



Concerning Issues: Permissions for Marriage

Permission of the Local Ordinary Needed in Certain Situations

There are several instances when the permission of the local ordinary is required for the licit celebration of a marriage in the Catholic Church. The following is a listing of those instances:

1. The marriage of transients (c. 1071 §1, 1°);
2. A marriage which cannot be celebrated according to civil law (c. 1071 §1, 2°);
3. A marriage of a person who is bound by natural obligations arising from a previous union (c. 1071 §1, 3°);
4. A marriage of a person who has notoriously rejected the Catholic faith (c. 1071 §1, 4°);
5. A marriage of a person who is under censure (c. 1071 §1, 5°);
6. A marriage of a minor child when the parents are opposed (c. 1071 §1, 6°);
7. A marriage to be entered into through a proxy (c. 1071 §1, 7°);
8. When the wedding is to be celebrated in a church used for Catholic worship other than a parish church (c. 1118 §1); [The Policy for Weddings and Baptisms in the Diocese of Erie issued on July 22, 1992 only gives this permission with regard to weddings in college chapels. The March issue of *Concerning Issues* addresses these weddings.]
9. When the wedding between a Catholic party and a non-Catholic baptized party is to be celebrated in another suitable place, *i.e.*, a non-Catholic Church (c. 1118 §2);
10. When the wedding between a Catholic party and non-baptized party is celebrated in another suitable place (c. 1118 §3).
11. When one of the parties is a baptized non-Catholic (c. 1124) [This is usually referred to as "Mixed Religion"]

The permission for "Mixed Religion" is included on the back page of the M-A Form. If requesting permission for any of the other situations, the request should be made in writing. While the necessary permission can be granted by a local ordinary which includes the Bishop, his Vicars General and the Episcopal Vicars (within the limits of their territory), the normal procedure is for permissions to be granted by those delegated by the Bishop. In the Diocese of Erie these priests include the Chancellor and the Bishop's Delegate for Permissions and Dispensations. When requesting a permission or dispensation, please send the complete pre-nuptial file with all the documentation to the Office of Matrimonial Concerns. Please allow sufficient time for the pre-nuptial file to arrive and the request to be processed: at least four to six weeks before the date of the wedding is preferred.

Weddings in "another suitable place"

It is becoming more common for couples to request that the wedding be held in a place other than their parish church. The guiding principle is canon 1118 that states that the wedding between two Catholics, or between a Catholic and a non-Catholic, should take place in the parish church. For this reason, permission for two Catholics to marry elsewhere (other than a college chapel as discussed in March's *Concerning Issues*) is very rarely, if ever, granted. Furthermore, it is the policy of the Diocese of Erie that no permission will be granted for any wedding to occur in an outdoor setting.

However, permission can be granted for a Catholic party to marry a baptized, non-Catholic party in the church of the non-Catholic. This differs from a dispensation from canonical form in that the priest or deacon is still the official witness at the wedding in the non-Catholic church and is still the one who asks for and receives the matrimonial consent of both parties. This consent cannot be 'split' with the priest or deacon asking for and accepting the consent of one of the parties and the non-Catholic minister asking for and receiving the consent of the other party. The priest or deacon must be delegated by the pastor of the territorial parish where the non-Catholic church is located and the marriage is recorded and the pre-nuptial file archived in that territorial parish.

In rare cases, permission can also be granted when a Catholic party wishes to marry a non-baptized party in a secular space; for example, the marriage between a Catholic and a Jewish person in a reception hall. This permission is examined on an individual basis and is the exception. Again, the priest or deacon is still the official witness as described in the preceding paragraph.

The Declaration and Promise of the Catholic Party

In cases when one of the parties is not Catholic, either baptized or non-baptized, the Church has two concerns. First, does the Catholic party intend to remain in communion with the Church? Second, in the light of the Church's understanding of marriage, will the Catholic make a sincere effort to baptize and raise his or her children as Catholics? The Catholic party is asked to make a commitment by signing the Declaration and Promise (*Cautiones*) on the last page of the M-A Form or to make a verbal promise. The non-Catholic is informed about the commitment of the Catholic. The priest or deacon should sign the M-A Form attesting that this has been done.



Best wishes for a Blessed Holy Week and Easter Season
from the Office of Matrimonial Concerns
and the Tribunal Staff

Often Asked Canonical Question

What are some of the canonical reasons for requesting a permission or a dispensation?

Some common canonical reasons are:

- Hope of conversion of non-Catholic party
- Danger of invalid marriage due to the lack of canonical form
- Convalidation of an invalid marriage
- Spiritual good of the parties
- Achieve family harmony
- Avoid family alienation
- Obtain parental agreement to the union
- Objections of conscience by non-Catholic party to Catholic ceremony
- Significant relationship with non-Catholic minister or religious leader
- To permit a marriage in a church that has particular importance to the non-Catholic

If none of these reasons apply, the priest or deacon who is requesting the permission should state the reason in his own words.