resolution of the super-ego into moral conscience. Both of these views of valuing lead to action and behavior either in action or in non-action.⁴¹

⁴⁰ Cf. ibid., pp. 201-204.

⁴¹ Cf. Vicariate of Rome Dec., c. Said, March 13, 1965, in M.E. 93(1968), pp. 308-311; Cf. S.R.R. Dec., c. Wynen, February 25, 1941, in S.R.R. Decisiones, 33(1941), pp. 144-168; Cf. Dubuque Tribunal Dec., c. Spaight, October 23, 1975, M. 56 - #79, pp. 2-7.

From psychology it is noted that values are directly related to behavior; they are the main genotypes of social behavior and determine choices. Choices underlie behavior. The level of consciousness and moral development of a person is expressed by actual behavior.

Milton Rokeach writes:

Values and attitudes are both intervening variables. The reason social psychologists have long been interested in them is that they are presumed to be the main genotypes that underlie or determine social behavior.

[...] knowing a person's values should enable us to predict how he will behave in various experimental and real-life situations such as conflicts.

James C. Coleman states:

Conflicts are important sources of stress and frequently lead to such tension and inner turmoil that the individual's adjustive capacities are seriously impaired.⁴³

There are several important sources of conflict. They arise in the transition from the dependence and protection of childhood to the independence and self-directed activity of adulthood. Modern society's impersonality and anonymity makes the need for commitment and relatedness risky and difficult. The ability to see oneself and the surrounding world objectively is no simple task. At times, one's own needs might be served best by actions that are strongly in conflict with his ethical attitudes.

42 Cf. Milton ROKEACH, op. cit., p. 122.

43 Cf. James C. COLEMAN, Abnormal Psychology and Modern Life, Fourth Edition, pp. 172-173.

Many people, instead of improving their condition positively, overreact to dangers with disproportionate feelings of fear and inadequacy. Because of prohibitions about expression of the sex drive, many persons experience severe conflict. Deepening the conflict is confusion and disagreement the person sees around him about what is acceptable or unacceptable sexual behavior. Other conflicts arise on when to conform or not to conform to group expectations and pressures.

Values enter into all of these conflicts experienced by every person. They direct man's behavior. Indeed, there is an immediate relation between values and behavior.

Coleman continues:

Values enter into all of the conflicts we have discussed, for an individual's values ultimately determine the choices he makes. [..] Where an individual's value assumptions are unclear or contradictory, he is likely to experience difficulties in making choices and directing his behavior. ⁴⁴

Hall has written in several instances that values and behavior are related. From behavior, a person's values can be determined. Specific values of a particular phase of consciousness are expressed in behavior.

Specific values like love, security or work come out of a phase of consciousness of an individual on the one hand and are expressed through his behavior on the other. [..] ⁴⁵

44 Cf. ibid., p. 174.

45 Cf. Brian HALL, op. cit., p. 98.

So proceeding from the phase of consciousness is the concrete behavior that is a specific indicator of values for the individual: [..]⁴⁶

The level of consciousness and of value development of any individual is expressed by his actual behavior.

[..] behavior is the true indicator of underlying core values and consequently of the phase of consciousness.⁴⁷

Psychic immaturity has been defined as the developmentally impaired state within the personality which is dominated by infantile, childhood, or adolescent patterns of feeling, thinking and behavior. There is a direct relation between phases of consciousness, core values and behavior. From a particular phase of consciousness, core values and behavior are determined. From specific behavior, core values and phase of consciousness are ascertained. In addition, from core values, both the phase of consciousness and behavior are identified. Accordingly from core values, psychic immaturity in phase of consciousness and behavior is diagnosed.

C. THE EVALUATION OF IMMATURITY

Values identify both immature phases of consciousness and immature behavior. Values are a very useful indicator of psychic immaturity in marriage tribunal case work. There are two very helpful evaluation

⁴⁶ *cf.* ibid., p. 101.

⁴⁷ *cf.* ibid., p. 205.

systems to determine the presence of immaturity: the Saint-Arnaud Technique and the Hall Method. Both of these evaluation systems will be explained.

1. THE YVON SAINT-ARNAUD TECHNIQUE

The Rev. Yvon Saint-Arnaud, OMI,⁴⁸ in his method of immaturity evaluation asks two questions, of a person in a marriage interview:

"Do you love one another?"

"What was it that you loved?"

The answer to these questions can be compared with this value scale:

- a. Social values
 - "Others are of value to me."
 - "It is good to restrict myself for others."
 - Law is good. Structure is good. Discipline is good.
 - Interested in gratuitous sharing
 - Dedication
- b. Sensory values
 - Operations of the senses, e.g. touch, sound; imagination values
 - Couples - dream aspect, altruistic
 - Fixation on self, lack of realism
- c. Physical values - e.g. money, possessions, etc.

If the predominant values of a person are centered within the social value, the person is mature for marital interpersonality. Should

⁴⁸ Father Saint-Arnaud is coordinator of Pastoral Counseling and of Pastoral Care in Health Programs at Saint Paul University, Ottawa.

the person's values lie within the physical values, there are positive indications of immaturity for marriage. The person is self-centered.

When personal values focus within sensory values, and there is no tendency to or potential for the social values, there is a good indication of immaturity for marriage. Where there is a strong potential for or tendency to regression to physical values from the sensory values, there is definite indication of immaturity.

This technique is just one tool for evaluating psychic immaturity. Should the case be unclear, other evaluations could be made.⁴⁹

2. THE BRIAN HALL METHOD

Dr. Brian Hall has devised a value development scale. This scale, examined earlier but given here in better schematic outline for case use, is presented in slightly modified form.⁵⁰

⁴⁹ From personal notes from Father Yvon Saint-Arnaud's class on Phenomenology of Marriage and Love.

⁵⁰ Dr. Brian Hall is founder and president of the Center for the Exploration of Values and Meaning, Indianapolis, Indiana, USA.

VALUE DEVELOPMENT SCALE

<u>PHASE</u>	<u>STAGES-DERIVATIVE VALUES</u>
I <u>The Egocentric Phase</u> (Birth to 5 Years)	<u>Initial</u> - <u>Self as Center</u> , <u>Self-preservation</u> , <u>Survival</u> , <u>Warmth</u> , <u>Food</u> . <u>Later</u> - <u>Self-delight</u> , Wonder-Sensory pleasure, Sex, Affection; Security, Discovery
II <u>The Social Acceptance Phase</u>	<u>Initial</u> - <u>Self-Worth</u> , Appreciation, Being Liked, Friendship, Belonging, Family <u>Later</u> - <u>Self-Competence</u> , Work as Labor, Instrumentality, Success, Achievement, Prestige, Law Control, Ownership, Education as certification.
III <u>The Independent Phase</u> (16 to 40 years)	<u>Initial</u> - <u>Self-action</u> , <u>Self-Assertion</u> , Power, <u>Independence</u> , <u>Self-directedness</u> , <u>Equity-Rights</u> , Honest, Learning as insight, Equilibrium, Empathy. <u>Later</u> - <u>Being Self</u> , Creating, Ideation, Service, Order, Justice, Relaxation, Health, Recreation, Cooperation, Supportive community, Construction, Human dignity, Leisure, Celebrating, Limitation.
IV <u>The Interdependent Phase</u> (40 years to death)	<u>Initial</u> - Intimacy, Solitude as Unitive, Interdependence, <u>Harmony</u> , Personalist community, Wisdom, Contemplation. <u>Later</u> - Ecological Harmony, Truth, Knowledge, Intuitive insight, Presence, Simplicity, Play, Transcendence, Convivial tools and Technology. ⁵¹

⁵¹ Cf. Brian HALL, op. cit., pp. 123, 56-57. Primary values are underlined.

A person whose core values lie within his egocentric phase of consciousness is immature for marriage. His life is too self-centered for the interpersonality of marriage. Likewise a person whose values are found in the second phase, social acceptance, is immature for marriage. His personality is still too dependent upon others for support. He is not yet secure enough for marriage. Ordinarily these first two stages of consciousness should have been resolved by late adolescence. Minimal maturity for marriage is found in the third or independent phase of consciousness with its specific core values. Here the person is independent enough and has sufficient identity to undertake marriage. The optimum phase of consciousness for marriage is the fourth or interdependent phase when intimacy and harmony are the core values. A person marrying while in the third phase of development should have the potential to grow into the fourth phase values.

For identification of psychic immaturity in a person being interviewed in a marriage tribunal these are the steps to be taken to apply the Hall method of evaluation: first, examine a particular segment of behavior or event; second, derive the underlying core values; third, choose several of those values either from testimony or personal interview; fourth, locate those values within the value development chart.

Both of these systems, the Saint-Arnaud technique and the Hall method, are useful tools in determining the existence of psychic immaturity in the spouses. These two evaluation methods are based upon the fact that phases of consciousness, behavior and values are inter-

related. When a person's phase of consciousness is immature, the resultant values and behavior are likewise immature.

CONCLUSION

The existence and necessity of values and evaluation has been demonstrated from canonical jurisprudence. Evaluation is essential to the practical judgement and to maturity of judgement. There can be no valid marital consent without evaluation.

Values are fundamental for the development of the super-ego and later, of moral conscience. Growth of the personality does not take place unless there is evaluation. Non-resolution of the super-ego carries into adolescence and adulthood.

From jurisprudence, values were shown to be essential in the cognitive and personality development aspects of persons. Inefficient valuing or non-valuing results, in either case, in behavior abnormalities.

Values are directly related to behavior. Of the various value systems, the confluent value system of Brian Hall most realistically portrays mankind. This system encompasses the work of other developmentalists such as Erikson, Piaget and Kohlberg. Hall considers together the intellectual, moral and emotional elements of the personality.

From this analysis of values it follows that the existence of psychic immaturity can be detected by considering a particular person's behavior and values. This fact provides another way of appraising the petitioner and respondent in marriage cases. Values are an excellent

guide to determine where a person stands in his world of consciousness. They are very useful to show what stage of development or of personality has been attained. Values are useful in observing psychic immaturity.

There are new tools emerging to evaluate personality development of the petitioner and respondent in marriage cases. Two of these tools were considered and offered as a possible contribution to more effective healing ministry for the marriage tribunal.

CHAPTER SIX

PSYCHIC IMMATURETY AND MARRIAGE NULLITY

Immaturity has been recognized to some degree by Rotal judges as a source of marriage nullity. Yet, there are differences in the way the judges refer to immaturity in their decisions. Some apply a philosophical definition of immaturity, others employ a psychological notion. Some make no mention whatever of immaturity. Within the tribunal practice of various nations there is also confusion regarding the definition and use of immaturity as a basis for marriage annulments. Yet, the recognition of immaturity and its consequences is an increasingly important problem for these tribunals.

As a response to these differences and needs, a common notion of psychic immaturity has been proposed. The full dimensions of psychic immaturity were detailed for both marital and personal immaturity, personal maturity being a prerequisite for marital maturity. Values enter into the very nucleus of maturity and provide a helpful tool in evaluating psychic immaturity.

There is one final logical step to be taken in this analysis of psychic immaturity: the relationship of psychic immaturity to marriage nullity. Does psychic immaturity cause marriage nullity? Does it underlie other grounds of nullity? For an answer to these questions, the following points will be elaborated: I) judicial certitude of the existence of immaturity; II) immaturity in intrapersonal development; III) immaturity in interpersonal development, and IV) the invalidating effects of psychic immaturity.

I. JUDICIAL CERTITUDE OF THE EXISTENCE OF IMMATURETY

Once a marriage involving psychic immaturity has been brought before the judge, he must base his decision on the proofs as they are applied to the law. This process implies knowledge in three areas: A) the canonical norms, B) the requirements of moral certitude and C) the consequences of psychic immaturity.

A. THE CANONICAL NORMS

In adjudicating cases of psychic immaturity the judge must know whether psychic immaturity is incorporated in the latest developments in marriage law.

The following canons from the proposed revised schema on marriage are of particular importance for him:

- #1. 1. The matrimonial covenant between baptized persons, by which a man and a woman constitute together a communion of the whole of life, ordered by its natural character to the good of the spouses and to the procreation and education of children, has been raised by Christ the Lord to the dignity of a sacrament.
- #2. 1. Marriage is effected by the consent of the parties lawfully expressed between persons who are capable according to the law; and this consent no human power can supply.
2. Matrimonial consent is an act of the will by which a man and a woman, through an irrevocable covenant, give themselves to each other and accept each other in order to constitute matrimony.

#41. They are incapable of contracting matrimony:

1) who are so affected by a mental illness or serious disturbances of the mind, that lacking a sufficient use of reason, they cannot give matrimonial consent.

2) who suffer from a serious defect of discretion of judgement on the matrimonial rights and obligations to be mutually given and received.

#42. They are incapable of contracting marriage who are unable to assume the essential obligations of matrimony because of a serious psychic anomaly.¹

It can be readily seen that marriage, in this revised schema, is presented as a covenant by which a man and woman constitute together a communion of the whole of life both for the good of the spouses themselves and for the procreation and education of children.

As the proposed law stands, it can be stated that psychic immaturity causes either a serious defect in discretion of judgement about marriage and its rights and obligations, or a serious inability to assume the essential obligations of marriage. In either case, the marriage would be invalidated by defective matrimonial consent.

B. MORAL CERTITUDE

There is a second vital question for judges to consider in adjudicating psychic immaturity cases: what type of certitude is required to declare these marriages null? The Judge should have moral certitude of the fact that the psychic immaturity in this case was

¹ Cf. Pontificia Commissio CIC Recognoscendo, Schema [1.1.7] de Sacramentis, 1978 Revisions, Morrisey translations, pp. 1-2, 16.

serious enough to invalidate marriage consent at the time of the wedding.

Pope Pius XII in his allocution to the Sacred Roman Rota on October 1, 1942, described moral certitude:

Between the two extremes of absolute certainty and quasi-certainty or probability, is that moral certitude, which is usually involved in the cases submitted to your court, and of which we principally wish to speak. It is characterized on the positive side by the exclusion of well-founded or reasonable doubt, and in this respect it is essentially distinguished from the quasi-certainty which has been mentioned: on the negative side, it does admit the absolute possibility of the contrary, and in this it differs from absolute certainty. The certainty of which we are now speaking is necessary and sufficient for the rendering of a judgement [...].²

The certainty, then, required to invalidate marriage consent, is such that this particular psychic immaturity is recognized to be so serious that there can be no reasonable doubt about the invalidity of consent.

Two years later, in 1944, Pope Pius XII again defined moral certitude as "the certainty which excludes all reasonable doubt concerning the truth of the fact, bearing in mind, moreover, that it must possess an objective character and is not to be based solely on the merely subjective opinion or attitude of the judge."³

² Cf. Pope Pius XII, "Allocution of 1 October, 1942", in A.A.S., 34(1942), pp. 328 seq.

³ Cf. Idem., "Allocution of 2 October, 1944", in A.A.S., 36(1944), pp. 281-290.

On February 4, 1980, in an address to the Rota, Pope John Paul II, stated:

When the preliminary investigation is over, there begins for the individual judges, who will have to decide the case the most important and delicate phase of the trial. Each must arrive, if possible, at moral certainty of the fact, since this certainty is an indispensable requisite in order that the judge may pass sentence: first all, so to speak, in his heart, and then voting in the gathering of the judicial college.⁴

Pope John Paul then defined this moral certitude by citing the words of Pope Pius XII:

Taking advantage of the doctrine and jurisprudence that has developed particularly in more recent times, Pius XII declared in an authentic way the canonical concept of moral certainty in the allocution addressed to your court on October 1, 1942 [...]. Here are the words that suit our case: "Between absolute certainty and quasi-certainty [...]. The certainty of which we are speaking now, is necessary and sufficient to pass sentence".

Consequently no judge may pass sentence in favor of the nullity of a marriage if he has not first acquired the moral certainty of the existence of this nullity.⁵

Pope John Paul II emphasizes that moral certitude is an indispensable requisite for the judge to pass sentence in a particular marriage case. Reaffirming the statements of Pope Pius XII, he states that moral certitude should exclude all reasonable doubt about the nullity of consent, admit the absolute possibility of the contrary, and be founded objectively on the acta et probata.

4 Cf. Pope John Paul II, "The pursuit of truth, supreme norm of of justice" in L'Osservatore Romano, English Edition, 9(622), March 3, 1980, p. 6.

5 Cf. ibid., p. 7.

"Moral certitude does not exclude every speculative doubt", writes Rev. Edward A. McCarthy, but "only a rational and prudent fear; i.e. it makes a proposition so probable that prudent men judge it good enough to render a sentence."⁶ It is this type of moral certitude that should exist in cases of psychic immaturity, if marriage is to be declared null.

C. PSYCHIC IMMATURITY

Psychic immaturity has been described as "the developmentally impaired state within the personality structure which is dominated by infantile, childhood or adolescent patterns of feeling, thinking and behavior".

This type of immaturity should be so serious as to give rise to moral certitude within the judge that the marriage consent is invalid. The certitude should be such that all reasonable or well-founded doubt regarding the presence of immaturity is excluded, while at the same time admitting the absolute possibility of its non-existence. The basis for the judge's certitude of the presence of psychic immaturity in this particular instance should be based upon the acta probata. The psychic immaturity should be so serious that all rational and prudent fear of error in judgement would be excluded. The question remains as to how to evaluate the presence of such immaturity.

6 Cf. Edward A. McCarthy, De Certitudine Morali Quae in Judicis animo Ad Sententiae Pronuntionem Requiritur, p. 67.

II. IMMATURETY IN INTRAPERSONAL DEVELOPMENT

Marriage demands on the part of both spouses mature intrapersonal and interpersonal integration. Serious psychic immaturity destroys both the intrapersonal and interpersonal integration requisite for marriage. In any attempted marriage under such conditions, there would be invalid consent both in matrimonio and ad matrimonium.⁷

For the intrapersonal integration of marriage there is needed both an evaluation of the communion of life with its rights and obligations, and a free choice of this communion of life.

Serious psychic immaturity destroys the possibility of evaluation and of choice needed to consent in matrimonio. Such immaturity is found especially in two dimensions of personal life: A) deficient intellectual development and B) emotional development.

A. DEFICIENT INTELLECTUAL DEVELOPMENT

The critical faculty and the free will are essential for intrapersonal integration culminating in consent for marriage. For an evaluation of marriage and of its free choice there must be harmony and cooperation between the intellect and the will.⁸ Serious psychic immaturity destroys or so seriously weakens the critical faculty and the free will that no marriage consent is possible.

⁷ Cf. above, Chapter I, p. 7.

⁸ Cf. above, Chapter I, pp. 41-45.

The "critical faculty" mentioned in canonical jurisprudence and the "formal operational logic stage of intellectual development" in psychology are identical. Without this faculty, true consent for marriage is impossible. Without this stage of intellectual development, there can be no evaluation of marriage and its rights and obligations.

The critical faculty, or the formal operational stage of the intellect, develops through an evolutionary process. When this process has been halted or seriously delayed, there is not sufficient discretion of judgement for marriage.

Serious psychic immaturity resulting from delay or insufficient development in the pre-school, preoperational period in intellectual development, will almost certainly foretell that there will be no suitable evolution of the critical faculty requisite for marriage.

Failure to acquire the ability for representation results in serious impairment of the capacity for insight learning, deferred initiation and ability to pretend and to make believe. There is a seriously impaired ability to solve one's problem within himself.

The person's cognitive activities can become 1) egocentric, when centered around his own viewpoint; 2) non-concatenative, if there is little coordination between thoughts, and 3) anthropomorphic, if there is a tendency to perceive human traits in animate objects.⁹

⁹ Cf. Above, Chapter IV, pp. 172-173.

In such cases there can be moral certitude that a person, seriously psychologically immature at this level of intellectual development, is incapable in adulthood of the valuation required for marriage.

Some time later during the "5 to 7 year shift", when before acting the child should begin to think and evaluate behavior outcomes, there can be immature development. Instead of experiencing this intellectual development shift the child instead remains very impulsive. He continues to be dominated by his surroundings, remains unable to step aside to examine and evaluate the world.¹⁰ Again, this serious psychological immaturity will, in adulthood, create an obstacle preventing any realistic evaluation for marriage.

Even in adolescence there can be a halt in intellectual development where the formal operational logic stage is either never attained or seriously weakened.

In adulthood, psychological immaturity entails the incapacity for deductive reasoning: the inability to reason about one's own reasoning; there is no possibility of solving problems by extension to all possibilities; no consideration of the real and the unreal; no consideration of what will work or what will not work; no capacity of thinking hypothetically and abstractly.¹¹

10 Cf. ibid., p.174.

11 Cf. ibid., p.175.

This psychic immaturity of the adolescent, when persisting in adults, is such that it provides moral certitude of the fact that no evaluation for marriage is possible. How does a person work out problems in marriage if there is no consideration of the real or unreal, of the workable or non-workable? How does a person live out the rights and obligations of marriage, or in fact, arrive at knowledge about them without this degree of psychological intellectual maturity?

An individual, adult in age, but adolescent psychologically, cannot really consent to marriage, to the communion of the whole of life, without this evaluation of the formal operational stage of the intellect.

Indeed without this stage in intellectual development, the adult is unable to answer realistically such fundamental questions as: "Who am I?", "Where am I going?", "What do I want from life?", or "How do I appraise love, commitment, sex?"

The existence of serious psychological immaturity, whereby the formal operational logic stage in intellectual development, the critical-faculty stage, is never reached, enables the judge to reach moral certitude that no valid marriage was possible. There was no evaluation for marriage, no maturity of judgement, and therefore no marriage.

A. DEFICIENT EMOTIONAL DEVELOPMENT

Valid marriage consent requires not only an evaluation for marriage but also its free choice. For the required harmony and cooperation of the will and intellect concluding in consent, the will should also be free.

There are three types of emotional psychological immaturity which seriously prevent the will from being free in its choice for marriage and in its cooperative role with the intellect in arriving at that choice: 1) emotional dependence, 2) emotional deprivation and 3) lack of self-esteem.¹²

In the emotionally dependent person, the adult remains markedly dependent upon his parents. He is afraid to leave the security of the home or make any independent decisions. Separation from home is too anxiety-provoking. The emotionally dependent adult seeks a parent substitute in a strong, dominating spouse.

Emotionally deprived persons are those who, because of illegitimacy, desertion by parents, parental preoccupation, largeness of family, and so forth, were never reassured of their worthiness.

The lack of self-esteem arises in adults who, though endowed with great physical beauty, intellectual keenness, and many natural talents, were rejected by their parents in childhood. They feel that they are unlovable and consequently cannot accept or incorporate love offered by another person.

¹² Cf. *ibid.*, pp. 193-195.

In each of these three types of serious emotional-psychological immaturity, the will is drawn in but one direction: there is no free choice for marriage. From the existence of this type of serious immaturity there arises the moral certitude for the judge that the person had no free choice to marry.

The childhood pattern of emotions seriously impairs the adult in making a free choice. A person is hardly free to choose marriage when he marries someone strictly as a parental substitute. Likewise an individual is hardly free to reject marriage because he was never reassured of his worthiness. One is hardly free to reject marriage because he was never loved. It seems evident that all of these persons were predetermined to these choices by serious, psychologically immature childhood emotional patterns.¹³ There exists in each instance the objective knowledge which assures that the marriage consent cannot be true.

Intrapersonal integration implies that there exist a free and harmonious cooperation between the intellect and the will. In each of the instances mentioned here, that harmony and freedom is gravely disturbed by intellectual or emotional psychic immaturity. This precludes any evaluation and free choice of the communion of life for both the good of the spouses and the offspring.

¹³ Cf. ibid., pp. 182-184.

III. IMMATURITY IN INTERPERSONAL DEVELOPMENT

The interpersonal relationship between husband and wife should be intimate, exclusive and perpetual. The capacity for this relationship requires interpersonal integration within the personalities of both spouses. An incapacity for this special type of marital relationship invalidates consent ad matrimonium. Serious psychic immaturity is a cause for this incapacity because of impairment of the interpersonal integration.

For a more comprehensive understanding of immaturity in interpersonal development, it will be distinguished into A) elements of immaturity and B) consequences of immaturity.

A. DIMENSIONS OF IMMATURITY

There are specific elements within the dimensions of psychic immaturity that are prerequisite for a diagnosis of immature interpersonality. These elements will be considered first, and are entitled elements for interpersonal immaturity. The specific elements of the marital relationship, interpersonality, will be studied separately and entitled elements in interpersonal immaturity.

1. ELEMENTS FOR INTERPERSONAL IMMATURITY

There are several elements of personality that lead to psychic maturity or immaturity for marital interpersonality. These elements are

presupposed and form the foundation for mature or immature interpersonal development. They include identity, intellectuality, emotivity, sexuality and morality.

a. IDENTITY

Identity has been defined as the personal integrity and self-sufficiency an individual possesses that enables him to fulfill an adult role in life. The development of identity begins in early childhood. Psychic immaturity for interpersonality can also begin to develop at this period in life. Between the ages of two and four years, the child can "resolve" his devaluation crisis with an independent solution. He does not adopt a role dependent on and subordinate to his parents. As a result he becomes either egocentric or completely rejected.

Later in childhood and adolescence the maturation crisis occurs. In the independents, those persons who have never surrendered their aspirations for volitional independence and exalted primary status, there is no realistic goal development. Their goal consists in being egocentric. All their moral values are attuned to that one goal.

In adulthood, this serious type of psychic immaturity is very destructive of the interpersonality of marriage. The capacity for the perpetuity of this relationship does not exist. This incapacity also has grave overtones for the intimacy and exclusivity of marriage.

If a spouse has his or her own way in marriage at all times, there are numerous repercussions on the couple's sexual life. If the marital relations are not carried out in his way, they just don't take

place; exclusivity of marriage will vanish and extra-marital affairs occur. A person having his or her own way, all of the time in marriage, is destructive of the interpersonality of marriage.¹⁴

b. INTELLECTUALITY

There are many things to be considered before undertaking and then maintaining the marital relationship. At the center of planning and problem-solving in marriage is the intellect. A successful marriage does not come from impulsive action but from well thought out actions.

Each spouse should enjoy the capability of reflecting upon his or her own reasoning. Each one needs to answer questions about the intimacy, exclusivity and perpetuity of this relationship by considering the many solutions. Each needs to consider the real and the unreal in this unique relationship of marriage, to consider what will work, and what will not work in establishing and sustaining marital interpersonality.

Questions like, "When should we have our first child?", "Where should we live?", "Should we rent or build a house?", "How many cars do we need?" "How can we make this relationship more satisfying to both of us", "Is marriage best for me now?", can be solved only by a mature critical faculty.

¹⁴ Cf. ibid., pp. 160-169.

Serious psychic immaturity, the lack of the critical faculty, gravely impedes the spouse's capacity to establish and maintain an intimate, exclusive and perpetual interpersonal relationship. There is lacking the intellectual ability to work and to solve marriage problems realistically. This intellectual psychic immaturity prevents consent ad matrimonium. The lack of this mature faculty seriously impedes the daily living of marriage.¹⁵

c. EMOTIVITY

Previously, seriously impeded emotional development was shown to prevent free consent essential for marriage. Psychic immaturity at the emotional level destroys the intrapersonal integration essential for matrimony.

Serious emotional psychic immaturity also prevents the establishment and maintenance of an intimate, exclusive and perpetual interpersonal relationship. It even precludes the capacity for such a relationship.

Seriously excessive fear in childhood, continuing into adulthood, produces a person psychologically immature for marriage. Such could arise from instances of great fear, insecurity, hostility from childhood days within the family: a child who was prematurely burdened with adult worries and problems, chronically subjected to threat, intimidation,

¹⁵ Cf. ibid., pp. 175-176.

harsh punishment. Demands were made upon the child beyond his capabilities; the parents were overprotective, setting an example of fear by being non-supportive or reassuring. Where this fear attains a serious degree, lasting into adulthood, there is caused the inability to live the intimacy of the marital relationship; there is fear of people, the inability to relate closely to others, the impossibility of relating closely to one's spouse.

Feelings of intrinsic self-esteem can only develop one way within the child who identifies with his parents. Yet some children are rejected outright by these same parents. Others are accepted only because of their capacity for improving their parents' ego by becoming important and successful individuals.

For children who are either rejected or extrinsically valued, self-esteem develops only from what they can do or accomplish by themselves. Serious anxiety results from active and passive dependency of these children upon their parents. Their dependency opposes their independence. Where this serious anxiety carries immaturely into adulthood and marriage, the spouses become very dependent upon each other. This dependency in marriage will continue to enkindle the anxiety initiated by rejecting or extrinsically valuing parents. Should this dependency anxiety be severe, the intimacy and perpetuity of the marital relationship would be prevented.

The incidence of anger and aggression in children is greatly influenced by parental attitudes. Parents are the first teachers of

cultural values. Where aggression is valued, there will be aggression in families.

In childhood, serious anger develops in the person from anxious, over-critical, absolutistic, inconsistent or recriminating parents. It is nurtured in children where extreme permissiveness prevails and self-control is not required.

Parental punishment in childhood also leads to serious aggression in the personality. Where punishment is unreasonably harsh, capricious, discriminatory, or indicative of rejection, the child develops a deep sense of resentment. This resentment finds expression in bullying and cruelty. Peer groups also provide models for aggressive behavior. Likewise those less popular with their peers demonstrate anger.

When this aggression continues into adulthood and attains the stage of being identified with serious psychic immaturity, there is the incapacity of living the intimacy and perpetuity of the marriage. Grave cruelty to one's spouse in marriage is hardly conducive to marital intimacy and perpetuity.

In childhood, jealousy will be had by marital discord, favoritism, discrimination, unequal parental affection. If in addition the child is insecure, serious feelings of jealousy will also arise. This jealousy can result, if it continues seriously into adulthood, in the inability to live the exclusivity and perpetuity of the marriage relationship. The spouse will be overly jealous in any harmless show of affection by his spouse towards another person. He will feel

seriously inhibited by this relationship and possibly seek other relationships.

Receiving love, interest in the infant's well-being, is the helpless child's assurance that its wants will be satisfied, so that it will not die. This need for love forms the nucleus for later friendship and sexual love. The interrelation of mother and infant is powerful but delicate. Once deranged, development and adjustment of offspring becomes disordered.

The desire for love appears in dependency on others, in demands for praise, recognition, understanding and acceptance. It reaches its full expression in hunger for superiority, fame or money. This desire for love turns inward in some persons towards those of the same sex. In other persons, it demands self-love satisfied through excessive eating and alcoholism.

In childhood, the overprotected individual is emotionally isolated from other persons by an overwhelming dose of parental love. The rejected child withdraws from other emotional involvements to avoid further rebuff. The overvalued child has so great a self-concept, that he has little capacity for loving others.

Where the capacity for loving others has been seriously hindered by overprotecting, rejecting, or overvaluing parents in childhood; where the desire for love has been perverted into excessive self-love need for food, alcoholism, homosexuality, the capacity for intimacy in marriage is destroyed. In these cases, the childhood emotional patterns of love have resulted in adult psychic immaturity for the intimate

interpersonal relationship of marriage.

Even the emotions of joy and sympathy, whose development was seriously impaired in childhood and in early adulthood, can severely limit a person's capacity for the intimacy of marriage. Generally speaking, in themselves such impairments would not prohibit the relationships of marriage. But serious impairment taken together with other emotions would justify moral certitude regarding the existence of an incapacity for interpersonal relations in marriage.

In the many cases of serious emotional problems listed here, there results emotional dependence, emotional deprivation or lack of self-esteem which break down the interpersonal integration required for marriage, that marriage relationship which is unique with its special notes of intimacy, exclusivity and perpetuity. There results an incapacity for consent ad matrimonium.¹⁶

d. SEXUALITY

Serious sexual psychic immaturity in adulthood likewise justifies reaching moral certitude regarding the incapacity of the person for the intimate interpersonal relationship of marriage.

Nonsensitive child rearing during the bodily function training period seriously traumatizes the child about the privacy and cleanliness of the genitalia. This trauma continuing into adulthood seriously

¹⁶ Cf. ibid., pp. 179-184.

hamper^s the intimacy of sexual relations in marriage.

During the period of exploratory sexual behavior, in childhood, negative feelings such as guilt and shame can become associated with the genitals. When this reaches a serious degree and continues into adulthood, serious incapacity for marital intimacy results.

The inability to resolve parental relation conflicts in childhood and adolescence limits the capacity to develop healthy relationships beyond the family confines. Non-resolution of this problem seriously prevents development of the intimate and exclusive marriage relationship. The person, though an adult, has never adequately broken childhood bonds with his parents.

In late childhood and adolescence, peer relationships together with social and cultural influences of the environment can gravely impair an individual's sexual maturity for marriage. A person assuming his or her sexual identity from a peer group in adolescence where sex is free and easy, is hardly capable in adulthood of the unique marital relationship.

The person appropriating his sexual identity in adolescence from the hedonistic philosophy of the sexually explicit magazines, such as Playboy and Penthouse, and living this identity in adulthood is psychologically immature for the intimacy and exclusivity of marriage.

Guilt or anxiety can arise when sexual development at puberty occur much earlier or later than in those of one's peer group. These feelings can also seriously hamper the marital relationship.

The lack of opportunity for, or the poor quality of hetero-social activities in adolescence seriously hinders marriage interpersonality. Such a person does not know how to relate to a woman and continually reverts back to male companions, at the expense of his marital relationship. When this situation is serious, the marriage is jeopardized. There can be little chance for real marital intimacy.¹⁷

e. MORALITY

Normally by adolescence the person will have reached the autonomous level of moral judgement development. In personality development, the independent stage will have been reached.

The person conforms to social contracts and respects the rights of others. He conforms to his own principles, to the more abstract principles of justice and accountability.

Serious psychic immaturity and the incapacity to form and maintain the intimate, exclusive and perpetual relationship of marriage arises when the adult is still at the pre-moral stage of moral judgement development. He does not follow the dependent way of personality growth.

Such a person would be entering marriage living morally only to avoid being caught and punished. He remains completely independent since the period of early childhood and has never assimilated parental values. His main moral value is: "My way is right; everyone else is

¹⁷ Cf. *ibid.*, pp. 196-204.

wrong." There is no way that marriage can be undertaken and maintained if this type of immaturity exists.

Serious moral psychic immaturity arises when a person attempts marriage in adulthood, while remaining at the conventional rule conformity level of childhood. The individual marries only to please his or her parents. This has serious implications for the intimacy and perpetuity of the marriage for marriage can then break up when the parents begin to dislike their daughter, or son-in-law. Real intimacy is quite difficult to achieve in a relationship where a third party, the parents intervene.¹⁸

2. ELEMENTS IN INTERPERSONAL IMMATURETY

Interpersonality is the essential element of the marital relationship. The dimensions of interpersonal immaturity just considered - - identity, intellectuality, emotivity, sexuality and morality - - are prerequisite for the establishment of this essential element of marriage. The essential element within immature marital interpersonal development will now be considered, namely, sociability.

Social development for the relationship of marriage is quite dependent upon a person's intrafamilial experience. How well this social integration occurs in childhood, will determine the possibility of interpersonal integration in marriage.

18 Cf. ibid., pp. 205-214.

In adulthood, serious psychic immaturity caused by very bad infant-mother attachments impairs the intimacy of the marital relationship. Where the mother was insensitive to the infant's needs and unresponsive to them, the adult in marriage does not know how to be sensitive and responsive to the needs of his wife and perhaps later of his offspring. The adult never really learned how to develop a strong emotional bond with another person. This type of immaturity is destructive of intimacy in the marriage relationship.

The absence of friendly parental relations, the creation of unique and unrealistic needs, which only parents can satisfy, the unavailability of family support, assurance and guidance in difficulties with others, existence of strong pre-emptive home attachments, withdrawal from social experience, or acquiring offensive personality traits at home, all result in serious psychic immaturity in adulthood making it almost impossible to live out the intimate interpersonal relationship of marriage.

Such an "adult" just does not know how to deal in a friendly fashion with another person. He does not understand the need to give his wife support, assurance and guidance in marital problems. He is not capable of breaking away from the strong bonds of home attachment. He does not see the need to socialize with other people at parties, dances, picnics, etc. The interpersonal integration fundamental for marriage is absent.

The lack of peer group socializing and poor quality of peer relationships can prevent a person from reaching adult interpersonality for marriage.


The peer group is an important socializing, enculturative and training institution for interpersonal development. Techniques of sociality, poise in dealing with persons outside the intimacy of the family circle, ways for self-assertion, competition, cooperation and sensitivity to others are learned. The peer group is the apprenticeship for adult interpersonality.

Serious impairment at this stage of personality development results in adult psychic immaturity for marital interpersonality. The sensitivity necessary for the intimacy of marriage is seriously absent. The self-assertion and competition techniques for employment to support a wife and family will be seriously deficient. The spouse may seek intimacy with another person.

In adolescence, the shift from isophilic to heterophilic attraction may not occur. If this shift has not occurred into adulthood, this serious psychic immaturity prevents any real interpersonality for marriage. Lesbian or homosexual relationships often occur.

In adulthood, adult peer relationships with persons of the opposite sex may not occur. Affection, emotional intimacy, dependency, nurturing, romantic love, friendship, collaboration, respect, admiration enduring commitment, are all components of these relationships. Serious psychic immaturity in having adult relationships with others results in

the inability to treat the adult as a person. A man may see his wife only as a plaything to meet his own pleasure demands. There hardly exists the capacity for the intimate, exclusive and perpetual relationship of marriage.¹⁹



B. CONSEQUENCES OF IMMATURITY

In the cases of serious psychic immaturity, there arises moral certitude regarding the incapacity for the interpersonal integration of marriage. The essential notes of this relationship - - intimacy, exclusivity, and perpetuity - - are beyond the grasp of the person so affected.

In some instances, serious psychic immaturity maintains intrapersonal integration to a degree, while destroying interpersonal integration. The person has reached adulthood, is mature for his age intellectually, possesses the critical faculty, the formal operational logic stage of intellectual development. Yet cumulatively the areas of identity, sociability, emotionality, morality and sexuality have not reached the same degree of adulthood. Sexually, the relationship with one's parents has not been completely resolved. Identity-wise, the independent stage of adolescence has not been attained. Socially, the adult level of heterosocial activity has not been reached. Morally,

19 Cf. Above, Chapter III, pp.139-156.

only the conventional rule conformity level has been experienced.

Emotionally, during childhood, the child was overvalued. Now in adulthood, he still does not feel the need of the love of another person.

In this particular personality composite, the individual can reason about and possibly freely consent in matrimonio. This is only possible if the emotional influence is not strong enough to weaken the will seriously. There is some degree of intrapersonal integration.

In addition, there are some cases where intrapersonal integration is sufficient for consent in matrimonio, but not ad matrimonium. There is no interpersonal integration, no capacity to live the intimate, exclusive and perpetual marital relationship. Serious psychic immaturity directly prevents interpersonal integration, and indirectly overflows into intrapersonal integration, destroying consent both in matrimonio and ad matrimonium.

In cases where there is no intrapersonal integration, there is no possibility for consent in matrimonio and ad matrimonium. There is no way that the marriage community can be undertaken and maintained without intrapersonal integration. In these cases serious psychic immaturity destroys integration of the personality, consequently nullifies marriage consent.

IV. THE INVALIDATING EFFECTS OF IMMATURITY

Immaturity has been analyzed here from canonical and psychological perspectives. Immaturity in personal and interpersonal development has been related to consent in matrimonio and ad matrimonium. How does this analysis relate to current tribunal practice using psychology and canon law? For an answer to this question, first the psychic causes of nullity will be examined, then the canonical grounds of nullity will be considered.

A. PSYCHIC CAUSES OF NULLITY

Various questions arise within tribunal practice regarding psychic causes of nullity. Does an adolescent have the same type of immaturity as an adult? Does one adult differ in degree of immaturity from another? What kind of immaturity is required to nullify marriage? Is the maturity of a forty-year-old person required of a spouse entering marriage at twenty years of age? For a response to these questions the following points will be considered: 1) the various types of immaturity and 2) the different degrees of immaturity.

1. DIFFERENT TYPES OF IMMATURITY

There are two types of psychic immaturity: transitional and constitutional. Transitional immaturity exists when development of intrapersonal and interpersonal integration has followed normal

development but is not yet sufficient for choosing a state in life. Psychological growth has kept pace with a person's chronological age. The person is psychologically mature for his age, yet seriously immature for marriage at that time. This is the case with many teenage marriages.

For example, chronologically the person is at early adolescence, sixteen years old. His psychological development in the areas of identity, sociability, intellectuality, emotionality, sexuality and morality has kept pace with his age. His identity is just resolving the maturation crisis into independence. Interpersonally, he is just completing the transition from homosocial to heterosocial activity. Intellectually, he is just beginning to work out problems by abstracting from them, seeing the many solutions. Emotionally, he is just breaking out of the attachment crisis with his mother. Sexually, he is greatly influenced by peer sexual identity, perhaps the sexual identity acquired from television and magazine idols. During all this time, he is just surfacing from the physical growth of puberty. Morally he is beginning to live with his own principles of justice and accountability.

The person with this type of transient psychic immaturity can hardly cope with the intimate, perpetual and exclusive marital relationship. There is no need for further proof for moral certitude. The individual can give valid consent in and ad many things, but not, ordinarily, for marriage. There simply does not yet exist sufficient personality integration to enter into marriage.

Constitutional psychic immaturity is immature development either in both intrapersonal and interpersonal development or only in the area of interpersonal development. The person is physically but not psychologically mature for his age. This type of immaturity can occur in both teenage and adult marriages. The immaturity resides in the very constitution or personality of the individual.

Usually in such lack of integration caused by constitutional psychic immaturity, specific elements of personality development will be arrested or lag behind other normally developed elements.

Due to the serious lack of integration existing in constitutional immaturity, there would be invalid consent in matrimonio and ad matrimonium. There may be occasions when there would only be consent in matrimonio. In any event, any attempted marriage would be invalid because marital consent would be incomplete.

2. THE DIFFERENT DEGREES OF IMMATURITY

Every person is a viator on the road to full maturity. The spouses in marriage bring with them the degree of maturity that has already been achieved in life.

The ponderous maturity of the fifty-year-old is not expected of the twenty-year-old contemplating marriage. What the parties need is at least an embryonic maturity, with the capacity for deeper development within marriage.

Embryonic maturity is that maturity required to live the first years of marriage in an exclusive, intimate and perpetual interpersonal relationship, with the potentiality to continue such a relationship until death. It is the ability, for instance, 1) to decide the time for the first child, 2) to adjust when the first baby has arrived, and 3) to undertake new responsibilities as husband and wife in the new community of life and love.

This maturity means running a home, cooking, cleaning, perhaps also the wife's working to support the family budget. This maturity likewise means adjusting to changes in work and social life, as husband and wife. It is the capability of adjusting to communal life as distinguished from a pair of cohabiting individualists. There is now a new type of sharing: a community of life and life which is much more than mere self-gratification.

Embryonic maturity entails sufficient personality growth to undertake the first few years of marriage with the capability for development during the years to sustain marriage until death. The maturity of a person entering marriage at the age of twenty years is not sufficient for a person of fifty years of age who has been married for thirty years.

B. CANONICAL GROUNDS OF NULLITY

Serious psychic immaturity is a cause of nullity for marriage. Should serious psychic immaturity exist at the time of marriage, due to a grave lack of intrapersonal or interpersonal integration, valid consent in matrimonium and ad matrimonium does not exist.

In canonical jurisprudence, there are grounds of nullity such as: lack of due discretion, incapacity to assume the obligations of marriage, and incapacity to fulfill the responsibilities of marriage. Serious psychic immaturity is often the cause that gives rise to these grounds of marriage nullity. These grounds and psychic immaturity will now be analyzed briefly.

1. LACK OF DUE DISCRETION

Lack of due discretion, in Rotal jurisprudence, is the lack of maturity of judgement for marriage because of deficient evaluation by the critical faculty. Where such immaturity exists, no critical faculty is operative in a particular person. His intellectual development has not reached the formal logic operational stage. That person is unable to elicit valid consent in matrimonio. Serious intellectual psychic immaturity causes intrapersonal disintegration and subsequent invalidity of consent.

Lack of due discretion occurs either because of transitional or of constitutional immaturity. In the teenager, or early adolescent, the person's intellectual development has kept pace with his physical

growth, but he has not yet reached maturity of judgement where the critical faculty is operative. Although normally mature for his age, he is immature intellectually for the gravity of the marriage covenant.

In cases of constitutional immaturity, either in the teenager or in the adult, lack of due discretion, caused by serious psychic immaturity, is effected by the arrested or delayed development of the intellect which has not kept pace with a person's physical or chronological growth. The end result again is a lack of mature judgement, because there is no critical faculty evaluation for marriage. The person is not able to step aside and consider the positive and negative elements of his marrying this particular person at this time, for life.

2. THE INCAPACITY TO ASSUME THE OBLIGATIONS OF MARRIAGE

The incapacity to assume the obligations of marriage is the inability of the will to consent to marriage data proposed by the intellect. In fact, the will is not free to accept or reject the object. There is serious lack of intrapersonal integration. The person is therefore unable to elicit valid consent in matrimonio. Serious psychic immaturity causes this intrapersonal non-integration and marriage invalidity.

Consent for marriage requires harmony between the intellect and the will. There needs to be such an ordering and conspiracy between the intellect and the will so that free consent may result. Emotional

dependency, emotional deprivation and lack of self-esteem, each in a serious degree, can so bind and restrict the will in its operations, that there is no freedom for this cooperation and conspiracy. The emotions have so bound up the will that it cannot freely accept or reject the formal object of marriage. The will is predetermined to one position even before the object is proposed by the intellect.

While both lack of due discretion and incapacity to assume the obligations of marriage, because of serious psychic immaturity, result in invalid consent in matrimonio, lack of due discretion is caused by deficient intellectual development, and the incapacity to assume the obligations of marriage results from deficient emotional development impeding free will.

3. THE INCAPACITY TO FULFILL THE RESPONSIBILITIES OF MARRIAGE

The incapacity to fulfill the responsibilities of marriage is the inability to live the interpersonality of the marriage covenant. There is a grave lack of interpersonal integration. The person, eliciting valid consent in matrimonio, where the emotions are not so strong as to restrict the will, nevertheless elicits invalid consent ad matrimonium. Any attempted marriage is nullified.

This incapacity is caused by serious constitutional psychic immaturity in the elements of interpersonal integration: identity, intellectuality, emotionality, sexuality, morality or sociability. Development of these elements does not proceed uniformly. Some may be

arrested or retarded, while others are consistent with chronological age. Serious deficiencies in these elements result in non-integration of interpersonality. They give rise to moral certitude that any marriage undertaken under these conditions is invalid. |

The marriage relationship is unique. It requires the capacity to live an intimate, exclusive and perpetual relationship. Serious constitutional psychic immaturity in this regard causes the negation of any attempted marriage.

CONCLUSION

The judge in a marriage case should give his decision according to the proofs as applied to the law. The revised Schema on marriage determines that they are incapable of marriage who suffer from a serious defect of discretion of judgement or are incapable of assuming the marital rights and obligations.

In the Schema, marriage is defined as the communion of the whole of life both for the good of the parties and the procreation and education of children. The judge needs moral certitude to establish whether or not such a marriage exists.

The presence of serious psychic immaturity gives rise to moral certitude that a particular marriage is invalid either because of lack of due discretion, or of the incapacity to assume the terms of marriage, or of the incapacity to fulfill the responsibilities of marriage.

The recognition of psychic immaturity, and its consequences, in the sense of deficient development, reflects progress in psychology and psychiatry which will bring with it healing to those in broken marriages and more helpful approaches to matrimonial trials.

BIBLIOGRAPHY

I - Sources

Acta Apostolicae Sedis, Commentarium Officiale, Romae, 1909-1939, in Civitate Vaticana, 1940- , 71 v. to the end of 1979.

Bouscaren, T.L., and O'Connor, J.I., ed., The Canon Law Digest; Officially Published Documents Affecting the Code of Canon Law, Milwaukee, Bruce, [c. 1934- /], 8 v. to 1980.

Codex Juris Canonici, Pii X Pontificis Maximi jussu digestus, Benedicti Papae XV auctoritate promulgatus, Romae, Typis Polyglottis Vaticanis, 1974, 1v-916 p.

John Paul II, "Pope John Paul II to the Sacred Roman Rota", in l'Osservatore Romano (English Edition), 9(622), March 3, 1980, pp. 6-7.

Paul VI, "Allocutio Paul VI ad Sacram Romanam Rotam", in A.A.S., 62(1970), pp. 111-118.

Pius XII, "Allocutio, October 3, 1941", in A.A.S., 33(1941), pp. 421-426.

Pontificia Commissio Codici Juris Canonici Recognoscendo, Schema documenti pontificii quo disciplina canonica de Sacramentis recognoscitur, Civitas Vaticana, Typis Polyglottis Vaticanis, 1975, 95 p.

-----, "Coetus studiorum de jure matrimoniali", in Communicationes, 9(1977), pp. 117-146; 345-378; 10(1978), pp. 86-127.

Sacrae Romanae Rotae, Decisiones seu Sententiae quae prodierunt annis 1909-1969, Romae, 1909-1929, in Civitate Vaticana, 1930- , 61 v. to the end of 1979.

Vatican Council II, Vatican Council II, The Conciliar and Post Conciliar Documents, Northport, N.Y., Costello, 1975, xxiv-1062 p.

BIBLIOGRAPHY

300

II - Jurisprudence

A. - Relevant Rotal Decisions Consulted:

1. - In Sacrae Romanae Rotae Decisiones seu Sententiae:

- c.Anné, November 25, 1961, in 53(1961), pp. 561-571.
- c.Anné, June 28, 1965, in 57(1965), pp. 501-514.
- c.Anné, January 17, 1967, in 59(1967), pp. 23-36.
- c.Canestri, July 16, 1943, in 35(1943), pp. 594-612.
- c.Felici, December 3, 1957, in 49(1957), pp. 787-796.
- c.Lefebvre, July 6, 1967, in 59(1967), pp. 553-561.
- c.Lefebvre, July 8, 1967, in 59(1967), pp. 562-570.
- c.Lefebvre, December 2, 1967, in 59(1967), pp. 798-807.
- c.Mannucci, August 8, 1931, in 23(1931), pp. 371-378.
- c.Massimi, July 10, 1931, in 23(1931), pp. 273-279.
- c.Mattioli, December 20, 1962, in 54(1962), pp. 706-725.
- c.Pinna, December 21, 1959, in 51(1959), pp. 622-629.
- c.Quattrocchio, June 16, 1943, in 35(1943), pp. 431-451.
- c.Sabattani, February 24, 1961, in 53(1961), pp. 116-132.
- c.Wynen, February 25, 1941, in 33(1941), pp. 144-168.

2. In Sentences Unpublished To Date:

- c.Anné, July 22, 1969, P.N. 8971.
- c.Bejan, December 3, 1969, P.N. 9745.
- c.Davino, December 12, 1974, P.N. 11.242.
- c.Di Felice, November 13, 1976, P.N. 10.831.
- c.Di Felice, April 8, 1978, P.N. 10.765.
- c.Ewers, May 12, 1969, P.N. 8978.
- c.Ferraro, February 8, 1977, P.N. 11.363.
- c.Ferraro, February 6, 1979, P.N. 11.885
- c.Lefebvre, March 1, 1969, P.N. 7236.
- c.Masala, March 12, 1975, P.N. 11.355.
- c.Masala, June 22, 1977, P.N. 11.444.
- c.Masala, May 10, 1978, P.N. 11.965.
- c.Palazzini, January 11, 1978, P.N. 11.374.
- c.Parisella, October 28, 1976, P.N. 11.487.
- c.Parisella, November 25, 1976, P.N. 11.554.
- c.Raad, April 14, 1975, P.N. 10.832.
- c.Serrano, March 4, 1977, P.N. 10.623.
- c.Serrano, November 18, 1977, P.N. 11.730.
- c.Serrano, April 19, 1978, P.N. 11.239.
- c.Stankiewicz, June 15, 1978, P.N. 12.031.
- c.Stankiewicz, April 5, 1979, P.N. 11.979.

3. In Other Canonical Periodicals:

- c.Anné, February 25, 1969, in E.I.C., 26(1970), II, pp. 419-442.
- c.Bejan, July 23, 1969, in R.D.C., 22(1972), pp. 71-86.
- c.Di Felice, March 8, 1973, in E.I.C., 31(1975), pp. 176-180.
- c.Di Felice, June 9, 1973, in M.E., 99(1974), III, pp. 197-205.
- c.Di Felice, December 11, 1975, in E.I.C., 32(1976), pp. 279-280.
- c.Egan, May 29, 1976, in S.C., 10(1976), pp. 449-460.
- c.Lefebvre, October 20, 1966, in Apollinaris, 42(1969), pp. 209-210.
- c.Lefebvre, January 12, 1967, in Apollinaris, 42(1969), pp. 201-204.
- c.Lefebvre, January 17, 1970, in M.E., 98(1973), II, pp. 181-188.
- c.Lefebvre, January 31, 1976, in E.I.C., 32(1976), pp. 285-287.
- c.Palazzini, January 25, 1977, in E.I.C., 34(1978), pp. 145-149.
- c.Pinto, June 26, 1969, in M.E., 95(1970), pp. 440-453.
- c.Pinto, February 4, 1974, in M.E., 100(1975), I-II, pp. 106-115.
- c.Serrano, April 5, 1973, in M.E., 101(1976), pp. 107-127.

B. Revelant Non-Rotal Decisions Consulted:

Dubuque Tribunal Dec., c. Spaight, October 23, 1975, N.M. 56-#79.

Fargo Tribunal Dec., c. Vetter, May 15, 1978, n.78/12

-----, N.78/85.

Melbourne Tribunal Dec., c. Harman, December 9, 1977, n.77-164.

Vicariate of Rome Dec., c. Said, March 13, 1965, in M.E.,
93(1968), II, pp. 306-314.

Westminster Tribunal Dec., c. Brown, September 27, 1972, in
M.D.E.W., 7(1972), pp. 281-287.

-----, c. Brown, December 20, 1973, in M.D.E.W., 9(1973),
pp. 499-506.

III. Books

American Psychiatric Association, Diagnostic and Statistical Manual of Mental Disorders, DSM-III, Washington, APA, 1980, 494 p.

Aquinas, Thomas, Summa Theologiae, London-New York, Blackfriars, 1969-70, 60 v.

Archdiocese of Boston, Christian Marriage, Boston, Daughters of St. Paul, 1975, 22 p.

Benjamin, Lorna S., A Manual for Using SASB Questionnaires To Measure Correspondence Among Family History, Self-Concept and Current Relations with Significant Others, Madison, University of Wisconsin, 1979, 95 p.

Cavanagh, Michael E., Make Your Tomorrow Better, New York, Paulist Press, 1980, 356 p.

Coleman, James C., Abnormal Psychology and Modern Life, 4th Edition, Glenview, Ill., Scott Foresman, 1972, 798 p.

Correa, Colin J., Intrapersonal and Interpersonal Integration in Marital Consent, Rome, Pontificia Studiorum Universitas a S. Thoma Aq. in Urbe, 1978, xiv-276 p.

Erikson, Erik H., Childhood and Society, Second Edition, New York, W.W. Norton, 1963, 445 p.

Feinstein, Sherman C., Giovacchini, Peter L., ed., Adolescent Psychiatry, Chicago, University of Chicago, 1971-, 7 v. to end of 1979.

Freedman, A., Kaplan, Harold I., Sadock, Benjamin J., Comprehensive Textbook of Psychiatry-II, Second Edition, Baltimore, Williams and Wilkins, 1975, 2 v.

Guindon, André, The Sexual Language, Ottawa, University of Ottawa Press, 1976, x-476 p.

Hall, Brian, The Development of Consciousness, New York, Paulist Press, 1976, xiv-268 p.

Hall, Calvin S., Lindzey, Gardner, Theories of Personality, Third Edition, New York, John Wiley & Sons, 1978, xvi-725 p.

Holmes, Deborah Lott, Morrison, Frederick J., The Child, Monterey, Brooks-Cole, 1979, xii-464 p.

Hudson, J. Edward, Handbook II for Marriage Nullity Cases, Ottawa, Saint Paul University, 1980, x-302 p.

Inlow, Gail M., Values in Transition, a Handbook, New York, John Wiley & Sons, 1972, viii-210 p.

Kagan, Jerome, The Growth of the Child, New York, Norton, 1978, 283 p.

Kagan, Jerome, Kearsley, Richard B., Zelazo, Philip R., Infancy, Cambridge, Mass., Harvard University Press, 1978, xvi-462 p.

Keating, John R., The Bearing of Mental Impairment on the Validity of Marriage, an Analysis of Rotal Jurisprudence, Rome, Gregorian University Press, 1963, vi-221 p.

Levinson, Daniel J., Darrow, Charlotte N., Klein, Edward B., Levinson, Maria H., McKee, Braxton, The Seasons of a Man's Life, New York, Knopf, 1978, xiv-363 p.

Lidz, Theodore, The Person, Revised Edition, New York, Basic Books, 1976, xxiii-615 p.

McAreavey, Emotional Immaturity and Marriage, Rome, Pontificia Universitas Gregoriana, 1979, x-216 p.

McCarthy, Edward A., De Certitudine Morali Quae in Iudicis Animo ad Sententiae Pronuntionem Requiritur, Rome, Officium Libri Catholici, 1948.

McKinney, John Paul, Fitzgerald, Hiram E., Strommen, Ellen A., Developmental Psychology, The Adolescent and Young Adult, Homewood, Ill., Dorsey Press, 1977, xiii-386 p.

Prummer, D.M., Manuale Theologiae Moralis, Friburg, Herder, 1928, 3 v.

Rokeach, Milton, The Nature of Human Values, New York, The Free Press, 1973, x-438 p.

Sargent, S. Stanfeld, Stafford, Kenneth R., Basic Teachings of the Great Psychologists, New York, Doubleday, 1965, xv-381 p.

Saul, Leon J., Emotional Maturity, Second Edition, Philadelphia, Lippincott, 1960, xxi-393 p.

-----, The Childhood Emotional Pattern, New York, Van Nostrand Reinhold, 1977, xxi-323 p.

-----, The Childhood Emotional Pattern in Marriage, New York, Van Nostrand Reinhold, 1979, xiii-452 p.

Schell, Robert E., Hall, Elizabeth, Developmental Psychology Today, Third Edition, New York, Random House, 1979, xii-529 p.

Sroufe, L. Alan, Socio-Emotional Development, Minneapolis, University of Minnesota, 1978, 2 Parts, 128 p.

Van der Poel, Cornelius J., The Search for Human Values, New York, Paulist Press, 1971, viii-186 p.

Addenda

Ausubel, David Paul, Theory and Problems of Child Development, Second Edition, New York, Grune and Stratton, 1970, x-849 p.

IV. Articles

Benjamin, Lorna, S., "Structural Analysis of Differentiation Failure", in Psychiatry, 42(1979), pp. 1-23.

Dominian, J., "The Christian Response to Marital Breakdown", in Ampleforth Journal, 73(1968), pp. 3-13.

Feinstein, Sherman C., Ardon, Marjorie S., "Trends in Dating Patterns and Adolescent Development", in Journal of Youth and Adolescence, 2(1973), pp. 157-165.

Fellhauer, D., "The Consortium Omnis Vitae as a Juridical Element of Marriage", in S.C., 13(1979), pp. 7-171.

Green, T., "A Living Jurisprudence", in Concilium, 107(1977), pp. 47-56.

Huftier, M., "Problèmes Des divorcés remariés", in Esprit et Vie, 89(1979), no. 4, pp. 49-60.

McLemore, Clinton W., Benjamin, Lorna S., "Whatever Happened to Interpersonal Diagnosis? A Psychosocial Alternative to DSM-III", in American Psychologist, 34(1979), pp. 17-34.

Picard, Normand, "L'immaturation et le consentement matrimonial", in S.C., 9(1975), pp. 37-56.

Twomey, D.F., Zakadas, A.C., "Minimal Maturity Required for Entering Marriage", in Pastoral Life, 25(1976), n.8, pp. 7-13.