

## **Pope Modifies Canon Law on Marriage, Deacons**

### **Clause Removed on Formal Renunciation of Church**

VATICAN CITY, DEC. 15, 2009 ([Zenit.org](http://www.zenit.org)).- Benedict XVI has made two changes in canon law, regarding marriage for those who have formally renounced the Church, and clarifying the ministry of deacons.

The changes came in a statement issued "motu proprio" (on his own initiative), called "Omnium in mentem" (In the Mind of All). The document is dated Oct. 26 but was released today. Preparation of the statement began during the pontificate of Pope John Paul II and required lengthy consultations with episcopal conferences around the world.

The document published today contains five articles modifying Canons 1008, 1009, 1086, 1117 and 1124. According to an explanatory note by Archbishop Francesco Coccopalmerio, president of the Pontifical Council for Legislative Texts, these variations "concern two separate questions: adapting the text of the canons that define the ministerial function of deacons to the relative text in the Catechism of the Catholic Church (1581), and suppressing a subordinate clause in three canons concerning marriage, which experience has shown to be inappropriate."

### **Deacons**

The variation to the text of Canon 1008 will now limit itself to affirming that "those who receive the sacrament of orders are destined to serve the People of God with a new and specific title," he explained.

Canon 1009 "will be given an additional third paragraph in which it is specified that the minister constituted into the order of the episcopate or the priesthood receives the mission and power to act in the person of Christ the Head, while deacons receive the faculty to serve the People of God in the diaconates of the liturgy, of the Word and of charity," the archbishop's note added.

### **Marriage**

Archbishop Coccopalmerio's statement then goes on to explain that the other changes concern the elimination of the clause "actus formalis defectionis ab Ecclesia Catholica" contained in Canons 1086, 1117 and 1124. This clause, he said, "was held to be unnecessary and inappropriate."

With that clause, those who had formally abandoned the Church were "not obliged to follow the canonical form of celebration for the validity of marriage (canon 1117), nor were they bound by the impediment concerning marriage to the non-baptized (canon 1086 para. 1), nor did they suffer the prohibition on marrying non-Catholic Christians (canon 1124)," the statement explained.

This exception was designed to protect the validity of marriages by Catholics who did not consider themselves Catholics and who thus were not seeking the necessary permissions for their particular situations. However, the archbishop said, in practice it was causing confusion and abuse.

"Omnium in mentem" removes that exception, such that "in order to regularize any unions that may have been made in the non-observance of these rules it will be necessary to have recourse, if possible, to the ordinary means canon law offers for such cases: dispensation from the impediment, sanation, etc.," the archbishop explained.