

TITLE VII.

MARRIAGE (Cann. 1055 - 1165)

Can. 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.

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

Can. 1056 The essential properties of marriage are unity and indissolubility, which in Christian marriage obtain a special firmness by reason of the sacrament.

Can. 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.

§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.

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

Can. 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.

Can. 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.

Can. 1061 §1. A valid marriage between the baptized is called *ratum tantum* if it has not been consummated; it is called *ratum et consummatum* if the spouses have performed between themselves in a human fashion a conjugal act which is suitable in itself for the procreation of offspring, to which marriage is ordered by its nature and by which the spouses become one flesh.

§2. After a marriage has been celebrated, if the spouses have lived together consummation is presumed until the contrary is proven.

§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.

Can. 1062 §1. A promise of marriage, whether unilateral or bilateral, which is called an engagement, is governed by the particular law established by the conference of bishops, after it has considered any existing customs and civil laws.

§2. A promise to marry does not give rise to an action to seek the celebration of marriage; an action to repair damages, however, does arise if warranted.

CHAPTER I.

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

Can. 1063 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:

1/ preaching, catechesis adapted to minors, youth, and adults, and even the use of instruments of social communication, by which the Christian faithful are instructed about the meaning of Christian marriage and about the function of Christian spouses and parents;

2/ personal preparation to enter marriage, which disposes the spouses to the holiness and duties of their new state;

3/ 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;

4/ 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.

Can. 1064 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.

Can. 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.

§2. To receive the sacrament of marriage fruitfully, spouses are urged especially to approach the sacraments of penance and of the Most Holy Eucharist.

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

Can. 1067 The conference of bishops is to establish norms about the examination of spouses and about the marriage banns or other opportune means to accomplish the investigations necessary before marriage. After these norms have been diligently observed, the pastor can proceed to assist at the marriage.

Can. 1068 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.

Can. 1069 All the faithful are obliged to reveal any impediments they know about to the pastor or local ordinary before the celebration of the marriage.

Can. 1070 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.

Can. 1071 §1. Except in a case of necessity, a person is not to assist without the permission of the local ordinary at:

1/ a marriage of transients;

2/ a marriage which cannot be recognized or celebrated according to the norm of civil law;

3/ a marriage of a person who is bound by natural obligations toward another party or children arising from a previous union;

4/ a marriage of a person who has notoriously rejected the Catholic faith;

5/ a marriage of a person who is under a censure;

6/ a marriage of a minor child when the parents are unaware or reasonably opposed;

7/ a marriage to be entered into through a proxy as mentioned in ⇒ can. 1105.

§2. The local ordinary is not to grant permission to assist at the marriage of a person who has notoriously rejected the Catholic faith unless the norms mentioned in ⇒ can. 1125 have been observed with necessary adaptation.

Can. 1072 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.

CHAPTER II.

DIRIMENT IMPEDIMENTS IN GENERAL

Can. 1073 A diriment impediment renders a person unqualified to contract marriage validly.

Can. 1074 An impediment which can be proven in the external forum is considered to be public; otherwise it is occult.

Can. 1075 §1. It is only for the supreme authority of the Church to declare authentically when divine law prohibits or nullifies marriage.

§2. Only the supreme authority has the right to establish other impediments for the baptized.

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

Can. 1077 §1. In a special case, the local ordinary can prohibit marriage for his own subjects residing anywhere and for all actually present in his own territory but only for a time, for a grave cause, and for as long as the cause continues.

§2. Only the supreme authority of the Church can add a nullifying clause to a prohibition.

Can. 1078 §1. The local ordinary can dispense his own subjects residing anywhere and all actually present in his own territory from all impediments of ecclesiastical law except those whose dispensation is reserved to the Apostolic See.

§2. Impediments whose dispensation is reserved to the Apostolic See are:

1/ the impediment arising from sacred orders or from a public perpetual vow of chastity in a religious institute of pontifical right;

2/ the impediment of crime mentioned in ⇒ can. 1090.

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

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.

§2. In the same circumstances mentioned in §1, but only for cases in which the local ordinary cannot be reached, the pastor, the properly delegated sacred minister, and the priest or deacon who assists at marriage according to the norm of ⇒ can. 1116, §2 possess the same power of dispensing.

§3. In danger of death a confessor possesses the power of dispensing from occult impediments for the internal forum, whether within or outside the act of sacramental confession.

§4. In the case mentioned in §2, the local ordinary is not considered accessible if he can be reached only through telegraph or telephone.

Can. 1080 §1. Whenever an impediment is discovered after everything has already been prepared for the wedding, and the marriage cannot be delayed without probable danger of grave harm until a dispensation is obtained from the competent authority, the local ordinary and, provided that the case is occult, all those mentioned in ⇒ can. 1079, §§2-3 when the conditions prescribed therein have been observed possess the power of dispensing from all impediments except those mentioned in ⇒ can. 1078, §2, n. 1.

§2. This power is valid even to convalidate a marriage if there is the same danger in delay and there is insufficient time to make recourse to the Apostolic See or to the local ordinary concerning impediments from which he is able to dispense.

Can. 1081 The pastor or the priest or deacon mentioned in ⇒ can. 1079, §2 is to notify the local ordinary immediately about a dispensation granted for the external forum; it is also to be noted in the marriage register.

Can. 1082 Unless a rescript of the Penitentiary provides otherwise, a dispensation from an occult impediment granted in the non-sacramental internal forum is to be noted in a book which must be kept in the secret archive of the curia; no other dispensation for the external forum is necessary if afterwards the occult impediment becomes public.

CHAPTER III.

SPECIFIC DIRIMENT IMPEDIMENTS

Can. 1083 §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.

§2. The conference of bishops is free to establish a higher age for the licit celebration of marriage.

Can. 1084 §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.

§2. 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.

§3. Sterility neither prohibits nor nullifies marriage, without prejudice to the prescript of ⇒ can. 1098.

Can. 1085 §1. A person bound by the bond of a prior marriage, even if it was not consummated, invalidly attempts marriage.

§2. Even if the prior marriage is invalid or dissolved for any reason, it is not on that account permitted to contract another before the nullity or dissolution of the prior marriage is established legitimately and certainly.

Can. 1086 §1. A marriage between two persons, one of whom has been baptized in the Catholic Church or received into it and has not defected from it by a formal act and the other of whom is not baptized, is invalid.

§2. A person is not to be dispensed from this impediment unless the conditions mentioned in cann. ⇒ 1125 and ⇒ 1126 have been fulfilled.

§3. If at the time the marriage was contracted one party was commonly held to have been baptized or the baptism was doubtful, the validity of the marriage must be presumed according to the norm of ⇒ can. 1060 until it is proven with certainty that one party was baptized but the other was not.

Can. 1087 Those in sacred orders invalidly attempt marriage.

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

Can. 1089 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 woman chooses marriage of her own accord after she has been separated from the captor and established in a safe and free place.

Can. 1090 §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.

§2. Those who have brought about the death of a spouse by mutual physical or moral cooperation also invalidly attempt a marriage together.

Can. 1091 §1. In the direct line of consanguinity marriage is invalid between all ancestors and descendants, both legitimate and natural.

§2. In the collateral line marriage is invalid up to and including the fourth degree.

§3. The impediment of consanguinity is not multiplied.

§4. A marriage is never permitted if doubt exists whether the partners are related by consanguinity in any degree of the direct line or in the second degree of the collateral line.

Can. 1092 Affinity in the direct line in any degree invalidates a marriage.

Can. 1093 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, and vice versa.

Can. 1094 Those who are related in the direct line or in the second degree of the collateral line by a legal relationship arising from adoption cannot contract marriage together validly.

CHAPTER IV.

MATRIMONIAL CONSENT

Can. 1095 The following are incapable of contracting marriage:

1/ those who lack the sufficient use of reason;

2/ those who suffer from a grave defect of discretion of judgment concerning the essential matrimonial rights and duties mutually to be handed over and accepted;

3/ those who are not able to assume the essential obligations of marriage for causes of a psychic nature.

Can. 1096 §1. 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.

§2. This ignorance is not presumed after puberty.

Can. 1097 §1. Error concerning the person renders a marriage invalid.

§2. Error concerning a quality of the person does not render a marriage invalid even if it is the cause for the contract, unless this quality is directly and principally intended.

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.

Can. 1099 Error concerning the unity or indissolubility or sacramental dignity of marriage does not vitiate matrimonial consent provided that it does not determine the will.

Can. 1100 The knowledge or opinion of the nullity of a marriage does not necessarily exclude matrimonial consent.

Can. 1101 §1. The internal consent of the mind is presumed to conform to the words and signs used in celebrating the marriage.

§2. 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.

Can. 1102 §1. A marriage subject to a condition about the future cannot be contracted validly.

§2. A marriage entered into subject to a condition about the past or the present is valid or not insofar as that which is subject to the condition exists or not.

§3. The condition mentioned in §2, however, cannot be placed licitly without the written permission of the local ordinary.

Can. 1103 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.

Can. 1104 §1. To contract a marriage validly the contracting parties must be present together, either in person or by proxy.

§2. Those being married are to express matrimonial consent in words or, if they cannot speak, through equivalent signs.

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 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.

Can. 1106 A marriage can be contracted through an interpreter; the pastor is not to assist at it, however, unless he is certain of the trustworthiness of the interpreter.

Can. 1107 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.

CHAPTER V.

THE FORM OF THE CELEBRATION OF MARRIAGE

Can. 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 according to the rules expressed in the following canons and without prejudice to the exceptions mentioned in cann. ⇒ 144, ⇒ 1112, §1, ⇒ 1116, and ⇒ 1127, §§1-2.

§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.

Can. 1109 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.

Can. 1110 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.

Can. 1111 §1. 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.

§2. 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.

Can. 1112 §1. Where there is a lack of priests and deacons, the diocesan bishop can delegate lay persons to assist at marriages, with the previous favorable vote of the conference of bishops and after he has obtained the permission of the Holy See.

§2. A suitable lay person is to be selected, who is capable of giving instruction to those preparing to be married and able to perform the matrimonial liturgy properly.

Can. 1113 Before special delegation is granted, all those things which the law has established to prove free status are to be fulfilled.

Can. 1114 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.

Can. 1115 Marriages are to be celebrated in a parish where either of the contracting parties has a domicile, quasidomicile, or month long residence or, if it concerns transients, in the parish where they actually reside. With the permission of the proper ordinary or proper pastor, marriages can be celebrated elsewhere.

Can. 1116 §1. If a person competent to assist according to the norm of law cannot be present or approached without grave inconvenience, those who intend to enter into a true marriage can contract it validly and licitly before witnesses only:

1/ in danger of death;

2/ outside the danger of death provided that it is prudently foreseen that the situation will continue for a month.

§2. In either case, if some other priest or deacon who can be present is available, he must be called and be present at the celebration of the marriage together with the witnesses, without prejudice to the validity of the marriage before witnesses only.

Can. 1117 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 and has not defected from it by a formal act, without prejudice to the prescripts of ⇒ can. 1127, §2.

Can. 1118 §1. A marriage between Catholics or between a Catholic party and a non-Catholic baptized 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.

§2. The local ordinary can permit a marriage to be celebrated in another suitable place.

§3. A marriage between a Catholic party and a non-baptized party can be celebrated in a church or in another suitable place.

Can. 1119 Outside the case of necessity, the rites prescribed in the liturgical books approved by the Church or received by legitimate customs are to be observed in the celebration of a marriage.

Can. 1120 The conference of bishops can produce its own rite of marriage, to be reviewed by the Holy See, in keeping with the usages of places and peoples which are adapted to the Christian spirit; nevertheless, the law remains in effect that the person who assists at the marriage is present, asks for the manifestation of consent of the contracting parties, and receives it.

Can. 1121 §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 according to the method prescribed by the conference of bishops or the diocesan bishop.

§2. Whenever a marriage is contracted according to the norm of ⇒ can. 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.

§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.

Can. 1122 §1. The contracted marriage is to be noted also in the baptismal registers in which the baptism of the spouses has been recorded.

§2. 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.

Can. 1123 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.

CHAPTER VI.

MIXED MARRIAGES

Can. 1124 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 has not defected from it by a formal act and the other of whom is enrolled in a Church or ecclesial community not in full communion with the Catholic Church.

Can. 1125 The local ordinary can grant a permission of this kind if there is a just and reasonable cause. He is not to grant it unless the following conditions have been fulfilled:

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 so that all offspring are baptized and brought up in the Catholic Church;

2/ 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;

3/ both parties are to be instructed about the purposes and essential properties of marriage which neither of the contracting parties is to exclude.

Can. 1126 It is for the conference of bishops to establish the method in which these declarations and promises, which are always required, must be made and to define the manner in which they are to be established in the external forum and the non-Catholic party informed about them.

Can. 1127 §1. The prescripts of ⇒ can. 1108 are to be observed for the form to be used in a mixed marriage.

Nevertheless, if a Catholic party contracts marriage with a non-Catholic party of an Eastern rite, the canonical form of the celebration must be observed for liceity only; for validity, however, the presence of a sacred minister is required and the other requirements of law are to be observed.

§2. 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. It is for the conference of bishops to establish norms by which the aforementioned dispensation is to be granted in a uniform manner.

§3. It is forbidden to have another religious celebration of the same marriage to give or renew matrimonial consent before or after the canonical celebration according to the norm of §1. Likewise, 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.

Can. 1128 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.

Can. 1129 The prescripts of cann. ⇒ 1127 and ⇒ 1128 must be applied also to marriages which the impediment of disparity of cult mentioned in ⇒ can. 1086, §1 impedes.

CHAPTER VII.

MARRIAGE CELEBRATED SECRETLY

Can. 1130 For a grave and urgent cause, the local ordinary can permit a marriage to be celebrated secretly.

Can. 1131 Permission to celebrate a marriage secretly entails the following:

1/ the investigations which must be conducted before the marriage are done secretly;

2/ the local ordinary, the one assisting, the witnesses, and the spouses observe secrecy about the marriage celebrated.

Can. 1132 The obligation of observing the secrecy mentioned in ⇒ can. 1131, n. 2 ceases on the part of the local ordinary if grave scandal or grave harm to the holiness of marriage is imminent due to the observance of the secret; this is to be made known to the parties before the celebration of the marriage.

Can. 1133 A marriage celebrated secretly is to be noted only in a special register to be kept in the secret archive of the curia.

CHAPTER VIII.

THE EFFECTS OF MARRIAGE

Can. 1134 From a valid marriage there arises between the spouses a bond which by its nature is perpetual and exclusive. Moreover, a special sacrament strengthens and, as it were, consecrates the spouses in a Christian marriage for the duties and dignity of their state.

Can. 1135 Each spouse has an equal duty and right to those things which belong to the partnership of conjugal life.

Can. 1136 Parents have the most grave duty and the primary right to take care as best they can for the physical, social, cultural, moral, and religious education of their offspring.

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

Can. 1138 §1. The father is he whom a lawful marriage indicates unless clear evidence proves the contrary.

§2. Children born at least 180 days after the day when the marriage was celebrated or within 300 days from the day of the dissolution of conjugal life are presumed to be legitimate.

Can. 1139 Illegitimate children are legitimated by the subsequent valid or putative marriage of their parents or by a rescript of the Holy See.

Can. 1140 As regards canonical effects, legitimated children are equal in all things to legitimate ones unless the law has expressly provided otherwise.

CHAPTER IX.

THE SEPARATION OF SPOUSES

Art. 1.

DISSOLUTION OF THE BOND

Can. 1141 A marriage that is ratum et consummatum can be dissolved by no human power and by no cause, except death.

Can. 1142 For a just cause, the Roman Pontiff can dissolve a non-consummated marriage between baptized persons or between a baptized party and a non-baptized party at the request of both parties or of one of them, even if the other party is unwilling.

Can. 1143 §1. A marriage entered into by two non-baptized persons is dissolved by means of the pauline privilege in favor of the faith of the party who has received baptism by the very fact that a new marriage is contracted by the same party, provided that the non-baptized party departs.

§2. The non-baptized party is considered to depart if he or she does not wish to cohabit with the baptized party or to cohabit peacefully without aVront to the Creator unless the baptized party, after baptism was received, has given the other a just cause for departing.

Can. 1144 §1. For the baptized party to contract a new marriage validly, the non-baptized party must always be interrogated whether:

1/ he or she also wishes to receive baptism;

2/ he or she at least wishes to cohabit peacefully with the baptized party without aVront to the Creator.

§2. This interrogation must be done after baptism. For a grave cause, however, the local ordinary can permit the interrogation to be done before baptism or can even dispense from the interrogation either before or after baptism provided that it is evident at least by a summary and extrajudicial process that it cannot be done or would be useless.

Can. 1145 §1. The interrogation is regularly to be done on the authority of the local ordinary of the converted party.

This ordinary must grant the other spouse a period of time to respond if the spouse seeks it, after having been advised, however, that his or her silence will be considered a negative response if the period passes without effect.

§2. Even an interrogation made privately by the converted party is valid and indeed licit if the form prescribed above cannot be observed.

§3. In either case, the fact that the interrogation was done and its outcome must be established legitimately in the external forum.

Can. 1146 The baptized party has the right to contract a new marriage with a Catholic party:

1/ if the other party responded negatively to the interrogation or if the interrogation had been omitted legitimately;

2/ if the non-baptized party, already interrogated or not, at first persevered in peaceful cohabitation without aVront to the Creator but then departed without a just cause, without prejudice to the prescripts of cann. ⇒ 1144 and ⇒ 1145.

Can. 1147 For a grave cause, however, the local ordinary can allow a baptized party who uses the pauline privilege to contract marriage with a non-Catholic party, whether baptized or not baptized; the prescripts of the canons about mixed marriages are also to be observed.

Can. 1148 §1. When he receives baptism in the Catholic Church, a non-baptized man who has several non-baptized wives at the same time can retain one of them after the others have been dismissed, if it is hard for him to remain with the first one. The same is valid for a non-baptized woman who has several non-baptized husbands at the same time.

§2. In the cases mentioned in §1, marriage must be contracted in legitimate form after baptism has been received, and the prescripts about mixed marriages, if necessary, and other matters required by the law are to be observed.

§3. Keeping in mind the moral, social, and economic conditions of places and of persons, the local ordinary is to take care that the needs of the first wife and the others dismissed are sufficiently provided for according to the norms of justice, Christian charity, and natural equity.

Can. 1149 A non-baptized person who, after having received baptism in the Catholic Church, cannot restore cohabitation with a non-baptized spouse by reason of captivity or persecution can contract another marriage even if the other party has received baptism in the meantime, without prejudice to the prescript of ⇒ can. 1141.

Can. 1150 In a doubtful matter the privilege of faith possesses the favor of the law.

Art. 2.

SEPARATION WITH THE BOND REMAINING

Can. 1151 Spouses have the duty and right to preserve conjugal living unless a legitimate cause excuses them.

Can. 1152 §1. Although it is earnestly recommended that a spouse, moved by Christian charity and concerned for the good of the family, not refuse forgiveness to an adulterous partner and not disrupt conjugal life, nevertheless, if the spouse did not condone the fault of the other expressly or tacitly, the spouse has the right to sever conjugal living unless the spouse consented to the adultery, gave cause for it, or also committed adultery.

§2. Tacit condonation exists if the innocent spouse has had marital relations voluntarily with the other spouse after having become certain of the adultery. It is presumed, moreover, if the spouse observed conjugal living for six months and did not make recourse to the ecclesiastical or civil authority.

§3. If the innocent spouse has severed conjugal living voluntarily, the spouse is to introduce a cause for separation within six months to the competent ecclesiastical authority which, after having investigated all the circumstances, is to consider carefully whether the innocent spouse can be moved to forgive the fault and not to prolong the separation permanently.

Can. 1153 §1. If either of the spouses causes grave mental or physical danger to the other spouse or to the offspring or otherwise renders common life too difficult, that spouse gives the other a legitimate cause for leaving, either by decree of the local ordinary or even on his or her own authority if there is danger in delay.

§2. In all cases, when the cause for the separation ceases, conjugal living must be restored unless ecclesiastical authority has established otherwise.

Can. 1154 After the separation of the spouses has taken place, the adequate support and education of the children must always be suitably provided.

Can. 1155 The innocent spouse laudably can readmit the other spouse to conjugal life; in this case the innocent spouse renounces the right to separate.

CHAPTER X.

THE CONVALIDATION OF MARRIAGE

Art. 1.

SIMPLE CONVALIDATION

Can. 1156 §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.

§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.

Can. 1157 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.

Can. 1158 §1. If the impediment is public, both parties must renew the consent in canonical form, without prejudice to the prescript of ⇒ can. 1127, §2.

§2. 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.

Can. 1159 §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.

§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.

§3. If the defect of consent can be proven, the consent must be given in canonical form.

Can. 1160 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 of ⇒ can. 1127, §2.

Art. 2.

RADICAL SANATION

Can. 1161 §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.

§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.

§3. A radical sanation is not to be granted unless it is probable that the parties wish to persevere in conjugal life.

Can. 1162 §1. 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.

§2. 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.

Can. 1163 §1. 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.

§2. 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.

Can. 1164 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.

Can. 1165 §1. The Apostolic See can grant a radical sanation.

§2. The diocesan bishop can grant a radical sanation in individual cases even if there are several reasons for nullity in the same marriage, after the conditions mentioned in ⇒ can. 1125 for the sanation of a mixed marriage have been fulfilled. He cannot grant one, however, if there is an impediment whose dispensation is reserved to the Apostolic See according to the norm of ⇒ can. 1078, §2, or if it concerns an impediment of natural law or divine positive law which has now ceased.