BOOK I: GENERAL NORMS

Canon 1 The canons of this Code concern only the Latin Church.

TITLE VI: PHYSICAL AND JURIDICAL PERSONS CHAPTER I: THE CANONICAL STATUS OF PHYSICAL PERSONS

Canon 109.1 Affinity arises from a valid marriage, even if not consummated, and it exists between the man and the blood relations of the woman, and likewise between the woman and the blood relations of the man.

Canon 109.2 It is reckoned in such a way that the blood relations of the man are related by affinity to the woman in the same line and the same degree, and vice versa.

Canon 112.1 After the reception of baptism, the following become members of another autonomous ritual Church:

Canon 112.1.1 those who have obtained permission from the Apostolic See;

Canon 112.1.2 a spouse who, on entering marriage or during its course, has declared that he or she is transferring to the autonomous ritual Church of the other spouse; on the dissolution of the marriage, however, that person may freely return to the Latin Church;

Canon 112.1.3 the children of those mentioned in numbers 1 and 2 who have not completed their fourteenth year, and likewise in a mixed marriage the children of a Catholic party who has lawfully transferred to another ritual Church; on completion of their fourteenth year, however, they may return to the Latin Church.

Canon 112.1.2 The practice, however long standing, of receiving the sacraments according to the rite of an autonomous ritual Church, does not bring with it membership of that Church.

TITLE II: THE OBLIGATIONS AND RIGHTS OF THE LAY MEMBERS OF CHRIST'S FAITHFUL

Canon 226.1 Those who are married are bound by the special obligation, in accordance with their own vocation, to strive for the building up of the people of God through their marriage and family.

Canon 226.2 Because they gave life to their children, parents have the most serious obligation and the right to educate them. It is therefore primarily the responsibility of
christian parents to ensure the christian education of their children in accordance with the teaching of the Church.

TITLE VII: MARRIAGE

Canon 1055.1 The marriage covenant, by which a man and a woman establish between themselves a partnership of their whole life, and which of its own very nature is ordered to the well-being of the spouses and to the procreation and upbringing of children, has, between the baptised, been raised by Christ the Lord to the dignity of a sacrament.

Canon 1055.2 Consequently, a valid marriage contract cannot exist between baptised persons without its being by that very fact a sacrament.

Canon 1056 The essential properties of marriage are unity and indissolubility; in christian marriage they acquire a distinctive firmness by reason of the sacrament.

Canon 1057.1 A marriage is brought into being by the lawfully manifested consent of persons who are legally capable. This consent cannot be supplied by any human power.

Canon 1057.2 Matrimonial consent is an act of will by which a man and a woman by an irrevocable covenant mutually give and accept one another for the purpose of establishing a marriage.

Canon 1058 All can contract marriage who are not prohibited by law.

Canon 1059 The marriage of catholics, even if only one party is baptised, is governed not only by divine law but also by canon law, without prejudice to the competence of the civil authority in respect of the merely civil effects of the marriage.

Canon 1060 Marriage enjoys the favour of law. Consequently, in doubt the validity of a marriage must be upheld until the contrary is proven.

Canon 1061.1 A valid marriage between baptised persons is said to be merely ratified, if it is not consummated; ratified and consummated, if the spouses have in a human manner engaged together in a conjugal act in itself apt for the generation of offspring. To this act marriage is by its nature ordered and by it the spouses become one flesh.

Canon 1061.2 If the spouses have lived together after the celebration of their marriage, consummation is presumed until the contrary is proven.

Canon 1061.3 An invalid marriage is said to be putative if it has been celebrated in good faith by at least one party. It ceases to be such when both parties become certain of its nullity.
Canon 1062.1 A promise of marriage, whether unilateral or bilateral, called an engagement, is governed by the particular law which the Episcopal Conference has enacted, after consideration of such customs and civil laws as may exist.

Canon 1062.2 No right of action to request the celebration of marriage arises from a promise of marriage, but there does arise an action for such reparation of damages as may be due.

Canon 1063 Pastors of souls are obliged to ensure that their own church community provides for Christ's faithful the assistance by which the married state is preserved in its christian character and develops in perfection. This assistance is to be given principally:

Canon 1063.1 by preaching, by catechetical instruction adapted to children, young people and adults, indeed by the use of the means of social communication, so that Christ's faithful are instructed in the meaning of christian marriage and in the role of christian spouses and parents;

Canon 1063.2 by personal preparation for entering marriage, so that the spouses are disposed to the holiness and the obligations of their new state;

Canon 1063.3 by the fruitful celebration of the marriage liturgy, so that it clearly emerges that the spouses manifest, and participate in, the mystery of the unity and fruitful love between Christ and the Church;

Canon 1063.4 by the help given to those who have entered marriage, so that by faithfully observing and protecting their conjugal covenant, they may day by day achieve a holier and a fuller family life.

CHAPTER I: PASTORAL CARE AND THE PREREQUISITES FOR THE CELEBRATION OF MARRIAGE

Canon 1064 It is the responsibility of the local Ordinary to ensure that this assistance is duly organised. If it is considered opportune, he should consult with men and women of proven experience and expertise.

Canon 1065.1 Catholics who have not yet received the sacrament of confirmation are to receive it before being admitted to marriage, if this can be done without grave inconvenience.

Canon 1065.2 So that the sacrament of marriage may be fruitfully received, spouses are earnestly recommended that they approach the sacraments of penance and the blessed Eucharist.

Canon 1066 Before a marriage takes place, it must be established that nothing stands in the way of its valid and lawful celebration.
Canon 1067 The Episcopal Conference is to lay down norms concerning the questions to be asked of the parties, the publication of marriage banns, and the other appropriate means of enquiry to be carried out before marriage. Only when he has carefully observed these norms may the parish priest assist at a marriage.

Canon 1068 In danger of death, if other proofs are not available, it suffices, unless there are contrary indications, to have the assertion of the parties, sworn if need be, that they are baptised and free of any impediment.

Canon 1069 Before the celebration of a marriage, all the faithful are bound to reveal to the parish priest or the local Ordinary such impediments as they may know about.

Canon 1070 If someone other than the parish priest whose function it is to assist at the marriage has made the investigations, he is by an authentic document to inform that parish priest of the outcome of these enquiries as soon as possible.

Canon 1071.1 Except in a case of necessity, no one is to assist without the permission of the local Ordinary at:

Canon 1071.1.1 a marriage of vagi;

Canon 1071.1.2 a marriage which cannot be recognised by the civil law or celebrated in accordance with it;

Canon 1071.1.3 a marriage of a person for whom a previous union has created natural obligations towards a third party or towards children;

Canon 1071.1.4 a marriage of a person who has notoriously rejected the catholic faith;

Canon 1071.1.5 a marriage of a person who is under censure;

Canon 1071.1.6 a marriage of a minor whose parents are either unaware of it or are reasonably opposed to it;

Canon 1071.1.7 a marriage to be entered by proxy, as mentioned in canon 1105.

Canon 1071.2 The local Ordinary is not to give permission to assist at the marriage of a person who has notoriously rejected the Catholic faith unless, with the appropriate adjustments, the norms of canon 1125 have been observed.

Canon 1072 Pastors of souls are to see to it that they dissuade young people from entering marriage before the age customarily accepted in the region.

CHAPTER II: DIRIMENT IMPEDIMENTS IN GENERAL
Canon 1073 A diriment impediment renders a person incapable of validly contracting a marriage.

Canon 1074 An impediment is said to be public, when it can be proved in the external forum; otherwise, it is occult.

Canon 1075.1 Only the supreme authority in the Church can authentically declare when the divine law prohibits or invalidates a marriage.

Canon 1075.2 Only the same supreme authority has the right to establish other impediments for those who are baptised.

Canon 1076 A custom which introduces a new impediment, or is contrary to existing impediments, is to be reprobated.

Canon 1078.1 The local Ordinary can dispense his own subjects wherever they are residing, and all who are actually present in his territory, from all impediments of ecclesiastical law, except for those whose dispensation is reserved to the Apostolic See.

Canon 1078.2 The impediments whose dispensation is reserved to the Apostolic See are:

Canon 1078.2.1 the impediment arising from sacred orders or from a public perpetual vow of chastity in a religious institute of pontifical right

Canon 1078.2.2 the impediment of crime mentioned in canon 1090.

Canon 1078.3 A dispensation is never given from the impediment of consanguinity in the direct line or in the second degree of the collateral line.

Canon 1079.1 When danger of death threatens, the local Ordinary can dispense his own subjects, wherever they are residing, and all who are 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, with the exception of the impediment arising from the sacred order of priesthood.

Canon 1079.2 In the same circumstances mentioned in §1, but only for cases in which not even the local Ordinary can be approached, the same faculty of dispensation is possessed by the parish priest, by a properly delegated sacred minister, and by the priest or deacon who assists at the marriage in accordance with canon 1116.2.

Canon 1079.3 In danger of death, the confessor has the power to dispense from occult impediments for the internal forum, whether within the act of sacramental confession or outside it.

Canon 1079.4 In the case mentioned in 1079.2, the local Ordinary is considered unable to be approached if he can be reached only by telegram or by telephone.
Canon 1080.1 Whenever an impediment is discovered after everything has already been prepared for a wedding and the marriage cannot without probable danger of grave harm be postponed until a dispensation is obtained from the competent authority, the power to dispense from all impediments, except those mentioned in canon 1078.2, n. 1, is possessed by the local Ordinary and, provided the case is occult, by all those mentioned in canon 1079.2-3, the conditions prescribed therein having been observed.

Canon 1080.2 This power applies also to the validation of a marriage when there is the same danger in delay and there is no time to have recourse to the Apostolic See or, in the case of impediments from which he can dispense, to the local Ordinary.

Canon 1081 The parish priest or the priest or deacon mentioned in canon 1079.2, should inform the local Ordinary immediately of a dispensation granted for the external forum, and this dispensation is to be recorded in the marriage register.

Canon 1082 Unless a rescript of the Penitentiary provides otherwise, a dispensation from an occult impediment granted in the internal non sacramental forum, is to be recorded in the book to be kept in the secret archive of the curia. No other dispensation for the external forum is necessary if at a later stage the occult impediment becomes public.

CHAPTER III: INDIVIDUAL DIRIMENT IMPEDIMENTS

Canon 1083.1 A man cannot validly enter marriage before the completion of his sixteenth year of age, nor a woman before the completion of her fourteenth year.

Canon 1083.2 The Episcopal Conference may establish a higher age for the lawful celebration of marriage.

Canon 1084.1 Antecedent and perpetual impotence to have sexual intercourse, whether on the part of the man or on that of the woman, whether absolute or relative, by its very nature invalidates marriage.

Canon 1084.2 If the impediment of impotence is doubtful, whether the doubt be one of law or one of fact, the marriage is not to be prevented nor, while the doubt persists, is it to be declared null.

Canon 1084.3 Without prejudice to the provisions of canon 1098, sterility neither forbids nor invalidates a marriage.

Canon 1085.1 A person bound by the bond of a previous marriage, even if not consummated, invalidly attempts marriage.

Canon 1085.2 Even though the previous marriage is invalid or for any reason dissolved, it is not thereby lawful to contract another marriage before the nullity or the dissolution of the previous one has been established lawfully and with certainty.
Canon 1086.1 A marriage is invalid when one of the two persons was baptised in the catholic Church or received into it and has not by a formal act defected from it, and the other was not baptised.

Canon 1086.2 This impediment is not to be dispensed unless the conditions mentioned in cann. 1125 and 1126 have been fulfilled.

Canon 1086.3 If at the time the marriage was contracted one party was commonly understood to be baptised, or if his or her baptism was doubtful, the validity of the marriage is to be presumed in accordance with canon 1060, until it is established with certainty that one party was baptised and the other was not.

Canon 1087 Those who are in sacred orders invalidly attempt marriage.

Canon 1088 Those who are bound by a public perpetual vow of chastity in a religious institute invalidly attempt marriage.

Canon 1089 No marriage can exist between a man and a woman who has been abducted, or at least detained, with a view to contracting a marriage with her, unless the woman, after she has been separated from her abductor and established in a safe and free place, chooses marriage of her own accord.

Canon 1090.1 One who, with a view to entering marriage with a particular person, has killed that person's spouse, or his or her own spouse, invalidly attempts this marriage.

Canon 1090.2 They also invalidly attempt marriage with each other who, by mutual physical or moral action, brought about the death of either's spouse.

Canon 1091.1 Marriage is invalid between those related by consanguinity in all degrees of the direct line, whether ascending or descending, legitimate or natural.

Canon 1091.2 In the collateral line, it is invalid up to the fourth degree inclusive.

Canon 1091.3 The impediment of consanguinity is not multiplied.

Canon 1091.4 A marriage is never to be permitted if a doubt exists as to whether the parties are related by consanguinity in any degree of the direct line, or in the second degree of the collateral line.

Canon 1092 Affinity in any degree of the direct line invalidates marriage.

Canon 1093 The impediment of public propriety arises when a couple live together after an invalid marriage, or from a notorious or public concubinage. It invalidates marriage in the first degree of the direct line between the man and those related by consanguinity to the woman, and vice versa.
Canon 1094 Those who are legally related by reason of adoption cannot validly marry each other if their relationship is in the direct line or in the second degree of the collateral line.

CHAPTER IV: MATRIMONIAL CONSENT

Canon 1095.1 The following are incapable of contracting marriage:

Canon 1095.1.1 those who lack sufficient use of reason;

Canon 1095.1.2 those who suffer from a grave lack of discretionary judgement concerning the essential matrimonial rights and obligations to be mutually given and accepted;

Canon 1095.1.3 those who, because of causes of a psychological nature, are unable to assume the essential obligations of marriage.

Canon 1096.1 For matrimonial consent to exist, it is necessary that the contracting parties be at least not ignorant of the fact that marriage is a permanent partnership between a man and a woman, ordered to the procreation of children through some form of sexual cooperation.

Canon 1096.2 This ignorance is not presumed after puberty.

Canon 1097.1 Error about a person renders a marriage invalid.

Canon 1097.2 Error about a quality of the person, even though it be the reason for the contract, does not render a marriage invalid unless this quality is directly and principally intended.

Canon 1098 A person contracts invalidly who enters marriage inveigled by deceit, perpetrated in order to secure consent, concerning some quality of the other party, which of its very nature can seriously disrupt the partnership of conjugal life.

Canon 1099 Provided it does not determine the will, error concerning the unity or the indissolubility or the sacramental dignity of marriage does not vitiate matrimonial consent.

Canon 1100 Knowledge of or opinion about the nullity of a marriage does not necessarily exclude matrimonial consent.

Canon 1101.1 The internal consent of the mind is presumed to conform to the words or the signs used in the celebration of a marriage.
Canon 1101.2 If, however, either or both of the parties should by a positive act of will exclude marriage itself or any essential element of marriage or any essential property, such party contracts invalidly.

Canon 1102.1 Marriage cannot be validly contracted subject to a condition concerning the future.

Canon 1102.2 Marriage entered into subject to a condition concerning the past or the present is valid or not, according as whatever is the basis of the condition exists or not.

Canon 1102.3 However, a condition as mentioned in 1102.2 may not lawfully be attached except with the written permission of the local Ordinary.

Canon 1103 A marriage is invalid which was entered into by reason of force or of grave fear imposed from outside, even if not purposely, from which the person has no escape other than by choosing marriage.

Canon 1104.1 To contract marriage validly it is necessary that the contracting parties be present together, either personally or by proxy.

Canon 1104.2 The spouses are to express their matrimonial consent in words; if, however, they cannot speak, then by equivalent signs.

Canon 1105.1 For a marriage by proxy to be valid, it is required:

Canon 1105.1.1 that there be a special mandate to contract with a specific person;

Canon 1105.1.2 that the proxy be designated by the mandator and personally discharge this function;

Canon 1105.2 For the mandate to be valid, it is to be signed by the mandator, and also by the parish priest or local Ordinary of the place in which the mandate is given or by a priest delegated by either of them or by at least two witnesses, or it is to be drawn up in a document which is authentic according to the civil law.

Canon 1105.3 If the mandator cannot write, this is to be recorded in the mandate and another witness added who is also to sign the document; otherwise, the mandate is invalid.

Canon 1105.4 If the mandator revokes the mandate, or becomes insane, before the proxy contracts in his or her name, the marriage is invalid, even though the proxy or the other contracting party is unaware of the fact.

Canon 1106 Marriage can be contracted through an interpreter, but the parish priest may not assist at such a marriage unless he is certain of the trustworthiness of the interpreter.
Canon 1107 Even if a marriage has been entered into invalidly by reason of an impediment or defect of form, the consent given is presumed to persist until its withdrawal has been established.

CHAPTER V: THE FORM OF THE CELEBRATION OF MARRIAGE

Canon 1108.1 Only those marriages are valid which are contracted in the presence of the local Ordinary or parish priest or of the priest or deacon delegated by either of them, who, in the presence of two witnesses, assists, in accordance however with the rules set out in the following canons, and without prejudice to the exceptions mentioned in cann. 144, 1112.1, 1116 and 1127.2-3.

Canon 1108.2 Only that person who, being present, asks the contracting parties to manifest their consent and in the name of the Church receives it, is understood to assist at a marriage.

Canon 1109 Within the limits of their territory, the local Ordinary and the parish priest by virtue of their office validly assist at the marriages not only of their subjects, but also of non-subjects, provided one or other of the parties is of the latin rite. They cannot assist if by sentence or decree they have been excommunicated, placed under interdict or suspended from office, or been declared to be such.

Canon 1110 A personal Ordinary and a personal parish priest by virtue of their office validly assist, within the confines of their jurisdiction, at the marriages only of those of whom at least one party is their subject.

Canon 1111.1 As long as they validly hold office, the local Ordinary and the parish priest can delegate to priests and deacons the faculty, even the general faculty, to assist at marriages within the confines of their territory.

Canon 1111.2 In order that the delegation of the faculty to assist at marriages be valid, it must be expressly given to specific persons; if there is question of a special delegation, it is to be given for a specific marriage; if however there is question of a general delegation, it is to be given in writing.

Canon 1112.1 Where there are no priests and deacons, the diocesan Bishop can delegate lay persons to assist at marriages, if the Episcopal Conference has given its prior approval and the permission of the Holy See has been obtained.

Canon 1112.2 A suitable lay person is to be selected, capable of giving instruction to those who are getting married, and fitted to conduct the marriage liturgy properly.

Canon 1113.1 Before a special delegation is granted, provision is to be made for all those matters which the law prescribes to establish the freedom to marry.
Canon 1114 One who assists at a marriage acts unlawfully unless he has satisfied himself of the parties' freedom to marry in accordance with the law and, whenever he assists by virtue of a general delegation, has satisfied himself of the parish priest's permission, if this is possible.

Canon 1115 Marriages are to be celebrated in the parish in which either of the contracting parties has a domicile or a quasi-domicile or a month's residence or, if there is question of vagi, in the parish in which they are actually residing. With the permission of the proper Ordinary or the proper parish priest, marriages may be celebrated elsewhere.

Canon 1116.1 If one who, in accordance with the law, is competent to assist, cannot be present or be approached without grave inconvenience, those who intend to enter a true marriage can validly and lawfully contract in the presence of witnesses only:

Canon 1116.1.1 in danger of death;

Canon 1116.1.2 apart from danger of death, provided it is prudently foreseen that this state of affairs will continue for a month.

Canon 1116.2 In either case, if another priest or deacon is at hand who can be present, he must be called upon and, together with the witnesses, be present at the celebration of the marriage, without prejudice to the validity of the marriage in the presence of only the witnesses.

Canon 1117 The form prescribed above is to be observed if at least one of the parties contracting marriage was baptised in the catholic Church or received into it and has not by a formal act defected from it, without prejudice to the provisions of canon 1127.2.

Canon 1118.1 A marriage between catholics, or between a catholic party and a baptised non-catholic, is to be celebrated in the parish church. By permission of the local Ordinary or of the parish priest, it may be celebrated in another church or oratory.

Canon 1118.2 The local Ordinary can allow a marriage to be celebrated in another suitable place.

Canon 1118.3 A marriage between a catholic party and an unbaptised party may be celebrated in a church or in another suitable place.

Canon 1119 Apart from a case of necessity, in the celebration of marriage those rites are to be observed which are prescribed in the liturgical books approved by the Church, or which are acknowledged by lawful customs.

Canon 1120 The Episcopal Conference can draw up its own rite of marriage, in keeping with those usages of place and people which accord with the christian spirit; it is to be reviewed by the Holy See, and it is without prejudice to the law that the person who is
present to assist at the marriage is to ask for and receive the expression of the consent of the contracting parties.

Canon 1121.1 As soon as possible after the celebration of a marriage, the parish priest of the place of celebration or whoever takes his place, even if neither has assisted at the marriage, is to record in the marriage register the names of the spouses, of the person who assisted and of the witnesses, and the place and date of the celebration of the marriage; this is to be done in the manner prescribed by the Episcopal Conference or by the diocesan Bishop.

Canon 1121.2 Whenever a marriage is contracted in accordance with canon 1116, the priest or deacon, if he was present at the celebration, otherwise the witnesses, are bound jointly with the contracting parties as soon as possible to inform the parish priest or the local Ordinary about the marriage entered into.

Canon 1121.3 In regard to a marriage contracted with a dispensation from the canonical form, the local Ordinary who granted the dispensation is to see to it that the dispensation and the celebration are recorded in the marriage register both of the curia, and of the proper parish of the catholic party whose parish priest carried out the inquiries concerning the freedom to marry. The catholic spouse is obliged as soon as possible to notify that same Ordinary and parish priest of the fact that the marriage was celebrated, indicating also the place of celebration and the public form which was observed.

Canon 1122.1 A marriage which has been contracted is to be recorded also in the baptismal registers in which the baptism of the spouses was entered.

Canon 1122.2 If a spouse contracted marriage elsewhere than in the parish of baptism, the parish priest of the place of celebration is to send a notification of the marriage as soon as possible to the parish priest of the place of baptism.

Canon 1123 Whenever a marriage is validated for the external forum, or declared invalid, or lawfully dissolved other than by death, the parish priest of the place of the celebration of the marriage must be informed, so that an entry may be duly made in the registers of marriage and of baptism.

CHAPTER VI: MIXED MARRIAGES

Canon 1124 Without the express permission of the competent authority, marriage is prohibited between two baptised persons, one of whom was baptised in the catholic Church or received into it after baptism and has not defected from it by a formal act, the other of whom belongs to a Church or ecclesial community not in full communion with the catholic Church.

Canon 1125 The local Ordinary can grant this permission if there is a just and reasonable cause. He is not to grant it unless the following conditions are fulfilled:
Canon 1125.1 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 in order that all the children be baptised and brought up in the catholic Church;

Canon 1125.2 the other party is to be informed in good time of these promises to be made by the catholic party, so that it is certain that he or she is truly aware of the promise and of the obligation of the catholic party.

Canon 1125.3 both parties are to be instructed about the purposes and essential properties of marriage, which are not to be excluded by either contractant.

Canon 1126 It is for the Episcopal Conference to prescribe the manner in which these declarations and promises, which are always required, are to be made, and to determine how they are to be established in the external forum, and how the non-catholic party is to be informed of them.

Canon 1127.1 The provisions of canon 1108 are to be observed in regard to the form to be used in a mixed marriage. If, however, the catholic party contracts marriage with a non-catholic party of oriental rite, the canonical form of celebration is to be observed for lawfulness only; for validity, however, the intervention of a sacred minister is required, while observing the other requirements of law.

Canon 1127.2 If there are grave difficulties in the way of observing the canonical form, the local Ordinary of the catholic party has the right to dispense from it in individual cases, having however consulted the Ordinary of the place of the celebration of the marriage; for validity, however, some public form of celebration is required. It is for the Episcopal Conference to establish norms whereby this dispensation may be granted in a uniform manner.

Canon 1127.3 It is forbidden to have, either before or after the canonical celebration in accordance with 1127.1, another religious celebration of the same marriage for the purpose of giving or renewing matrimonial consent. Likewise, there is not to be a religious celebration in which the catholic assistant and a non-catholic minister, each performing his own rite, ask for the consent of the parties.

Canon 1128 Local Ordinaries and other pastors of souls are to see to it that the catholic spouse and the children born of a mixed marriage are not without the spiritual help needed to fulfil their obligations; they are also to assist the spouses to foster the unity of conjugal and family life.

Canon 1129 The provisions of cann. 1127 and 1128 are to be applied also to marriages which are impeded by the impediment of disparity of worship mentioned in canon 1086.1.

CHAPTER VII: THE SECRET CELEBRATION OF MARRIAGE
Canon 1130 For a grave and urgent reason, the local Ordinary may permit that a marriage be celebrated in secret.

Canon 1131 Permission to celebrate a marriage in secret involves:

Canon 1131.1 that the investigations to be made before the marriage are carried out in secret;

Canon 1131.2 that the secret in regard to the marriage which has been celebrated is observed by the local Ordinary, by whoever assists, by the witnesses and by the spouses.

Canon 1132 The obligation of observing the secret mentioned in canon 1131 n. 2 ceases for the local Ordinary if from its observance a threat arises of grave scandal or of grave harm to the sanctity of marriage. This fact is to be made known to the parties before the celebration of the marriage.

Canon 1133 A marriage celebrated in secret is to be recorded only in a special register which is to be kept in the secret archive of the curia.

CHAPTER VIII: THE EFFECTS OF MARRIAGE

Canon 1134 From a valid marriage there arises between the spouses a bond which of its own nature is permanent and exclusive. Moreover, in christian marriage the spouses are by a special sacrament strengthened and, as it were, consecrated for the duties and the dignity of their state.

Canon 1135 Each spouse has an equal obligation and right to whatever pertains to the partnership of conjugal life.

Canon 1136 Parents have the most grave obligation and the primary right to do all in their power to ensure their children's physical, social, cultural, moral and religious upbringing.

Canon 1137 Children who are conceived or born of a valid or of a putative marriage are legitimate.

Canon 1138.1 The father is he who is identified by a lawful marriage, unless by clear arguments the contrary is proven.

Canon 1138.2 Children are presumed legitimate who are born at least 180 days after the date the marriage was celebrated, or within 300 days from the date of the dissolution of conjugal life.

Canon 1139 Illegitimate children are legitimated by the subsequent marriage of their parents, whether valid or putative, or by a rescript of the Holy See.
Canon 1140 As far as canonical effects are concerned, legitimated children are equivalent to legitimate children in all respects, unless it is otherwise expressly provided by the law.


Canon 1141 A marriage which is ratified and consummated cannot be dissolved by any human power or by any cause other than death.

Canon 1142 A non-consummated marriage between baptised persons or between a baptised party and an unbaptised party can be dissolved by the Roman Pontiff for a just reason, at the request of both parties or of either party, even if the other is unwilling.

Canon 1143.1 In virtue of the pauline privilege, a marriage entered into by two unbaptised persons is dissolved in favour of the faith of the party who received baptism, by the very fact that a new marriage is contracted by that same party, provided the unbaptised party departs.

Canon 1143.2 The unbaptised party is considered to depart if he or she is unwilling to live with the baptised party, or to live peacefully without offence to the Creator, unless the baptised party has, after the reception of baptism, given the other just cause to depart.

Canon 1144.1 For the baptised person validly to contract a new marriage, the unbaptised party must always be interpellated whether:

Canon 1144.1.1 he or she also wishes to receive baptism;

Canon 1144.1.2 he or she at least is willing to live peacefully with the baptised party without offence to the Creator.

Canon 1144.2 This interpellation is to be done after baptism. However, the local Ordinary can for a grave reason permit that the interpellation be done before baptism; indeed he can dispense from it, either before or after baptism, provided it is established, by at least a summary and extrajudicial procedure, that it cannot be made or that it would be useless.

Canon 1145 As a rule, the interpellation is to be done on the authority of the local Ordinary of the converted party. A period of time for reply is to be allowed by this Ordinary to the other party, if indeed he or she asks for it, warning the person however that if the period passes without any reply, silence will be taken as a negative response.

Canon 1145.2 Even an interpellation made privately by the converted party is valid, and indeed it is lawful if the form prescribed above cannot be observed.

Canon 1145.3 In both cases there must be lawful proof in the external forum of the interpellation having been done and of its outcome.
Canon 1146 The baptised party has the right to contract a new marriage with a catholic:

Canon 1146.1 if the other party has replied in the negative to the interpellation, or if the interpellation has been lawfully omitted;

Canon 1146.2 if the unbaptised person, whether already interpellated or not, who at first persevered in peaceful cohabitation without offence to the Creator, has subsequently departed without just cause, without prejudice to the provisions of cann. 1144 and 1145.

Canon 1147 However, the local Ordinary can for a grave reason allow the baptised party, using the pauline privilege, to contract marriage with a non-catholic party, whether baptised or unbaptised; in this case, the provisions of the canons on mixed marriages must also be observed.

Canon 1148.1 When an unbaptised man who simultaneously has a number of unbaptised wives, has received baptism in the catholic Church, if it would be a hardship for him to remain with the first of the wives, he may retain one of them, having dismissed the others. The same applies to an unbaptised woman who simultaneously has a number of unbaptised husbands.

Canon 1148.2 In the cases mentioned in 1148.1, when baptism has been received, the marriage is to be contracted in the legal form, with due observance, if need be, of the provisions concerning mixed marriages and of other provisions of law.

Canon 1148.3 In the light of the moral, social and economic circumstances of place and person, the local Ordinary is to ensure that adequate provision is made, in accordance with the norms of justice, christian charity and natural equity, for the needs of the first wife and of the others who have been dismissed.

Canon 1149 An unbaptised person who, having received baptism in the catholic Church, cannot re-establish cohabitation with his or her unbaptised spouse by reason of captivity or persecution, can contract another marriage, even if the other party has in the meantime received baptism, without prejudice to the provisions of canon 1141.

Canon 1150 In a doubtful matter the privilege of the faith enjoys the favour of law.

ARTICLE 2: SEPARATION WHILE THE BOND REMAINS

Canon 1151 Spouses have the obligation and the right to maintain their common conjugal life, unless a lawful reason excuses them.

Canon 1152.1 It is earnestly recommended that a spouse, motivated by christian charity and solicitous for the good of the family, should not refuse to pardon an adulterous partner and should not sunder the conjugal life. Nevertheless, if that spouse has not either expressly or tacitly condoned the other’s fault, he or she has the right to sever the
common conjugal life, provided he or she has not consented to the adultery, nor been the cause of it, nor also committed adultery.

Canon 1152.2 Tacit condonation occurs if the innocent spouse, after becoming aware of the adultery, has willingly engaged in a marital relationship with the other spouse; it is presumed, however, if the innocent spouse has maintained the common conjugal life for six months, and has not had recourse to ecclesiastical or to civil authority.

Canon 1152.3 Within six months of having spontaneously terminated the common conjugal life, the innocent spouse is to bring a case for separation to the competent ecclesiastical authority. Having examined all the circumstances, this authority is to consider whether the innocent spouse can be brought to condone the fault and not prolong the separation permanently.

Canon 1153.1 A spouse who occasions grave danger of soul or body to the other or to the children, or otherwise makes the common life unduly difficult, provides the other spouse with a reason to leave, either by a decree of the local Ordinary or, if there is danger in delay, even on his or her own authority.

Canon 1153.2 In all cases, when the reason for separation ceases, the common conjugal life is to be restored, unless otherwise provided by ecclesiastical authority.

Canon 1154 When a separation of spouses has taken place, provision is always, and in good time, to be made for the due maintenance and upbringing of the children.

Canon 1155 The innocent spouse may laudably readmit the other spouse to the conjugal life, in which case he or she renounces the right to separation.

CHAPTER X: THE VALIDATION OF MARRIAGE

ARTICLE 1: SIMPLE VALIDATION

Canon 1156.1 To validate a marriage which is invalid because of a diriment impediment, it is required that the impediment cease or be dispensed, and that at least the party aware of the impediment renews consent.

Canon 1156.2 This renewal is required by ecclesiastical law for the validity of the validation, even if at the beginning both parties had given consent and had not afterwards withdrawn it.

Canon 1157 The renewal of consent must be a new act of will consenting to a marriage which the renewing party knows or thinks was invalid from the beginning.

Canon 1158.1 If the impediment is public, consent is to be renewed by both parties in the canonical form, without prejudice to the provision of Canon 1127.3.
Canon 1158.2 If the impediment cannot be proved, it is sufficient that consent be renewed privately and in secret, specifically by the party who is aware of the impediment provided the other party persists in the consent given, or by both parties if the impediment is known to both.

Canon 1159.1 A marriage invalid because of a defect of consent is validated if the party who did not consent, now does consent, provided the consent given by the other party persists.

Canon 1159.2 If the defect of the consent cannot be proven, it is sufficient that the party who did not consent, gives consent privately and in secret.

Canon 1159.3 If the defect of consent can be proven, it is necessary that consent be given in the canonical form.

Canon 1160 For a marriage which is invalid because of defect of form to become valid, it must be contracted anew in the canonical form, without prejudice to the provisions of Canon 1127.3 [4].

Article 2: Retroactive Validation

Canon 1161.1 The retroactive validation of an invalid marriage is its validation without the renewal of consent, granted by the competent authority. It involves a dispensation from an impediment if there is one and from the canonical form if it had not been observed, as well as a referral back to the past of the canonical effects.

Canon 1161.2 The validation takes place from the moment the favour is granted; the referral back, however, is understood to have been made to the moment the marriage was celebrated, unless it is otherwise expressly provided.

Canon 1161.3 A retroactive validation is not to be granted unless it is probable that the parties intend to persevere in conjugal life.

Canon 1162.1 If consent is lacking in either or both of the parties, a marriage cannot be rectified by a retroactive validation, whether consent was absent from the beginning or, though given at the beginning, was subsequently revoked.

Canon 1162.2 If the consent was indeed absent from the beginning but was subsequently given, a retroactive validation can be granted from the moment the consent was given.

Canon 1163.1 A marriage which is invalid because of an impediment or because of defect of the legal form, can be validated retroactively, provided the consent of both parties persists.
Canon 1163.2 A marriage which is invalid because of an impediment of the natural law or of the divine positive law, can be validated retroactively only after the impediment has ceased.

Canon 1164 A retroactive validation may validly be granted even if one or both of the parties is unaware of it; it is not, however, to be granted except for a grave reason.

Canon 1165.1 Retroactive validation can be granted by the Apostolic See.

Canon 1165.2 It can be granted by the diocesan Bishop in individual cases, even if a number of reasons for nullity occur together in the same marriage, assuming that for a retroactive validation of a mixed marriage the conditions of Canon 1125 will have been fulfilled. It cannot, however, be granted by him if there is an impediment whose dispensation is reserved to the Apostolic See in accordance with Canon 1078.2, or if there is question of an impediment of the natural law or of the divine positive law which has now ceased.


Canon 1432 A defender of the bond is to be appointed in the diocese for cases which deal with the nullity of ordination or the nullity or dissolution of marriage. The defender of the bond is bound by office to present and expound all that can reasonably be argued against the nullity or dissolution.

PART III: CERTAIN SPECIAL PROCESSES
TITLE I: MATRIMONIAL PROCESSES
CHAPTER I: CASES CONCERNING THE DECLARATION OF NULLITY OF MARRIAGE
ARTICLE 1: THE COMPETENT FORUM

Canon 1671 Matrimonial cases of the baptised belong by their own right to the ecclesiastical judge.

Canon 1672 Cases concerning the merely civil effects of marriage pertain to the civil courts, unless particular law lays down that, if such cases are raised as incidental and accessory matters, they may be heard and decided by an ecclesiastical judge.

Canon 1673 The following tribunals are competent in cases concerning the nullity of marriage which are not reserved to the Apostolic See:

Canon 1673.1 the tribunal of the place where the marriage was celebrated;

Canon 1673.2 the tribunal of the place where the respondent has a domicile or quasi-domicile;
Canon 1673.3 the tribunal of the place where the plaintiff has a domicile, provided that both parties live within the territory of the same Episcopal Conference, and that the judicial Vicar of the domicile of the respondent, after consultation with the respondent, gives consent;

Canon 1673.4 the tribunal of the place in which in fact most of the evidence is to be collected, provided that consent is given by the judicial Vicar of the domicile of the respondent, who must first ask the respondent whether he or she has any objection to raise.

ARTICLE 2: THE RIGHT TO CHALLENGE THE VALIDITY OF MARRIAGE

Canon 1674 The following are able to challenge the validity of a marriage:

Canon 1674.1 the spouses themselves;

Canon 1674.2 the promotor of justice, when the nullity of the marriage has already been made public, and the marriage cannot be validated or it is not expedient to do so.

Canon 1675.1 A marriage which was not challenged while both parties were alive, cannot be challenged after the death of either or both, unless the question of validity is a necessary preliminary to the resolution of another controversy in either the canonical or the civil forum.

Canon 1675.2 If a spouse should die during the course of a case, canon 1518 is to be observed.

ARTICLE 3: THE DUTIES OF THE JUDGES

Canon 1676 Before he accepts a case and whenever there appears to be hope of success, the judge is to use pastoral means to persuade the spouses that, if it is possible, they should perhaps validate their marriage and resume their conjugal life.

Canon 1677.1 When the petition has been accepted, the presiding judge or the 'ponens' is to proceed to the notification of the decree of summons, in accordance with canon 1508.

Canon 1677.2 If, within fifteen days of the notification, neither party has requested a session to contest the suit, then within the following ten days the presiding judge or 'ponens' is, by a decree, to decide ex officio the formulation of the doubt or doubts and to notify the parties accordingly.

Canon 1677.3 The formulation of the doubt is not only to ask whether the nullity of the particular marriage is proven, but also to determine the ground or grounds upon which the validity of the marriage is being challenged.
Canon 1677.4 If the parties have not objected to this decree within ten days of being notified, the presiding judge or 'ponens' is, by a new decree, to arrange for the hearing of the case.

ARTICLE 4: PROOFS

Canon 1678.1 The defender of the bond, the advocates of the parties and, if engaged in the process, the promotor of justice, have the right:

Canon 1678.1.1 to be present at the examination of the parties, the witnesses and the experts, without prejudice to canon 1559;

Canon 1678.1.2 to see the judicial acts, even if they are not yet published, and to inspect documents produced by the parties.

Canon 1678.2 The parties themselves cannot be present at the sessions mentioned in 1678.1, n. 1.

Canon 1679 Unless the evidence brought forward is otherwise complete, in order to weigh the depositions of the parties in accordance with canon 1536, the judge is, if possible, to hear witnesses to the credibility of the parties, as well as to gather other indications and supportive elements.

Canon 1680 In cases concerning impotence or defect of consent by reason of mental illness, the judge is to use the services of one or more experts, unless from the circumstances this would obviously serve no purpose. In other cases, the provision of canon 1574 is to be observed.

ARTICLE 5: THE JUDGEMENT AND THE APPEAL

Canon 1681 Whenever in the course of the hearing of a case a doubt of a high degree of probability arises that the marriage has not been consummated, the tribunal can, with the consent of the parties, suspend the nullity case and complete the instruction of a case for a dispensation from a non-consummated marriage; eventually it can forward the acts to the Apostolic See, together with a petition, from either or both of the parties for a dispensation, and with the Opinions of the tribunal and of the Bishop.

Canon 1682.1 The judgement which has first declared the nullity of a marriage, together with the appeals, if there are any, and the judicial acts, are to be sent ex officio to the appeal tribunal within twenty days of the publication of the judgement.

Canon 1682.2 If the judgement given in first instance was in favour of the nullity of the marriage, the appeal tribunal, after weighing the observations of the defender of the bond and, if there are any, of the parties, is by its decree either to ratify the decision at once, or to admit the case to ordinary examination in the new instance.
Canon 1683 If a new ground of nullity of marriage is advanced in the appeal grade, the tribunal can admit it and give judgement on it as at first instance.

Canon 1684.1 After the judgement which first declared the nullity of the marriage has been confirmed on appeal either by decree or by another judgement, those whose marriage has been declared invalid may contract a new marriage as soon as the decree or the second judgement has been notified to them, unless there is a prohibition appended to the judgement or decree itself, or imposed by the local Ordinary.

Canon 1684.2 The provisions of canon 1644 are to be observed even if the judgement which declared the nullity of the marriage is confirmed not by a second judgement, but by a decree.

Canon 1685 As soon as the sentence is executed, the judicial Vicar must notify the Ordinary of the place where the marriage was celebrated. This Ordinary must ensure that a record of the decree of nullity of the marriage, and of any prohibition imposed, is as soon as possible entered in the registers of marriage and baptism.

ARTICLE 6: THE DOCUMENTARY PROCESS

Canon 1686 A marriage can be declared invalid on the basis of a document which proves with certainty the existence of a diriment impediment a defect of lawful form or the lack of a valid proxy mandate; the document must not be open to any contradiction or exception. It must be equally certain that no dispensation has been given. When a petition in accordance with canon 1677 has been received alleging such invalidity, the judicial Vicar, or a judge designated by him, can omit the formalities of the ordinary procedure and, having summoned the parties, and with the intervention of the defender of the bond, declare the nullity of the marriage by a judgement.

Canon 1687.1 If the defender of the bond prudently judges that the defects mentioned in canon 1686, or the lack of dispensation, are not certain, he must appeal to the judge of second instance. The acts must be sent to the appeal judge and he is to be informed in writing that it is a documentary process.

Canon 1687.2 A party who considers him or herself injured retains the right of appeal.

Canon 1688 The judge of second instance, with the intervention of the defender of the bond and after consulting the parties, is to decide in the same way as in canon 1686 whether the judgement is to be ratified, or whether the case should rather proceed according to the ordinary course of law, in which event he is to send the case back to the tribunal of first instance.

ARTICLE 7: GENERAL NORMS
Canon 1689 In the judgement the parties are to be reminded of the moral, and also the civil, obligations by which they may be bound, both towards one another and in regard to the support and upbringing of their children.

Canon 1690 Cases for the declaration of nullity of marriage cannot be dealt with by the oral contentious process.

Canon 1691 In other matters concerning the conduct of the process, the canons concerning judicial powers in general and concerning the ordinary contentious process are to be applied, unless the nature of the case demands otherwise; the special norms concerning cases dealing with the status of persons and cases pertaining to the public good are also to be observed.

CHAPTER II: CASES CONCERNING THE SEPARATION OF SPOUSES

Canon 1692.1 Unless lawfully provided otherwise in particular places, the personal separation of baptised spouses can be decided by a decree of the diocesan Bishop, or by the judgement of a judge in accordance with the following canons.

Canon 1692.2 Where the ecclesiastical decision does not produce civil effects, or if it is foreseen that there will be a civil judgement not contrary to the divine law, the Bishop of the diocese in which the spouses are living can, in the light of their particular circumstances, give them permission to approach the civil courts.

Canon 1692.3 If the case is also concerned with the merely civil effects of marriage, the judge is to endeavour, without prejudice to the provision of 1692.2, to have the case brought before the civil court from the very beginning.

Canon 1693.1 The oral contentious process is to be used, unless either party or the promotor of justice requests the ordinary contentious process.

Canon 1693.2 If the ordinary contentious process is used and there is an appeal, the tribunal of second instance is to proceed in accordance with canon 1682.2, observing what has to be observed.

Canon 1694 In matters concerning the competence of the tribunal, the provisions of canon 1673 are to be observed.

Canon 1695 Before he accepts the case, and whenever there appears to be hope of success, the judge is to use pastoral means to induce the parties to be reconciled and to resume their conjugal life.

Canon 1696 Cases of separation of spouses also concern the public good; the promotor of justice must, therefore, always intervene, in accordance with canon 1433.
CHAPTER III: THE PROCESS FOR THE DISPENSATION FROM A RATIFIED AND NON-CONSUMMATED MARRIAGE

Canon 1697 The parties alone, or indeed one of them even if the other is unwilling, have the right to seek the favour of a dispensation from a ratified and non-consummated marriage.

Canon 1698.1 Only the Apostolic See gives judgement on the fact of the non-consummation of a marriage and on the existence of a just reason for granting the dispensation.

Canon 1698.2 The dispensation, however, is given by the Roman Pontiff alone.

Canon 1699.1 The diocesan Bishop of the place of domicile or quasidomicile of the petitioner is competent to accept the petition seeking the dispensation. If the request is well founded, he must arrange for the instruction of the process.

Canon 1699.2 If, however, the proposed case has special difficulties of a juridical or moral order, the diocesan Bishop is to consult the Apostolic See.

Canon 1699.3 Recourse to the Apostolic See is available against the decree of a Bishop who rejects the petition.

Canon 1700.1 Without prejudice to the provisions of canon 1681, the Bishop is to assign the instruction of these processes, in a stable manner or case by case, to his own tribunal or to that of another diocese, or to a suitable priest.

Canon 1700.2 If, however, a judicial plea has been introduced to declare the nullity of the same marriage, the instruction of the process is to be assigned to the same tribunal.

Canon 1701.1 In these processes the defender of the bond must always intervene.

Canon 1701.2 An advocate is not admitted, but the Bishop can, because of the difficulty of a case, allow the petitioner or respondent to have the assistance of an expert in the law.

Canon 1702 In the instruction of the process both parties are to be heard. As far as possible, and provided they can be reconciled with the nature of these processes, the canons concerning the collection of evidence in the ordinary contentious process and in cases of nullity of marriage are to be followed.

Canon 1703.1 There is no publication of the acts, but if the judge sees that, because of the evidence tendered, a serious obstacle stands in the way of the plea of the petitioner or the exception of the respondent, he can prudently make it known to the party concerned.
Canon 1703.2 To the party requesting it the judge can show a document which has been presented or evidence which has been received, and he can set a time for the production of arguments.

Canon 1704.1 When the instruction is completed, the judge instructor is to give all the acts, together with a suitable report, to the Bishop. The Bishop is to express his Opinion on the merits of the case in relation to the alleged fact of non-consummation, the adequacy of the reason for dispensation, and the opportuneness of the favour.

Canon 1704.2 If the instruction of the process has been entrusted to another tribunal in accordance with Canon 1700, the observations in favour of the bond of marriage are to be prepared in that same tribunal. The Opinion spoken of in §1 is, however, the province of the Bishop who gave the commission and the judge instructor is to give him, together with the acts, a suitable report on the case.

Canon 1705.1 The Bishop is to transmit all the acts to the Apostolic See together with his Opinion and the observations of the defender of the bond.

Canon 1705.2 If, in the judgement of the Apostolic See, a supplementary instruction is required, this will be notified to the Bishop, with a statement of the items on which the acts are to be supplemented.

Canon 1705.3 If, however, the answer of the Apostolic See is that the non-consummation is not proven from the evidence produced, then the expert in law mentioned in Canon 1701.2 can inspect the acts of the case, though not the Opinion of the Bishop, in the tribunal office, in order to decide whether anything further of importance can be brought forward to justify another submission of the petition.

Canon 1706 The rescript of dispensation is sent by the Apostolic See to the Bishop. He is to notify the parties of the rescript, and also as soon as possible direct the parish priests of the place where the marriage was contracted and of the place where baptism was received, to make a note of the granting of the dispensation in the registers of marriage and baptism.

CHAPTER IV: THE PROCESS IN THE CASE OF THE PRESUMED DEATH OF A SPOUSE

Canon 1707.1 Whenever the death of a spouse cannot be proven by an authentic ecclesiastical or civil document, the other spouse is not regarded as free from the bond of marriage until the diocesan Bishop has issued a declaration that death is presumed.

Canon 1707.2 The diocesan Bishop can give the declaration mentioned in Canon 1707.1 only if, after making suitable investigations, he has reached moral certainty concerning the death of the spouse from the depositions of witnesses, from hearsay and from other indications. The mere absence of the spouse, no matter for how long a period, is not sufficient.
Canon 1707.3 In uncertain and involved cases, the Bishop is to consult the Apostolic See.

http://www.catholicdoors.com/misc/marriage/canonlaw.htm