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Stumbling Blocks to Catholicism—V

The Shackles of Wedlock

By

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The Shackles of Wedlock

A MAJOR factor in the defection of Catholic England from the Church four hundred years ago was the impatience of Henry VIII under the restraint which Christian marriage had put upon him. When, shortly before, Martin Luther apostatized and initiated the Reformation in Germany, his animosity, too, towards the Church was due in part to his dissatisfaction with her matrimonial legislation, for he was irked that his Religious vows and the law of celibacy stood between him and a woman. In a word, the ecclesiastical upheaval of the sixteenth century ranged, to no small extent, around the Catholic doctrine of Matrimony. Luther wanted to be married and he could not; Henry VIII wanted to be divorced and he could not. For both of them the shackles of wedlock, though in two entirely different senses, were an obstacle to their Catholicism. From their day to our own the Church's unchanged position regarding the character and essential sanctity of marriage has been a stumbling block in the way of many Catholics practically living up to their Faith and of many more well disposed non-Catholics coming into the Fold.

Christian marriage is a large topic for discussion and can be approached and viewed from many angles. To begin with, marriage is both a contract and a status and so may be considered in either light. Moreover, some points that it involves are mainly speculative; others highly practical. It may be looked at, too, in its purely natural origin and implications, prescinding from the dignity to which Christ raised it, or with its sacramental character. In this latter aspect it has dogmatic, moral and liturgical features. In addition, the relations it brings to the new joint life of the married couple have economic, social and political or civil bearings. Finally, there is a poetry and romance associated with it, though it has also stark, prosaic features.

About few subjects are there so many and such varying philosophies current as about Matrimony. It is much talked about and much written about—too often, alas, non-

sensically. One publishing house last year treated us to a volume, "What Is Wrong with Marriage?" A few weeks later another firm advertised a book entitled "What Is Right with Marriage?" Four years ago Count Hermann Keyserling edited a rather pretentious tome offering twenty-four new interpretations of marriage.

Reading such volumes one is inclined to think that marriage is passing through a crisis. At least it seems to be evident that there is a widespread misconception of its meaning and purpose. Much emphasis is placed on its purely economic and sexual features with a total, or almost total, neglect of its loftier moral and spiritual implications. In consequence, the old notion of conjugal felicity being associated with domestic life is being ridiculed as a will-o'-the-wisp with the result that marriage which should promise an intensified life for both partners to the contract is made by cynics to offer most young people only the prospect of a yoke with new responsibilities.

OLD MARRIAGE CONCEPT

Until the new morality, so-called, made its appearance among us, the universally traditional notions about marriage went unchallenged. Briefly, it was accepted as a dictate of pure reason that nature had differentiated the sexes for the purpose of propagating their kind and that it intended a permanent voluntary union between a single man and a single woman looking to the attainment of that objective. While recognizing in the good of the race the primary and essential end of marriage, the old philosophy also saw in wedlock a well-defined natural medium for fostering between men and women a peculiar type of mutual love and affection, thus affording an opportunity for the perfecting of their emotional nature, and a sedative and legitimate outlet for the sex appetite.

The old concept explained marriage as a stable union of male and female, freely and mutually entered into for the propagation of the species. It was grounded in nature itself and the natural law, and its sacred character was solemnly emphasized by Revelation. Even before the coming

of Christ the marital bond was sacred. In the very first book of Holy Writ we are told that "Male and female he created them. And God blessed them, saying 'Increase and multiply, and fill the earth.'" And elsewhere, apropos of the Divine ordinance creating woman to be man's help-mate, "Wherefore a man shall leave father and mother and shall cleave to his wife: and they shall be two in one flesh."

What both reason and Revelation taught about the nature of marriage and its trinity of purposes, the experience of history confirmed, for even amidst the most barbarous peoples marriage as a contract and a status has always existed. Attitudes towards it, methods of initiating it, laws safeguarding it, may have differed, but always and everywhere there was the recognition of its fundamental and essential character, that it was a natural institution primarily and immediately intended for the race, not for the personal advantage and enjoyment of the parties.

Unlike most contracts which leave to the contracting parties the arrangement of the subject-matter and conditions and duration and other elements of their contract, the marital contract leaves little or nothing to them, except the freedom of entering or not entering upon marriage. No one is obliged to wed but if a person does the natural law itself has very definitely set conditions for the validity of the contract, and indicated its nature and purpose.

ONE AND INDISSOLUBLE

Out of the consciousness of the threefold end of Matrimony there arises, always more clearly the more cultured and civilized men are and the nearer they approached to ideal living, the conviction of its essential unity and indissolubility. Polygamy, whether in the form of polyandry or polygyny, and divorce are incompatible with marriage.

For a woman to be the wife of many men not only savors of a certain repulsive promiscuity but tends to make her offspring nobody's children. On the other hand, a plurality of wives militates against the secondary purpose of Matrimony since it effects that a woman is not the queen of the domestic circle as nature intended, but the slave

and chattel of man, thus rendering impossible the fostering of family affection and domestic peace and happiness.

As for divorce, even a cursory consideration shows that it is not in accord with the good either of the children, if there be any, or of the contracting parties. It leaves the children who ought to enjoy the love, control and influence of both parents, each contributing to its development from the store of complementary gifts which is nature's endowment to parenthood, to make their way as best they can. It throws open the door for dissention and disagreement between the contracting parties. They have mutually and solemnly pledged fidelity to each other under the impulse of a common affection, but once it is recognized that this contract is repudiable at will, the permanence of marital affection is jeopardized.

NATURAL LAW PRECEPTS

When it is stated that nature itself dictates that marriage is meant to exist only between one man and one woman and to be a permanent status so that polygamy and divorce are both contrary to the natural law, the statement needs some explanation and qualification.

Ethicists when discussing the natural law usually recognize two distinct classes of precepts, designated respectively, primary and secondary. The former are generally readily patent and universally manifest and such that not even God can allow anything contrary to or incompatible with them since this would imply a subversion of the very order He has established. The latter are usually not so easily recognizable and may admit of exceptions. The Sovereign Law-giver Himself may dispense from them because such derogation does not, so to say, destroy the established order.

On this distinction between the two types of principles that make up the natural law is based the explanation of the lawfulness of polygamy when the human family was in its cradle and the fact that even apparently civilized peoples, when its need ceased, did not always see how out of harmony it was with the nature of marriage. On this distinction, too, rests the justification for primitive divorce.

Finally, because of this same distinction, God could, for reason, grant dispensations from the laws regarding the unity and indissolubility of marriage, without necessarily contravening nature, and this is actually what He did for the chosen people in Patriarchial and Mosaic days.

At variance with the sublime concept of Matrimony indicated by nature (its sacramental character still being for the present prescinded from) our contemporary civilization, or rather neo-paganism, is formulating a new philosophy. Stress is being placed not so much on its racial as on its individualistic characteristics and men are being taught to measure its success or failure in terms purely of selfish gratification and economic well-being. From this viewpoint have logically sprung the loose notions prevalent about the relations of the sexes in general, including the unmarried, particularly the young, about free-love and companionate marriage, about the instability of the marital bond, and about divorce, and birth control, and similar evils.

It may be granted that out of marriage should come more intense living and the attainment of a higher personal development for the married couple whether through the love and idealism their new community life should generate and through the mingling of their individual joys and sorrows, aspirations and achievements, in a common purpose, or, more especially, because of the moral and physical bond that makes them a single indivisible principle in reproducing and multiplying themselves and their natures in the children they beget. But this is not what modern sociologists refer to when they prate of "spiritual development" associated with marriage. It has in it nothing of genuine development, let alone anything spiritual.

PURPOSE AND MOTIVE

When it is said that nature itself dictates that the primary aim of marriage is a racial one, the propagation of the human family, and that that objective can never be divorced from it, it must not be inferred that this is to be postulated as the primary or clearly defined purpose of every young couple that enters the married state. In the concrete the

actual motives that lead men and women to intermingle their lives in a common one are usually many and complex, the love of concupiscence playing a particularly prominent role. But what is to be remembered and emphasized is that nature's reason for the institution of marriage is initially and fundamentally the continuance of the race and this can never be positively excluded from any marital bond.

It may help to a better grasp of this truth to note the analogy of marriage with another institution of nature's, eating and drinking. Obviously what nature intended in giving man an appetite and relish for food was to help nourish and sustain and upbuild the human body. At the same time, for practical purposes, this objective is not always clearly in mind when men eat: what motivates their conduct is frequently something else. But their physical well-being cannot be excluded from their eating and drinking without implying an abuse of their appetite for food. To take poison because it is palatable would be irrational.

THE CHRISTIAN SACRAMENT

In the Christian code another element is added to the dictates of nature about the purpose of the sex instinct and the end of marriage with its necessary attributes of unity and indissolubility. Christianity recognizes that Christ elevated and ennobled the original sacred institution of marriage, and Catholic Christianity teaches, as against the non-Catholic Christian world, that He actually raised it to a sacramental dignity, making it along with Baptism and His other Sacraments, an outward sign of inward grace.

That Christian marriage is a Sacrament of the New Law is explicitly defined by the Council of Trent, the dogmatic reason for it being the constant Tradition of the Church, both Eastern and Western, along with the implications and intimations contained in the words of Holy Writ.

Trent following a kindred enactment of the earlier Council of Florence contains the canon: "If anyone denies that Matrimony is really and truly one of the seven Sacraments of the evangelical law instituted by Christ, or that it confers grace, let him be anathema." Luther taught that "mar-

riage is an entirely mundane affair, not unlike clothes, food, house and land": and according to John Calvin it "is a good and holy ordinance of God," but not a Sacrament, for "agriculture, architecture, cobbling and hair-cutting are legitimate ordinances of God without being Sacraments."

When it is said that Christ made marriage a Sacrament, what is meant is that the marital contract and the marital bond provided for by nature have become through His gracious condescension a title for the infusion of sacramental grace, that is, of sanctifying grace and of all those actual graces that the contracting parties need, supernaturally and efficiently to carry out their agreement "to have and to hold" each other "for better, for worse, for richer, for poorer, in sickness and in health, until death do [them] part."

SACRAMENTAL MATTER AND FORM

The constituent elements of the contract, in so far as they are outwardly manifested, constitute the sacramental sign, namely the words or nods showing the interior matrimonial consent, that is to say, the mutual transfer of bodies and the mutual acceptance of that transfer. Speaking technically, theologians designate whatever expresses the transfer as the *matter* and whatever expresses the acceptance or ratification of the mutual transfer as the *form* of the Sacrament, for in theological parlance the matter and form of the outward sign in a Sacrament are nothing more nor less than the indetermined and determinating elements that make it up. In a marriage contract the offer is not determined until it has been accepted. The contract itself is thus the sacramental sign so that between Christians there can be no marital contract which is not a Sacrament—both things stand or fall together.

WHEN INSTITUTED

While there is no doubt from Tradition about the fact that Christ made Matrimony one of His seven Sacraments, Scripture does not make it clear just when this was done any more than any text informs us when Confirmation and

Extreme Unction were instituted. The institution of the Sacrament of Matrimony is sometimes said to have occurred at the famous marriage feast in Cana, where Christ performed His first miracle by changing water into wine; or, again, when He enunciated His doctrine about the sacredness and indissolubility of the marital bond during His preaching. It seems more likely, however, that, as with so many other things in the Church, its institution was one of the events of the forty days elapsing between Easter and His Ascension. The point is a purely speculative one.

THE MINISTER

Every Sacrament must have a minister. He is the person who applies the form to the matter so that the outward sign is effected. In Baptism it is the person who pours the water and says the words, "I baptise thee, etc., etc."; in Extreme Unction it is the priest who does the anointing and recites the prescribed formula. As has been seen, the sign in sacramental marriage is the contract itself, effected by the mutual offer and acceptance of the parties, interiorly intended, and externally manifested. It follows consequently that the parties themselves are the ministers of this Sacrament, each administering it to the other. The position of the priest, obliged by the ecclesiastical law to assist at a Catholic marriage, is merely that of an official witness, necessary, it is true, for the validity of the Sacrament, but not in any sense its minister, as he is in Penance or the Eucharist.

CHRIST ABROGATES DIVORCE

Not satisfied with giving the marital bond a sacramental character, Christ, by virtue of His Divine legislative power, laid down rules to secure it against the abuses that had grown up around it.

Before Our Lord's coming polygamy was non-existent among the Jews. But not so divorce. In fact, quite some discussion was rife in the Rabbinical schools on the subject. The Mosaic dispensation on which the custom was founded is contained in the opening verses of the twenty-fourth chapter of Deuteronomy:

If a man take a wife, and have her, and she find not favor in his eyes for some uncleanness: he shall write a bill of divorce, and shall give it in her hand, and send her out of his house.

And when she is departed and married another husband,

And he also hateth her, and hath given her a bill of divorce, and hath sent her out of his house or is dead:

The former husband cannot take her again to wife: because she is defiled and is become abominable before the Lord.

It will be noted that these words do not institute divorce among the Jews but presuppose it. Their immediate purpose, deduced from the whole setting in which they are found, which is defining the relations of husband and wife just before the Hebrews went into the Promised Land, is to restrict the power of the husband to divorce his wife and to give woman her proper rights as against the man.

While there was no dispute among the interpreters of the law as to what procedure was to be gone through for a man to divorce his wife and what was the effect of his bill of divorcement, there were two very pronounced schools of thought about the grounds for which a divorce might be had, the one, taking its name from its leading spokesman, the Rabbi Hillel, called the Hillelites, the other, the Shamaites, from its chief defender. The Mosaic text notes that "some uncleanness" is to be the basis of the marital separation: the Shamaites restricted the meaning of the word to adultery, while the Hillelites gave it a more liberal interpretation. The point is important for it casts much light on that passage in St. Matthew's Gospel where Our Lord Himself seems to allow, even in the Christian dispensation, a divorce for infidelity.

That Christ restored marriage to its primitive permanency is unquestioned. Listen to St. Mark (x: 2-12):

And the Pharisees coming to him asked him, tempting him: Is it lawful for a man to put away his wife?

But he answering, saith to them: What did Moses command you?

Who said: Moses permitted to write a bill of divorce and to put her away.

To whom Jesus answering, said: Because of the hardness of your heart, he wrote you that precept.

But from the beginning of creation, God made them male and female.

For this cause a man shall leave his father and mother and shall cleave to his wife.

And they two shall be in one flesh. Therefore now they are not two, but one flesh.

What therefore God hath joined together, let not man put asunder.

And in the house again his disciples asked him concerning the same thing.

And he saith to them: 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.

Clearly there is to be no exception to the indissolubility of the marriage tie. St. Luke (xvi: 18) inculcates the same lesson: "Everyone that putteth away his wife and marrieth another committeth adultery: and he that marrieth her that is put away from her husband committeth adultery."

Discoursing on marriage in his first Epistle to the Corinthians and explaining to his new converts the Christian dispensation, St. Paul (vii: 10-11) writes:

But 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.

ST. MATTHEW AND DIVORCE

There are two other Gospel passages that record Our Lord's views on marriage, both found in St. Matthew. It is on these, because of the "excepting" clauses they contain, that Protestantism justifies divorce following marital infidelity. Assuming for the moment that the "except" clause does give rise to a doubt and some ambiguity, it is a recognized principle of Scriptural exegesis that a doubtful passage must be interpreted in the light of parallel clear passages. Now St. Mark and St. Luke in their Gospels and St. Paul in his Epistles to the Corinthians, Romans and Ephesians all speak of Christian marriage, and not one of them mentions any exception to Our Lord's absolute teachings on the permanency of the marital bond.

There is a further presumption against one from the fact that until the sixteenth century the difficulty was not raised.

While the Greeks at present mostly follow the Protestant practice, their early agreement with the Catholic doctrine is historically apparent from the canons of their ancient Councils and the writings of their Fathers and Doctors.

The texts, however, are not themselves doubtful.

In the first instance (v: 32) we read:

And it hath been said, Whosoever shall put away his wife, let him give her a bill of divorce.

But I say to you, Whosoever shall put away his wife, excepting it be for the cause of fornication, maketh her to commit adultery: and he that shall marry her that is put away shall commit adultery.

This passage is clearly taken up not with the rights of an innocent man who has put away an unfaithful wife to remarry but in general with the obligation of husband and wife to retain a permanent union and the responsibility of a man who has put away his wife and of any other who takes up with her. Our Lord recalls the Mosaic permission of divorce and then revokes it. The words *But I say to you* indicate the contrast and the fact that He is making new legislation. He explains the relations of a man to the wife he has divorced remarking that he exposes her to adultery if he separates from her on any other ground except her infidelity: whoever marries her is guilty of adultery.

According to Deuteronomy the woman who was divorced for some uncleanness might remarry: the point Our Lord makes is that this no longer holds. There is nothing in the passage to suggest that He is making an exception for the innocent party to the more universal and unqualified rule He had laid down which Mark and Luke record.

Indeed, if Christ meant His words to signify what Protestantism holds, He should have said, not "Whosoever shall put away his wife, except for fornication, and shall marry another, committeth adultery," but "Whosoever shall put away his wife and shall marry another, except it be for fornication, committeth adultery." His final remark, "He that shall marry her that is put away committeth adultery," is true only because the first marriage bond remains.

SHAMAITES AND HILLELITES

The second passage (Matt. xix: 3-12) deals, it may be admitted, with the freedom of a man who has put away his wife for adultery to marry again. The discussion is initiated by a question put the Saviour by the Pharisees "tempting Him," ranging around the controversy which has already been alluded to between the Shamaites and the Hillelites.

And there came to him the Pharisees tempting him, saying: Is it lawful for a man to put away his wife for every cause [as the followers of Hillel maintained]?

Who answering, said to them: Have you not read, that he who made man from the beginning made them male and female? And he said:

For this cause shall a man leave father and mother, and shall cleave to his wife, and they two shall be in one flesh.

Therefore now they are not two but one flesh. What therefore God hath joined together, let no man put asunder.

Thus far the text offers no difficulty. The blunt question has been bluntly answered—and negatively. Without even commenting on the Rabbinical discussion, Christ immediately recalls God's original ordinance and concludes with a categorical law against divorce. So far as He is concerned the matter is settled and there could have been no possible misunderstanding of His meaning had not the Pharisees pushed their point.

They say to him: Why then did Moses command to give a bill of divorce, and to put away?

He saith 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.

There can be no doubt about how Our Saviour's words were understood, for the Evangelist continues:

His disciples say unto him: If the case of a man with his wife be so, it is not expedient to marry.

Who said to them: All men take not this word, but they to whom it is given.

For there are eunuchs who were born so from their mother's womb; and there are eunuchs who were made so by men; and there are eunuchs who have made themselves eunuchs for the kingdom of heaven. He that can take, let him take it.

The traditional Catholic interpretation of these passages is further textually justified because if one consult the Greek translation the disputed clause really reads, not "except for fornication," but more accurately, "not for fornication," a version more in accord with and parallel to the question originally addressed to Our Lord, "Is it lawful for a man to put away his wife for every cause?"

The Catholic interpretation is also emphasized by Our Lord's recalling the primitive institution of marriage. The whole context is taken up with differentiating between the Old and the New Testaments, and were the remarriage of the innocent party to be sanctioned by Christ then His regulations would not be any different from the Mosaic code, at least as interpreted by the Shamaites.

Finally St. Paul in his Epistle to the Romans (vii: 2-3) confirms this view:

For the woman that hath an husband, whilst her husband is living is bound to the law. But if her husband be dead she is loosed from the law of her husband.

Therefore, whilst her husband liveth, she shall be called an adulteress, if she be with another man; but if her husband be dead, she is delivered from the law of her husband: so that she is not an adulteress if she be with another man.

The Westminster version of St. Matthew, translated from the original Greek and Hebrew, pointedly sums up the discussion, stating that in view of the clear and uncompromising position taken by Christ when the question was first put, the clause "except for fornication" evidently warrants no more than a separation of the parties without dissolution of the marriage bond; otherwise Christ straightway cancels His own appeal to the original institution by God, sanctions once more a permission which He had just discountenanced, contradicts His teaching in the fifth chapter of St. Matthew, and is found misinterpreted by His own Apostles.

DIVORCE AND SEPARATION

Two important notes are here in place.

The first is that when the Church speaks of divorce as being absolutely forbidden by the law of Christ, there is question only of *consummated Christian* marriage. Where a marriage is unconsummated, even between Christians, and even though valid and ratified, Catholic theology allows that the conjugal bond may be dissolved for certain grave reasons by the Pope or by solemn Religious profession.

The second thing to be observed is that while Catholicism does not admit absolute divorce for consummated Christian marriage, an incomplete divorce, separation from bed and board as it is styled, is at times permitted. It belongs to ecclesiastical authority, however, to decide when this is permissible and it does not rest with the mere whim of the parties. Moreover, as they continue husband and wife even after their separation, for the bond has not been dissolved, they are generally obliged to go back to each other if they can be reconciled.

CHURCH'S EXCLUSIVE POWER

From the fact that Christian marriage is a Sacrament there follow a number of very important corollaries. In the first place, since entire control and regulation of the Sacraments is under the Church, all legislation pertaining to the marriage contract between Christians belongs to the ecclesiastical forum and no State can in any way, shape, or form, legislate about it. The rule is to render to Cæsar the things that are Cæsar's, but the Sacraments belong to God. Of course, the State can regulate the purely civil effects of marriage as the common good demands, such, for example, as inheritance laws, problems of domicile, property rights, etc.

Another corollary springing from the sacramental nature of Christian marriage is that it belongs to the Church to determine what shall or shall not constitute a valid marital bond. Even a very superficial study of Matrimony reveals that the natural law has left certain elements regarding it unspecified and there must be some authority to define them.

For the unbaptized, theologians are generally agreed that this belongs to civil authority. For the baptized, however, since their marriage is essentially sacramental, the contract being inseparable from the Sacrament, it belongs wholly to Catholic ecclesiastical authority to regulate and determine the contract as well as the Sacrament. It belongs also to that same authority to adjudicate doubtful cases.

In accord with this view the Church maintains (Canon 1081) that marriage is contracted by the legitimately manifested consent of two parties qualified by Canon Law to enter into a marital contract; that no substitute for this consent can be supplied by any human power; and that, finally, this consent is an act of the will by which each party gives and accepts so far as the other is concerned the mutual and exclusive right to the body for the performance of acts that of their nature pertain to the procreation of children. This consent, externally manifested, must be internal, free and absolute.

MARRIAGE FORMALITIES

In accord with this same view that it belongs to the Church exclusively to regulate Christian marriage, Canon Law further lays down the formalities to be observed for valid Matrimony. In the present legislation, when there is question of a Catholic being married, the rule is that the marriage must be celebrated before two witnesses and either the parish priest or the Ordinary of the place where it takes place, or before a priest delegated by one or the other, and in such a way that the assisting priest, unconstrained by any violence or grave fear, asks and receives the consent of the contracting parties.

There are extraordinary circumstances where the law is abrogated, as when parties wish to be married and without grave difficulty the priest cannot be had or approached and there is danger of death or it is foreseen that the situation will continue for a month. But in general it may safely be said that there is no valid Matrimony for a Catholic if a priest be not in attendance.

IMPEDIMENTS

Finally, from the sacramental nature of Christian marriage springs the right in the Church to establish in her own name impediments to marriage. This latter power is included in the general legislative grant to the Apostles, "Whatsoever you shall bind upon earth shall be bound also in heaven, and whatsoever you shall loose on earth shall be loosed also in heaven."

Broadly speaking, an impediment is an obstacle to marriage. The Church recognizes two sorts, some technically known as *diriment* impediments which render marriage null and void, others usually referred to as prohibitive or *impedient*, render it sinful but not invalid.

IMPEDIENT IMPEDIMENTS

Of the second sort, all of ecclesiastical making, Canon Law enumerates three:

1. A party who has made a simple vow of virginity, or of chastity, or of not marrying, or of receiving Holy Orders, or of becoming a Religious, may not licitly marry.
2. A Catholic may not lawfully wed a heretic or schismatic, that is, equivalently, a baptized non-Catholic.
3. Where the Civil Law makes legal relationship a prohibitive impediment Canon Law does the same.

DIRIMENT IMPEDIMENTS

Diriment impediments, that is, those which make marriage invalid, originate variously. Some come from the Divine-natural law, others from Divine-positive law, others are of purely ecclesiastical origin.

The subject of diriment impediments should not be altogether unfamiliar to our Catholic laity. For practical purposes, however, it will suffice here merely to list these impediments which are explained more lengthily in the Code of Canon Law and about which further information may be had by interested inquirers from some priest.

1. No man under sixteen and no woman under fourteen may validly marry (Canon 1067).

2. Actual and perpetual impotency, on the part of either of the contracting parties and whether known to the other party or not, and whether absolute or relative, renders a marriage invalid. Since nature has established the marital bond precisely for the propagation of the human race and physical impotency is incompatible with this prime purpose of the contract, it stands to reason that this impediment springs from nature itself. It is to be noted, however, that there is question of impotency, not of mere sterility which makes marriage neither invalid nor illicit (Canon 1068).

3. The existence of a previous marriage contract makes a second marriage invalid. Even if the prior marriage be null for any reason, another marriage may not be lawfully contracted before there is legal and sure proof of the invalidity or the dissolution of the first marriage (Canon 1069).

4. A person baptized in the Catholic Church or received into the Church from heresy or schism, may not validly contract marriage with an unbaptized person (Canon 1070).

5. Clerics in major orders (Subdeacons, Deacons and Priests), and Religious who have taken solemn vows or whose simple vows by grant of the Holy See annul marriage, cannot validly marry (Canons 1072, 1073).

6. Between an abductor and the woman whom he abducts for the purpose of marriage there can be no valid matrimony as long as the latter is in the power of the former. As far as nullity of marriage is concerned, the forcible detention of a woman is held equivalent to it, as, for example, if one be detained in her home or some other place to which she has freely come (Canon 1074).

7. By virtue of what is technically known as the impediment of "crime," marriage to one's accomplice is invalid under the following circumstances: (a) If a married person during the continuance of a legitimate marriage commits adultery and enters into a mutual promise with his or her accomplice in the adultery, or if they attempt marriage, even by a mere civil ceremony; (b) If a married person during the duration of his or her valid marriage is guilty of adultery, and one of the adulterers kills the husband or wife of the adulterer; (c) If, without committing adultery, a

married person effects the death of his or her partner by mutual cooperation with a third party (Canon 1075).

8. Blood relatives in a direct line and in a collateral line to the third degree, may not validly marry. This constitutes the impediment of "consanguinity." Relatives by marriage in a direct line and collaterally to the second degree are also debarred from valid marriage. This is known as the impediment of "affinity" (Canons 1076, 1077).

9. By what is spoken of in ecclesiastical law as the impediment of "public propriety," an invalid marriage, whether consummated or not, and public or notorious concubinage, give rise to a nullifying impediment, so that marriage is invalidated in the first and second degree of the direct line between the man and the blood relatives of the woman, and vice-versa (Canon 1078).

10. The spiritual relationship created by Baptism between the minister of the Sacrament or the sponsor and the baptized person invalidates marriage (Canon 1079). Moreover, persons whom the civil law declares incapable of validly marrying because of legal relationship may not validly marry according to the ecclesiastical law (Canon 1080).

BANNS AND DISPENSATIONS

It is in order to discover impediments that the Church requires that previous to marriage the banns be published or announced three successive times. The Faithful are obliged in conscience to manifest to the proper authorities any impediment of which they have knowledge.

Impediments that are purely and certainly of ecclesiastical law may be dispensed by the Church, since the legislator always has the authority to make exceptions to his legislation. However, there must be good reason for the dispensation and it belongs to ecclesiastical authority to decide in each particular case whether sufficient reason exists. But even though the Church has the right to dispense there are a number of impediments that practically she never will dispense from such, for example, as the law of celibacy for a clergyman, the impediment of age, etc. Impediments that spring from the natural law or the positive-Divine law, the Church may not dispense from.

DECLARATION OF NULLITY

Where marriage is attempted that is defective in form or because of an undisputed diriment impediment or because the marital consent is obtained by force or fraud or given in substantial error, so that the contract is void and of no effect and there is no marriage, an official declaration that this situation exists is called a decree of nullity or an annulment. It is merely an adjudication by competent ecclesiastical authority that no marriage was ever contracted.

Enemies of the Church often attack her for declaring marriages null. They would maintain that in so doing she is stultifying marriage and minimizing its sacred character and permanency. When analyzed, however, and properly understood, such decrees are rather safeguards and protections for the Sacrament. Moreover, something analogous occurs in our civil courts and nobody criticizes the process. Bigamous marriages are being constantly annulled; there is no question of divorce. A special objection is made against the Church's decrees because in effect they leave the parties free to contract another marriage just as when the State professes absolutely to divorce parties; but that does not in any sense make a decree of nullity equivalent to a divorce. The essence of the two is wholly different: in one case there has been a marriage bond, in the other none. The latter presupposes the existence of a valid marriage tie and then professes to dissolve it.

VALIDATING MARRIAGES

When for some reason an attempted marriage has been invalid, instead of having it declared null and void, it may be desirable for the parties to have it rectified and validated, where this can be done. Canon Law makes provision for these cases where the man and woman have good will, especially if the defect is due to an absence of the proper form or the presence of an impediment that can be dispensed with. Of course, if the trouble is based on some difficulty arising from a prohibition of the natural or positive-Divine law, then the Church can do nothing except bid the couple

separate, as, for instance, where one of the parties has a husband or wife living. For practical purposes it may be remarked that since situations occasioned by invalid ecclesiastical marriages are often very complex, and each usually has its own peculiar circumstances, people should not undertake to decide their own or their neighbor's matrimonial tangles. They ought to be referred to a competent or experienced priest or confessor. It is surprising how often cases are met of people being long estranged from their religion because of some matrimonial difficulty which might readily have been settled had they consulted a priest.

MARRIAGES OF UNBAPTIZED

In connection with what has been said thus far about the form and impediments of marriage, so far as Catholics are concerned, the question will naturally be mooted, how does the Church look upon the marriages of non-Catholics. I have seen it written somewhere by a prominent Protestant theologian that she considers them all invalid.

For unbaptized people, pagans, for example, Mohammedans, Jews, the Church holds that there is a valid marriage when they have conformed to the prescriptions of the natural law and the civil statutes where they are domiciled. Fundamentally they are bound only by the natural law, but, as was noted a few pages back, since in many things that law is vague and indefinite and needs determination and specification and the only authority that can do that is the State (for, in the hypothesis, these people have not become subjects of the Church through Baptism), they are bound by the civil laws, so far as they impede marriages.

PAULINE PRIVILEGE

Speaking of the marriages of unbaptized people, it is opportune here to refer to the so-called Pauline privilege "in favor of the Faith." This is a privilege which the Church recognizes in a convert from Judaism or paganism whereby, if, after conversion, his or her non-converted partner refuses to live in peace with and abandons the convert, the latter

may validly remarry a Christian, in which event the original valid pagan marriage is automatically dissolved, so that even the unconverted party may marry again. Without going into any extended discussion of the privilege it suffices to quote its Scripture authority (1 Cor. vii: 12-15):

For the rest, I speak, not the Lord: if any brother have a wife that believeth not, and she consent to dwell with him, let him not put her away.

And if any woman have a husband that believeth not, and he consent to dwell with her, let her not put away her husband. . . .

But if the unbeliever depart, let him depart: for a brother or sister is not under servitude in such cases: but God hath called us in peace.

As has been said, the Pauline privilege implies the complete dissolution of the conjugal bond in the case of validly married unbaptized people where one of the parties receives Baptism and the other refuses peaceably to cohabit any longer and effects the separation. The moment the abandoned convert remarries the original marital bond is dissolved. Needless to say, the application of this privilege does not rest with private individuals.

PROTESTANT MARRIAGES

When the question is put, what constitutes a valid marriage in the eyes of the Church for baptized non-Catholics, it is important to bear in mind that in as much as they are baptized they are really under the jurisdiction of Christ's Church, therefore, the Catholic Church (even though, perhaps, they would refuse to admit it). In consequence, they are bound by the laws of the Church, even as Catholics themselves. As a fact, however, just because of the complications that would arise if the Church rigorously maintained her rights, our ecclesiastical law exempts Protestants from the form prescribed for a valid Christian marriage and quite generally from impediments which are clearly of her own making, though, of course, they remain bound by any impediments of the natural or positive-Divine law.

Hence baptized Protestants are validly married, if there be no impediment from the natural or positive-Divine law,

merely by conforming to the requirements of the natural law. Unlike pagans and Jews, they are not even obliged to the prescriptions of the civil law for the validity of their marriages, since the civil law has no more right to regulate their marriages than it has to regulate Catholic marriages, both being Sacraments and hence beyond the jurisdiction of the State. For practical purposes, however, they may have to abide by civil regulations just as Catholics must, not to come in conflict with the penalties the government attaches to their violation, but the State laws do not affect the contract, the Sacrament, or the status. Far, then, from disparaging Protestant marriages, the Catholic Church gives them a value and a dignity their own Church does not grant them, so that actually it is easier for two baptized Protestants to contract a valid marriage than for two Jews or two Catholics, since the former are bound by the laws of the State and the latter must conform to the laws of the Church, as regards form and civil or canonical impediments.

MARITAL RIGHTS AND DUTIES

From the threefold purpose of the natural contract of marriage spring the so-called rights and duties of the married couple. On the one hand they affect each other; on the other, any children that may be born of their wedlock.

So far as their mutual rights and obligations are concerned, there is first and foremost that to conjugal intercourse, both having the right to solicit it and the duty ordinarily, of rendering it when it is asked. The bond that springs from the marriage contract is a moral one associating the parties together as a common principle for the procreation of children to be accomplished through conjugal intercourse. Hence there arises in marriage a real right of proprietorship in each of the parties over the body of the other for purposes of generation. It is a strict right, resulting from a bilateral contract, and the corresponding obligation is one of justice, and grave because of the interests involved. It is moreover an exclusive right, and it is this that makes adultery an act of injustice as well as impurity. Of course, it only extends to procreation and what of its

nature is fitted for that end. Needless to say, it is no dictate of nature, much less of Catholicism, that there is anything unbecoming or dishonorable in marital relations.

St. Paul thus explains the duty of husband and wife (1 Cor. vii: 4):

The wife hath not power of her own body, but the husband. And in like manner also the husband also hath not power of his own body, but the wife.

Defraud not one another, except, perhaps, by consent for a time, that you may give yourselves to prayer: and return together again, lest Satan tempt you for your incontinency.

This duty may be violated in two ways. In the first place, adultery violates it. This is a specific type of impurity, partaking not merely of the malice involved in a violation of the Sixth Commandment, but of the malice of injustice, since it goes against the marital rights of the injured partner. The second way, in which these rights can be violated, and it is one of our great contemporary evils, is by the exercise of artificial birth control, that is the improper performance of the marriage act. Here is not the place to go into detail about the evils of contraception. Suffice it to say that while the Church most emphatically condemns it, its prohibition is not based on any ecclesiastical law but on the law of nature itself, dictating how the marriage act is to be conducted and that any abuse of the sex appetite, that is, any use of it not in relation to the propagation of the race, is intrinsically evil and gravely sinful.

Besides the right to and the duty of rendering the marriage debt, as between themselves, the conjugal bond implies the right and obligation of cohabitation, that is of sharing a common home, bed, and board, as it is usually spoken of, and in general a certain community of temporal goods. In these days when so much is being said and written about the economic independence of women, these community rights need stressing.

Finally there is the duty of fostering mutual love and assistance and the right on the part of both husband and wife that the other spouse do nothing to mar domestic peace and concord and tranquillity. True, the husband is the head

of the house, but the wife is his helpmate, not his servant; she is his partner, not his rival, and must be so treated. To the married St. Paul says (Eph. v: 22-33):

Let women be subject to their husbands as to the Lord:

Because the husband is the head of the wife: as Christ is the head of the Church. He is the saviour of his body.

Therefore as the Church is subject to Christ, so also let the wives be to their husbands in all things.

Husbands, love your wives, as Christ also loved the Church, and delivered himself up for it:

That he might sanctify it, cleansing it by the laver of water in the word of life.

That he might present it to himself a glorious Church, not having spot or wrinkle, or any such thing, but that it should be holy and without blemish.

So also ought men to love their wives as their own bodies. He that loveth his wife loveth himself.

For no man ever hated his own flesh: but nourisheth and cherisheth it, as also Christ doth the Church.

Because we are members of his body, of his flesh, and of his bones.

For this cause shall a man leave his father and mother: and shall cleave to his wife, and they shall be two in one flesh.

This is a great sacrament [mystery]: but I speak in Christ and in the Church.

Nevertheless let every one of you in particular love his wife as himself: and let the wife fear the husband.

In his famous Encyclical, "Arcanum," Pope Leo XIII has this to say about fostering proper domestic relations:

The husband is the chief of the family and the head of the wife. The woman, because she is flesh of his flesh, and bone of his bone, must be subject to her husband and obey him; not, indeed, as a servant but as a companion. In such obedience there is not wanting either honor or dignity. Since the husband represents Christ, while the wife represents the Church, let there always be, both in him who leads and her who obeys, heavenly love as the guide of their duties.

PARENTS AND CHILDREN

But not all the rights and duties associated with marriage refer to the couple themselves. Some of them relate to the children that may be born of the wedlock. These may be summarized by saying that parents have the obligation of providing for the physical, intellectual and super-

natural well-being, education and instruction of their offspring. On the other hand, they have the right to the love, respect, obedience and service of the children. It is a gross error of our day, carried to its logical conclusion in Soviet Russia, that the child belongs to the State.

This care and education of the child implies that with regard to the body, every precaution be taken to provide for its birth under healthy conditions and that nothing be done to endanger it during pregnancy, and once it is born that it be properly nurtured. Food and clothing and lodging are, of course, to be provided, and as the child grows it devolves on the parents to put it in the way of taking care of itself and becoming eventually self-supporting and a useful member of society.

In the intellectual field the parents are bound to afford their children an opportunity for an education suitable to their means and circumstances. This isn't the time nor place to go into the question of secular and religious education. Suffice it to note that the Church is most emphatic in her teaching that education cannot be divorced from religion and that there is a grave obligation of sending children to Catholic schools and that it belongs to the Bishop to say when and where and under what conditions there shall be exceptions to this rule. The basis of the ecclesiastical law is that there is generally danger to faith or morals in a non-Catholic atmosphere. This may sound like an indictment of non-Catholic education. It is, at least so far as Catholic children are concerned, for education should prepare them for living in the next life as well as in this, and education outside one of their own schools cannot.

FOSTERING THE SUPERNATURAL

In the supernatural order parents are bound to give good example and teach their children their religious duties, prayer, the reception of the Sacraments, etc.

These duties, it may be noted are joint and several and may not be shirked by either father or mother and shouldered to the other, though the father is immediately responsible as the head of the household.

Before concluding this discussion there are one or two practical questions associated with Matrimony that ought not to be passed by in silence.

COMPANY-KEEPING

To begin with, there is the problem of company-keeping. Courtship, properly understood, is a time for a young couple to learn more about each other and to make a test as to whether they think they will be able to live together permanently in peace and concord and happiness. It is a sort of a novitiate to marriage. Though it may and should be a very happy period it is a serious time, not one of mere frivolity or mushy sentimentalism. During it genuine love is to be developed and the seed of a happy domestic life to be sown; character and will power are also to be nourished and chivalrous idealism fostered.

Company-keeping has its moral dangers, especially when it is prolonged, but that is all the more reason why for the Catholic youth and maiden it should be a time of special union with God through prayer and Holy Communion so that His grace may be had in preparation for the Sacrament to be received on one's wedding day. Human nature is so constituted that concupiscence is bound to mingle with the cultivation of friendships that are to terminate in marriage, and passion may become an occasion of temptation and sin and a source of annoyance. Should this occur then a prudent confessor will advise young people how to protect themselves and they ought never hesitate from any false shame or embarrassment to seek this advice. This is particularly true nowadays when new methods of company-keeping, away from all the old-time chaperoning, etc., afford added opportunities for familiarities that may end dangerously, and especially since in the world round about, pagan as it is for the most part in its principles and its outlook, loose sex relations among the unmarried are not only not taboo but actually encouraged.

Because a man is engaged to a woman she is not to be treated as if she were his wife, and they must know that all sex indulgence deliberately sought or admitted outside of

marriage, is grievously sinful. When passion is strong there is a danger that duty may be forgotten and risks run that will eventually wreck the lives of young people, but it ought to be the ambition of every man and every woman, especially of our Catholic young people, that when they stand before God's altar to plight their troth on their wedding day, they are giving each other pure hearts and chaste bodies, worthy that God's very special benediction should come upon their marriage vows.

PITFALLS TO BE AVOIDED

Apropos of this company-keeping a special warning should be sounded about initiating a courtship with one not of the Faith or a divorced person. In the latter case it can be foreseen that marriage will eventually be impossible, and to keep company with such a person is to put oneself in the proximate occasion of mortal sin. As for courtships with non-Catholics, they are always dangerous and with the rarest exceptions—and nobody has the guarantee that his will be the exception—mixed marriages turn out unhappily, for there can never be complete harmony where there is difference of opinion about God and religion, where a household is divided the very moment it is formed, where children are going to have very dubious good example from the religious viewpoint, and where a hundred other perils lie. The Church does grant dispensations under certain conditions but a sincere Protestant will usually hesitate to make the promises, and nobody would wish to marry one who was not sincere and did not have some practical religion.

CONSULTATION

Before becoming engaged a young couple ought to consult their parents and their confessors. True, in the final analysis they are free to choose their own careers and their own life-partner, but the step is important, and they have not that experience their elders enjoy so that prudence alone, irrespective of the prescriptions of the Fourth Commandment, would suggest that they consult their parents.

They should also consult their pastor. There are

formalities to be gone with before marriage and time must be allowed for these. Banns must be proclaimed and if one would have a truly Catholic marriage there should be the Nuptial Mass with the special blessing for the bride. To receive the Sacrament worthily, the contracting parties must, moreover, be in the state of grace, and to this end the reception of Communion on one's wedding day is advisable.

After marriage the bride and groom begin a new life—a life of probabilities, of wonderment, which will have its share of mixed joys and sorrows. With all the pessimistic talk, however, about marriage, that we hear nowadays, it will still be happy, if their aim is to establish a Christian home, of which God Himself is the center, where love, not selfishness rules, where religion has first place and is not sacrificed to pleasure, where father, mother and little ones aspire to reproduce in their home, howsoever humble it may be, the happy domestic life that was lived by Mary and Joseph and the God-Man in the little cottage of Nazareth.

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