

# 1 THE METROPOLITAN TRIBUNAL & OFFICE OF CANONICAL AFFAIRS

## ADVOCATE TRAINING PROGRAM

### 2 Presentation of the Course

- Introduction of the Tribunal Personnel
- General understanding of the Course
- expectations
- Reasons behind this introductory class

### 3 The Sacrament of Marriage

Book IV, Title VII

1055-1165

The Special Process and the *Dignitas Connubii*

### 4 I. The Canonical definition of marriage

Marriage precedes Law

### 5 1. Culture vs. Nature Positivism vs. Juridical Realism

- ☼ «Marriage today is a form (a juridical shell) susceptible of any content, an ambiguous term which entails very different relationships; for this reason, the name of marriage is applied indiscriminately to a sum of extraordinarily different and contradictory unions, to any legalized union, whose only common ground is the fact of having a legal document» (P.-J. Viladrich)
- ☼ Marriage is an «empty word». Man has total authority over the content of marriage, as if were a mere convention, a private pact, an simple agreement between two parties.
- ☼ The institutional effects, essential properties and ends (essential elements) of marriage are left to the private and subjective decisions of the parties.
- ☼ The defining criteria is a vague concept of love, at times equated with feelings and at times with the binding force behind human decisions.

### 6 "A monkey although dressed in silk, a monkey remains"

- ◆ «A monkey although dressed in silk, a monkey remains»
- ◆ «A union although legalized through a ceremony does not mean that it is a real marriage. When a legislator regulates marriage he cannot de-virtualize the natural reality of marriage. This means that positive law must respect natural law and the demands that are inherent to our human nature. If the legislator changes the nature of marriage we fall into the distinction between a legal marriage and a real and natural marriage» (P.-J. Viladrich).

### 7 2. The canonical marriage preliminary considerations

- ☼ Marriage is a «natural institution» (Genesis: *Una caro*)
- ☼ Therefore marriage is not a Judeo-Christian institution.
  - ☼ Christian marriage as we know it today is the fruit of theological/sacramental/civil development in history

### 8 2.1 The Church does not have its own conception of marriage.

- ☼ The Church has an anthropology
- ☼ The Matrimonial Canonical Law and its juridical system seats on a fundamental premise: «marriage corresponds to an order which is imprinted in human nature»
- ☼ It exists a model of marriage and of family based on an anthropology which precedes any

legalized or systematized form of «union» between a man and a woman.

### 9 **3. The actual canonical definition of marriage: c. 1055 1-2**

☼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».

### 10 **3.1 Brief historical excursus**

☼All cultures have a universal intuition that marriage is a sacred reality, placing the family as the fundamental basic cell of any society

☼The Canonical Tradition (the Church) has however assumed, modified and enriched only certain elements of the natural institution of marriage

### 11 **3.1.1. The Roman *ius***

☼a) The notion of the juridic institution of *familias*:

☼The word «*familias*» has a strict juridical meaning: «A group of persons and things (*res*) under the '*potestas*' of the '*paterfamilias*'».

☼A family is composed only of things (*res*)

☼Marriage is not simply an *affective relationship*, but a juridic event affecting the entire family clan: marriage creates a juridically stable situation with affective, patrimonial and juridical consequences.

### 12

☼The Roman Law had the *iusta nuptia (ius civilis)*: this is the only marriage with FULL juridical protection

☼it is celebrated only by a certain group of people or *coetus*

☼*ius gentium: contubernium* (between slaves or free non roman and slaves), *concubinatus* (St. Augustine): *concubina vs. uxor*

☼In the ancient world, the *ius connubi* (basic principle of the Matrimonial Canonical System, c. 160) is based on inequality amongst human beings (this is a constant of the ancient world)

### 13 **3.1.2. Modestinus' definition (Digest 23.2.1)**

☼«*Nuptiae sunt coniunctio maris et foeminae, et consortium omnis vitae, divini et humanis iuris communicatio*» (cfr. c. 1055)

☼some notes on this definition:

☼it is a sacred reality (*una res sacra*)

☼the *consortium* indicates a life long commitment (permanency and stability)

☼*affectio maritalis: consensus ad tempore (divorce accepted)*

### 14 **3.1.3. The importance of the consensus (consent) in the Roman juridical system**

☼«*Matrimonium non concubitus sed voluntas facit*»

☼Even if under the *potestas* of the *paterfamilias* consent could never be given against the will of the parties.

☼No particular juridical form demanded by law: only *rites* to underline the *sacrality* of the act:

☼red veil; right hand; formula «*ubi tu Gaius, ego Gaia*», - dowery -, «*deductio in domum maritii*»

### 15 **3.1.4. The origins of the Canonical Marriage**

☼Christian doctrine on marriage begins with Scriptural foundations (*ius divinum*)

- ☀ Among scriptural elements two are fundamental:
  - ☀ 1. The indissolubility of the matrimonial bond (Mt. 19,1-9;)
  - ☀ 2. The sacramental note of the marriage between baptized faithful (Ef. 5, 30ff)
- 16  **3.1.5. The General rule of early christian marriages**
  - ☀ «To marry according to the rules of the emperors» (*Apology to Adrian of Athanagoras*)
  - ☀ *Diognetus*: «We marry as the others do».
  - ☀ The central idea is that there is not a Christian marriage *per se*, but that a valid marriage between baptized acquires a new dimension: the sacramental one.
- 17  **3.1.6. Ist Millenium (until the XI cent.)**
  - ☀ The two phases: the Initial pact (*desponsatio*): true juridical act, with juridical effects
  - ☀ The Banquet (*Nuptia*): the Christians used to add a Mass, the blessing of the Bishop, the exchange of rings, the union of hands [...]
  - ☀ In time Christians abandoned the first act, and took more into consideration the exchange of the will before the Bishop
  - ☀ the terminology used more and more is that of *foedus*, meaning that the bond that arises is no longer subject to the will of the parties (*vs. affectio maritalis*)
  - ☀ On the other hand consummation begins to acquire juridical importance for what it concerns the indissolubility of marriage.
- 18 
  - ☀ The central idea of this period of time is that before a juridical system on marriage, the Church develops a Doctrine
  - ☀ St. Clement of Alexandria, Tertullian, St. Cyprian, Lactancio, ... then in the IV cent. St. Ambrose, St. Agustin, St. Jerome, St. Basil, Chrysostom...
  - ☀ The doctrine on marriage does not come from jurists, nor from a juridical system (norms)
  - ☀ However, the legislator is interested in this development for two reasons: 1. a model which orients and inspire the law making process; 2. for practical reasons this doctrine is collected in the Canonical *Collections* assuming thus the value of a rule (canon), as we find in the Collections of the VII cent. on.
- 19  **3.1.7. The Gradual equation of Church Law and Civil Law**
  - ☀ The Edict of Constantine (318 ac): Religious freedom
  - ☀ Equation between tribunals: matters are also brought to Bishops, and to the Pope: (*Decretales*), Councils (local, regional, Ecumenical [...])
  - ☀ During the Carolingian Age we begin to have a prolific legislation on the part of the Church:
    - ☀ Conciliar norms
    - ☀ Pontifical Decrees
    - ☀ Canonical Collections
    - ☀ Marriage begins to assume an essential religious dimension
- 20  **3.1.8. Recent sources of the actual definition of marriage**
  - ☀ C. 1055 can be described as a dynamic description of the principle elements of marriage. It is not a technical juridical definition *per se*.
  - ☀ GS 48: "The intimate partnership of life and love which constitutes the married state has been established by the creator and endowed by him with its proper laws [...] by its very nature the institution of marriage and married love is ordered to procreation and education of offspring [...]"
  - ☀ *Casti Connubii*, 1930; GS 48-51; FC (AAS 74 [1982] 82-191) # 11-16.19-20.22-25.28; CCC. #1601-1666; 2331-2336; 2338-2345; 2364-2391.
- 21  **3.1.9. A comparison between the CIC '17 and CIC '83**
  - ☀ CODE 1917

- ☼c. 1013 § 1: «Matrimonii finis primarius est procreatio atque educatio prolis; secundarius mutuuum adiutorum et remedium concupiscentiae».
- ☼c. 1012 § 1: «Christus Dominus ad sacramenti dignitatem evexit ipsum contractum matrimonialem inter baptizatos. §2. Quare inter baptizatos nequit matrimonialis contractus validus consistere, quin sit eo ipso sacramentum».

☼CIC 83

- ☼c. 1055 §1. «Matrimoniale foedus, quo vir et mulier inter se totius vitae consortium constituunt, indole sua naturali ad bonum coniugum atque ad prolis generationem et educationem ordinatum, a Christo Domino ad sacramenti dignitatem inter baptizatos evectum est. §2. Quare inter baptizatos nequit matrimonialis contractus validus consistere, quin sit eo ipso sacramentum».

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- ☼The 1917 Code presents marriage under the perspective of the ends:
  - ☼Marriage is ordained to the achievement of the three ends without any reference to the *tria bona* of St. Augustine
  - ☼The «ends» are presented in a hierarchical way recurring to a specific terminology

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**3.2. the essential properties of marriage: c. 1056**

- ☼C. 1056: "The essential properties of marriage are unity and indissolubility, which in Christian marriage obtain a special firmness by reason of the sacrament".
- ☼They have been dogmatically defined in the XXIV session of the Council of Trent (Denz. 1797.98, 1802)

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**3.2.3. The origin of the Augustinian «tria bona»**

- ☼He was fighting against the Manichean world view and anthropology (spirit is good, matter and body are evil)
- ☼'On the Dignity of Marriage' He never speaks in terms of ends of marriage but always in terms of the goodness of marriage
- ☼Marriage is a good reality because it is of Divine origin: the three bona are:
  - ☼*bonum prolis*
  - ☼*bonum fidei* (exclusivity)
  - ☼*bonum sacramenti* (indissolubility and sacramentality)

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- This schema has been used by many authors up to *Decretum Gratiani* (1140), Peter Lombard, Albert the Great, Bonaventure, Council of Florence (1439)
- From the ontological and theological perspective jurists shifted to a more juridical technical meaning.
- The *tria bona* began to be viewed more in relationship to the valid celebration of marriage
- In fact scholars began to ask themselves about the minimal essential elements of marriage: «what is that I cannot exclude of the *tria bona* in order to have a valid marriage?» «What do I need for a valid exchange of consent?»
- We find them recently in *Casti Connubii* (it is spoken of them more in terms of their theological richness, using them to explain the vocation of the spouses).
- GS 48 uses them again in their theological richness

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**3.2.2. the *tria bona* in the actual definition of marriage**

- ☼When we look at the c. 1055, which derives from GS 48, we find the presence of the *bonum prolis* and the novelty of the *bonum coniugum* (which is not from St. Augustine)
- ☼The *bonum coniugum* refers to the good of the persons involved

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**3.2.3. The Bonum Fidei**

- ☼Unity consists in the union between one man and one woman, which excludes polyandry and polygamy.

- ☼ It excludes infidelity as a direct consequence of unity (*bonum fides*)
- ☼ In Christianity unity is synonym of fidelity
- ☼ Unity is rooted in the personal dimension of masculinity and femininity. Man is one and cannot be divided, if he truly donates totally himself to the other one.

#### 28 3.2.4. The Bonum Sacramenti

- ☼ Indissolubility
  - ☼ It is unity continued in time expressed by fidelity (intimate connection between the two properties)
  - ☼ Mt. 19
  - ☼ The absolute indissolubility means that the bond can be broken only by death
  - ☼ It excludes divorce

#### 29 3.3. Marriage as a sacrament: c. 1055, 2

- ☼ 1055 §2 «For this reason, a valid matrimonial contract cannot exist between the baptized without it being by that fact a sacrament».
- ☼ Marriage is a natural institution, therefore the Church recognizes every marriage as valid unless proven otherwise, not just marriages among the baptized.

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- ☼ Sacramentality of marriage declared dogma in Trent (Sess. XXIV, de doctrina, c. 1)
- ☼ What happens if one or both parties have no semblance of faith? Does the sacrament happen?
  - ☼ ITC (1979) «when there is no faith a real doubt arises whether there is truly sacramental intention and whether the contracted marriage is validly contracted or not».
  - ☼ JPII, FC # 68 cautioned that trying to create a criteria for judging the level of faith of those requesting marriage would involve grave risks both of making erroneous judgment and of creating doubt about the validity of many marriages.

#### 31 3.3.1 The relationship between personal faith and marriage sacramentality

Today we find many baptized with no personal faith in God and with no understanding whatsoever of the sacramentality of marriage

One of the questions of the Synod for the family (1980-1981) was precisely on this very issue:

- 1) c. 1055 obliges a non believer to receive a sacrament he does not want.
- 2) A sacrament is the sign of faith: how can I receive a sacrament without faith?

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What makes marriage a sacrament is the ontological reality of baptism

33

the sacramentality of marriage is definitely established by the Council of Trent  
 After Trent several theologians (Melchior Cano) held the position that sacramentality derives from the blessing of the priest (Sacramental formal cause), and that therefore not all unions that are marriage (in as much as constituted by a valid consent, '*materia proxima*') are sacraments. Therefore implying a separation between the contract and the sacramentality.  
 Pope Benedict XIV (1758) reaffirmed the inseparability of marriage and sacrament for baptized faithful.  
 However, this is also the time in which Civil P.A. begins to re-acquire jurisdiction over marriage. This creates a factual division between marriage and sacramentality, generating the sense that sacramentality is accidental to the institution, thus being only reserved to the juridical competence of the Church.

#### 34 3.3.2. Familiaris Consortio 68

FC 68 «[...] In fact, the faith of the person asking the Church for marriage can exist in different degrees, and it is the primary duty of pastors to bring about a rediscovery of this faith and to nourish it and bring it to maturity. But pastors must also understand the reasons that lead the

Church also to admit to the celebration of marriage those who are imperfectly disposed».

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[...] «The sacrament of Matrimony has this specific element that distinguishes it from all the other sacraments: it is the sacrament of something that was part of the very economy of creation; it is the very conjugal covenant instituted by the Creator "in the beginning. Therefore the decision of a man and a woman to marry in accordance with this divine plan, that is to say, the decision to commit by their irrevocable conjugal consent their whole lives in indissoluble love and unconditional fidelity, really involves, even if not in a fully conscious way, an attitude of profound obedience to the will of God, an attitude which cannot exist without God's grace. They have thus already begun what is in a true and proper sense a journey towards salvation, a journey which the celebration of the sacrament and the immediate preparation for it can complement and bring to completion, given the uprightness of their intention»

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« [...] On the other hand it is true that in some places engaged couples ask to be married in church for motives which are social rather than genuinely religious. This is not surprising. Marriage, in fact, is not an event that concerns only the persons actually getting married. By its very nature it is also a social matter, committing the couple being married in the eyes of society. And its celebration has always been an occasion of rejoicing that brings together families and friends. It therefore goes without saying that social as well as personal motives enter into the request to be married in church.»

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- Nevertheless, it must not be forgotten that these engaged couples, by virtue of their Baptism, are already really sharers in Christ's marriage Covenant with the Church, and that, by their right intention, they have accepted God's plan regarding marriage and therefore at least implicitly consent to what the Church intends to do when she celebrates marriage. Thus, the fact that motives of a social nature also enter into the request is not enough to justify refusal on the part of pastors. Moreover, as the Second Vatican Council teaches, the sacraments by words and ritual elements nourish and strengthen faith"(171): that faith towards which the married couple are already journeying by reason of the uprightness of their intention, which Christ's grace certainly does not fail to favor and support.
- As for wishing to lay down further criteria for admission to the ecclesial celebration of marriage, criteria that would concern the level of faith of those to be married, this would above all involve grave risks. In the first place, the risk of making unfounded and discriminatory judgments; secondly, the risk of causing doubts about the validity of marriages already celebrated, with grave harm to Christian communities, and new and unjustified anxieties to the consciences of married couples; one would also fall into the danger of calling into question the sacramental nature of many marriages of brethren separated from full communion with the Catholic Church, thus contradicting ecclesial tradition.

38 

- «However, when in spite of all efforts, engaged couples show that they reject explicitly and formally what the Church intends to do when the marriage of baptized persons is celebrated, the pastor of souls cannot admit them to the celebration of marriage. In spite of his reluctance to do so, he has the duty to take note of the situation and to make it clear to those concerned that, in these circumstances, it is not the Church that is placing an obstacle in the way of the celebration that they are asking for, but themselves».
- «Once more there appears in all its urgency the need for evangelization and catechesis before and after marriage, effected by the whole Christian-community, so that every man and woman that gets married celebrates the sacrament of Matrimony not only validly but also fruitfully».

39 

#### **4. The efficient cause of marriage: consent and consummation: c. 1057**

- ☼C. 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".

#### 40 4.1. A brief Historical Excursus

- ☀ The importance of consent and of the copula (intimate relation) in the canonical understanding of marriage
- ☀ generally, 2 phases

#### 41 4.1.1. The Israelite Marriage

- ☀ The Israelite marriage was a 2 phase process
- ☀ For some scholars (Tosato) the first phase was the juridical part. The second phase was only the fulfillment of the first phase (a perfection of the contract, after which the bond had more stability)
- ☀ According to other scholars (Navarrete), the copula was the moment in time for the constitution of marriage.
- ☀ We can conclude that for the Israelitic marriage the copula was juridically relevant for the constitution of marriage, but at the same time there was no marriage without the exchange of the consent (Cfr. Book of Tobit)

#### 42 4.1.2. The Germanic Culture

- ☀ Marriage is seen more as the contract between two clans through which the groom obtains the *tutela* of the bridegroom from the Father.
- ☀ Marriage is also done in two phases
  - ☀ *Desponsatio*: stipulation of the dowery
  - ☀ the *tradio*: the entrance into the house of the husband
- ☀ Some scholars (Delpini) tells us that the carnal union was an act with juridical effects in as much as it made the bride as possession of the goods of the husband - it was not constitutive of marriage
- ☀ The influence of Roman Law introduced the concept of divorce. It was removed later by Charles the Great (IX century)

#### 43 4.1.3. The consent/copula in the Church Fathers

- ☀ The Fathers were influenced by the culture in which they lived, therefore one finds ambivalent positions on the dispute between consent and copula.
- ☀ St. Ambrose (349-407) "*non enim defloratio virginitatis facit coniugum sed pacto coniugalis*"; St. J. Chrisostom «the copula is the means through which the spouses enter in possession of the object of marriage»; St. Jerome «copula is juridically relevant for arousal of the bond»; St. Augustine (only the consent)
- ☀ A scholar (Hinckamar) relates that the archbishop of Reims held that the copula had an important juridical effect, which was to give internal and external indissolubility to marriage and aimed at completing the dynamic moment of the constitution of marriage

#### 44 4.1.4. The Scholastics

- ☀ Ives of Chartres: only consent (1116)
- ☀ St. Anselm (1117): only *consummatio* had the effect of making the union indissoluble
- ☀ William of Chapeaux (1121) distinguished the time of engagement (the *fides pactionis*): a promise of marriage; from the *fides coniugii*: the actual exchange of consent. Only the latter creates marriage.
- ☀ Hugh of St. Victor (1141) Doctrine begins to be more defined. He distinguishes in: 1) *sponsalia de futuro* (engagement); 2) *sponsalia de praesente* (marriage). Consent is the efficient cause and copula is not required for the constitution of marriage (does not belong to the essence of marriage).
- ☀ Peter Lombard (1160): marriage is established only through the exchange of consent expressed through signs and words. The copula does affect the bond in an essential way.

#### 45 4.1.5. The XI cent.: the two Schools

- ☼ Bologna vs. Paris
- ☼ Paris: marriage is made by consent
- ☼ Bologna (Gratian): marriage is fully constituted only through consummation
  - ☼ The School of Bologna: Gratian (Decretum Gratiani) distinguishes the *desponsatio* from the *copula carnalis*, through which marriage is brought to perfection (*matrimonio perfectum*). Only the copula brings marriage to have indissolubility. However, he holds also the position that the consent is the efficient cause of marriage: therefore, we can say that with the consent marriage begins and it is perfected by the copula.
  - ☼ Gratian also holds that: "*coitus sine voluntate contrahendi matrimonium, et defloratio virginitatis sine pactione coniugali non facit matrimonium [...]*". This tells us that it is by reason of the given consent that a man and a woman get married through the copula.
  - ☼ Important juridical consequence of this position: If one before *consummatio* marries another woman, he does not have to remain faithful to the first one.

#### 46 4.1.6. The solution

- ☼ Pope Alexander III (1159) belonged to the School of Bologna, but once Pope, he embraced the Paris' position. However, he also decreed that a marriage *rato* but not *consummato* could be dissolved.
- ☼ Innocent III (1198-1216) confirmed that a non sacramental marriage, or a non consummated marriage, was not absolutely indissoluble - consensual position.
- ☼ Gregory IX (1127-1241) confirmed that «consent is the sole efficient cause», but consummation has definitely juridical consequences on the indissolubility of marriage.

#### 47

- ☼ For this reason the XII cent. doctrine and jurisprudence began to speak of marriage as of a contract, underlining the essential dimension of the consent of the parties.
- ☼ GS 48
- ☼ CIC c. 1057
- ☼ The use of the words: contract vs. *foedus*
  - ☼ covenant is a sacred reality with deep historical roots; contract is secular
  - ☼ covenant places emphasis on mutual personal commitment; contract emphasizes rights and obligations
  - ☼ contract reduces marriage to the *matrimonium in fieri*, at the moment of the exchange of consent

#### 48

- ☼ The essence of marriage is the *una caro*, the *matrimonium in facto esse*.
- ☼ the *matrimonium in fieri* is the efficient cause

#### 49 4.1.6. some principles gradually introduced by the christian understanding of canonical marriage

- ☼ 1. The Sacramental character of marriage (one of the 7 sacraments, Council of Florence 1439; Council of Trent)
- ☼ 2. The full competence of the Church over marriage, in terms of legislation and judgment of validity
- ☼ 3. The establishment of certain prohibitions and or impediments which render marriage null (diriment impediments) (c. 1073-1094).
- ☼ 4. The consensual character of marriage (can. 1057)
- ☼ 5. The importance of consummation of marriage for the indissolubility of marriage
- ☼ 6. An elaboration of rights and duties of marriage
- ☼ 7. The theory of the *favor iuris* (c. 1060): The matrimonial bond is presumed to be valid.
- ☼ 8. The canonical Form: acts or forms constitute an external proof that marriage has been



celebrated.

✳9. The *ius connubii* and the principle of equality between man and woman and human beings (can 1058).

50  **5. The Ius Connubii: c. 1058**

c. 1058: "All persons who are not prohibited by law can contract marriage".

51

It implies the right to contract marriage and the right to freely choose the person  
Paul VI, *Populorum Progressio*, 37: «to violate this innate human right is to violate the person»

It is also contained in the Declarations of Human rights, 1948.

However, being a «social right» it might have some restrictions when in presence of grave and just causes

which means that the proper authority may discipline it for the common good and the good of the parties

Limitation to the right have to interpreted with a restrictive meaning, can. 18

52

PA must recognize and protect such right

It is a right that accompanies the person throughout his/her life (even in the case of marriage it does not disappear, it is only restricted in the use)

53  **6. c. 1059-1062**

can. 1059: competence of the Church

can. 1060: favor iuris

can. 1061: rato et consummato

can. 1062: engagement

54  **7. Pastoral Care and the Prerequisites for the celebration of marriage: c. 1063-1072**

c.. 1063: duty of the pastor:

ensure assistance to the community so that the married state is preserved in its christian character and develops to perfection

with preaching, catechetical instruction

personal preparation

fruitful celebration of the marriage liturgy

give help to those already married

55

c. 1064: the duty of the local ordinary has to ensure that it is organized. Who is the local ordinary? c. 134 §2 Episcopal Vicar for Marriage

c. 1065: confirmation before admission to marriage and penance celebration

c. 1066-1067: Episcopal conference involved in laying down pre-requisites and norms for:

Questions/interviews

publication of marriage banns - see can. 1069; 1070

Parish Priest has to observe the norms

can. 1068: in *periculo mortis*.

no proofs available

assertion of the parties, sworn if needed, that they are baptized and free of any impediments

56

can. 1071: The permission of the Local Ordinary is needed (except in the case of necessity) for marriage of:

1. *Vagi* can. 100 (domicile/quasi-domicile)

2. This is only a precaution so that canonical marriage may have full civil effect
3. Endeavors to safeguard third parties, like a former spouse or children (*ligamen*)
4. a marriage of a person who has notoriously rejected the Catholic Faith with adjustments of c. 1125 for mixed marriages.
  - how to determine the notoriously?
  - faith is needed? already answered with FC 68.
5. censure (1312 and 1331-1335)
6. minor/ parents unaware or reasonably opposed
7. proxy following procedure can. 1105.

57  **The Declaration of Nullity Process schema**

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59  **End of class**