

The Protection of Minors in Canonical Marriage Law: Canonical Regulations and Pastoral Responsibility



PROF. DR. SABINE KONRAD,
UNIVERSITÄT INNSBRUCK

MÜNCHEN, MAY 28TH 2026

The Protection of Minors in Canonical Marriage Law: Canonical Regulations and Pastoral Responsibility

Contents

Protection of minors in canon marriage law and pastoral practice

Focus: freedom, maturity, and credibility of Church practice

Minors need special protection: legal and pastoral measures

I. Legal protection of minors wishing to marry

1. When can a "minor" marry?

minimum age and *Ius Connubii*

Minor: under 18 (c. 97 §1) / validity: men 16, women 14 (c. 1083 §1)

Bishops' conferences and state law may set higher age (c. 1083 §2)

Two principles: possibility of valid early consent / heightened risks demand caution

2. Presumption against early marriages

c. 1072: pastors should prevent marriages before the usual regional age

Pastoral duty to guide, form, and, if needed, delay celebration

-

3. Permission of the local ordinary

c. 1071 §1, 6°: permission required if parents are unaware or reasonably object

Parental consent not required for validity: consent is personal

Pressure/force renders consent invalid (c. 1103)

-

4. Duties of care before the wedding ceremony

Canonical investigation: verify impediments/conditions (c. 1066)

Follow bishops' conference norms (c. 1067)

For minors: confidential one-on-one interviews; assess pressure and understanding

5. Protection by examining freedom, capacity to marry and consent

Governing the capacity to consent:

- Use of reason and discernment (c. 1095, n. 1-2).
- Inability to assume obligations (c. 1095, 3)

5.1 Impediments with a protective function

- Consanguinity (c. 1091)
- Religious differences (c. 1086)

5.2 Further matrimonial laws for the protection of minors

- Knowledge and basic understanding (c. 1096)
- Substantial error (c. 1097)
- Deception (c. 1098)
- Conditions and simulation (cc. 1101–1102)
- Freedom from force and fear (c. 1103)

II. Pastoral responsibility for minors wishing to marry

1. Catechesis and Preparation: Promoting Maturity, Securing Freedom

- Clarify the understanding of marriage
- Check their life situation
- Spiritual accompaniment
- Securing freedom

2. Dependence on state law

In many jurisdictions: minimum age is higher than the canonical age.

Special permits are often provided for, or marriages under the age of 18 are generally excluded. But not in every state.

3. Intercultural sensitivity and protection against forced marriage

Interviews must be conducted with interpreters who are professional and neutral.

Individual discussions should be held with each of the two nupturists. There they must be given the opportunity to say "no".

Cooperation with counselling centres

Documentation of all steps and decisions



4. Special situations: pregnancy, migration, digital realities

Pregnancy

- Heightened risk of forced consensus / verify voluntariness separately
- Name alternatives: decouple birth and marriage / support single parents / adoption / care options

Migration

Verify identity/status; use neutral interpreters; procure documents; cooperate with civil/charitable bodies; with ambiguity, do not assist

Digital Realities

Plan sufficient in-person time; cross-diocesan cooperation as needed

5. Nullity procedure and learning curve of pastoral care

Annulment cases often reveal maturity defects (e.g., c. 1095)

→ learn and prevent

Invest in training: regularly review guidelines/ improve procedures over time

6. Concluding aspects

Safeguarding and Follow-up

- Recognize grooming risks; ensure safe environments
- Reporting/accountability per Church norms; comply with civil reporting
- Provide pastoral follow-up to detect violence and support early on

Thank you for your attention!



... and your protection.