

762707

ADL 0041

The Church and Marriage

By

Rev. John A. O'Brien, Ph.D., LL.D.

THE PAULIST PRESS 401 West 59th Street New York 19, N. Y.

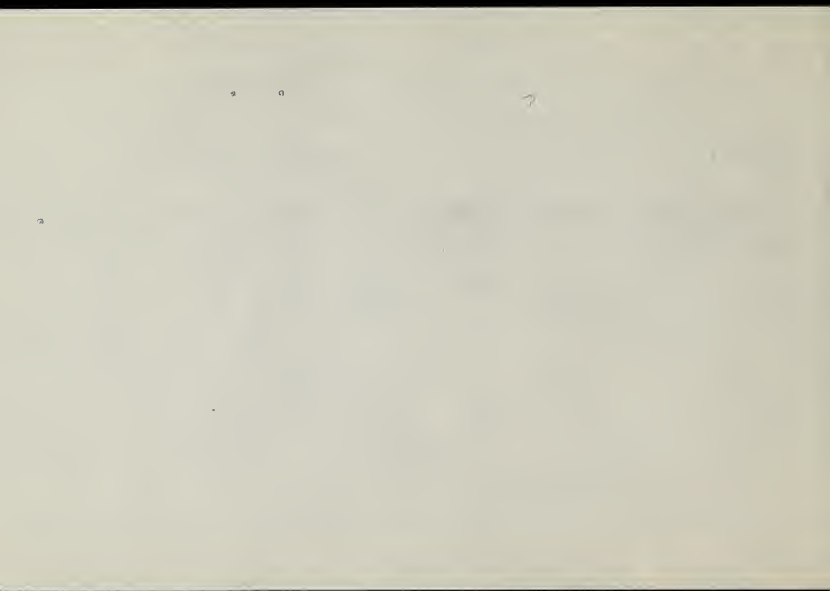
Decidified

4.18.53

Bill,

Note the Nihil obstat and Imprimatur on this.
How come?

Dick



The Church and Marriage

THE NEW FREEDOM FOR WOMEN

by

REV. JOHN A. O'BRIEN, PH.D., LL.D.

The University of Notre Dame

I

“THE Catholic Church is reactionary. She stands in the way of the complete emancipation of womanhood. She opposes companionate marriage, trial marriage and divorce. She insists upon the old doctrine of the sanctity of conjugal vows and the indissolubility of the marriage tie. Upon her rests so heavily the dead hand of the past as to crush out all receptivity to the stirrings of modern thought.

“Before the eyes of womanhood there looms up a new world of freedom, while the Church still chains them to the conventions of an outmoded past. Her views on marriage are old-fashioned and out of step with the progressive temper of today. Her stand against divorce under all circumstances bars the way to happiness for multitudes who discover only after marriage that they are mismated. In short, the Church is not the friend but the enemy of womanhood in this modern day.”

These were the words that fell from the lips of an advocate of the so-called “new freedom” for woman. Disgruntled over the unmodified stand of the Church against divorce and re-

Nihil Obstat:

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

Imprimatur:

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

New York, May 24, 1941.

PRINTED AND PUBLISHED IN THE U. S. A. BY THE PAULIST PRESS, NEW YORK 19, N. Y.

marriage, she regarded it as placing a barrier to her finding happiness in another marriage. As she blurted out her philippic to her pastor, a pained expression came over his venerable countenance. He had not forgotten all the history he had read. As the bitter words, "The Church is not the friend but the enemy of womanhood," echoed in his ears, a far-away look came into his eyes. The walls of the rectory seemed to fade away. In their place there came a series of other and different scenes.

* * *

Clement VII Defends Catherine

It is a room in Hampton Courts, the summer home of Henry VIII, along the Thames in England, on a late October day in 1527. Among the maids-in-waiting to the Queen, Catherine of Aragon, Henry spies a new face. It is the pretty face of Anne Boleyn. Those thick sensuous lips, those lustful eyes that follow her, tell of the secret design already forming in his brain. He has already had his intrigue with her older sister Mary. But Anne refuses his advances unless she be the acknowledged Queen, seated beside him on the royal throne. To satisfy that lustful passion, Henry casts aside his faithful wife, Catherine, and pounds on the doors of the Papacy with the imperious demand: "Give me a divorce from Catherine that I may marry Anne Boleyn. If you dare refuse, I will not only leave the Church, but I'll pull all England with me."

Clement VII knew full well that it was no idle threat. On the one side stood arrayed the King, the lords and nobles, the house of Parliament, the sycophantic Wolsey and Cromwell, in fact, all the powers of imperial England. On the other side stood, deserted and alone, the weeping figure of Catherine.

But the low sobbing of Catherine was heard above the thunders of the King. True to his divine office, the Vicar of Christ stood by the defenseless Catherine and to the insolent challenge of the King, flung the answer: "Not for you, nor for the whole of England, will I violate that divine command: 'What therefore God hath joined together, let no man put asunder.' Catherine remains thy lawful wife until God's angels lower upon thee the final curtain of death."

By force Henry pulled nearly the whole of England into his apostasy, setting up a church of his own and constituting himself the supreme spiritual head. Clement, however, old and venerable though he was, wavered not for an instant but stood like a rock of adamant in defense of Catherine. Single-handed and alone, among all the voices of Europe and all the powers of Christendom, the Vicar of Christ stood pleading the cause of weak and defenseless womanhood, cast aside by the whimsical lusts and the cruel passions of man.

* * *

Pius VII vs. Napoleon

The slanting rays of the setting sun are gilding with golden hues the twin spires of the great Cathedral of Notre Dame in Paris. Down below in the Champs Elysées throngs of people are making merry. It is the eve of the coronation of the great Napoleon. In his chamber at the Tuileries, Pius VII, forced by the Emperor to Paris, is kneeling in prayer. A gentle knock is heard at the door. Calling, "Come in," he rises. Josephine, weeping bitterly, enters and falls at his feet. "Holy Father," she whispers, "our marriage has never been blessed by the Church."

Instantly Pius VII summons Napoleon and bids him have his marriage ratified according to the laws of God and of His Church. Bonaparte demurs. Then that aged Pontiff, broken by years of persecution and injustice, thin, feeble, and emaciated, looks into the face of the conquerer of Europe. The eyes of Pius VII flash fire, and straightening himself up, he says to the man who has changed the map of Europe, the Marshal who is still flushed with the victories of Marengo and Austerlitz—that feeble and emaciated old man hurls into the face of the most powerful and arrogant ruler of all Europe the fearless ultimatum: “Either you marry Josephine before the sun sets in yonder sky, or by the tiara that I wear and the scepter that I wield, I shall refuse to crown you tomorrow in the Cathedral of Notre Dame as the Emperor of France.”

Before the last rays of the setting sun fade from the skies above the purple waters of the Seine, Napoleon is kneeling by the side of Josephine to receive from Cardinal Fesch the sacrament which is both the shield of womanhood and the protection of the Christian home. Once again the Church, in the person of the Vicar of Christ, stands out single-handed and alone against the most powerful potentate in all Europe in defense of weak and helpless womanhood.

* * *

Ingeburga Appeals to Rome

The curtain of the centuries is raised. It is an August day in 1193 at Amiens, France. With stately ceremony and amid the rejoicing of the people, Philip II is plighting his deathless troth to his queenly bride, the daughter of Valdemar I, King

of Denmark. In the presence of William of Champagne, the Archbishop of Rheims, before the altar of the Lord, Philip promises to take Ingeburga for his lawful wife, to have and to hold, from this day forward, for better or for worse, for richer or for poorer, in sickness and in health, until death do them part.

The very day after the wedding, however, his fancy changes. The lovely queen, who had left the royal palace in Denmark to come to his invitation and live as his queen in a strange land among a people speaking an alien tongue, he wishes to cast ruthlessly aside. He summons the Council of Compiègne, and demands a declaration of nullity of his marriage. The assembly of complaisant barons and bishops accedes to his demand. Philip, triumphant, marries his new inamorata, Agnes de Méran. The queen is imprisoned in the chateau at Etampes. Deserted and alone, far from her father's home, Ingeburga finds herself without a single powerful friend in all France.

In this crisis she turns instinctively toward Rome. In her broken French, she cries, "I appeal from the verdict of the Council of Compiègne to the Vicar of Christ, the Protector of defenseless womanhood everywhere." That cry of Ingeburga from her prison at Etampes is heard across the Alps by the sentinel on the watchtowers of the Vatican. Without a moment's hesitation, Pope Innocent III throws himself into the unequal struggle on the side of truth and justice and in defense of the rights of womanhood. Into the face of the lustful monarch, the Pontiff flings the fearless ultimatum: "Either you respect your sworn vow of deathless fidelity and restore Ingeburga to her rightful place beside you on the royal throne, or I, as the Vicar of Christ, shall cut you off as one unworthy of membership in the Church of the living God."

France Under Interdict

Philip demurred. True to his word, the Pontiff promptly excommunicated the king. When he still refused, Innocent III brought into action his most powerful spiritual weapon and placed all France under interdict. Until nine months later, when Philip feigned reconciliation with Ingeburga, first before the papal legate, Octavian, and then before the Council of Soissons, not a single Mass was permitted to be celebrated in all France. As a protest against the injustice done to her and to redress her wrongs, the Pontiff took this desperate step. It served to arouse the conscience of the nation against the cruel injustice of the king.

This the Pontiff did in defense of the rights of a single woman, a stranger in an alien land, helpless and alone, weeping in her prison at Etampes. At last, after fifteen years of struggle with the stubborn and lustful monarch, victory crowned the efforts of the Pontiff. Ingeburga was restored to her rightful place as Queen on the royal throne of France.

Once again, the Church, in the person of the Vicar of Christ, stands out before the eyes of the world as the solitary, fearless champion of the rights of womanhood. Once again the Church emerges triumphant in her struggle with the lustful kings, the most powerful in all Europe, who sought to trample under foot the rights, the dignity, and the honor of womanhood. That was not merely Catherine of Aragon kneeling at the feet of Clement VII, nor Josephine de Beauharnais at the feet of Pius VII, nor Ingeburga at the feet of Innocent III. They are but the symbols of womanhood everywhere. It was womanhood in all the ages and in all the countries of Christendom kneeling at the feet of Christ's Vicar, receiving protection from the passions and the lewdness of men.

The kindly old pastor came back with a start from his historical reminiscing. "The Church, the enemy of woman?" he queried of his visitor. "Why," he continued, "all that separates woman from the menial position she occupied under paganism as a chattel ministering to the passions of man is the influence of the Christian Church. The one institution in a world of change which has unceasingly championed the rights of womanhood is the Church founded by Jesus Christ. To that Church woman is indebted for the unique dignity and reverence she enjoys throughout Christendom today. No one can charge the Church with indifference to the rights and the happiness of womanhood without being blind to the most obvious lesson of history for the last two thousand years."

II

MARLBOROUGH-VANDERBILT CASE

After reading the historical incidents just sketched, some readers, particularly among our dear non-Catholic friends, may feel inclined to say: "That is all right for the past. But how about today? While the Church theoretically forbids divorce today, she practically allows it by her system of annulments and dispensations. Look, for example, at her setting aside the marriage of the Duke of Marlborough and Miss Consuelo Vanderbilt."

The answer is: The Church has not swerved, either in theory or in practice, from her historic stand in support of Christ's teaching concerning the absolute indissolubility of Christian marriage. It is true that the Church grants dispensations.

But these are never from the natural or the divine law but only from those of her own making. Unlike the modern State, she never declares a valid marriage to be null and void. She merely declares, after careful investigation, that a so-called marriage never actually occurred—that it was invalid from the beginning. Much of the misunderstanding in the public mind concerning the Church's declaration of nullity is due to an ignorance both of the facts in the case and of the Church's laws regulating marriage. For, like the State, the Church has not one but many laws designed to clarify and safeguard the marital contract.

Now what are the actual facts in the Marlborough-Vanderbilt case? Briefly these: The bride's mother, the Duke of Marlborough, Mrs. O. H. P. Belmont, Mrs. Jay and Mrs. Tiffany swore before the Tribunal of the Rota, the Church's Supreme Court for matrimonial cases in Rome, that the bride, Consuelo Vanderbilt, had been coerced into the marriage and had never consented to it even afterwards. On the strength of such sworn testimony, the Rota declared the marriage to have been null and void from the beginning. The Church's law on the subject is unmistakably clear: "A marriage is invalid, if entered into because of violence or grave fears, inflicted unjustly and from without, to escape which one is forced to choose marriage."¹ Surely no fair-minded person can criticize the Church for having rendered a decision that squared with both the law and the established facts in this particular case.

Marconi-O'Brien

Why was the Marconi-O'Brien marriage declared null? Was it not because of the powerful influences exercised by the

¹ Canon 1987.

² Canon 1086, § 2.

parties concerned? Such are the questions frequently asked by people whose knowledge of the case rests solely upon the reading of a newspaper item. The facts in the case are briefly these: The declaration of nullity was issued because both parties made its dissolubility a requisite condition of their consent. On the grounds that some marriages turn out badly, the mother of the bride refused at first to permit her daughter to wed if the marriage were to be considered indissoluble. Mr. Marconi made an explicit agreement with the mother, the daughter, and the whole family, in which he stated that either party could apply for divorce, if at any time he or she saw fit.

Such a reservation was in direct violation of the Church's law which states: "If either party or both by a positive act of the will exclude the marriage itself . . . or any essential property of marriage, the contract is invalid." ² Since indissolubility is an essential property of marriage, it is evident that the marriage was null and void from the beginning. Such was the only decision the Rota could give in the light of the facts and the law in the case.

No Discrimination

The Church does not have one law for the rich and another one for the poor. Nor is she swayed in her decisions by any consideration of wealth or influence. With an eye single to the facts in the case, she metes out even-handed justice to king and peasant alike. Before her judicial tribunals the ragged pauper is the equal of the millionaire. When that influential nobleman of France, Count Boni de Castellane, sought an annulment of his marriage to the wealthy American, Anna Gould, the Rota, after three hearings of the case, returned a final and irrevocable "No."

To the rich and powerful who seek annulments not war-

ranted by the realities of the case, the Church replies today in the same manner in which Pius VII answered Napoleon's request for the invalidation of the marriage which his brother Jerome had contracted with Miss Patterson of Baltimore. "Your Majesty will understand," wrote the Pope, "that upon the information thus far received by us it is not in our power to pronounce a sentence of nullity. We cannot utter a judgment in opposition to the rules of the Church, and we could not, without laying aside those rules, decree the invalidity of a union which, according to the Word of God, no human power can sunder."

With our courts tearing asunder the sacred ties of marriage, until one out of every seven homes in our land is disrupted, far-seeing statesmen of every faith are beginning to recognize in the Church's unswerving stand against divorce the strongest influence for the preservation of the home and the stabilization of the social order. Conscious of the social tragedies and the heartaches which follow in the wake of broken firesides, non-Catholics in America and throughout the whole of Christendom in increasing numbers will add their hearty endorsement to the words of Pope Leo XIII in his Encyclical *Arcanum*. "It must be allowed," he writes, "that the Catholic Church has been of the highest service to the well-being of all peoples, by her constant defense of the sanctity and perpetuity of marriage. She deserves no small thanks for openly protesting against the civil laws which offended so grievously in this matter a century ago . . . and for rejecting even in the early ages the imperial laws in favor of divorce and putting away. And when the Roman Pontiffs withstood the most potent princes who sought with threats to obtain the Church's approval of their divorces, *they fought not only for the safety of religion but for that of civilization.*"

Few Annulments

Hostile critics often picture the Roman Rota as granting annulments with so lavish a hand as to destroy at least in practice the permanence of the marital bond. They do not know with what painstaking care that tribunal investigates every case, nor the infrequency with which an annulment is granted. Thus, during a recent five-year period, this court which hears cases for the whole world, granted only 98 decrees of nullity. Compare this with the record in our own country, where approximately 150,000 divorces are granted in a single year!

Can any fair-minded person, in the light of the actual evidence, honestly say that the Church's practice in regard to the safeguarding of the marriage bond does not square with her teaching? Where is the court, or institution, or tribunal which guards with such ceaseless vigilance the unity and the permanence of the marriage contract? The Church not only believes in this teaching of Christ as an abstract ideal, but, more than that, she *practices it*. She weaves the golden thread of that glorious ideal into the warp and woof of the daily life of her children spread throughout the world.

In defending the sacredness and the enduring character of Christian marriage, the Church is championing the sanctity of the home and particularly the rights and the happiness of women. For the mother in the great majority of instances suffers the most from the disruption of the home. Ageing more rapidly than man, she usually finds it more difficult to contract a new alliance. Particularly is this true when she has offspring. With fewer opportunities for employment with which to support herself and her children, she is generally the greatest victim of the tragedy of a broken home.

III

A CONTRAST

If one wishes to gauge the influence of the Church's teaching concerning the rights of womanhood, he should visit some of the Mohammedan, Brahmin, or Buddhist countries where Christianity has scarcely penetrated. The contrast between the status of woman in those lands and in our Christian civilization he would find most striking. In sailing in the summer of 1925 up the Straits of the Dardanelles and across the sea of Marmora, the writer noticed down in the hold of the vessel a number of Turkish families, who were returning from Greece to Constantinople. They lived amid a squalor rarely found in our Christian countries.

In one corner there was a little group of six women and one man eating out of a single large bowl. The faces of the women were veiled down to their mouths. Upon inquiry as to the relationship existing among the members of such an unusual combination, the writer was informed that the women were the six wives of the Turk. Squatted on the floor, ministering to their master like slaves, they presented a revealing picture of the condition of women under paganism—a condition which exists to a large extent still in non-Christian lands. Let the advocates of the so-called "newer freedom for women compare her degraded status in such countries where she is still a serf doing the drudgery of her lord and a plaything ministering to his lust, with the position of dignity and reverence which she enjoys in Christian countries.

Let the women who chafe under the law of Christ concerning the permanent unity of marriage visit the excavated cities of Herculaneum and Pompeii. In those old Roman

homes dating from the pagan era, they will see the quarters set aside for the *hetairai*, the minor wives, upon whom the head of the household frequently lavished the greatest luxury. Let them then decide if they would destroy the solitary lever which has lifted womanhood from the foul morass of pagan lechery to the position of honor and reverence which she enjoys today. That lever is the teaching of Christ—a teaching which His Church has held for nineteen centuries as a beacon light to guide the groping feet of mankind from the darkness of paganism to the refinement of Christian life and culture.

Mary's Influence

Supplementing the teaching of Christ in elevating woman to her new dignity has been the influence of that model of womanly virtue and beauty, the Blessed Virgin Mary, the Mother of our Saviour. Mankind is influenced more by ideals than by ideas. Human hearts and minds are impressed more profoundly by concrete living exemplifications of virtue than by its enunciation in abstract terms. Since the time of Christ, Mary has been the model of virtue for the maiden wife, and mother. Alone among all our race, she unites in herself the twin glories of virginity and motherhood. Painters and sculptors, poets and historians, have vied with one another in seeking to portray the charm of her virginal innocence and maternal love.

From the time when as a helpless Babe, cradled in her arms, breathing the perfume of His breath into the roses of her cheeks, until the hour when He hung limp upon Calvary's cross, Jesus paid to His mother the tribute of His honor, reverence and love. The Master's example has been contagious, and mankind has sought humbly to follow in His steps. Rev-

erenced as the ideal among God's children, "our tainted nature's solitary boast," as the non-Catholic poet, Wordsworth, styled her, Mary has elevated all womanhood to a new position of honor and dignity in the eyes of men.

Beauty of Holiness

The superiority of the spiritual charm and beauty of Mary's character over any of the ideals influencing the art and thinking of ancient Greece is eloquently portrayed by Frederick A. Stowe, who bears the testimony of scholars outside the fold. "No theme," he writes, "has stirred to greater depths the passion of men than a mother's love, yet centuries passed before the artists could even suggest the heights and depths of her devotion. The Greek ideal was Juno or Venus or Phryne. Out of white marble, the Greek sculptor hewed images of wondrous beauty and faultless form. His ideal was transmitted like frozen music. It appealed to the sensuous and evoked the rapturous adulation of the heroic, but the Greek face was soulless. Aenone, deserted on Ida's mountain, weeping for her Paris, was all Greek poesy could give. It was not until Raphael painted his Madonna that the world was given its beautiful ideal of womanhood. Venus had a lover, but Mary brooded over her child. Venus reveled in a dying world; Mary had a soul, and upon her brow settled the holiness of beauty and the beauty of holiness. No dryad on the mountain, no nereid in the laughing sea or Diana at the chase with quiver and bow could affect the queenly grace and divine wardenship which was the charm of Mary. Her face was illuminated by an inner light unknown to Venus or Juno, and Mary survives to the latest generation as the gentlest name in history."

In tracing the transformation in the moral status of woman wrought by Christianity, Cardinal Gibbons likewise stresses the influence of the ideal of the Virgin Mother. "The influence of Mary in the moral elevation of woman," he points out, "can hardly be overestimated. She is the perfect combination of all that is great and good and noble in pagan womanhood, with no alloy of degradation."

A Rock of Gibraltar

The enumeration of the thousand subtle ways in which the ideal of the chaste beauty of Mary's character became indelibly stamped upon the intellect and heart and imagination of Christendom would fill many a volume. Suffice it to say that second only to the direct teachings of Christ on the sanctity and indissolubility of marriage, has been the influence of the ideal of the chaste Mother of God in the elevation and spiritual enfranchisement of womanhood throughout all Christendom.

Are we not compelled, therefore, to say that those who picture the Church as closing the door to the "newer freedom" for women and as placing a barrier to her happiness by insisting upon Christ's teaching concerning the sacredness of the family fireside and the permanence of the Christian home are not only shortsighted but are blind to the most obvious lessons of history? Does not the experience of humanity the world over demonstrate that lasting happiness can never be secured by the violation of God's law?

True, siren voices still whisper of forbidden fruit. Will-o'-the-wisps still beckon to new and untried paths. *Ignes fatui* still shed their deceptive gleams to lure the unwary traveler to the pitfalls and quicksands of the morass. But reflection and

sober second thought will prompt woman not to ignore the voices of all human experience warning her that such paths lead but to misery and disaster. In the Catholic Church she will recognize her best and staunchest friend throughout the centuries. In clinging to that Church she will find a bulwark of protection from the lewdness and the lust of man, and a mighty Rock of Gibraltar against which the waves of human passion will beat—but beat forever in vain.

STUDY CLUB QUESTIONS

1. Tell the story of the defense of Catherine of Aragon by Pope Clement VII.
2. Describe the manner in which Pope Pius VII hurled his ultimatum at Napoleon.
3. Describe the appeal of Queen Ingeburga to Pope Innocent III.
4. What means did the Pontiff use in coming to the defense of Queen Ingeburga?
5. What are the facts in regard to the Marlborough-Vanderbilt case?
6. What are the facts in regard to the Marconi-O'Brien case?
7. Does the Church have one law for the rich and another for the poor?
8. Does the Roman Rota grant many annulments in the course of a year?
9. Contrast the position of womanhood in Christian and non-Christian countries.
10. What has been the influence of the ideal of the Madonna upon the elevation of womanhood?
11. How would you prove that the Catholic Church is the greatest protector of womanhood in the world today?

