

879696

265, 5

THE  
CATHOLIC CHURCH  
AND THE  
MARRIAGE TIE



JAMES, CARDINAL GIBBONS, *Archbishop of  
Baltimore, Md.*



*PRICE, ONE CENT*

---

**No. 1**

---

*Chicago :*  
*The Catholic Truth Society*  
*Office, Loretto Building, Corner Harrison*  
*and Loomis Streets*  
*1901*

Deacidified

# THE CATHOLIC CHURCH AND THE MARRIAGE TIE

---

## MARRIAGE—THE MOST SACRED OF ALL CONTRACTS.

Marriage, in the view of the church, is the most inviolable and irrevocable of all contracts that were ever formed. Every human compact may be lawfully dissolved but this. Nations may be justified in abrogating treaties with each other; merchants may dissolve partnerships; brothers will eventually leave the parental roof, and, like Jacob and Esau, separate from one another; friends, like Abraham and Lot, may be obliged to part company: but by the law of God the bond uniting husband and wife can be dissolved only by death. No earthly sword can sever the nuptial knot which the Lord has tied, for "what God hath joined together let no man put asunder."

Three of the evangelists, as well as the apostles of the gentiles, proclaim the indissolubility of marriage and forbid a wedded person to engage in second wedlock during the life of his spouse. There is, indeed, scarcely a moral precept more strongly enforced in the gospel than the indissoluble character of marriage validly contracted.

The pharisees came to Jesus, tempting him and saying, "Is it lawful for a man to put away his wife for every cause?" who, answering, said to them: "Have ye not read that he who made man from the beginning made them male and female. And

NEA 3503

for this cause shall a man leave father and mother and shall cleave to wife and they two shall be one flesh. Therefore now they are not two but one flesh. What, therefore, God hath joined together let no man put asunder." They say to him: "Why then did Moses command to give a bill of divorce and to put away?" He said to them: "Because Moses, by reason of the hardness of your heart, permitted you to put away your wives; but from the beginning it was not so. And I say to you that whosoever shall put away his wife, except it be for fornication, and shall marry another, committeth adultery, and he that shall marry her that is put away committeth adultery."

#### **NO LEGISLATION DEvised BY MAN CAN VALIDLY DISSOLVE IT.**

Our Savior here emphatically declares that the nuptial bond is ratified by God himself and hence that no man, nor any legislation framed by man, can validly dissolve the contract.

To the pharisees interposing this objection, if marriage is not to be dissolved, why then did Moses command to give a divorce, our Lord replies that Moses did not command, but simply permitted the separation, and that in tolerating this indulgence the great lawgiver had regard to the violent passion of the Jewish people, who would fall into a greater excess if their desire to be divorced and to form a new alliance were refused. But our Savior reminded them that in the primitive times no such license was granted. He then plainly affirms that such a privilege would not be conceded in the new dispensation, for he adds:

"I say to you: Whosoever shall put away his wife and shall marry another committeth adultery."

Protestant commentators erroneously assert that the text justifies an injured husband in separating from his adulterous wife and marrying again. But the Catholic Church explains the gospel in the sense that while the offended consort may obtain divorce from bed and board from his unfaithful wife he is not allowed a divorce a vinculo matrimonii, so as to have the privilege of marrying another.

### TESTIMONY OF SCRIPTURE.

This interpretation is confirmed by the concurrent testimony of the Evangelists Mark and Luke and by St. Paul, all of whom prohibit a divorce a vinculo without any qualification whatever. In St. Mark we read :

“Whosoever shall put away his wife and marry another committeth adultery against her, and if the wife shall put away her husband and be married to another she committeth adultery.”

The same unqualified declaration is made by St. Luke :

“Every one that putteth away his wife, and marieth another committeth adultery: and he that marrieth her that is put away from her husband committeth adultery.”

Both of these Evangelists forbid either husband or wife to enter into second wedlock, how aggravating soever may be the cause of their separation. And surely if the case of adultery authorized the aggrieved husband to marry another wife, those inspired penmen would not have failed to mention that qualifying circumstance.

Passing from the gospels to the Epistle of St. Paul to the Corinthians we find there also an unqualified prohibition of divorce. The apostle is

writing to a city newly converted to the Christian religion. Among other topics he indicates the doctrine of the church respecting matrimony. We must suppose that, as an inspired writer and a faithful minister of the word, he discharges his duty conscientiously, without suppressing or extenuating one iota of the law. He addresses the Corinthians as follows :

“To them that are married, not I, but the Lord commandeth that the wife depart not from her husband. And if she depart that she remain unmarried, or be reconciled to her husband. And let not the husband put away his wife.”

Here we find the apostle, in his Master's name, commanding the separated couple to remain unmarried, without any reference to adultery. If so important an exception existed, St. Paul would not have omitted to mention it; otherwise he would have rendered the gospel yoke more grievous than its founder intended.

We therefore must admit that, according to the religion of Jesus Christ, conjugal infidelity does not warrant either party to marry again, or we are forced to the conclusion that the vast number of Christians whose knowledge of Christianity was derived solely from the teachings of Saints Mark, Luke and Paul were imperfectly instructed in their faith.

The Catholic Church, following the light of the gospel, forbids a divorced man to enter into second espousals during the life of his former partner. This is the inflexible law she first proclaimed in the face of pagan emperors and people and which she has ever upheld, in spite of the passions and voluptuousness of her own rebellious children.

## HISTORIC DIVORCES AND THE CHURCH.

Henry VIII, of England, once an obedient son and defender of the church, conceived in an evil hour a criminal attachment for Anne Boleyn, a lady of the Queen's household, whom he desired to marry after being divorced from his lawful consort, Catherine of Aragon. But Pope Clement VII, whose sanction he solicited, sternly refused to ratify the separation, though the Pontiff could have easily foreseen that his determined action would involve the church in persecution and a whole nation in the unhappy schism of its ruler.

Had the Pope acquiesced in the repudiation of Catherine, and in the marriage of Anne Boleyn, England would, indeed, have been spared to the church, but the church herself would have surrendered her peerless title of Mistress of Truth.

When Napoleon I repudiated his devoted wife, Josephine, and married Marie Louise of Austria, so well assured was he of the fruitlessness of his attempt to obtain from the Holy See the sanction of his divorce and subsequent marriage that he did not even consult the Holy Father on the subject. A few years previously Napoleon applied to Pius VII to annul the marriage which his brother Jerome had contracted with Miss Patterson of Baltimore. The Pope sent the following reply to the Emperor:

"Your Majesty will understand that upon the information thus far received by us it is not in our power to pronounce a sentence of nullity. We cannot utter a judgment in opposition to the rules of the church, and we could not, without laying aside those rules, decree the invalidity of a union which, according to the word of God, no human power can sunder."

## **SOCIAL LIFE REFLEX OF FAMILY LIFE.**

The family is the source of society; the wife is the source of the family. If the fountain is not pure, the stream is sure to be foul and muddy. Social life is the reflex of family life.

And if we would clearly understand whither, as a nation, we are drifting when we forsake the Christian standard of morals and the Christian precepts concerning the indissoluble nature of the marriage tie, the history of woman in pagan countries should enlighten us. Woman in pagan countries, with rare exceptions, suffered bondage, oppression, and moral degradation. She had no rights that the husband felt bound to respect.

## **WOMAN AND MARRIAGE IN PAGAN LIFE.**

The domestic life of Greece, it is true, was founded on monogamy. But whilst the law restricted the husband to one wife as his helpmate and domestic guardian, it tolerated, and even sanctioned the hetairai who bore to him the relation of inferior wives and who enjoyed his society more frequently and received more homage from him than his lawful spouse.

And whilst the education of the wife was of a most elementary character, the greatest care was lavished in cultivating the minds of the hetairai, that they might entertain their paramour by their wit while they fascinated him by their charms. The wife was the beast of burden; the mistress was the petted and pampered animal. These hetairai derived additional importance from being legally chosen to offer sacrifice on certain public occasions.



This demoralizing system, so far from being deplored was actually defended and patronized by statesmen, philosophers, and leaders of public opinion, such as Demosthenes, Pericles, Lysias, Aristotle and Epicurus.

### **A MERE CHATTEL, MARKETABLE AT WILL.**

Solon erects in Athens a temple to Venus, the goddess of impure love. Greece is full of such temples, whilst there is not one erected to chaste, conjugal love. No virtuous woman has ever left a durable record in the history of Greece. The husband could put away his wife according to his capricious humor, and take a fairer, younger, and richer bride. He could dissolve the marriage bond without other formality than an attestation in writing before an Archon; and the wife had practically no power to refuse, as she was completely under the dominion of her husband. She was a mere chattel, marketable at will; nor had she any power to dissolve the marriage without her husband's consent.

In a word, the most distinguished Greek writers treat woman with undisguised contempt; they describe her as the source of every evil to man. One of their poets said that marriage brings but two happy days to the husband—the day of his espousal and the day on which he lays his wife in the tomb.

Hesiod calls women "an accursed brood and the chief scourge of the human race." The daily prayer of Socrates was a thanksgiving to the gods that he was born neither a slave nor a woman. And we have only to glance at the domestic life of Turkey to-day to be convinced that woman fares no better under the modern Mohammedanism than she did in ancient Greece.

## THE MOHAMMEDAN BOND.

The Mohammedan husband has merely to say to his wife: "Thou art divorced" and the bond is dissolved. To his followers Mohammed allowed four wives; to himself an unlimited number was permitted by a special favor of heaven.

The moral standard of the Lacedæmonian wives was far lower than that of the Athenians. They were taught when maidens, to engage in exercises that strengthened their bodies and imparted grace to their movements, but at the sacrifice of female modesty. The ideal of conjugal fidelity was not seriously entertained. Adultery was so common that it was scarcely regarded as a crime. Aristotle says that the Spartan wives lived in unbridled licentiousness.

Passing from Greece to Italy, we find that monogamy was, at least nominally, upheld in Rome, especially during the earlier days of the republic. But while the wife was summarily punished for the violation of the marriage vows, the husband's marital transgressions were committed with impunity.

Toward the end of the republic, and during the empire, the disorders of nuptial life increased to an alarming extent. There was a fearful rebound on the part of Roman wives, particularly among the upper classes, from the restraints of former days to the most unlimited license. They rivaled the wantonness of the sterner sex.

## DISSOLVED AT WILL.

So notorious were their morals in the time of Augustus that men preferred the unfettered life of celibacy to an alliance with partners bereft of every trace of female virtue. The strict form of marriage

became almost obsolete, and a laxer one, destitute of religious or civic ceremony, and resting solely on mutual agreement, became general. Each party could dissolve the marriage bond at will and under the most trifling pretext, and both were free to enter at once into second wedlock.

Marriage was accordingly treated with extreme levity. Cicero repudiated his wife, Terntia, that he might obtain a coveted dowry with another; and he discarded the latter because she did not lament the death of his daughter by the former.

Cato was divorced from his wife Attilia after she had borne him two children, and he transferred his second wife to his friend Hortensius, after whose death he married her again.

Augustus compelled the husband of Livia to abandon her, that she might become his own wife. Sempronius Sophus was divorced from his wife because she went once to the public games without his knowledge. Paulus Æmilius dismissed his wife, the mother of Scipio, without any reason whatever. Pompey was divorced and remarried a number of times. Sylla repudiated his wife during her illness, when he had her conveyed to another house.

If moral censors, philosophers, and statesmen such as Cato, Cicero and Augustus discarded their wives with so much levity, how lax must have been the marriage bond among the humble members of society, with examples so pernicious constantly before their eyes.

Wives emulated husbands in the career of divorces. Martial speaks of a woman who had married her tenth husband. Juvenal refers to one who had had eight husbands in five years. St. Jerome declares that there dwells in Rome a wife who had married her twenty-third husband, she being his twenty-first wife.

There is not a woman left, says Seneca, "who is ashamed of being divorced, now that the most distinguished ladies count their years not by consuls, but by their husbands."

### **THE MISSION OF CHRISTIANITY.**

It was a part of the mission of Christianity to change all this. By vindicating the unity, the sanctity, and the indissolubility of marriage the church has conferred the greatest boon on the female sex. The holiness of the marriage bond is the palladium of woman's dignity, while polygamy and divorce involve her in bondage and degradation.

The church has ever maintained, in accordance with the teachings of our Savior, that no man can lawfully have more than one wife and no woman more than one husband. The rights and obligations of both consorts are correlative. To give to the husband the license of two or more wives would be an injustice to his spouse and destructive of domestic peace. The church has also invariably taught that the marriage compact, once validly formed, can be dissolved only by death, for what God hath joined together man cannot put asunder.

### **LEGITIMATE CAUSE FOR SEPARATION; NONE FOR ABSOLUTE DIVORCE.**

While admitting that there may be legitimate cause for separation, she never allows any pretext for the absolute dissolution of the marriage bond.

For so strong and violent are the passion of love and its opposite passion of hate, so insidious is the human heart, that once a solitary pretext is admitted for absolute divorce, others are quickly invented, as experience has shown. Thus a fearful

crevice is made in the moral embankment and the rush of waters is sure to override every barrier that separates a man from the object of his desires.

### **A FEARFUL CREVICE.**

It has again and again been alleged that this law is too severe; that it is harsh and cruel; and that it condemns to a life of misery two souls who might find happiness if permitted to have their marriage annulled and to be united with more congenial partners. Every law has its occasional inconveniences, and I admit that the law absolutely prohibiting divorce *A VINCULO* may sometimes appear rigorous and cruel.

But its harshness is mercy itself when compared with the frightful miseries resulting from the toleration of divorce. Its inconvenience is infinitesimal when contrasted with the colossal evils from which it saves society and the solid blessings it secures to countless homes. Those exceptional ill-assorted marriages would become more rare if the public were convinced once for all that death alone can dissolve the marriage bond. They would then use more circumspection in the selection of a conjugal partner. Hence it happens that in Catholic countries where faith is strong, as in Ireland and Tyrol, divorces are almost unheard of.

### **SUCCESSIVE POLYGAMY.**

The reckless facility with which divorce is procured in this country is an evil scarcely less deplorable than Mormonism—indeed, it is in some respects more dangerous than the latter, for divorce has the sanction of the civil law, which Mormonism

has not. Is not the law of divorce a virtual toleration of Mormonism in a modified form? Mormonism consists in simultaneous polygamy, while the law of divorce practically leads to successive polygamy.

Each State has on its statute books a list of causes—or, rather, pretexts—which are recognized as sufficient ground for divorce *A VINCULO*. There are in all twenty-two or more causes, most of them of a trifling character, and in some States, as in Illinois and Maine, the power of granting a divorce is left to the discretion of the Judge.

### STARTLING STATISTICS.

In his special report on the statistics of marriage and divorce made to Congress by Carroll D. Wright in February, 1889, the following startling facts appeared:

YEAR.	DIVORCES.
1867 .....	9,937
1868 .....	10,150
1869 .....	10,939
1870 .....	10,962
1871 .....	11,586
1872 .....	12,390
1873 .....	13,156
1874 .....	13,989
1875 .....	14,212
1876 .....	14,800
1877 .....	15,687
1878 .....	16,089
1879 .....	17,083
1880 .....	19,663
1881 .....	20,762
1882 .....	22,112
1883 .....	23,198
1884 .....	22,994
1885 .....	23,472
1886 .....	25,535
Total .....	328,716

From this table it will be seen that there was a total of 328,716 divorces in the United States in the twenty years, 1867-1886. Of these there were 122,121 in the first half of the period and 206,595 in the last half.

That is to say, the divorces in the latter half were 69 per cent. more than those in the first half. The population between 1870 and 1880 increased only 30 per cent. The divorces in 1870 were 10,962 and in 1880 they were 19,663, and, as the table shows, they were in 1886 more than two and one-half times what they were in 1867. I have not at hand the figures for the last decade, but there is no reason to believe that they show any decrease in the awful industry of the divorce courts.

### **THE CANCER SPREADING — HEROIC AND SPEEDY REMEDY NEEDED.**

From the figures I have quoted it is painfully manifest that the cancer of divorce is rapidly spreading over the community and poisoning the fountains of the nation. Unless the evil is checked by some speedy and heroic remedy, the existence of family life is imperiled. How can we call ourselves a Christian people if we violate a fundamental law of Christianity? And if the sanctity and indissolubility of marriage does not constitute a cardinal principle of the Christian religion, I am at a loss to know what does.

### **AN HONEST APPLICATION OF THE TEACHINGS OF THE GOSPEL CURE.**

Let the imagination picture to yourself the fearful wrecks daily caused by this rock of scandal, and the number of families that are cast adrift on

the ocean of life. Great stress is justly laid by moralists on the observance of the Sunday. But what a mockery is the external repose of the Christian Sabbath to homes from which domestic peace is banished, where the mother's heart is broken, the father's spirit crushed, and where the children cannot cling to one of their parents without exciting the jealousy or hatred of the other.

And these melancholy scenes are followed by the final act of the drama when the family ties are dissolved and hearts that had vowed eternal love and union are separated to meet no more.

This social plague calls for a radical cure, and the remedy can be found only in the abolition of our mischievous legislation regarding divorce and in an honest application of the teachings of the gospel. If persons contemplating marriage were persuaded that once united they were legally debarred from entering into second wedlock they would be more circumspect before marriage in the choice of a life partner and would be more patient afterward in bearing the yoke and in tolerating each other's infirmities.

**JAMES, CARDINAL GIBBONS.**



**THE CATHOLIC TRUTH SOCIETY**

Loretto Building, Corner Harrison

and Loomis Streets

**CHICAGO**