

THE AMERICAN CATHOLIC QUARTERLY REVIEW.

VOL. VIII.—JULY, 1883.—No. 31.

THE CATHOLIC DOCTRINE ON MARRIAGE.

De Consensu ad Matrimonium requisito. Billuart. Paris, Migne, 1841.

De Matrimonio Christiano. Perrone. Rome, Propaganda, 1858.

De Re Sacramentaria. De Augustinis. Woodstock, Maryland, 1878.

De Impedimentis Matrimonii. Moser. Paris, Migne, 1841.

Compendium Theologiæ Moralis. Gury, with Ballerini's notes, Rome, Propaganda, 1877.

The Calling of a Christian Woman. Dix. New York, Appleton, 1883.

CARGOES of a polygamous sect, fierce, fanatical and aggressive, are annually dumped on our shores. They are gathered in the slums of England, Scotland, and other parts of Northern Europe, which rejoices to be freed from their baleful influence on public morals. They swarm in one of our largest Territories and are spreading through the States. The daily press of May 14th, 1883, records a public meeting held in Harford County, Maryland, one of a series, to propagate the principles of Mormonism. It was largely attended. The "apostles" of this sect publicly and privately announce their purpose of endeavoring to change the whole order of our domestic society. Monogamy, according to them, must go down, no matter how well established in the customs of our people and by our civil laws. They look on it as a mere prejudice, to be removed by the new light emanating from the *Book of Mormon*. Their propagandism is zealous. When pushed into a corner by the arguments of a champion of monog-

amy, they claim direct and personal inspiration for their belief; and although admitting the divinity of Jesus Christ and the inspiration of the New Testament, they say it has been supplemented by the new revelation. It is true that our civil laws either condemn or ignore their theories; but they do not act. Our government seems to be conducted in regard to this matter on the principle of letting the evil alone, with the hope that it will die of inherent rottenness. At any rate, we seem to be willing to let the deluge come after us, content to have this generation take care of itself.

But it is not likely that Mormonism will die from natural causes, for it appeals directly to the strongest passions of human nature, and gains recruits not only by emigration from without but also by accession from within the United States. The vastness of our territory prevents this evil, like that of Socialism, which also prevails among us, from obtruding itself too closely on our attention; but a hundred years hence, perhaps sooner, when a thicker population will have brought men into closer and consequently more offensive relations, in regard to these matters, our neglect or pusillanimity will be bitterly blamed by a posterity that will have to reap what we are sowing, and to destroy with difficulty what we could have uprooted with ease.

On the one hand, this organized sect assails the unity and sanctity of marriage by doctrinal and practical simultaneous polygamy; on the other, the frequency and facility of divorce among the people of the United States, by establishing a system of "consecutive" polygamy, sap the foundation of the whole social order, and are not less destructive of Christian morality than Mormonism itself. The difference is slight between a man who has ten wives at the same time, in the same place, and him who has ten in the same or in different States of the Union, all living and all divorced but one. Yet the latter state of affairs is as possible as the former, as a glance at the statistics of divorce will show. "In the New England States alone families are broken up at the rate of two thousand every year. And again note this, that, while the laws protecting marriage have been thus gradually weakened, and facilities for divorce extended, crimes against chastity, morality and decency have been steadily increasing. In Massachusetts, from 1860 to 1870, during which time divorces have increased two and one-half times, while marriages have increased hardly four per cent., and while all convictions for crime have increased hardly one-fifth,—those crimes known as being 'against chastity, morality and decency,' filthy crimes, loathsome, infamous, nameless crimes, have increased three-fold."¹ . . . "The following" are the "ratios of divorce to mar-

¹ "The Calling of a Christian Woman" (page 124), Rev. Morgan Dix, S.T.D. Published by D. Appleton & Co., New York. 1883.

riage: Connecticut, 1 divorce to every 10.4 marriages; Vermont, 1 to 13; Massachusetts, 1 to 21; New Hampshire, about 1 to 9; Maine, 1 to 9 or 8; Rhode Island, 1 to 10. This is not true of New England alone. In Ohio, for example, the ratio of divorces to marriages has increased from 1 to 26 in 1865, to 1 to 17 in 1881."¹ This statement regarding Ohio of Rev. Samuel W. Dilke, Corresponding Secretary of the New England Divorce Reform League, may be supplemented by a passage from a recent report on the relative increase of divorce read before the Ohio Episcopal Convention: "At the ratio since 1870, in twenty years, divorces in Ohio will equal the marriages. Five-sixths of the divorces granted in 1882 were for causes not recognized by the Bible. Collusion and fraud prevail to an alarming extent."² It is not necessary to quote more. The looseness of legislation regarding marriage in all of the United States is notorious, and should be an answer to those who hope that Mormonism will die out of its own accord. Human passion and loose laws are its chief champions, and the Protestant sects are inadequate to resist its onward progress. They see their creeds melting away in an ocean of doubt and unbelief, like icebergs drifting into southern latitudes; and they stand wringing their hands in hopeless despair, because Christian morality will not survive the loss of her sister Christian faith, whom they murdered in the sixteenth century. Every honest man sees the gulf into which the frequent disruption of the marital relation will eventually bring us. Better than any one else could say it, the learned and saintly Pontiff, Leo XIII., has summed up the consequences of divorce in these words: "Divorce renders marriage contracts changeable; weakens the mutual love of the contracting parties; gives inducements to unfaithfulness; is injurious to the rearing and education of children; breaks up the domestic relations; sows dissensions among families; lessens and degrades the dignity of woman, who is thus exposed to be cast off, after having been the slave of man's passions. And as nothing conduces more to the destruction of families, and the destruction of national power than corruption of morals, it is easily seen how hostile to the prosperity of the family and of the State are the divorces which spring from the corrupt morals of the people, and as experience teaches open the door and lead the way to greater public and private degradation."

All sincere Protestants subscribe to these words of the Holy Father. They know and admit that the Catholic Church is not responsible for raising the sluices of divorce, but that its possibility arises from the looseness of Protestant teaching and practice.

¹ *Idem*, p. 127.

² *New York Sun*, May 13, 1883.

³ Encyclical of February 10th, 1880, found in "Acta quæ apud Sanctam Sedem," etc., vol. xii.

They destroyed the sanctity of marriage when they denied its sacramental character. "It is hardly necessary to remind the reader of the obsequiousness of Cranmer in the matter of the divorce of Henry VIII.; of the conduct of Luther and Melanchthon in the case of the Landgrave of Hesse; of the abortive *Reformatio legum ecclesiasticarum* in the reign of Edward VI.; and of John Milton's tractate addressed to Parliament on the *Doctrine and Discipline of Divorce*."¹ "From the total of marriages registered in the several States those contracted and solemnized by Roman Catholics must be deducted; for they, all honor to them, allow no divorce *a vinculo*, following literally the command of our Lord Jesus Christ."²

The Protestant bishop of Maine says: "Laxity of opinion and teaching on the sacredness of the marriage bond and on the question of divorce, originated among the Protestants of Continental Europe in the sixteenth century. It soon began to appear in the legislation of Protestant States on that continent, and nearly at the same time to affect the laws of New England. And from that time to the present it has proceeded from one degree to another in this country, until, especially in New England, and in States most directly affected by New England opinions and usages, the Christian conception of the nature and obligations of the marriage bond find scarcely any recognition in legislation, or must thence be inferred, in the prevailing sentiment of the community."³

In contrast to the looseness and weakness of the Protestant reformers regarding marriage, how grandly the Roman Pontiffs loom up in history as the champions of its sanctity and indissolubility! We remember Nicholas I. defending its sanctity against the Emperor Lothair; Urban II. and Paschal II., against Philip I., of France; Cælestine III. and Innocent III., against Philip the Fair, forcing him to reinstate Ingelburga in her position as his wife; Clement VII. and Paul III., against Henry VIII.; and Pius VII., against the powerful Napoleon I.; and then we look with contempt upon Luther and Melanchthon truckling to the brutal passions of a petty German prince, sanctioning bigamy for the sake of a little political assistance given to their revolt against the old Church.

But, although Protestants and infidels know in a general way that the Catholic Church does not tolerate divorce, their information in regard to the Catholic doctrine on marriage is not very clear nor very full. Many of them do not take the trouble to study her teaching on this or any other subject, and yet there is among some a desire for more information regarding it. The observer must have recently remarked from time to time inquiries made in

¹ "Calling of a Christian Woman," p. 135.

² *Idem*, p. 123.

³ *Idem* (quoted by Dr. Dix).

the daily press, showing that knowledge in this matter is sought for. It might be found with ease from the nearest Catholic priest or in the usual text-books of theology; but the average Protestant does not wish to consult a priest, and the text-book of theology is in an unknown tongue.

It may be well, therefore, to give a short statement of Catholic teaching on the chief points of marriage, especially on those that will most interest the Protestant or the infidel inquirer.

Marriage, under the law of nature, was a mere contract, seldom, however, divested of a religious character. It is even in the law of nature intentionally indissoluble; for it is a union of two hearts, pledging to each other undying love. In this union children are to be brought up to maturity by their parents; and these parents, in old age, are to be supported by their grateful children. The unity of the family is thus preserved intact.

The learned Romagnosi¹ thus sums up the reasons for considering the marriage tie indissoluble: "In questa politica fisiologia la famiglia si comincio col matrimonio, si prosegue colla educazione e si finisce coll' assistere alla vechiezza."

The consent of the parties to this contract should be both internal and external, mutual, free, and deliberate. This natural contract was elevated to the dignity of a sacrament by Christ.

Firstly, then, let us discuss the indissolubility of the sacrament of marriage; and secondly, point out some of the impediments which render it either illicit or invalid.

It is an article of Catholic faith, defined in the 7th canon of the 24th session of the Council of Trent, that the consummated marriage of Christians can never be dissolved as to the *vinculum*, or bond, save by the death of either party. There is no exception to this rule. The Pope himself cannot make one, for he has no right to dispense with the divine law. Where there has been mutual consent, and no impediment nor informality, the married person is married for life. This doctrine was denied by Calvin, who permitted divorce, *a vinculo*, for cause of adultery; by Luther, who permitted it even for theft or any sin, or frequent quarrelling, or if one of the parties remained too long absent; while Bucer taught that a man could divorce his wife as often as he found her disagreeable; and she could divorce him for a similar reason.² No matter what crime a Christian man or woman commits, it does not break the matrimonial chain, according to the teaching of Catholic faith. There is, indeed, in the Catholic Church a partial divorce permitted. It is from bed and board only, and is granted in the case of adultery, or for other grave causes. The Church considers the

¹ "Instit. di Civil. fil.," tom. i, p. 431.

² "De Augustinis, De Re Sacrament.," vol. ii., p. 282.

marriage contract as indissoluble by its very nature, but especially since its elevation to the dignity of a sacrament which represents the union of Christ with his Church; which union is indissoluble, for the Divine Word will never lay aside the humanity which He assumed. Even Protestant jurists, with a higher instinct than Protestant theologians, although denying the sacramental character of marriage, recognize it as "something more than a mere contract. It is rather to be deemed an institution of society founded upon the consent and contract of the parties."¹ The whole of Catholic tradition is in favor of the indissolubility of marriage. The testimony of the Fathers on the subject is too long to quote, and it may be readily found in any text-book of Catholic theology. The voice of universal Catholic tradition on this matter is heard in the decree of Pope Eugene IV., approving the Council of Florence, which gave expression to the faith of the United Greek and Latin Churches in the fifteenth century: "Although for cause of fornication, separation from bed and board is allowed, yet it is not lawful to contract another marriage, since the bond of a marriage lawfully contracted is perpetual." Let us pass, then, to the Bible.

There are five passages in the New Testament which bear directly on the indissolubility of marriage, *a vinculo*. Of these three are clear and absolute. The first is found in Mark x., from verse 2 to verse 12, inclusive. We quote it: "*And the Pharisees coming to him asked him: Is it lawful for a man to put away his wife? tempting him. But he answering said 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 the creation, God made them male and female.*" That is, *one male for one female; one Adam for one Eve.*

"For this cause a man shall leave his father and mother, and shall cleave to his wife. And they 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."

It would be impossible to express more clearly than is done in these words the unity, sanctity, and indissolubility of marriage. By them the Mosaic divorce is abrogated; and its abrogation is twice declared, once in public discourse, and again in private ex-

¹ Judge Story, "Conflict of Laws," section 108, note.

planation by the divine lawgiver to his apostles. The natural contract and ceremony of the Mosaic dispensation are elevated to a higher sphere and made a sacrament, by the divine Author of all the sacraments.

Again, this indissolubility of marriage is inculcated by our Lord, in Luke xvi., verse 18: "*Every one that putteth away his wife, and marrieth another, committeth adultery; and he that marrieth her that is put away from her husband, committeth adultery.*" The possibility and the right to put away a wife are here expressed; but it is evidently only a divorce *a mensa et thoro*, from bed and board; the *vinculum*, the marriage-tie remains unbroken; for he that marries her who is put away commits adultery, which could not be if she were free, any more than it would be adultery to marry a widow or a widower. There is no exception in either of these texts. They are both absolute and categorical.

The most voluminous and the greatest inspired expounder of our Lord's words is St. Paul. We have the authority of St. Peter indorsing this estimate of the apostle of the Gentiles. Now this is what St. Paul writes about marriage, 1 Cor. vii., verse 39: "*A woman is bound by the law as long as her husband liveth; but if her husband die, she is at liberty: let her marry to whom she will, only in the Lord.*" This is a clear declaration that the consummated marriage of Christians can be dissolved only by the death of one of the married parties; and is the best commentary ever written on the words of Christ: "*They are not two but one flesh,*" "*what therefore God hath joined together, let not man put asunder.*" In the same chapter, verse 10, St. Paul says: "*Not I, but the Lord commandeth that the wife depart not from her husband.*" But if she does depart, being divorced from bed and board on account of adultery, or some equally heinous offence, she must still remain unmarried; for he continues: "*And if she depart,*" the Lord commandeth, "*that she remain unmarried or be reconciled to her husband.*"

It is a canon of hermeneutics that the obscure should always be explained by the clear; and if therefore there is any obscurity in the New Testament regarding the doctrine of marriage, these clear texts, some of them, if not all, written later than any obscure passage that may be quoted on the subject, should be the proper interpreters of it. This rule of interpretation is admitted by those even who are not willing to admit the authority of the Christian Fathers, nor the infallible authority of the Catholic Church in interpreting Scripture.

Now it so happens that there are two texts relating to marriage, both in the gospel of St. Matthew, which have given rise to contention; and human passion, rather than the light of faith and authority, has made the sects, in spite of the clear texts above quoted,

choose the sinister rather than the universal Catholic explanation of them.

The first of these texts is Matth. v., verses 31 and 32: "*And it hath been said whosoever shall put away his wife let him give her a bill of divorce.*" Our Lord is correcting the false interpretations which the Pharisees had put on many of the Mosaic laws. He is also improving those laws, abolishing some of them and bringing ethical legislation up to the pure and high standard of his own teaching. The context shows this. He is stating the old Hebrew law, or the pharisaical gloss on it. He does this first, and then corrects the error or abrogates the law. This he has been doing on other points. Then he proceeds to the question of marriage: "*But I say to you,*" not as Moses said to give a bill of divorce, *a vinculo*, which he allowed on account of "*the hardness of your hearts;*" "*that whosoever shall put away his wife excepting for the cause of fornication,*" when it is allowed to put her away from bed and board forever if you like, but not to free her from the sacramental tie, "*maketh her to commit adultery; and he that shall marry her that is put away, committeth adultery.*" Christ does not say, "Give the woman a bill of divorce as Moses permitted when she commits fornication, so that she may be free." This He would have done if it was His purpose to permit the discarded woman to marry again, as the sects claim. His purpose was to abrogate the Mosaic bill of divorce as the context here, and in Matth. xix., verse 9, shows. That Mosaic bill of divorce was the occasion of our Lord's words. But he does not abrogate the Mosaic bill of divorce, if the words "except the case of fornication" mean the possibility of a divorce, *a vinculo*, and are not confined to a divorce, *a thoro*. If divorce *a vinculo* be allowed by Christ, has he not left the Mosaic law in this matter unchanged? In that case Christians would have the same indulgence as was accorded to the ancient Jews on account "of the hardness of their hearts;" and our Lord's words would imply no modification of the Mosaic laws regarding marriage, and would have no sense; a supposition which would be absurd and blasphemous.

Besides, if a woman who has been discarded on account of adultery may marry again, as some of the sects say, her position would be better than that of one dismissed for no crime at all. The adulteress would be free to marry, while a woman separated from her husband on account of sickness, for instance, could not marry. This would be the necessary consequence of the Protestant interpretation of the text. But it is plain that our Lord frees the husband from the burden of living with the adulteress, but not from the bond of marriage. This is all he concedes, while Moses concedes total divorce on account "*of the hardness of heart*" of the

Jews. "If husbands were allowed by Christ to dismiss their adulterous wives and marry others, men who were tired of their wives would forge charges of adultery against them to get rid of them and marry new ones; and thus our Lord, instead of restricting the discipline of the old law, would have relaxed it."¹ In the old law the adulteress was put to death; in Christ's law, according to Protestant interpretation, she could go free and marry again; while a discarded wife guilty of no crime would not enjoy a similar privilege.

Remark further, the reason why our Lord does not say that if the discarded woman marries again she commits adultery, is because it was unnecessary to say so. She had been discarded for adultery, and it was useless to add that her new offence if she dared to marry again would be adultery. But He says that "*he that shall marry her that is put away committeth adultery,*" to show that she could marry no other man, and that no other man could marry her so long as her husband was alive.

An Anglican may say that this argument only shows that the guilty party cannot marry again, something which he admits in common with the Catholic Church; but that it does not prove that the innocent party may not marry again, as he maintains with all Protestants contrary to the teaching of the Catholic Church. To this we answer, 1. That as an innocent man cannot marry the guilty woman who is discarded—the text says it—the innocent is made to suffer in any case; the innocent who may want to marry her as well as the innocent who has been married to her; for the indissoluble tie of marriage is the real reason of her inability for marriage rather than her adultery. 2. Christ distinctly says in Matt. xix., v. 9, "*I say to you that whosoever shall put away his wife except it be for fornication and shall marry another committeth adultery.*" Here the innocent man after putting away his wife for adultery is still tied by an indissoluble chain; for the words "*and shall marry another committeth adultery,*" follow the words "*except it be for fornication,*" to show that even then the Christian law holds the man in spiritual bondage, contrary to the Hebrew law which gave him carnal liberty. There is, indeed, one privilege given to the innocent by our Lord, and it is a great one: to turn the culprit out of the house, but not to break an indissoluble contract and desecrate a sacrament. 3. The individual must suffer for the good of the whole. Every day individual liberty is abridged by the state for the good of the commonwealth, and so in the Christian commonwealth must the individual bear the sweet yoke of Jesus Christ for the sake of good morals and the sanctity of marriage.

¹ St. Jerome quoted by Maldonatus, "Comment. in Matthaëum," in loco.

Besides, the other texts and arguments clearly exclude even the Anglican exception in favor of divorce.

The full text of Matth. xix., v. 8 and 9, gives new light to this interpretation. It reads: "*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.*" Our Lord is now going to correct the Mosaic laxity and assert the dignity of the sacrament: "And I say to you that whosoever shall put away his wife except it be for fornication,"—and then a partial divorce is allowed, not a total one as Moses permitted,—"*and shall marry another, committeth adultery; and he that shall marry her that is put away, committeth adultery.*" Even after putting her away the man is not free to marry, else why say that even then if he remarries he commits adultery, just as she would? For that which is crime for one is crime for the other according to the text. The husband is not bound to put her away; he may condone the offence; but he has the privilege of dismissing her forever, although he cannot marry again while she lives. That this severe interpretation of the text is the only right one is shown by the context that follows. The Apostles, understanding and realizing that Christ taught that a man once married, to a leper, or a scold, or even to an adulteress, could never be loosed from the sacramental knot save by the death of his wife, said v. 10: "*If the case of a man with his wife be so, it is not expedient to marry.*" If they had understood him as granting license to remarry when a wife was unfaithful, they would not have spoken in this way. If these Christian Hebrews, as the Apostles were, had not understood our Lord as abridging and abolishing the Mosaic privilege of divorce, their words would not be what they were. And our Lord in reply to them, instead of softening his doctrine, tells them in the subsequent verses, that it is better and more conducive to spiritual perfection not to marry than to marry. His religion is a restraint on human passions, an abridgment of the liberty of the flesh, the perfection and purification of the Hebrew creed. And although his teaching regarding the indissolubility of marriage may be a "hard" doctrine, as was said of his doctrine regarding Transubstantiation,¹ He can make no concession. He came to purify morals, not to break down the dykes that hold passions in check.

The impartial reader, we think, will admit that the Catholic interpretation of the above texts is the correct one according to the laws of hermeneutics, even though he may refuse the testimony of the Church in the case. How unfortunate for public morals it is then that the Protestant sects should have permitted passion to

¹ John vi., v. 61. "*Many therefore of his disciples hearing it said: This saying is hard and who can hear it?*"

lead them to interpret the words "except the case of fornication," as legitimizing divorce *a vinculo*, whereas they mean only a permission for divorce *a mensa et thoro*, from bed and board. Speaking of sectarian looseness in this matter, Dr. Dix appropriately writes: "This is a heresy born and bred of free thought as applied to religion; it is the outcome of the habit of interpreting the Bible according to a man's private judgment, rejecting ecclesiastical authority and Catholic tradition, and asserting our freedom to believe what we choose, and to select what religion pleases us best."¹ This is very orthodox writing and has the ring of the old Church about it. Dr. Dix is an Anglican. He belongs, we believe, to the High Church party. Now the Anglican Church is one of the most respectable of the sects, and clings still with tenacity to many of the old doctrines and customs of the Catholic Church. The odor of the old faith and of the old piety hangs around Anglicanism, even after the sacred vase of Catholic unity and orthodoxy has been shattered. Dr. Dix is one of the best types of the New York Anglican clergy. Many of them are pious, passably learned, and would make good Catholic priests if God would give them the grace of conversion to the true faith; and if they were not impeded by what the venerable and learned Benedictine, Dr. Bernard Smith,² once said in Rome was the chief argument against the Catholic Church, "hanging on their arms." And so Dr. Dix, "orthodox" and well-intentioned gentleman as he is, inveighs against divorce. We follow his song with pleasure. The tones are clear and true, but just when he reaches the "top note" he fails; and the ear is offended by a flat and unnatural discord. "Marriage is not a mere civil contract," he writes, "it is a divine institution." He even calls it a sacrament, quoting Ephes. v. 32, in a foot-note, "*sacramentum hoc magnum est*," with the gloss "the English word 'mystery,' the Latin 'sacramentum,' alike indicate the presence and work of supernatural power and divine grace."³ Discussing the clause "except the case of fornication," he says: "It is not absolutely clear what that word 'fornication' means. It may possibly mean infidelity after marriage, or it may mean impurity before marriage. I cannot discuss the question here. But mark, that is the sole exception; and it is a mere peradventure that it includes post-nuptial sin."

Yet on that peradventure, and because of that shadow of doubt, the benefit of the doubt is given⁴ by the Anglican Church per-

¹ "The Calling of a Christian Woman," p. 135.

² "Here," said the Doctor, "comes the Rev. Mr. So-and-So with the chief argument against the Catholic Church hanging on his arm." It was an Episcopalian minister with his wife.

³ "The Calling," etc., p. 137.

⁴ Idem, p. 140.

mitting divorce. "It is the rule of our own branch of the Church, and we must follow it. Divorce, with the privilege to remarry, may be granted, but for one only cause: when adultery has been proved."¹ A strange Church that cannot give an authoritative interpretation of an important text of Scripture, but leaves the matter to a mere "*peradventure*," and on that "*peradventure*" tolerates divorce! Yet Dr. Dix does not approve of the practice of his *branch* of the Church in this case. He is a true Protestant still, and although we have already quoted his words condemning private interpretation and free thought, he uses both against his own "*branch*."² Hear him: "The stringent rule is this, that though the married may be separated so as to live apart when they cannot live together in peace, yet are they still man and wife; and no new matrimonial relation can be formed. They may come back to each other; to strange flesh they cannot go." This is the doctrine of the Holy Catholic Church. "And I think that must have been what the Lord meant, and that it ought to be the rule of the Church."³ Here is an opinion by an Anglican clergyman condemning the teaching and practice of his own "*branch*" of the Church, yet asserting that we must follow it for all that. Why not follow the lead of the Holy Ghost instead, and leave a sect which you believe to teach error? Is not that a plain duty of conscience? Is not that what logic would dictate? But alas! logic and Anglicanism were divorced long ago. We pray that it may be only a *mensa et thoro*!

The Anglican *branch* of Protestantism having allowed absolute divorce for cause of adultery, in fact owing its very existence to an English king who divorced his wife and the Catholic Church at the same time, the other "*branches*" could not be expected to do better. The consequence is that absolute divorces are now common for various causes, and partial divorces from bed and board are hardly understood out of the Catholic Church. The United States, where so many Protestant "*branches*" exist, and where being in the majority they control civil legislation on the subject, are now morally degraded on account of the facility with which divorces are granted. Let us take a view of some of the laws on the subject in the different States, all admitting divorce. Alabama permits divorce not only for the usual grave causes, but for two years' desertion; Arkansas for habitual drunkenness for a year, or desertion for a year; California for habitual intemperance or wilful neglect of the husband to provide for the wife for two years, or conviction of felony; Connecticut for seven years' absence not heard from; Florida for ungovernable temper and desertion for a year; Illinois for desertion for two years, or "any grounds which the court may consider proper;" Indiana for abandonment for a

¹ "The Calling," p. 141.

² *Idem*, p. 140.

³ *Idem*, p. 140.

year, or for "such other causes as the court in its discretion may deem sufficient;" Kansas for gross neglect of duty; Kentucky for living apart without co-habitation for five years, desertion for a year, confirmed drunkenness of the husband with improvidence continued for a year, habitual misbehavior of the husband continued for six months; Maine at the discretion of the judge; Michigan for desertion for two years; Minnesota for drunkenness for a year; New Jersey for desertion for three years; North Carolina for "any just cause which the Civil court may deem proper;" Mississippi, Nebraska, Nevada, Tennessee, and elsewhere for desertion for two years. Thus in most of our States a man may run away from his wife when he is tired of her, remain away from her for a few years and then marry another, or he may enjoy this privilege as a reward of misbehavior for six months.¹ To this degree of degradation has the teaching of the Protestant reformation brought the holy institution of Christian marriage. When will the conservative thinkers in the sects and out of them do justice to the Catholic Church on this important matter? Do they not see that she alone, by her unflinching and unyielding position in regard to the sanctity and indissolubility of the marriage relation, is the only breakwater to the advancing tides of social immorality in our country? We therefore invite them all to come into the ark out of the deluge; to come on to the Catholic platform, which never breaks down, for its planks were laid and its props fashioned by the omnipotent hand of the Divine Workman. The superiority of the sanction which the Catholic Church gives to domestic society, and her protection of the holy sacrament of matrimony are further evidenced in the number and character of the impediments with which she has hedged it in. The Hebrew prohibitions of marriage as found in the book of Leviticus are in many respects different from those of the Catholic Church. The Hebrew law was a national dispensation and narrow in its import. There was in it the obligation of keeping the tribes distinct from one another, and of confining the royal descent and the priesthood to special families. Hence, certain consanguineous marriages and marriages of affinity not permitted by the Church, were not only allowed, but commanded, by the law of Moses. The Catholic Church having abolished carnalism and enlarged the limits of charity by inculcating the doctrine of the

¹ The rasping lines of the Roman satirist will soon apply to the condition of our much-divorced people:

"Cur desiderio Bibulæ Sertorius ardet?
 Si verum excutias, facies, non uxor amatur.
 Tres rugæ subeant, et se cutis arida laxet,
 Fiant obscuro dentes oculique minores;
 Collige særcinulas, dicet libertas, et exi:
 Jam gravis es nobis et sæpe emungeris, exi
 Ocius et propera: sicco venit altera naso."

— *Juvenal, Sat. vi., v. 142, seq.*

universal brotherhood of man through the Incarnation, set her face from the first against the intermarriage of relatives, among other reasons for the purpose of widening the relationship of the family, and destroying selfishness, which is the foe of Christian charity. Science and good social policy approve the action of the Church in this matter. They show that the marriage of blood relatives imperils the increase of population, and is injurious both to the physical and mental health of the race. A nation's glory is not its material wealth, but the strong arms of a healthy manhood; and this incestuous marriages destroy :

“ A bold peasantry, its country's pride,
When once destroyed can never be supplied.”

A people to be brave must also be healthy ; and therefore the quotation from Goldsmith may be appropriately supplemented by the line of Juvenal : “ *Orandum est, ut sit mens sana in corpore sano.*”¹ Incestuous marriages unite affections that should be kept separate. The affection which a man has for his kin should not be confounded with that which he should have for his wife. They should be kept specifically distinct, for they are often incompatible ; as, for instance, if a woman were a man's wife and niece at the same time, by the former-title being his equal, by the latter his inferior. They often engender fratricidal strife ; for in case of conflict between husband and wife, it is bad enough to see their respective families take sides in the quarrel like so many Montagues and Capulets, but worse when the combatants are all of the same flesh and blood. Such marriages confuse the ties of kindred and complicate indefinitely relationships. But above all, they increase the temptations to vice, and sully the sources of family love. There is one spot where it should not be possible for the demon of lust ever to enter. It is home. Its sacred door should be closed to black-winged concupiscence. The halo of purity that surrounds the angel forms of sister, aunt, niece, and even cousins, who are like to sisters, with whom we have culled the flowers in May by the hedgerows and in the meadows, or with whom we have whiled away the long hours of the winter in intimate and innocent amusement, must ever shine with untarnished lustre. Even the greetings or caresses of our own blood must be shielded from evil thoughts or foul blight ; and therefore around the home, the Catholic Church throws the white mantle of her holiness ; and by her stern impediments exorcises the fiend that would destroy the reverence and respect due by the law of nature to our kindred. Within the home she lights

¹ The law of man's physical life is like that of other animals. The race is injured unless foreign stock and new blood are frequently crossed with the original source. Every physiologist knows this. The reader can find this law well explained in “Peace through the Truth,” an able work by Rev. T. Harper, S. J.

a vestal fire that ever burns, and is never dimmed by the smoke of passion. She extends her prohibition even to affinity. She does not wish to see the anomaly of the aunt of children becoming one day their mother. She protects the wife and the husband from the danger which may most threaten them. She will not suffer the sick or aged wife to run the risk of being supplanted in her husband's affections by her younger sister, or niece, or cousin, who is privileged by relationship to live on terms of intimacy in her home. The broad law of reverence for the sacrament of marriage pervades all the Church's impediments both of consanguinity and affinity.

And here again, we have to call attention to the anomalous and illogical position of Anglicanism in regard to the Levitical impediments. By examining the Anglican table of prohibited degrees, we find that it is not forbidden for a half-brother to marry his half-sister; although Leviticus xviii., v. 9, prohibits such marriage. Why this unscriptural omission by so "scriptural" a Church? ¹ In the Levitical catalogue there are twenty-two prohibitions; in the Anglican catalogue there are sixty. Then there are thirty-eight Anglican prohibitions of marriage for which there is no Bible warrant. Why this unscriptural assumption in so "scriptural" a "branch?" The conduct of this church in regard to one impediment of affinity, viz., the marrying a deceased wife's sister, is at the present time exceedingly amusing. The impediment exists, but the Church of England has not the power of dispensing in it. A strange Church that makes a law but requires an act of Parliament to unmake it! In this matter she is like a man who uses a ladder to climb, kicks the ladder away by mistake, and then has no means of coming down. Yet Henry VIII., her founder, used just such a dispensation from Rome to marry Catharine, his brother's widow. The intermarriage of cousins is not prohibited by Protestantism, and consequently it fails to guard domestic purity.

We shall briefly state the impediments of marriage according to the discipline of the Catholic Church. They are twofold, those which simply impede so as to render the contract illicit but not invalid; and those which impede so as to render it null and void. A special prohibition as to time, place, or person, or an injunction to comply with certain formalities; thus to marry a Protestant, to marry without publication of banns, would render a marriage illicit and sinful but not necessarily invalid. Care should be taken not to confound the Church's *impedimenta impediencia*, with what are called "voidable" contracts in the civil law. A marriage which is merely illegal in the eyes of the Church is sinful, but not "voidable." The sin may be wiped out by contrition and sacramental confession; but the marriage cannot be annulled even by the Pope,

¹ "Peace through the Truth," Appendix D., p. 673.

unless the impediment is *dirimens*, or one that invalidates the contract.

The invalidating impediments are numerous. Some of the *impedimenta impediuntia* merge into *dirimentia*. Thus, "pre-contract," as Blackstone calls "*sponsalia*," although an *impedimentum impediens*, becomes *dirimens* under the name of *public decency*.¹ By a decree of the Council of Trent, pre-contract or "betrothal" annuls marriage in the first degree of consanguinity only. Again, the clandestine marriage of a Catholic to a Protestant, which is only an impeding impediment in most parts of the United States, merges into an annulling impediment wherever the decree made by the Council of Trent against clandestine marriages has been promulgated. This decree annuls all marriages not made in presence of the parish priest or his substitute and two witnesses.²

As marriage is a sacrament, though having the nature of a contract, the Catholic Church claims exclusive control over it, and permits the State to legislate only regarding its civil effects. If the State does more than this, the Church considers it an intrusion, which she out of charity or courtesy may tolerate, provided the State law does not interfere with the matter, the form, or the ministers of the sacrament. The matter is the consent of the parties delivering over to each other a right to each other's body; the form is the consent formally expressed by words or other signs in the actual delivery of this right; and the ministers of the sacrament are the contracting parties themselves, the priest being only the minister of the Church. She will never recognize the doctrine that the State can make a law annulling the marriage contract between Christians. In this matter she claims absolute and exclusive jurisdiction, limited only by the divine and the natural law. In regard to these diriment impediments the words of Blackstone are appropriate: "These disabilities make the contract void *ab initio*, and not merely voidable; not that they dissolve a contract already formed, but they render the parties incapable of performing any contract at all; they do not put asunder those who are joined together, but they previously hinder the junction, and, if any persons under these legal incapacities come together, it is a meretricious and not a matrimonial union."³

Some of these "disabilities," as laid down in canon law, are as follows: solemn vows and holy orders. The marriage of nuns and monks or of sub-deacons, deacons, priests or bishops, is null and void. Consanguinity, in the collateral line, annuls to the fourth degree inclusive; thus the marriage of cousins is null and void. The disability of relatives in the direct line as to marriage

¹ "Honestas publica."

² Sess. 24, c. 3.

³ Blackstone's Commentaries, book I, chap. xv.

is unlimited. Those spiritually related cannot marry. The marriage of godfather or godmother with a godchild or its parents is void, as is the marriage of baptizer to baptized, or to the baptized's parents. The same law holds good for those acting as godparents in confirmation, and to the same extent as in the case of baptism.

Adoption is another annulling impediment. The adopter cannot marry the adopted child or its children; nor can the adopted marry the children of the adopter, nor the widow of the adopter; nor can the adopter marry the widow of the adopted.

Affinity arising from a legitimate marriage is an annulling impediment, and, like consanguinity in the collateral line, extends to the fourth degree inclusive. If it arise from an illicit connection it extends only to the second degree. No man can marry his wife's sister or her niece.

Adultery committed with a promise of marriage renders the marriage void. Nor can a man who has murdered his wife marry a woman who has been his accomplice in the act, and *vice versa*.

The marriage of an unbaptized person with one that is baptized is invalid.¹

The reason of this impediment is evident. The Catholic Church loves the souls of her children too well to permit them to run the risk of losing their faith, or of bringing up children without it; and consequently, if possible, she will grant no dispensation to marry an unbeliever, unbaptized or even baptized, unless the faith of the Catholic party and of the offspring, should there be any, be secured from molestation. The words of Pope Benedict XIV.,² applied to mixed marriages, or marriages between Catholics and baptized Protestants, apply with greater force to those between Catholics and infidels. They are "detestable, and our holy mother the Church has always condemned and forbidden them."

Forced fear, such as to destroy freedom of consent, and rape or forcible abduction, nullify marriage, as does also physical impotency. A very remarkable instance of fear and force nullifying marriage has occurred, during the reign of Leo XIII., in the case of the Prince Albert of Monaco and Mary, the daughter of the Duchess of Hamilton. The lady sued for divorce on the ground of fear and force destroying her consent, and in the trial it was shown that her mother had entreated and morally forced her to marry the Prince against her will, and that she had refused to live with him. Two ecclesiastical commissions appointed by His Holi-

¹ For the question of the marriage of unbaptized persons and what is to be done in case of their baptism if they have several wives, which one is to be retained as legitimate, etc., see Ballerini's note to "Gury," p. 736.

² Bull *Matrimonia* of Nov. 4, A.D. 1741.

ness tried the case, and pronounced the marriage null, the one on May 17, 1879, the other on January 3, 1880. The Pope then took the case into his own hands, and, after a thorough examination, declared that the marriage was invalid, though the child born of it was to be considered legitimate.¹

The marriage of females before twelve and of males before fourteen years full is also generally invalid.

These are some of the chief impediments. The reader will not expect us to discuss them at length. The Catholic reader will pardon us for telling him what he already knows; but the Protestant inquirer will perhaps thank us for saving him the trouble of reading our text-book of theology for the information which we give him.

If these impediments be examined closely it will be found that motives of sound public policy and supernatural wisdom have dictated their enactment. We have already pointed out some of the reasons which justify the impediments of consanguinity and affinity. The same reasons apply to the case of adopted children and god-parents. The relations between such parties are too close not to be fenced off by impediments which are the sentinels of purity. The impediments of forced fear and abduction protect the liberty of consent necessary for marriage according to the axiom, "*Non concubitus sed consensus facit matrimonium.*"

But are there not cases where public policy or private justice would prompt a departure from the general laws regulating these impediments and render a dispensation not only useful but even necessary? May there not sometimes be a wrong that can be righted, or a sacred duty that can be fulfilled only by removing the barrier of a matrimonial disability? And is there no power on earth competent to do it? Yes; the Catholic Church has the dispensing power, and she exercises it through her head, the Pope, or his appointed delegate. We have already mentioned the case of fear nullifying the Prince of Monaco's marriage. The true Church is not like the Anglican Church, which needs the permission of a political parliament to remove an impediment which she herself has made. Most of the impediments above enumerated are of purely ecclesiastical origin. The Church made them. The Church for good reasons can unmake them. The vicar of Christ, the successor of St. Peter, who holds the keys of apostolic power to bind or loose according to the commission given to him as infallible teacher and supreme legislator for God's people, uses the dispensing power whenever the good of society, or of religion, or the eternal salvation of souls may require it. That he, as the chief spiritual authority in Christendom, should have this power is im-

¹ See the case in full in the "*Acta Sanctæ Sedis*," vol. xii., p. 403.

PLICITLY though unintentionally conceded in these words of Blackstone: "The punishment therefore or annulling of incestuous or other unscriptural marriages is the province of the spiritual courts, which act *pro salute animarum*."¹

The power to annul is correlative with the power to dispense. Unfortunately, however, some of the civil powers have not been willing to leave marriage to the jurisdiction of the Church; considering it as a mere profane contract, they have loosened its bond and destroyed the whole order of society, as the condition of those countries—of France, for instance—proves where the sacramental character of marriage has been ignored. There is no remedy for this perturbation of the moral order but a return to the doctrine of the Holy Catholic Church. She teaches that marriage is a holy sacrament, and that the Christian family, of which it is the corner-stone, has its prototype in the Holy Trinity itself. Just as in the divine family there are three in one, the Father, the Son and the Holy Ghost, bound together by eternal and indissoluble love, so in the human family there are the husband, wife and child bound together by mutual and indissoluble love. She points to the holy family at Nazareth, in which Joseph, Mary and the divine Jesus live as the model of every Christian family. She teaches, with St. Paul, that "this is a great sacrament, . . . in Christ and in the Church."² As Christ had two natures united in one person, so in marriage there are two persons in one flesh, but considered as only one moral person. Christ is the head of the Church; the husband is the head of the family. The Church is Christ's spouse, whom he nourishes with infallible doctrine and vivifies with his perpetual presence, which fructifies and fecundates, producing children of God and heirs of heaven; as the husband in the sacrament of marriage protects and supports the partner of his bosom and brings up children in the order of nature to be raised by the grace of baptism to the supernatural order.³ Christ has promised to remain with his Church all days, even to the consummation of the world; and the Christian husband and wife in the sacrament of marriage pledge fidelity to each other to the end of their lives. Christ in the Church deserts the soul that sins mortally, but His

¹ Commentaries, edition of Banks & Bro., New York, 1878, p. 142.

² Ephes. v., verse 32.

³ "Adam was a type of Christ; Eve a type of the Church. As from Adam and his spouse the whole human race sprang, so from Christ and his Church the whole multitude of believers was generated. . . . The first man and the first prophet—Adam—prophesied this of Christ and the Church; that our Lord and Saviour would leave his Father God and his mother, the heavenly Jerusalem, and would come down to earth for the sake of his spouse the Church, whom he formed out of his side, and for whom the Word was made flesh."—St. Jerome, "Com. in Epist. ad Ephes.," lib. ii., c. 5, v. 31.

sufficient grace deserts no man, and the stamp of baptism always remains. The repentant sinner is always welcome to His divine arms. There has been, as it were, a partial divorce between him and his Redeemer; something like the divorce from bed and board which may take place among married Christians. The blessing of Christ is on the married couple from the beginning; the ring that symbolizes their union is blessed, and abundant graces are showered on them through the sacrament, enabling them to bring up their children in the fear and love of God. This is the only doctrine that will sanctify the family and save the State; and this is the doctrine of the Holy Catholic Church alone.

THE CHURCH OF FRANCE AND THE REVOLUTION.

The Gallican Church; a History of the Church of France from the Concordat of Bologna, 1516, to the Revolution. W. Henley Jervis, Canon, etc. London, Murray, 2 vols., 8vo., 1882.

History of France. W. H. Jervis. London, Murray, 1882.

State of Society in France before the Revolution and the Causes that Led to that Event. De A. Tocqueville; translated by Henry Reese. London, Murray, 1882.

Les Origines de la France Contemporaine. H. Taine. Paris, Calmann Levy, 1880, 2 vols.

The French Revolution. H. Taine. London, Daldy & Co., 1881, 3 vols.

“THE history of the Papacy is the martyrology of nations!” exclaimed the Abbé Grégoire, in one of his petulant diatribes against the authority of the Holy See. The definition would have been more just and accurate had he put it thus: “The history of nations is the martyrology of the Papacy.”

The one has, in truth, been so bound up with the other that the narrative of the world's wars and revolutions, its struggles and triumphs, the rise and progress and decay of its dynasties, from the Christian era to our own time, might be written as a running corollary on the margin of the history of the Papacy. The destinies of both have been so closely interwoven that the records of the one cannot be fully written without including the records of the other, and nowhere has this solidarity been so strikingly exempli-