

#### D. The Free Consent of the Groom and Bride for Marriage

The **free consent of the groom and bride** for entry into marriage<sup>1</sup> is added to the number of conditions necessary for legality and the validity of marriage. This consent essentially concerns the marital union. Without their mutual consent, the matter is abnormal. Under the civil laws, it is forbidden for parents of children and guardians of persons entrusted to their guardianship to force the marriage union of two persons against their desire. A sufficiently free guarantee of entry into marriage of the groom and the bride at the present time is considered the guarantee presented by the office of crowning the marriage in as much as this office has a requirement to ask the groom and the bride about their free intention to marriage<sup>2</sup>.

In case of the statement by one of those being married about his unwillingness to enter the assumed marriage, the priest should stop crowning the wedding. By the "Book on the Duties of the Parish Presbyter", if any of those being married, by indefinite answers, by crying or what to another would show that he not voluntarily but by compulsion dared to stand under the marriage crown, then the priest should immediately stop the marriage ceremony, but the originator should exhort to drop every objection of the other persons to the marriage. In the Code of Laws is inserted the position that a marriage concluded with violence of one of those being married is considered unlawful and is subject to divorce<sup>3</sup> (Uk. Sv. Syn. [Decrees of the Holy Synod], Aug. 5, 1775; Polnoie Sobranie Zakonov [Full Collection of Laws], № 14356; Kn. o dolzhn. presb. Prikh. [Book on the Duties of the Parish Presbyter], § 123; Svod Zakonov [Code of Laws], vol. X, part I, articles 12, 37).

But children of Orthodox parents cannot marry by their own will **without the consent of their parents**<sup>4</sup>. The 1833 edition of the Civil Code of Laws formulated the requirement that minors, found under guardianship or trusteeship, ask the permission of guardians or trustees for permission to marry<sup>5</sup>.

In the provinces of Chernigov and Poltava, if the father or mother has tutorial management of an estate belonging to a full age daughter, interferes with her exit for marriage, she is left to declare this in court and with its permissions to marry. The agreement of guardians of those maidens under guardianship is required for entry into marriage, even though they were found at their mother's

house. But if the guardian does not allow the maiden to marry only to further hold at will his management of her estate, she is left to ask the court about this and to marry with its permissions (Svod Zakonov [Code of Laws], vol. X, part 1, articles 6, 7 and 264).

Article 6, part 1, vol. X of the Svod Zakonov [Code of Laws] definitely says: "It is forbidden to children to marry without the permission of parents, guardians or trustees". Precisely as well in the corresponding point of the marital search it is ordered that the groom and the bride will show at the wedding "the permission they have from parents, guardians or trustees". But § 18 of the Instruksiia blagochinnim [Instructions for Deans] say: "not to crown children up to age of majority without the will of parents or trustees". In the code of laws, apparently, the law resolutely forbids to crown without the permission of parents, but in the Instruksiia blagochinnim [Instructions for Deans] it is forbidden to crown only up to age of majority, but does not declare what that age is.

Judging by the orders of some local diocesan authorities, the question on the consent of parents of majority aged children are not decided the same way in different dioceses<sup>6</sup>. Obviously, priests of each diocese, while deciding the given question, should be guided by those orders made by their local diocesan authorities<sup>7</sup>.

**It is possible to crown children of dissenters** [Raskolniki) without the agreement of parents and guardians, only if they join the Orthodox Church (refer to note 3 on p. 949 above) and will agree to steadfastly remain and bring up their children in Orthodoxy<sup>8</sup> (Opredelenii sviatago Synoda [Decisions of the Holy Synod], Oct. 28, 1842; Instruksiia blagochinnim [Instructions for Deans], 18).

In case of **infringement** of the requirement **of the law concerning the consent of the parents** to the marriage, a similar marriage is considered valid. Only the infringement of the decision of the law is punished and that by the complaint of parents<sup>9</sup> (Ulozhenie o nakazaniakh [Criminal Code of Laws], articles 1549, 1566 and 1567).

Persons of the Orthodox confession of all without distinction of positions can marry between themselves, without asking the particular **permission** from the

government for this, nor with **dismissal from class and societies** to which they belong<sup>10</sup> (Svod Zakonov [Code of Laws], vol. X, part 1, article 1). But persons, working in public, military and civil service are obligated to ask his **authority for permission** to marry<sup>11</sup> and to present a written certificate about this to the priest<sup>12</sup> (Svod Zakonov [Code of Laws], vol. X, part 1, article 9). Infringement of this canon, however, does not interfere with the legality of the marriage but only attracts to itself the punishment of the infringers of this canon<sup>13</sup>.

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<sup>1</sup> Though also quite lawful desire of parents is to see their children happy, but our simple muzhik is not only to develop so as to understand that natural appearance following from the lack of consent character of the newly married, by which cause it often will occur by itself when, on his insistence, his **children enter marriage contrary to their own will and desire**. The simple person tries to understand and explain this appearance by his opinion that this evil man laughed over the life of his child. Having so understood the lack of consent life of his children, he also seeks the means according to this appearance. Neighbors and friends advise him "to seek the people" (i. e. sorcerers). This advice is accepted and the peasant goes to the sorcerer. The consequences of the help of sorcerers are known. Every priest also has available in stock the regrettable facts of the home life of the persons, who have been united in marriage at the insistence of parents. All this is such "disturbance" in the life of the flock to which "the good shepherd" counteracts by the measure of his power.

<sup>2</sup> By articles 12 and 37, part 1, vol. X of the Svod Zakonov [Code of Laws], marriage cannot be lawfully performed without the mutual and unconstrained consent of the combined persons and married interfaces, having been performed with violence to one or both those being married, are not recognized as lawful and valid.

Both these articles demand effective **good will consent for the entry into marriage for all those being married indifferently**, whether it is the first or second marriage: There is no unconstrained mutual consent of both of those being married; there is no lawfully formed marriage, and therefore the marriage is terminated as the prisoner by violence, but the guilty of its fulfillment are subject to criminal liability under the corresponding articles of the Law of Punishment. Thus the priest is obligated, under fear of criminal liability, to crown as the first marriage, so equally the second marriage and the third marriage, only after the expression by them of their both unconstrained consent to the forthcoming marriage.

As to what is in the "Office of the Second Marriage", there are no questions of those being married about their voluntary consent to the forthcoming marriage, then the link to this "Office", as the voucher, in case of the absence of detection of free will consent to the entry into the second or third marriage, it will be recognized by the secular court as disrespectful and will not relieve the priest of responsibility. In order for the priest to avoid misunderstanding, at the crowning after the "Office of the Second Marriage", it is necessary to present the groom and the bride with the same questions and in the same form about their voluntary and unconstrained consent to the forthcoming marriage, which is what he also presents in the first marriage (Voronezhskiiia Eparkhial'niia Vedomosti [Voronezh Diocesan News] 1892, 8; Rukovodstvo dlia Sel'skikh Pastyrei [Manual for Village Pastors] 1893, 47).

Relatively the necessity to ask these questions in the Office of the Second Marriage may be observed that the indicated misunderstanding may be eliminated with documents and the marriage search where, as it is known, those being married countersigned with their signature that they "approached the wedding with their mutual consent and desire, instead of compulsion".

It is true that Metropolitan Philaret recognized the question about this consent and besides the proof of mutual consent of the groom and the bride to marriage between them by a search, recognized the question about this consent at a wedding is needed before the Church, "in order that later there would not be a denunciation about compulsion" (see Sobranie Mnenie (Collection of Opinions and Excerpts), vol. IV, pp. 406-407). But, speaking about the necessity of this question, the Moscow Archpastor had in view the fulfillment of marriage according to that office, where this question of those being married is required by the rite. As to the pastoral practice, then

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priests, during the fulfillment of the "Offices for the Second Marriage", usually do not ask those being married about their consent to the marriage, leaning in this given case against the specified "Office" in which the consent to marriage formula is dropped, as some think, it is possible to explain absence of the formula of interrogation in the second or third marriage, as skilled people, cannot be anyone who is being forced into marriage (see Tserkovnyi Viestnik [Church Messenger] 1894, 47).

<sup>3</sup> Besides, under the Codes of Laws, whoever, through violence or threats of such kind and in such circumstances, that the threatened man or threatened woman could and should be considered in danger, will force whomever to marry them, that, under the complaint brought on this person, against their will married him, either parents or guardians of them, is liable: to deprivation of all rights of position and the link to hard labor for term of four to six years (Ulozhenie o nakazaniakh [Criminal Code of Laws], 1550 items).

Whoever, for declination of someone opposed to his desire for matrimony, will bring this person by means of some kind of drink or other means, to the situation of complete amnesia or short term madness, or through deceit will succeed to marry marriage this person, not with whomever was selected by him, that under the complaint on this deceived man or woman, or their parents, is liable to deprivation of all rights of position and the link to settlement in the far off places of Siberia. That, whoever will use madness or a declaration, by the established order, by the weak-mindedness of some person, for his inclination to marry, will be sentenced for this for the punishment of one degree lower against the decision in this article (ibid. article 1551).

Here it is necessary to also carry either ravishing or abduction of the bride, without her will and consent, for marrying her that, under the law, is considered criminal, (see ibid. article 1549), and besides irrespective of this, it was either a performed wedding or not, the whole of which was the abduction (decisions in the Preparation of Will Depositions, 1875, № 457); but that is why even the priests performing similar marriages are subject to inevitable accountability both before the civil court and before the canons of the church.

Matters of marriages performed through violence or deceit or in insanity of one or both of those being married, belongs to the secular criminal court in all that concerns violence and deceit, but the decision on the validity or invalidity of marriage and to the degree of participation of spiritual persons in this is left to the spiritual court (Ustav Dukhovnikh Konsistorii [Ustav of the Spiritual Consistory], 218).

<sup>4</sup> By the requirement, in order that the marriage was **with the consent of the parents** of those being married, that marriages were not completed by any unrestrained arbitrariness of those married means, by the levity of young persons for unreasonable enthusiasm occurring because of youth and inexperience, that this would bring much unhappiness and disorder in family and public life.

According to the opinion of Archpriest Hojnatsky, in that case when on the entry into marriage of children the **disagreement one of the parents**, then the voice of the father decides the matter, as the eldest, according to custom (p. 25).

The Ruling Senate explained that, by article 107, part 1, vol. X, the husband is considered the head of the family, the structure which also includes the wife. Hence, she, as subject to him, cannot, simultaneously with the husband be at the head of the same family. Since the husband is given the preference in relation to the wife, then he can use it and as the father, as long as the court will not decide that, in view of special circumstances, the bringing up of the children by their mother is demanded (decisions of the Civil Will Depositions. 1890, № 18), from where it is possible to infer, that in the relation to the marriage of children, by a judgment of the court, preference can be given to the mother.

Laws about parental authority, ruling canons about the rights and duties of both parents, mean the joint life of the spouses and are applicable neither to divorce cases nor to cases of the separation of the spouses by decision of the Imperial Authority. In the latter case the Imperial Authority decides the fate of the children, in order to avoid the collision of opposing influences of the father and mother (decisions of the Civil Depositions of Wills, 1881, № 135).

The "Tserkovnyi Viestnik [Church Messenger]" explains that when the father of the groom of a peasant of majority age, **is found to be absent** and because of this cannot declare his agreement or disagreement to the marriage of the son, then if there is also no mother, in the search observe that the consent of the parents is not available due to the unknown absence of the father. If the mother is living, then it is necessary to demand from her

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the statement of her agreement or disagreement to the marriage of her son. (Tserkovnyi Viestnik [Church Messenger] 1897, 9).

<sup>5</sup> According to the request of the Board of the Moscow Education House, the Yaroslavl Spiritual Consistory posited to the clergy the view that, on the basis of article 6, part I, vol. X of the Svod Zakonov [Code of Laws] those under guardianship cannot marry without the consent of the guardians, which for the pupils to the reaching of their majority, the Educational House acts as their parents and that therefore they should demand **permission** to marry from the **Board of the Education House**, which in every case issues the special certificate (Iaroslavskiiia Eparkhial'niia Vedomosti [Yaroslavl Diocesan News] 1878, 15).

<sup>6</sup> **Orders of the diocesan authorities concerning the consent of parents to the marriage of their children** who have reached majority are known, for example, the following:

The Kursk diocesan authorities declared to the diocese that the parish priest can crown children who have reached the civil majority age (21 years), without the permission of parents or guardians (Kurskiiia Eparkhial'niia Vedomosti [Kursk Diocesan News] 1872, 18).

The Samara diocesan authorities declared to the local clergy that it is possible to crown those who are 21 years old without the consent of parents if the latter, abusing their authority, do not care for their marriage. But in this case persuasion measures should first be employed in order to incline the parents towards the marriage of their children (Samarskiiia Eparkhial'nyia Vedomosti [Samara Diocesan News] 1898, 1).

The Simbirsk diocesan authorities also recognized that the marriage of persons, who have reached civil majority, as possible to allow without the consent of parents only in exceptional cases, in case of parents abusing their parental authority and unsuccessfulness of the admonition from their parish priest, by which it was made the duty of clergy to reveal to the parents all the harm that can occur from the mean and self-serving prohibitions for adult children to marry their chosen persons and generally from abusing their parental authority in relation to children, but marriage be explained as a great power of parental blessing for the good order and welfare of their life in the condition of matrimony (Simbirskiiia Eparkhial'niia Vedomosti [Simbirsk Diocesan News] 1882, 23).

In 1889 the Ekaterinoslavsky Hierarch in the case of marriage of a person who did not have parental permission by one of the priests made the following resolution: "Marriage without the permission of parents is forbidden. Parental authority extends to children of any age (vol. X, part 1, of the civil law).

And the "Knige o Dolzhnostiakh Presv. Prikh. [Book on the Duties of the Parish Presbyter]" strictly forbids crowning of daughters without the consent of parents. And by the form, issued for the drawing up of marriage searches, it is forbidden to crown children without the will of parents. Having this in view, the priest, who has found out about the disagreement of parents to the marriage of their children of his parish, is obligated to present the parents a due exhortation. In the case of the ineffectiveness of the exhortation, he will ask his dean for assistance to their exhortation. But if the parents also do not listen to the dean, then he is to ask the permission of the bishop" (Ekaterinoslavskiiia Eparkhial'niia Vedomosti [Ekaterinoslav Diocesan News] 1889, 8).

<sup>7</sup> If those orders are not obeyed, then in the decision **of the question about the consent of parents to the marriage** of their full age children may have meaning of not being given.

According to the Rudder, "the independent son, being of age, and is married without the agreement of the parents. The independent daughter, being of age, and not respecting the wishes of her father, enters a legal marriage" (Grazhd. Zak. [Civil Law], column 4, items 12 and 15). If to compare this canon of the Rudder, together with the above-stated § 18 of the Instruksiia blagochinnim [Instructions for Deans], about article 221, part 1, vol. X of the Svod Zakonov [Code of Laws], where it is said that "freedom to enter into obligations is gained" on reaching the age of "twenty one years", then, apparently, it would be possible to establish that general canon that persons, reaching the civil majority (21 years of age), can marry without the consent of parents.

But article 221 of some, having in view its discourse about the freedom of those of the age of majority to enter into obligations, exclude vol. X, articles 177-179 from this, it clearly says that "children should always treat their parents with open respect, obedience, humility and love", that personal parental authority is limited, but stops after the children finish public school, their decision of a career and after the daughters enter into marriage, and that

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this authority "stops uniquely at death of existence or deprivation of all rights of position" (see Tserkovnyi Vestnik [Church Messenger] 1895, 36).

To this it is also possible to add that the specified article stands in the Code of Laws where there is a discourse "about the right of minors to property, and in it, it properly tells about the termination of the rights of guardians and trustees over the minors under their management, but this does not give ground to assume the termination of the rights of parents in relation to the marriage of children because this termination would not agree with the above-stated articles 177-179 of vol. X, also contradicts canons 38 and 42 of St. Basil the Great strictly prohibiting the crowning of children without the will of parents (see Rukovodstvo dlia Sel'skikh Pastyrei [Manual for Village Pastors] 1894, 4; refer to S. Grigorovsky, "Sbornik tser. i grazhd. zak. o brake [Collection of Church and Civil Laws concerning Marriage]", p. 55).

Whatever moves the above-stated canons of the Rudder, then none of the operating legislation confirms its power. Thus it leaves that neither church nor civil laws establish the canon that children, on their reaching majority age, gain full freedom to marry, and for the marriage of such children, the consent of their parents is not required.

The Ever-memorable Metropolitan of Moscow Philaret so reasoned concerning the given subject:

"On known deeds... cases in which sometimes the parental authority is not favorable for marriage, but sometimes the easing of this authority is harmful. The Raskolniki (Schismatics) refuses to bless the marriage of their children with an Orthodox person. An immoral father refuses his blessing on the marriage for his separated son if he will not give him several hundred rubles; but he cannot do this because he would remain poor with his future wife. Opposite to this, the father or mother refuses to bless the marriage of their son or daughter because the person, seeking marriage with the one or the other, is known to be immoral and living a destructive way of life. A respectable nobleman disagrees with the marriage of his son who wishes to marry a servant.

If the law forbidding marriage, without the agreement of parents to keep in all power without restriction, then it may cause some innocent children to suffer and they may undergo a powerful temptation.

If it allowed every twenty five year old child the authority to marry without the consent of parents, then it may open the door for thoughtless children to disorderly marriages .

Unfairly, as if the church canons also allow independent children to reach the age of majority age for marriage without the consent of parents. The church canons do not allow this, but the laws of the Greek empire, which are not obligatory for the Russian Church and empire, even though they are entered into the second part of the Rudder and have been partly accepted in Russia for the avoidance of making any decisions. In the Greek patriarchal Rudder, these laws are not present...

The assumption to decide the marriage for children of mature years, after the exhortation made to parents about indulgence and to children about obedience, cannot be allowed in the general view without the infringement of justice and without harm.

This is apparent from the above-stated examples.

May the priest tell the father to bless the marriage of his daughter to a dissolute groom?

May he tell the son of the dissenter (raskolnik): obey your father, do not marry an Orthodox and remain in schism?

At the present time, obedience of children to parents in many families is considerably weakened in comparison with former times. If now to proclaim a canon that majority age (or 25 years old) children can marry without the consent of parents, having only heard the exhortation of the priest, and firmly against the exhortation, it is necessary to fear that this will give a new occasion to violate the fifth commandment of God. How to agree to two contradictory requirements, first, to keep in force laws about the authority of parents over the matrimony of their children and secondly, to find an out for the children, flowing from some parents by the power of this law? There is a similar example in the laws. The law for the entry into marriage is 18 for men, and for women it is 16 years of age. But in family life, especially in the country, there is sometimes a need for the father of family, for example a lack of women in the home, to marry the son a little short of the age of majority. What is one to do? The law remains inviolable: but the diocesan hierarchs may allow marriage in similar cases, if that lack of age to majority did not

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exceed 6 months. In a similar way... let the common law forbidding marriage without the consent of parents remain untouched.

But... if children of majority age ask the bishop for permission for them to marry, in which the parents disagree, for unlawful reasons, but they find it inconvenient or unsafe to remain without marriage and if, on inquiry, the cause of the failure by the parents appears unlawful, but the remaining children without marriage may be accompanied with harm for their morals: then the diocesan hierarch, through the capable spiritual person, exhorts the parents that they stop their resistance to marriage of their children, but in case of the failure of this exhortation, allows the marriage without the requirement of the consent of the parents" (Sobranie Mnenie (Collection of Opinions and excerpts), vol. V, part 1, pp. 477-479).

We think that for pastors of those dioceses which have no oversight for us the subject of special decisions of the local diocesan authorities, it follows to be guided in our practical activity by the above-stated opinion of the famous Moscow Archpastor, i. e., in the case of the disagreement of parents on the marriage of majority aged children to direct the latter to local Bishop with a petition, as Metr. Philaret says, "For the permission of them to marry, in which the parents disagree" (see also the Tserkovnyi Viestnik [Church Messenger] 1897, 16; refer to II Вед. 1896, 16). Refer to Tserkovniia Vedomosti [Church News] 1896, 16).

<sup>8</sup> Relative to weddings of undocumented **dissenters** with the Orthodox "the Tserkovnyi Viestnik [Church Messenger] explained that first of all it is necessary to find out precisely whether the person is baptized and as baptized wishing to marry with the Orthodox (refer to pp. 923-925 above), after that to attach him to the Orthodox Church and have him agree to steadfastly remain and educate the children in Orthodoxy. It is possible to crown without the consent of parents, by the power of the decree [ukase] of the Holy Synod of Oct. 28, 1842, which authorized such weddings, having in view the "impenitence" of the dissenters in which they also with all measures interfere with the marriages of their children with the Orthodox. All the same the announcements should be made. The absence for the consent of parents during a search should be explained by instructions for one of those entering from the Raskolniki [Dissenters] (Tserkovnyi Viestnik [Church Messenger] 1895, 9).

<sup>9</sup> For the entry into marriage, openly or secretly, against the decisive prohibition of parents or without asking their consent, after brought to this by parents of the complaint, the **guilty are exposed**: to the punishment defined in article 1549, for the abduction of an unmarried woman, made with the consent of the kidnapper himself, and, moreover, lose the right to inherit under the law in that estate from parents, which they have violated by their disobedience (Ulozhenie o nakazaniakh [Criminal Code of Laws], article 1566). Under article 1549 the thief is sentenced to an imprisonment for a term of four to eight months. But those who agreed to the abduction is sentenced to imprisonment for as much time in a monastery, if there is and are found within the limits of the Empire a monastery of that religion to which he (she) belongs. Or be confined to the single life in the house of his parents or guardians under their strict supervision. It is left to the parents, however, to declare subsequently that they forgive the guilty and will restore their rights to the inheritance of their estate fully or partly. Precisely also by the petition of those bringing the complaint of the parents or trustees, the time of the seclusion of the guilty can be reduced (ibid., article 1566). Whoever marries, without having properly asked the permission of the trustees, that for this after having brought them for that complaint, is imposed an arrest for a term of 3 weeks till 3 months (ibid., article 1567).

<sup>10</sup> Corresponding cases should be guided by the resulting legislation. Agreeing with this the Vologda Spiritual Consistory announced to the diocese that a) at the entry into marriage of persons of the citizen estate clergy did not demand certificates about obstacles to those marriages from city management and would be guided in general on these cases by the legislation expressed in articles 1, 3, 4, 5, 6, 9, 10, 11 and 12, vol. X of the Svod Zakonov [Code of Laws], in article 100 of the Ust. [Typ.] on Military Obedience and also in point 12 of part 11 of the "Spiritual Regulations" for secular individuals, and article 41 of the Instruksiia Blagochinnim [Instructions for Deans].

b) They would also not demand similar certificates from volost boards during the entry into marriage of peasants of all names.

All data or explanations, of what are considered necessary as marital obstacles for persons of the above mentioned estates, may be requested by usual inquiries on the petty bourgeois, by petty-bourgeois justices and petty-bourgeois elders; about peasants by volost boards, but not in the form of permission in which it is not needed

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(Tserkovno-Obshchestvennyi Viestnik [Church-Society Messenger] 1880, 10; see also the Saratovskiiia Eparkhial'niia Vedomosti [Saratov Diocesan News] 1893, 12; Ufimskiiia Eparkhial'niia Vedomosti [Ufim Diocesan News] 1894, 3; Tserkovnyi Viestnik [Church Messenger] 1896, 34). Generally, it is necessary to have in view, that Orthodox persons **not being in the service** of all without distinction, statuses (noblemen, merchants, handicraftsmen, petty bourgeois and peasants) may enter, according to article 1, part 1, vol. X of the Svod Zakonov [Code of Laws], in marriage, did not ask for that particular permission from the government nor dismissal from estate and society to which they belong (Tserkovniia Vedomosti [Church News] 1891; 16).

<sup>11</sup> This requirement appeared to us after Peter I in relation to military - server. Since the publication of the Svod Zakonov [Code of Laws] it is also extended to **civil officials**.

<sup>12</sup> Concerning repeated cases of marriage by priests of the Lithuanian diocese persons of the military department, obligated by service, without standing by the law of the allowance of marriage of the standing military authorities, and in view of the breaking out from here of office-work, the Lithuanian Spiritual Consistory reminded the clergy of the diocese about the exact observance of those active in the military department of the law concerning the entry into marriage of persons of this department obligated by the service (Litovskiiia Eparkhial'niia Vedomosti [Lithuanian Diocesan News] 1898, 3).

The Minsk diocesan authorities confirmed to the clergy of the diocese so that they, consisting of searches for married persons - military departments, be strictly observed, by the way, following the Code of Military Legislation, Regulations book I, part 2, publ. in 1859: each of the military and civil **officials of the military department** should have written decisions on the entry into marriage of its authority in whom, under signed responsibility, it should be explained that those single or widowed ask for permission. The priests cannot perform the wedding without this permission (article 2144). It is forbidden to marry those found in usual absences without exact permission on that from their authority, although there was the consent of parents of the bride, master and society (article 2157). Besides this, the same diocesan authority presented to the clergy, so that it (according to the decision of the Holy Synod of Nov. 9-26, 1877, № 1705 about the strict execution of decision confirmed by decision of the Holy Synod of Oct. 10 - Nov. 1, 1880) did not begin the wedding **of maritime officers** without observance of Imperial canons, confirmed April 3, 1867, by which, by the way, it is required that petitions of designated officers for the entry into marriage comprised the surname and extraction of the bride and also the certificate that the bride is at least 16 years old. Without this certificate the authority has no right to give permission for entry into marriage and for priests to crown (Minskiia Eparkhial'niia Vedomosti [Minsk Diocesan News] 1891, 1).

The clergy can crown military men **of the lower ranks** without the permission of military authorities:

1) Who executed a compulsory military service and having a certificate for that.

2) Who are discharged by decrees [ukases] given to him,

And 3) consisting in reserve (were temporarily and indefinitely on leave) by discharge passes.

Marriages without the permission of the relevant authorities are not permitted:

1) To the lower ranks consisting those in active service (item I, article 25 of the Ust. [Typ.] for Military Recruitment);

2) To those found on short-term leave, i. e. voluntary home leave by the annually declared orders of the military minister;

3) to those dismissed from parts of armies because of an excess - those unfit in article I up to numbering them in reserve;

4) to those found on long term leave for correction of health, confirmed for incapacity in article II, dismissed with leave passes (explained in the Rules of the Smolensk Military Authority - see the Penzenskiiia Eparkhial'niia Vedomosti [Penzen Diocesan News] 1875, 15).

The Orenburg Spiritual Consistory informed their clergy by a circular letter that marriages **of Cossacks of the Orenburg Cossack Army**, not in active service, are subject to fulfillment without separate permission of the local Cossack village or small village authorities (Orenburgskiiia Eparkhial'niia Vedomosti [Orenburg Diocesan News] 1894, 8).

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Refer to p. 1116 below about the documents demanded at marriage.

At the entry into marriage **of diplomatic officials** with foreigners, not only must they ask preliminary permission of the authority for that, with the announcement, what estate will dower, and whether there is in view the right of inheritance in foreign lands, but also to present the promise of the bride that when it is announced to her that, being married to a diplomatic official, she should sell her estate in the foreign land; for, otherwise, her husband is obligated to leave this sort of service (Svod Zakonov [Code of Laws], vol. X, part 1, article 66).

Psalm readers and other persons, serving **in the spiritual department**, are obligated to ask permission of the diocesan authority for entry into marriage. And the descent of the bride of parents not in the spiritual caste does not create an obstacle for the allowance of the marriage, at the observance, nevertheless, of the church canons about women, admitted for the recognition of priesthood. Not consisting in service according to the diocesan department, sons of clergy can marry on the general basis, without asking the permission of the diocesan authority for this (Uk. Sv. Syn. [Decrees of the Holy Synod], June 17, 1871, № 37). Pupils of theological seminaries who have completed the course of study are considered in the spiritual department, by the way, up to their decision on diocesan or spiritually-educational service, if they will not declare their desire to pass into another department, but also those dismissed from theological seminaries and schools for various reasons, but equally also those pupils who have completed their academic courses, until their exit from the spiritual department [Opredelenie sviatago Synoda [Decisions of the Holy Synod], June 12 - Dec. 12, 1885-1886, № 1137, May 12 - July 8, 1887, № 881). All these persons should ask the permission from their diocesan bishop for entry into marriage (see Uk. Sv. Syn. [Decrees of the Holy Synod], June 17, 1871, № 37).

The diocesan authorities of the Kiev and Podolsk dioceses announced that candidates for the priesthood and generally employees in the diocesan offices in their petitions for permission to marry to explain in detail the origin, calling, first name, patronymic, surname, religion and the fitness for marriage of the bride, i. e. whether she is a maiden or widow (Kievskiiia Eparkhial'niia Vedomosti [Kievan Diocesan News] 1890, 16, Podol'skiiia Eparkhial'niia Vedomosti [Podolsk Diocesan News] 1891, 6).

According to Canon 14 of the IV Ecumenical Council, it is forbidden for ecclesiastics to marry those of other faiths, but for children of these persons with women of other faiths, if the latter will be promise to convert to the Orthodox faith (refer to Laod., 10, 31, Carthage, 30, VI, 72, etc.).

There are no canonical canons and decisions by the spiritual department, prohibiting marriage to those illegitimately born received into consecrated dignity (Tserkovniia Vedomosti [Church News], 1898, 22; for details see Tserkovnyi Viestnik [Church Messenger] 1894, 4).

The "Tserkovnyi Viestnik [Church Messenger]" explains that marriage of the candidate to the priesthood with a girl from the schism [raskol] (married-Theodosians), who has accepted Orthodoxy, in having parents of Raskolniki, does not interfere with the acceptance of the priestly vocation (Tserkovnyi Viestnik [Church Messenger] 1897, 45).

In practice cases, when those who joined Orthodoxy from the Austrian pseudo-hierarchy, without being married to their spouses in an Orthodox ceremony are known, were installed as priests (See Bratskoe Slovo [Fraternal Word], 1886, vol. 2, pp. 713-714, refer to Bogoslovskii Viestnik [Theological Messenger], 1886, № 1, p. 127). And parishioners of such priests should not be confused with the specified circumstances as the definition of the qualities demanded from the priest, constitutes the right and duty of one diocesan authority, from whose supervision depends on this or that image of action in the specified case (Tserkovnyi Viestnik [Church Messenger] 1894, 35; refer to Sobranie Mnenie (Collection of Opinions and excerpts), vol. V, pp. 983-984; Saratovskiiia Eparkhial'niia Vedomosti [Saratov Diocesan News] 1894, 23).

The law does not prohibit the psalm reader to marry a peasant maiden (Tserkovnyi Viestnik [Church Messenger] 1896, 23). There are no such prohibitions in the law even for candidates of the priesthood (see the above cited Uk. Sv. Syn. [Decrees of the Holy Synod], June 17, 1871).

<sup>13</sup> Whoever of those in state service enters **into marriage without the permission of his authority** is subject to a strict reprimand for this, with entering this into his service record (Ulozhenie o nakazaniakh [Criminal Code of Laws], article 1565).

*S. V. Bulgakov, "Handbook for Church Servers", 2<sup>nd</sup> ed., 1274 pp. (Kharkov, 1900) pp. 1102-1108.  
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