

# MARRIAGE QUESTIONS.

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## **1. Is marriage a contract as well as a sacrament?**

For baptized Christians it is both a contract and a sacrament.

## **2. Did God institute marriage or did it evolve from evolution?**

The Book of Genesis tells us that God said: "It is not good for man to be alone. Let us make him a help like unto himself. . . . Then the Lord God cast a deep sleep upon Adam. And when he was asleep, He took one of his ribs and filled up flesh for it. And the Lord God built the rib which He took from Adam into a woman. And He brought her to Adam. And Adam said: `This now is bone of my bone and flesh of my flesh. She shall be called woman because she was taken out of man. Wherefore a man shall leave father and mother and shall cleave to his wife, and they shall be two in one flesh.'" (Gen. 2:18.) Out of this we see how God instituted marriage and that marriage did not just evolve from evolution.

## **3. What is the primary end of marriage, children or satisfaction of the sex instinct?**

The primary purpose of marriage is the procreation of children for the purpose of continuing the human race; the secondary end of marriage is the remedy of concupiscence.

## **4. Didn't some Christians believe that marriage was sinful?**

Yes. The Gnostic heretics condemned by St. Paul (1 Tim. 4:3) forbade marriage on the grounds that it was sinful. But marriage is good and holy when properly exercised: "Marriage honorable in all, and the bed undefiled." (Heb. 13:14.)

## **5. Are all bound to marry?**

No. Otherwise, Christ would have given the example by marrying Himself. Read Mt. 19:12 where Christ speaks about the eunuchs, the unmarried, the celibates who make themselves celibates for the kingdom of Heaven.

## **6. What do you mean when you say that marriage is a sacrament?**

The Sacrament of Marriage is a sacred, sensible sign instituted by Christ to confer Divine grace on the husband and wife.

## **7. Who said marriage is a sacrament?**

We know marriage is much more than a "contract of secular business" as Luther declared marriage to be, because the Catholic Church founded by Christ says so, especially through the teaching of the Fathers and early Church councils. St. Paul declares marriage to be a sacrament in Eph. 5:31-32, thus: "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; but I speak in Christ and in the church." The Protestant Bible declares it to be a "Great Mystery," but Luther declares it to be no greater than secular business and has no place in the Church. As the union of Christ with His Church (a comparison of marriage by St. Paul) signifies the bestowal of grace on the Church, so the union of husband and wife signifies the bestowal of grace in Christian marriage. Hence, among Christians the contract is not distinct from the sacrament, for the sacrament is nothing but the contract raised to the dignity of a sacrament; "Christ our Lord raised to the dignity of a sacrament the contract of marriage between baptized persons." Canon 1012 [in the 1917 Code] also says, "Wherefore between baptized persons there can be no valid contract of marriage without being a sacrament." Marriage therefore is a sacrament when validly entered into by two baptized persons, whether they are Catholic or Protestant.

### **8. Do Catholics and Protestants who marry in mortal sin receive the sacrament?**

They receive the sacrament but not the grace. They commit sacrilege. The presence of mortal sin shuts out the bestowal of grace. If they make a good Confession and repent, later on the grace of the sacrament revives in the soul according to the common teaching of theologians.

### **9. Does the priest marry a couple or do couples marry themselves?**

The couple marry themselves, for the parties to the marriage are the ministers of the sacrament and the priest is the necessary and authorized witness of the Church.

### **10. Can people marry who refuse to have children?**

If by refusing to have children you mean a refusal to give and receive the perpetual and exclusive right to the marriage debt, then those who marry with this intention are not married, because they exclude the essential object of the marriage contract. But if by refusing to have children, you mean a refusal to bear more than one or two; the marriage of such a person is valid, on condition that the right of the other party to the marriage debt is not thereby excluded. In order that marriage be valid, it is absolutely necessary to give and receive the exclusive and perpetual right to the marriage debt. (Canon 1081 of the 1917 Code.) The perpetual and exclusive right to the marriage debt means that it cannot be given only for a period of time, but must last as long as the marriage, that is, till death comes to one or the other party to the marriage. The exclusive right to the marriage debt means that it cannot be shared with other persons while the marriage endures.

### **11. Can a woman who is found to be sterile have her marriage annulled in order to allow her husband to marry someone else?**

No. A marriage is not made null, void, or illicit because of sterility. She will always be his wife until he or she dies.

### **12. Your literature on marriage speaks frequently of unity and indissolubility.**

Unity means that marriage can take place only between one man and one woman, whilst indissolubility means that this monogamous union must last till the bond is sundered by death.

### **13. Is unity and indissolubility demanded by a positive Law of God?**

Yes. That positive law was revealed to mankind by Christ when 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 has joined together let no man put asunder." Mt. 19:6.

### **14. How, then, do you explain that the Patriarchs had many wives and the Jews were allowed to divorce and marry again?**

After the deluge, the unity of marriage was suspended by God for the benefit of the Patriarchs in order to increase the human race. Moses permitted the Jews to practice divorce "because of the hardness of their hearts." (Mark 10:5.) Marriage today has been thrown back by the Reformers to what it was before it had been corrected and reformed by Jesus Christ. The non-Catholic attitude today is no different than the Jewish attitude which was certainly rebuked by Christ. Christ pointed out that the Mosaic sanction was a concession which was contrary to the original institution of marriage, for He revoked both concessions when He said "from the beginning it was not so." (Matthew 19:8.)

### **15. Does not Christ allow divorce for fornication as mentioned in Mt. 19:9?**

No. Protestant scholars today deny the interpretation given to this text by the Reformers. Christ did not make fornication, or marital infidelity, a case for divorce, but only for separation. He specifically says here that a husband divorcing his wife for adultery and marrying another "commits adultery," and the second man who marries that divorced woman is not married to her at all, for he too, is committing adultery by living with the wife of another man. Where would the sin of adultery come in if marriage is not indissoluble and were the separated parties not still man and wife?

### **16. But Protestant Churches teach today that this text allows absolute divorce.**

How can this text be so interpreted when Christ was so clear about it that the Jews replied to Him: "if the case of a man with his wife be so, (that is, no privilege of remarriage) it is not expedient to marry." (Matthew 19:10.) In other words if a man cannot divorce an adulterous wife and marry another — then what's the use or sense of getting married if that's to be the law? Saint Mark 10:11, Saint Luke 16:18, and St. Paul in 1 Cor. 7:10 make no exception to the new law. All three say that separated married couples must "remain unmarried," otherwise they would be guilty of adultery. St. Jerome (340-420) should have known the true law of the Apostolic Age. He writes: "As long as the husband is alive, even though he be an adulterer . . . and is deserted by his wife for his crimes, (that is, drunkenness, good-for-nothingness, etc.) he is still her husband, and she may not take another . . . Whether she puts her husband away, or is put away by her husband, whosoever shall take her is an adulterer." (Epistle 55.)

### **17. Are there no exceptions whatsoever to the prohibition of divorce?**

Yes. There are two exceptions

(1) marriage between infidels,

(2) unconsummated marriage between two baptized or one baptized and one unbaptized person.

The first is called the Pauline Privilege, which allows the dissolution of marriage contracted between two unbaptized persons, one of whom becomes a convert to Christianity, whilst the other refuses to be converted or live in peace with the convert. In this instance, the convert is free to marry a Christian, and at the moment of the second marriage, the bond of the first marriage is completely dissolved. (1 Cor. 7:12-15.)

In the case of unconsummated marriage between two baptized persons, or between a baptized and an unbaptized person such marriages can be dissolved by entering a Religious Order and also by dispensation of the Pope.

### **18. What do you mean by a ratified marriage?**

It is a marriage contracted validly between two baptized persons, but unconsummated (not yet entered into by their wedlock). A ratified and consummated marriage is one which has been validly contracted between two baptized persons and the parties thereto have exercised the marriage debt, entered their wedlock or, in other words, have become "one flesh."

### **19. By what power does the Pope dissolve a merely ratified marriage?**

He does so by the power of the keys, "Whatsoever you shall bind upon earth shall be bound in Heaven, etc." (Matthew 16:19.)

### **20. Why can a merely ratified marriage be dissolved, but a ratified consummated marriage cannot?**

Because Christ was speaking of those who had become one flesh; "therefore they are not two, but one flesh. What therefore God hath joined together, let no man put asunder." Mt. 19:6. The union of Christ and His Church spoken of by St. Paul in Eph 5:32, can only be represented by a ratified and consummated marriage. The union of Christ with His Church is indissoluble, and so is the union of a Christian man and woman who have become one flesh.

### **21. Are civilly divorced people who have remarried really married?**

If their first marriage is a true marriage, their second marriage is not a marriage but a state of adultery, for the two of the first marriage are still husband and wife, according to the natural and the positive law of God.

### **22. I cannot possibly get along with my husband who is a drunkard. What can I do?**

You can have recourse to the bishop of the diocese through your pastor for a temporary or a perpetual separation. The causes for a temporary separation are the grave dangers to soul or body inflicted by your husband. As for perpetual separation there is only one cause, namely adultery committed by one of the married partners, and not condoned by the other. In this latter case the

Catholic can, with permission of the bishop, obtain a civil divorce to protect herself civilly against the guilty party. After a divorce allowed for civil protection, neither party can marry again, while both are alive: "To them that are married, not I, but the Lord commands 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." (1 Cor. 7:10.)

### **23. Banns of marriage. What are they?**

Banns come from the English word which means "to summon." In Canon Law, banns are public announcements of future marriages. They must be proclaimed on three successive Sundays or feast days of obligation, during Divine service. They are announced in order to discover if both parties to the pending marriage are free to marry. The banns between two Catholics are announced in the parish where the marriage is to take place, as well as in the parishes of both parties, if they live in different parishes. [In general, the 1983 revision of the Code of Canon Law removed the necessity of publishing Banns, as greater mobility had limited their usefulness as a means of determining whether there were impediments to marriage.]

### **24. Some Catholics seem dispensed from this law.**

Some may be dispensed by the bishop, if he thinks there is sufficient reason. Note this, that a dispensation from the banns does not "cost" anything. It is not a question of buying and selling. But a tax is placed on those who wish this exception and this tax goes to defray the expenses of the Chancery Office.

### **25. Are people obliged to reveal that such a party is not free to marry?**

Yes, there is a serious obligation to reveal what is known to stand in the way of a lawful and valid marriage.

### **26. Who has the right to celebrate marriage?**

The pastor of the bride has the preference, though both the pastor of the bride and the pastor of the groom are competent to arrange for the marriage, and also to perform the ceremony. (Canon 1097, 2, of the 1917 Code.) They may be married either in the parish of the groom; or in some other parish only by permission of the pastor of the bride.

### **27. Why do pastors ask for so much information before a marriage?**

It is the duty of the pastor or delegated priest to ask separately both the man and the woman whether they are under any impediment, whether they freely consent to marry, and whether they are sufficiently instructed in Christian doctrine, and realize the nature and responsibilities of marriage. He shall also admonish them to make a good Confession and to receive Holy Communion.

### **28. Does disease make up an impediment to marriage?**

No. Nevertheless, justice demands that when parties to the marriage are afflicted with especially

infectious or contagious disease, it should be told the other party, since the happiness of marriage relies in large measure upon the health of both.

### **29. What papers are needed to get married?**

Besides the civil license, each party must furnish the pastor or delegated priest with a baptismal certificate and a statement from his or her pastor that there is no impediment to the marriage.

### **30. Why a baptismal record?**

The Canon Law prescribes that when anyone marries or is ordained, or makes solemn religious profession, or has a marriage declared null, a record of these things must be made in the baptismal record. Thus, when a baptismal certificate is furnished by the pastor he sees at once any recorded impediment to the marriage. The baptism certificate is required even of a non-Catholic in the case of mixed marriages. N. B. In cases of mixed marriages, the banns of marriage are not announced.

### **31. Where does your Church get her authority to regulate marriages of baptized persons?**

From Jesus Christ, Who gave her the power to bind and to loose, and Who made her the sole authority over the Sacrament of Matrimony. It is outside the jurisdiction of civil authority to regulate the Sacrament of Baptism. The State has no authority over the bond of marriage among the baptized, but it is able to legislate with regard to the civil effects of marriages.

### **32. What is an impediment of marriage?**

It is a circumstance, which renders the marriage contract unlawful or invalid. The Church, by reason of her sole jurisdiction over the sacrament of marriage, designates what impedes the natural law and the Divine positive law for reason of the private and public good. She classifies impediments as prohibitive and nullifying impediments. A prohibitive impediment is a grave prohibition to marry, but if the marriage is contracted, it is valid, though sinful or illicit. A nullifying impediment is a grave prohibition to marry, and makes the marriage, if attempted, invalid.

### **33. Name the prohibitive impediments.**

They are the vow not to marry, the vow of virginity, the vow of perfect chastity, the vow to receive Holy Orders, and the vow to embrace the religious life. In addition to these, there are the impediments of mixed religion and legal adoption, in places where the civil law makes the latter relation a prohibitive impediment. The impediment of mixed religion arises when two baptized persons, one being Catholic, and the other a member of an heretical or schismatical sect, undertake marriage. The impediment of legal adoption occurs when the civil law forbids marriage between the adopter and the adopted. Then the Church also recognizes this as prohibitory. Where the civil law recognizes adoption as a nullifying impediment the Church does also. In the United States, no State makes legal adoption an impediment of marriage.

### **34. How about membership in Condemned societies such as the Freemasons?**

Membership in condemned societies is not included in the list of prohibitive impediments. The Church however, warns against marriages with such members, and also apostates, and those of bad reputation. The Ordinary or Bishop for grave reasons may permit such a marriage, but only under the same guarantee as prescribed for mixed marriages.

### **35. What are the nullifying impediments to marriage?**

They are: age, impotence, existing marriage, Holy Orders, difference of worship, solemn vow, crime, consanguinity, affinity, public decency, abduction, spiritual relationship, and legal adoption in places where the civil law nullifies such a marriage.

### **36. Explain the impediment of age, - impotence, - existing marriage, etc.**

- (1) The impediment of age means that a valid marriage cannot take place unless a male has completed his sixteenth year, and a female her fourteenth year.
- (2) Impotence means the incapacity to perform the marriage act in a manner suitable for the procreation of children.
- (3) Existing marriage means that a person already validly married cannot marry another person while his partner is alive.
- (4) Holy Orders is an impediment of the Latin Church which renders marriage invalid for all those who have received at least Sub-deaconship. [Since 1972 for those who have at least received the Diaconate.]
- (5) Difference of worship or disparity of worship is an impediment occurring between a person baptized in the Catholic Church and an unbaptized person. Since May 19 1918, marriages between baptized non-Catholics with unbaptized persons are no longer held as invalid because of disparity of worship.
- (6) The Solemn vow impediment is a solemn vow of chastity taken in a religious order.
- (7) Crime is a three-fold impediment;
  - (a) it exists between those who commit adultery with a mutual promise of marriage, or who attempt marriage, even civilly;
  - (b) between those who have committed adultery if validly married to another, one of whom kills his or her lawful married partner;
  - (c) and between two persons who have agreed in causing death of either's married partner, even though they have not committed adultery.
- (8) Consanguinity or blood relationship, invalidates marriage in all degrees of the direct line, ascending and descending whether legitimate or natural, and to the third degree inclusively of the collateral, or indirect line, not, as formerly, to the fourth degree.
- (9) Affinity arises between a husband and the blood relations of his wife to the second degree of the indirect line and in every degree of the direct line. In other words, a man cannot marry the mother or sister or niece of his deceased wife.
- (10) Public decency occurs when a person who contracted an invalid marriage or who is living in open notorious concubinage attempts marriage with a person related in the direct line to the paramour. Thus, a man bound by this impediment cannot marry the daughter or granddaughter, mother, or grandmother of the woman with whom he contracted an invalid marriage or with whom he has lived in open and notorious concubinage.
- (11) The Impediment of abduction is the violent taking away or retention of a woman by a man

with view to marriage.

(12) Spiritual relationship arises only from the Sacrament of Baptism and nullifies marriage between the sponsors and the person baptized, and between the person baptizing and the person baptized, (not however between the baptizer and the sponsors, or between the sponsors and the parents of the person baptized).

### **37. Can a Dispensation be obtained for any of these nullifying impediments?**

Impediments which are of the natural law, as impotence, and impediments of the Divine law, as the bond rising from a consummated, sacramental marriage, cannot be dispensed. Impediments of the ecclesiastical law, as such, the Pope has the power to dispense but some are never dispensed and others only most rarely, or very rarely.

### **38. Why is a marriage indissoluble or undivorceable?**

The natural law prescribes that husband and wife remain united for the proper attainment of the objects of marriage namely the procreation and education of children, and mutual help. The Divine positive law explicitly forbids divorce with the privilege of remarriage. (Mt. 19:6; 1 Cor. 7:10; Rom. 7:2-3.) The whole tradition of the Church is contrary to the revolution against that tradition.

### **39. Does Your Church teach the equality of husband and wife with relation to conjugal life?**

"Both husband and wife from the very beginning of marriage have the same rights and duties, with respect to the proper acts of the conjugal life." (Canon 1111 of the 1917 Code.) The Church looks upon the wife as a consort, companion and helpmate of her husband, and not as his slave or handmaid.

### **40. Why should the husband be declared to be the head of the house?**

St. Paul answers in these words: "I would have you know that the head of every man is Christ, and the head of the woman is the man." (1 Cor. 11:3.) He declares the wife is obliged to be subject to her husband: "Let women be subject to their husbands, as to the Lord." (Eph. 5:22.) To husbands he commands: "Husbands love your wives, as Christ loved the Church, and delivered Himself up for it . . . you, fathers provoke not your children to anger, but bring them up in the discipline and correction of the Lord." (Eph. 5:25; and 6:4.)

### **41. Why does your Church claim that widowhood is more blessed than a second marriage?**

St. Paul, who never married, counseled others to imitate his conduct: "I say to the unmarried, and to widows, it is good for them if they so continue, even as I . . . A woman is bound by the law as long as her husband lives. But if her husband die she is at liberty. Let her marry whom she will, only in the Lord. But more blessed shall she be if she so remain, according to my counsel. And I think that I also have the spirit of God." (1 Cor. 7:8, and verses 39-40.) Also for the widower he says, "Are you bound to a wife? Seek not to be loosed. Are you loosed from a wife?

Seek not a wife." (1 Cor. 7:27.) The early Church frowned on second marriages and those who married the second time were called bigamists, not in the sense of simultaneous bigamy, but in the literal sense of successive bigamy, or twice lawfully married. Some of the Greek Fathers of the early Church held that remarriage was contrary to the ideal taught by St. Paul. But St. Paul gave this merely as evangelical counsel for the more blessed state.

He advocated second marriage when it is difficult to control passion, for speaking of youthful widows he said: "I will therefore, that the younger should marry, bear children, be mistresses of families, lest occasion be given to the adversary to speak evil." (1 Tim. 5:14.) There is no apparent contradiction in the advice of St. Paul for circumstances may alter the individual case. The attitude of the Church in this regard has changed because second marriages today have no longer the aspect of being less perfect as a result of the general weakening of the Christian concept of marriage. Vestiges of the ancient attitude of the Church towards second marriages are seen today when the Church declares a special irregularity to taking Sacred Orders is contracted by those who have been married twice and when a woman who has received the solemn nuptial blessing in her first marriage is not allowed to receive it in her second marriage.

#### **42. How can married partners ever be separated?**

Separation may be complete or a dissolution from the marriage bond; or it may effect only an incomplete dissolution of married life from bed and board; that is, while the couple may live apart the bond of marriage still holds and remains. The bond of a valid marriage between two baptized persons cannot be dissolved by any earthly power, and for no cause save death, once such a marriage has been consummated. But, the bond of marriage between two baptized persons which has not been consummated, can be dissolved by the Pope, and also by taking solemn vows in a Religious Order. (Canon 1119 of the 1917 Code). These are the only instances of valid separation from the bond of a ratified, Christian marriage.

#### **43. Does the Pauline Privilege (Question 17) merely hold for infidels?**

Yes, the Pauline Privilege always supposes a marriage which has been contracted between two infidels, or un-baptized persons, or "unbelievers." St. Paul 1 Cor. 7:12-15 states the case. Verse 15 states, "But if the unbeliever depart, let him depart. For a brother or a sister is not under servitude in such cases. But God has called us in peace." The Pauline Privilege cannot be used when a Catholic marries an unbaptized person. Marriage contracted between two unbaptized persons is called a legitimate marriage, to distinguish it from a valid and ratified marriage, which is contracted between two baptized persons. (Canon 1015 of the 1917 Code.)

#### **44. Isn't the Pauline Privilege nothing else than divorce with the privilege of remarriage?**

Yes, it is truly a divorce from the bond of a legitimate marriage, but it is an exception made by Divine authority. This legitimate marriage between two non-baptized, even though consummated, is dissolved by the Pauline Privilege.

#### **45. What are the requisites to be had for using this privilege?**

The marriage must have been contracted in the time of infidelity between two unbaptized

persons, and it is necessary that the converted and baptized partner should inquire of the unconverted partner

(1) whether he or she is willing to be converted or, if not,

(2) whether he or she is at least willing to cohabit peaceably without blasphemy of the Creator.

(Canon 1121 of the 1917 Code.)

If the infidel refuses then the baptized party can enter a new marriage with a Catholic.

#### **46. Are couples obliged to live always together?**

Married partners must observe the common life unless excused by an incomplete separation from bed and board duly authorized. There are in general two kinds of incomplete separation; perpetual and temporary separation. They may separate from mutual consent, or through the fault of one party. But in incomplete separation, the bond of marriage always remains. Partners may separate through mutual consent when either party wishes to enter into Religion, or the husband wishes to enter Holy Orders. Another case for perpetual separation is had on account of the adultery of one married partner, the other partner has the right of ceasing to live the common life even perpetually, the bond of marriage remaining. If the crime is certain the innocent party may separate from the guilty party on his own authority. The innocent party is never obliged to receive back the guilty party to cohabit.

#### **47. Can married partners separate temporarily?**

Yes. If one partner joins a non-Catholic sect; if he educates his children as non-Catholics; if he leads a shameful and criminal life; if he is an occasion of grave danger to the soul or body of the other partner; if through his cruelty the conjugal life is rendered intolerable. These and other causes of like nature are, for either partner, legitimate causes of separation. (Canon 1131 of 1917 Code.)

#### **48. Is it not true that your Church does not grant divorce but you have annulments which are just as bad?**

You, like many enemies of the Church, do not know the difference between annulment and divorce. A complete divorce means the dissolution of the bond of a true valid marriage (the breaking up — the rendering asunder what God has joined together); a declaration of nullity means that the bond of a supposed marriage never existed (God had never joined them together — it means the man and woman were never husband and wife.) You must remember that a valid sacramental marriage contracted between two baptized persons, which has been consummated, cannot be dissolved by any human power, and for no cause save death. Two classes of marriages which are really valid can be dissolved, not by the parties themselves, but by the authority of the Church, namely sacramental unconsummated marriages, and the legitimate marriages of the unbaptized under the Pauline Privilege.

#### **49. On what grounds does your Church make the declaration that a marriage was never a marriage?**

Declaration of nullity is based upon the invalidating impediments arising from the natural, divine, or ecclesiastical or Church laws, which existed between the partners at the moment of

entering the marriage contract, or essential defects in the form, or solemnity of marriage. The grounds for nullity are:

- (1) The parties did not agree to marry.
- (2) The parties were not free to marry.
- (3) The parties did not freely marry.
- (4) The parties did not observe the necessary form, or solemnity of marriage.

### **50. What might be some examples of such instances?**

A renowned case for the ground that the parties did not agree to marry is the Guglielmo Marconi and Lady Beatrice O'Brien case. Read "*Radio Replies*" for the explanation. (See also Questions 107 and 108.) A case for the ground that the parties did not freely marry is the Duke of Marlborough and Consuelo Vanderbilt case also explained fully in "*Radio Replies*." (See also Questions 109-113.) The laws of the Church apply for baptized non-Catholics as well as Catholics. The Marconi-O'Brien and Vanderbilt-Marlborough cases are instances of baptized Protestants applying for a declaration of nullity from the Church.

[*Radio Replies* is by Father Leslie Rumble, M.S.C. It is accessible at this address <http://www.radioreplies.info/>]

### **51. By what authority does your Church judge cases of Protestants?**

The Catholic Church has the authority to judge in all cases of baptized persons. You must remember that the Church does not handle the marriage cases of baptized non-Catholics, unless the parties themselves request her to do so.

### **52. Doesn't your Church multiply impediments to give the faithful reasons for divorce?**

Not at all. The Catholic Church is not anxious to multiply her burdens and marriage cases clutter up the desk of every Chancery Office in the land — so why increase her burden of trials? The impediments of the natural, divine, and ecclesiastical laws will be found logical, reasonable and protective to social welfare and individual happiness.

### **53. Is it true that money can buy a declaration of nullity from Rome?**

King Henry VIII had access to the treasury of England to buy an annulment of his first marriage, but the Pope could not be bought off with money, and because of this England started a Church of her own. Miss Anna Gould with her millions could have bought off the Pope, but she was told that she was the wife until the death of Castellane. You will notice that the cases of the poor who have their cases annulled and who have not the means to pay even the court expenditures don't get their cases flashed in the headlines of our newspapers.

### **54. Well, don't you have a scandalous number of marriages declared null and void?**

There are 431,000,000 members of the Roman Catholic Church under the jurisdiction of the Pope. [This figure is for 1940.] The decrees of nullity granted by the Roman Rota over a period of years had the surprisingly low figure of 16 for a yearly average of decrees of nullity.

## **55. Why does the Catholic Church forbid mixed marriages?**

For many reasons, [though it should be noted that mixed marriages are not absolutely forbidden, but are certainly actively discouraged]. Marriage is a sacrament, and those who desire to receive that sacrament should be duly and validly baptized Christians. The Church, however, has no certainty that any non-Catholic has ever been validly baptized at all. [Recent advances in Ecumenical dialogue have now established the certain validity of many non-catholic Baptisms. Further enquiries on this issue should be addressed to the local Catholic Bishop.] Again, it is a sacrilege to receive a sacrament whilst one is in a state of grave sin. The Catholic party prepares by a good Confession, whilst the non-Catholic more often than not gives no thought whatever to the matter. Then, too, any children of the marriage have the bad example of one of the parents who never fulfills Catholic duties, even if the poor children be brought up as Catholics at all. The Catholic party is constantly subject to discouragement in the practice of his or her religion, and is even exposed to the danger of a complete loss of faith and of salvation in the end.

Nor are mixed marriages, as a rule, in the interests of the parties themselves from the point of view of mutual happiness. Marriage is difficult enough in any case when the first glow of love begins to settle down to the realities of life. It is vastly more difficult when the Protestant does not understand Catholic ways, has no sympathy at all with the Catholic party on the most vital of all matters-religion, and even resents the claims of the Catholic Church. Mutual misunderstandings result, and the Protestant, not making the Catholic as happy as he expected, does not make himself as happy as he dreamed.

## **56. Would Christ be so intolerant?**

He would sanction all prudent measures for the good of souls. In the Old Law God gave drastic laws and penalties affecting those of the true religion who tried to contract mixed marriages, and the Catholic Church is but similarly zealous for the true religion of Christ.

## **57. I have heard that the Church openly forbids mixed marriages, but secretly fosters them to secure the control of the children.**

That is not true. The Catholic Church has never fostered mixed marriages, and barely tolerates them when she can do nothing else. She permits such marriages under protest, because she is losing on the average of 100,000 children in the U.S.A. a year and in ten years 1,000,000 children, who, in general, as a result of such marriages grow up to be neither Catholics nor Protestants. This is one of the reasons why 60,000,000 Americans today, [1940] have no affiliation with any Church or Synagogue.

## **58. Where does the Bible forbid mixed marriages?**

It would not matter if the Bible did not forbid them. Not every detail of Christian practice is there. Christ gave the Church the power to make such legislation as she might think necessary at various times. However, that God does not approve mixed marriages between people with the true religion and people without it is clear from Scripture. In the Old Testament He strictly forbade the Jews to marry outside the true religion. "If you embrace the errors of these nations that dwell among you, and make marriages with them, and join friendships . . . they shall be a

pit and a snare in your way, and a stumbling block in your side . . . . till He take you and destroy you from this land which He has given you." Joshua 23:13-14. St. Paul, writing to Christians, says that a widow is free to marry, "but," he adds, "let her marry in the Lord." 1 Cor. 7:39. In dealing with marriage in general, he writes to the Ephesians, "But I speak in Christ and in the Church." Eph. 5:32. He gives the solemn warning as regards marriage with unbelievers, "How know you, O wife; whether you shall save your husband? Or how know you, O man, whether you shall save your wife? 1 Cor. 7:16. The Divine Law as made known by St. Paul says that Christians must not "bear the yoke (of marriage) with unbelievers." 2 Cor. 6:14.

## **59. What are the conditions required for a mixed marriage?**

[The 1994 *Catechism of the Catholic Church* (Numbers 1633-1637) states the position of the Catholic Church in clear and easy to understand terms.

### **Mixed marriages and disparity of cult.**

**1633.** In many countries the situation of a *mixed marriage* (marriage between a Catholic and a baptized non-Catholic) often arises. It requires particular attention on the part of couples and their pastors. A case of marriage with *disparity of cult* (between a Catholic and a non-baptized person) requires even greater circumspection.

**1634 .** Difference of confession between the spouses does not constitute an insurmountable obstacle for marriage, when they succeed in placing in common what they have received from their respective communities, and learn from each other the way in which each lives in fidelity to Christ. But the difficulties of mixed marriages must not be underestimated. They arise from the fact that the separation of Christians has not yet been overcome. The spouses risk experiencing the tragedy of Christian disunity even in the heart of their own home. Disparity of cult can further aggravate these difficulties. Differences about faith and the very notion of marriage, but also different religious mentalities, can become sources of tension in marriage, especially as regards the education of children. The temptation to religious indifference can then arise.

**1635.** According to the law in force in the Latin Church, a mixed marriage needs for liceity the *express permission* of ecclesiastical authority. {Footnote: 137 See CIC, canon 1124. CIC is the abbreviation for the Latin *Code of Canon Law* of 1983.} In case of disparity of cult, an *express dispensation* from this impediment is required for the validity of the marriage. {Footnote: 138 See CIC, canon 1086.} This permission or dispensation presupposes that both parties know and do not exclude the essential ends and properties of marriage; and furthermore that the Catholic party confirms the obligations, which have been made known to the non-Catholic party, of preserving his or her own faith and ensuring the baptism and education of the children in the Catholic Church. {Footnote: 139 See CIC, canon 1125.}

**1636 .** Through ecumenical dialogue, Christian communities in many regions have been able to put into effect a *common pastoral practice for mixed marriages*. Its task is to help such couples live out their particular situation in the light of faith, overcome the tensions between the couple's obligations to each other and towards their ecclesial communities,

and encourage the flowering of what is common to them in faith and respect for what separates them.

**1637.** In marriages with disparity of cult the Catholic spouse has a particular task: "For the unbelieving husband is consecrated through his wife, and the unbelieving wife is consecrated through her husband." {Footnote 140 *I Cor* 7:14.} It is a great joy for the Christian spouse and for the Church if this "consecration" should lead to the free conversion of the other spouse to the Christian faith. {Footnote: 141 See *I Cor* 7:16.} Sincere married love, the humble and patient practice of the family virtues, and perseverance in prayer can prepare the non-believing spouse to accept the grace of conversion.]

[This is what Father Rumble wrote in 1940:]

The Church will not dispense from this impediment, except under the following conditions:

1. There must be just and grave reasons for granting the dispensation.
2. The non-Catholic party must guarantee that he or she shall remove all danger of perversion from the Catholic party, and both parties shall bind themselves by guarantees to baptize and educate all their children in the Catholic faith only.
3. There must be moral certainty that the guarantees will be fulfilled.

Through these guarantees, danger to the faith is made as remote as possible. These demanded guarantees gravely oblige both parties in conscience as long as the parties live. These guarantees are made in writing, and signed by both parties.

The Catholic party is also under obligation to try by prudent means to procure the conversion of the non-Catholic to the Catholic faith in order to best secure the observance of the guarantees. [Thus, one can see that the obligation is now on the Catholic party in any mixed marriage.]

[Under the new Norms issued:

in the **Instruction on Mixed Marriages**, *Matrimonii Sacramentum*, in 1966 by the Sacred Congregation for the Doctrine of the Faith,

in the **Instruction**, *Crescens Matrimoniorum*, in 1967 by the Sacred Congregation for the Oriental Churches,

and in the **Apostolic Letter on Mixed Marriages**, *Matrimonia Mixta*, in 1970 of Pope Paul VI, {all of which are accessible through the Vatican Web-site [www.vatican.va](http://www.vatican.va) }

the Catholic party now declares that he is ready to remove dangers of falling away from the faith, and, under grave obligation, makes a sincere promise to do all in his power to have all the children baptized and brought up in the Catholic Church.

The non-Catholic party is absolutely informed of these promises made by the Catholic party, so that he is cognizant of the promise and obligation on the part of the Catholic. Both parties are clearly instructed on the ends and essential properties of Marriage, not to be excluded by either party. The dignity of marriage, and especially with regard to its principal characteristics, unity and indissolubility, is thus to be stressed.

The 1966 *Instruction* makes the principles clear when it says: "A mitigation of the rigor of the existing discipline on mixed marriages {is suggested}, not with regard to what is of divine law, but with regard to certain ecclesiastical regulations which our separated brethren find offensive."]

[The Church recognizes the validity (but not the lawfulness if no dispensation was granted) of mixed Marriages performed in the Oriental Orthodox Churches, who have maintained an authentic priesthood and believe that Marriage is one of Christ's Seven Sacraments. These Churches are effectively 'only' in schism as they acknowledge all Catholic truths except those surrounding the on-going role of Peter in the Church and Papal supremacy.]

### **60. Do not mixed marriages serve as a source of conversions to the Catholic Church?**

There have been and are many mixed marriages where the guarantees have been faithfully fulfilled but it may be doubted whether there have been many really happy mixed marriages. Marriage is difficult enough without having difference of religion as the occasion of constant squabble. The Church tolerates such marriages as the lesser of two evils, or to prevent greater evils, and to avoid invalid marriages.

### **61. What are the reasons for allowing mixed marriage?**

An example may be

- (a) if a mixed marriage would be of great assistance to the welfare of the Catholic religion as in the case of royalty or nobility;
- (b) if there is a hope that the conversion of the non-Catholic or his family will take place;
- (c) if a mixed marriage is the only way to avoid scandal or
- (d) if there is danger of marrying before a minister or justice of the peace.

### **62. Why can't a Catholic ceremony and a Protestant ceremony be allowed?**

Canon 1063 [of the 1917 Code] says: "Even though a dispensation has been obtained from the impediment of mixed religion the consorts cannot, either before or after the marriage entered into before the Church, approach either personally or by proxy a non-Catholic minister, acting in his religious capacity, to give or to renew their matrimonial consent." Hence, the Church forbids two ceremonies, one before a priest, and the other before a minister, acting as such. Catholics who violate this canon of the law incur excommunication, and absolution from this censure is reserved to the Bishop. [This canon was considerably amended in the light of the Vatican documents mentioned in Question 59. With appropriate dispensations, Non-Catholic ministers can now be actively involved in the legitimate bestowal of matrimonial consent.]

### **63. What helps do you suggest to prevent mixed marriages?**

- (1) A conviction of not compromising Catholic faith;
- (2) development of greater friendship among Catholics than we have at present;
- (3) societies, clubs and socials ought to be fostered for bringing young Catholics of both sexes together;
- (4) public prayers in Church that all Catholics desirous of marriage might have this brought definitely home to themselves.

### **64. Why should religion come before marriage?**

Because marriage is not the most important thing in life, whereas religion is.

**65. Catholic men know that Protestant wives are best. Why prevent them from having the best wives?**

Good Catholic men who desire to marry Protestant women never think of them as Protestants except to wish that they had been Catholics. They do all in their power to persuade them to become Catholics. They love them at times for their character or because they have happened to meet them at the psychological moment when they were romantically inclined. Or even at times, they only think they love. There are many explanations, but never yet has a Catholic man loved and wanted a girl precisely because she is a Protestant. He may love her. He has never loved her Protestantism.

**66. Why do Catholic women make such bad wives for Protestant husbands? They seem so proud and selfish.**

Good Catholic women often make bad wives for Protestant husbands. But it is not because they are proud and selfish. Their religion teaches them humility and self-denial. But the same religion teaches that a Catholic may not give way one jot or tittle in matters of Catholic obligations. The deepest thing in man is his religious conviction. If two people marry and have no religious sympathy, are alien to each other on that point, then each will say and do a dozen things daily that will disgust and further alienate the other. The Protestant party has not the same principles nor the same rigid conviction as the Catholic. He makes concessions and expects the Catholic to do the same. Very often, the Catholic cannot and is accused of pride and selfishness. Peace goes and the Protestant is sorry he ever married a Catholic. It all comes from the difference in religion. I would advise every Protestant man who is determined never to become a Catholic to choose a wife from among his fellow Protestants. A Catholic wife is suitable for a Catholic but often makes a bad wife for a Protestant.

**67. If a Protestant marries a Catholic, will the Catholic Church recognize that marriage at all?**

Yes, provided it takes place according to Catholic rites.

**68. Marriage is a contract between the parties themselves. Why should they have to be married in the Catholic Church?**

Marriage is a public as well as a private contract, and society rightly insists upon public conditions for validity. And since marriage is also a Christian Sacrament committed to the care of the Church, the Church reasonably and properly lays down the conditions for the lawful and valid reception of that sacrament.

**69. Catholics cannot attend a Protestant Church. How can the Protestant marry in the Catholic Church?**

To be married by a priest is not against the principles of a Protestant who says that one religion is as good as another; but it is against the principles of a Catholic to be married by a Protestant minister. If it were against the principles of some given Protestant, he should stick to his

principles and refuse to be married in a Catholic Church. But, in this case, both parties would refuse, and the marriage would be cancelled. [The Catholic Church's regulations on attendance at a non-Catholic service have been considerably modified since the Second Vatican Council. See the documents mentioned in Questions 59 and 62. Any attendance by a Catholic at any non-Catholic service must always be accompanied by a clear understanding that such attendance does NOT equate to the formula that one religion is as good as another.]

**70. What would the Catholic Church do to a Catholic who marries in the Protestant Church?**

The Catholic Church regards her as a lapsed Catholic. Whilst still obliged to attend Mass, she is not allowed to receive the sacraments. Individual Catholics would be obliged to treat her kindly and with charity. She would not therefore be treated badly personally or insulted. It is a matter for her own soul. She cuts herself off from the grace of God, and forfeits her right to the spiritual privileges of her religion. [See also the Vatican documents mentioned in Question 59.]

**71. I have known priests to worry Catholics who have married outside the Catholic Church.**

A priest has the obligation to try to save souls, and he has to inspire Catholics to observe the laws of their Church. If a Catholic is living as the Catholic conscience forbids, a priest would be little like Christ if he simply left that soul to perish. And, after all, the priest would find it much more pleasant to sit at home enjoying a quiet book and allowing his flock to go its own way. But what sort of a shepherd would he be? You should admire the priest who is a man of duty.

**72. Would the Catholic Church recognize a marriage between a Catholic and a Protestant before a Justice of the Peace?**

From the aspect of civil law, the parties would contract certain civil obligations. But before God and in conscience the marriage would not be valid, and the Catholic party would be living in a sinful alliance, violating her conscience. She would be deprived of the sacraments of the Church until she repented and had her marriage rectified according to the laws of the Church.

**73. You dare to say that no marriage outside the Church is a true marriage; that the Catholic party is living in sin, and that the children are not acceptable in decent society?**

You make one major and one minor mistake. The Catholic Church does not say that the children are not acceptable in decent society. Civil society is regulated by civil law, and a marriage legal in civil law obtains legal effects. Children of such a marriage are legitimate and acceptable in civil society. But whilst the marriage is regarded as legal by society, it is not valid in conscience for a Catholic, and such a person lives in sin. A marriage which civil law regards as valid need not necessarily be valid in God's sight. No state on earth could possibly prove such a claim to infallibility. All marriages of non-Catholics outside the Catholic Church are considered valid unless they are proved to be invalid.

**74. By a recent law, made by men in 1908, your Church makes it a sin for a Catholic to marry in a Protestant Church.**

It has always been a sin for a Catholic to marry in a Protestant Church, without appropriate dispensations. But in America, prior to April 19, 1908, such marriages, though sinful, were regarded as valid by the Catholic Church. Since 1908, such marriages are invalid. If a Catholic wishes to contract a valid marriage now, he must do so in the Catholic Church. This law is not a new law. Wherever the Church was solidly established, the Church applied this law. And the law was applied to America on April 19, 1908, by what is known as the *Ne Temere Decree*. As for its being a man-made law, you forget that Christ commissioned His Church to legislate for the well-being of the sacraments, and of those who would receive them. If the state can say, "Unless you come before my Registrar, your marriage will be regarded as null and void," so the Catholic Church can say, "Unless your marriage comes before my official minister, as far as I am concerned, I shall consider it no marriage." And God sanctions the view of the Church in this matter rather than any legislation of the state. Christ elevated the natural contract of matrimony to the dignity of a sacrament, and it is as much a sacrament as Baptism, Confirmation, Ordination, or any other. And as such, it belongs to the Church.

[*Ne Temere* was replaced in 1970 with the slightly more relaxed *Matrimonia Mixta*, mentioned in Question 59.]

**75. Why come between two lovers? God says love one another as I have loved you.**

That we must love as God has loved us shows at once that not any kind of love is lawfully indulged. Christ never loved us so as to break God's laws because of us. Such love would be unlawful. God and conscience come first always. No human love can come before one's love for God, and he who loves God observes the laws of His (God's) religion.

**76. Civil law says that the marriage of a Catholic and a Protestant in a Protestant Church is valid. Why don't you acknowledge the law of the land?**

The state holds the marriage to be valid in state law. And all Catholics hold the marriage to be civilly legal. But the state says nothing whatever about God's view of the matter, and the Catholic Church declares the marriage null and void before God, and therefore in conscience. Even after that declaration, if the parties do not get a civil divorce, they cannot marry other people without bigamy in civil law. So you see that civil law is not affected as such.

**77. I mean, why don't you acknowledge civil law as binding before God and in conscience.**

We acknowledge that in the case of each and every law which does not conflict with the law of Christ. In the matter of marriage, there are laws which conflict with the law of Christ, and these state laws are not valid before God. As I have said, if every state law is necessarily the law of God, then you claim infallibility for the state, an infallibility you deny to the Catholic Church with scorn on the principle that there is no infallible body of men on earth. In every instance, a Catholic in practice observes the same procedure as a non-Catholic in his conformity of exterior conduct to the law.

**78. Render to Caesar the things that are Caesar's! (Mark 12:17.)**

A state law opposed to the law of God is not rightly the thing of Caesar, and insofar as it is thus

opposed to the law of God in conscience, it is to be ignored. Obedience must be rendered to God rather than to the state.

**79. How can the Catholic Church hope to win the confidence and respect of non-Catholics?**

She does not hope to do so if it means watering down Christian obligations. Christ could have kept many of His Jewish followers by saying that He did not mean His words, "The bread which I shall give is My flesh." The Jews said, "This is a hard saying. Who can accept it?" (See John 6: 51-52 and verses 60-61.) But Christ let them go rather than keep them by modifying His doctrine. The Catholic Church does likewise. If men say, "This is a hard saying," the Church will never modify Christian obligations in order to win them. She is here to accommodate men to Christian teaching, not to accommodate Christian ideals to the moods of men.

**80. If two married Protestants both become Catholics, have they to be married again in the Catholic Church?**

No. They were both Protestants at the time of their marriage, and the Catholic Church declares such marriages to be binding before God.

**81. If two Protestants, married in a Protestant Church, get a divorce, could one of the parties marry a Catholic in the Catholic Church provided he or she becomes a Catholic?**

No. The marriage of two Protestants in a Protestant Church is valid before God, and nothing can dissolve that marriage except the death of one of the parties. Divorce does not give even such Protestants the right to marry again whilst both parties are still living. And becoming a Catholic has no effect upon the validity of such a marriage. From this reply, you can discern the positive refutation of that old canard told and spread around, that we Catholics teach that all marriages of Protestants are cases of adultery. When two baptized Protestants marry, they marry not only according to contract but also according to the Sacrament of Matrimony. They are united in that sacrament, whether they believe it or not, since they are baptized Christians and their marriage is indissoluble until the death of either party.

**82. If a Catholic did marry outside the Catholic Church, would Christ cast a stain upon little children held up by him to be the essence of goodness and innocence?**

Christ would cast no stain upon them. Nor does the Catholic Church. Their goodness and innocence are not affected. But note this. The state says, "Unless you observe my laws your marriage will not be lawful wedlock, and your children will be illegitimate." On your principle, the state has no right to cast such a slur on innocent little children, and has no right to lay down any conditions of marriage, but must sanction promiscuous cohabitation as being quite all right.

**83. Tell me plainly. Are the children of a mixed marriage outside the Catholic Church illegitimate?**

What is an illegitimate child? Simply one born of a union which is not legal. If the marriage is legal, the children are legitimate. Now granted that a mixed marriage is legal according to civil

law, the children are legitimate according to that law. No Catholic would dispute, for example, such a child's claim to a legal inheritance. But the marriage is not legal according to the laws of the Catholic Church. Are the children, then, illegitimate in Catholic law? If both or either of the parties thought they were contracting a valid marriage, the children are legitimate. It is all a matter of law. And Catholic law declares that the children of a marriage invalid in itself, yet in which one of the parties at least is in good faith, are to be held as legitimate.

#### **84. Can the child of a mixed marriage outside the Church go to Heaven?**

If the child is brought up as a Protestant, it has the same chance as any Protestant in similar circumstances from other points of view. If brought up as a Catholic, it has the additional helps of the Catholic religion just as any other Catholic child, except that it has the bad example of a non-Catholic parent ignoring obligations which the child is taught to be essential, and the weak faith in many cases of a Catholic who thinks so little of her religion as to marry outside the Church.

#### **85. Why sanction a mixed marriage at all in the Catholic Church? Is the Church afraid of losing the Catholic? Or the money?**

It is not a question of the money. If the conditions demanded by the Church are not fulfilled, \$100,000 [of 1940's money!] would not secure the marriage according to Catholic rites. Nor is the Church afraid of losing one of her members. She is afraid that one of her members will lose the advantages of the Catholic faith and perhaps her soul. The loss of one person out of 431 million members does not affect the Church very much from the point of view of members. [The figure is for 1940.] But the loss to such a soul will not bear description. The Church sanctions such a marriage when there are reasons grave enough to warrant risking the dangers attached to mixed marriages. But she takes every precaution by exacting promises that the Catholic will be free to practice her religion, that all children will be Catholics, and that the Catholic party will set a good example and do her best to convert the non-Catholic party. [See also the answer to Question 59.]

#### **86. Could the Pope, besides giving a dispensation for a mixed marriage, dispense from the obligation of bringing up the children as Catholics?**

No. It is divine law that no Catholic may hand over any child to what he or she knows to be a false religion. [The current legislation on mixed marriages provides that the Catholic party now declares that he is ready to remove dangers of falling away from the faith, and, under grave obligation, makes a sincere promise to do all in his power to have all the children baptized and brought up in the Catholic Church.

The non-Catholic party is absolutely informed of these promises made by the Catholic party, so that he is cognizant of the promise and obligation on the part of the Catholic.]

#### **87. Why must the Protestant promise that all children will be Catholics?**

You must try to see this through Catholic eyes. A non-Catholic does not, as a rule, believe that his is the only true religion, and on the principle that one religion is as good as another, his conscience does not forbid that his children should be brought up in the Catholic religion. But a

Catholic is in a very different position. He believes that his is the only true religion, and does not believe that one religion is as good as another. Now how can a Catholic in conscience hand over his children to what he knows to be a wrong religion? How say, "I shall have all the benefits of the true religion, but my children won't!" Or, "God will be worshipped by me in the way He commands, but not by my children!" Even God could not authorize a Catholic to cling to the true faith himself, yet deny that faith to his children. Without securing the promises, no Catholic could conscientiously enter upon such a marriage. [See also the answer given to Question 86.]

### **88. Should not the children be of the mother's faith?**

No. The children must be brought up in the Catholic faith, whether it be the faith of the husband or of the wife. A religion is not true because it is the religion of the wife. If so, then when the wife is Lutheran, Lutheranism would be true; when a Christian Scientist, Christian Science would be true; when Catholic, Catholicism would be true! Again, if a man married a Catholic and had three children of the marriage, they would have to be Catholics, and would have the true religion because their mother was a Catholic. If she died, and the man married a Seventh Day Adventist, further children would have to be Seventh Day Adventists, and would have the 'true religion' because their mother was an Adventist. So three children would call the Pope the Vicar of Christ, and the others would call him the Beast and Anti-Christ, and all would be right!

### **89. That all must be Catholics is very one-sided in favor of the Catholic Church!**

It must seem like that to you, but in reality, it is not. Parents cooperate with God in giving existence to children. But why is any man at all created? That he may save his soul and attain Heaven. Marriage therefore has as its chief purpose the creating and training of children for their eternal destiny. And religion is therefore all important. Now the Catholic believes that there is but one true religion. It does not matter whether others agree or not. And he believes that all other religions are wrong. Again, it does not matter whether others agree or not. That is the Catholic conscience. It follows that no Catholic can in conscience consent to hand over his children to what he believes to be a false religion. Nor can a Catholic say, "Give me the girls and you take the boys." The soul of a boy is just as dear to God as the soul of a girl. There can be no compromise. As for the one-sidedness, look at things this way: The Protestant who believes that one religion is as good as another need not mind if the children are brought up as Catholics. He does not violate his conscience and does not ask the Catholic to violate hers. They are square. The fact that the Catholic Church feels bound in conscience to demand all the children shows that she is conscious of having the truth and being the true Church. The fact that Protestants do not demand the children shows that they are not really conscious of possessing the truth.

### **90. If a Catholic cannot sign away the children, how can a Protestant do so?**

If a Protestant wants to marry a Catholic, and his conscience does not protest against it, he may sign the promise in regard to the children. But if the Protestant really believed the Catholic faith to be evil, and that his personal religion was the only true religion, then he has no right to promise that any of his children will be Catholics. He should abandon the marriage rather than thus violate his conscience. He should demand that the children be brought up in his faith. But then, of course, a deadlock would result. He would have to refuse compromise, and as the Catholic is also obliged to refuse, marriage unless the written promise is given the marriage

would be cancelled. It is better to part with a human being than to part with loyalty to conscience in so grave a matter.

**91. Why must the promise be made in writing? Surely, you can take a man's word for it?**

In many cases, yes. But sad experience has shown that some were not in good faith, and even granting good faith at the time there is no guarantee that such dispositions will persevere. Human nature is mutable. Why does the law of the land demand both signatures for the marriage itself in writing? Surely, at the moment of marriage both are in good faith? The promise concerning the children is just as important as the marriage itself. On that promise the eternal welfare of the children may depend, surely a great responsibility. All serious contracts demand permanent signed records, and as no one resents them in other matters, so no one should resent them in this. Death could carry off the Catholic partner, and it may be very necessary to have written records of the promise. And if a man really intends to grant such a condition, he should not mind putting his signature to it. [See also the Answer to Question 59.]

**92. Why are not mixed marriages celebrated before the altar?**

Marriage is a sacrament and a very holy rite. The person capable of enjoying the Catholic ritual is a Catholic only. When non-Catholics present themselves as partners in the marriage ceremony, the Church does not grant the full privileges which are the right of Catholics only. The marriage is valid, of course, even though celebrated elsewhere than before the altar. [Since the Second Vatican Council, the Church has exercised its power of the keys and its prudence by permitting mixed marriages to be now performed before the altar. The 1966 *Instruction, Matrimonia Mixta*, makes the principles clear when it says: "A mitigation of the rigor of the existing discipline on mixed marriages {is suggested}, not with regard to what is of divine law, but with regard to certain ecclesiastical regulations which our separated brethren find offensive." Father Rumble's pointers, however, drives home the teachings which the Church is still trying to emphasize to her children. The Church expected the topic to be preached about much more than it actually has happened. The results have been disappointing.]

**93. If this restriction were abolished there would be fewer marriages outside the Church.**

The number of marriages outside the Church might be diminished, but the number of mixed marriages might greatly increase [as indeed they sadly have]. By this law, the mind of the Church is kept constantly before Catholics, and they do not think lightly of entering upon such alliances. If a Catholic would marry outside the Church because of such a law, she has little love for her religion, and would not be much of a Catholic whatever concessions were made in her favor.

**94. The law will not prevent mixed marriages. They will always be.**

That may be so. But the law diminishes their number. The Church cannot accept mixed marriages as the normal thing, and she would not be wise to treat them as normal. [She does not, to this day.]

**95. Is it fair to mar the happiness of a young couple?**

Is it fair to ask the Church to admit to her sacraments those of any religion or no religion? People who are complete strangers to her cannot expect her to make as much of them as of those who are her own children. The parties do not resent their exclusion from the altar nearly so much as the Church resents mixed marriages.

#### **96. Why such lack of respect for the non-Catholic and the guests?**

The law is not prompted by lack of respect for the non-Catholic party or for the guests. It is prompted by respect for religious rites and for the worship of God. The non-Catholic has no more right to intimate Catholic religious practices than an unnaturalized citizen to all the civic rights of true subjects. The non-Catholic party may be as good as gold. But that is not the point. The point is that she is not a Catholic, and the Church is quite within her rights in saying how far she will admit non-Catholics to a participation in her privileges, even as a club is within its rights in saying how far non-members may participate in its privileges. But such restrictions as regards non-members cannot be construed as an insult. The Catholic Church is not bound to manifest equal approval of Catholic marriages and of mixed marriages alike.

#### **97. Christ did not institute marriage. It existed long before His advent to this world.**

Prior to Christ it existed as a matrimonial contract, but Christ elevated it to the dignity of a Sacrament of the New Law. Christ therefore instituted matrimony as a Sacrament. He blessed marriage by His presence at Cana, and declared its indissolubility when He said, "What God has joined, let not man put asunder." (Mark 10:9.) Henceforth, what was formerly a union by human contract was to be regarded by Christians as sealed by God in a new and special way.

#### **98. How can marriage be a Sacrament?**

A Sacrament is a visible rite instituted by Christ for the signifying and giving of grace. Marriage is a visible rite, witnessed by men. It has been elevated by Christ to sacramental dignity. It signifies something very sacred, the union of Christ with His Church, as St. Paul tells us. Eph. 5:22-33. There is but one Christ and one true Church. So there must be but one husband and one wife in each case. As there is no divorce between Christ and His Church, so there can be no divorce between husband and wife. And as the union between Christ and the Church results in the production of grace, so this sacred union in marriage conveys grace to the contracting parties that they may rightly fulfill their duties to each other, and to their children, for the love of God.

#### **99. Marriage is a legal status not subject to any law spiritual.**

If no law spiritual governs marriage, why did Christ say, "But I say unto you that whosoever shall put away his wife and marry another, commits adultery"? (Matthew 19:9) Christ was not the civil ruler, and He had said explicitly, "Render to Caesar the things that are Caesar's." (Mark 12:17) If marriage belongs solely to civil authority, Christ would have left it to civil authority. And why did St. Paul say, "Marriage is a great Sacrament, but I speak in Christ and in the Church"? (Ephesians 5:32) He did not say, "But I speak from the viewpoint of civil authority." Again, elsewhere he writes "Let her marry to whom she will, only let it be in the Lord." 1. Cor. 6:39.

**100. According to your doctrine polygamy would be wrong. But the Bible permitted it.**

Christ clearly tells us that, whatever concessions were made in the Old Law, it was God's intention from the very beginning that a man should cleave to his wife, not to his wives, and that they should be two in one flesh. God had made concessions because of the hardness of men's hearts in the less perfect Law, but those concessions were withdrawn in the more perfect Law. Christ restored the primitive law, and said, "Henceforth what God has joined together, let not man put asunder." Mark 10:2-9.

**101. The civil law admits divorce and re-marriage.**

Civil law and divine law are not always in harmony. Politicians at times exceed their powers and make laws which are contrary to those of God. Thus, they have legislated concerning matrimony with no reference to the will of Christ who raised the marriage contract to the dignity of a Sacrament.

**102. Your law imposes a great hardship upon the innocent party.**

It is the law of Christ, not a law made by the Catholic Church. And it is at times hard upon the innocent party. But since when were we dispensed from the observance of God's laws on the score that obedience to them is inconvenient?

**103. What can one do if the husband is absolutely impossible to live with, or is guilty of adultery?**

Brutal cruelty and ill-treatment afford lawful grounds for separation, as also does adultery if it has not been condoned. But this separation does not break the bond of marriage. Death alone can do that, and neither is free to marry again whilst the other is still living. For grave reasons a Catholic can obtain ecclesiastical permission to have the separation rendered legal by a civil decree of divorce in order to avoid legal difficulties, but this must be on the understanding that such a decree leaves neither party free to contract another marriage whilst the other party is still living.

**104. Are there not many cases in history where the Pope has granted a divorce and permission to re-marry for various reasons?**

You would find it very difficult to prove one such case. Many decrees of nullity have been issued, but they are not divorces. Yet even supposing that you could prove that some individual Pope had granted such a divorce that would be no argument against the doctrine of the Catholic Church. It would but prove that such an individual Pope acted against his conscience and against the teaching of the Church. An appeal to the lapse on the part of an individual Pope proves nothing against the Church. You cannot disprove a law by pointing to a criminal who has broken it. The Catholic Church has always taught that divorce of a true marriage with the right to re-marry is not allowed.

**105. Did not the Pope grant divorces to Louis XII and Henry IV of France, and very**

**nearly to Henry VIII of England, being prevented in this case by fear of Emperor Charles V?**

The two prior marriages you mention were declared to have been null and void from the beginning. Therefore, no true marriage had ever existed. Louis XII proved conclusively that he had not been a free agent in marrying Joan, having been compelled by the father of Joan, Louis XI, to submit to the ceremony. So, too, the first marriage of Henry IV was declared null and void because Marguerite de Valois had been forced into the marriage by her mother, Queen Catherine, for political purposes. The free consent of both parties is necessary for a true and binding marriage contract. In the case of Henry VIII, the power of Charles V was a motive why his marriage with Catherine of Aragon should not be declared null without rigid proof of its invalidity. At the same time, the enmity of Henry was to be avoided if at all possible, and theologians did all they could to see whether the first marriage were really null and void. But it was impossible, and at the risk of losing England to the Holy See, a negative decision had to be given. Henry promptly declared himself head of the Church in England, and took the divorce or annulment Rome refused to grant.

**106. Did not the Pope give Napoleon a divorce?**

No. Napoleon married Josephine in 1796, a marriage validated by a dispensation from the Pope. From that marriage, Napoleon never secured any divorce by lawful ecclesiastical authority. He forced a declaration of nullity from some unauthorized clerics, and they put him through a second marriage ceremony in 1810, but this attempted remarriage was a mockery. The whole thing was a violation of the laws of the Church, and the Church has never acknowledged the second marriage as valid at all.

**107. Marconi secured a divorce and was re-married in the Catholic Church.**

Marconi secured a decree of civil divorce from the state, but from the Catholic Church he secured a decree of nullity. The civil divorce broke no real bond of marriage, but merely released the parties from any further civil obligations. The Church declared that the form of marriage Marconi went through with Miss Beatrice O'Brien on March 16, 1905, was null and void, and that both were really single people mistakenly believing themselves to be married. Nullity was proved by sworn evidence given by Marconi, Beatrice O'Brien, a Protestant, and many witnesses. The defect in the first marriage was not that it took place in the Anglican Church but that neither party consented to a marriage until death in the Christian sense of the word. They attempted to contract marriage until they should grow tired of each other, both lacking the knowledge that such a temporary contract is not a valid Christian marriage.

**108. Were they living in adultery, and were their children illegitimate?**

Even though objectively their marriage was invalid, they were both in good faith believing their state to be lawful, and therefore they were not guilty of a sin of adultery. Nor would any children have been illegitimate, for children of a putative marriage are entitled to legitimacy.

**109. After being refused a divorce by the civil courts did not the Duke of Marlborough secure one from the Pope?**

No. A civil divorce was granted in 1920, and both parties had married again before the case was put to Rome in 1926.

### **110. The Duke became a Catholic and promptly secured an annulment.**

The Duke was a Protestant when the decision was given. Nor was it promptly given. The application was made to the Southwark diocesan court in 1925. This court, after scrutinizing all the evidence, gave judgment in February, 1926, that the first marriage was invalid from the beginning. Rome, not opposing the decision, but lest it might have been given too easily, called the case to the Holy See. The whole matter was reviewed, sworn testimony being obtained in America and England. The Holy See arrived at the same decision at Southwark and decreed nullity accordingly, six months later. You can hardly call that promptly.

### **111. Why was the Duke's first marriage invalid?**

On November 6th, 1895, the Duke of Marlborough went through a marriage ceremony with an American girl, Consuelo Vanderbilt. Both were Protestants, and normally such a marriage would have been valid. However, Miss Vanderbilt had secretly promised to marry another man of her own choice, but the mother forced the girl to marry the Duke. The marriage was not a success, and they separated in 1905, by mutual consent. In 1920, they secured a civil divorce, and both married again. In 1925, the decision of the Catholic Church was sought as to whether the first marriage had ever been valid according to Christian principles. Rome sought all the evidence possible. Miss Vanderbilt's mother deposed on oath, "I forced my daughter to marry the Duke, thinking her objections merely those of an inexperienced girl." Her aunt deposed on oath, "This marriage was forced on the girl, who desired to marry someone else altogether." Another friend of the mother deposed that "it was no question of persuasion but of absolute constraint." Rome could not but decide that, abstracting altogether from the civil decree of divorce, the parties had never really been married at all.

### **112. It looks as if money had weight with Rome.**

Not at all. Not all the money in the Bank of England would be of any avail to secure an annulment from the Church if the first marriage had ever been valid. Meantime the trial at Southwark, with three judges and two other officials, lasting three months, cost \$40 in expenses. The retrial in Rome lasted six months. There was much more expense in securing sworn testimonies from America and England, and in the number of legal men employed. This trial cost \$200 in expenses; not a very great burden to the parties concerned. Moreover, the law of the Church is that litigants bear expenses only if they are able to afford them. In the ten years between 1920 and 1930, some 117 matrimonial cases were tried in Rome. In 69 cases, the litigants paid expenses. In nine cases a nominal fee only was paid. In 39 cases, the expenses were totally remitted. Nor did the offerings make any difference in the decisions given. Sixty-six per cent of those who paid, and 89 per cent of those who could not pay, obtained favorable decisions.

### **113. It comes to the same thing. We Protestants get a divorce from the state while Catholics get an annulment from their Church.**

There is all the difference in the world between the two positions. A civil divorce claims to break the bonds of a valid marriage, bonds which the Catholic Church rigidly declares to be unbreakable. A decree of nullity does not break the bonds of a valid marriage at all. It declares that the marriage was never a true marriage and that there is no bond to break. It declares that the reputed marriage was null and void as a contract from the beginning. Had it been valid, the bond could not be broken save by the death of one of the parties.

#### **114. Is it a sin for a Catholic to attend weddings in Protestant churches?**

The law of the Catholic Church forbids participation in a religious service that is not Catholic because it is an implied repudiation of the faith which a Catholic professes to be the only true faith. It is good for non-Catholics to realize this so that, knowing that Catholics must refuse, they will not ask them to assist at the religious ceremony itself and then be offended as if refusal were due to lack of friendship.

[This law has now been modified by the Catholic Church after the reforms of the Second Vatican Council. In 1993, the Vatican published a *Directory for the Application of Principles and Norms on Ecumenism*. This is available at the Vatican website. This should be consulted to discover the actual conditions which are applied to Catholics who have expressed a desire to participate, for a good reason, (including Marriage,) in a non-Catholic religious service. Obviously, such participation is in no way a repudiation of the one true faith which is the Catholic faith. Should this be not clear to everyone participating in the service, then the Catholic would be obliged to refuse to participate.]

[Since the Second Vatican Council, and in the spirit of Ecumenism, Catholics are now permitted to attend some Protestant weddings, for a sufficiently serious reason, provided certain conditions are met. Firstly, it must be acknowledged that the Catholic does NOT believe that 'one religion or church is as good as another'. The Catholic believes (as he has always believed) that Christ did, in fact, found only ONE Church, and that church is the Catholic Church. Any attendance at a Protestant service is most definitely NOT to be taken as showing ANY approval to other churches which have broken away from the true Church which is rightly called His. Moreover, Churches which have broken away from the Catholic Church have retained a large amount of the original inheritance which they initially had from the Church founded by Christ. Thus, the Catholic has a great deal of 'common ground' with 'our separated brethren'. The Spirit of Ecumenism next acknowledges that for the majority of modern-day Protestants, they simply cannot be held responsible for the original tearing of the 'fabric of Christ's garment of unity' in the sixteenth century. Thus to associate with them in this age is no longer the scandalous behavior it would once have been. Finally, the Catholic acknowledges that Christ gave to the Church the power of BINDING and LOOSENING here on earth, so the Catholic fully endorses whatever regulations are made in connection with attendance at non-Catholic services for whatever serious reason.]

#### **115. May a Catholic act as best man or bridesmaid at a non-Catholic wedding?**

A Catholic may not act as an official witness. A wedding in a church is not a merely social event; it is also a religious ceremony. Though non-Catholics may not see it, the Catholic

position is alone logical. Protestants should choose witnesses of their own faith and spare Catholics the pain of having to refuse.

### **116. Why is the Catholic Church so severe in her law in this matter?**

For very good reasons. Firstly, loyalty to Christ forbids our sanctioning in any way a false form of religion, and Protestantism is a corruption of Christ's religion. If one may attend any religious services, irrespective of creed, then a Christian could assist at pagan rites. There must be a limit somewhere, and the Catholic Church says that those limits exclude any false form of religion, even though it be an adulterated form of Christianity. The presence of a Catholic at Protestant services is a silent approval of the error that one religion is as good as another. St. Paul says, "A man that is a heretic avoid." Titus 3:10. St. John says, "If any man come to you and bring not this doctrine, receive him not into the house, nor say to him: 'God speed you'." 2 John, Verse 10. The law of the Church, too, protects the faith of Catholics. If they attend Protestant services, there is always a danger that they will participate actively in a shame-faced way, and also a danger of their drifting into indifferentism and weakening in their own faith. Their presence, also, can be a cause of scandal to other Catholics who may begin to think that it is right for them also to attend at non-Catholic Churches. Nor is such attendance a kindness to Protestants. The abstention of Catholics from their services is a lesson of the utmost importance to them. Our attendance would sanction to a certain extent their idea that their religion also is as good as our own. But our absence from their Churches gives them food for thought. An Anglican might say, "Well, I have seen Methodists, Presbyterians, Congregationalists, and people of many other religions at our services; but I have never yet seen a Catholic associated with us." And the fact that the vast Catholic Church denies their claims has led many a man from the chaos of the different Protestant Churches to the true religion. [See also Question 114.]

### **APPENDIX.**

#### **Billy Sunday Backs Up Catholic Church.**

In one of his tracts, the Protestant evangelist, Billy Sunday wrote:

One day in Chicago a fellow came up and rang the doorbell and oh, he was dressed fit to kill! Had on a silk lid, he had a diamond in his shirt front as big as a hickory nut, patent leather shoes, a Prince Albert coat, silk lined, hung below his knees. And there was a girl about eighteen years of age — a peach of a girl — one of those kind of girls you'd involuntarily turn and look at twice if you saw her on the street — standing by his side.

So he tipped his lid and said: "Does the Reverend Mr. Sunday live here?"

I said: "I am he."

He said: "Will you officiate at our wedding?"

I said: "Have you the marriage license?"

He said: "Sure, Mike!"

I said: "My dad is from Missouri, come across."

So he pulled it out and I looked at it and said: "That looks good to me."

I said: "Have either of you been married before?"

He said: "Not the young lady; I have."

I said: "Your wife living or dead?"

He said: "She's alive."

I said: "Beat it — twenty-three for you, you lobster."

He said: "What do you mean?"

I said: "I mean according to my interpretation of the Bible I haven't any right to hook you up to that girl."

He said: "I have a license here from the county clerk."

I said: "Some things that are legally right are morally wrong. That's one of them."

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