

CHAPTER 9

MARRIAGE

A. INTRODUCTION

- 9.1.1 The matrimonial covenant, established by the Creator and ordered by his laws, by which a man and a woman by an irrevocable personal consent establish between themselves a partnership of the whole of life, is by its nature ordered toward the good of the spouses and the procreation and education of children.⁹¹⁸
- 9.1.2 Marriage is not a purely human institution. “The intimate community of life and love which constitutes the married state has been established by the Creator and endowed by him with its own proper laws.... God himself is the author of marriage.”⁹¹⁹
- 9.1.3 The vocation to marriage is written in the very nature of man and woman by the hand of the Creator, for they are created in his image and likeness, and their mutual love becomes an image of the absolute and unfailing love with which God loves mankind.⁹²⁰
- 9.1.4 Sacred Scripture begins with the creation of man and woman in the image and likeness of God and concludes with a vision of “the wedding feast of the Lamb.” Scripture speaks throughout of marriage and its “mystery,” its institution and the meaning God has given it, its origin and its end, its various realizations throughout the history of salvation, the difficulties arising from sin and its renewal in the Lord in the New Covenant of Christ and the Church.⁹²¹
- 9.1.5 Scripture affirms that man and woman were created for one another: “It is not good that the man should be alone.” The woman, “flesh of his flesh” – his counterpart, his equal, his nearest in all things – is given to him by God as a

⁹¹⁸ CCEO can. 776 §1; cf. CIC can. 1055 §1; GS 48 §1.

⁹¹⁹ CCC 1603; cf. GS 47 §§1-2, 48 §1. Marriage is “a union of a man and a woman and a partnership of the whole of life, a participation in divine and human law,” and “a union of a man and a woman, involving an undivided sharing of life.” Justinian, *Digest*, 23, 2, 1; *Institutes*, 1, 9, 1.

⁹²⁰ CCC 1604; cf. Genesis 1: 27-28, 31; 1 John 4: 8, 16. “The throne formed by cherubim awaits you, its bearers swift and eager. The bridal chamber is adorned, the banquet is ready, the eternal dwelling places are prepared, the treasure houses of all good things lie open. The kingdom of heaven has been prepared for you from all eternity.” From an ancient homily on Holy Saturday, in *Liturgy of the Hours, Holy Saturday, Office of Readings*.

⁹²¹ CCC 1602; cf. Revelation 19:7, 9; cf. Genesis 1: 26-27; 1 Corinthians 7: 39; Ephesians 5: 31-32.

- “helpmate”; thus she represents God from whom comes our help. “Therefore a man leaves his father and his mother and cleaves to his wife, and they become one flesh.” The Lord himself shows that this was what the plan of the Creator had been “in the beginning”: “So they are no longer two, but one flesh.”⁹²²
- 9.1.6 The nuptial covenant between God and Israel prepared the way for the new and everlasting covenant in which the Son of God, by becoming incarnate and giving his life, has united to himself all who are saved by him, thus preparing for “the wedding feast of the Lamb.”⁹²³
- 9.1.7 On the threshold of his public life Jesus performed his first sign during a wedding feast. He taught the original meaning of the union of man and woman as the Creator willed it from the beginning. The matrimonial union of man and woman is indissoluble: God himself has determined it: “What therefore God has joined together, let no man put asunder.”⁹²⁴
- 9.1.8 The whole Christian life bears the mark of the spousal love of Christ and the Church. The sacrament of baptism is the nuptial bath which precedes the wedding feast, the sacrament of the Eucharist. Christian marriage in its turn is the sacrament of the covenant of Christ and the Church, a sacrament by which the spouses are united by God in the image of the indefectible union of Christ with the Church, and consecrated and strengthened by sacramental grace to live out that union.⁹²⁵
- 9.1.9 Jesus places no impossible burden on spouses. He restores the original order of creation disturbed by sin, and gives men and women the strength and grace to live marriage in the new dimension of the Reign of God. It is by renouncing themselves, taking up their crosses, and following Christ that

⁹²² CCC 1605; cf. Genesis 2: 18-25; Matthew 19: 6.

⁹²³ CCC 1612; cf. Revelation 19: 7, 9; GS 22. See also ICEL, English translation of The Order of Mass I, 2006, 2008: “Behold the Lamb of God, behold him who takes away the sins of the world. Blessed are those called to the supper of the Lamb.”

⁹²⁴ CCC 1613; cf. John 2: 1-11. CCC 1614; cf. Matthew 19: 6-8.

⁹²⁵ CCC 1617; cf. Ephesians 5: 26-27; Council of Trent, Session XXIV, *Doctrina de sacramento matrimonii* (1563): DS 1800; CIC can. 1055 §2; CCEO can. 776 §2. “As God then took a rib from Adam’s side to fashion a woman, so Christ has given us blood and water from his side to fashion the Church. God took the rib when Adam was in a deep sleep, and in the same way Christ gave us the blood and the water after his own death. Do you understand, then, how Christ has united his bride to himself and what food he gives us all to eat? By one and the same food we are both brought into being and nourished. As a woman nourishes her child with her own blood and milk, so does Christ unceasingly nourish with his own blood those to whom he himself has given life.” Saint John Chrysostom, *Catechesis 3*, in Liturgy of the Hours, Good Friday, Office of Readings.

spouses are able to “receive” the original meaning of marriage and live it with his help.⁹²⁶

- 9.1.10 The fundamental task of marriage and family is to be at the service of life. Children are the supreme gift of marriage, and it is in them that marriage finds its crowning glory. God himself wished to associate men and women in a special way in his own creative work. Hence, true married love and the whole structure of family life which results from it, without diminishment of the other ends of marriage, are directed to disposing the spouses to cooperate valiantly with the love of the Creator and Savior, who through them will increase and enrich his family from day to day.⁹²⁷
- 9.1.11 The fruitfulness of conjugal love extends to the fruits of the moral, spiritual, and supernatural life that parents hand on to their children. As Pope Pius XII told a gathering of parents, “You are, under the direction of the priests, the first and the closest educators and teachers of the children whom God has given to you. In the building of the temple of the Church, which is made not from dead stones but from souls living with new heavenly life, you are the spiritual guides for your children; you yourselves are, as it were, priests of the cradle, infancy and childhood, and you must show them the way to heaven.”⁹²⁸

B. PASTORAL CARE AND THOSE THINGS WHICH MUST PRECEDE THE CELEBRATION OF MARRIAGE

- 9.2.1 Pastors of souls are obliged to take care that their ecclesiastical community offers the Christian faithful the assistance by which the matrimonial state is preserved in a Christian spirit and advances in perfection. This assistance must be offered especially by:
- a. preaching, catechesis adapted to minors, youth, and adults, and even the use of instruments of social communication, by which the

⁹²⁶ CCC 1615; cf. Mark 8: 34; Matthew 11: 29-30; Matthew 19: 11. Tertullian, *Ad uxorem* (ca. 206): “Who can express the happiness of that marriage which the Church approves, which sacrifice [the Mass] confirms, which blessing seals, which angels announce, and which the Father ratifies?”

⁹²⁷ CCC 1653; 1652, quoting GS 50 §1; cf. GS 48 §1; cf. Genesis 2: 18; Matthew 19: 4; Genesis 1: 28. See also CCC 1654: “Spouses to whom God has not granted children can nevertheless have a conjugal life full of meaning, in both human and Christian terms. Their marriage can radiate a fruitfulness of charity, of hospitality, and of sacrifice.”

⁹²⁸ CCC 1653; cf. GE 3, FC 28. Pope Pius XII, Allocution to Married Couples, 15 January 1941. See, e.g., RBC 70: “May he bless the fathers of these children. With their wives they will be the first teachers of their children in the ways of faith. May they be also the best of teachers, bearing witness to the faith by what they say and do, in Christ Jesus our Lord.”

Christian faithful are instructed about the meaning of Christian marriage and about the function of Christian spouses and parents;⁹²⁹

- b. personal preparation to enter marriage, which disposes the spouses to the holiness and duties of their new state;⁹³⁰
 - c. a fruitful liturgical celebration of marriage which is to show that the spouses signify and share in the mystery of the unity and fruitful love between Christ and the Church;⁹³¹ and
 - d. help offered to those who are married, so that faithfully preserving and protecting the conjugal covenant, they daily come to lead holier and fuller lives in their family.⁹³²
- 9.2.2 It is for the local ordinary to take care that such assistance is organized fittingly, after he has also heard men and women proven by experience and expertise if it seems opportune.⁹³³
- 9.2.3 Catholics who have not yet received the sacrament of confirmation are to receive it before they are admitted to marriage if it can be done without grave inconvenience.⁹³⁴
- 9.2.4 To receive the sacrament of marriage fruitfully, spouses are urged especially to approach the sacraments of penance and of the Holy Eucharist.⁹³⁵
- 9.2.5 Before a marriage is celebrated, it must be evident that nothing stands in the way of its valid and licit celebration.⁹³⁶
- 9.2.6 The following norms are to be observed with regard to the examination of the parties and about the marriage banns or other opportune means to accomplish the investigations necessary before marriage:

⁹²⁹ CIC can. 1063 1°.

⁹³⁰ CIC can. 1063 2°.

⁹³¹ CIC can. 1063 3°.

⁹³² CIC can. 1063 4°.

⁹³³ CIC can. 1064. In the Archdiocese of Washington, the Office of Family Life provides programs, training, and resources in the areas of marriage and marriage preparation.

⁹³⁴ CIC can. 1065 §1.

⁹³⁵ CIC can. 1065 §2.

⁹³⁶ CIC can. 1066.

- a. the couple should receive appropriate education and pastoral preparation through participation in a marriage preparation program approved by the Archbishop;
- b. the parties should be questioned as to their freedom to marry;
- c. baptized Catholics should present a recently issued annotated baptismal certificate;
- d. where necessary, additional documentation (such as affidavits of parents) attesting to a Catholic party's freedom to marry should be presented;
- e. baptized non-Catholics should present satisfactory proof of baptism and freedom to marry;
- f. unbaptized persons should present satisfactory proof of freedom to marry;
- g. preparation for marriage should be in conformity with the prescriptions of canon law and these norms; and
- h. preparation for marriage should be in compliance with appropriate civil laws.

After these norms have been diligently observed, the pastor can proceed to assist at the marriage.⁹³⁷

- 9.2.7 In danger of death and if other proofs cannot be obtained, the affirmation of the contracting parties, even sworn if the case warrants it, that they are baptized and are prevented by no impediment is sufficient unless there are indications to the contrary.⁹³⁸
- 9.2.8 All the faithful are obliged to reveal any impediments they know about to the pastor or local ordinary before the celebration of the marriage.⁹³⁹
- 9.2.9 If someone other than the pastor who is to assist at marriage has conducted the investigations, the person is to notify the pastor about the results as soon as possible through an authentic document.⁹⁴⁰

⁹³⁷ CIC can. 1067; NCCB, Complementary Norm for CIC can. 1067, 18 November 1998: RRAA 2001, 34-35.

⁹³⁸ CIC can. 1068.

⁹³⁹ CIC can. 1069.

⁹⁴⁰ CIC can. 1070.

9.2.10 Except in a case of necessity, a person is not to assist without the permission of the local ordinary at

- a. a marriage of transients;⁹⁴¹
- b. a marriage which cannot be recognized or celebrated according to the norm of civil law;⁹⁴²
- c. a marriage of a person who is bound by natural obligations toward another party or children arising from a previous union;⁹⁴³
- d. a marriage of a person who has notoriously rejected the Catholic faith;⁹⁴⁴
- e. a marriage of a person who is under a censure;⁹⁴⁵
- f. a marriage of a minor child when the parents are unaware or reasonably opposed;⁹⁴⁶
- g. a marriage to be entered into through a proxy.⁹⁴⁷

9.2.11 The local ordinary is not to grant permission to assist at the marriage of a person who has notoriously rejected the Catholic faith unless there is a just and reasonable cause and

- a. the Catholic party (i.e., not the one who has rejected the Catholic faith) has declared that he or she is prepared to remove dangers of defecting from the faith and has made a sincere promise to do all in

⁹⁴¹ CIC can. 1071 §1 1°. Transients are people who have no domicile or quasi-domicile (cann. 100, 101), which can make it difficult to establish their freedom to marry. Some people have no fixed address because they are travelers, migrants, in poverty, or even refugees. Other transients live a wandering life because they have mental illnesses. Special care must be taken to ensure that a transient is capable of marriage.

⁹⁴² CIC can. 1071 §1 2°.

⁹⁴³ CIC can. 1071 §1 3°.

⁹⁴⁴ CIC can. 1071 §1 4°; cf. can. 751: "Heresy is the obstinate denial or obstinate doubt after the reception of baptism of some truth which is to be believed by divine and Catholic faith; apostasy is the total repudiation of the Christian faith; schism is the refusal of submission to the Supreme Pontiff or of communion with the members of the Church subject to him." Such persons may be denied ecclesiastical funerals, cf. ADW, Liturgical Norms and Policies, 2010, 10.4.2-7.

⁹⁴⁵ CIC can. 1071 §1 5°. The censures mentioned are excommunication and interdict (cf. cann. 1331 §1 2°, 1332).

⁹⁴⁶ CIC can. 1071 §1 6°. See also ADW, Liturgical Norms and Policies, 2010, 9.2.13, 9.4.1-6, 9.35.3, 9.36.7-9.

⁹⁴⁷ CIC can. 1071 §1 7°; cf. can. 1105.

his or her power so that all offspring are baptized and brought up in the Catholic Church;

- b. the other party (i.e., the one who has rejected the Catholic faith) has been informed about the promises which the Catholic party is to make, in such a way that it is certain that he or she is truly aware of the promise and obligation of the Catholic party; and
 - c. both parties have been instructed about the purposes and essential properties of marriage which neither of the contracting parties is to exclude.⁹⁴⁸
- 9.2.12 Pastors of souls are to take care to dissuade youth from the celebration of marriage before the age at which a person usually enters marriage according to the accepted practices of the region.⁹⁴⁹
- 9.2.13 With regard to civil law requirements, the following should be noted:
- a. In the District of Columbia, those who are under 18 years of age need signed parental or guardian consent forms in order to obtain a marriage license. Those who are under 16 years of age cannot marry.
 - b. In the State of Maryland, parental consent is needed for those who are 16 to 18 years of age, and the parent or guardian must accompany the person who requests the license. If the applicant is under 16 years of age, parental consent and the written approval of a judge of the Orphans' Court Division of the Court of Common Pleas is needed. A woman who is under 18 years of age and is pregnant or has a child, and who shows a certificate from a licensed physician that attests to these facts, may have the parental consent requirement waived.

C. DIRIMENT IMPEDIMENTS AND THEIR DISPENSATION

General

- 9.3.1 A diriment impediment renders a person unqualified to contract marriage validly.⁹⁵⁰

⁹⁴⁸ CIC can. 1071 §2; cf. can. 1125 1°-3°.

⁹⁴⁹ CIC can. 1072.

9.3.2 An impediment which can be proven in the external forum is considered to be public; otherwise it is occult.⁹⁵¹

Impediment of Age

9.4.1 A man before he has completed his sixteenth year of age and a woman before she has completed her fourteenth year of age cannot enter into a valid marriage.⁹⁵²

9.4.2 The local ordinary, whenever he judges that it contributes to their spiritual good, is able to dispense his own subjects residing anywhere, and all actually present in the Archdiocese of Washington, from this impediment.⁹⁵³

9.4.3 Pastors are not to assist without the permission of the local ordinary at a marriage which cannot be recognized or celebrated according to the norm of civil law.⁹⁵⁴

9.4.4 Pastors of souls are to take care to dissuade youth from the celebration of marriage before the age at which a person usually enters marriage according to the accepted practices of the region.⁹⁵⁵

9.4.5 In urgent danger of death, the local ordinary can dispense his own subjects residing anywhere and all actually present in the Archdiocese of Washington from this impediment, whether public or occult. When the local ordinary cannot be reached, the pastor, the properly delegated sacred minister, and the priest or deacon who assists at marriage possess the same power of dispensing.⁹⁵⁶

9.4.6 If the impediment is discovered after everything is ready for the wedding (even a convalidation), and it cannot be delayed without probable danger of grave harm, the local ordinary and – provided that the impediment cannot be proven in the external forum and the local ordinary cannot be reached – the pastor, the delegated sacred minister, and the priest or deacon who assist at

⁹⁵⁰ CIC can. 1073. The impediments known as *impedient* (prohibitive) impediments, which were in the 1917 Code of Canon Law and rendered marriages illicit but valid, do not exist in the 1983 Code of Canon Law.

⁹⁵¹ CIC can. 1074.

⁹⁵² CIC can. 1083 §1.

⁹⁵³ CIC can. 1078 §1; cf. can. 87 §1.

⁹⁵⁴ CIC can. 1071 §1 2^o.

⁹⁵⁵ CIC can. 1072. See also ADW, Liturgical Norms and Policies, 2010, 9.2.13, 9.4.1-6, 9.35.3, 9.36.7-9, regarding civil requirements for the ages of the parties.

⁹⁵⁶ CIC can. 1079 §§1-4.

marriage can give the dispensation. The one who gives such a dispensation is to notify the local ordinary immediately; it is also to be noted in the marriage register.⁹⁵⁷

Impediment of Impotence

- 9.5.1 Antecedent and perpetual impotence to have intercourse, whether on the part of the man or the woman, whether absolute or relative, nullifies marriage by its very nature.⁹⁵⁸
- 9.5.2 This impediment is of divine natural law, and cannot be dispensed.
- 9.5.3 If the impediment of impotence is doubtful, whether by a doubt about the law or a doubt about a fact, a marriage must not be impeded nor, while the doubt remains, declared null.⁹⁵⁹
- 9.5.4 Sterility neither prohibits nor nullifies marriage.⁹⁶⁰

Impediment of Prior Bond of Marriage

- 9.6.1 A person bound by the bond of a prior marriage, even if it was not consummated, invalidly attempts marriage.⁹⁶¹
- 9.6.2 This impediment is of both divine positive law and natural law, and cannot be dispensed.
- 9.6.3 Even if the prior marriage is declared to be invalid or is dissolved for any reason, it is not on that account permitted to contract another before the

⁹⁵⁷ CIC cann. 1080 §§1-2, 1081.

⁹⁵⁸ CIC can. 1084 §1.

⁹⁵⁹ CIC can. 1084 §2.

⁹⁶⁰ CIC can. 1084 §3. However, this is without prejudice to the prescript of CIC can. 1098: "A person contracts invalidly who enters into a marriage deceived by malice, perpetrated to obtain consent, concerning some quality of the other partner which by its very nature can gravely disturb the partnership of conjugal life." From a juridical perspective, "impotence" is the inability to have sexual intercourse with all its essential elements as they are determined by nature. The term "sterility" refers to defects which prevent procreation but do not affect the act of copulation.

⁹⁶¹ CIC can. 1085 §1. A *ratum et non consummatum* marriage can be dissolved by the Roman Pontiff, cf. CIC can. 1142.

nullity or dissolution of the prior marriage is established legitimately and certainly.⁹⁶²

Impediment of Disparity of Cult

- 9.7.1 The perfect union of persons and full sharing of life which constitutes the married state are more easily assured when both partners belong to the same faith community. Mixed marriages frequently present difficulties for the couples themselves, and for the children born to them, in maintaining their Christian faith and commitment and for the harmony of family life.⁹⁶³
- 9.7.2 A marriage between two persons, one of whom has been baptized in the Catholic Church or received into it, and the other of whom is not baptized, is invalid.⁹⁶⁴
- 9.7.3 The local ordinary, whenever he judges that it contributes to their spiritual good, is able to dispense his own subjects residing anywhere, and all actually present in the Archdiocese of Washington, from this impediment.⁹⁶⁵
- 9.7.4 The local ordinary can grant this dispensation if there is a just and reasonable cause. He is not to grant it unless the following conditions have been fulfilled:
- a. the Catholic party is to declare that he or she is prepared to remove dangers of defecting from the faith and is to make a sincere promise to do all in his or her power so that all offspring are baptized and brought up in the Catholic Church;⁹⁶⁶
 - b. the other party is to be informed at an appropriate time about the promises which the Catholic party is to make, in such a way that it is certain that he or she is truly aware of the promise and obligation of the Catholic party;⁹⁶⁷ and

⁹⁶² CIC cann. 1085 §2, 1684 §2. A declaration of nullity by a court of first instance must be confirmed by a sentence of a court of second instance. This is not an invalidating prohibition, but a marriage celebrated under these circumstances without a declaration of nullity would be seriously illicit.

⁹⁶³ Cf. ED 144.

⁹⁶⁴ CIC can. 1086 §1. A clause in this canon that referred to defection from the Catholic faith "by a formal act" was removed by Pope Benedict XVI, in the Motu proprio *Omnium in mentem*, 26 October 2009.

⁹⁶⁵ CIC can. 1078 §1; cf. can. 87 §1.

⁹⁶⁶ CIC can. 1125 1^o.

⁹⁶⁷ CIC can. 1125 2^o.

- c. both parties are to be instructed about the purposes and essential properties of marriage which neither of the contracting parties is to exclude.⁹⁶⁸
- 9.7.5 The canonical form of marriage is to be observed in the marriage of a Catholic and an unbaptized person.⁹⁶⁹
- 9.7.6 If grave difficulties hinder the observance of canonical form, the local ordinary of the Catholic party has the right of dispensing from the form in individual cases, after having consulted the ordinary of the place in which the marriage is celebrated, provided that there is some public form of celebration for validity.⁹⁷⁰
- 9.7.7 It is forbidden to have another religious celebration of the same marriage to give or renew matrimonial consent before or after the celebration according to the canonical form.⁹⁷¹
- 9.7.8 There is not to be a religious celebration in which the Catholic who is assisting and a non-Catholic minister together, using their own rites, ask for the consent of the parties.⁹⁷²
- 9.7.9 Local ordinaries and other pastors of souls are to take care that the Catholic spouse and the children born of a mixed marriage do not lack the spiritual help to fulfill their obligations and are to help spouses foster the unity of conjugal and family life.⁹⁷³
- 9.7.10 A person is not to be dispensed from this impediment unless the conditions regarding the Catholic party's promises to remove dangers of defecting from the faith and doing all in his or her power to have the children baptized and raised in the Catholic faith, have been fulfilled.⁹⁷⁴
- 9.7.11 In urgent danger of death, the local ordinary can dispense his own subjects residing anywhere and all actually present in the Archdiocese of Washington from this impediment, whether public or occult. When the local ordinary cannot be reached, the pastor, the properly delegated sacred minister, and the

⁹⁶⁸ CIC can. 1125 3^o.

⁹⁶⁹ CIC cann. 1127 §1, 1129.

⁹⁷⁰ CIC cann. 1127 §2, 1129.

⁹⁷¹ CIC cann. 1127 §3, 1129.

⁹⁷² CIC cann. 1127 §3, 1129.

⁹⁷³ CIC cann. 1128, 1129.

⁹⁷⁴ CIC can. 1086 §2; cf. cann. 1125, 1126.

priest or deacon who assists at marriage possess the same power of dispensing.⁹⁷⁵

- 9.7.12 If the impediment is discovered after everything is ready for the wedding (even a convalidation), and it cannot be delayed without probable danger of grave harm, the local ordinary and – provided that the impediment cannot be proven in the external forum and the local ordinary cannot be reached – the pastor, the delegated sacred minister, and the priest or deacon who assist at marriage can give the dispensation. The one who gives such a dispensation is to notify the local ordinary immediately; it is also to be noted in the marriage register.⁹⁷⁶

Impediment of Sacred Orders

- 9.8.1 Those in sacred orders – bishops, priests, and deacons – invalidly attempt marriage.⁹⁷⁷
- 9.8.2 In a case involving the sacred order of the presbyterate, dispensation from this impediment in all circumstances without exception is reserved to the Apostolic See.⁹⁷⁸
- 9.8.3 In urgent danger of death in a case involving the sacred order of the diaconate, the local ordinary can dispense his own subjects residing anywhere and all actually present in the Archdiocese of Washington from this impediment, whether public or occult. When the local ordinary cannot be reached, the pastor, the properly delegated sacred minister, and the priest or deacon who assists at marriage possesses the same power of dispensing.⁹⁷⁹
- 9.8.4 If the impediment involves the sacred order of the diaconate and is discovered after everything is ready for the wedding (even a convalidation), and it cannot be delayed without probable danger of grave harm, the local ordinary and – provided that the impediment cannot be proven in the external forum and the local ordinary cannot be reached – the pastor, the

⁹⁷⁵ CIC can. 1079 §§1-4.

⁹⁷⁶ CIC cann. 1080 §§1-2, 1081.

⁹⁷⁷ CIC can. 1087.

⁹⁷⁸ CIC can. 1078 §2 1°. CIC can. 1079 §1: “In urgent danger of death, the local ordinary can dispense his own subjects residing anywhere and all actually present in his territory both from the form to be observed in the celebration of marriage and from each and every impediment of ecclesiastical law, whether public or occult, *except the impediment arising from the sacred order of presbyterate*” (emphasis added).

⁹⁷⁹ CIC can. 1079 §§1-4.

delegated sacred minister, and the priest or deacon who assist at marriage can give the dispensation. The one who gives such a dispensation is to notify the local ordinary immediately; it is also to be noted in the marriage register.⁹⁸⁰

Impediment of Vow of Chastity

- 9.9.1 Those bound by a public perpetual vow of chastity in a religious institute invalidly attempt marriage.⁹⁸¹
- 9.9.2 In normal circumstances, the dispensation of this impediment is reserved to the Apostolic See if it concerns a perpetual vow of chastity made in a religious institute of pontifical right. For such a vow made in a religious institute of diocesan right, the local ordinary is competent to grant the dispensation.⁹⁸²
- 9.9.3 In urgent danger of death, the local ordinary can dispense his own subjects residing anywhere and all actually present in the Archdiocese of Washington from this impediment, whether public or occult. When the local ordinary cannot be reached, the pastor, the properly delegated sacred minister, and the priest or deacon who assists at marriage possesses the same power of dispensing.⁹⁸³
- 9.9.4 If the impediment is discovered after everything is ready for the wedding (even a convalidation), and it cannot be delayed without probable danger of grave harm, the local ordinary and – provided that the impediment cannot be proven in the external forum and the local ordinary cannot be reached – the pastor, the delegated sacred minister, and the priest or deacon who assist at marriage can give the dispensation. The one who gives such a dispensation is to notify the local ordinary immediately; it is also to be noted in the marriage register.⁹⁸⁴

Impediment of Abduction of the Woman

- 9.10.1 No marriage can exist between a man and a woman who has been abducted or at least detained with a view of contracting marriage with her unless the

⁹⁸⁰ CIC cann. 1080 §§1-2, 1081.

⁹⁸¹ CIC can. 1088.

⁹⁸² CIC can. 1078 §2 1^o.

⁹⁸³ CIC can. 1079 §§1-4.

⁹⁸⁴ CIC cann. 1080 §§1-2, 1081.

- woman chooses marriage of her own accord after she has been separated from the captor and established in a safe and free place.⁹⁸⁵
- 9.10.2 The local ordinary, whenever he judges that it contributes to their spiritual good, is able to dispense his own subjects residing anywhere, and all actually present in the Archdiocese of Washington, from this impediment.⁹⁸⁶
- 9.10.3 In urgent danger of death, the local ordinary can dispense his own subjects residing anywhere and all actually present in the Archdiocese of Washington from this impediment, whether public or occult. When the local ordinary cannot be reached, the pastor, the properly delegated sacred minister, and the priest or deacon who assists at marriage possesses the same power of dispensing.⁹⁸⁷
- 9.10.4 If the impediment is discovered after everything is ready for the wedding (even a convalidation), and it cannot be delayed without probable danger of grave harm, the local ordinary and – provided that the impediment cannot be proven in the external forum and the local ordinary cannot be reached – the pastor, the delegated sacred minister, and the priest or deacon who assist at marriage can give the dispensation. The one who gives such a dispensation is to notify the local ordinary immediately; it is also to be noted in the marriage register.⁹⁸⁸

Impediment of Crime

- 9.11.1 Anyone who with a view to entering marriage with a certain person has brought about the death of that person's spouse or of one's own spouse invalidly attempts this marriage.⁹⁸⁹
- 9.11.2 Those who have brought about the death of a spouse by mutual physical or moral cooperation also invalidly attempt a marriage together.⁹⁹⁰
- 9.11.3 Dispensation from this impediment is reserved to the Apostolic See.⁹⁹¹

⁹⁸⁵ CIC can. 1089. Note that this impediment exists only for a woman who has been abducted. There is no such impediment regarding a man who has been abducted.

⁹⁸⁶ CIC can. 1078 §1; cf. can. 87 §1.

⁹⁸⁷ CIC can. 1079 §§1-4.

⁹⁸⁸ CIC can. 1080 §§1-2, 1081.

⁹⁸⁹ CIC can. 1090 §1.

⁹⁹⁰ CIC can. 1090 §2.

⁹⁹¹ CIC can. 1078 §2 2^o.

- 9.11.4 In urgent danger of death, the local ordinary can dispense his own subjects residing anywhere and all actually present in the Archdiocese of Washington from this impediment, whether public or occult. When the local ordinary cannot be reached, the pastor, the properly delegated sacred minister, and the priest or deacon who assists at marriage possesses the same power of dispensing.⁹⁹²
- 9.11.5 If the impediment is discovered after everything is ready for the wedding (even a convalidation), and it cannot be delayed without probable danger of grave harm, the local ordinary and – provided that the impediment cannot be proven in the external forum and the local ordinary cannot be reached – the pastor, the delegated sacred minister, and the priest or deacon who assist at marriage can give the dispensation. The one who gives such a dispensation is to notify the local ordinary immediately; it is also to be noted in the marriage register.⁹⁹³

Impediment of Consanguinity (Relation by Blood)

- 9.12.1 In the direct line of consanguinity marriage is invalid between all ancestors and descendants, both legitimate and natural (i.e., born out of wedlock).⁹⁹⁴
- 9.12.2 In the collateral line of consanguinity, marriage is invalid up to and including the fourth degree (first cousins).⁹⁹⁵
- 9.12.3 The local ordinary, whenever he judges that it contributes to their spiritual good, is able to dispense his own subjects residing anywhere, and all actually present in the Archdiocese of Washington, from the impediment of consanguinity in the collateral line of the fourth degree (first cousins).⁹⁹⁶
- 9.12.4 A dispensation is never given from the impediment of consanguinity in the direct line (i.e., with parents or other ancestors, or children and other descendants) or in the second degree of the collateral line (i.e., with siblings).⁹⁹⁷

⁹⁹² CIC can. 1079 §§1-4.

⁹⁹³ CIC cann. 1080 §§1-2, 1081.

⁹⁹⁴ CIC can. 1091 §1.

⁹⁹⁵ CIC can. 1091 §2.

⁹⁹⁶ CIC can. 1078 §1; cf. can. 87 §1. Other less proximate relationships are not impediments, and do not require any dispensation (e.g., second cousins).

⁹⁹⁷ CIC can. 1078 §3.

- 9.12.5 In urgent danger of death, the local ordinary can dispense his own subjects residing anywhere and all actually present in the Archdiocese of Washington from the impediment of consanguinity in the collateral line of the fourth degree (first cousins), whether public or occult. When the local ordinary cannot be reached, the pastor, the properly delegated sacred minister, and the priest or deacon who assists at marriage possesses the same power of dispensing.⁹⁹⁸
- 9.12.6 If the impediment of consanguinity in the collateral line of the fourth degree (first cousins) is discovered after everything is ready for the wedding (even a convalidation), and it cannot be delayed without probable danger of grave harm, the local ordinary and—provided that the impediment cannot be proven in the external forum and the local ordinary cannot be reached—the pastor, the delegated sacred minister, and the priest or deacon who assist at marriage can give the dispensation. The one who gives such a dispensation is to notify the local ordinary immediately; it is also to be noted in the marriage register.⁹⁹⁹
- 9.12.7 A marriage is never permitted if doubt exists whether the partners are related by consanguinity in any degree of the direct line (parents or children, etc.) or in the second degree of the collateral line (siblings).¹⁰⁰⁰

Impediment of Affinity (Relation by Marriage)

- 9.13.1 Affinity in the direct line (i.e., with parents or other ancestors, or children and other descendants of one's spouse) in any degree invalidates a marriage.¹⁰⁰¹
- 9.13.2 The local ordinary, whenever he judges that it contributes to their spiritual good, is able to dispense his own subjects residing anywhere, and all actually present in the Archdiocese of Washington, from this impediment.¹⁰⁰²
- 9.13.3 In urgent danger of death, the local ordinary can dispense his own subjects residing anywhere and all actually present in the Archdiocese of Washington from this impediment, whether public or occult. When the local ordinary cannot be reached, the pastor, the properly delegated sacred minister, and the

⁹⁹⁸ CIC can. 1079 §§1-4.

⁹⁹⁹ CIC cann. 1080 §§1-2, 1081.

¹⁰⁰⁰ CIC can. 1091 §4.

¹⁰⁰¹ CIC can. 1092.

¹⁰⁰² CIC can. 1078 §1; cf. can. 87 §1.

priest or deacon who assists at marriage possesses the same power of dispensing.¹⁰⁰³

- 9.13.4 If the impediment is discovered after everything is ready for the wedding (even a convalidation), and it cannot be delayed without probable danger of grave harm, the local ordinary and – provided that the impediment cannot be proven in the external forum and the local ordinary cannot be reached – the pastor, the delegated sacred minister, and the priest or deacon who assist at marriage can give the dispensation. The one who gives such a dispensation is to notify the local ordinary immediately; it is also to be noted in the marriage register.¹⁰⁰⁴
- 9.13.5 The impediment of affinity in the second degree of the collateral line (i.e., with the siblings of one's spouse) no longer exists in the Latin Code of Canon Law.¹⁰⁰⁵

Impediment of Public Propriety

- 9.14.1 The impediment of public propriety arises from an invalid marriage after the establishment of common life or from notorious or public concubinage. It nullifies marriage in the first degree of the direct line between the man and the blood relatives of the woman who are not also related to him, and vice versa.¹⁰⁰⁶
- 9.14.2 The local ordinary, whenever he judges that it contributes to their spiritual good, is able to dispense his own subjects residing anywhere, and all actually present in the Archdiocese of Washington, from this impediment.¹⁰⁰⁷
- 9.14.3 In urgent danger of death, the local ordinary can dispense his own subjects residing anywhere and all actually present in the Archdiocese of Washington from this impediment, whether public or occult. When the local ordinary cannot be reached, the pastor, the properly delegated sacred minister, and the priest or deacon who assists at marriage possesses the same power of dispensing.¹⁰⁰⁸

¹⁰⁰³ CIC can. 1079 §§1-4.

¹⁰⁰⁴ CIC cann. 1080 §§1-2, 1081.

¹⁰⁰⁵ Cf. 1917 CIC can. 1077 §1. However, this impediment still exists in the Code of Canons of the Eastern Churches, and a dispensation is never given for it. CCEO can. 795 §3.

¹⁰⁰⁶ CIC can. 1093.

¹⁰⁰⁷ CIC can. 1078 §1; cf. can. 87 §1.

¹⁰⁰⁸ CIC can. 1079 §§1-4.

9.14.4 If the impediment is discovered after everything is ready for the wedding (even a convalidation), and it cannot be delayed without probable danger of grave harm, the local ordinary and – provided that the impediment cannot be proven in the external forum and the local ordinary cannot be reached – the pastor, the delegated sacred minister, and the priest or deacon who assist at marriage can give the dispensation. The one who gives such a dispensation is to notify the local ordinary immediately; it is also to be noted in the marriage register.¹⁰⁰⁹

Impediment of Adoption

9.15.1 Those who are related in the direct line (i.e., parents, grandparents, children, or grandchildren, etc.) or in the second degree of the collateral line (i.e., siblings) by a legal relationship arising from adoption cannot contract marriage together validly.¹⁰¹⁰

9.15.2 The local ordinary, whenever he judges that it contributes to their spiritual good, is able to dispense his own subjects residing anywhere, and all actually present in the Archdiocese of Washington, from this impediment.¹⁰¹¹

9.15.3 In urgent danger of death, the local ordinary can dispense his own subjects residing anywhere and all actually present in the Archdiocese of Washington from this impediment, whether public or occult. When the local ordinary cannot be reached, the pastor, the properly delegated sacred minister, and the priest or deacon who assists at marriage possesses the same power of dispensing.¹⁰¹²

9.15.4 If the impediment is discovered after everything is ready for the wedding (even a convalidation), and it cannot be delayed without probable danger of grave harm, the local ordinary and – provided that the impediment cannot be proven in the external forum and the local ordinary cannot be reached – the pastor, the delegated sacred minister, and the priest or deacon who assist at marriage can give the dispensation. The one who gives such a dispensation is to notify the local ordinary immediately; it is also to be noted in the marriage register.¹⁰¹³

¹⁰⁰⁹ CIC cann. 1080 §§1-2, 1081.

¹⁰¹⁰ CIC can. 1094.

¹⁰¹¹ CIC can. 1078 §1; cf. can. 87 §1.

¹⁰¹² CIC can. 1079 §§1-4.

¹⁰¹³ CIC cann. 1080 §§1-2, 1081.

Permission for Mixed Marriage

- 9.16.1 The perfect union of persons and full sharing of life which constitutes the married state are more easily assured when both partners belong to the same faith community. Mixed marriages frequently present difficulties for the couples themselves, and for the children born to them, in maintaining their Christian faith and commitment and for the harmony of family life. For all these reasons, marriage between persons of the same Church or ecclesial community remains the objective to be recommended and encouraged.¹⁰¹⁴
- 9.16.2 Without express permission of the competent authority, a marriage is prohibited between two baptized persons of whom one is baptized in the Catholic Church or received into it after baptism and the other of whom is enrolled in a Church or ecclesial community not in full communion with the Catholic Church.¹⁰¹⁵
- 9.16.3 The local ordinary can grant permission for a mixed marriage if there is a just and reasonable cause. He is not to grant it unless the following conditions have been fulfilled:
- a. the Catholic party is to declare that he or she is prepared to remove dangers of defecting from the faith and is to make a sincere promise to do all in his or her power so that all offspring are baptized and brought up in the Catholic Church;¹⁰¹⁶
 - b. the other party is to be informed at an appropriate time about the promises which the Catholic party is to make, in such a way that it is certain that he or she is truly aware of the promise and obligation of the Catholic party;¹⁰¹⁷ and
 - c. both parties are to be instructed about the purposes and essential properties of marriage which neither of the contracting parties is to exclude.¹⁰¹⁸

¹⁰¹⁴ ED 144. The term “mixed marriage” refers to any marriage between a Catholic and a baptized Christian who is not in full communion with the Catholic Church. ED 143, cf. CIC, can. 1124, CCEO can. 813. See ED 146 on the pastoral care of such couples.

¹⁰¹⁵ CIC can. 1124. A clause in this canon that referred to defection from the Catholic faith “by a formal act” was removed by Pope Benedict XVI, in the Motu proprio *Omnium in mentem*, 26 October 2009.

¹⁰¹⁶ CIC can. 1125 1°.

¹⁰¹⁷ CIC can. 1125 2°.

¹⁰¹⁸ CIC can. 1125 3°.

- 9.16.4 For a mixed marriage that takes place according to the canonical form, the permission described above is for liceity, and not for validity.
- 9.16.5 The canonical form of marriage is to be observed in a mixed marriage.¹⁰¹⁹
- 9.16.6 Nevertheless, if a Catholic party contracts marriage with an Orthodox party, the canonical form of the celebration must be observed for liceity only; for validity, the presence of a sacred minister is required and the other requirements of law are to be observed.¹⁰²⁰
- 9.16.7 If grave difficulties hinder the observance of canonical form, the local ordinary of the Catholic party has the right of dispensing from the form in individual cases, after having consulted the ordinary of the place in which the marriage is celebrated and with some public form of celebration for validity.¹⁰²¹
- 9.16.8 It is forbidden to have another religious celebration of the same marriage to give or renew matrimonial consent before or after the celebration according to the canonical form.¹⁰²²
- 9.16.9 There is not to be a religious celebration in which the Catholic who is assisting and a non-Catholic minister together, using their own rites, ask for the consent of the parties.¹⁰²³
- 9.16.10 Local ordinaries and other pastors of souls are to take care that the Catholic spouse and the children born of a mixed marriage do not lack the spiritual help to fulfill their obligations and are to help spouses foster the unity of conjugal and family life.¹⁰²⁴

D. MATRIMONIAL CONSENT

- 9.17.1 The consent of the parties, legitimately manifested between persons qualified by law, makes marriage; no human power is able to supply this consent.¹⁰²⁵

¹⁰¹⁹ CIC can. 1127 §1.

¹⁰²⁰ CIC can. 1127 §1; ED 153.

¹⁰²¹ CIC can. 1127 §2.

¹⁰²² CIC can. 1127 §3; ED 156.

¹⁰²³ CIC can. 1127 §3.

¹⁰²⁴ CIC can. 1128.

¹⁰²⁵ CIC can. 1057 §1.

- 9.17.2 Matrimonial consent is an act of the will by which a man and a woman mutually give and accept each other through an irrevocable covenant in order to establish marriage.¹⁰²⁶
- 9.17.3 Those persons are incapable of contracting marriage who
- a. lack the sufficient use of reason;¹⁰²⁷
 - b. suffer from a grave defect of discretion of judgment concerning the essential matrimonial rights and duties mutually to be handed over and accepted;¹⁰²⁸ or
 - c. are not able to assume the essential obligations of marriage for causes of a psychic nature.¹⁰²⁹
- 9.17.4 For matrimonial consent to exist, the contracting parties must be at least not ignorant that marriage is a permanent partnership between a man and a woman ordered to the procreation of offspring by means of some sexual cooperation. This ignorance is not presumed after puberty.¹⁰³⁰
- 9.17.5 The internal consent of the mind is presumed to conform to the words and signs used in celebrating the marriage. If, however, either or both of the parties by a positive act of the will exclude marriage itself, some essential element of marriage, or some essential property of marriage, the party contracts invalidly.¹⁰³¹
- 9.17.6 A marriage is invalid if entered into because of force or grave fear from without, even if unintentionally inflicted, so that a person is compelled to choose marriage in order to be free from it.¹⁰³²
- 9.17.7 To contract a marriage validly the contracting parties must be present together, either in person or by proxy.¹⁰³³

¹⁰²⁶ CIC can. 1057 §2.

¹⁰²⁷ CIC can. 1095 1°. See also ADW, Liturgical Norms and Policies, 2010, 2.1.6.b, 2.44.2, 3.7.1-3, 4.8.2-3, 5.3.1, 5.6.2, 5.7.1-2, 7.5.8, 7.7.15, 8.3.1-3.

¹⁰²⁸ CIC can. 1095 2°.

¹⁰²⁹ CIC can. 1095 3°.

¹⁰³⁰ CIC can. 1096 §§1-2.

¹⁰³¹ CIC can. 1101 §§1-2..

¹⁰³² CIC can. 1103.

¹⁰³³ CIC can. 1104 §1. Can. 1105: “§1. To enter into a marriage validly by proxy it is required that: 1° there is a special mandate to contract with a specific person; 2° the proxy is designated by the one mandating and fulfills this function personally. §2. To be valid the mandate must be signed by the one mandating and by the pastor or ordinary of the place where the mandate is given, or by a priest delegated by either

- 9.17.8 Those who are being married are to express matrimonial consent in words or, if they cannot speak, through equivalent signs.¹⁰³⁴
- 9.17.9 A marriage can be contracted through an interpreter; one is not to assist at it, however, unless he is certain of the trustworthiness of the interpreter.¹⁰³⁵
- 9.17.10 Even if a marriage was entered into invalidly by reason of an impediment or a defect of form, the consent given is presumed to persist until its revocation is established.¹⁰³⁶

E. CANONICAL FORM OF MARRIAGE

Canonical Form

- 9.18.1 Only those marriages are valid which are contracted before the local ordinary, pastor, or a priest or deacon delegated by either of them, who assist, and before two witnesses.¹⁰³⁷
- 9.18.2 The person who assists at a marriage is understood to be only that person who is present, asks for the manifestation of the consent of the contracting parties, and receives it in the name of the Church.¹⁰³⁸
- 9.18.3 Unless the local ordinary and pastor have been excommunicated, interdicted, or suspended from office or declared such through a sentence or decree, by virtue of their office and within the confines of their territory they assist validly at the marriages not only of their subjects but also of those who are not their subjects provided that one of them is of the Latin rite.¹⁰³⁹

of them, or at least by two witnesses, or it must be made by means of a document which is authentic according to the norm of civil law. §3. If the one mandating cannot write, this is to be noted in the mandate itself and another witness is to be added who also signs the document; otherwise, the mandate is invalid. §4. If the one mandating revokes the mandate or develops amentia before the proxy contracts in his or her name, the marriage is invalid even if the proxy or the other contracting party does not know this."

¹⁰³⁴ CIC can. 1104 §2.

¹⁰³⁵ CIC can. 1106.

¹⁰³⁶ CIC can. 1107.

¹⁰³⁷ CIC can. 1108 §1, in accord with the rules expressed in the canons that follow, and without prejudice to the exceptions mentioned in cann. 144 (regarding supplied jurisdiction), 1112 §1 (regarding the delegation of lay persons to witness marriages), 1116 (regarding the extraordinary form of marriage), and 1127 §§1-2 (regarding mixed marriages).

¹⁰³⁸ CIC can. 1108 §2.

¹⁰³⁹ CIC can. 1109.

- 9.18.4 By virtue of office, a personal ordinary and a personal pastor assist validly only at marriages where at least one of the parties is a subject within the confines of their jurisdiction.¹⁰⁴⁰
- 9.18.5 As long as they hold office validly, the local ordinary and the pastor can delegate to priests and deacons the faculty, even a general one, of assisting at marriages within the limits of their territory. To be valid, the delegation of the faculty to assist at marriages must be given to specific persons expressly. If it concerns special delegation, it must be given for a specific marriage; if it concerns general delegation, it must be given in writing.¹⁰⁴¹
- 9.18.6 The person assisting at marriage acts illicitly unless the person has made certain of the free status of the contracting parties according to the norm of law and, if possible, of the permission of the pastor whenever the person assists in virtue of general delegation.¹⁰⁴²
- 9.18.7 The form established above must be observed if at least one of the parties contracting marriage was baptized in the Catholic Church or received into it.¹⁰⁴³

Dispensation from Canonical Form

- 9.19.1 If grave difficulties hinder the observance of canonical form, the local ordinary of the Catholic party has the right of dispensing from the form in individual cases, after having consulted the ordinary of the place in which the marriage is celebrated and with some public form of celebration for validity.¹⁰⁴⁴
- 9.19.2 For the marriage of two Catholics outside the danger of death, dispensation from the canonical form is reserved to the Apostolic See.¹⁰⁴⁵
- 9.19.3 For a marriage contracted with a dispensation from the canonical form, the local ordinary who granted the dispensation is to take care that the

¹⁰⁴⁰ CIC can. 1110. A personal ordinary and a personal pastor have personal, not territorial, jurisdiction, for example in a personal prelature or in a national parish.

¹⁰⁴¹ CIC can. 1111 §§1-2. By virtue of their faculties, priests of the Archdiocese of Washington have general delegation to witness marriages.

¹⁰⁴² CIC can. 1114.

¹⁰⁴³ CIC can. 1117. A clause in this canon that referred to defection from the Catholic faith “by a formal act” was removed by Pope Benedict XVI, in the Motu proprio *Omnium in mentem*, 26 October 2009.

¹⁰⁴⁴ CIC can. 1127 §2.

¹⁰⁴⁵ Pontifical Commission for the Authentic Interpretation of the Code of Canon Law, Response, 8 January 1985.

- dispensation and celebration are inscribed in the marriage registers of both the curia and the proper parish of the Catholic party whose pastor conducted the investigation about the free status. The Catholic spouse is bound to notify as soon as possible the same ordinary and pastor about the marriage celebrated and also to indicate the place of the celebration and the public form observed.¹⁰⁴⁶
- 9.19.4 A Catholic minister may be present and take part in the celebration of a marriage being properly celebrated between Orthodox Christians or between a Catholic and an Orthodox Christian in the Orthodox Church, if invited to do so by the Orthodox Church authority and if it is in accord with the norms given below concerning mixed marriages, where they apply.¹⁰⁴⁷
- 9.19.5 It is forbidden to have another religious celebration of the same marriage to give or renew matrimonial consent before or after the canonical celebration. Likewise, there is not to be a religious celebration in which the Catholic minister who is assisting and a non-Catholic minister together, using their own rites, ask for the consent of the parties.¹⁰⁴⁸
- 9.19.6 With the previous authorization of the local ordinary, and if invited to do so, a Catholic priest or deacon may attend or participate in some way in the celebration of mixed marriages, in situations where the dispensation from canonical form has been granted. In these cases, there may be only one ceremony in which the presiding person receives the consent of the parties. At the invitation of this celebrant, the Catholic priest or deacon may offer other appropriate prayers, read from the Scriptures, give a brief exhortation and bless the couple.¹⁰⁴⁹
- 9.19.7 Upon request of the couple, the local ordinary may permit the Catholic priest to invite the minister of the party of the other Church or ecclesial community to participate in the celebration of the marriage, to read from the Scriptures, give a brief exhortation and bless the couple.¹⁰⁵⁰
- 9.19.8 Because of problems concerning Eucharistic sharing which may arise from the presence of non-Catholic witnesses and guests, a mixed marriage celebrated according to the Catholic form ordinarily takes place outside the

¹⁰⁴⁶ CIC can. 1121 §3.

¹⁰⁴⁷ ED 127.

¹⁰⁴⁸ CIC can. 1127 §3.

¹⁰⁴⁹ ED 157.

¹⁰⁵⁰ ED 158.

Eucharistic liturgy. For a just cause, however, the Archbishop may permit the celebration of the Eucharist.¹⁰⁵¹

- 9.19.9 In the latter case, the decision as to whether the non-Catholic party of the marriage may be admitted to Eucharistic Communion is to be made in keeping with the general norms existing in the matter both for Eastern (i.e., Orthodox) and other Christians, taking into account the particular situation of the reception of the sacrament of marriage by two baptized Christians.¹⁰⁵²
- 9.19.10 Although the spouses in a mixed marriage share the sacraments of baptism and marriage, Eucharistic sharing can only be exceptional and in each case the norms of law concerning the admission of a baptized non-Catholic to Eucharistic Communion, as well as those concerning the participation of a Catholic in Eucharistic Communion in another Church, must be observed.¹⁰⁵³

Place of Marriage

- 9.20.1 Marriages are to be celebrated in parishes where either of the contracting parties has a domicile, quasi-domicile, or month long residence or, if it concerns transients, in parishes where they actually reside. With the permission of the proper ordinary or proper pastor, marriages can be celebrated in another parish.¹⁰⁵⁴
- 9.20.2 A marriage between two Catholics or between a Catholic party and a baptized non-Catholic party is to be celebrated in a parish church. It can be celebrated in another church or oratory with the permission of the local ordinary or pastor.¹⁰⁵⁵ The local ordinary can also permit a marriage to be celebrated in another suitable building.¹⁰⁵⁶
- 9.20.3 A marriage between a Catholic party and a non-baptized party can be celebrated in a church or in another suitable building.¹⁰⁵⁷
- 9.20.3 With regard to the use of university or school chapels for the celebration of marriage, pastors are requested to consult the Vicar for Canonical Services.

¹⁰⁵¹ ED 159, citing RM 8.

¹⁰⁵² ED 159, cf. 129-131; CIC can. 844 §§1-4; ADW, Liturgical Norms and Policies, 2010, 1.8.1-6.

¹⁰⁵³ ED 160, cf. 125, 130-132; CIC can. 844 §§1-4; ADW, Liturgical Norms and Policies, 2010, 1.8.1-7.

¹⁰⁵⁴ CIC can. 1115.

¹⁰⁵⁵ CIC can. 1118 §1.

¹⁰⁵⁶ CIC can. 1118 §2.

¹⁰⁵⁷ CIC can. 1118 §3.

- 9.20.5 In the Archdiocese of Washington, permission is not granted for marriages to be celebrated outdoors.
- 9.20.6 After a marriage has been celebrated, the pastor of the place of the celebration or the person who takes his place, even if neither assisted at the marriage, is to note as soon as possible in the marriage register the names of the spouses, the person who assisted, and the witnesses, and the place and date of the celebration of the marriage according to the method prescribed by the Conference of Bishops or the Archbishop.¹⁰⁵⁸
- 9.20.7 The contracted marriage is to be noted also in the baptismal registers in which the baptism of the spouses has been recorded.¹⁰⁵⁹
- 9.20.8 If a spouse did not contract marriage in the parish in which the person was baptized, the pastor of the place of the celebration is to send notice of the marriage which has been entered into as soon as possible to the pastor of the place of the conferral of baptism.¹⁰⁶⁰
- 9.20.9 Whenever a marriage is either convalidated in the external forum, declared null, or legitimately dissolved other than by death, the pastor of the place of the celebration of the marriage must be informed so that a notation is properly made in the marriage and baptismal registers.¹⁰⁶¹

F. KINDS OF MARRIAGES

Marriage of Two Roman Catholics

- 9.21.1 The canonical form must be observed if at least one of the parties contracting marriage was baptized in the Catholic Church or received into it.¹⁰⁶²
- 9.21.2 Outside the danger of death, dispensation from the canonical form for two Catholics is reserved to the Apostolic See.¹⁰⁶³

¹⁰⁵⁸ CIC can. 1121 §1.

¹⁰⁵⁹ CIC can. 1122 §1.

¹⁰⁶⁰ CIC can. 1122 §2.

¹⁰⁶¹ CIC can. 1123.

¹⁰⁶² CIC can. 1117. A clause in this canon that referred to defection from the Catholic faith “by a formal act” was removed by Pope Benedict XVI, in the Motu proprio *Omnium in mentem*, 26 October 2009.

¹⁰⁶³ Pontifical Commission for the Authentic Interpretation of the Code of Canon Law, Response, 8 January 1985.

9.21.3 A marriage between two Catholics is to be celebrated in a parish church. It can be celebrated in another church or oratory with the permission of the local ordinary or pastor.¹⁰⁶⁴ The local ordinary can also permit such a marriage to be celebrated in another suitable building.¹⁰⁶⁵

Marriage of a Roman Catholic and an Eastern Catholic

9.22.1 The marriage of a Roman Catholic and an Eastern Catholic is governed by both the Latin Code of Canon Law and the Code of Canons of the Eastern Churches.

9.22.2 The canonical form must be observed if at least one of the parties contracting marriage was baptized in the Catholic Church or received into it.¹⁰⁶⁶

9.22.3 Regarding canonical form, while the Latin code states that only those marriages are valid which are “contracted before the local ordinary, pastor, or a priest or deacon delegated by either of them, who assist, and before two witnesses,” the Code of Canons of the Eastern Churches states that only those marriages are valid which are “celebrated with a sacred rite, in the presence of the local hierarch, local pastor, or a priest who has been given the faculty of blessing the marriage by either of them....” *A deacon, therefore, whether of the Latin Church or an Eastern Church, cannot witness the marriage of an Eastern Catholic.*¹⁰⁶⁷

9.22.4 Outside the danger of death, dispensation from the canonical form for two Catholics is reserved to the Apostolic See.¹⁰⁶⁸

9.22.5 Under the Code of Canons of the Eastern Churches, dispensation from the canonical form is reserved to the Apostolic See or to the patriarch, who will not grant it except for a most grave reason.¹⁰⁶⁹

¹⁰⁶⁴ CIC can. 1118 §1.

¹⁰⁶⁵ CIC can. 1118 §2.

¹⁰⁶⁶ CIC can. 1117. A clause in this canon that referred to defection from the Catholic faith “by a formal act” was removed by Pope Benedict XVI, in the Motu proprio *Omnium in mentem*, 26 October 2009.

¹⁰⁶⁷ CCEO can. 828 §1. IALP 82: “It should be noted that the obligation of the sacred rite, and thus of the priestly blessing, for the validity of the Marriage is specific to Eastern law. In the Latin Church, simply the presence of the local ordinary, or the parish priest, or a priest or deacon delegated by either of them is required [CIC can. 1108 § 1]. In the Eastern tradition, the priest, in addition to assisting, must bless the marriage. To bless means to act as the true minister of the sacrament, in virtue of his priestly power to sanctify, so that the spouses may be united by God in the image of the flawless nuptial union of Christ with the Church and be consecrated to each other by sacramental grace.”

¹⁰⁶⁸ Pontifical Commission for the Authentic Interpretation of the Code of Canon Law, Response, 8 January 1985.

- 9.22.6 Under the Code of Canons of the Eastern Churches, a dispensation is never given for the impediment of affinity in the second degree of the collateral line (i.e., with the siblings of one's spouse).¹⁰⁷⁰
- 9.22.7 Under the Code of Canons of the Eastern Churches, the impediment of spiritual relationship exists between a sponsor and one who has been baptized.¹⁰⁷¹
- 9.22.8 A marriage between two Catholics is to be celebrated in a parish church. It can be celebrated in another church or oratory with the permission of the local ordinary or pastor.¹⁰⁷² The local ordinary can also permit a marriage to be celebrated in another suitable building.¹⁰⁷³

Marriage of a Catholic and an Orthodox

- 9.23.1 Without express permission of the competent authority, a marriage is prohibited between two baptized persons of whom one is baptized in the Catholic Church or received into it after baptism and the other of whom is enrolled in a Church not in full communion with the Catholic Church. The local ordinary can grant permission for a mixed marriage if there is a just and reasonable cause.¹⁰⁷⁴
- 9.23.2 The canonical form must be observed if at least one of the parties contracting marriage was baptized in the Catholic Church or received into it.¹⁰⁷⁵
- 9.23.3 If grave difficulties hinder the observance of canonical form, the local ordinary of the Catholic party has the right of dispensing from the form in individual cases, after having consulted the ordinary of the place in which the marriage is celebrated and with some public form of celebration for validity.¹⁰⁷⁶

¹⁰⁶⁹ CCEO can. 835.

¹⁰⁷⁰ CCEO can. 795 §3. This impediment no longer exists in the Code of Canon Law for the Latin Church.

¹⁰⁷¹ CCEO can. 811 §1. This impediment no longer exists in the Code of Canon Law for the Latin Church.

¹⁰⁷² CIC can. 1118 §1.

¹⁰⁷³ CIC can. 1118 §2.

¹⁰⁷⁴ CIC can. 1124. See also ADW, *Liturgical Norms and Policies*, 2010, 9.16.3. A clause in this canon that referred to defection from the Catholic faith "by a formal act" was removed by Pope Benedict XVI, in the *Motu proprio Omnium in mentem*, 26 October 2009.

¹⁰⁷⁵ CIC can. 1117. A clause in this canon that referred to defection from the Catholic faith "by a formal act" was removed by Pope Benedict XVI, in the *Motu proprio Omnium in mentem*, 26 October 2009.

¹⁰⁷⁶ CIC can. 1127 §2.

- 9.23.4 A marriage between a Catholic and a baptized non-Catholic is to be celebrated in a parish church. It can be celebrated in another church or oratory with the permission of the local ordinary or pastor.¹⁰⁷⁷ The local ordinary can also permit a marriage to be celebrated in another suitable building.¹⁰⁷⁸
- 9.23.5 Because of problems concerning Eucharistic sharing which may arise from the presence of non-Catholic witnesses and guests, a mixed marriage celebrated according to the Catholic form ordinarily takes place outside the Eucharistic liturgy. In the Archdiocese of Washington permission must be obtained from the Archbishop for the celebration of the Eucharist in such cases. Permission may be granted if there is just cause.¹⁰⁷⁹
- 9.23.6 In the latter case, the decision as to whether the non-Catholic party of the marriage may be admitted to Eucharistic Communion is to be made in keeping with the general norms existing in the matter for Orthodox Christians, taking into account the particular situation of the reception of the sacrament of Christian marriage by two baptized Christians.¹⁰⁸⁰
- 9.23.7 Although the spouses in a mixed marriage share the sacraments of baptism and marriage, Eucharistic sharing can only be exceptional and in each case the norms concerning the admission of a non-Catholic Christian to Eucharistic Communion, as well as those concerning the participation of a Catholic in Eucharistic Communion in another Church, must be observed.¹⁰⁸¹
- 9.23.8 A marriage between a Catholic and a member of an Eastern (i.e., Orthodox) Church is *valid* if it has taken place with the celebration of a religious rite by a validly ordained minister, as long as any other requirements of law for validity have been observed. For *liceity* in these cases, the Catholic canonical form of celebration is to be observed.¹⁰⁸²

¹⁰⁷⁷ CIC can. 1118 §1.

¹⁰⁷⁸ CIC can. 1118 §2.

¹⁰⁷⁹ ED 159, citing RM 8.

¹⁰⁸⁰ ED 159, cf. 129-131; CIC can. 844 §§1-4; ADW, Liturgical Norms and Policies, 2010, 1.8.1-6.

¹⁰⁸¹ ED 160, cf. 125, 130-132; CIC can. 844 §§1-4; ADW, Liturgical Norms and Policies, 2010, 1.8.1-7.

¹⁰⁸² CIC can. 1127 §1. See also CCEO can. 834 §2: "If a Catholic party enrolled in some Eastern Church celebrates a marriage with one who belongs to an Eastern non-Catholic Church, the form for the celebration of marriage prescribed by law is to be observed only for liceity; for validity, however, *the blessing of a priest is required*, while observing the other requirements of the law" (emphasis added). ED 153: "If a Roman Catholic contracts marriage with an Orthodox Christian, the canonical form of the celebration must be observed for liceity only; for validity, the presence of a sacred minister is required and the other requirements of law are to be observed."

Marriage of a Catholic and a Protestant

- 9.24.1 Without express permission of the competent authority, a marriage is prohibited between two baptized persons of whom one is baptized in the Catholic Church or received into it after baptism and the other of whom is enrolled in an ecclesial community not in full communion with the Catholic Church. The local ordinary can grant permission for a mixed marriage if there is a just and reasonable cause.¹⁰⁸³
- 9.24.2 The canonical form must be observed if at least one of the parties contracting marriage was baptized in the Catholic Church or received into it.¹⁰⁸⁴
- 9.24.3 If grave difficulties hinder the observance of canonical form, the local ordinary of the Catholic party has the right of dispensing from the form in individual cases, after having consulted the ordinary of the place in which the marriage is celebrated and with some public form of celebration for validity.¹⁰⁸⁵
- 9.24.4 A marriage between a Catholic and a baptized non-Catholic is to be celebrated in a parish church. It can be celebrated in another church or oratory with the permission of the local ordinary or pastor.¹⁰⁸⁶ The local ordinary can also permit a marriage to be celebrated in another suitable building.¹⁰⁸⁷
- 9.24.5 Because of problems concerning Eucharistic sharing which may arise from the presence of non-Catholic witnesses and guests, a mixed marriage celebrated according to the Catholic form ordinarily takes place outside the Eucharistic liturgy. For a just cause, however, the Archbishop may permit the celebration of the Eucharist.¹⁰⁸⁸
- 9.24.6 In the latter case, the decision as to whether the non-Catholic party of the marriage may be admitted to Eucharistic Communion is to be made in keeping with the general norms existing in the matter for Protestants, taking

¹⁰⁸³ CIC can. 1124. See also ADW, *Liturgical Norms and Policies*, 2010, 9.16.3. A clause in this canon that referred to defection from the Catholic faith “by a formal act” was removed by Pope Benedict XVI, in the *Motu proprio Omnium in mentem*, 26 October 2009.

¹⁰⁸⁴ CIC can. 1117. A clause in this canon that referred to defection from the Catholic faith “by a formal act” was removed by Pope Benedict XVI, in the *Motu proprio Omnium in mentem*, 26 October 2009.

¹⁰⁸⁵ CIC can. 1127 §2.

¹⁰⁸⁶ CIC can. 1118 §1.

¹⁰⁸⁷ CIC can. 1118 §2.

¹⁰⁸⁸ ED 159, citing RM 8.

into account the particular situation of the reception of the sacrament of Christian marriage by two baptized Christians.¹⁰⁸⁹

- 9.24.7 Although the spouses in a mixed marriage share the sacraments of baptism and marriage, Eucharistic sharing can only be exceptional and in each case the norms stated above concerning the admission of a non-Catholic Christian to Eucharistic Communion, as well as those concerning the participation of a Catholic in Eucharistic Communion in another Church, must be observed.¹⁰⁹⁰

Marriage of a Catholic and a Catechumen

- 9.25.1 A Catholic who seeks to marry a catechumen must obtain a dispensation from the impediment of disparity of cult, since the catechumen is not baptized.¹⁰⁹¹
- 9.25.2 The canonical form must be observed if at least one of the parties contracting marriage was baptized in the Catholic Church or received into it.¹⁰⁹²
- 9.25.3 A marriage between a Catholic and catechumen can be celebrated in a church or in another suitable building.¹⁰⁹³
- 9.25.4 The marriage of a catechumen in the Church is to be celebrated using the “Rite for Celebrating Marriage between a Catholic and an Unbaptized Person” found in the Rite of Marriage.¹⁰⁹⁴
- 9.25.5 Although a marriage of a catechumen is celebrated “in the presence of God and the Church,” and every blessing and favor of God is sought for the parties, the texts should carefully avoid any reference to the sacrament of marriage. These omissions – as well as the omission of the Eucharist itself – distinguish this non-sacramental service from the sacramental marriage of two Catholics, or of a Catholic with a baptized non-Catholic.¹⁰⁹⁵

¹⁰⁸⁹ ED 159, cf. 129-131; CIC can. 844 §§1-4; ADW, Liturgical Norms and Policies, 2010, 1.8.1-6.

¹⁰⁹⁰ ED 160, cf. 125, 130-132; CIC can. 844 §§1-4; ADW, Liturgical Norms and Policies, 2010, 1.8.1-7.

¹⁰⁹¹ See ADW, Liturgical Norms and Policies, 2010, 9.7.1-10.

¹⁰⁹² CIC can. 1117. A clause in this canon that referred to defection from the Catholic faith “by a formal act” was removed by Pope Benedict XVI, in the Motu proprio *Omnium in mentem*, 26 October 2009.

¹⁰⁹³ CIC can. 1118 §3.

¹⁰⁹⁴ NSC 10; RM ch. 3; BCLN May-June 1975. See also ADW, Liturgical Norms and Policies, 2010, 2.10.5-6, 9.27.4. The nuptial blessing in RM ch. 1, 33, may be used, all references to Eucharistic sharing being omitted.

¹⁰⁹⁵ BCLN May-June 1975.

- 9.25.6 Once the catechumen in such a marriage has received baptism, the marriage becomes sacramental by that fact alone.¹⁰⁹⁶
- 9.25.7 Such a marriage, being valid, does not require convalidation following the baptism of the catechumen.

Marriage of a Catholic and an Unbaptized Person

- 9.26.1 A Catholic who seeks to marry an unbaptized person must obtain a dispensation from the impediment of disparity of cult.¹⁰⁹⁷
- 9.26.2 The canonical form must be observed if at least one of the parties contracting marriage was baptized in the Catholic Church or received into it.¹⁰⁹⁸
- 9.26.3 A marriage between a Catholic and an unbaptized person can be celebrated in a church or in another suitable building.¹⁰⁹⁹
- 9.26.4 A marriage between a Catholic and an unbaptized person is to be celebrated using the “Rite for Celebrating Marriage between a Catholic and an Unbaptized Person” found in the Rite of Marriage.¹¹⁰⁰
- 9.26.5 Although a marriage of a Catholic and an unbaptized person is celebrated “in the presence of God and the Church,” and every blessing and favor of God is sought for the parties, the texts should carefully avoid any reference to the sacrament of marriage. These omissions—as well as the omission of the Eucharist itself—distinguish this non-sacramental service from the sacramental marriage of two Catholics, or of a Catholic with a baptized non-Catholic.¹¹⁰¹
- 9.26.6 Once the unbaptized party in such a marriage has received baptism, the marriage becomes sacramental by that fact alone.¹¹⁰²

¹⁰⁹⁶ CIC can. 1055 §1.

¹⁰⁹⁷ See ADW, Liturgical Norms and Policies, 2010, 9.7.1-10.

¹⁰⁹⁸ CIC can. 1117. A clause in this canon that referred to defection from the Catholic faith “by a formal act” was removed by Pope Benedict XVI, in the Motu proprio *Omnium in mentem*, 26 October 2009.

¹⁰⁹⁹ CIC can. 1118 §3.

¹¹⁰⁰ NSC 10; RM ch. 3; BCLN May-June 1975.

¹¹⁰¹ Cf. BCLN May-June 1975, which addresses the similar situation of a marriage between a catechumen and an unbaptized person.

¹¹⁰² CIC can. 1055 §1.

9.26.7 Such a marriage, being valid, does not require convalidation following the baptism of the unbaptized party.

Marriage of a Catechumen and a Baptized Non-Catholic

9.27.1 A catechumen is not bound to the canonical form of marriage, and requires no dispensation to marry outside the Church.

9.27.2 A catechumen requires no permission to marry a baptized non-Catholic.

9.27.3 While a catechumen is not bound to the canonical form of marriage, he or she may be permitted to marry in the Church.¹¹⁰³

9.27.4 The marriage of a catechumen in the Church is to be celebrated using the “Rite for Celebrating Marriage between a Catholic and an Unbaptized Person” found in the Rite of Marriage.¹¹⁰⁴

9.27.5 Although a marriage of a catechumen is celebrated “in the presence of God and the Church,” and every blessing and favor of God is sought for the parties, the texts should carefully avoid any reference to the sacrament of marriage. These omissions—as well as the omission of the Eucharist itself—distinguish this non-sacramental service from the sacramental marriage of two Catholics, or of a Catholic with a baptized non-Catholic.¹¹⁰⁵

9.27.6 Once the catechumen in such a marriage has received baptism, the marriage becomes sacramental by that fact alone.¹¹⁰⁶

9.27.7 Such a marriage, being valid, does not require convalidation following the baptism of the catechumen.

*Marriage of Two Catechumens, or of a Catechumen
and an Unbaptized Person who is Not a Catechumen*

9.28.1 A catechumen is not bound to the canonical form of marriage, and requires no dispensation to marry outside the Church.

¹¹⁰³ NSC 10.

¹¹⁰⁴ NSC 10; RM ch. 3; BCLN May-June 1975. See also ADW, Liturgical Norms and Policies, 2010, 2.10.5-6, 9.25.4. The nuptial blessing in RM ch. 1, 33, may be used, all references to Eucharistic sharing being omitted

¹¹⁰⁵ BCLN May-June 1975.

¹¹⁰⁶ CIC can. 1055 §1.

- 9.28.2 A catechumen requires no dispensation from the impediment of disparity of cult in order to marry another catechumen or another unbaptized person.
- 9.28.3 While a catechumen is not bound to the canonical form of marriage, he or she may be permitted to marry in the Church.¹¹⁰⁷
- 9.28.4 The marriage of a catechumen in the Church is to be celebrated using the “Rite for Celebrating Marriage between a Catholic and an Unbaptized Person” found in the Rite of Marriage.¹¹⁰⁸
- 9.28.5 Although a marriage of a catechumen is celebrated “in the presence of God and the Church,” and every blessing and favor of God is sought for the parties, the texts should carefully avoid any reference to the sacrament of marriage. These omissions—as well as the omission of the Eucharist itself—distinguish this non-sacramental service from the sacramental marriage of two Catholics, or of a Catholic with a baptized non-Catholic.¹¹⁰⁹
- 9.28.7 If both parties to such a marriage later receive baptism, their marriage becomes sacramental by that fact alone.¹¹¹⁰
- 9.28.6 Such a marriage, being valid, does not require convalidation following the baptism of one or both of the parties.

G. NOTES ON THE RITE OF MARRIAGE

- 9.29.1 In 1990, the Holy See issued a second typical edition of the Order for Celebrating Marriage. The Task Group on American Adaptations of the Order for Celebrating Marriage completed its work in 1998. The Committee on the Liturgy awaits the final ICEL translation of this rite.¹¹¹¹
- 9.29.2 The Wedding Mass (meaning the propers and readings) is not allowed on a Sunday or Solemnity, but on these days (except the Paschal Triduum, Holy days of obligation and Epiphany, Pentecost and Corpus Christi), one of the readings from the nuptial Mass may be used in the Masses of the day. On Sundays of Christmas and Ordinary Time, if the Mass is not a parochial Mass,

¹¹⁰⁷ NSC 10.

¹¹⁰⁸ NSC 10; RM ch. 3; BCLN May-June 1975. See also ADW, Liturgical Norms and Policies, 2010, 2.10.5-6.

¹¹⁰⁹ BCLN May-June 1975.

¹¹¹⁰ CIC can. 1055 §1.

¹¹¹¹ BCLN January 2002.

the entire nuptial Mass formulary may be used. In any case, the nuptial blessings are given.¹¹¹²

- 9.29.3 If it is the custom to have the bride and groom seated in the sanctuary, then the design of the sanctuary should be spacious enough to allow an arrangement of chairs and kneelers that does not impinge upon the primary furniture in the sanctuary.¹¹¹³
- 9.29.4 Many ethnic groups and local churches have additional customs for the celebration of marriage that can be honored and accommodated when they are in keeping with the spirit of the liturgy.¹¹¹⁴
- 9.29.5 It is not licit for the faithful to take by themselves, and, still less, to hand from one to another the sacred host or the sacred chalice. Moreover, in this regard, the abuse is to be set aside whereby spouses administer Holy Communion to each other at a Nuptial Mass.¹¹¹⁵

H. CONVALIDATION OF MARRIAGE

Simple Convalidation – Diriment Impediment

- 9.30.1 To convalidate a marriage which is invalid because of a diriment impediment, it is required that the impediment ceases or is dispensed and that at least the party conscious of the impediment renews consent.¹¹¹⁶
- 9.30.2 Ecclesiastical law requires this renewal for the validity of the convalidation even if each party gave consent at the beginning and did not revoke it afterwards.¹¹¹⁷
- 9.30.3 The renewal of consent must be a new act of the will concerning a marriage which the renewing party knows or thinks was null from the beginning.¹¹¹⁸ Therefore, convalidation should not be referred to as “blessing a marriage” or having a marriage “recognized by the Church.” The renewing party must understand that the marriage to be convalidated is invalid, and that a new act of the will is required for the consent.

¹¹¹² ADW Ordo 13.

¹¹¹³ BLS 108.

¹¹¹⁴ BLS 108.

¹¹¹⁵ RS 94, citing GIRM 160.

¹¹¹⁶ CIC can. 1156 §1.

¹¹¹⁷ CIC can. 1156 §2.

¹¹¹⁸ CIC can. 1157.

- 9.30.4 If the impediment is public, both parties must renew the consent in canonical form, without prejudice to the prescript regarding dispensation from canonical form.¹¹¹⁹
- 9.30.5 If the impediment cannot be proven, it is sufficient that the party conscious of the impediment renews the consent privately and in secret, provided that the other perseveres in the consent offered; if the impediment is known to both parties, both are to renew the consent.¹¹²⁰

Simple Convalidation – Defect of Consent

- 9.31.1 A marriage which is invalid because of a defect of consent is convalidated if the party who did not consent now consents, provided that the consent given by the other party perseveres.¹¹²¹
- 9.31.2 If the defect of consent cannot be proven, it is sufficient that the party who did not consent gives consent privately and in secret.¹¹²²
- 9.31.3 If the defect of consent can be proven, the consent must be given in canonical form.¹¹²³

Simple Convalidation – Defect of Canonical Form

- 9.32.1 A marriage which is null because of defect of form must be contracted anew in canonical form in order to become valid, without prejudice to the prescript regarding dispensation from canonical form.¹¹²⁴

Radical Sanation

- 9.33.1 The radical sanation of an invalid marriage is its convalidation without the renewal of consent, which is granted by competent authority and entails the dispensation from an impediment, if there is one, and from canonical form, if it was not observed, and the retroactivity of canonical effects.¹¹²⁵

¹¹¹⁹ CIC can. 1158 §1; cf. can. 1127 §2.

¹¹²⁰ CIC can. 1158 §2.

¹¹²¹ CIC can. 1159 §1.

¹¹²² CIC can. 1159 §2.

¹¹²³ CIC can. 1159 §3.

¹¹²⁴ CIC can. 1160; cf. can. 1127 §2.

¹¹²⁵ CIC can. 1161 §1.

- 9.33.2 Convalidation occurs at the moment of the granting of the favor. Retroactivity, however, is understood to extend to the moment of the celebration of the marriage unless other provision is expressly made.¹¹²⁶
- 9.33.3 A radical sanation is not to be granted unless it is probable that the parties wish to persevere in conjugal life.¹¹²⁷
- 9.33.4 A marriage which is invalid because of an impediment or a defect of legitimate form can be sanated provided that the consent of each party perseveres.¹¹²⁸
- 9.33.5 A marriage which is invalid because of an impediment of natural law or of divine positive law can be sanated only after the impediment has ceased.¹¹²⁹
- 9.33.6 A marriage cannot be radically sanated if consent is lacking in either or both of the parties, whether the consent was lacking from the beginning or, though present in the beginning, was revoked afterwards.¹¹³⁰
- 9.33.7 If this consent was indeed lacking from the beginning but was given afterwards, the sanation can be granted from the moment the consent was given.¹¹³¹
- 9.33.8 A sanation can be granted validly even if either or both of the parties do not know of it; nevertheless, it is not to be granted except for a grave cause.¹¹³²
- 9.33.9 The Apostolic See can always grant a radical sanation.¹¹³³
- 9.33.10 The Archbishop can grant a radical sanation in individual cases even if there are several reasons for nullity in the same marriage, after the conditions for the sanation of a mixed marriage have been fulfilled.¹¹³⁴

¹¹²⁶ CIC can. 1161 §2.

¹¹²⁷ CIC can. 1161 §3.

¹¹²⁸ CIC can. 1163 §1.

¹¹²⁹ CIC can. 1163 §2.

¹¹³⁰ CIC can. 1162 §1. Consent makes marriage, cf. can. 1057 §1.

¹¹³¹ CIC can. 1162 §2.

¹¹³² CIC can. 1164.

¹¹³³ CIC can. 1165 §1.

¹¹³⁴ CIC can. 1165 §2. The conditions in can. 1125 1^o-3^o regard the Catholic party's promises to remove dangers of defecting from the faith, and doing all in his or her power to have the children baptized and raised in the Catholic faith.

- 9.33.11 The Archbishop cannot grant a dispensation if there is an impediment whose dispensation is reserved to the Apostolic See, or if it concerns an impediment of natural law or divine positive law which has now ceased.¹¹³⁵

I. REGISTRATION OF MARRIAGE

1. Ecclesiastical Requirements

- 9.34.1 After a marriage has been celebrated the pastor of the place of the celebration, or the person who takes his place, even if neither assisted at the marriage, is to note as soon as possible in the marriage register the names of the spouses, the person who assisted, and the witnesses, and the place and date of the celebration of the marriage.¹¹³⁶
- 9.34.2 Whenever a marriage is contracted according to the norm of canon 1116, a priest or deacon, if he was present at the celebration, or otherwise the witnesses *in solidum* with the contracting parties are bound to inform as soon as possible the pastor or local ordinary about the marriage entered into.¹¹³⁷
- 9.34.3 For a marriage contracted with a dispensation from canonical form, the local ordinary who granted the dispensation is to take care that the dispensation and celebration are inscribed in the marriage registers of both the curia and the proper parish of the Catholic party whose pastor conducted the investigation about the free status. The Catholic spouse is bound to notify as soon as possible the same ordinary and pastor about the marriage celebrated and also to indicate the place of the celebration and the public form observed.¹¹³⁸
- 9.34.4 The contracted marriage is to be noted also in the baptismal registers in which the baptism of the spouses has been recorded.¹¹³⁹
- 9.34.5 If a spouse did not contract marriage in the parish in which the person was baptized, the pastor of the place of the celebration is to send notice of the marriage which has been entered into as soon as possible to the pastor of the place of the conferral of baptism.¹¹⁴⁰

¹¹³⁵ CIC can. 1165 §2.

¹¹³⁶ CIC can. 1121 §1.

¹¹³⁷ CIC can. 1121 §2. Can. 1116 has to do with those who enter marriage before witnesses only.

¹¹³⁸ CIC can. 1121 §3.

¹¹³⁹ CIC can. 1122 §1.

¹¹⁴⁰ CIC can. 1122 §2.

- 9.34.6 Whenever a marriage is either convalidated in the external forum, declared null, or legitimately dissolved other than by death, the pastor of the place of the celebration of the marriage must be informed so that a notation is properly made in the marriage and baptismal registers.¹¹⁴¹

2. Civil Requirements

District of Columbia Marriage Licenses and Authorizations to Witness Marriages

- 9.35.1 The Marriage Bureau Section of the Family Court division of the Superior Court issues marriage licenses and minister authorizations for marriages performed in the District of Columbia.
- 9.35.2 The Marriage License Application must include names, social security numbers, addresses, and dates of birth for both parties as well as previous marriage information: that is, the city, state, and country of each marriage, and the ending status of each (such as by divorce or death). Home and work telephone numbers for both parties are also requested. There is also an application fee.
- 9.35.3 The minimum age for marriage in the District of Columbia is 18 years, or 16 years with the consent of a parent or guardian.
- 9.35.4 Proof of age for the applicants must be shown and may be demonstrated by driver's licenses, birth certificates, passports, or similar official documents.
- 9.35.5 Pursuant to the Marriage Amendment Act of 2008, DC Law 17-222, effective September 11, 2008, a blood test is no longer a requirement to obtain a marriage license in the District of Columbia.
- 9.35.6 By law, three full days must pass between the day of the application for the license to the day that the license can be issued. The fee payment receipt is required to pick up the license. Marriage licenses are not issued by mail.
- 9.35.7 A bishop, priest or deacon who is to witness marriages within the District of Columbia must submit an "Application for Authorization to Celebrate Marriages in the District of Columbia." The application must be endorsed by the appropriate archdiocesan office. There is also an application fee. This

¹¹⁴¹ CIC can. 1123.

authorization is issued once for any marriages to be witnessed by the minister.

State of Maryland Marriage Licenses

- 9.36.1 The following are the general requirements of the State of Maryland for procuring a marriage license. These requirements are subject to change, and other requirements (including fees and forms of payment) vary among the different counties. It is strongly encouraged that current information be sought from the Circuit Court of the county where the marriage is to take place.
- 9.36.2 A marriage license must be obtained from the Circuit Court in the county where the marriage is to take place, regardless of the residences of the parties to be married.
- 9.36.3 It is not necessary to be a resident of Maryland to marry in the state. However, the marriage must take place within the county where the license was issued.
- 9.36.4 Depending on the county, it may be that only one party to the planned marriage will have to apply in person for the license.
- 9.36.5 If the parties do not live in the county where the marriage will take place, and are unable to appear in person to apply, they may apply for a marriage license using a Non-Resident Marriage Application.
- 9.36.6 Parties should bring proof of identity in the form of a driver's license, birth certificate, passport, military identification, or alien registration card.
- 9.36.7 A party who is 16 or 17 years of age requires written consent from a parent or guardian to marry, and the parent or guardian must accompany the party when he or she applies for the license.
- 9.36.8 A party who is under 15 years of age needs both the written consent of a parent or guardian and the written approval of a judge of the Orphans' Court Division of the Court of Common Pleas, in order to marry.
- 9.36.9 A woman who is under 18 years of age and is pregnant or has a child, and who shows a certificate from a licensed physician which verifies this status, may have the requirement for parental consent to marry waived.

- 9.36.10 A party who has been married before must show a divorce decree or have information regarding the date, county, and state of the death of the previous spouse.
- 9.36.11 The license application provides for the mandatory disclosure of Social Security numbers of both parties. Social Security numbers are required by law and will not print on the marriage application. If the applicant is a foreign national and does not have a social security number, the applicant must be present and sign an affidavit.
- 9.36.12 No blood test is required to obtain a marriage license in the State of Maryland.
- 9.36.13 First cousins may marry in the State of Maryland.
- 9.36.14 After a marriage license has been issued, 48 hours must pass before the parties can be married. The license may not be used prior to the effective date, which is 6:00 a.m. on the second calendar date after issuance. A couple can obtain a waiver from a judge for sufficient reasons. Normally, military service or family illness can be the reasons for such a waiver to be granted.
- 9.36.15 The license must be used within six months of the effective date, after which time it expires.
- 9.36.16 Any minister of the gospel authorized by the rules and customs of their church may perform marriages in the State of Maryland. No special authorization is needed.
- 9.36.17 After the marriage has been celebrated, the minister must complete the marriage license and marriage certificate and give one certificate to the couple. Another certificate and the license must be returned to the clerk of the court within five days after the marriage. This information is needed to complete the record of the marriage.