

## Conditions of the Legality and Validity of Marriage

The direct duty concerning every marriage by the clergy, having the right to do the wedding of this marriage, consists of the strict performance of all conditions and rules defined in the laws on marriage and making it lawful).

Therefore the clergy, in the prevention of illegal marriages, should make sure of the lack of impediments before the wedding of marriage. For the legality and validity of marriage, except the lawful form, it is still required that it has satisfied various conditions flowing from natural general living and religious relationships.

The conditions flowing from natural relations, concern:

- a) legal age,
- b) physiological and mental ability for matrimony,
- c) absence of too closely related relationships.

The conditions flowing from general living rules, concern:

- d) the free consent to the marriage by both the groom and the bride, consent from parents and guardians and the permission of the authority,
- e) absence of opposition to the marriage union by other persons,
- f) state and public capacity for the conclusion of lawful marriage.

The religious conditions for the contracting of marriage are:

- g) priestly rank,
- h) monastic vows,
- i) different confessions and religion<sup>1</sup> .

(Prof. J. S. Berdnikov, "Course on the Rights of the Church", p. 71).

Clerics and the clergy, who appeared guilty of omission of the established rules written for the fulfillment of marriages will be tried and punished by the spiritual authorities, except for those cases only in which they are subject to the action of criminal judgment (Ustav Dukhovnikh Konsistorii [Ustav of the Spiritual Consistory], 220). Thus these decisions of the diocesan authorities properly for the punishment of guilty ecclesiastics for the performance of illegal marriages are immediately carried out in the fulfillment of the order, specified in articles 171 and 174 of the Ustav Dukhovnikh Konsistorii [Ustav of the Spiritual Consistory], without waiting for the confirmation by the Holy Synod of the decisions of diocesan authorities about the recognition of illegal and voided marriages (Circ. of the Uk. Sv. Syn. [Decrees of the Holy Synod] 1888, XI, 2).

*S. V. Bulgakov, "Handbook for Church Servers", 2nd ed., 1274 pp. (Kharkov, 1900) pp. 1079.  
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