
Marriage Consent, the Perspective of Canon Law

By Fr. Vincent Pereira, JCD – Judicial Vicar

The consent of the parties, legitimately manifested between persons qualified by law, makes marriage; no other human power is able to supply this consent [c. 1057, §1]. 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 [c. 1057, §2]. All persons who are not prohibited by law can contract marriage [c. 1058]. The essential properties of marriage are unity and indissolubility, which in Christian marriage obtain a special firmness by reason of the sacrament [c. 1056].

Juridically speaking, consent is a vast subject. Let us try to explain a few important features in a nutshell. Consent is a human act that can only originate in the will and is impossible to supply. Nothing else can take its place. It is exclusive to the particular person. The “object” of consent signifies the self-donation of each spouse to the other in a conjugal dimension. In this matter, the proper task of the will is to elicit that act of consent, not a mere thought of personalities. This consent is one – not two – reminding us of unity, though indeed two persons, a man and a woman, will mutually exchange this consensual act. They have to be legally capable, without impediments.

The marital covenant is dignified as sacrament for it is elevated by Christ. The partnership of the whole of life is intimately connected to the special conjugal bond of the parties who constitute themselves as spouses. Marriage is ordained for its specific ends: for the good of the spouses, and for the procreation and education of children. Unity and indissolubility are essential properties. Unity denotes one conjugal bond of fidelity and logically speaking, if a couple rejects unity or indissolubility or any other part of the consent, they do not want marriage. Consent must be manifested externally. A bride and groom have to take these into consideration when they mutually consent to marry.

*This is the first of two articles on marriage consent. Please consult Catholic Ottawa and the archdiocesan web site – **CatholicOttawa.ca** – for other tribunal articles. The second article on marriage consent will be published in the next issue of Catholic Ottawa.*