

## **CHURCH LAW II 5551B**

**JANUARY – APRIL 2024**

### **MARRIAGE IN CANON LAW**

Thursday, January 11: The Evolution in the Theology of Marriage from the 1917 Code to the 1983 Code

The canons on marriage in the 1983 Code of Canon Law incorporate the theology of marriage put forward in the documents of the Second Vatican Council, particularly *Gaudium et Spes*. This introductory session of the course will consider the development of this new theological understanding of marriage from the one incorporated in the canons of the 1917 Code to the personalist understanding developed in the years prior to Vatican II, noting the three fundamental transitions.

Thursday, January 18: Canon 1055: The Canonical Description of Marriage

In this segment, canon 1055, the introductory canon to all the canons on marriage, will be examined in detail, considering not only its theological content but also its pastoral significance.

Thursday, January 25: Canon 1056-1062: The Introductory Canons

The introductory canons in the section on marriage outline integral canonical concepts about marriage, such as unity and indissolubility, the sacramentality of marriage between baptized persons and the presumed validity of a marriage celebrated according to law. These basic tenets of the law on marriage will be considered in this instalment of the course.

Thursday, February 1: Canons 1063-1072: The Pastoral Care of and Prerequisites for Marriage

This chapter of the canons on marriage provides directives in reference to the preparation for marriage. These are both prescriptive and pastoral in character and have broad applications in a parish setting. Their import will be given practical consideration in this session.

Thursday, February 8: Canons 1073-1082: Impediments in General

The concept of and principles governing impediments will be reviewed in this segment of the course.

Thursday, February 15: Canons 1083-1094: Individual Diriment Impediments

This lecture – the first of two – will consider in detail the particular canonical impediments to marriage.

Thursday, February 22: *Reading Week*

Thursday, February 29: Canons 1083-1094: Individual Diriment Impediments (continued)

This second class on the individual diriment impediments to marriage will examine not only the impediments themselves but also how they might be dealt with in a pastoral situation.

Thursday, March 7: Canons 1108-1123: The Form of Marriage

The laws governing the manner in which marital consent is to be exchanged will be examined in this section of the course.

Thursday, March 14: Canons 1124-1129: Mixed Marriage

The legislation governing the marriage of a Catholic with a baptized non-Catholic or non-baptized will be the focus of this lecture. In particular, consideration will be given to the mixed marriage promises and their pastoral application.

Thursday, March 21: Canons 1134-1140: The Effects of Marriage

The canons in this chapter describe the effects of the marriage bond on those who have married in terms of their rights and duties. In particular, attention will be directed toward the rights and duties of parents in the education and formation of their children.

Thursday, March 28: Canons 1156-1165: The Validation of Marriage

In this segment there will be an examination of the canons outlining the canonical processes to be followed in validating in Church law a marriage that is otherwise invalid. The focus will be on the pastoral application of these norms.

Thursday, April 4: Canons 1141-1150: The Dissolution of the Bond and Declarations of Nullity

The processes that may be applied or utilized to deal with the impediment of a prior marriage will be considered in this final instalment of the course. Both the Pauline and Petrine Privilege as well as the Declaration of Nullity for a Defect of Consent (i.e., "annulment") will be reviewed as to the circumstances of their application and the details of the processes followed in each procedure. Again, the pastoral considerations in these situations will be accented.

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**COURSE REQUIREMENTS**

1. Short answer test **Thursday, February 29** (25%)
2. Assignment using diocesan marriage forms due **Thursday, March 28** (50%)
3. A written exam at the end of the semester during the scheduled Examination Period (25%)
4. Required text:  
  
\$ John M. HUELS, *The Pastoral Companion. A Canon Law Handbook for Catholic Ministry* Fifth updated edition, Montreal, Wilson and Lafleur Ltée, 2016, xx – 476 pages.