



### **JURISDICTION: IT COMES WITH THE TERRITORY (revisited)**

With a hearty thank you to Sister Sylvia Burnett, who authored the past several issues of our esteemed newsletter, your fearless and faithful judicial vicar returns to the helm to start a new year of canonical instruction. First up is a blast from the past: jurisdiction.

A recurring problem we face in the Office of Matrimonial Concerns is the fact that pastoral ministers preparing couples for marriage sometimes present us with requests for dispensations and permissions at the last minute, or the last days, before a scheduled wedding. While this is problematic for several reasons, canonically it can run up against the cold, hard reality of the limits of our authority to grant the request, namely jurisdiction.

The authority granted to persons or offices within the Church by canon law is bound by several limits, chief among them for our purposes is

geography. Canon law is territorial, meaning that the authority it grants is bound within certain territorial limits, such as a diocese or a parish. Those who exercise that authority can therefore typically only do so over those who live within that territory. This may seem burdensome and a bit outdated in our mobile society, but it is rooted in the law's concern for the care of souls. By limiting authority over people to those who live within one's territory, the law establishes a legally binding relationship between bishops, pastors, and their people, ensuring that everyone has access to the pastoral care that is their right, including marriage preparation.

Where this can create problems is situations in which a permission or dispensation is needed to allow for a marriage but the person who needs it does not live within our diocese. This means that we do not have jurisdiction over that person and therefore lack the authority to grant the permission or dispensation. We are obliged to send the request, with the marriage file, to the diocese who does have that authority, a process that can take days, even weeks.

When such a situation is presented to our office a mere day or two before a scheduled wedding, what are we to do? In the best of cases, we can reach the required diocese by phone and secure a verbal permission or dispensation, sending the paperwork after the fact, but that is far from ideal or certain. We can also generally grant the permission or dispensation ourselves once the parties have physically entered our diocese, but that work-around is more an abuse of the law, ignoring its beneficial purpose, than a solution. The true solution is for pastoral ministers to make sure they submit requests for permissions or dispensations in a timely manner, preferably weeks before a scheduled wedding, not days. We thus avoid these problems altogether and ensure the couple receives the necessary pastoral care.

That's it for now. Until next time, keep the faith, love God's people, and always honor the code!

