



The ecclesiastical discipline of the celebration of marriage according to the books of the Roman Rite of 1962 after the Second Vatican Council in 1965-2007

Dyscyplina kościelna celebracji małżeństwa według ksiąg rytu rzymskiego z 1962 roku po II Soborze Watykańskim w latach 1965-2007

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Abstract: The Fathers of the Second Vatican Council, via the constitution *Sacrosanctum Concilium*, postulated a reform of the marriage ceremony. As a result, the marriage rites contained in the *Rituale Romanum* of 1952 were abolished by the promulgation of the *Ordo celebrandi matrimonium* in 1969. Until 1988, apart from the Society of Saint Pius X, marriage was generally not celebrated according to the *earlier Ritual*. After the institution of the Pontifical Commission *Ecclesia Dei* in 1988, permissions were issued for the celebration of marriage according to the Roman Ritual. Individual permissions were granted by the Dicasteries of the Roman Curia, and especially by the aforementioned Commission. Some communities were also established which were equipped with the special right to celebrate the Sacrament of Marriage according to the *Rituale Romanum* of 1952. Diocesan bishops also issued *ad casum* permissions and erected personal parishes and other communities. This legal status lasted until Pope Benedict XVI's motu proprio *Summorum Pontificum* entered into force in 2007. Then, a universal law was introduced which permitted the celebration of marriages according to the *earlier Ritual* under specified conditions.

Keywords: marriage, *Rituale Romanum* of 1952, liturgy of 1962, Second Vatican Council

Streszczenie: Ojcowie II Soboru Watykańskiego w konstytucji *Sacrosanctum Concilium* postulowali reformę obrzędu zawarcia małżeństwa. W rezultacie obrzędy małżeństwa umieszczone w *Rituale Romanum* z 1952 roku zostały zniesione poprzez promulgację *Ordo celebrandi matrimonium* w 1969 roku. Do roku 1988 roku – poza Bractwem Kapłańskim Świętego Piusa X – zasadniczo nie celebrowano małżeństwa według wcześniejszego rytuału. Dopiero po powołaniu Papieskiej Komisji *Ecclesia Dei* w 1988 r. zaczęto wydawać zezwolenia na celebrację małżeństwa według Rytuału Rzymskiego. Poszczególnych zezwoleń udzielały Dykasterie Kurii Rzymskiej, a szczególnie wspomniana Komisja. Erygowano również wspólnoty, które wyposażono w prawo specjalne celebracji według

Rituale Romanum z 1952 roku. Biskupi diecezjalni także wydawali zezwolenia *ad casum*, erygowali parafie personalne i inne wspólnoty. Taki stan prawny trwał do wydania motu proprio *Summorum Pontificum* Benedykta XVI w 2007 roku, kiedy wprowadzono prawo powszechne na celebrację małżeństw według *wcześniejszego rytuału* według określonych zasad.

Słowa kluczowe: małżeństwo, *Rituale Romanum* z 1952 roku, liturgia z 1962 roku, II Sobór Watykański

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Introduction

After the Second Vatican Council, a reform of the marriage rites included in the *Rituale Romanum* of 1952 was made in consideration of the guidelines contained in the conciliar constitution *Sacrosanctum Concilium*. After the Council, however, there were many members of the faithful who desired to participate both in the rites of marriage and the Holy Mass according to the books of 1962. This resulted from their adherence to the *old forms of the Roman Rite*. Thus, the needed permissions *ad casum* for the celebration of these rites were issued. Communities in which these liturgical books were celebrated according to their *own rite* were also established.

The period described in this study concerns the years 1965-2007, following *Vaticanum II*. This is the time, starting from the motu proprio *Sacram liturgiam* and the instruction *Inter Oecumenici* of 1964, the initial changes to the rites and discipline of marriage according to the guidelines of the conciliar constitution *Sacrosanctum Concilium* were introduced. Then, following the introduction of the new Ritual of Marriage in 1969, the marriage rites included in the 1952 *Rituale Romanum* were abrogated. This article presents the reform of the sacrament's liturgical celebration, the characteristics of the rites themselves, and the permissions that were issued to celebrate the *old marriage rites* until 2007. As a result of Pope Benedict XVI's motu proprio *Summorum Pontificum*, the rules for

the celebration of marriage according to the *earlier form of the Roman Rite* were introduced as a universal law.

It should be noted that this article is the first part of a broader study. In the forthcoming one, the regulations introduced in 2007 and the current situation due to Pope Francis's 2021 *motu proprio Traditionis custodes* will be presented. In this way, the next article will continue the matrimonial theme and the current Code of Canon Law's discipline in the celebration of these rites will also be taken into account. Although this topic was partly taken up in the monograph entitled: *Nadzwyczajna forma rytu rzymskiego. Status prawny liturgii i wspólnot* of 2021, it seems appropriate to conduct a broader, multi-faceted analysis on the issue. In addition, the changing legal situation connected to the celebration of marriage creates the need for further studies. These two articles are in line with the pastoral needs of the lay and clerical faithful.

1. A reform of the liturgy of marriage and a short characterization of the rites

1.1. The liturgy prior to the Second Vatican Council

Prior to the liturgical reform following *Vaticanum II*, the rites of the Sacraments were in principle contained in one liturgical book. The *Rituale Romanum* of 1614 should be noted here as it was the first ritual approved after the Council of Trent and is the basis of the later Roman Rituals. The *Rituale Romanum* of 1925 should also be mentioned. This was issued while taking into account the rules of the 1917 Code of Canon Law, the rubrics of the *Missale Romanum* of 1920, and the decrees of the Roman Curia¹. The last

¹ Cf. *Rituale Romanum Pauli V. Pont. Max. iussu editum*, Papiæ 1614; SACRA CONGREGATIO RITUUM, Decretum novam Ritualis Romani editionem approbans *Hanc Ritualis*, 10.06.1925, AAS 17 (1925), p. 326; *Rituale Romanum Pauli V Pontificis Maximi iussu editum aliorum Pontificum cura recognitum, atque auctoritate SS.mi D.N. Pii Papae XI ad Normam Codicis Iuris Canonici accomodatam*, Editio typica, Typis Polyglottis Vaticanis 1925. See *Codex Iuris Canonici, Pii X Pontificis*

typical edition of this book was the *Rituale Romanum*, which was approved on January 25, 1952, by the Sacred Congregation of Rites (cf. CIC/17, c. 1100)². This Ritual is the book that contains the *earlier form* of the celebration of marriage after the Second Vatican Council. Such an arrangement occurred as this particular liturgical book was in force in 1962, a point which will be elaborated on later in the study. The marriage rites are contained in *Titulus VIII* of this Roman Ritual. The book contains the following: *praenotanda* (*Caput 1*); the rites of the celebration of marriage (*Caput 2*); the prayers of the solemn blessing of the spouses without a Mass, according to the indult of the Apostolic See (*Caput 3*); the prayers over the spouses without a Mass, according to the indult of the Apostolic See – when the solemn

Maximi iussu digestus Benedicti Papae XV auctoritate promulgatus, 25.03.1917, AAS 9 (1917) no. 2, p. 1-456 [hereafter referred to as “CIC/17”]; *Missale Romanum ex decreto Sacrosancti Concilii Tridentini restitutum, S. Pii V Pont. Max. iussu editum, aliorum Pontificum cura recognitum, a Pio X reformatum et SS.mi D.N. Benedicti XV auctoritate evulgatum*, Typis Polyglottis Vaticanis 1920. See A.J. NOWOWIEJSKI, *Wykład Liturgii Kościoła Katolickiego*, vol. 3, Ząbki 2009-2010, p. 110-118; EADEM, *Ceremonjał parafalny. Przewodnik liturgiczny dla duchowieństwa pasterstwem dusz zajętego*, vol. 2, Płock 1912, no. 279-335; L.-M. LE VAVASSEUR, J.-A. HAEGY, L. STERCKY, *Manuel de liturgie et cérémonial selon le rit romain*, vol. II, Paris 1940, no. 102-117; M. FULMAN, *Rytuał Rzymski a Piotrkowski. Studium prawno-liturgiczne*, Warszawa 1896, p. 17-59; W. SCHENK, *Liturgia sakramentów świętych*, vol. II, Lublin 1964, p. 123-131.

² Cf. SACRA CONGREGATIO RITUUM, *Decretum adprobationis novae editionis typicae Ritualis Romani Cum denuo excudenda*, 25.01.1952, *Ephemerides Liturgicae* 66 (1952), p. 220; *Rituale Romanum Pauli V Pontificis Maximi iussu editum aliorumque Pontificum cura recognitum atque ad normam Codicis Iuris Canonici accomodatum, SS-mi D.N. Pii Papae XII auctoritate ordinatum et auctum*, Editio typica, Typis Polyglottis Vaticanis 1952 [hereafter referred to as “*Rituale Romanum* (1952)”]. See M. BRANDYS, I. PIZZONI, *Mutationes et additiones in hac nova ‘Ritualis Romani’ editione*, *Ephemerides Liturgicae* 66 (1952), p. 220-224; A. TONIOLO, *Il ‘Rituale Romanum’ del 1952 nella collana ‘monumenta liturgica plana’*, *La Rivista Liturgica* 95 (2008), p. 634-642; *Liturgia Tridentina. Fontes – Indices – Concordantia 1568-1962*, M. SODI, A. TONIOLO, P. BRUYLANTS (ed.), *Monumenta Liturgica Plana* 5, Libreria Editrice Vaticana 2010, p. 683-705; D. PIETRAS, *Nadzwyczajna forma rytu rzymskiego. Status prawny liturgii i wspólnot*, Dębogóra 2021, p. 273-274; S. BISKUP-SKI, *Prawo małżeńskie Kościoła Rzymskokatolickiego*, Warszawa 1956, no. 505-508.

blessing of the spouses cannot be given (*Caput 4*); the prayers of blessing of a pregnant woman before childbirth (*Caput 5*); the prayers for blessing for a woman after childbirth (*Caput 6*); and the prayers of blessing spouses on the occasion of their 25th or 50th marriage anniversary (*Caput 7*)³. It must be emphasized that the marriage ceremony included in this Ritual had an exceptionally simple form and was treated as a framework that can be supplemented with other customs and ceremonies adopted in the region⁴. The *Pontificale Romanum* of 1961/62 also features the rites of the celebration of marriage and the prayer over the spouses⁵.

In addition to the *Rituale Romanum* used throughout the Latin Church, bilingual and multilingual national rituals were also published before the post-conciliar reform of the liturgy. For example, the Ritual for France was published in 1948 (the second edition in 1956), the Ritual for Germany in 1950, the Ritual for Italy in 1956, and the Ritual for Brazil in 1958. With regard to the United States of America, the *Supplementum Ritualis Romani* was issued in 1953,

³ Cf. *Rituale Romanum* (1952), tit. VIII. See *Missale Romanum ex decreto SS. Concilii Tridentini restitutum Summorum Pontificum cura recognitum*, Editio typica 1962, M. SODI, A. TONIOLO (ed.), Monumenta Liturgica Piana 1, Libreria Editrice Vaticana 2007 (*Rubricae Generales*, no. 382; *Missae votivae* – no. II, 12) [hereafter referred to as “*Missale Romanum* (1962)”]; Z. BARANOWSKI, *Małżeństwo, Sakramenty Święte. Omówienia i teksty liturgiczne*, vol. VII, Poznań-Warszawa-Lublin 1955, p. 71-85; A. FORTESCUE, J.B. O’CONNELL, *The Ceremonies of the Roman Rite Described*, London 2009, p. 372-376.

⁴ Cf P. MILCAREK, *Małżeństwo, Chrzest i pogrzeb. Pierwsze posoborowe zmiany w Rytuale Rzymskim*, *Christianitas* 55 (2014), p. 123-125, 128-129.

⁵ Cf. *Pontificale Romanum. Editio typica 1961-1962*, M. SODI, A. TONIOLO (ed.), Monumenta Liturgica Piana 3, Libreria Editrice Vaticana 2008 (*Ritus pontificalis pro celebrando Sacramento Matrimonii; De benedictione nuptiarum – Appendix; Caeremoniale Episcoporum, Clementis VIII., Innocentii X. et Benedicti XIII., jussu editum, Benedicti XIV. et Leonis XIII. auctoritate recognitum*, Editio typica, Ratisbona 1886; *Caeremoniale Episcoporum, Clementis VIII., Innocentii X et Benedicti XIII., jussu editum, Benedicti XIV et Leonis XIII auctoritate recognitum*, Editio tertia typicam, Taurini-Marietti-Romae 1948. See A. FORTESCUE, J.B. O’CONNELL, *The Ceremonies...*, p. 376-378; P. MARTINUCCI, *Manuale sacramentum caeremoniarum, in libros acto digestum*, Roma 1911-1915, pars I, vol II, p. 516-519; pars II, p. 164-169.

the Rites of Marriage and Betrothal in 1962, and the *Collectio Rituum* in 1964⁶. The Apostolic See approved the *Collectio Rituum* for use in Poland in 1959. It entered into force on April 14, 1963, on Resurrection Sunday, replacing the *Rituale Romanum* of 1927 for the particular Church in Poland⁷. In *Titulus VII* of this national Ritual, there are in succession: the rites of the celebration of marriage and solemn blessing without the celebration of Mass (*Caput 1*); the prayers for the solemn blessing of the spouses during the Mass (*Caput 2*); the prayers for blessing the wife after marriage (*Caput 3*); the prayers for blessing a pregnant woman before childbirth (*Caput 4*); the prayers for blessing

⁶ Cf. *Rituale Parvum. Rituel Latin-Francais*, Turonibus 1948, *Rituale Parvum ad usum Dioecesis Gallicae linguae*, Editio secunda, Turonibus 1956; *Collectio Rituum ad instar appendicis ritualis romani pro omnibus Germaniae dioecibus a Sancta Sede approbata*, Editio prima, Ratisbonae 1950; *Pequeno Ritual Romano. Collectio Rituum pro omnibus Brasiliae Dioecibus*, Rio de Janeiro 1958; *Supplementum Ritualis Romani ad usum cleri Americae Septentrionalis Foederatae*, New York 1953; *Roman Catholic Marriage Missal and Rite of Betrothal*, Angelus Press 1962; *Collectio Rituum: Pro Dioecibus Civitatum Foederatarum Americae Septentrionalis*, Editio prima, Collegeville-Minnesota 1964. See A. FORTESCUE, J.B. O'CONNELL, *The Ceremonies...*, p. 414-417; [https://www.latinmasswedding.com/files/Compare_1962_vs_1964_Rites_of_\(Marriage\)_English.pdf](https://www.latinmasswedding.com/files/Compare_1962_vs_1964_Rites_of_(Marriage)_English.pdf) [access 11.12.2022].

⁷ Cf. SACRA CONGREGATIO RITUUM, *Decretum*, 14.12.1927, in: *Rituale Romanum* (1927), p. VII; *Rituale Romanum Pauli V Pontificis Maximi jussu editum aliorumque pontificum cura recognitum atque auctoritate SSmi D.N. Pii Papae XI ad normam Codicis Juris Canonici accommodatum Ecclesiae Poloniae adaptatum et ab eodem Ssmo D.N. Pio Papa XI approbatum*, Editio typica, Katovicis 1927; SACRA CONGREGATIO RITUUM, *Rescriptum Ad Christifidelium*, 23.10.1959, Prot. N. 2/957, *Notificationes* 50 (1962), p. 147-148; S. WYSZYŃSKI, *Dekret ogłaszający wprowadzenie 'Collectio Rituum' dla Polski*, 25.03.1962, Prot. N. 1544/62/P., in: *Collectio Rituum* (1963), p. 5-6; *Collectio Rituum continens excerpta e Rituali Romano Ecclesiae Poloniae adaptato*, Katowice 1963 [hereafter referred to as "*Collectio Rituum* (1963)"]. See KONFERENCJA EPISKOPATU POLSKI, *List Pastorski wydany w związku z wprowadzeniem od Święta Zmartwychwstania Pańskiego 1963 roku nowego wydania Rytuau, zatwierdzonego przez Stolicę Apostolską*, in: *Vademecum Nadzwyczajnej Formy Rytu Rzymskiego*, P. WULGARIS (ed.), Gdańsk 2015, p. 217-219; F. MAŁACZYŃSKI, *Nowy rytuał dla Polski*, *Ruch Biblijny i Liturgiczny* 4 (1963), p. 211-219; A.J. NOWOWIEJSKI, *Wykład Liturgii...*, p. 118-136; M. FULMAN, *Rytuał Rzymski...*, p. 60-195; J.F. VAN DER STAPPEN, *Sacra Liturgia. Tractatus de administratione sacramentorum et de sacramentalibus*, vol. IV, Mechliniae 1905, no. 295-313; W. SCHENK, *Liturgia sakramentów...*, p. 131-150.

of a woman after her delivery of a living child (*Caput 5*); the prayers for blessing of a woman after delivery of a dead child (*Caput 6*); and the blessing of spouses on the occasion of their 25th or 50th marriage anniversary (*Caput 7*)⁸. According to this Ritual, almost all texts of the marriage ceremony could be read by the celebrant in Polish language. Additionally, the prayer for blessing of the wedding rings, the solemn prayer of blessing over the spouses after the *Pater noster* during the Mass, and the last solemn blessing (*benedictio solemnis*) could also be read by a lector in Polish. Alternatively, all prayers could be recited in the vernacular when a marriage was contracted without the celebration of the Mass. This Ritual contains some of the postulates written in the conciliar constitution *Sacrosanctum Concilium*⁹. These Rituals are also used as the *earlier form of the Roman Rite*, as will be described later.

According to these Rituals and the 1962 *Missale Romanum*, the Sacrament of Marriage was celebrated directly before the Holy Mass (sometimes, in exceptional circumstances, without the Mass). The solemn blessing of the spouses was inseparable from the Eucharist, therefore, it could be given outside of the Mass only after obtaining the papal indult. Then, usually – taking into account the rubrics – a votive Mass of the second class (*Pro Sponsis*) was celebrated. During the Mass, the priest said the solemn prayer upon the spouses (after the *Pater noster*) and gave them the solemn blessing (CIC/17,

⁸ Cf. *Collectio Rituum* (1963), tit. VII. See P. MILCAREK, *De Sacramento Matrimonii. Krótkie objaśnienie obrzędów Sakramentu Małżeństwa w starszej formie rytu rzymskiego*, Dębogóra 2019, p. 9-51, 65-87; EADEM, *Małżeństwo, Chrzest...*, p. 129-132; D. PIETRAS, *Nadzwyczajna forma...*, p. 274-275.

⁹ Cf. *Collectio Rituum* (1963), tit. VII, cap. 1, no. 7; tit. VII, cap. 2, no. 7; SACRA CONGREGATIO RITUUM, *Rescriptum Ad Christifidelium*, no. 2d; KONFERENCJA EPISKOPATU POLSKI, *List Pastorski...*, p. 218: “Wzbogacono również obrzędy Sakramentu Małżeństwa, aby podkreślić cele katolickiego małżeństwa oraz czynną rolę nowożeńców, którzy sobie tego sakramentu udzielają. W oparciu o stare Rytuały Polskie zmieniono teksty błogosławieństwa nowo zaślubionej małżonki oraz błogosławieństwa matki zwanego wywodem”. See P. MILCAREK, *De Sacramento Matrimonii...*, p. 71, 81-87.

c. 1101)¹⁰. The solemn blessing was therefore something different from the matrimonial consent (CIC/83¹¹, c. 1057), as canonist Michael Rosset pointed out. Moreover, it was essentially addressed to the wife, which was firmly established in the liturgical tradition of the Roman Rite¹².

It is also worth noting that there was a rite of betrothal in the pre-conciliar books. An example is the engagement rite developed in 1962 for the USA as a supplement to the 1952 Roman Ritual and the national Ritual (cf. CIC/17, c. 1017; CIC/83, c. 1062)¹³.

1.2. The liturgy after the Second Vatican Council

The Fathers of the Second Vatican Council noticed the need for a wider use of the vernacular in the celebration of the Sacraments. They underlined an option for the issuance of national rituals, while at the same time preserving local traditions during the event

¹⁰ Cf. *Missale Romanum* (1962) (*Rubricae Generales*, no. 378-382; *Missae votivae, Pro Sponsis* – no. II, 11); *Rituale Romanum* (1952), tit. VIII, cap. 2-4; *Collectio Rituum* (1963), tit. VII, cap. 1-2. See I.W., *Zmiany rubryk w Mszale z 1962 r.*, *Miesięcznik Pastorski Płocki* 47 (1962), p. 107-111, no. I g; A.St. LOUIS-SANCHEZ, *The nuptial blessing: changes in the new law*, Ottawa 2013, in: https://www.academia.edu/3024981/The_Nuptial_Blessing_Changes_in_the_New_Law [access 12.12.2022], p. 7-10; S. BISKUŃSKI, *Prawo małżeńskie...*, no. 505-508. In the *Rituale Romanum* (1952) (tit. VIII, cap. 3-4), it is written that the Sacred Congregation of Rites approved the form of the prayer over the spouses without a Mass on March 11, 1914.

¹¹ Cf. *Codex Iuris Canonici, Auctoritate Ioannis Pauli PP. II promulgatus; Kodeks Prawa Kanonicznego promulgowany przez papieża Jana Pawła II w dniu 25 stycznia 1983 roku. Stan prawny na dzień 18 maja 2022 roku. Zaktualizowany przekład na język polski*, Poznań 2022 [hereafter referred to as “CIC/83”].

¹² See M. ROSSET, *De Sacramento Matrimonii: Tractatus Dogmaticus, Moralis, Canonicus, Liturgicus et Iudiciarius*, vol. V, Sabaudia, 1895, p. 11: “The solemn blessing of marriage is surely distinct from the celebration of matrimony”; K. STEVENSON, *Nuptial Blessing: A Study of Christian Marriage Rites*, London 1982, p. 35-47.

¹³ Cf. *Roman Catholic Marriage Missal and Rite of Betrothal*, Angelus Press 1962. See S. BISKUŃSKI, *Prawo małżeńskie...*, no. 92-104; https://www.olmcfssp.org/wp-content/uploads/2021/03/Rite_of_Betrothal_booklet.pdf [access 11.12.2022].

of contracting a marriage¹⁴. They decided to redevelop and enrich the rites of marriage contained in the *Rituale Romanum* of 1952 in order to more clearly indicate the grace of the Sacrament and to emphasize the tasks and duties of the spouses. They also noted a need to amend the solemn blessing of spouses so that it would express the same obligations of both spouses to mutual fidelity. They indicated that it would be possible to say it in the vernacular. In addition, they emphasized that the Sacrament of Marriage should be contracted during the Holy Mass after a homily. However, in the case of a marriage outside of Mass, the Epistle and Gospel (according to the mass formulary for the spouses) should be read. At the end of the ceremony, the spouses should receive the solemn blessing (cf. CIC/83, c. 841)¹⁵.

The discussed guidelines of *Vaticanum II* were introduced by Pope Paul VI through the motu proprio *Sacram liturgiam* and the 1964 instruction *Inter oecumenici*. Through these, he established, among other things, that marriage is to be contracted during the Holy Mass. If it is done outside of the Mass, readings should always be proclaimed,

¹⁴ Cf. SACROSANCTUM CONCILIUM OECUMENICUM VATICANUM II, Constitutio de Sacra Liturgia *Sacrosanctum Concilium*, 4.12.1963, AAS 56 (1964), p. 97-138, no. 36, 63, 77.

¹⁵ Cf. *Ibidem*, no. 77-78. See *The Commentary on the Constitution and on the Instruction on the Sacred Liturgy*, A. BUGNINI, C. BRAGA (ed.), New York 1965, p. 383: "From now on, this restriction is removed and the blessing is to be given as often as marriage is celebrated. For it completes the grace of the sacrament and it recalls the duties and obligations of the spouses in the life they are beginning. This is the reason for the change in discipline which is authorized by the Constitution: 'The blessing is always to be given to the spouses'. Although these words refer directly to the celebration of Matrimony outside of Mass, it is altogether fitting that they be extended to its celebration within Mass. To do otherwise would be to give preference to the celebration of Matrimony outside of Mass"; *Catechismus Catholicae Ecclesiae*, Libreria Editrice Vaticana 1992, no. 1621, 1624; C.J. GLENDINNING, 'Summorum Pontificum' and the use of the extraordinary form of the Roman Rite: a canonical analysis in light of the current liturgical law, Ottawa 2010, *pro manuscripto*, p. 106-107; A.St. LOUIS-SANCHEZ, *The nuptial blessing...*; K. STEVENSON, *Nuptial Blessing...*; P. MILCAREK, *Małżeństwo, Chrzest...*, p. 128-132.

and the solemn blessing given¹⁶. Finally, the reform of the marriage liturgy was accomplished by the issuance of the *Ordo celebrandi matrimonium*. This was the first book introduced on the celebration of the Sacraments after the Second Vatican Council. The new Ritual of Marriage was promulgated by the decree of March 19, 1969, and entered into force on July 1, 1969. At the end of the decree, it is indicated that it enters into force *Contrariis quibuslibet minime obstantibus* (*all things to the contrary notwithstanding*)¹⁷. Consequently, the introduction of the new Ritual of Marriage was the abrogation of the marriage rites contained in *Titulus VIII* of the 1952 Roman Ritual and the rites contained in national rituals (CIC/17, c. 22)¹⁸. The new *Caeremoniale Episcoporum* was also introduced in 1984, which describes the marriage rites as celebrated by the bishop¹⁹.

¹⁶ PAULUS VI, Litterae Apostolicae Motu Proprio datae. Decernitur ut praescripta quaedam Constitutionis de Sacra Liturgia a Concilio Oecumenico Vaticano II probatae vigere incipiant *Sacram liturgiam*, 25.01.1964, AAS 56 (1964), p. 139-144, no. V; SACRA CONGREGATIO RITUUM. CONSILIUM, Instructio ad executionem Constitutionis de Sacra Liturgia recte ordinandam *Inter oecumenici*, 26.09.1964, AAS 56 (1964), p. 877-900, no. 70-75.

¹⁷ EADEM, Decretum *Ordo celebrandi matrimonium*, 19.03.1969, Prot. R. 23/969, Notitiae 5 (1969), p. 203: "Summus autem Pontifex Paulus VI eundem ritum Auctoritate Sua Apostolica approbavit et evulgari iussit. Quapropter haec Sacra Rituum Congregatio, de speciali mandato Summi Pontificis, illum promulgat, statuens ut a die 1 iulii 1969 adhibeatur. Contrariis quibuslibet minime obstantibus"; *Rituale Romanum ex decreto Sacrosancti Oecumenici Concilii Vaticani II instauratum auctoritate Pauli PP. VI promulgatum. Ordo celebrandi matrimonium*, Editio typica, Typis Polyglottis Vaticanis 1969. See Notitiae 5 (1969), p. 203-216; A. BUGNINI, *La riforma liturgica (1948-1975)*, Roma 1997, p. 674-684; C.J. GLENDINNING, 'Summorum Pontificum'..., p. 108-109; P. MILCAREK, *Małżeństwo, Chrzest...*, p. 123-128, 132-133; EADEM, *De Sacramento Matrimonii...*, p. 53-62; D. PIETRAS, *Nadzwyczajna forma...*, p. 277; S. CZĘŁAPA, *Liturgia sakramentu małżeństwa*, *Studia Pelplińskie* 12 (1981), p. 139-152; M. KOŁODZIEJ, *Adaptacje i akomodacje prawa liturgicznego według kan. 838 KPK*, Warszawa 2021, *pro manuscripto*, p. 270-271, 281-285; F. GRENIUK, *Reforma liturgii sakramentu małżeństwa*, *Collectanea Theologica* 40 (1970), p. 91-96.

¹⁸ See P. MILCAREK, *Małżeństwo, Chrzest...*, p. 121-123.

¹⁹ Cf. *Caeremoniale Episcoporum ex decreto Sacrosancti Oecumenici Concilii Vaticani II instauratum auctoritate Ioannis Pauli PP. II promulgatum*, Editio typica, Typis Polyglottis Vaticanis 1984, no. 598-620.

The second typical edition of the new Ritual of Marriage was published on March 19, 1990, and contained additional rites resulting from the norms of the 1983 Code of Canon Law (CIC/83, c. 1055-1165)²⁰. According to this book, in light of the Council's recommendations, the basic form of this Ritual is the rite of marriage contracted during the Holy Mass (*Caput 1*)²¹. In addition, the new Ritual also includes: the rites of marriage without the Mass with the rite of receiving Holy Communion (*Caput 2*); the rites of the marriage contract with a layman assisting as a qualified witness (*Caput 3*); and the rites of marriage between a Catholic and non-Christian or a catechumen (*Caput 4*).

National rituals conducted in their associated vernacular languages were also published. The Ritual for Poland was issued via the Sacred Congregation for Divine Worship's decree on November 16, 1972²². However, the current Ritual was approved by the Congregation for Divine Worship and the Discipline of the Sacraments on May 4, 1993²³. The code legislator provides that a conference of bishops may

²⁰ Cf. CONGREGATIO DE CULTU DIVINO ET DISCIPLINA SACRAMENTORUM, *Decretum Ritus celebrandi Matrimonium*, 19.03.1990, Prot. N. CD 1068/89, Notitiae 26 (1990), p. 300; *Rituale Romanum ex decreto Sacrosancti Oecumenici Concilii Vaticani II instauratum auctoritate Pauli PP. VI promulgatum. Ordo celebrandi matrimonium*, Editio typica altera, Typis Polyglottis Vaticanis 1991. See R. KILANOWICZ, *Obrzędy sakramentu małżeństwa w ujęciu wymogów Kodeksu Prawa Kanonicznego z 1983 roku*, *Ius Matrimoniale* 30 (2019) no. 2, p. 79-93; T. SYCZEWSKI, *Problematyka liturgiczna w przygotowaniu do małżeństwa*, *Studia Teologiczne* 11 (1993), p. 149-165; A.M. TRIACCA, *Matrimonio e verginità. Teologia e celebrazione per una pienezza di vita in Christo*, M. SODI, F. ATTARD (ed.), *Monumenta Studia Instrumenta Liturgica* 39, Libreria Editrice Vaticana 2005, p. 96-151.

²¹ See E.X. KALIANKARA, *Marriage and Eucharist: A theological investigation in the light of the Magisterial Teachings from Vatican II to Synod on the Eucharist* 2005, Roma 2011.

²² Cf. SACRA CONGREGATIO PRO CULTU DIVINO, *Decretum*, 16.11.1972, Prot. N. 1535/72, in: *Obrzędy Sakramentu Małżeństwa dostosowane do zwyczajów diecezji polskich*, Katowice 1974, p. 6.

²³ Cf. CONGREGATIO DE CULTU DIVINO ET DISCIPLINA SACRAMENTORUM, *Decretum*, 4.05.1993, Prot. CD 1255/92, in: *Obrzędy Sakramentu Małżeństwa dostosowane do zwyczajów diecezji polskich*, Katowice 2016, p. 7. See W. NOWAK, *Akomodacja*

develop its own marriage rites corresponding to the local and folk customs (CIC/83, c. 1120)²⁴.

It may be noted that the rites for the celebration of the Mass have changed, especially after the 1970 *Missale Romanum*'s entry into force. Another reform took place in 1975. Nowadays, the rites of the celebration of the *Pro Sponsis* Mass contained in the *Missale Romanum* of 2002, with the changes introduced in 2008, are currently in force. The reformed rites include three mass formularies with the final blessing, three prefaces, and three new texts of the solemn prayer over the spouses²⁵.

2. The matter of the legal basis for the celebration of marriage

Since the withdrawal of the rites of marriage according to the *Rituale Romanum* of 1952 until 1988, the documents of common law (concerning the introduction of the new liturgical books) did not mention the possibility of celebrating the liturgy of marriage in the *old form*. Since 1969, elderly and sick priests could – with the permission of their own Ordinary – use the earlier *Breviarium*

liturgii sakramentu małżeństwa nowego Rytuału Rzymskiego Pawła VI do potrzeb diecezji polskich, Collectanea Theologica 47 (1977) no. 3, p. 181-186; EADEM, *Elementy Agendy Marcina Kromera w odnowionej liturgii sakramentu małżeństwa dostosowanej do zwyczajów diecezji polskich*, Ruch Biblijny i Liturgiczny 32 (1979) no. 2-3, p. 149-156; M. KOŁODZIEJ, *Adaptacje i akomodacje...*, p. 271-281.

²⁴ Cf. *Rituale Romanum. Ordo celebrandi matrimonium* (1991), no. 39-44. See SACROSANCTUM CONCILIIUM OECUMENICUM VATICANUM II, *Constitutio Sacrosanctum Concilium*, no. 37-40, 63 b.

²⁵ Cf. *Missale Romanum ex decreto Sacrosancti Oecumenici Concilii Vaticani II instauratum auctoritate Pauli PP. VI promulgatum, Ordo Missae*, Editio typica, Typis Polyglottis Vaticanis 1970 (*Missae rituales – Missa pro Sponsis, In celebratione Matrimonii* – no. V, 1); *Missale Romanum ex decreto Sacrosancti Oecumenici Concilii Vaticani II instauratum auctoritate Pauli PP. VI promulgatum Ioannes Pauli PP. II cura recognitum*, Editio typica tertia, Typis Vaticanis 2002; *Missale Romanum ex decreto Sacrosancti Oecumenici Concilii Vaticani II instauratum auctoritate Pauli PP. VI promulgatum Ioannes Pauli PP. II cura recognitum*, Editio typica tertia reimpressio emendata, Typis Vaticanis 2008 (*Missae rituales – In celebratione matrimonium*, no. 4, V).

Romanum and *Missale Romanum* in private celebrations, which was clearly indicated in the documents issued by the Apostolic See²⁶. In 1971, Pope Paul VI authorized the use of the *Missale Romanum* for England and Wales, with the permission of the local Ordinary²⁷. However, concerning the celebration of the Holy Mass, according to the privileges described above, the changes in the rites that had

²⁶ Cf. SACRA CONGREGATIO PRO CULTU DIVINO, *Instructio de Constitutione Apostolica 'Missale Romanum' gradatim ad effectum deducenda Constitutione Apostolica*, 20.10.1969, Prot. N. 1399/69, AAS 61 (1969), p. 749-753, no. 19-20: "Sacerdotes aetate proveci qui Missam sine populo celebrant, quique graviore forsitan experiantur difficultates in novo Ordine Missae et novis textibus Missalis Romani et Ordinis lectionum Missae in usum assumendis, possunt, de consensu sui Ordinarii, ritus et textus qui nunc sunt in usu retinere"; "Casus vero peculiare, videlicet sacerdotum infirmorum, aut aegritudine vel aliis difficultatibus laborantium, huic Sacrae Congregationi proponantur"; PAULUS VI, *Constitutio Apostolica. Officium divinum ex decreto Concilii Oecumenici Vaticani II instauratum, promulgatur Laudis canticum*, 1.11.1970, AAS 63 (1971), p. 534-535: "Iis vero, qui, ob provecam aetatem vel ob peculiare causas, graves experiuntur difficultates in novo Ordine servando, licet, de consensu sui Ordinarii ac tantummodo in recitatione a solo peragenda, Breviarium Romanum, quod antea in usu erat, sive ex toto sive ex parte retinere"; SACRA CONGREGATIO PRO CULTU DIVINO, *Notificatio de Missali Romano, Liturgia Horarum et Calendario*, 14.06.1971, AAS 63 (1971), p. 712-715, no. 3: "Iis vero, qui ob provecam aetatem vel infirmitatem graves experiuntur difficultates in novo Ordine Missalis Romani, Lectionarii Missae vel Liturgiae Horarum servando, licet, de consensu sui Ordinarii ac tantummodo in celebratione sine populo facta, Missale Romanum iuxta editionem typicam anni 1962, a decretis annorum 1965 et 1967 accommodatum, vel Breviarium Romanum, quod antea in usu erat, sive ex toto sive ex parte retinere". See D. PIETRAS, *Nadzwyczajna forma...*, p. 170-172, 324-325; A. SORIA JIMÉNEZ, *Los principios de interpretación del 'Motu Proprio Summorum Pontificum'*, Madrid 2014, p. 64-72.

²⁷ Cf. SACRA CONGREGATIO PRO CULTU DIVINO, *Rescript for England and Wales His Holiness*, 5.11.1971, Prot. N. 1897/71, in: <https://lms.org.uk/heenan-indult> [access 15.11.2022], no. 1: "It is permitted to the local Ordinaries of England and Wales to grant that certain groups of the faithful may on special occasions be allowed to participate in the Mass celebrated according to the Rites and texts of the former Roman Missal. The edition of the Missal to be used on these occasions should be that published again by the Decree of the Sacred Congregation of Rites (27 January 1965), and with the modifications indicated in the *Instructio altera* (4 May 1967)". See D. PIETRAS, *Nadzwyczajna forma...*, p. 172-174; A. SORIA JIMÉNEZ, *Los principios...*, p. 73-81.

occurred until 1967 had to be taken into account, as indicated in the published documents. The celebration of the Mass according to the *Missale Romanum* of 1962 (without considering later changes) could only take place with the permission of the diocesan bishop under the decree *Quattuor abhinc annos*, issued by the Congregation for Divine Worship of October 3, 1984²⁸. On July 2, 1988, Pope John Paul II issued the apostolic letter *motu proprio Ecclesia Dei adflicta*, in which he urged the diocesan bishops to issue these necessary permissions in light of this decree²⁹. As a result, according to these listed documents, the indulgences issued in 1969-1988 concerned only the *Missale Romanum* and the *Breviarium Romanum* – not the *Rituale Romanum*.

Although the above-mentioned documents did not concern the celebration of marriage, the practice was still altered in 1988. This change was connected with the activity of the Pontifical Commission *Ecclesia Dei*, which had been established that year through the aforementioned *motu proprio Ecclesia Dei adflicta*. This body of the Roman Curia became competent in that matter connected with the liturgy of 1962. Then, by the rescript *Quia peculiare munus* of October 18, 1988, the Commission also received the competence necessary for the radical sanation of marriages invalidly contracted

²⁸ Cf. SACRA CONGREGATIO PRO CULTU DIVINO, Epistula de usu Missalis Romani iuxta editionem typicam anni MCMLXII *Quattuor abhinc annos*, 3.10.1984, Prot. N. 686/84, AAS 76 (1984), p. 1088-1089. See D. PIETRAS, *Nadzwyczajna forma...*, p. 175-180.

²⁹ Cf. IOANNES PAULUS II, Litterae Apostolicae Motu Proprio datae quibus Commissio quaedam ad plenam ecclesiam communionem Fraternitatis sacerdotalis a sancto Pio X sodalium vel eidem coniunctorum expediendam instituitur *Ecclesia Dei adflicta*, 2.07.1988, AAS 80 (1988), p. 1495-1498, no. 6 c: "Ubique observandus erit animus qui se sentiunt traditioni Latinae liturgicae divinctos, idque per amplam ac liberalem applicationem normarum iamdiu ab Apostolica Sede editarum, quod attinet ad usum Missalis Romani iuxta editionem typicam anni 1962". See D. PIETRAS, *Nadzwyczajna forma...*, p. 180-190; A. SORIA JIMÉNEZ, *Los principios...*, p. 84-106.

by the faithful attached to this liturgy (CIC/83, c. 1165 § 1)³⁰. In addition, the Congregation for Divine Worship, and the Discipline of the Sacraments, after consulting with this Commission, issued the *Responsio Generalis* on October 18, 1999. In this document, the Dicastery mentioned the possibility of celebrating the liturgy according to the *previous liturgical books (iuxta antecedentes libros liturgicos)*. The need to accept the books reformed after the Second Vatican Council, including the renewed *Ordo celebrandi matrimonium*, was emphasized³¹. This illustrates that the *motu proprio Ecclesia Dei adflicta* was interpreted in a broad way and was related to the permissions issued for that liturgy celebrated according to the *Rituale Romanum* of 1952.

When taking up the matter of the use of the discussed *Rituale Romanum* before the issuance of the *motu proprio Summorum Pontificum* of 2007³², the October 16, 2006, response of the Pontifical

³⁰ Cf. PONTIFICIA COMMISSIO ECCLESIA DEI, Rescriptum ex audientia SS.mi quo Cardinali Praesidi Pontificiae Commissionis ‘Ecclesia Dei’ speciales tribuuntur facultates, foras datur *Quia peculiare munus*, 18.10.1988, Prot. N. 233/88, AAS 82 (1990), p. 533-534, no. 2 b: “Sanandi in radice matrimonia nulla ob defectum formae can. 1108 requisitae, coram iisdem Sacerdotibus celebrata”; *Ibidem*, no. 1: “Concedendi omnibus id petentibus usum Missalis Romani secundum editionem typicam vim habentem anno 1962, et quidem iuxta normas iam a commissione Cardinalitia ‘ad hoc ipsum instituta’ mense Decembri anno 1986 propositas, praemonito Episcopo dioecesano”.

³¹ Cf. CONGREGATIO DE CULTU DIVINO ET DISCIPLINA SACRAMENTORUM, *Responsio generalis ad epistulas receptas quae ‘Risposte Ufficiali’ Congregationis de Cultu Divino diei 3 iulii 1999, Prot. 1411/99 spectant*, 18.10.1999, Prot. N. 1411/99, in: https://www.ecclesiadei.nl/docs/PROT1411_18-10-99_001.gif (p. 1) and https://www.ecclesiadei.nl/docs/PROT1411_1810_99_002.gif (p. 2) [access 13.12.2022], no. 5: “Suadet Sancta Sedes episcopos ut erga christifideles, qui iuxta antecedentes libros liturgicos sacram liturgiam participare desiderant, magnopere sint longanimes eorumque sensibilitatem prae oculis libenter habeant. Hi christifideles, ex parte sua, doctrinam Concilii Vaticani II teneant et item legitimitatem et cohaerentiam cum fide orthodoxa textuum liturgicorum post renovationem liturgicam promulgatorum ex corde agnoscant”.

³² Cf. BENEDICTUS XVI, Litterae Apostolicae ‘Motu Proprio’ datae de usu extraordinario antiquae formae Ritus Romani *Summorum Pontificum*, 7.07.2007, AAS 99 (2007), p. 777-781; EADEM, Epistula ad Episcopos Catholicae Ecclesiae Ritus

Commission *Ecclesia Dei* should be quoted. Although the letter has a private character, it provides important information for this study. In it, the Commission confirmed that it had always included the Sacrament of Marriage in its affirmative responses to various questions regarding the liceity of the celebration of the Sacraments according to the Ritual in force in 1962³³. In addition, in many other private replies written before 2007, the Commission assured inquirers of the possibility of celebrating the rites of the 1962 books, not only the Roman Missal of John XXIII³⁴. The clarification is understandable because this Sacrament – although it is celebrated outside the Holy Mass – is connected with the rites of the *Missale Romanum*. From 1988, the Pontifical Commission *Ecclesia Dei* acknowledged the given permissions and issued its own permissions for the celebration of marriage according to the *Rituale Romanum* of 1952.

In practice, diocesan bishops also issued permission to celebrate the Sacrament of Marriage in the *old form of the Roman Rite*. In his article on the topic, Canadian canonist Peter Vere cites a private response made by the Pontifical Commission *Ecclesia Dei* of May 17, 2002. In this letter, the Commission confirmed that there had never been any objection to the local Ordinary authorizing the celebration

Romani *Con grande fiducia*, 7.07.2007, AAS 99 (2007), p. 795-799; CONGREGATIO PRO DOCTRINA FIDEI. PONTIFICIA COMMISSIO ECCLESIA DEI, Instructio ad exsequendas Litteras Apostolicas ‘Summorum Pontificum’ a S.S. Benedicto PP. XVI Motu Proprio *Universae Ecclesiae*, 30.04.2011, AAS 103 (2011), p. 413-420.

³³ Cf. PONTIFICIA COMMISSIO ECCLESIA DEI, *Risposta riguardo ai sacramenti*, 16.10.2006, Prot. N. 131/2006, in: http://www.unavox.it/Documenti/doc0164_CED_Matrim.htm [access 14.11.2022]: “La Pontificia Commissione ha sempre incluso il Sacramento del Matrimonio nelle sue risposte affermative date a diverse domande sulla liceità di celebrare anche gli altri sacramenti – accanto alla santa Messa di cui tratta esplicitamente il Motu proprio di Giovanni Paolo II – secondo il Rituale in vigore nell’anno 1962”.

³⁴ Cf. EADEM, *Private response concerning celebration of the ‘Tridentine’ Mass*, 5.09.1995; Prot. N. 106/95, in: <http://www.catholicliturgy.com/index.cfm/Fuse-Action/DocumentContents/Index/2/SubIndex/11/DocumentIndex/413> [access 12.12.2022]: “The Motu Proprio does not speak of any restrictions, including age limits, on those who aspire to worship according to the liturgical books of 1962”.

of marriage according to the 1952 *Rituale Romanum*³⁵. Moreover, under the *motu proprio Ecclesia Dei adflicta*, diocesan bishops were able to erect personal parishes for the faithful who adhered to the *earlier forms of the Roman liturgy* (CIC/83, c. 518; cf. c. 383 § 2). This possibility was also mentioned in the documents of the Congregation for Divine Worship and the Discipline of the Sacraments of 1999 and the Congregation for the Clergy of 2002³⁶. An example of a parish erected in the years 1988-2007 is the parish of St. Francis de Sales in Mableton in the Archdiocese of Atlanta in the USA, which was established by Archbishop John F. Donoghue on January 27, 1999. Another example is the parish erected by Bishop Dominique Rey on September 15, 2005, whose seat is the church of Saint Francis of Paule in Toulon, France. In this decree of erection, the possibility of using

³⁵ Cf. P.J. VERE, *Canon 36. Liturgical Adaptations to the 1962 Roman Missal*, in: *Roman Replies and CLSA Advisory Opinions 2002*, S. PEDONE, J.I. DONLON (ed.), Washington 2002, p. 63: "In the case of weddings and funerals the Commission has always held that there is no problem about these if the local ordinary (bishop) gives his permission".

³⁶ Cf. CONGREGATIO DE CULTU DIVINO ET DISCIPLINA SACRAMENTORUM, *Littera a Mons. Gaetano Bonicelli, Arcivescovo di Siena*, 11.06.1999, Prot. N. 947/99/L, in: <http://www.unavox.it/doc11.htm> [access 31.12.2022]: "Qualora il gruppo fosse numeroso, ci sarebbe anche la possibilità di stabilire per esso un capellano (vedi CIC, cann. 564-567, 571-572), oppure anche una parrocchia personale (vedi CIC, can. 515 § 1), come è stato il caso in qualche diocesi negli Stati Uniti d'America e nel Canada"; EADEM, *Responsio generalis...*, no. 6: "In dioecesisibus, iuxta diversa rerum adiuncta, benignitas in christifidelibus excipiendis qui formae antecedentis adhaerent exprimitur sive per assignationem in ecclesiis quibusdam horarum ad liturgiam celebrandam accomodatarum, sive per indicationem alicuius ecclesiae, quae his fidelibus praesto sit cura rectoris seu cappellani, sive quandoque etiam per erectionem paroeciae personalis"; CONGREGATIO PRO CLERICIS, *Carta de autorização para o ministério da Administração fora da Diocese de Campos*, 16.11.2002, Prot. N. 1029/2002, in: M.A. SOARES, *A trajetória da Igreja Local de Campos no Pós Concílio. Estudo Teológico Pastoral sobre os seus atuais desafios e exigências*, Rio de Janeiro 2010, p. 139-141, no. 2: "Faz parte igualmente das faculdades ordinárias do Bispo diocesano, ponderadas todas as circunstâncias, erigir – e, por conseguinte, também em favor destes grupos de fiéis – paróquias pessoais, reitorias ou capelanias, segundo o estabelecido pelos cânones 518; 556-557 § 1; 564-566 § 1; 571-572 CIC".

the books of 1962, and therefore also the earlier *Rituale Romanum*, was clearly indicated³⁷.

In practice, therefore, even though the decree *Quattuor abhinc annos* and the motu proprio *Ecclesia Dei adflicta* concerned the *Missale Romanum*, the celebration of marriage in the *old form* was possible before 2007 due to an indult granted by the Apostolic See or a diocesan bishop. However, it has not been specified whether such permission could be issued by the Ordinary – who was not, in law, equal to the diocesan bishop (CIC/17, c. 198; CIC/83, c. 134). In addition, in the Pontifical Commission *Ecclesia Dei*'s responses cited above, it should be noted that a certain, constant practice of granting permission for the celebration of this Sacrament (*semper incluso; has always held*) is emphasized. Furthermore, the celebration of marriage was explicitly mentioned in these letters³⁸. It cannot be ruled out that the practice of issuing permissions for the celebration of marriage resulted from the fact of combining these rites with the Holy Mass, a point which has already been underlined.

3. The special right of the celebration of marriage in the communities

It should be mentioned that in the years 1965–2007, several communities received the right to celebrate the liturgy of the 1962 books, including

³⁷ Cf. J.F. DONOGHUE, *Decree of Establishing St. Francis de Sales Catholic Church*, 27.01.1999, in: <https://stfrancisdesalesparish.files.wordpress.com/2014/07/parish-decree.jpg> [access 1.10.2018]: "(...) as a personal parish, to serve the needs of Catholics who wish to attend the rites of Holy Mother Church according to the 1962 Missal, and in accord with the provisions of the indult, *Ecclesia Dei*"; D. REY, *Décret d'ériger une paroisse à Toulon*, 15.09.2005, in: https://drive.google.com/file/d/0B4_xHxezC4PzckFTcnBRRTNJTUVU/view [access 10.11.2022]: "Est concédée à cette paroisse personnelle, la faculté de célébrer l'Eucharistie, les autres sacrements, la Liturgie des Heures et toutes les autres actions liturgiques selon les livres en vigueur dans l'Élatine en 1962, suivant les dispositions du Motu proprio *Ecclesia Dei Adflicta* du juillet 1988". See D. PIETRAS, *Nadzwyczajna forma...*, p. 401.

³⁸ Cf. PONTIFICIA COMMISSIO ECCLESIA DEI, *Risposta riguardo...*; P.J. VERE, *Canon 36...*

the celebration of marriage according to the *Rituale Romanum* of 1952. The most characteristic and well-known communities will be discussed here. The majority of them were established by the Pontifical Commission *Ecclesia Dei*, pursuant to the aforementioned rescript *Quia peculiare munus* of 1988. The Commission itself also confirmed this in private responses addressing its competence with regard to establishing communities for the celebration of the liturgy according to the books of 1962³⁹.

Before describing the communities erected since 1988, we must first mention the Society of Saint Pius X (SSPX), which was founded by Archbishop Marcel Lefebvre. The community was erected as a *pia unio* on November 1, 1970, by Bishop François Charrière – Ordinary of the Diocese of Lausanne-Geneva-Fribourg in Switzerland (CIC/17, c. 707 § 1)⁴⁰. As the *Rituale Romanum* of 1952 was not explicitly mentioned in this decree and the approved Statutes, the community had to obtain the permission necessary to use this book and, consequently, to celebrate the Sacrament of Marriage. However,

³⁹ Cf. PONTIFICIA COMMISSIO ECCLESIA DEI, Rescriptum *Quia peculiare munus*, no. 4: “Canonice erigendi, in Institutum vitae consecratae vel in Societates vitae apostolicae, communitates, quae revera iam existunt quaeque antecedentibus formis liturgicis et disciplinariis traditionis Latinae sunt devinctae, audito Praefecto Congregationis pro Religiosis et Institutis Saecularibus”; *Ibid.*, no. 3, 5-6; EADEM, *Private response concerning celebration of the ‘Tridentine’ Mass*, 31.01.1997, in: <http://www.catholicliturgy.com/index.cfm/FuseAction/DocumentContents/Index/2/SubIndex/11/DocumentIndex/414> [access 25.12.2022]: “It should be mentioned that the Commission has used the faculty of erecting religious institutes which would benefit from the use the Roman Missal of 1962 and the other liturgical books in force at that time”. See G. ROCCA, *Bilancio a quasi ventidue anni dall’istituzione. Una finestra aperta sull’attività dell’Ecclesia Dei*, *L’Osservatore Romano* 107 (2010), p. 7. The communities that celebrated the liturgy according to the books of 1962 after *Vaticanum II* were extensively described in chapters IV and V of the cited monograph: D. PIETRAS, *Nadzwyczajna forma...*, p. 335-503.

⁴⁰ Cf. F. CHARRIÈRE, Décret d’érection de la ‘Fraternité Sacerdotale Internationale Saint Pie X’, 1.11.1970, in: Y. MONTAGNE, *L’évêque suspens: Mgr. Lefebvre*, Rome 1977, p. 27; *Statuts de la Fraternité des Apôtres de Jésus et Marie*, 1.11.1970, Fribourg 1970, in: http://laportelatine.org/quisommesnous/statuts/001_statuts.php [access 15.11.2022], no. 2-4. See D. PIETRAS, *Nadzwyczajna forma...*, p. 415-417.

the Society was suspended by the local Ordinary on May 6, 1975, and so lost the right to use the former liturgical books (CIC/17, c. 699 § 1)⁴¹. To this end, it is difficult to find detailed information on the rules for using the earlier Roman Ritual. The SSPX was the first community since the post-conciliar reform of these rites wherein priests could assist at marriages and celebrate the Holy Mass using the books of the 1962 typical edition.

The activities of the Priestly Fraternity of Saint John Mary Vianney in Campos, Brazil, founded in 1988 by Bishop Antônio de Castro Mayer, should also be included in this discussion. This community celebrated the liturgy according to the books of 1962, including the 1952 *Rituale Romanum*, but without permission of the Apostolic See. These priests were under ecclesial censures from 1982 until the early 2000s⁴². The community's canonical situation was normalized in 2002, an event which will be described later in the article. In addition to this Fraternity, marriages in the *old form of the liturgy* were celebrated by communities attached to the SSPX

⁴¹ Cf. P. MAMIE, *Lettre à Mgr Lefebvre concernant la décision de suspension de la FSSPX*, 6.05.1975, *La Documentation Catholique* 72 (1975), p. 615: "Quant à nous, nous continuons de demander aux fidèles comme prêtres catholiques d'accepter et d'appliquer toutes les orientations et décisions du IIe Concile du Vatican, (...) y compris dans la liturgie nouvelle". See D. PIETRAS, *Nadzwyczajna forma...*, p. 418-421.

⁴² Cf. C.A. NAVARRO, *Decreto*, 25.08.1982, in: <https://fratresinunum.com/tag/padres-de-campos/> [access 21.12.2022]: "A todos e a cada um dos sacerdotes incardinados ou com uso de ordens nesta Diocese de Campos se preceitua: a) responder-nos, por escrito, individualmente, até 25 de setembro, se aceita, como esperamos, a decisão do Santo Padre; b) a partir do dia 25 de outubro de 1982, o uso EXCLUSIVO dos Livros Litúrgicos aprovados pela Sé Apostólica, e em vigor na Igreja Latina, fazendo-se especial menção da Constituição Apostólica do Santo Padre Paulo VI, de três de abril de 1969, que promulga o Missal Romano restaurado (...); c) Se algum presbítero ousar desobedecer a quanto se prescreve neste Decreto, o que esperamos não aconteça, fica desde já canonicamente advertido de que seremos obrigados a dar cumprimento aos Sagrados Cânones, com especial menção dos cc. 2331 §§ 1 e 2 e/ou 2337 §§ 1 e 2, dentro das normas do direito em vigor". See D. PIETRAS, *Nadzwyczajna forma...*, p. 337-341.

and sedevacantism. These communities also celebrated the Mass without ecclesial unity⁴³.

When describing the celebration of marriage according to the earlier *Rituale Romanum*, the July 27, 1988 decree of the Congregation for the Doctrine of the Faith, should also be mentioned. With this document, the Dicastery regulated the canonical status of the Abbey of Saint Mary Magdalene in Le Barroux, France, and the Abbey of Santa Cruz in Nova Friburgo, Brazil. In the issued decree, the Congregation allowed the members of these communities to use the liturgical books of 1962 and reside in their community's houses. It noted their right to receive the Sacraments according to the *previous rites*, including marriage, while maintaining can. 1122 CIC/83 (i.e., regarding the inscribing the reception of this Sacrament in the register where the baptism of the spouses has been inscribed)⁴⁴.

Then, on September 10, 1988, the Pontifical Commission *Ecclesia Dei* issued a decree addressed to the Priestly Fraternity of Saint Peter (FSSP) as a society of apostolic life of the pontifical right. In the decree – based on the *motu proprio Ecclesia Dei adflicta* – the Commission allowed the FSSP to celebrate the liturgy according to the books of 1962 in the churches and chapels of the community. However, the use of the Roman Ritual outside of these buildings required the permission of the local Ordinary. This right was included in the October 18, 1988 decree of erection, and in the Constitutions of the community⁴⁵.

⁴³ See *Ibid.*, p. 486-499.

⁴⁴ Cf. CONGREGATIO PRO DOCTRINA FIDEI, *Lettre au R.P. Gérard Calvet prieur du monastère Sainte-Madeleine du Barroux*, 25.07.1988, Prot. N. 75/83, La Documentation Catholique 85 (1988), p. 931-932: “Conformément au paragraphe 6, a, du *motu proprio Ecclesia Dei*, à savoir: – L’usage, en privé et en public, des livres liturgiques en vigueur en 1962, pour les membres des communautés et ceux qui fréquentent leurs maison; (...) – Le droit pour les fidèles de recevoir les sacrements selon les livres octroyés dans les maisons des communautés, compte tenu des canons 878, 896 et 1122 du Code de droit canonique”. See D. PIETRAS, *Nadzwyczajna forma...*, p. 380-381.

⁴⁵ PONTIFICIA COMMISSIO ECCLESIA DEI, *Decretum de liturgia secundum editiones typicas librorum anno 1962 per FSSP Pontificia Commissio*, 10.09.1988, *pro*

The decree *Animarum bonum* of the Congregation for Bishops, issued on January 18, 2002, is also significant. Through this document, the Dicastery granted a special right to the newly established Personal Apostolic Administration of Saint John Mary Vianney in Campos, Brazil. The priests of the Administration (previously members of the Priestly Fraternity of Saint John Mary Vianney) could legally assist at marriages using the books of Pope Pius V, according to the typical edition in force during the pontificate of Pope John XXIII, i.e. from the discussed *Rituale Romanum*⁴⁶.

Another community that should be mentioned here is the Institute of the Good Shepherd, which is a society of apostolic life

manuscripto: “Pontificia Commissio ‘Ecclesia Dei’ (...), facultatem concedit Missae sacrificium celebrandi, ritus sacramentorum aliosque sacros ritus peragendi necnon Officium Divinum persolvendi secundum editiones typicas librorum liturgicorum anno 1962 vigentium, scilicet Missale, Rituale, Pontificale, et Breviarium Romanum. Qua facultate uti poterunt in ecclesiis vel oratoris propriis; alibi vero non nisi de consensu Ordinarii loci, excepta Missae privatae celebratione”; EADEM, Decretum erectionis ‘Fraternitatis Sacerdotalis Sancti Petri’ *Pontificia Commissio*, 18.10.1988, Prot. N. 234/88, in: *Ordo Administrativus ad usum Cleri Fraternitatis Sacerdotalis Sancti Petri 2022*, Fribourg 2022, p. 156: “Sodalibus Fraternitatis Sacerdotalis Sancti Petri necnon aliis sacerdotibus, qui in domibus Fraternitatis hospites sint vel in ipsis ecclesiis ministerium sacrum exercent, usus conceditur librorum liturgicorum iam anno 1962 vim habentium”; *Constitutions of the Priestly Fraternity of Saint Peter*, 29.06.2003, Fribourg 2013, in: *Vademecum of the Priestly Fraternity of Saint Peter*, Fribourg 2021, p. 2-35, no. 8: “The particular aim of the Fraternity of Saint Peter is to achieve this objective through the faithful observance of the *liturgical and disciplinary traditions* according to the dispositions of the *Motu Proprio Ecclesia Dei* of July 2, 1988, which is the origin of its foundation”. See D. PIETRAS, *Nadzwyczajna forma...*, p. 360-370.

⁴⁶ Cf. CONGREGATIO PRO EPISCOPIS, Decretum de Administratione Apostolica personali Sancti Ioannis Mariae Vianney condenda *Animarum bonum*, 18.01.2002, Prot. N. 1026/2001, AAS 94 (2002), p. 305-308, no. III: “Administrationi Apostolicae facultas confirmatur sacram Eucharistiam, alia sacramenta, Liturgiam Horarum ceterasque liturgicas actiones celebrandi secundum Ritus Romanum ac disciplinam liturgicam, utrumque recognitum et ordinatum ad sancti Pii V praescripta, una cum accommodationibus quas Successores usque ad beatum Ioannem XXIII induxerunt”; CONGREGATIO PRO CLERICIS, *Carta de autorização...* See D. PIETRAS, *Nadzwyczajna forma...*, p. 341-359; A. SORIA JIMÉNEZ, *Los principios...*, p. 106-112.

of the pontifical right. In the foundation decree of September 8, 2006, and in the community's Statutes, a note was made that indicated this community's celebrations would only be held according to the books of 1962, including the *Rituale Romanum*. This has been defined as the community's own rite (*ritum proprium; le rite propre*)⁴⁷.

A final word will be given here to those communities that were established by their local Ordinaries in the years from 1988 to 2007. An example of these is the Society of Saint John Cantius, which is a public association of the faithful erected by Archbishop Francis George – Ordinary of the Diocese of Chicago – on December 23, 1999. The priests of the community received the right to celebrate the liturgy according to the 1962 books, including the use of the 1952 *Rituale Romanum* for the celebration of marriage⁴⁸.

Conclusions

This study has demonstrated how, after the Second Vatican Council, changes were made to the discipline and shape of the rites of marriage. The rites contained in *Titulus VIII* of the Roman Ritual of 1952 were replaced by the rites contained in the post-conciliar *Ordo celebrandi matrimonium*, which was issued in 1969 and again (in its

⁴⁷ Cf. PONTIFICIA COMMISSIO ECCLESIA DEI, Decretum erectionis 'Instituti a Bono Pastore' *Pastorem et Episcopum*, 8.09.2006, Prot. N. 118/2006, *pro manuscripto*: "Denique membris huius Instituti ius confert Sacram celebrandi Liturgiam, et quidem ut eorum ritum proprium, utendo libris liturgicis, id est Missali Romano, Rituali Romano, atque Pontificali Romano, quoad Ordines conferendos, anno 1962 vigentibus, necnon Officium Divinum recitandi secundum Breviarium Romanum eodem anno editum"; *Statuts de l'Institut du Bon Pasteur*, 8.09.2006, Courtalain 2006, no. I, 2: "Le rite propre de l'Institut, dans tous ses actes liturgiques, est le rite romain traditionnel, contenu dans les quatre livres liturgiques en vigueur en 1962, à savoir le pontifical, le missel, le bréviaire et le rituel Romain". See D. PIETRAS, *Nadzwyczajna forma...*, p. 370-379; A. SORIA JIMÉNEZ, *Los principios...*, p. 113-119.

⁴⁸ Cf. F. GEORGE, *Decree approving the Statutes and erecting The Society of Saint John Cantius as a public diocesan association of the faithful with juridic personality*, 23.12.1999, in: <http://www.canons-regular.org/go/about/decree-of-erection/> [access 7.11.2022].

current version) in 1991. As a result, the *old rites* were abrogated by the promulgation of the new Ritual of Marriage.

The conducted analysis has shown that, from the reform of the liturgy of marriage after *Vaticanum II* to 1988, the Sacrament of Marriage in its *old form* was generally practiced by only in the Society of Saint Pius X, Priestly Fraternity of Saint John Mary Vianney, and sedevacantist communities. The establishment of the Pontifical Commission *Ecclesia Dei* by Pope John Paul II in 1988 was the turning point. This body in the Roman Curia became responsible for the celebration of the 1962 liturgy. Since that year, the Apostolic See has continued the practice of issuing permission to use the 1952 *Rituale Romanum*, which was connected with the celebration of the Mass according to the *Missale Romanum* of Pope John XXIII. Diocesan bishops also issued *ad casum* permission, and so established personal parishes and other communities. This was done under the *motu proprio Ecclesia Dei adflicta* of 1988, even though it must be emphasized that this document itself did not mention the possibility of issuing permission to celebrate *earlier marriage rites*. However, the documents of the Congregation for Divine Worship and the Discipline of the Sacraments and the Congregation for the Clergy stated this possibility.

In addition, in the years 1988-2007, the Congregation for the Doctrine of the Faith, the Congregation for Bishops, and the Pontifical Commission *Ecclesia Dei* established communities that were equipped with a special right to celebrate the liturgy of marriage according to the Roman Ritual of 1952. Such a right was granted to, among others: the Abbey of Saint Mary Magdalene in Le Barroux, the Abbey of Santa Cruz in Nova Friburgo, the Priestly Fraternity of Saint Peter, the Personal Apostolic Administration of Saint John Mary Vianney, and the Institute of the Good Shepherd.

The discipline of the marriage celebration changed in 2007. Then, Pope Benedict XVI issued the apostolic letter *motu proprio Summorum Pontificum*, in which he introduced the universal law allowing the celebration of this Sacrament according to the 1952 *Rituale Romanum*, under certain conditions. These circumstances will

be taken up in a following study, entitled: “The ecclesiastical discipline of the celebration of marriage according to the books of the Roman Rite of 1962 after the Second Vatican Council according to the *motu proprio Summorum Pontificum* and *Traditionis custodes*”. This forthcoming article will also be published in the *Ius Matrimoniale* journal.

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