

Trial Marriage: An Alternative View

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A good friend of mine from Montreal, by profession a notary, told me two years ago that, judging from his experience since 1970, of the couples who come to register their marriages before proceeding to the Church, at least one in five gives the same address; meaning to say that, in the proportion of 20%, couples now seeking a Church-Marriage have been cohabiting for probably no less than a year. That figure, while not providing statistical evidence, is indicative of a trend which is gaining popularity among young people in my country—making sure their union has a chance to last before committing it to the punctilious care of the Church and Law—a trend not infrequently lamented by a sizable section of the clergy as a sad result of those young people's loss of faith and lax morals.

Since then, I have crossed the ocean and settled in the country parish of Ngote, Tanzania, ministering to a Christian community hardly three generations old and, by God's grace, still little touched by the mixed blessings of industrialisation.¹ Yet of the 18 marriages celebrated in the parish in 1975, only five were between couples for whom Church-Marriage would mark the beginning of conjugal life. In 1970, such marriages had numbered 19 out of 37, while last year they were down to three out of 22. Those figures suggest that 'trial-marriages, a troubling new fashion at home, are here becoming the norm.

Clearly linked to the issue of trial-marriage (in the sense, for this part of the world, of a matrimonial alliance locally acknowledged as legitimate even though still lacking the Church's sanction

¹ The parish of Ngote is part of the traditional Haya-speaking country (North-West Tanzania, on the shores of Lake Victoria) and covers the southern area of what used to be the Kingdom of Ihangiro. In the modern political division, its territory extends over nearly a full 'Tarafa' (sub-division of a District) and is as yet relatively less densely populated than the rest of Buhaya. The parish counts 10,442 Catholics while the total population is approximately 19,300 (parish census of 1975). Apart from the civil servants, nearly everyone lives from agriculture. For lack of readily available statistics in other areas of Buhaya, the reflection of trial-marriage initiated in this article is limited to the data I have been able to compile here in Ngote. Comments heard from priests working in other parts of Buhaya suggest that the situation obtaining here is in fact widespread. For a more elaborate study of the Haya traditional marriage in relation to Christian marriage, see my article: *Gospel and Haya Marriage* in AFER 1972, 1, pp. 18-27.

and thus officially regarded as void by the Church) considered in this article is the problem of the decreasing *ratio* of Church-Marriages in relation to the overall number of conjugal unions entered upon by Church members. That problem has been treated by A. Hastings in his report on *Christian Marriage in Africa* (London SPCK 1973). One conclusion of the report is that "there has been a fairly massive moving away from church marriage over the last twelve years. Marriage rates are not only low, they are sharply declining" (p. 48).

Besides, while noting that since the promulgation of the Tanzanian Law on Marriage in 1971, Church-Marriages in which the priest acts as Government Registrar are sanctioned by the Law as being both valid and *monogamous* marriages, this article does not seek to assess the possible repercussions of that Law upon the increasing habit of delaying (and perhaps of ignoring) Church-Marriage.

I am well aware of the ambiguity created by the use of the same term, 'trial-marriage', to cover the period of cohabitation preceding a valid Church-Marriage, in circumstances as vastly different as those obtaining in Montreal and in Ngote. For one thing, as conversations with young people in this part of the world have shown me, the increasing reluctance to start conjugal life with the Church wedding lies in good part in the young people's growing impatience with the burdensome bride-wealth custom.

The transfer of bridewealth is, in the traditional system, a guarantee for the stability of marriage. Not surprisingly, Catholic missionaries are inclined to regard it as a normal pre-requisite to Church-Marriage, in this way furthering the cause of indissolubility while inadvertently concurring to keep *marriage as a social event* distinct from Church-Marriage. On the other hand, the amount of bridewealth required by the bride's family often desperately taxes the young man's resources. *Elopement* (often more fictional than real, for the girl goes out to meet the young man of her choice at a pre-arranged location after discreetly warning at least her mother) thus becomes an expedient, if frowned-upon short-cut, to obtaining a bride. It by-passes lengthy negotiations by forcing an emergency meeting of both families, at which the betrothal will be officially (albeit reluctantly) acknowledged against payment of a fine and agreement on the transfer of bridewealth in instalments. The way is paved for marriage to be celebrated according to custom, while the Church celebration is ordinarily relegated to a vague future.

In my home-city, by contrast, a frequently acknowledged reason why young people resort to trial-marriage is rather the difficulty of getting to know and trust each other enough to take the step of a life-commitment, when urban conditions of mobility and impersonality have rendered unreliable the traditional form of dat-

ing. Then the recently generalised form of betrothal by elopement is here one more blow dealt to a traditional form of marriage which marked the reasoned alliance between two lineages rather than the culminating-point of a love-relationship between bride and bridegroom; at home by contrast, it points to the doomed instability of a form of marriage which rests too squarely on the love-relationship of boy and girl only.

Yet, it is the very ambiguity of the meaning attached to trial-marriage which turns out to be most interesting—and, anathemas notwithstanding, most promising. At home, the expression refers to a temporary union, deprived of juridical recognition of any sort, during which boy and girl test the possibilities for an eventual marriage. Out here, the corresponding practice—provided the essentials of customary law for entering marriage are observed—is understood by the faithful to mean a real (though not irreversible) marriage, one which however is *not yet* a Church-Marriage. In keeping with the traditional understanding of marriage as a bride's and bridegroom's commitment to conjugal life incorporating an alliance between their two families, 'getting married' was a communitarian undertaking which developed through ritualised stages marked by beer presents and other forms of exchange, by which the twofold alliance was gradually cemented. The point at which betrothal officially merged into marriage seems to have been the celebrations marking the handing over of the bride by her family to the bridegroom and his family. The process of getting married was finalised—in theological terminology *consummated*—by the birth of the first male child.

Modifications have been brought to that process, the most noticeable of which being the generalisation of elopement as the act which sets it in motion. Yet, generally, this is still the pattern according to which young people, in this area, are considered by their communities to enter the state of marriage. Church-Marriage, in so far as it connotes civil marriage (in most cases the priest is also acting as Government Registrar), adds to the customary marriage an official character which can prove opportune in the political context of the country. As an ecclesial act, it is seen by the 'married couples' who pursue it as a desirable step which will bring God's blessing on their union, confirm its stability and put an end to a painful discipline which barred them from Communion. It must be added, unfortunately, that motivation for Church-Marriage is by no means always that noble. In not a few cases in which the applicants are irregular Church-goers, the Church-Marriage is prosaically agreed to as a means of placating the parish priest and thus of obtaining from him the really important concession: the Baptism of the children.

The difference in the significance of 'trial-marriage' in Europe and Africa is momentous. It can, I believe, be interpreted as fol-

laws: after centuries of a Church legislation which gave the old Churches no alternatives other than Church-Marriage or concubinage, marriage as a social reality and marriage as a Christian reality have become so welded to each other that—for the faithful—no less than for their pastors, it is hard even to conceive of a valid marriage between baptised partners which would be factually distinct from, and antecedent in time to, the Christian undertaking of a marriage-covenant. By comparison, all the arguments of the missionaries have so far failed to convince the faithful out here that what they have from time immemorial understood to be marriage turns out to be mere concubinage should the Church's blessing be lacking. Youngsters will dutifully keep away from the communion-table the moment they start living under the the same roof, in this way bowing to the authority behind the clerical ruling which would from the start force upon their union a degree of stability as yet unwarranted; since, however, a Church-Marriage is for them at that early stage hardly a practical possibility anyway, neither they nor their respective families will harbour much guilt; still less will they doubt that they are husband and wife once the vital requirements of the customary law have been fulfilled.

In this context, it is interesting to note that while a Church-Marriage is in practice still considered a must in my home-country, as this is how boy and girl—the bad as well as the good—are socially acknowledged to graduate to the married class, young people out here—the good—as well as the bad—can live merrily without the Church's extras for a number of years—which more than one parish priest has been known to find exasperating. 'Public sinners' they may be branded; their sin, if they are conscious of any, stems from their failure to obey the Church's dictates, not from living in what the parish priest tells them is concubinage.

At this point, I submit that the continued repudiation, on the part of the Ngote faithful, of the idea that valid marriage infers Church-Marriage, is turning out to be a healthy stand from which their counterparts in older Churches would be well-advised to make their profit. Their stand is justified from the cultural point of view. There is no reason why the cultural traditions of Europe, which in the thirteenth century culminated in a compromised definition of marriage resting upon the consent of bride and bridegroom and made irrevocable by the first conjugal act, should be preferred to local and still-living traditions according to which the agreement of boy and girl to become husband and wife is part and parcel of a wider alliance between the lineages to which they belong. Nor is there any ground why the Church should so fasten the Christian design of marriage to any particularised pattern of getting married, that acquiescence to the latter becomes a condition for access to the former. For the faithful of the older Churches, the lesson, from that point of view, is that the cultural and histor-

ical conditions which brought about the decisions of Alexander III in the late twelfth century and Trent's *Tametsi* in the sixteenth century might well have of late become obsolete, the implications being that it is now for the State, rather than for the Church, to define what the modalities of marriage as a social reality are in a particular society and to legislate on its validity.

Having rendered to Caesar what belongs to Caesar, Catholic communities in the West could presumably better attend to the aspect of the marriage undertaking which lies within their province, namely the building up and fostering of the sacramental value of marriage by which love between spouses becomes a sign of God's love for his people and an instrument in spreading that divine *agape* among men. Thus, a marriage between baptised spouses would cease to be automatically assumed either a sacrament or an instance of concubinage, according to whether or not it meets the Church's conditions for validity. The fact that Peter and Mary are husband and wife would be ascertained by civil law, while it would be for the Church to determine whether their union is apt to support the Sacrament of Matrimony. Thanks to circumstances which, in this part of the world, have forced a cleavage between the accepted way of getting married and access to Church-Marriage, a distinction has been preserved, both in the minds of people and in actual practice, between marriage as a social event and marriage as an ecclesial event. That such a state of affairs is not necessarily deplorable, that it might even be looked upon as a God-given opportunity to rescue Christ's programme on marriage from the strictures into which profane concerns had gradually forced it, is the second lesson, the theological one, which the faithful of Ngote can offer to their brothers of older Churches.

Admittedly, a number of questions call for attention the moment those lessons are apprehended as possibly deserving implementation. For instance, what would be the ecclesial status of those spouses who, in that perspective, are *validly* married, whose union is as yet unable to signify God's Covenant and thus still not ripe for celebration in Church? That those spouses be spared conscription into the somewhat repulsive Church column of 'public sinners' (with the automatic sanction of exclusion from communion that goes with it) would, I should imagine, be a minimal requirement of justice which could not for long be withheld. That they should instead be regarded as Christians living through what a parish priest friend has aptly labelled their *marriage catechumenate* (meaning the normal, if transitory, period that extends from the contracting of marriage to its recognition as a sacrament) is an approach which would at once be better attuned to the gospel and more beneficent to the ecclesial community.

Whatever the precise answer to that question and to others of a similar nature, the task entrusted to the pastoral care of the

Church in regard to marriage is unlikely to be substantially different today from what the Chief Pastor conceived it to be in his time, namely the fostering among married followers of those many facets of *agape*—kindness, fidelity, mercy—which will make conjugal life a sacrament of the divine covenant. That task has more to do with the living out of marriage than with its definition; it cannot be fulfilled adequately as long as it has not been dissociated from concern for validity. In the sector of the Church from which I write, conditions are favourable for that issue to be at least clearly grasped and for the recommended solution (ratifying the locally existing distinction between valid marriage and sacramental marriage rather than forcefully combining both) to be progressively viewed as desirable. The problem, as it was pointed out to me at a recent deanery meeting, is that in practice the Law must be followed and that it is laid down in other quarters of the Church. Is it too much to hope that the memory of the First Council of Jerusalem will move some influential theologians and canonists to address themselves to this question? Is the tradition according to which marriages between baptised partners require Church recognition for validity and *ipso facto* involve the reception of the Sacrament of Matrimony, one of those ‘necessary things’ which must be imposed upon converts of non-European extraction?

Recent Catholic Writing

on the Resurrection

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The foundation of Christianity, as fact and doctrine, is the resurrection from the dead of Jesus who was crucified,

“a stumbling block to Jews and folly to Gentiles, but to those who are called, both Jews and Greeks, Christ the power of God and the wisdom of God”

(I Cor 1: 23 - 24).

Great efforts have been made over the centuries to spell out the presuppositions and implications, historical, metaphysical and theological, of this event, and it is unlikely that anything wholly