

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.