
In any given semester, about half of the students enrolled in my course on the theology of marriage choose to write their term papers on the similarities and differences between the civil and canon law of marriage. On this latter subject, Father Adolfo Dacanáy, SJ, speaks with such authority that I have become accustomed to seeing citations to his book *Canon Law on Marriage: Introductory Notes and Comments* where I expected to find references to the actual 1983 Code of Canon Law. While this oversight on the part of my students causes me some consternation, I am relieved that they at least recognize a good source when they see it. This is no mere flattery. Incorporating an impressive variety of scholarship and jurisprudence alongside the author’s own considerable expertise, *Canon Law on Marriage* is to be recommended not only as an introductory text for new students in canon law but also as a ready reference work for established practitioners.

*Canon Law on Marriage* ranks with other standard English-language commentaries on canon law, such as the *New Commentary on the Code of Canon Law* and *The Canon Law: Letter and Spirit*, prepared under the auspices of the Canon Law Societies of America and of Great Britain and Ireland, respectively. While these latter are comprehensive in scope, treating all aspects of the Code of Canon Law, Dacanáy’s book adopts a more limited focus, restricting itself principally to the substantive law of marriage found in canons 1055–165 and to certain incidental questions of procedure. The result is a slim but highly detailed work of eminent practicality.

I lay stress on the element of practicality chiefly because the most significant contact the average person tends to have with canon law is in the area of marriage; which fact holds good whether the person in question is a laic, a cleric, or even a professional canonist. While the other commentaries mentioned above are mainstays of scholarship and practice, their treatment of the canon law on marriage is neither as extensive nor as thorough as in Dacanáy’s book, which takes this subject as its *raison d’être*. Accordingly, the book is well-suited to those with specialized interests, as well as those of limited means, including seminarians or even diocesan tribunals whose budgets might not permit the purchase of a more expensive general commentary.
*Canon Law on Marriage* is conspicuous for its meticulous organization. In conventional fashion, the broad outlines of its structure follow those of the portions of the Code of Canon Law being commented upon. Concretely, this entails the book’s division into ten chapters, introducing the reader to basic concepts in the canon law on marriage; diriment impediments, both in general and in specific; matrimonial consent; canonical form; mixed marriages; the secret celebration of marriage; the effects of marriage; the separation of the spouses; and the convalidation of marriage. Each chapter is further divided into topical sections, generally following the sequence of canons in the Code of Canon Law. Exceptions are made in some places to facilitate a more logical exposition, as, for example, in the chapter on matrimonial consent, where Dacanáy defers treatment of canon 1095 until after his discussion of canons 1096–99 and 1101–3 in line with his categorization of the elements of consent as cognitive, volitive, and psychosomatic. Still further divisions (up to the sixth level in some places) allow for ease of reference, virtually obviating the need for an index. This feature represents a clear advantage over bulkier tomes such as the *New Commentary on the Code of Canon Law*, which features an extensive but cumbersome index.

There is little opinion in *Canon Law on Marriage*. Dacanáy does not use the book as a pretext to advance any pet theories or to advocate for any changes to sacramental or canonical discipline. Rather, in an edifying display of scholarly restraint, he limits himself to statements of fact: what the letter of the law is, what its background is, and what its applications are. Where there is a professional consensus on a given legal question, Dacanáy explains its rationale and ramifications; where a matter is controverted, he presents the opposing views fairly and with circumspection.

This is not to say Dacanáy is an unimaginative writer. Quite the contrary, his ability to synthesize a wide variety of sources is impressive, excelling even that of the several authors responsible for the sections on marriage law in the *New Commentary on the Code of Canon Law*. In addition to commenting on landmark decisions of the Roman Rota, most notably in the area of matrimonial consent, he also draws upon works by renowned canonists such as Urbano Navarrete and Mario Pompedda, under whom he studied at the Pontifical Gregorian University; standard commentaries such as those of Augustine, Capello, Chiapetta, and Wernz and Vidal; and a wealth of scholarship, including his own books and journal articles. While *Canon Law on Marriage* lacks a comprehensive bibliography, Dacanáy does provide extensive footnotes to facilitate the further study of interested readers. Newcomers to canon law may also find these footnotes useful, though they
might also be daunted by the extensive Latin quotations Dacanáy inserts here as a means of substantiating his arguments.

In limiting his focus to the substantive law of marriage, Dacanáy has assured his book a relatively timeless quality. Indeed, since its publication fifteen years ago, the most significant reforms to the canon law on marriage—the 2005 Instruction Dignitas connubii and the 2015 Motu Proprio Mitis Iudex Dominus Iesus—have concerned not substantive but procedural law. Nor does the foreseeable future portend any major reforms in this area, except for the possible elimination of the requirement of canonical form now being advocated by some canonists as a means of reducing the number of invalid marriages.

But while Canon Law on Marriage remains for the most part current, in some respects it stands updating. The chief problem in this regard is that the book does not account for the reforms instituted through the 2009 Motu Proprio Omnium in mentem, striking clauses from canons 1086 §1, 1117, and 1124 which had until then exempted Catholics who had defected from the Church by a formal act from the impediment of disparity of cult, the mandatory observance of canonical form, and the requirement to obtain permission from the competent authority before contracting a mixed marriage.

Dacanáy’s copy editors have done him a disservice in allowing several manuscript errors to make it into the final version of his book. Happily, these are all minor in nature and do not affect the fundamental correctness of his exposition or analysis. While his meaning is always clear from the wider context, it is nevertheless irksome to encounter misspellings (“occluded gavina” [vagina] [40]), omissions (“Still, because it would [not] be recognized by civil law . . . ” [69]), errors in terminology (“The Family Code does not permit . . . marriages between persons related by consanguinity, fourth degree in the direct [collateral] line” [69]), and repetitions (“Where a subject has a built-in respect . . . ” and “When a subject has a built-in respect . . . ” [95]). To remove this burden upon the reader, especially those for whom the book is their first introduction to the canon law on marriage, it is desirable that these errors be corrected in a revised edition.

Mindful of my having commended Dacanáy for fixing properly the scope of his book, I would like to conclude this review by offering respectfully that more could have been done to illustrate the relationship between the canon and civil law of marriage in the Philippines. Including such a discussion would have further enhanced the book’s usefulness not only to its primary audience, namely, seminarians aspiring to ordained ministry, but also to an important secondary audience, namely, civil law practitioners. The chief benefit to the
former would be to clarify their future roles and responsibilities as agents not only of the Church, but of the State, which deputizes religious ministers to solemnize marriages on its behalf (FCP 1987, art. 7(2)). The chief benefit to the latter would be to clarify their understanding of psychological incapacity to assume the essential obligations of marriage, a canonical concept which the civil law has taken over as a grounds of marital nullity (CIC 1983, c. 1095 3°; FCP 1987, art. 36), yet which lacks a precise definition in either legal system.

In saying this, I must acknowledge that the strictly canonical focus of the book has not kept it from attracting a wide readership or even from contributing to the development of secular legal thought on marriage nullity. Shortly after its publication, an author writing in the *Philippine Law Journal* cited *Canon Law on Marriage* extensively to illustrate his argument that civil jurisprudence on psychological incapacity has failed to advert sufficiently to the concept's canonical sources, thereby needlessly restricting its applicability.1 Reading the article, I noticed that in places the author had placed citations to Father Dacanáy’s *Canon Law on Marriage* where I would have expected to find references to the actual Code of Canon Law. By now I have become accustomed to seeing this sort of thing.

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Written in 2006 as the second volume in a planned four-volume work on the sacramental law of the Church, *The Sacraments of Initiation (Baptism, Confirmation, Eucharist): A Commentary on Cc. 849–958 of the Code of Canon Law* proves to be an excellently crafted resource for all who wish to be knowledgeable in the canon law underlying the various sacraments of initiation

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