

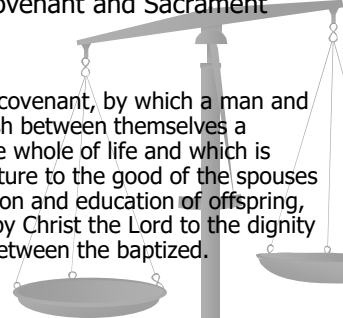
Marriage
Rev. Mark Richards, JCL

A graphic of a pair of scales of justice, with the left pan being lower than the right pan, suggesting it is heavier.

1

Marriage
Marriage: Covenant and Sacrament

Canon 1055 § 1
The matrimonial covenant, by which a man and a woman establish between themselves a partnership of the whole of life and which is ordered by its nature to the good of the spouses and the procreation and education of offspring, has been raised by Christ the Lord to the dignity of a sacrament between the baptized.

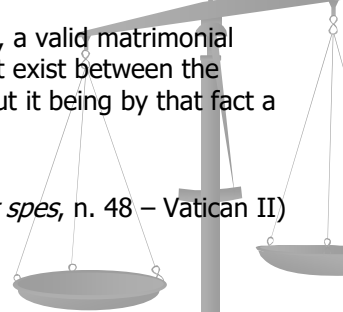
A graphic of a pair of scales of justice, with the left pan being lower than the right pan, suggesting it is heavier.

2

Marriage

Canon 1055 § 2
For this reason, a valid matrimonial contract cannot exist between the baptized without it being by that fact a sacrament.

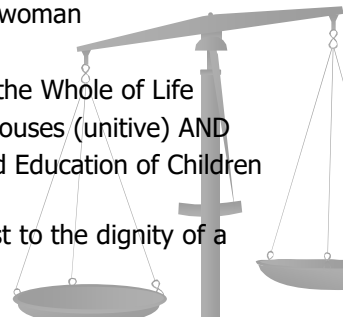
(See *Gaudium et spes*, n. 48 – Vatican II)

A graphic of a pair of scales of justice, with the left pan being lower than the right pan, suggesting it is heavier.

3

Marriage

- One man, one woman
- Covenant
- Partnership of the Whole of Life
- Good of the Spouses (unitive) AND
- Procreation and Education of Children (procreative)
- Raised by Christ to the dignity of a Sacrament



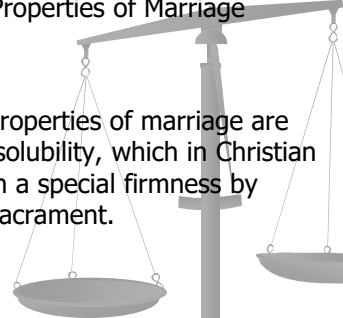
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Marriage

Essential Properties of Marriage

Canon 1056

The essential properties of marriage are unity and indissolubility, which in Christian marriage obtain a special firmness by reason of the sacrament.



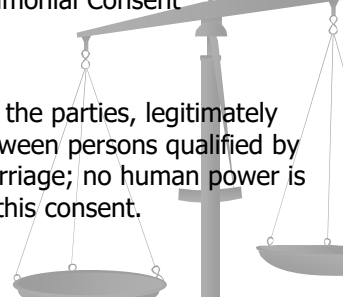
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Marriage

Matrimonial Consent

Canon 1057 § 1

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

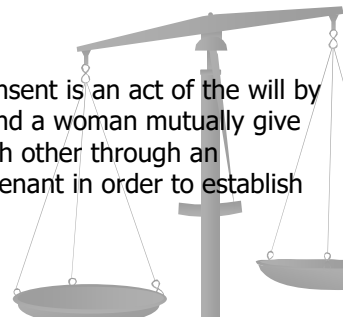


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Marriage

Canon 1057 § 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.



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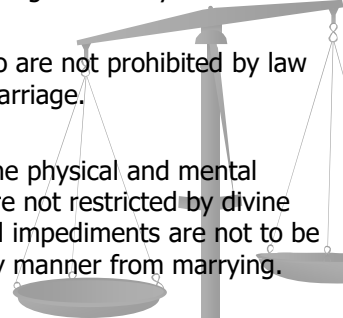
Marriage

The Right to Marry

Canon 1058

All persons who are not prohibited by law can contract marriage.

* All who have the physical and mental capacity and are not restricted by divine or ecclesiastical impediments are not to be hindered in any manner from marrying.

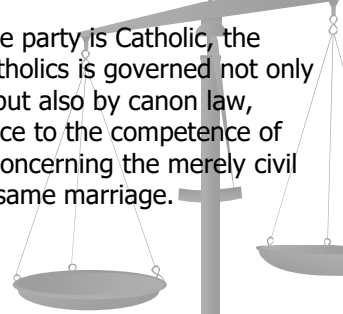


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Marriage

■ Canon 1059


Even if only one party is Catholic, the marriage of Catholics is governed not only by divine law, but also by canon law, without prejudice to the competence of civil authority concerning the merely civil effects of the same marriage.



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Marriage

- Divine Law
 - Binds everyone, baptized or not
 - Applies to all marriages

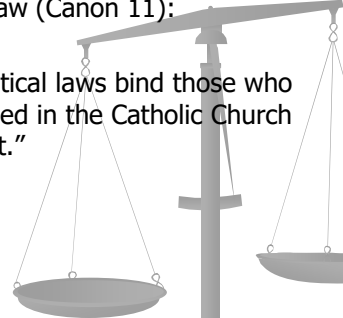


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Marriage

- Ecclesiastical Law (Canon 11):

“merely ecclesiastical laws bind those who have been baptized in the Catholic Church or received into it.”



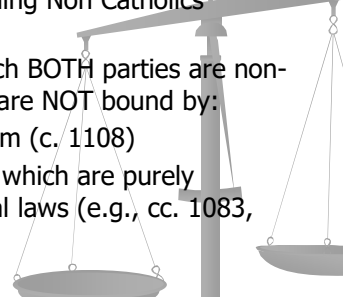
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Marriage

Regarding Non Catholics

Marriages in which BOTH parties are non-Catholic, parties are NOT bound by:

- Canonical Form (c. 1108)
- Impediments which are purely ecclesiastical laws (e.g., cc. 1083, 1093)



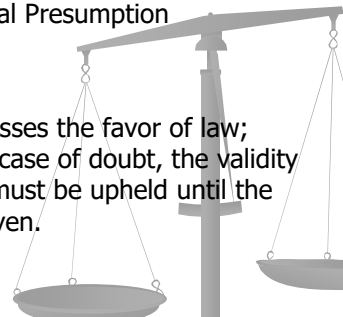
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Marriage

Legal Presumption

Canon 1060

Marriage possesses the favor of law; therefore, in a case of doubt, the validity of a marriage must be upheld until the contrary is proven.



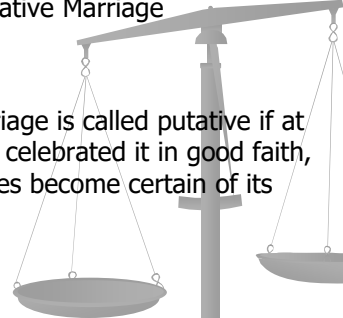
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Marriage

Putative Marriage

Canon 1061 § 3

An invalid marriage is called putative if at least one party celebrated it in good faith, until both parties become certain of its nullity.

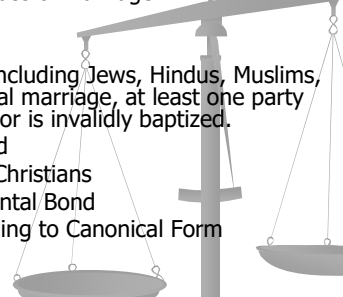


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Marriage

Types of Marriage

- Natural Bond
 - All marriages including Jews, Hindus, Muslims, etc. In a natural marriage, at least one party is un-baptized or is invalidly baptized.
- Sacramental Bond
 - Two baptized Christians
- Catholic Sacramental Bond
 - Married according to Canonical Form



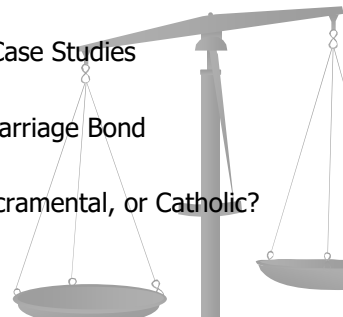
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Marriage

Case Studies

Marriage Bond

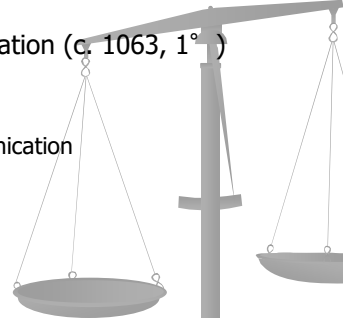
Natural, Sacramental, or Catholic?

A graphic of a pair of scales of justice, tilted to the right, with two pans hanging from a central beam. The scales are positioned behind the text on the slide.

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Marriage Preparation

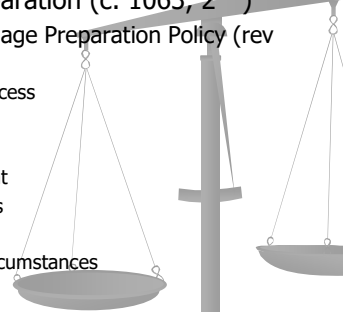
- Remote Preparation (c. 1063, 1^o)
 - Catechesis
 - Preaching
 - Social Communication

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Marriage Preparation

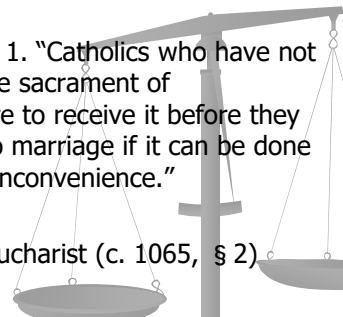
- Proximate Preparation (c. 1063, 2^o)
 - Diocesan Marriage Preparation Policy (rev 2014)
 - Six month process
 - Hospitality
 - Catechesis
 - Assessment
 - Documents
 - Liturgy
 - Special Circumstances

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Marriage Preparation

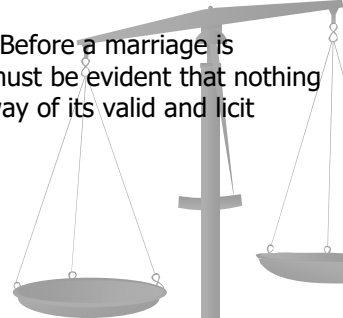
- Confirmation
- Canon 1065, § 1. "Catholics who have not yet received the sacrament of confirmation are to receive it before they are admitted to marriage if it can be done without grave inconvenience."
- Exception
- Penance and Eucharist (c. 1065, § 2)



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Marriage Preparation

- Canon 1066: "Before a marriage is celebrated, it must be evident that nothing stands in the way of its valid and licit celebration."



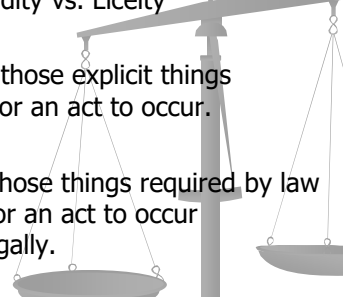
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Marriage Preparation

Validity vs. Liceity

Validity refers to those explicit things required by law for an act to occur.

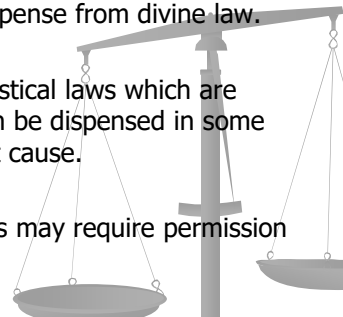
Liceity refers to those things required by law to be observed for an act to occur legitimately or legally.



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Marriage Preparation

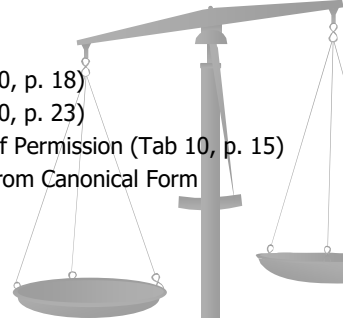
- One cannot dispense from divine law.
- Merely ecclesiastical laws which are invalidating can be dispensed in some cases for a just cause.
- Some situations may require permission for liceity.



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Marriage Preparation

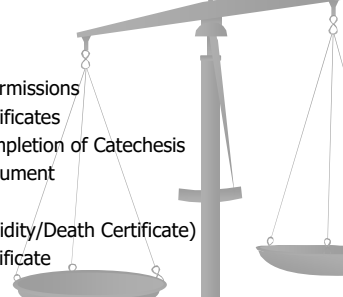
- A look at:
 - Form A (Tab 10, p. 18)
 - Form B (Tab 10, p. 23)
 - Dispensation of Permission (Tab 10, p. 15)
 - Dispensation from Canonical Form



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Marriage Preparation

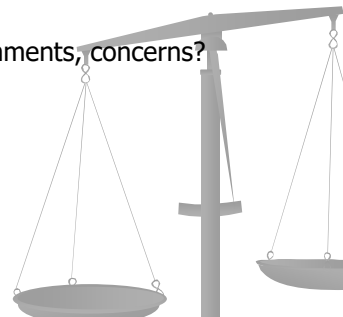
- Marriage File
 - Form A
 - Form B
 - Dispensations/Permissions
 - Sacramental Certificates
 - Certificate of Completion of Catechesis
 - Assessment Instrument
 - Pastoral Notes
 - (Decrees of Invalidity/Death Certificate)
 - Civil License/Certificate



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Marriage Preparation

- Questions, comments, concerns?

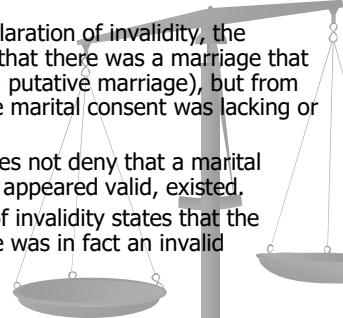
A stylized illustration of a balance scale with two pans hanging from a horizontal beam, positioned on the right side of the slide.

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Invalid Marriage

Declaring a Marriage Invalid

- In granting a declaration of invalidity, the Church is saying that there was a marriage that appeared valid (a putative marriage), but from the beginning the marital consent was lacking or invalid.
- An annulment does not deny that a marital relationship, that appeared valid, existed.
- The declaration of invalidity states that the putative marriage was in fact an invalid marriage.

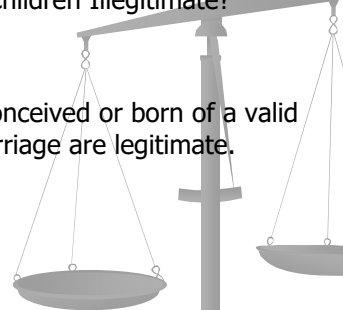
A stylized illustration of a balance scale with two pans hanging from a horizontal beam, positioned on the right side of the slide.

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Invalid Marriage

Are the Children Illegitimate?

Canon 1137
The children conceived or born of a valid or putative marriage are legitimate.

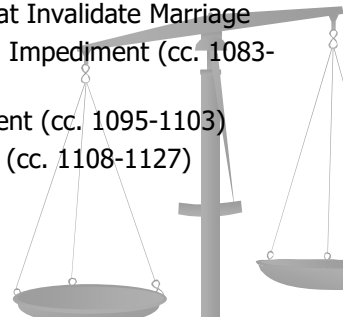
A stylized illustration of a balance scale with two pans hanging from a horizontal beam, positioned on the right side of the slide.

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Invalid Marriage

Factors That Invalidate Marriage

- Existence of an Impediment (cc. 1083-1094)
- Defect of Consent (cc. 1095-1103)
- Defect of Form (cc. 1108-1127)

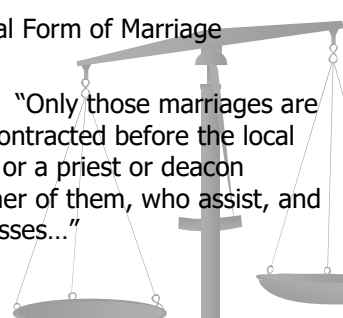


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Marriage

Canonical Form of Marriage

Canon 1108 § 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..."

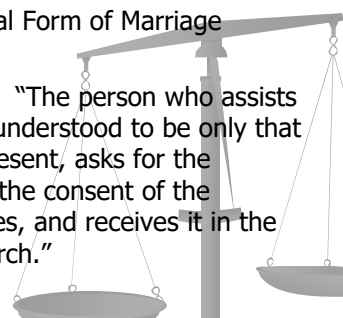


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Marriage

Canonical Form of Marriage


Canon 1108 § 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."



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Marriage

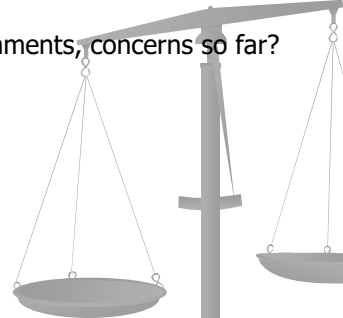
- Canonical Form of Marriage
 - Local Ordinary
 - Pastor
 - Delegate
 - Two Witnesses
 - Present, asks for and receives consent in the name of the Church

A stylized illustration of a balance scale with two pans hanging from a central beam, positioned to the right of the text.

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Canon Law of Marriage

- Questions, comments, concerns so far?

A stylized illustration of a balance scale with two pans hanging from a central beam, positioned to the right of the text.

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