

A FATHER SCOTT PAMPHLET

Scott, Martin Jerome

Divorce...

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**DIVORCE**

**IS A DISEASE**

**WHICH DESTROYS**

**MARRIAGE**

**MARTIN J. SCOTT, S.J.**

**AMERICA PRESS**

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# Q U I Z

(For study clubs and discussion groups)

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*Nihil Obstat:*

ARTHUR J. SCANLAN, S.T.D., *Censor Librorum.*

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✠ FRANCIS J. SPELLMAN, *Archbishop of New York.*

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# DIVORCE IS A DISEASE Which Destroys Marriage

Martin J. Scott, S.J.

So, you think that the Catholic Church is behind the times, out of date, not in touch with modern conditions, a *has-been*?

You've hit the nail on the head. That's my honest conviction.

Do you mind specifying in what particular the Church is a *has-been*?

Well, in lots of ways, but especially with regard to marriage.

What's wrong with her attitude on marriage?

The Catholic Church is altogether tyrannical in making the marriage bond indissoluble, except by death.

My dear sir, the Catholic Church has not made marriage indissoluble.

Do you mean to say that the Catholic Church allows divorce?

By no means. But that does not mean that it is *she* who has made marriage indissoluble. The Church

has not instituted marriage. Marriage is a Divine institution. God, the Author of human nature, has proclaimed that marriage is indissoluble. The Church merely teaches what her Divine Founder entrusted to her.

How do you mean, entrusted to her?

The doctrine of the Catholic Church on marriage is a sacred trust confided to her by her Divine Founder. She would be false to her trust if she failed to safeguard what He has confided to her. You are a lawyer, and you know that nothing is so sacred as a trust fund. It is not allowed for the custodians of the trust to alter it in any way, under the severest penalties.

You take it for granted that indissoluble marriage is a Divine institution, do you not?

I take nothing for granted. The Divine Founder of the Catholic Church explicitly and repeatedly declared that the marriage bond was indissoluble except by death.

Did He not make an exception in the case of adultery?

No. The exception you refer to was not concerning divorce, but separation. On the matter of divorce, Christ was adamant. He said solemnly: "Have you not read that He Who made man from the beginning made them male and female? For this cause shall a man leave father and mother and shall cleave

to his wife, and they two shall be in one flesh. Therefore now they are not two but one flesh. What therefore God hath joined together, let no man put asunder." (Saint Matthew, xix, 5, 6)

You say that Christ's words in the case of adultery refer to separation, not divorce, but the Bible distinctly says that for fornication a man is justified in putting away his wife. Does that not mean divorce?

Absolutely not. The Jews had multiplied the causes for which a man could put away his wife. Christ was asked if these various causes were lawful. He replied that for one cause only may a man put away his wife, namely, if she be guilty of fornication. He then added that if either husband or wife after separation should marry another, they should commit adultery.

Do you mind giving me the exact words that Christ employed?

Here they are: "Everyone that putteth away his wife and marrieth another, committeth adultery; and he that marrieth her that is put away from her husband, committeth adultery." (Saint Luke, xvi, 18) By these words, Jesus states plainly that putting away does not mean divorce, for if it did, neither husband nor wife would be guilty of adultery if they married another. Christ makes no exception for adultery when speaking of divorce, but only when asked about separation.

That looks to me like priest argumentation. It seems to be clever juggling with speech in order to justify one's views.

On the contrary, far from being arbitrary, or, as you say, priest interpretation, it is sound judicial procedure. All jurists agree that a less clear statement is to be interpreted by one that is more clear on the same subject. The best interpreter of a statement is the one who made it.

Christ Himself interprets this text about putting away. On several different occasions He explicitly, unequivocally and unconditionally declares what putting away means. Hear Him speak: "Whosoever shall put away his wife and marry another, committeth adultery against her." (Mark, x, 11) That is an absolute statement, without any qualification whatever.

Again He said: "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." (Saint Luke xvi, 18) That also is an absolutely unqualified declaration. Finally, there is that solemn declaration of His: "What God hath joined together, let no man put asunder." (Saint Matthew, xix, 6)

You seem to make out a strong case, but as the Scotchman said: "I ha'e ma doots," nevertheless.

Your doubts arise, perhaps, because you fear that I

am putting my own construction on the text. Next to Christ Himself, the best interpreters of His doctrine on marriage were the Apostles, who were not only in a position to know His mind in the matter, but who, moreover, were commissioned by Him to transmit and teach His doctrine. It was because the Apostles were delegated to speak in God's name that Saint Paul said: "For Christ, therefore, we are ambassadors." (2 Cor. v, 20)

Let us hear what Saint Paul said regarding Christ's doctrine on the marriage bond: "A woman is bound by the law as long as her husband liveth, but if her husband die, she is at liberty." (1 Cor. vii, 39) In this passage, the Apostle recognizes but one thing which may sever the bond, namely, death. What Saint Paul states so emphatically and unconditionally in that text, he reaffirms in his Epistle to the Romans, when he says of a wife that "whilst her husband liveth she shall be called an adulteress if she be with another man." (Rom. vii, 3)

And to make it evident that what he states is Divine truth, he says: "To them that are married, not I, but the Lord commandeth, that the wife depart not from her husband. And if she depart, that she remain unmarried." (1 Cor. vii, 10) Here, again, a sharp distinction is drawn between legal separation and divorce with the right to marry another.

Those statements of the Apostle are pretty strong confirmation of the Catholic doctrine on marriage. But somehow, I still "ha'e ma doots."

Perhaps your doubts are due to the prevailing attitude of some Christian churches with regard to divorce. But has it ever occurred to you that when Henry VIII withdrew from the Catholic Church, divorce was so contrary to Christian doctrine and practice, that in order to marry another while his wife was living, he had to establish a church of his own? If the Catholic Church was in error with regard to her doctrine on marriage she was a false teacher, and Christ's promise to preserve her from error would have failed and that would have meant the end of the Church of Christ as a Divine institution.

You infer that if the Catholic Church were wrong on marriage, Christianity would be a discredited religion?

I do not infer, but positively affirm that Christianity stands or falls with the doctrine of the Catholic Church. If the only Church which has Christ for its founder should teach false doctrine, it would be the end of Christianity as a Divine religion. For a Divine religion cannot be partly true and partly false. It must be entirely true, or else its claims to be Divine are null and void. In the course of history, every Christian denomination whose doctrine has been at variance with that of the Catholic Church, has either ceased to exist, or is in the process of disintegration.

Isn't that pretty hard on other Christian Churches?



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Truth is sometimes very hard. It is conceivable that those who are not Christians should believe in divorce with right to marry another, but how those who believe that Christ is God and that He established His Church to perpetuate His doctrine can believe in divorce, is a mystery.

All Christian creeds except the Catholic sanction divorce. Any doctrine on marriage, however, which differs from that of the Catholic Church is the doctrine of man, not of God. Every creed which sanctions divorce has originated with some person or group that separated from the Church which alone goes directly back to Christ as founder.

I am not well enough up in history to debate that statement. May I ask you to corroborate it?

The two great bodies of Christians which sanction divorce are the Greek Church and the Protestant Church. Before they separated from the Catholic Church, divorce was virtually unknown in Christendom. These Churches at first limited the cause for divorce to adultery only. But gradually, especially among the Protestant denominations divorce was sanctioned on the most trivial grounds.

Particularly in the United States do we see the dreadful inroads into family welfare made by divorce. In Oregon, in one year (1929), there was a divorce to every two marriages. In Wyoming, one to every three, and in Missouri, one to every four. Marriage is rapidly falling into disrepute by reason

of the ease and frequency of divorce. In certain cities on the Pacific coast, marriage is regarded as a lark.

The family is the basis of society. Divorce shatters the family. Society consequently will rest on a shattered foundation if divorce continues on its destructive way.

I did not realize that divorce was making such headway. It certainly looks alarming for the future, and for the near future at that.

Man cannot improve on God. Christ declared: "What God hath joined together, let no man put asunder." (Saint Matthew, xix, 6) Wherever divorce has prevailed, there has been a trail of broken hearts, broken homes and vitiated society. God's ways are best. Not that God's ways are always the easiest ways, but in the long run they are the best for the individual, the family and society generally.

Catholics believe that Christ is God, that He founded His Church to be His voice on earth, that He endowed this Church with two attributes possible to a supernatural institution only, namely, perpetuity of existence and freedom from error in religious doctrine. He delegated His authority to this Church, saying: "As the Father hath sent Me, I also send you" (Saint John xx, 21); "I am with you all days even to the consummation of the world." (Saint Matthew, xxviii, 20) His Church accordingly is in the world now, and He is with it.

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As the custodian of His sacred trust, the Catholic Church would be false to her charge and cease to be the Church of Christ if she should fail to uphold His doctrine as it was confided to her. His doctrine on marriage is her doctrine, and will be until time is no more.

I admit that, if what you say be true, the Catholic doctrine on marriage must be accepted as the only logical teaching on the matter. But many Christians reject the claims you make.

And you yourself, do you reject them?

Candidly, I was rather shaky in my belief before this talk with you. Now, however, I am inclined to agree with you. At least, I am not so confident as I was that the Church is a *has-been*.

Before we take up various other matters referring to marriage, let me suggest that, if you have any lingering doubts as to the Divine truth of the Catholic Church, you should look into that subject.\*

I'm glad you are going to let me question you on some other phases of indissoluble marriage, and I hope you will not be shocked at some of the things I may say.

Speak your mind plainly and frankly. The truth is never afraid of the strongest and fiercest light that can beat upon it. Rather, the stronger the light on truth, the truer it shows. Error dreads the light

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\*Confer: *Hundreds of Churches But Only One Is Christ's*. The Scott Series of Pamphlets, No. V.

because it reveals her fallacy, but truth welcomes the light because in it she shines in all her splendor.

Well, my first objection to the indissolubility of marriage is that, as held by the Catholic Church, it is downright cruelty in some cases.

Suppose you specify.

For instance, if a man's wife is hopelessly insane, he may not marry another as long as his wife lives, and insane people have the habit of living very long.

That is a good case to present for your point of view. It is good for the reason that it is typical of various similar conditions. Suppose, for instance, that a woman's husband is in prison for life. She may not marry meanwhile. That certainly is a hardship. There are other like circumstances wherein husband and wife are bound by the marriage tie, although they are permanently unable to dwell together. Your objection, accordingly, comes to this, namely, that a law which works great hardship in some cases is downright cruelty. Does that express the objection you have to the indissolubility of marriage?

Well, I guess you put it about right.

Let me say in reply to your objection that every law which is intended for general welfare works hardship on some individuals. Take for instance, the tax laws. These laws are enforced for the mainte-

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nance of the welfare and safety of the people generally. Yet, in certain cases, they work dreadful hardship on individuals. Last year, in one of our cities, literally thousands of people lost their houses because they could not pay their taxes. If, however, you should abolish taxes because of the great hardship to some persons, there would be no maintenance of the police and fire departments, of the water supply, and the sanitation of our cities.

Every beneficial law bears hard on some individuals. Consider, for instance, the hardship occasioned some persons by quarantine, traffic and draft laws. Would you abolish the draft in time of national peril because of the hardships it entails?

I fail to see the similarity between marriage and these other things you mention.

The similarity is in the fact that marriage legislation is for mankind generally, and that its purpose is universal welfare. Considering the fickleness of human nature and its various tendencies, the Author of nature has seen fit to make marriage indissoluble, except by death. "What God has joined together, let no man put asunder."

Just as a good and wise government legislates for all its people, so has the Author and Ruler of the world legislated for all mankind. If a law were to be abolished because of occasional hardship to individuals, not a single law would remain on our statute books.

You grant, therefore, that the Catholic marriage laws seem at times to be downright cruelty, which is what I have asserted.

Nature itself at times is cruel. All of nature's laws inflict dreadful suffering on some persons, yet the purpose of these laws is wise and beneficent. The Author of nature, Who understands mankind because He made man, has decreed marriage to be a permanent bond, despite the fact that in some cases it works hardship.

Does it not seem, however, that an exception should be made in certain cases, as for instance, when either husband or wife is permanently disbarred from companionship?

In this matter, He Who made and legislates for man has decided otherwise. And if we carefully consider the subject, we shall see that in doing so, He has acted wisely. Experience shows that in certain things an exception eventually develops into disastrous consequences. Whenever man's passions are concerned, there is great danger that an exception will gradually cease to be exceptional, but will become ordinary procedure.

Christendom was shocked when Luther sanctioned bigamy in one of his powerful supporters. It was shocked again when Henry VIII discarded his wife to marry one of her maids. But the world is not shocked now when persons who are socially prominent divorce several wives in succession.

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Not long ago, society ostracized a divorced person. Now divorced persons are social leaders. Divorce creates divorce. Witness the sad condition of families in the United States today, where for the entire country one out of every six marriages ends in divorce. This flood of family and social disaster started from one pin-hole in the marriage dike.

I grant you that divorce has become an abomination in our social and national life, but it is due to the ease with which divorce may be obtained. That, however, has nothing to do with my objection that in certain cases, divorce should be allowed, as for instance, when one party is insane or permanently imprisoned.

To that point I reply that the nature of certain things is such that the gates must be kept absolutely closed against them in order to avoid catastrophe. Divorce wreaks such dreadful havoc once it gets in motion, that the welfare of society takes precedence over that of the individual. It is true that in some cases the indissolubility of the marriage bond works great hardship on individuals, but so does the draft, when it summons a young man from his family and career in order to take up arms and risk life and limb for the nation's welfare.

Divorce is an enemy of society, and in order to keep it from destroying the family, which is the basis of society, individuals may at times be required to suffer hardship and loss. Every law that aims at gen-

eral welfare necessarily restricts, chafes and hurts some individuals.

Still, it seems to me that to deprive a man or woman of a natural right, such as marriage, because of something for which they are not responsible, is cruel and tyrannical.

Would you call it cruel and tyrannical for the government to deprive a citizen of his natural right to live with his family, if without fault of his own he was a victim of smallpox or some other contagious disease? In such a case, the man would have to submit to a privation of a natural right, in order to keep contagion from spreading. In like manner, divorce spreads social disease, and to keep it from infecting society, some individuals may have to submit to the privation of a natural right.

You seem to regard divorce as a social disease. Don't you think that you are going too far in thus characterizing it?

Not at all. Divorce is a canker which gradually destroys the social body which it infects. Some sixty years ago, Pope Leo XIII accurately foretold the ravages which divorce was bound to make wherever it gained headway. Here are his exact words:

“Divorce once being tolerated, there will be no restraint powerful enough to keep it within the limits fixed and foreseen. Great is the force of example, and the violence of passion even greater. The eager-



ness for divorce, daily spreading by devious ways, will seize upon the minds of many like a virulent contagious disease, or like a flood of water bursting through every barrier. So soon as the road to divorce was made smooth by law, at once quarrels, jealousies and judicial separations largely increased; and such shamelessness of life followed that men who had been in favor of divorce repented of what they had done, and feared that if they did not carefully seek a remedy by repealing the law, the commonwealth itself might suffer disaster." (*Encyclical, Arcanum Divinae*, 1880.)

It must be plain to the casual observer that the evils from divorce thus predicted have immeasurably surpassed what was feared.

In just what way is divorce such a malady as stated above?

Just as a disease affects the individual body, so does divorce affect the social body. The foundation of society is the family, and whatever enfeebles the family, weakens society. The ordinary result of marriage is children. By divorce the children become estranged from either father or mother. Countless are the blighted lives of children who have had to take sides against either father or mother on account of divorce. Life-long bitterness has been engendered in those in whom only love and reverence should dwell. Divorced persons ordinarily contract another marriage, which usually results in further detriment to the children.

That certainly is a sad feature of a broken home caused by divorce.

The possibility of divorce, moreover, often causes ordinary misunderstandings between husband and wife to develop into disastrous discord and eventual disruption of the family. If divorce were out of the question, these misunderstandings would readily be adjusted. Furthermore, if a husband or wife becomes interested in a more attractive person, the possibility of divorce will tend to create conditions in the home which will result in breaking the marriage bond in order to form a new alliance.

Besides these disastrous consequences of divorce, there is another, much more serious, outcome which directly defeats the primary purpose of marriage, namely, what former-President Theodore Roosevelt termed race-suicide. With the possibility of divorce in mind, husband and wife may refrain from having children, so that if divorce should be decided upon, they would not be encumbered and embarrassed with offspring.

I am beginning now to see divorce in a new light. I quite agree with you that, considering it in its various aspects, it is necessary to uphold the indissolubility of the bond without exception, even though in certain cases it works individual hardship. I should like, however, to ask you what you would reply to husband and wife who find it absolutely impossible to live amicably together. Would

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it not be better to get a divorce than to live in constant and sinful discord?

Your question implies that there is no other solution of the problem. If conditions are really unbearable, the parties may separate, but without the right to marry another. Very often a separation opens the eyes of both parties and a reconciliation is effected. On the other hand, if divorce were allowable, a man or woman desirous of marrying someone else, would create conditions which would bring about divorce.

It is sometimes asserted that the Catholic Church grants a divorce to persons who are very prominent and influential. I myself recall that a few years ago a fashionable marriage celebrated in the Cathedral by an exalted prelate, was afterwards dissolved and both parties allowed to marry others. Doesn't that look like one law for the poor and another for the rich?

Whenever you hear of a marriage of two Catholics which later was dissolved by ecclesiastical authority, you will know that such procedure was not a divorce, but an annulment. An annulment is an ecclesiastical decree declaring that the reputed marriage was not a valid marriage.

Marriage is a contract, and like a civil contract, may be valid or invalid. An annulment is a declaration by ecclesiastical authority that a supposed marriage was invalid and consequently no marriage at all. The Church has never dissolved a valid and consummated

marriage, allowing either party to marry another. Rather than grant a divorce to Henry VIII, she suffered the loss of England to the Faith.

How about the Pauline privilege. Does not that allow divorce with the right to marry another?

The Pauline privilege is so called after Saint Paul the Apostle, by whom it was promulgated. By Divine authority he declared that if an unbaptized pagan became a Christian, but the pagan spouse refused to live amicably with the convert, the convert could separate from the pagan, and be free to marry another.

So, you admit that there is an exception to the indissolubility of the marriage bond?

Yes, an exception made by the Divine Legislator Himself. "What God hath joined together, let no *man* put asunder." Not *man*, but God, has made the exception known as the Pauline privilege.

In connection with this subject of marriage, why is it that the Catholic Church is opposed to birth-control, although the other Christian denominations sanction it?

Let me begin by saying what is meant by birth-control. Instead of birth-control, it should be called birth-prevention, for its purpose is to prevent the seed of life from developing to maturity. Nature and the Creator are opposed to birth-control. The Catholic Church simply states what nature and the Cre-

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ator proclaim. Nature proclaims that birth-control is wrong because it is the perversion of a natural function. God proclaims it is wrong because it is unnatural interference with a vital procedure designed by the Author of nature for the maintenance of the human race.

Birth-control itself may be perfectly lawful and natural if exercised without perversion of nature.

Everyone who deliberately chooses to remain single either as maid or bachelor practises birth-control, but naturally, without artificial interference with nature's functions. Everyone who takes the vow of chastity, such as nuns, priests and pious persons in any career of life, practise birth-control, not only lawfully, but meritoriously.

But the birth-control that is sinful is that which deliberately and by unnatural or artificial means, interferes with a vital natural function. In fine, all those lawfully practise birth-control who voluntarily refrain from exercising their natural sex rights. Those, however, who voluntarily exercise their sex rights, but in doing so prevent the natural purpose of such rights, are guilty of nature perversion. Since nature's functions are the expression of God's law, whoever prevents their operation in vital matters, violates God's law, and is consequently guilty of serious sin.

Are there not extenuating circumstances, particularly at the present day, to justify birth-control? In order to be specific, let me instance modern living conditions; the difficulty of providing for a

large family; and the renting restrictions put upon families that have more than one or two children.

All these conditions, I grant you, put a burden on those who obey God rather than man. But State laws impose heavy burdens on citizens, regardless of class and condition. Citizens do not claim exemption from the State laws because they find them inconvenient or burdensome, but endeavor to conform to them by making whatever effort and sacrifice may be required of them.

Furthermore, there are other ways of remedying conditions besides violating nature's laws. Social legislation has already done a great deal to help the middle and less fortunate classes of our population. Justice and charity are the proper remedies for present adverse conditions, and they are means not only within God's law, but directly in accordance with it.

Still, you must admit that, under present conditions, it is often an intolerable burden for a poor man to maintain a moderately large family.

My dear Sir, it is not the poor so much as the rich who practise birth-control. It is not, ordinarily, a question of money that causes the practice of this vice. Those who indulge in it have money for everything else except children. It is the poor who have large families and are happy in having them, despite the burden of maintenance.

I see, you do not give me a leg to stand on. If you

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don't mind, I'd like to ask you what is the attitude of the Catholic Church on mixed marriages?

By a mixed marriage is meant one between a Catholic and a non-Catholic. While discouraging such unions, the Church does not forbid them, provided certain conditions are complied with. Experience has shown that, while an occasional mixed marriage may turn out favorably, both spiritually and otherwise, as a rule they do not.

A difference of religion often creates a wall of ice between husband and wife. Before marriage, promises are readily made, but eventually they often fail to be kept. If the Catholic is true to the Faith, there will be insistence on Catholic fulfilment of conditions, which frequently leads to wrangling, quarrels, and, too often, to family disruption.

Sometimes, to prevent such an issue, the Catholic will compromise, and eventually by degrees, give up the Faith altogether. The children, meanwhile, observing father and mother going different ways, will be divided as to which way to go, and may end up by going their own way, which usually means the way of no religion at all.

It is because our Holy Mother the Church is solicitous for the eternal welfare of her children, that she does all in her power to dissuade them from mixed marriages.

Another question. Why is the Catholic Church

opposed to the modern trend of the *emancipation* of women, which enables them to participate in the betterment of social and political conditions?

The Catholic Church is the greatest and truest friend of women. History attests that women owe their present lofty position in society to Christian teaching and practices. The Catholic Church is in favor of every liberty to woman compatible with her state of life. If she is a wage-earner or in a career requiring public activity, the Church realizes her great social and moral influence in these spheres.

The emancipation of women, however, from the burdensome duties of wife and mother, and from domestic concerns, is now loudly proclaimed by certain social leaders. This emancipation would really deprive woman of her greatest glory. If woman descends from the throne to which she has been raised as queen of the home and the incentive and inspiration of her husband, she will eventually be reduced to her former pagan state of subjection, and will lose the respected position she at present occupies.

We see evidence of this now on all sides of us. Man and woman both have their place in life, but man's place is not woman's, nor is woman's man's. Equality does not mean denaturalization. In many things a woman is superior to man. She has more power over him than she realizes if she is true to her womanhood. The so-called emancipation of woman, instead of liberating, lowers her.



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What has the Church to say on the subject of *incompatibility*, which is now the most frequent reason given for divorce?

Incompatibility is a modern social disease. Until recently it was never heard of. It is true that husband and wife have always had their own particular characters, dispositions and views. But when there were clashes, as no doubt there were often enough, they settled the matter, more or less, by sharp words and sour looks, and that was that. They knew they had to live together permanently, and so made the best of things, and really got along very well, all things considered.

Now, however, with a divorce in the offing, and a new and more attractive partner in prospect, they cultivate estrangement and create incompatibilities. Thus we see another evil effect of divorce, which leaves in its wake countless broken homes, embittered children and vitiated society.

Every state of life has its incompatibilities, but they do not justify one in violating a solemn contract. If a soldier enlists in the army, incompatibility with his associates will not permit him to resign. A marriage contract is much more serious and binding than any civil or military bond.

Divorce is now sweeping over higher society like a tidal wave. Its only barrier is the Catholic Church, which alone of all creeds makes no compromise on

the Christian doctrine of marriage as proclaimed by the Divine Founder of Christianity. Error may give latitude to man's waywardness, but it is the latitude that ends in degradation. Reverence for God's law may entail restrictions, but they are the restrictions that are for man's welfare here and hereafter.

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