



The canonical form of marriage in Latin law and in Oriental law : a comparative study with references to the application of Catholic-Byzantine law to selected pastoral concerns in Eastern Europe /

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Monografía

Book IV of the 1983 Code of Canon Law, title VII, chapter V and the Code of Canons of the Eastern Churches, title XVI, chapter VII, article VI govern the canonical form of marriage. In many ways the provisions of the two codes are similar; in some instances, however, they differ. Both the similarities and the differences have pastoral consequences, especially in cases of mixed marriages or in territories where a hierarchical organization of various Oriental Catholic churches sui iuris does not exist. The purpose of this dissertation is to examine the canonical form of marriage by comparing the Latin and Oriental canonical legislations and analyzing the pastoral consequences that arise when laws concerning canonical form of marriage are applied in specific areas, especially in light of recent political and social changes in Eastern Europe. This comparative study of the canonical form of the marriage in the Latin and in the Catholic Oriental law, especially within the Byzantine rite, begins with an historical overview of the issue in both the Latin and the Byzantine traditions focused on specific documents and circumstances that had a significant impact on the evolution of canonical form. Subsequently, it considers the treatment of the canonical form of marriage in the 1917 Codex Iuris Canonici and post-codal legislation concerning the oriental churches, especially the *motu proprio Crebrae allatae*. Afterward this dissertation surveys the evolution of the issue in the conciliar and post-conciliar legislative documents. The same comparative method is applied in analyzing the present law as expressed in the 1983 Code of Canon Law and the 1990 Code of Canons of the Eastern Churches. Finally, this dissertation analyzes selected pastoral issues peculiar to Eastern Europe after the fall of the communist governments. This last section investigates canonically a few concrete problem situations related to the canonical form of marriage and

proposes a tentative solution for each one. This study reveals how important is for those involved in pastoral work to be acquainted with both Latin and Oriental matrimonial legislation within the context of interecclesial relationships and within the prospect of today's increasing global mobility

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