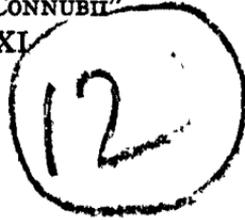


# WHAT IS MARRIAGE?

A CATECHISM  
ARRANGED ACCORDING TO THE  
ENCYCLICAL "CASTI CONNUBII"  
OF POPE PIUS XI



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## PREFACE

**T**HE memorable Encyclical "Casti Connubii," of December 31, 1930, has astonished the world by its appropriateness and the richness of its content.

It contains and promulgates anew the entire Christian doctrine on marriage.

It has evoked the enthusiastic admiration of some, the wanton criticism of others. Like the Master whose word it announces, it is at once a sign of resurrection and of contradiction, that out of many hearts thoughts may be revealed.

The Pope whose firm hand signed it wishes that the teachings which he has given in the name of Christ and of the Church shall receive the greatest possible diffusion.

To correspond with this desire of the Supreme Pastor, to contribute in our very humble way to its realization, is our only ambition.

It seemed to us that the catechetical form would best suit our purpose, since it puts each point in clear relief and favors precise answers.

Since it is a catechism according to the Encyclical, it must include all the doctrine of the Encyclical and nothing else. Yet our questions and answers cannot be content merely to formulate that doctrine; they must besides give the reasons for it, especially those which the Holy Father himself adduces. Only thus can they furnish an explanation of that doctrine, the solution of doubts which may arise in connection with it, and in case of need, defense and justification for it.

This in itself will indicate that we do not propose to write a popular catechism but rather to furnish the material for one.

Our work is destined for priests and the educated laity.

Without a doubt the motherly eye of the Virgin, no less attentive than at Cana, observes how the world, even the Christian world, is in want of the wine of holy doctrine. We may therefore invoke her with confidence begging her to aid the propagators of the Encyclical, as doubtless she aided the august Pontiff who published it.

# WHAT IS MARRIAGE?

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## GENERAL INTRODUCTION

### 1. WHAT MOTIVES DETERMINED THE HOLY FATHER TO PUBLISH AN ENCYCLICAL ON MARRIAGE?

Moved to compassion by the errors that are current in a society become partly pagan, by the ignorance to which many of the Faithful are becoming more and more the victims so far as to lose sight of the sanctity of their state of life, and by the growing corruption of morals against which nature protests, the Supreme Pastor declares that he yielded to an imperious necessity in publishing an encyclical which is doctrinal and which at the same time highly champions the cause of Christian marriage.

### 2. WHAT MORE DEFINITE PURPOSES DID HE HAVE IN VIEW?

The Sovereign Pontiff wished to remind every one of what is now too commonly ignored, the sanctity of marriage, especially of Christian marriage; to stigmatize the false principles and practical abuses relating to it, and to win the Faithful away from them; and to point out the way of escape from the deplorable state of affairs, and give hope of a restoration beautiful in itself and salutary to society.

To this end, the Vicar of Jesus Christ wishes through the voice of the Bishops to instruct the entire Church, and even the whole human race:

1. On the nature and dignity of marriage, especially Christian marriage;
2. On the blessings and benefits which flow from it for the family and for society;
3. On the prevailing errors on the subject of marriage;
4. On the abuses that are commonly practised against the conjugal state;
5. On the principal remedies to do away with the abuses and to restore Christian marriage to its true place.

### 3. HOW IS THE ENCYCLICAL DIVIDED?

The Encyclical falls naturally into three principal divisions:

The fundamental principles, and the three great benefits and blessings of marriage: children, conjugal fidelity, and sacramental elevation;

Erroneous theories and the vices contrary to these three great blessings, together with their sad consequences;

The principal remedies to avoid the abyss into which the abuses against marriage are drawing society, and to make way for the restoration of marriage to its true dignity.

#### 4. IS THIS ENCYCLICAL THE FIRST WHICH HAS DEALT THOROUGHLY WITH CHRISTIAN MARRIAGE?

By no means. Fifty years before, on February 10, 1880, Leo XIII published a doctrinal Encyclical beginning with the word "Arcanum." Its chief purpose was to set forth the sacred character of every conjugal union, and to condemn purely civil marriages and divorce.

#### 5. DOES THE NEW ENCYCLICAL REVOKE THE FORMER ONE?

On the contrary the Pope expressly desires to give it new force, and he makes all its teachings his own. More than once he appeals to it as an authority.

#### 6. HOW DOES THE NEW ENCYCLICAL DIFFER FROM THE FORMER ONE?

The new one has a more practical purpose. Whereas the Encyclical "Arcanum" concerned itself chiefly with theory and refuted the errors embodied in civil legislation, the Encyclical "Casti Connubii," while not departing from theoretical principles, pays special attention to erroneous teachings which have more recently gained currency, and condemns the vices which are now perverting marriage. It is particularly designed to meet the needs of the present time.

### GOD'S PART IN MARRIAGE

#### 7. WHAT IS THE FIRST FUNDAMENTAL TRUTH TAUGHT BY THE ENCYCLICAL?

The Encyclical lays down to begin with this immutable fundamental doctrine: *Matrimony was not instituted or restored by man, but by God; not by man were the laws made to strengthen and confirm and elevate it but by God, the Author of nature, and by Christ our Lord by whom nature was redeemed.*<sup>1</sup>

<sup>1</sup>P. 22 of the edition published by the America Press, February, 1931 (It is to this edition that all page references will be made.) All quotations in italics are from the Encyclical

### 8. HOW DO YOU PROVE THAT MARRIAGE WAS INSTITUTED BY GOD?

The Encyclical tells us:<sup>2</sup> *This is the doctrine of Holy Scripture, this is the constant tradition of the Universal Church, this is the solemn definition of the sacred Council of Trent, which declares and establishes from the words of Holy Writ itself that God is the author of the perpetual stability of the marriage bond, its unity and its firmness.* Genesis records that God gave the first woman as a companion to Adam, who, by Divine inspiration, as the Council of Trent tells us,<sup>3</sup> exclaimed: "This now is bone of my bones, and flesh of my flesh: wherefore a man shall leave father and mother and shall cleave to his wife: and they shall be two in one flesh." This is what comes about by the use of marriage. God confirmed this inspiration by blessing them both and saying to them: "Increase and multiply." Our Lord Himself quoted the words of Adam as containing the Divine law of unity, which limits true marriage to two persons.

### 9. WHAT DO WE MEAN BY SAYING THAT MARRIAGE HAS RECEIVED ITS LAWS FROM GOD THE AUTHOR OF NATURE?

We mean that these laws are written in man's very nature, even apart from all revelation.

### 10. WHAT ARE THESE LAWS?

The law of unity; the law of perpetuity; the law of indissolubility.

### 11. ARE THESE LAWS EQUALLY UNCHANGEABLE?

By human authority, yes. Man, being subject to the rational moral order can in no case derogate from it even for purposes which he thinks good. But God, the Author of nature and of order, can without offense to His own wisdom make some exceptions to laws other than the most principal or most essential ones. This He may do by positive authorization of the exceptions, for ends worthy of Himself, or by tolerating them through consideration of the weakness of human nature, with due regard to all the circumstances. Never has He permitted adultery or free love or fornication; but He did tolerate among the Jews a certain

<sup>2</sup>Pp. 22, 23.   <sup>3</sup>Sess. XXIV, *De Sacramento Matrimonii*, at the beginning.

polygamy, and even in certain cases the repudiation of the wife.<sup>4</sup>

## 12. HOW DO YOU PROVE THE NATURAL LAW OF UNITY?

We prove it by the analysis of the sentiment which leads to the conjugal union; by the conjugal union considered in itself; and by the evil consequences of plurality.

The sentiment of love, quite a different thing from that of quiet friendship, is jealous and exclusive.

"Conjugal love," says Abbé Dermine,<sup>5</sup> "must be exclusive under pain of dissolving itself. Conjugal love shared with another excites jealousy and divides the heart."

"I want to love you, you alone, you more than all the world. We want to belong to each other, live for each other, share joy and suffering together. That is the way this love expresses itself."<sup>6</sup>

Moreover the practically equal number of births of the two sexes shows that polygamy is possible only by the killing or mutilation of human beings,—two abuses contrary to nature.

Besides how could the mutual total self-surrender which the conjugal union implies be realized between more than two people?

<sup>4</sup>"Every action," says St. Thomas, whose doctrine we abridge (Suppl. 3 P. q. 67, art. 15), "which contradicts the end which nature has in view, is called contrary to the natural law. But such an action may be contrary to a primary or to a secondary end . . . according as it entirely prevents the attainment of the end or only makes its attainment more difficult or less perfect. Thus if an act is so contrary to the end intended by nature as to render a primary purpose directly unattainable, that act is forbidden by a primary precept of the natural law; if it prevents in any way the attainment of a secondary end, or makes a primary end more difficult or less perfect in its realization, it is forbidden, not in virtue of the primary precepts of the natural law, but in virtue of the secondary precepts which are derived from the primary; and in this sense it is contrary to the natural law. Now marriage has for its principal end, the procreation and education of children, . . . and for its secondary end, community of life. . . . Plurality of wives does not entirely suppress nor even prevent the attainment of the primary end, since one husband can be a father by several wives and can educate the children they may bear him. But, as regards the secondary end, polygamy, if it does not entirely suppress it, at least places a great obstacle to its realization, for peace will not easily reign in a family where several wives claim the same husband. . . . Thus it is clear that polygamy is in one way contrary to the natural law, while in another way it is not." It is for this reason that God, but God alone, was able to dispense from the Divine law which made unity a necessary condition of conjugal union. (Ibid., art. 2, c.)

As for the power of putting away the wife, St. Thomas is of the opinion that it did not render the act licit, but merely exempted it from the legal penalty, and that this power was accorded only to prevent a greater evil, that is the murder of the wife. (Ibid., q. 67, art. 3, c.) In the preceding article, however, he names indissolubility among the secondary precepts of the natural law, in which God can give a general dispensation.

For that matter, there is no doubt of God's power to permit divorce for higher reasons of His Providence. (Cf. Meyer, *Institutiones Juris Naturalis*, Part 2, Thesis XVII, p. 99, 5.)

<sup>5</sup>*Les lois du mariage chrétien*, p. 103.

<sup>6</sup>Schilgen, *Im Dienste des Schöpfers*, p. 58.

Finally, plurality of wives reduces each one to a condition of too great inferiority; plurality of husbands lowers the male sex, and, by throwing doubt upon paternity, takes away from marriage one of the resources intended for the education of the child.

### 13. HOW DO YOU PROVE THE NATURAL LAW OF PERPETUITY?

We prove it by the natural aspiration of the sentiment of love which desires to last forever; by the irrevocable character of mutual self-surrender, which takes away from the woman her integrity; by the duty of education, which by its nature requires years, and which goes on indefinitely, being renewed at every birth; finally by the duties of mutual help and mutual upbuilding which are implied in marriage and which do not cease until death.

### 14. HOW DO YOU PROVE THE NATURAL LAW OF INDISOLUBILITY?

We prove it by the irreparable consequence which the consummation of marriage entails for the bride; by the obstacle which the mere possibility of divorce puts in the way of a perfect union between the spouses; and by the harm which the breaking of the bond necessarily inflicts upon the children. (See also number 64 and the following sections.)

### 15. WHY DO YOU SAY THAT GOD, IN THE PERSON OF OUR LORD, RESTORED MARRIAGE TO ITS PRISTINE PURITY?

Because Christ, in virtue of His Divine power, suppressed polygamy which, even for the Jewish people, had been merely tolerated under the Old Law; and abolished the repudiation of the wife which the law of Moses had allowed in certain cases. In this way He restored to marriage its primitive unity and stability.

*Therefore [says the Sovereign Pontiff] although before Christ the sublimeness and the severity of the primeval law was so tempered that Moses permitted it to the chosen people of God on account of the hardness of their hearts that a bill of divorce might be given in certain circumstances, nevertheless, Christ, by virtue of His supreme legislative power, recalled this concession of greater liberty and restored the primeval law in its integrity by those words which must*

*never be forgotten: "What God hath joined together let no man put asunder."*<sup>7</sup>

**16. HOW AND WHY WERE POLYGAMY AND THE PUTTING AWAY OF THE WIFE TOLERATED UNDER THE OLD LAW?**

Polygamy and repudiation were tolerated in virtue of a Divine dispensation, as being reconcilable strictly speaking with the essential demands of nature. (See number 11, above.)

As regards the reason why, Our Lord Himself in the passage where He restores both the conjugal unity and indissolubility gives but this one reason for it: that the dispensations had been a concession to the moral weakness of the Jewish people.

**17. IS POLYGAMY NOW SUPPRESSED NOT ONLY FOR CHRISTIANS BUT ALSO FOR UNBAPTIZED PERSONS, SO THAT NO CONJUGAL UNION CAN BE VALIDLY CONTRACTED BETWEEN SEVERAL SPOUSES?**

Yes, the Sovereign Pontiff expressly teaches in this Encyclical that all forms of polygamy are abolished for the entire world.

After recalling the fact that the primitive law of marriage was monogamy, the Holy Father adds:<sup>8</sup> *And although afterwards this primeval law was relaxed to some extent by God, the Supreme Legislator, there is no doubt that the law of the Gospel fully restored that original and perfect unity, and abrogated all dispensations, as the words of Christ and the constant teaching and action of the Church show plainly. With reason therefore does the Sacred Council of Trent solemnly declare: "Christ Our Lord very clearly taught that in this bond two persons only are to be united and joined together when He said: 'Therefore they are no longer two but one flesh.'"*

Consequently when the Holy Father, immediately after these words, declares that Our Lord wished "to condemn any form of polygamy or polyandry," he evidently means a condemnation which applied to the whole world. The restoration of a law which was primitively universal, is itself universal.

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**MAN'S PART IN MARRIAGE****18. WHAT PART HAS THE HUMAN WILL IN MARRIAGE?**

It has the very noble part of giving rise to every particular marriage. Every marriage is created by mutual consent, and that consent no other human power can supply. (Canon 1081, §1.)

**19. WHAT IS THE ESSENTIAL QUALITY OF THIS CONSENT?**

It must be free. Each of the two parties must really wish to contract marriage, and to contract it with a certain determinate person.

**20. IS THE MARRIAGE VALID WHERE THIS CONSENT WAS GIVEN UNDER THE INFLUENCE OF FEAR?**

If the consent were given under the influence of grave fear resulting from a human action, the marriage would be void, at least by ecclesiastical law.

**21. WHY DO YOU SAY THAT THE GRAVE FEAR MUST RESULT FROM A HUMAN ACT?**

Because fear from any other cause (unless, indeed, it were so excessive as to interfere with the deliberation which is essential to any human act), for example the emotion arising from some misfortune, from a storm, an earthquake, an illness, the thought of the punishments of the future life, does not nullify marriage nor any other contract.

**22. WHY DO YOU SAY, "AT LEAST BY ECCLESIASTICAL LAW"?**

Because the invalidity or nullity of the marriage by the natural law is less evident; it is a disputed question.

**23. SINCE CONSENT IS ESSENTIAL TO PRODUCE A MARRIAGE, MAY IT NOT MODIFY ITS TERMS AND CONDITIONS?**

Consent can change some of the accidental terms, such as the agreement to live in such or such a place, but it can alter neither the nature of the contract nor the essential laws which govern it, because these are fixed by the law of God.

*The nature of marriage [says the Encyclical] is entirely independent of the free will of man, so that if one has once*

*contracted matrimony he is thereby subject to its Divinely made laws and its essential properties.*<sup>9</sup>

#### 24. WHAT WOULD HAPPEN IF THE PARTIES WERE MISTAKEN ABOUT SOME OF THESE LAWS?

If the mistake were purely interior it might be implicitly corrected by the preponderant intention to contract marriage, but, as the Encyclical states, citing St. Thomas,<sup>10</sup> *"these things are so contained in matrimony by the very marriage pact that if anything to the contrary were expressed in the consent which makes the marriage, it would not be a true marriage."*

#### 25. WHAT EFFECT DOES THE GIVING OF CONSENT PRODUCE?

*By matrimony the souls of the contracting parties are joined and knit together more directly and more intimately than are their bodies, and that not by any passing affection of sense or spirit, but by a deliberate and firm act of the will; and from this union of souls, by God's decree, a sacred and inviolable bond arises.*<sup>11</sup>

#### 26. WHAT POWER OVER THIS BOND HAS LEGITIMATE AUTHORITY, CIVIL OR ECCLESIASTICAL?

*Lawful authority has the right and even the strict duty to forbid, prevent, and punish those shameful unions which are contrary both to reason and nature, [for example adultery, the corruption of children, etc., but] to take away from man the natural and primeval right of marriage is beyond the power of any human law.*<sup>12</sup>

#### 27. CANNOT THE LAW CREATE IMPEDIMENTS TO MARRIAGE?

In the case of baptized persons, who in consequence of their baptism are subject to the authority of the Church, the peculiarly sacred character of their marriage has this consequence, that the Church alone can create impediments or sanction those which the civil law may have established. In the case of unbaptized persons, one may admit the competence of the civil authority, not as merely secular, but because for those persons the authority of the State is by

<sup>9</sup>P. 23.

<sup>10</sup>S. T., III, Suppl., q. 49, art. 3, c.

<sup>11</sup>P. 23

<sup>12</sup>P. 23.

the very necessity of the case extended, with certain limitations, into the field of religion and morality.<sup>13</sup>

The activity of the State as such should be restricted to regulating the civil effects of marriage: the tenure of property, the order of inheritance, the registry of births.

### 28 WHY CANNOT HUMAN LAW DO MORE THAN THIS?

Because positive human law, while it may for the common good establish regulations for the use of a right, has no authority to suppress the right itself which is given by nature. Now nature, in bestowing upon human beings the power of generation, allows the normal use of that power. In other words, the office of a human lawgiver is to adapt the order of nature to varying circumstances and to supplement its general decrees by more definite provisions; but he cannot subvert or contradict that order, as he himself is subject to it.

### 29. DOES NOT A FINE CONCLUSION FOLLOW FROM THE FOREGOING CONSIDERATIONS?

There follows from them this beautiful conclusion, that *the sacred partnership of true marriage is constituted both by the will of God and the will of man; from God comes the very institution of marriage, the ends for which it was instituted, the laws that govern it, the blessings that flow from it, while man through generous surrender of his own person, one to another for the whole span of life, becomes, with the help and cooperation of God, the author of each particular marriage, with the duties and blessings annexed thereto from Divine institution.*<sup>14</sup>

<sup>13</sup>Dermine, *La doctrine du mariage chrétien*, p. 28, note: "In pagan countries, marriage is regulated by the State, not as a civil but as a religious institution."

<sup>14</sup>P. 24.

## PART ONE

### THE BLESSINGS OF MARRIAGE

#### 30. FOR WHAT BENEFITS WAS MARRIAGE INSTITUTED?

All the blessings of the institution of marriage are included in these three, which are at the same time sources of obligations: children, conjugal fidelity, sacramental character.

This doctrine of St. Augustine<sup>15</sup> has been adopted by the Church. He says:<sup>16</sup>

The blessing of *conjugal fidelity* regards the obligation on the part of the husband and wife to abstain from all sexual relations outside of wedlock; the blessing of *children* regards the duty on the part of the married couple to receive them with love, to look after their temporal wants with solicitude, and to educate them with religious care; the blessing of *the sacrament* regards the duty of the parties to live together and forbids the one who departs from the common life, whether it be he or she, from forming a new union, even for the sake of children.

#### 31. WHY DO YOU CALL THESE BLESSINGS, SINCE THEY ARE OBLIGATIONS, AND ON THE WHOLE RIGOROUS ONES?

Because every duty which is imposed on us, since it is ordained by God who created us for happiness, has the aspect of a blessing to be enjoyed, and leads to happiness.

### THE FIRST BLESSING: CHILDREN

#### 32. WHAT IS THE FIRST BLESSING FOR WHICH MARRIAGE WAS INSTITUTED?

Marriage was instituted first of all for the due propagation of the human race.

#### 33. WHY DO YOU SAY "THE DUE PROPAGATION"?

Because propagation of any sort would satisfy neither the dignity of the parents, nor the education of the children, nor the interests of society.

#### 34. WHY WOULD NOT ANY SORT OF PROPAGATION SATISFY THE DIGNITY OF THE PARENTS?

Because it might be the work solely of animal passion, whereas man's dignity requires in all his free actions intervention and even control by his superior or spiritual part.

<sup>15</sup>*De bono conjugali*, c. 24, n. 32, PL, 40, 394

<sup>16</sup>*De Genesi ad litteram*, L. IX, c. 7, n. 12, PL, 34, 397

### 35. WHY WOULD IT NOT SATISFY THE EDUCATION OF THE CHILDREN?

Because it might leave paternity uncertain, it might be the fruit of transient unions, and it would then afford for the education of the children neither the security nor the continuity nor the unity which are needed.

### 36. WHY WOULD NOT ANY SORT OF PROPAGATION SATISFY THE INTERESTS OF SOCIETY?

Because the citizen is no better than the man of whom he is made; and a promiscuous propagation of mankind, by compromising the right formation of men, would expose society to the risk of being in want of that which it needs most, virtuous citizens who are devoted to their country.

### 37. HOW DOES TRUE MARRIAGE PROVIDE FOR THE PROPER MULTIPLICATION OF HUMAN KIND?

First, by requiring in advance of the corporal union a sincere affection uniting the souls; secondly, by providing for education by means of the stability of the union; finally, by creating through the fusion of two persons a common principle of vigilance, tenderness and care, by which the children benefit from the qualities of both sexes harmoniously combined. "Man and woman together constitute the principle which is destined to transmit and develop human life."<sup>17</sup>

### 38. DOES NOT THE PREMATURE DEATH OF ONE OF THE PARTIES COMPROMISE THIS RESULT?

Such a death is an accidental misfortune. Sad though it be, it does not entirely destroy the unity in duality which was realized in the marriage. The surviving spouse is guided in his life and in his task of education by the remembrance of the lessons and counsels of the departed one, and by all that the deceased has left him. He knows the counsels and wishes of the deceased partner, and tries to conform to them; and thus the education of a legitimate child is never the work of one parent alone.

### 39. PROVE THAT THE PROPER PROPAGATION OF MANKIND IS THE FIRST END OF MARRIAGE.

*The Creator of the human race Himself* [says the Encyclical] *who in His goodness wished to use men as His*

<sup>17</sup>Dermine, op. cit., p. 44.

helpers in the propagation of life, taught this when, instituting marriage in Paradise, He said to our first parents, and through them to all future spouses, "Increase and multiply, and fill the earth," as St. Augustine<sup>18</sup> admirably deduces from the words of the holy Apostle St. Paul to Timothy when he says, "The Apostle himself is therefore a witness that marriage is for the sake of generation: 'I wish,' he says, 'young girls to marry.' And, as if some one said to him, 'Why?' he immediately adds, 'to beget children, to be mothers of families.'"<sup>19</sup>

We prove it from the fact that the faculty of reproduction brings together intimately persons of different sexes; also because apart from this power of reproduction the institution of marriage would be inconceivable; because the right use of that power is a safeguard of the other blessings of marriage; and because the right propagation of mankind closely concerns the good of society as a whole.

#### 40. ARE CHILDREN A BLESSING FOR THE PARENTS?

Yes, a great blessing. In the first place what an honor it is for man to be associated with the creative work of God, to bring forth a king of visible creation, to prepare one of the elect for Heaven, to furnish to the Church a son, in whom, once he will have been regenerated by baptism, Jesus Christ will dwell! What happiness to survive, as it were, one's self in the persons of dear ones who love you, and thus obtain even on earth a kind of perpetual memory! Besides, the child cements the union of the parents; in the little quarrels which are almost inevitable he is the conciliating element; because he requires good example he is an educative factor, and makes the work of mutual upbuilding easier for the parents.

The sacrifices he demands are compensated for by satisfactions of a higher order; the cares he requires make him the more beloved.

The human mind is unable to imagine or to taste this dignity, or to appreciate that feeling of pride in being the father or the mother of a child of men and a child of God. Even then they will not appreciate it when they see the look in the eyes of their child in whom shines the immortal soul; or when afterward they reflect that that soul is the breath of God, that the Son of God died for that child, that enriched as he is with the gift of sanctifying grace, he is more like a God than a man, that he is destined to live forever;

<sup>18</sup>*De bono conjugali*. c. 24, n. 32, PL. 40, 394.

<sup>19</sup>Pp 24-25

and when, thereupon, they exclaim: "This is my child! He owes his existence to me! Without me he would not be there, and would never come to be!"<sup>20</sup>

*If a true Christian mother weighs well these things, she will indeed understand with a sense of deep consolation that of her the words of Our Savior were spoken: "A woman . . . when she hath brought forth the child remembereth no more the anguish, for joy that a man is born into the world": and proving herself superior to all the pains and cares and solitudes of her maternal office with a more just and holy joy than that of the Roman matron, the mother of the Gracchi,<sup>21</sup> she will rejoice in the Lord, crowned as it were with the glory of her offspring. Both husband and wife, however, receiving these children with joy and gratitude from the hand of God, will regard them as a talent committed to their charge by God, not only to be employed for their own advantage or for that of an earthly commonwealth, but to be restored to God with interest on the day of reckoning.<sup>22</sup>*

"Such," says St. Augustine whom the Encyclical cites, "is the law of marriage, which sets off the glory of fecundity while it puts a brake to the shameful disorder of incontinence."<sup>23</sup>

#### 41. IS THE WORK OF THE PARENTS FINISHED AT THE BIRTH OF THE CHILD?

Not at all; it is completed only by the right education of the child. In giving them this little being who is entirely incapable of providing for himself, nature, in a general way, designates the parents as those who must provide for him: physically, by the mother's milk and the means of subsistence; morally, by the education of the mind and heart which begins immediately and lasts continuously, thanks to the constant influence which the common life exerts on those who share it. The parents have an inviolable right to fulfil this mission of education with which nature has entrusted them, and in view of which they have been instilled with a love which nothing can replace. .

<sup>20</sup>Schilgen, op. cit., p. 11.

<sup>21</sup>The Encyclical here recalls an event of Roman history. Whilst other matrons were displaying their jewels to their hearts' content, the mother of the Gracchi presented her two sons, saying: "These are my jewels."

<sup>22</sup>P. 26.

<sup>23</sup>*De Gen. ad lit.*, L. IX, c. 7, n. 12; PL, 34, 397.

**42. WHAT COROLLARY FOLLOWS FROM THE FUNCTION OF GENERATION AND EDUCATION WHICH BELONGS TO THE PARENTS?**

*Since this two-fold duty entrusted to the parents for the good of their children is of such high dignity and of such great importance, every use of the faculty given by God for the procreation of new life is the right and the privilege of the marriage state alone, by the law of God and of nature, and must be confined absolutely within the sacred limits of that state.<sup>24</sup>*

Certainly, outside of marriage, education is deprived of the double guaranty which a lawful union provides: the guaranty of its duration by the perpetual bond which attaches the parents to each other; the guaranty of prudence by the intimacy which gives to education the resource of a common principle rich with the complementary qualities of both sexes.

**THE SECOND BLESSING: CONJUGAL FIDELITY**

**43. WHAT DOES CONJUGAL FAITH OR FIDELITY IMPLY?**

Conjugal fidelity includes the loyal fulfilment of all the obligations involved in the matrimonial contract: the principal obligations imposed by the Divine natural law, as well as secondary stipulations freely agreed upon by the parties.

**44. WHAT OBLIGATIONS ARE IMPOSED BY THE DIVINE NATURAL LAW?**

The Divine natural law imposes both negative and positive duties.

**45. WHAT ARE THE NEGATIVE DUTIES?**

The negative duties oblige one to refuse to any person but the lawful partner the intercourse which is permitted in wedlock, and consequently to exclude voluntary thoughts and desires for other persons; also to refuse even to the lawful partner whatever is forbidden in wedlock itself.

**46. WHAT IS MEANT BY THIS LAST PROHIBITION?**

It is to be understood in the sense in which approved authorities explain it in treatises of moral theology. Even St. Augustine distinguished between such a use of marriage as a high spiritual point of view rendered altogether virtu-

ous; a use which is less to be commended, considering its motive, but permissible especially to the party who condescends to the weakness of the other; and finally such a use as is gravely sinful, or in the very manner of its exercise strictly abusive, which admits of no *formal cooperation*,<sup>25</sup> although *material* cooperation may in certain cases be allowed.<sup>26</sup>

**47. DOES THE TEXT OF THE ENCYCLICAL MODIFY THE ANSWERS FORMERLY APPROVED IN THE CATHOLIC CHURCH?**

Not in the least. It is simply a question of understanding them rightly and applying them prudently.

**48. WHEN THE TWO PARTIES AGREE HOW CAN THE ABUSES OF MARRIAGE BE CONTRARY TO CONJUGAL FIDELITY?**

Because the marriage contract is not of a purely private nature; it has from God its laws which are unchangeable by the parties to the marriage. Thus the Holy See condemned the assertion that the consent of the other party could reduce the guilt of adultery to that of simple fornication.<sup>27</sup>

Moreover, these laws of God sanction an order of mutual relations which is for the good of the parties. The partner who violates that order does an injury to the other party, which is manifestly contrary to conjugal fidelity, since that demands mutual helpfulness.

**49. IF CARNAL RELATIONS WITH OTHER PERSONS ARE FORBIDDEN, THEN ALL POLYGAMY OR POLYANDRY IS UNLAWFUL EVEN FOR UNBAPTIZED PERSONS?**

Exactly so. As was said above, in number 17, Catholic tradition so interprets the words which Our Lord quotes with confirming approval from Adam: "They shall be two [not more than two] in one flesh."

<sup>25</sup>By *formal* cooperation one partakes in the bad intention of the principal actor; this community of intention is excluded in *purely material* cooperation. In the latter, one, for other reasons, either performs an act in itself good or indifferent, or abstains from some act, where the act or the abstention, as the case may be, was in fact helpful to the guilty party.

<sup>26</sup>*De bono conjugali*, c. 6, n. 6; PL, 40, 377.

<sup>27</sup>Innocent XI (September 24, 1665) Prop. 50, Denzinger-Bannwart, n. 1200.

### 50. DOES NOT THIS SEVERITY SECURE TO MARRIAGE A PECULIAR BEAUTY?

Yes; thanks to this severity the relations between husband and wife bear the fresh and delicious imprint of chastity.

*That mutual familiar intercourse between the spouses themselves, if the blessing of conjugal faith is to shine with becoming splendor, must be distinguished by chastity in such wise that husband and wife must bear themselves in all things in conformity with the law of God and of nature, and endeavor always to follow the will of their most wise and holy Creator with the greatest reverence towards the work of God.*<sup>28</sup>

### 51. WHAT ARE THE POSITIVE DUTIES OF CONJUGAL FIDELITY?

The great positive duty is that of mutual love inspired by charity. The marriage bond sets up between the spouses an intimacy which no other surpasses or even equals; the marriage would never have been entered upon without the mutual affection which was necessary for the parties to give themselves to each other.

Conjugal love has in Christian marriage a sort of noble primacy. *For matrimonial faith demands that husband and wife be joined in an especially holy and pure love, not as adulterers love each other, but as Christ loved the Church. This precept the Apostle laid down when he said: "Husbands, love your wives as Christ also loved the Church," which of a truth He embraced with a boundless love, not for the sake of His own advantage, but seeking only the good of His spouse.*<sup>29</sup>

### 52. WHAT SHOULD BE THE MARKS OF THIS CHARITY?

Charity is a love which is forgetful of self: "Charity seeketh not her own" (I Cor. xiii, 5). It is a love which is not content with words: "Let us not love in word, nor in tongue, but in deed and in truth" (I John iii, 18). It is a love which has its source in God, ends in Him, and tends to lead to Him those that He loves.

Charity should, therefore, manifest itself by mutual benevolence, readiness to help in every necessity or difficulty; also by activity of mutual upbuilding, and reciprocal

influence for good according to the qualities allotted to each party, an office which is called in Christian tradition the work of edification according to the Gospel.

**53. DOES NOT THIS CHARITY EXCLUDE INEQUALITY OF RANK AMONG THE TWO PARTNERS?**

It excludes any abasement of one of the spouses, any degrading subjection or servitude; but, far from excluding all subordination, it rather requires it for the sake of order and harmony; only it must see to it that this subordination is suave and gentle.

**54. HOW DO YOU PROVE THAT IT IS THE HUSBAND, AND NOT NECESSARILY THE MORE CAPABLE OF THE TWO, WHO SHOULD BE SUPREME?**

Because if nature had not established a hierarchical order domestic society would begin with anarchy, and authority which did not rest on a natural title would make submission more painful and less welcome. Nature herself designates the husband as the superior by giving him strength of body and a fatherhood which does not interfere with his duties in the maintenance and government of the family. Besides having a natural ability which is usually greater, the man has by nature a taste for government and leadership; whereas the woman, physically less robust, naturally leans upon him, and is besides normally impeded by the inconvenient consequences of motherhood. By supernatural revelation, the Apostle derives this hierarchy from the mysterious origin of woman: "For the man is not of the woman, but the woman of the man" (I Cor. xi, 8).

**55. IS THIS SUBORDINATION ABSOLUTE?**

Not at all. It is limited to the exterior acts of family life which may be reasonably demanded. The wife keeps the independence of a human person; she remains free in her personal conduct, in her practises of piety, in her goings and comings, with due consideration for the conjugal pact and the order of the house and family; she preserves the right to demand of the husband whatever her quality as wife and mother entitles her to, for she, too, has charge of the education of the children. Finally, as the husband and wife were equal in giving themselves each to the other, so they remain equal in regard to the right which flows from this mutual self-surrender. Besides, the subordination of

the wife admits of a certain variation according to circumstances of time, place, and persons. Incapacity on the part of the husband confers upon the wife by a natural devolution the right to replace him in the government of the house. State laws, and the ante-nuptial agreement, if any, may modify the property rights of the wife. There will, therefore, be, even as a regular thing, cases of independence and cases of equality; besides there are exceptional cases.

#### 56. WILL THIS REGIME OF INEQUALITY LAST FOREVER?

It may be somewhat diminished or intensified; but, since it is founded in the natural order it can never be entirely abolished nor go beyond certain limits. It is intended to last as long as the family itself.

#### 57. DOES ALL THE PRIMACY IN THIS REGIME BELONG TO THE MAN?

The Encyclical reminds us that if the husband is the head of the family, the wife is the heart.<sup>80</sup> As the former has the primacy of government, the latter may and should claim for herself the primacy of love. As Leo XIII observes (Encyc. "Arcanum"): "Divine charity should never cease to be the norm of their respective rights."

#### 58. WHAT OTHER DEFINITION OF MARRIAGE RESULTS FROM THE FACT OF THIS COMMON LIFE WHOSE INTIMACY AND WHOSE DUTIES WE HAVE EXPLAINED?

Marriage may also be defined as a "total community of life."

#### 59. IS THIS COMMUNITY OF LIFE SOMETHING OVER AND ABOVE THE MUTUAL GIFT OF THEMSELVES WHICH THE SPOUSES HAVE MADE TO EACH OTHER WITH A VIEW TO THE PROCREATION AND EDUCATION OF CHILDREN?

Certainly not, since it began and sprang from that mutual giving of self, and at the same time is its crown and glory.

<sup>80</sup>See the beautiful reflections of Dermine, op. cit., pp. 41-43 on these reciprocal parts of the husband and wife.

**60. WHY DOES THE ENCYCLICAL DESIGNATE THE MUTUAL FORMATION OF THE SPOUSES, THEIR EFFORTS TO PERFECT EACH OTHER, AS ONE OF THE PRIMARY CAUSES AND REASONS FOR MARRIAGE?**

First, because the spouses can in their union make this their chief purpose.

Secondly, because the community of life between the spouses—our second definition of marriage—is providentially directed by God to this last end, which, being the supreme end of man, occupies the first place in the Divine Will.

**61. CAN THIS SUPREME END EVER JUSTIFY RELATIONS BETWEEN THE SPOUSES WHICH ARE ARTIFICIALLY PREVENTED FROM RESULTING IN CHILDREN, FOR EXAMPLE WHERE MOTHERHOOD WOULD BE FATAL TO THE WOMAN, OR WOULD SUPPLY NONE BUT BLIGHTED MEMBERS TO SOCIETY?**

Absolutely not, because such relations are intrinsically vicious, wrong, and the circumstances mentioned, being merely accidental and extrinsic, cannot alter this. Besides, such a moral disorder could never conduce to perfection nor even serve the purposes of true love, for true love is partly founded on mutual respect, which moral disorder must necessarily weaken. This truth is confirmed by the experience of anthropologists and public officials. Improper relations break up homes.

**THE THIRD BLESSING: SACRAMENTAL QUALITY**

**62. WHAT DOES THE WORD "SACRAMENT" MEAN, AS DESIGNATING THE THIRD BLESSING OF MARRIAGE?**

It means two things: *indissolubility* of the conjugal bond and the elevation of marriage to the dignity of a *Sacrament of the New Law*.

**63. HOW CAN THIS WORD MEAN INDISSOLUBILITY?**

Because in classical Latin usage, *sacramentum* is used to designate an obligatory bond, a consecration, a binding promise.

**64. IS EVERY MARRIAGE INDISSOLUBLE?**

Yes, every validly contracted marriage is indissoluble, as far as the parties are concerned, and even as far as any human power is concerned.

That is the teaching of the Church, based on these words of Our Lord: "What God hath joined together, let no man put asunder" (St. Matth. xix, 6).

**65. WHY DO YOU SAY "AS FAR AS ANY HUMAN POWER IS CONCERNED"?**

Because God, the Author of order and of the law, can in His wisdom, for the sake of a higher good, make exceptions.

**66. WHAT EXCEPTIONS HAS HE MADE?**

He has made none for marriage contracted between two Christians or baptized persons, which was afterward consummated by the use of the rights of wedlock. But He has given to the Sovereign Pontiff the power to dissolve, for grave reasons, marriage which has not been consummated. The tradition and practice of the Church make this power certain.

Moreover, we know through St. Paul that a marriage which has been contracted between two unbaptized persons, may, after the baptism of one of them, be dissolved in favor of the Faith. If the spouse who has not been baptized refuses to cohabit with the party who has been converted to Christianity, under conditions which are acceptable to the latter, the Christian party can marry a Catholic, and from the time of this new marriage the former marriage is dissolved, and the unbaptized party is also free from the bond.

Lastly, according to an opinion which is enjoying more and more credit, a marriage which has been consummated while it was not a Sacrament, can, like a Christian marriage which has never been consummated, be dissolved by the Sovereign Pontiff for grave reasons.

**67. DID NOT MOSES AUTHORIZE THE PUTTING AWAY OF THE WIFE?**

Yes, but as we saw in number 15, Christ revoked this indulgence, which, as He said, had been accorded to the Jewish people because of the hardness of their heart.

**68. HOW DO YOU EXPLAIN THE ABSOLUTE INDISSOLUBILITY OF CHRISTIAN MARRIAGE WHICH HAS BEEN CONSUMMATED? IN OTHER WORDS, HOW DOES EVEN SUCH A MARRIAGE COME TO BE BEYOND THE POWER OF THE SOVEREIGN PONTIFF?**

The ultimate reason for this inflexibility may be found in the mystical signification of Christian marriage. Accord-

ing to St. Paul (Ephes. v, 32), marriage between Christians reproduces the perfect union which exists forever between Christ and His Church. Now this reproduction is achieved in its perfection in marriage between baptized persons, which has been consummated. Common sense teaches us that by the use of the conjugal right marriage receives a sort of completion; something irreparable has taken place; the affective and verbal self-surrender has been supplemented by an actual physical one which justifies the expression, very significant in itself, of "consummated marriage." It is consummated, we may say, in the physical order, and it is also consummated in the symbolical and mystical order, in which it represents the indefectible union between Christ and His Church. In a perfect representation of this union, the indefectibility of the union must have its own symbol; and it has it in the absolutely indissoluble marriage.

Such is the reasonable explanation which we offer, as the Sovereign Pontiff says, with respect, as a help to grasp the meaning of that indissolubility which we know with certainty from the teaching of the Church.

#### 69. DOES NOT SUCH AN INDISSOLUBILITY BIND THE PARTIES BY TOO HEAVY A CHAIN?

On the contrary this indissolubility is a great blessing for the institution of marriage. By removing the fear of a breach, it makes way for that full intimacy which is the joy of the home; it secures to each of the partners the peaceful possession of the other through good times and bad times; it prevents disagreements from growing into bitterness; it is a bulwark against temptations by making dreams of criminal indulgence impossible of realization; it is an assurance to the spouses that through charms that pass away and temporal goods that disappoint the heart, their union is designed to lead them to that higher end which is attained only in the next life.

To the children, this indissolubility is a pledge of care and right education. It is often hard enough for children who have lost father or mother, to see a person who has been an utter stranger to them lawfully take the place of the parent whose loss they feel.

Moral rectitude in the family, of which indissolubility is one of the safeguards, is as beneficial to *society* as it is to the individuals who practise it. No doubt some marriages

are unhappy, often through the fault or imprudence of those who suffer from them. But is that a reason for disturbing the right order of all marriages, for compromising and lessening the happiness of every conjugal union, and so multiplying those very misfortunes which it is thought to remedy?

**70. IS IT QUITE CERTAIN THAT MARRIAGE IS ALSO A TRUE SACRAMENT OF THE NEW LAW, JUST AS MUCH AS CONFIRMATION, EXTREME UNCTION, AND ORDERS?**

Yes, this was defined by the Council of Trent in the XXIV Session in which the Council laid down the doctrine of marriage. In canon 1, the Council pronounced an anathema against any one who should say that matrimony is not truly and properly one of the seven Sacraments of the New Law instituted by Our Lord Jesus Christ.

**71. IS EVERY MARRIAGE A SACRAMENT?**

No, only the marriage of Christians, that is of persons who are validly baptized, is a Sacrament.

**72. WHEN YOU SAY "THE MARRIAGE OF CHRISTIANS," DO YOU MEAN A MARRIAGE BETWEEN TWO BAPTIZED PERSONS, OR DO YOU ALSO INCLUDE A MARRIAGE BETWEEN ONE PERSON WHO IS BAPTIZED AND ANOTHER WHO IS NOT BAPTIZED?**

We mean a marriage contracted between two persons who are baptized. According to an opinion which has become morally certain, the marriage of a baptized person with an unbaptized person, even with the dispensation of the Church, is not a Sacrament. The reason is that in such a case the Sacrament, existing in only one of the parties, would be, as it were, lame; and because to represent the union between Christ and the Church, the matrimonial union itself must be representative, which it cannot be if it exists in only one of the parties.

**73. WOULD, THEN, A MARRIAGE CONTRACTED BETWEEN TWO PROTESTANTS OR TWO SCHISMATICS, BE ALSO A SACRAMENT?**

It would, provided both were validly baptized.

**74. WHAT EXACTLY DO YOU MEAN BY A SACRAMENT OF THE NEW LAW?**

It is a sensible sign, instituted by Our Lord Jesus Christ, to produce the grace which it signifies. Essentially therefore, there are in every Sacrament an exterior sensible sign,

and a grace signified, which is also produced by the application of the sign.

#### 75. WHAT IS THE SENSIBLE SIGN IN MATRIMONY?

Our Lord established as the sensible sign the exchange of consent by which the spouses give themselves to each other for the conjugal life.

#### 76. WHAT IS THE GRACE WHICH IS SIGNIFIED?

It is the grace which is needed for a union worthy of Christians; hence one that is sufficient for the exercise of all the rights, for the accomplishment of all the duties, for the shouldering of all the burdens, for the innocent enjoyment of all the benefits which such a union implies.

This grace, called sacramental grace, includes first sanctifying grace, or rather, since matrimony is a Sacrament of the living, normally an increase of sanctifying grace; and also all the actual helps which are absolutely needed or useful in conjugal life; in a word, all the graces which are proper to that state of life.

*This Sacrament not only increases sanctifying grace, the permanent principle of the supernatural life, in those who, as the expression is, place no obstacle (obex) in its way, but also adds particular gifts, dispositions, seeds of grace, by elevating and perfecting the natural powers in such a way that the parties are assisted not only in understanding but in knowing intimately, in adhering to firmly, in willing effectively, and in successfully putting into practice those things which pertain to the marriage state, its aims and duties. In fine, it gives them the right to the actual assistance of grace, whensoever they need it for fulfilling the duties of their state.<sup>81</sup>*

The Encyclical, therefore, distinguishes between a group of actual helps, which it calls particular gifts, good inclinations, seeds of grace (sanctifying grace is meant)—synonymous expressions, all these—whose immediate purpose is to reinforce supernaturally, that is to elevate, the natural powers; and a group of aids which are to go into operation only at the prayer of the parties to the marriage. The Encyclical thus attributes a peculiar efficacy to the prayer of the parties to obtain what is necessary or useful to them in every situation in which they may find themselves. In fact, according to the teaching of St. Augustine,<sup>82</sup> God does give

<sup>81</sup>Pp 33, 34. <sup>82</sup>*De dona perseverantiae* sermo 2 n. 17. Cf. VI, 17, 18, 19.

certain graces directly, whereas for other graces He waits for our cooperation with the grace of prayer which He always gives.

#### 77. HOW DOES THE CONSENT OF THE PARTIES SIGNIFY THE SACRAMENTAL GRACE OF MATRIMONY?

An opinion which has some authority, but which *is not obligatory* extends to all the Sacraments what we must hold as certain in the case of the three Sacraments that imprint a character on the soul: Baptism, Confirmation, and Orders.

This character is a real supernatural quality which is immediately signified by the exterior sign, and which itself in turn immediately signifies the sacramental grace to which it confers a title. Thus through Baptism in the name of the Holy Trinity man receives the character of a Christian; by Confirmation he receives the mark of a soldier of Christ; by Orders, that of a minister of sacred offices. The Christian needs the sacramental grace of a Christian life; the soldier needs the grace of supernatural weapons required or useful in battles; the sacred minister needs the gifts which are necessary for the fulfilment of his sacred mission. Now whereas it is only in these three Sacraments that we have to acknowledge the *physical reality* of a character, yet the analogy of the Sacraments and the natural proximate meaning of the exterior sign lead us to recognize the immediate title or sign for receiving grace as inhering in a *reality* of the moral order,<sup>38</sup> which is directly or immediately signified by the exterior sign.

Let us apply this to marriage. What does the consent of the parties signify? What does it immediately produce? A permanent bond. But this permanent bond involves the conjugal life, with all its rights and duties, its fecundity, its vicissitudes; it, moreover, requires the graces of that state of life. Consequently the meaning of the grace of matrimony clearly appears in this bond, which is thus found to be signified by the consent, and at the same time significative of the sacramental grace.

The need of this supernatural grace, and the right to it, appear still more evident when we learn from the Apostle that Christians must represent or symbolize the union of Christ and His Church.

<sup>38</sup>A reality of the moral order is for example some quality which without affecting a person physically yet confers upon him rights and duties. Such is the jurisdiction of a judge, the authority of a ruler.

### 78. WHAT FOLLOWS FROM THE FACT THAT MUTUAL CONSENT IS THE EXTERIOR SACRAMENTAL SIGN IN MARRIAGE?

First, it follows that the spouses themselves are the ministers of the Sacrament. In the beautiful language of the Encyclical "*they open up for themselves a treasure of sacramental graces.*" The priest is there as a qualified witness, like a notary whose presence is required for certain contracts although he himself is not a party to them. The blessing of the priest is an accidental complementary rite. It calls down blessings on a marriage which is already contracted, on a Sacrament which is already received.

Secondly, it follows that two baptized persons cannot contract a valid marriage without that marriage being a Sacrament. They may be ignorant of the doctrine of the Church regarding marriage; they may not even know that they are baptized: they will, nevertheless, confer upon themselves and receive the Sacrament, even though they do not know it. Alas, if they have become irreligious it may be that they do not want the Sacrament; it may be that they reject this honor and grace. If their refusal is absolute, if it is not virtually retracted by the preponderant intention of being united in marriage, then their consent will be inoperative; they will be husband and wife only in appearance, whereas in reality they will be companions in concubinage.

### 79. WHAT CONSOLING BUT GRAVE CONSEQUENCE RESULTS FROM THIS TRUTH, THAT GRACE FLOWS FROM THE CONJUGAL BOND AS FROM ITS IMMEDIATE SOURCE?

This consequence, that the partners, even though their dispositions were at first bad, can, if their hearts are changed by true conversion, count on the sacramental graces of matrimony. On the other hand, if they go on to the end in their evil way, this bond which was intended to make them holy, will, like every grace which is guiltily rejected, aggravate their guilt and condemnation.

Let us hear on this point the consoling but admonitory teaching of the Encyclical:

*The Faithful, once joined by marriage ties, can never be deprived of the help and the binding force of the Sacrament. Indeed, as the holy doctor [St. Augustine]<sup>24</sup> adds, even*

<sup>24</sup>*De nuptiis et concupiscentia, L. I, c. 10; PL, 44, 420.*

*those who commit adultery carry with them the sacred yoke, although in this case not as a title to the glory of grace but for the ignominy of their guilty action, "as the soul by apostasy, withdrawing as it were from marriage with Christ, even though it may have lost its faith, does not lose the Sacrament of Faith which it received with the laver of regeneration."*<sup>26</sup>

## PART TWO

### THE ATTACK ON MARRIAGE

#### 80. IS MARRIAGE, CHRISTIAN MARRIAGE, APPRECIATED AT ITS TRUE VALUE IN THE WORLD TODAY?

It is not. Assaults are actually launched against it to ridicule and disparage it, to exalt the vices that violate its sanctity, and to substitute in its place monstrous unions which are more in accord with what is called the "modern mind," that is the spirit which denies the Faith and the morality founded on Faith, under the pretext of "emancipating itself from ancient prejudices."

#### 81. HOW ARE THESE ERRORS PROPAGATED?

By all the channels of publicity which science places at the disposal of every one: by books, not only obscene or subtly suggestive novels, but works that pretend to be scientific; by newspapers and magazines, text and illustration; by theaters, movies, the radio; by official propaganda as well as by advice given openly or under cover.

*These thoughts are instilled into men of every class, rich and poor, workers and masters, lettered and unlettered, married and single, the godly and the godless, old and young,—but for these last, as easier prey, the worst snares are laid.<sup>80</sup>*

#### 82. DO ALL THE ADVERSARIES OF THE DOCTRINE OF CHRISTIAN MARRIAGE GO TO THESE EXTREMES?

As in all errors, there are in this matter extremists and moderates; and the more moderate errors themselves admit of various degrees. As a matter of fact, it is the moderates who do the most harm, because they give less alarm and thus succeed more readily in seducing the mind and effecting a transition which paves the way for the worst excesses.

The most moderate are those who, whilst they retain in theory the moral principles relating to marriage, believe that in practise certain concessions should be made to human weakness, that certain difficulties should be met by compromise.

*Not all the sponsors of these new doctrines are carried*

to the extremes of unbridled lust. There are those who, striving as it were to ride a middle course, believe, nevertheless, that something should be conceded in our time as regards certain precepts of the Divine and natural law. But these likewise, more or less wittingly, are emissaries of the great enemy who is ever seeking to sow cockle among the wheat.<sup>87</sup>

### 83. WHENCE COMES THIS UNGRATEFUL ATTITUDE TOWARD AN ORDER WHICH IS SO BEAUTIFUL, SO ALLURING TO ALL THE HIGHER TENDENCIES OF MAN?

It is deeply rooted in *atheistic materialism*, which is fatally blinded to whatever is above the things of the senses and of earth; in *sensualism* which mistakes sensual pleasure for happiness and governs everything by the dictates of the lower appetites; in a *spineless education* which no longer concerns itself with self-conquest; in a *disregard of the Cross of Christ*, which makes satisfaction instead of duty the absolute standard. Corrupted by these evil influences, man has forgotten how to look up, how to restrain his passions, how to practise the self-denial, at times heroic, which right conduct demands. The message of Christian doctrine is: Lift up your hearts! It says: Master your appetites. It preaches the Cross, and denial of self. It demands faith in Jesus crucified.

"If any one wants to understand marriage, he must first understand Christ; and whoever wants to understand Christ must know the meaning of the Cross."<sup>88</sup>

### 84. WHAT ARE THE SOURCES OF THESE EVILS ACCORDING TO THE ENCYCLICAL?

*Their basic principle lies in this, that matrimony is repeatedly declared to be not instituted by the Author of nature nor raised by Christ the Lord to the dignity of a true Sacrament, but invented by man. Some confidently assert that they have found no evidence for the existence of matrimony in nature or in her laws, but regard it merely as the means of producing life and of gratifying in one way or another a vehement impulse. On the other hand, others*

<sup>87</sup>Pp. 35, 36.

<sup>88</sup>Dr. W. Spael, *Le mariage chrétien. Premières considérations sur l'Encyclique . . . Kölnische Volkszeitung, Jan. 31, 1931. Supplement hebdomadaire, Im Schrift der Zeit. Documentation Catholique, 1931, p. 460*

*recognize that certain beginnings, or as it were seeds, of true wedlock are found in the nature of man, since, unless men were bound together by some form of permanent tie, the dignity of husband and wife or the natural end of propagating and rearing the offspring would not receive satisfactory provision, at the same time they maintain that in all beyond this germinal idea matrimony, through various concurrent causes, is invented solely by the mind of man, established solely by his will.<sup>89</sup>*

#### 85. WHAT ARE THE LOGICAL CONSEQUENCES OF THIS DOCTRINE?

That the laws and morals of marriage are variable, according to prevailing ideas and the shifting circumstances of human affairs; that the generative power has a wider range than matrimony; and hence that it may be exercised outside as well as within the confines of wedlock.

#### 86. WHAT ARE THE ABERRATIONS OF THE CONJUGAL UNION WHICH ARE HERE CONDEMNED BY THE HOLY FATHER?

The Holy Father repudiates in the name of Catholic morality, or rather in the name of natural morality: *temporary* marriages, contracted only for a definite time, for example whilst the parties live in a certain country or are engaged in a certain enterprise; *trial* marriages, entered upon as a provisional experiment; *companionate* marriages, based on a so-called friendship which claims the most intimate relations, but insists on their remaining unfruitful.

Whilst he condemns these enormities, the Holy Father is even more severe against the effrontery of those who insist that these monstrosities be legitimized by law or at least legally tolerated.

### THE CAMPAIGN AGAINST THE CHILD

#### 87. WHAT IS THE FIRST ASSAULT UPON THE CHILD WHICH IS BRANDED BY THE ENCYCLICAL?

The Encyclical brands in the first place the base selfishness and the audacious lie of many who dare to call the

child "the disagreeable burden of matrimony";<sup>40</sup> it brands the "criminal abuse"<sup>41</sup> of those who avoid children by frustrating the marriage act, whether they wish to gratify their passions without the consequent burden, or whether they excuse themselves on the ground of two concurrent impossibilities: that they cannot on the one hand remain continent, nor on the other have children. This last impossibility is claimed to exist either because of personal difficulties, or the condition of the mother, or family circumstances.

#### 88. WHAT DOES THE HOLY FATHER SAY TO THESE EXCUSES?

He rejects them all at one sweep by reminding us:<sup>42</sup> *No reason, however grave, may be put forward by which anything intrinsically against nature may become conformable to nature and morally good.* Conjugal relations debased in this way are nothing more than "a form of debauchery which the world has come to look upon as regular and permissible."<sup>43</sup>

#### 89. HOW DOES HE DEMONSTRATE THE ABSOLUTE OPPOSITION OF THESE PRACTISES TO THE NATURAL LAW?

He does this in three ways:

1. By a proof from *natural reason*. It is a violation of nature to deliberately deflect from its natural end an act which belongs to the rational order to which we are subject. Now the marital act belongs to that superior order to which we are all subject. And its natural purpose is procreation. Hence any artifice which deprives the conjugal act of this its destiny is necessarily and always a violation of nature.

2. By *Holy Scripture*. According to the interpretation which is accepted in the Church, God struck Onan dead because he was guilty of this sin.

3. He proves it from the teaching of the Church, where he states that an uninterrupted traditional Christian teaching reprobates these practices, and where he solemnly confirms this teaching of the ordinary magisterium of the Church.

#### 90. ARE WE TO UNDERSTAND THIS SOLEMN PROMULGATION AS AN INFALLIBLE DEFINITION?

Before formally answering so grave a question it seems proper to quote the words of the Sovereign Pontiff himself.

<sup>40</sup>P 37   <sup>41</sup>Ibid.   <sup>42</sup>P 38   <sup>43</sup>Paul Bureau, *L'Indiscipline des mœurs*

*Since, therefore, openly departing from the uninterrupted Christian tradition, some recently have judged it possible solemnly to declare another doctrine regarding this question, the Catholic Church, to whom God has entrusted the defense of the integrity and purity of morals, standing erect in the midst of the moral ruin which surrounds her, in order that she may preserve the chastity of the nuptial union from being defiled by this foul stain, raises her voice in token of Divine ambassadorship and through Our mouth proclaims anew: Any use whatsoever of matrimony exercised in such a way that the act is deliberately frustrated in its natural power to generate life is an offence against the law of God and of nature, and those who indulge in such are branded with the guilt of a grave sin.<sup>44</sup>*

Next, let us remember that the Pope, either alone or in union with the College of the Bishops, is the teaching Church, whose infallibility is guaranteed by Our Lord Jesus Christ.

The Church speaks through the Pope, not as through her messenger, but as through her head and teacher. This mission of teaching and of defending the integrity of morals to which the Holy Father appeals here, is in himself.

Infallible, in matters of faith and morals, is the traditional and constant doctrine of the Church treasured in the ordinary magisterium of the Bishops united to the See of Peter. Infallible is the solemn proclamation of a doctrine regarding faith or morals which the supreme Pastor, speaking as such to the universal Church, obliges it to hold.

To what conclusion do these considerations lead us?

We must conclude that the Holy Father, who, in this Encyclical, from the start, declares that he is addressing himself to the entire Church and even to the whole world:

(a) States that on this question of conjugal onanism, there exists a Christian doctrine which has been transmitted from the beginning and which has been always faithfully kept, and hence is already *infallibly taught* by the ordinary magisterium;

(b) Takes occasion from the departure from this doctrine on the part of some to promulgate it solemnly for all; and since he does this as teacher of the universal Church, conscious of his mission to teach, and as a sign of his Divine mission, he thereby obliges all to hold this doctrine. It is,

as he explicitly states, the Catholic Church which speaks by his mouth.

In the presence of such language on the part of the supreme Pastor,<sup>45</sup> we cannot doubt that we are confronted with one of those cases, which are not infrequent, where the Pope teaches infallibly a truth already defined and believed by the Church. This is the reason why the Sovereign Pontiff can also declare himself an infallible interpreter of the primitive Church.<sup>46</sup>

### 91. WHAT POINTS ARE INFALLIBLY DEFINED?

These three: (a) Every use of marriage in the exercise of which the act is artificially deprived of its natural power of procreating life, is a violation of the law of God; (b) It is a violation of the natural law; (c) It is a grave sin.

### 92. WHAT COROLLARY FLOWS FROM THIS?

That all preventive measures whose purpose is to make future marital intercourse sterile, whether temporarily or permanently, are also intrinsically wrong, and are also grievously sinful.

More than once before, the Holy See had expressed itself rather clearly on this subject. On April 19, 1853, the Supreme Congregation of the Holy Office, without going into details, declared that such an abuse of marriage is intrinsically evil. Then the Sacred Penitentiary, November 13, 1901, approved the action of a priest who refused to follow the direction of a confessor who was otherwise well-qualified and who had been professor of moral theology in a seminary, where the confessor had held that in order to avoid an excessive number of children or excessive fatigue on the part of the wife, a husband might vitiate the conjugal act, provided he had in view only the allaying of concupiscence. The Sacred Penitentiary declared that a penitent who re-

<sup>45</sup>The phrase in which the Holy Father declares that the Catholic Church speaks through his mouth on this subject, "is extremely solemn and impressive." Dr. John Ryan, *Ecclesiastical Review*, 1931, p. 265, "The Moral Teaching of the Encyclical."

<sup>46</sup>We admit, however, that there are some very estimable priests who hesitate to recognize this as an infallible declaration *ex cathedra* distinct from the equally infallible teaching of the ordinary magisterium. On the other hand, a professor of theology, after a personal study of the passage, said to us: "If that is not an infallible definition, I do not know what terms the Pope could use in order to make one." The manner in which the Belgian Bishops in their Pastoral on the Encyclical represent the role assumed by the Vicar of Jesus Christ in this memorable document, serves only to confirm our conviction. See Z. H. Paus, Pius XI, *Werd-brief "Casti Connubii" en het Belgisch Episcopaat (Vastenbrief 1931) over het Christelijk Huwelijk*, p. 53.

fused to give up such a practice could not be absolved, as it amounted to onanism pure and simple.

**93. WHAT ARE THE RECENT AUTHORITIES WHICH THE ENCYCLICAL REPROACHES WITH HAVING SOLEMNLY PREACHED A DIFFERENT DOCTRINE?**

They are the prelates of the Anglican Church, who numbering 307 in congress at Lambeth Palace in London, by a majority of 193 to 67, declared, in nebulous terms it is true and not without some signs of shame, that in certain cases where procreation was forbidden, another voice than that of continence might be followed.<sup>47</sup> The count indicates that many refused to vote.

Since in its report the Commission of the Conference acknowledged the tradition to which the Pope appeals, but observed that the tradition lacked the confirmation of a conciliar definition, we think it probable that the Holy Father intended by a solemn declaration to fill what might falsely be regarded as a lacuna.

**94. DOES THE HOLY FATHER CONFINE HIMSELF TO THIS DOCTRINAL TEACHING?**

Far from it. Coming to a very important practical conclusion, he immediately adds:<sup>48</sup>

*We admonish, therefore, priests who hear confessions, and others who have the care of souls, in virtue of Our supreme authority and in Our solicitude for the salvation of souls, not to allow the Faithful entrusted to them to err regarding this most grave law of God; much more, that they keep themselves immune from such false opinions, in no way conniving in them. If any confessor or pastor of souls, which may God forbid, lead the Faithful entrusted to him into these errors or should at least confirm them by approval or by guilty silence, let him be mindful of the fact that he must render a strict account to God, the Supreme Judge, for the betrayal of his sacred trust, and let him take to himself the words of Christ: "They are blind leaders of the blind. And if the blind lead the blind, both fall into the pit" (St. Matth. xv, 14).*

This grave warning is in itself an obligatory standard for those to whom it is addressed, that is, confessors and those

<sup>47</sup>See our article *La Conférence de Lambeth et la Morale du Mariage, Nouvelle Revue Théologique*, Dec., 1930.

who have care of souls. In fact, the Holy Father gives it in virtue of his supreme authority and as universal Pastor.

He, therefore, warns those who hear confessions and who have the care of souls: (a) not to leave the Faithful who are entrusted to them in error regarding this grave law of God; (b) to preserve themselves from false opinions in this matter; (c) to connive in no way in false opinions on this subject.

Consequently, he threatens with a severe account to be rendered to God: (a) those among them who should lead the Faithful into error; (b) those who might confirm them in their error, either by formal approval or deliberate silence.

Former declarations of the Holy See define in a very useful way the attitudes on the part of confessors which are condemned in this passage of the Encyclical, and the duty of all confessors to avoid all connivance and even to undeceive penitents who have fallen into error on a point of such grave moral and social consequence.

A priest of the diocese of Angers, in a query to the Sacred Penitentiary, described three classes of confessors.

(1) Those of the first class, believing that ignorance even if it be vincible excuses from grave sin, and being persuaded that to call attention to the abuse of marriage would only increase the guilt of the parties and even perhaps keep them away from the Sacraments, conclude that it is licit and even advisable to favor this error on the part of penitents, by not disturbing it, or even by adroitly insinuating it, provided that can be done without lying. Consequently, they not only ask no questions on the subject, but even when the question of the gravity of the guilt of onanism is put to them, they evade it by skillful parrying, or they ask the penitent what he himself thinks of it. And when the latter declares that in view of the rights of marriage or of some other consideration "he can't see so much harm in it," these confessors are glad to leave him in this good faith.

(2) Others, although they hold the same views as those of the first class, still do not conceal the truth if they are asked about it; but when the penitent confines himself to simply confessing the sin of onanism, they take care not to lay any emphasis on this accusation, but, having heard the confession, they content themselves with arousing the penitent to contrition in a general way, and they absolve him on his affirmation that he detests all sin.

(3) A third class of confessors are of opinion that it is extremely rare that vincible ignorance can go so far as to render subjectively venial a sin which is objectively grave, and that such error can in any event not last very long—the character of the sin itself as being contrary to nature, the environment in which the question is constantly being discussed, prevent that. Hence, whether the avowal of this sin has been spontaneous, or whether it has been brought out by prudent questioning, these confessors chide the penitent who has

been guilty of this sin, just as they would for any other grave sin, to the extent that his interest seems to require it, and they absolve him only when they have elicited from him sufficient signs of repentance and of a firm purpose of amendment for the future.

Following this exposition, three questions were submitted to the Sacred Penitentiary:

1. Is it allowed to favor the good faith spoken of in the first instance? Is it allowed to produce it?

2. Do the confessors of the second class fulfil the duties of their state?

3. Are the confessors of the third class open to the reproach of disturbing themselves and their penitents more than is reasonable; or is their practice rather to be regarded as absolutely right?

The Sacred Penitentiary answered the first two questions *in the negative*. To the third, it replied: "Assuming that, as regards the questions sometimes to be asked of married persons about their use of marriage, these confessors confine themselves within the limits indicated by the Roman Ritual and by approved authorities, their practice is beyond all reproach."

Ten years later, in 1886, a French Bishop addressed himself to the Sacred Penitentiary. After bewailing the spread of the evil which is now committed no longer for fear of having too many children, but for fear of having any, an evil which has depleted the country and the sanctuary, and has alarmed sociologists and moralists alike, the Bishop refers to the disagreement which exists among confessors on the need of questioning penitents, in modest and reserved language, upon this matter.

In support of the position of those confessors who think that they are not allowed to remain mute, he cites the words of Benedict XIV in his Bull "Apostolica Constitutio": "By such silence the penitent is either kept in ignorance of crimes which he ought to know about, or he is confirmed in the evil practice, not without scandal to others who think that anything is lawful for themselves when they see that it is practised with impunity by persons who are frequenting the Sacraments."

Then, proceeding to his questions, the Bishop asks:

1. When a confessor has reason to suspect that the penitent, who says not a word of birth control, is addicted to this criminal practice, may the confessor omit to question him prudently and discreetly because he foresees that by doing so he will disturb the good faith of some persons and cause many to avoid the Sacraments? Is not the confessor rather bound to question the penitent in a prudent and discreet manner?

2. When a confessor knows, either from spontaneous confession or as a result of prudent questioning, that the penitent is given to birth control, is he bound to warn him of the gravity of this sin as of other mortal sins, and (as the Roman Ritual puts it) to chide him with paternal charity, and to give him absolution only when from sufficient indications he shall judge that he repents of the past and has the purpose of never practising onanism any more?

"In view of the fact," thus spoke the Sacred Penitentiary, "that the abominable vice of which there is question in the case proposed, has become widespread, the Sacred Penitentiary has deemed it its duty to reply to the questions asked as follows: To the first ques-

tion: usually, in the negative to the first part, in the affirmative to the second. To the second question: in the affirmative, according to the teaching of approved authorities."

These replies tell us clearly enough that questions should not be asked without reason, but only when there is ground for suspicion that the crime is being dissimulated or concealed; that the fear of disturbing good faith or of driving away from the Sacraments should not regularly stop a confessor from questioning; that when a penitent is known to be guilty, he must be informed of the gravity of the sin.

Certainly, as a professor of theology remarked not long ago, we cannot, by lightly giving absolutions, put the sacramental seal upon immorality.

It goes without saying that the questioning must always be done in correct language, rather reserved, but clear and leaving no room for misunderstanding or evasion.<sup>49</sup>

#### 95. DOES THE HOLY FATHER NEVER ALLOW THAT MARRIED PEOPLE BE LEFT IN GOOD FAITH REGARDING THEIR MARITAL RELATIONS?

The Holy Father makes no pronouncement for particular exceptional cases. The general practice must be to undeceive the Faithful when they are in error on this matter; and one may never positively confirm them in error, even by silence which would be interpreted as approval.

But, in the absence of scandal and of any positive confirmation, a *genuine good faith*, may, in our opinion, be left to spouses who are embarrassed by a humanly inextricable situation. See, for example, the excellent *Instructio pro confessariis de usu et abusu matrimonii*, written at Eichstatt Seminary, 1931.

#### 96. WHY DO YOU SAY "A GENUINE GOOD FAITH"?

Because there are cases of so-called good faith which are such only in appearance. For example a Catholic who, though he knew the teaching of the Encyclical, preferred to follow his own judgment on the plea that the severity of that teaching was extreme, could not be considered to be in good faith.

<sup>49</sup>On the manner of questioning, a helpful article will be found in *L'Ami du Clergé. Le devoir des confesseurs*, pp. 185-187 (1931)

### 97. DOES NOT THE ENCYCLICAL IN FACT SHOW AN EXCESS OF SEVERITY?

On the contrary it evidences a just moderation.

(a) It excuses the party who suffers rather than commits sin, when for a perfectly weighty reason he tolerates on the part of his partner a perversion of the right order, which he himself does not intend, and fulfils his duty of charity by striving to induce the other party to return to right conduct.<sup>50</sup>

(b) It mentions the other secondary ends of the conjugal union: mutual affection to be fostered, the allaying of concupiscence;—two ends which render the use of marriage lawful under circumstances in which, considering either the persons or the time, sterility seems either certain or very probable, provided always that the act takes place in the regular way.<sup>51</sup>

### 98. MAY MARRIED PEOPLE BY MUTUAL AGREEMENT LIVE IN CONTINENCE?

Among well-intentioned Anglicans there are several authorities who are of opinion that the vocation to the married life imposes on the parties the duty to give children to their country and to the Church, if they can.<sup>52</sup>

This is, however, a false position. The possession of a right may be conceived without the obligation to use it. No doubt, in the institution of marriage, God wished to provide for the propagation of the human race. But this end is sufficiently attained without every couple being obliged to have children.

### 99. HOW ARE WE TO UNDERSTAND THAT MATERIAL CO-OPERATION WHICH IS PERMITTED TO ONE OF THE PARTIES WHEN THE OTHER IS DETERMINED TO DO WRONG?

As the Holy Father has no intention of coming down to details of practical morality, we must evidently have recourse to approved authorities and to former declarations of the Holy See. According to this teaching, there is question of cooperation in an act which was begun in the right way, and which the other party alone interrupts in such a way as to violate nature.

<sup>50</sup>P. 39

<sup>52</sup>This thesis is advanced notably by H. L. Goudge, D.D., Regius Professor of Divinity at Oxford, in his monograph, "The Question of Contraceptives" (London, League of National Life, 1931).

<sup>51</sup>Ibid.

We are therefore, for our part, unable to agree with the passage in which Reverend John Ryan of Washington, in his notes on the moral teaching of the Encyclical, insinuates that the Encyclical may extend the field of permissible material cooperation in the face of the common opinion now existing on the subject.<sup>53</sup> The distinctions which the moralists make are founded on a certain principle and are confirmed by the replies of the Sacred Penitentiary of April 3 and June 3, 1916.<sup>54</sup>

#### 100. MAY THE PARTIES CONFINE THEIR USE OF MARRIAGE TO THOSE TIMES THAT ARE CALLED PERIODS OF STERILITY?<sup>55</sup>

The Encyclical says: *Nor are those considered as acting against nature who in the married state use their right in the proper manner although on account of natural reasons either of time or of certain defects, new life cannot be brought forth.*<sup>56</sup>

As long as the act takes place normally it remains objectively directed toward its primary end, which is generation; and since, according to the maxim that the purpose of the law is not within the matter of the law (*finis legis non cadit sub legem*), there is no obligation, while observing the law, to intend the end for which it was promulgated, it follows that the act is not necessarily vitiated by deliberately choosing a certain time with the intention of avoiding conception. Of course, the couple are bound to welcome any children that might come, if, as sometimes happens, their plan fails. The conjugal intercourse in any event serves the other ends of marriage. Besides, let us observe that there is this great difference between the practise of birth control and the restricted use of marriage of which we speak: the abuses of birth control can be practised constantly, they give free rein to passion, they do not demand the exercise of any moral force whatever; whereas this limited use of marriage requires, for the voluntary abstinence on certain

<sup>53</sup>"The Moral Teaching of the Encyclical," *Ecclesiastical Review* (1931), p. 266.

<sup>54</sup>Cf. Vermeersch, *De Castitate*, n. 253.

<sup>55</sup>The latest researches of Dr. Knaus of Germany and Dr. Ogino of Japan lead to the conclusion that these periods include the last days before and the first days after the monthly period of the woman. Or, more exactly, if we suppose a cycle of 28 days, it would be ten days before and ten days after the beginning of the last menstruation period; if the cycle is not of 28 days, the number ten should be increased by one for every day the cycle is above 28, and diminished by one for every day it is below 28. But no absolute guarantee can be given. The theory itself is only seriously probable,—not absolutely certain, and various causes may upset the calculations. Several ecclesiastical magazines have recently dealt with this question, notably the *Collationes Brugenses*, 1930, p. 360, 443, 1931, p. 178, articles by Rev. M. Coucke, also the *Nederlandsche Katholieke Siemmen*, 1931, p. 41, by Rev. F. Buysse, C. S. S. R.

days, a moral force the exercise of which is not without its social value.

In itself indifferent or objectively good, this limitation which is not a violation of nature, may, according to the circumstances and the intention, be praiseworthy, less desirable, or even worthy of blame.<sup>57</sup>

Accordingly the Sacred Penitentiary, in its reply of June 16, 1880, declared that there was no reason to disturb those married people who in their use of marriage restricted themselves to days that are physiologically sterile, and that this practice might be insinuated *caute*, that is with prudent discretion. With prudent discretion we say; the uncertainty of the result is enough to suggest prudence; besides the confessor should not be a counselor of infecundity. The insinuation of this course of action may be appropriate as a means of preventing formal sins, or as offering a way out of a critical situation where the danger of incontinence makes intercourse imperative, and yet where conception would be perilous for the mother. It goes without saying that this practice normally supposes the agreement of both parties.

#### 101. IN VIEW OF THE OTHER ENDS OF MARRIAGE, WHY IS IT ALWAYS ABSOLUTELY NECESSARY THAT THE NATURAL ORDER BE PRESERVED IN CONJUGAL RELATIONS?

Because these other ends, subordinated as they are to the principal end, cannot be in opposition to it. Besides, the other ends themselves would be frustrated by wrong relations. Such relations cannot foster true love, which supposes mutual respect; too often they result only in disagreement and separation. Neither does the seeking of satisfaction at all costs allay concupiscence. "It is like a drink which increases thirst."<sup>58</sup>

#### 102. WHAT DOES THE ENCYCLICAL SAY OF THE EXCUSES THAT ARE ALLEGED AS GROUNDS FOR OBTAINING GREATER INDULGENCE?

Some, of which any decent person should be ashamed, the Encyclical disdains to mention; but it could not be indifferent in the presence of the extremely difficult situation in which a poor mother may find herself. Here, it begins by toning down the alarms with the remark, so often

<sup>57</sup>Studen (Malmberg, s' Hertogenbosch, March, 1931) *Periodieke Onthouding*, by Rev. Heymeyer, S. J.

<sup>58</sup>Fahsel, *Ehe, Liebe und Sexualerziehung* (Herder, 1931).

confirmed by experience, that the reasons for alarm are often exaggerated; then, showing an affectionate compassion and at the same time giving encouragement to the mother who is face to face with death through heroic devotion to duty, it expresses admiration for her and assures her of a magnificent reward from God.<sup>59</sup>

**103. WHAT DOES THE ENCYCLICAL SAY ABOUT MATERIAL DIFFICULTIES WHICH SEEM TO STAND IN THE WAY OF THE BIRTH OF ADDITIONAL CHILDREN?**

On this subject also the Holy Father shows a deep feeling of compassion for the parents. However, he immediately lifts up their hearts to the high reality of God's law. *However [he adds] these parents should take care lest the calamitous state of their external affairs should be the occasion for a much more calamitous error. No difficulty can arise that justifies the putting aside of the law of God which forbids all acts intrinsically evil. There is no possible circumstance in which husband and wife cannot, strengthened by the grace of God, fulfil faithfully their duties and preserve in wedlock their chastity unspotted.*<sup>60</sup>

**104. WHAT OTHER OPINIONS AND PRACTICES DOES THE ENCYCLICAL DENOUNCE AS CRIMINAL ATTACKS UPON THE CHILD?**

The Encyclical treats as a crime all attempts upon the life of the child in the womb of his mother.<sup>61</sup>

**105. WHAT ARE WE TO UNDERSTAND BY THE TERM "CHILD"?**

It means not only a child whose body is already formed, but also a child in the fetal or embryonic stage, in other words every fertilized *ovum*. In fact canon 747 of the Code of Canon Law in prescribing the baptism of every fetus, however small, enjoins that every fetus be treated as a human being.

**106. WHAT ARE WE TO UNDERSTAND BY AN ATTEMPT UPON HIS LIFE?**

It includes in the first place *feticide*, that is the cruel operation which crushes the skull of the fetus or cuts his little body to pieces according to the need for saving the mother. Besides, it includes every direct abortion.

Not only the majority of the more modern moral theo-

logians, but the Holy Office itself consider direct abortion as similar to feticide.<sup>62</sup> For abortion is not merely the placing of a child outside the surroundings which are indispensable for him to live, but it is the violent tearing away of the membranes and tissues by which the child is as it were one with his mother, and through which he breathes and receives nourishment—membranes which, at least in part, belong to him as an organ developed by his own growth. Abortion directly produced is a deadly wound inflicted on an innocent human being.

#### 107. WHAT ARE SOME OF THE OPINIONS THAT ARE CURRENT ON THE SUBJECT OF FETICIDE AND ABORTION?

Catholic teaching is today unanimous in condemning all feticide and all abortion directly produced upon a fetus, unless it be morally certain that he is already dead.

Outside of this Catholic tradition, some, holding that the unborn child has no rights,<sup>63</sup> allow the father or mother to decide his fate; others allow feticide only in cases of imminent danger, where it is the only way to save the mother's life, or they allow abortion only for very grave *medical, social, or eugenic* reasons.

Such a determining reason of a *medical* nature would be to kill the child in order to solve the conflict which has arisen between the life or health of the mother and the existence of the child. *Social* reasons are to save the honor and reputation of the mother, or to leave her free to carry on her occupations and gain her livelihood. A *eugenic* reason is to prevent the birth of children who would be monstrous or idiotic. The idea of the required gravity of the motive is evidently more or less broad, according to the religion or "philosophical convictions" of the doctor or adviser.

All of them, however, as the Encyclical goes on to state, *demand that the "indication," which in one form or another they defend, be recognized as such by the public law and in no way penalized.*<sup>64</sup> In other words, they insist that the law should conform itself to their theories and distinguish on the one hand between criminal feticide or abortion, punishable by legal penalties, and on the other, therapeutic or medical feticide or abortion, which should be legally authorized. In

<sup>62</sup>See the reply of the Holy Office, August 19, 1889.

<sup>63</sup>They consider it as part of the organs of the mother, *viscera matris*.

<sup>64</sup>D 40

fact, already a doctor is in no danger of prosecution as long as he is supposed to have acted according to the dictates of *science*. Worse still, it sometimes happens that a doctor is forbidden to practice laparotomy (cesarian section) in rural districts, although this operation might save both mother and child, while at the same time he is liable to prosecution for malpractice if he allows the mother to die under circumstances where he might have saved her by directly killing the child.

**108. WHAT DOES THE SOVEREIGN PONTIFF SAY IN OPPOSITION TO THESE THEORIES OR SYSTEMS?**

He opposes to them in the first place the peremptory argument embodied in the Divine commandment, "Thou shalt not kill"; and he rejects in passing the futile exceptions which have had a certain vogue. He declares that the right to take away life cannot be appealed to, since even public authority has no such power in the case of an innocent person; nor can the right of self-defense, since there is no question of an aggressor, even materially unjust, and the development of the child, even though it should become a fatal danger to the mother, does not violate objectively any of her rights, nor contain any injustice; nor the right of extreme necessity, since that never goes to the extent of killing a living person. The life of each of the two individuals is equally inviolable. Such a thing as a conflict in which one light might be regarded as of less value than the other, is an impossibility.

We must, therefore, conclude with the Encyclical that physicians are bound to try to save both lives, both having an equal value in the eyes of God, the mother's and the child's. The physician has no right to set himself up as judge to pronounce a sentence of death. No diploma confers such power, which would exceed that of the most absolute monarch.

**109. HOWEVER, IN THOSE RARE AND EXTREME CASES WHERE, UNLESS THE FETUS IS REMOVED, THE DEATH OF THE CHILD AND OF THE MOTHER IS CERTAIN, DOES NOT COMMON SENSE TELL US THAT IT IS BETTER TO SACRIFICE ONE LIFE THAN TWO?**

When the doctor abstains from interfering, he himself sacrifices no one; whereas if he does interfere by abortion or

feticide, he protects the life of the mother at the cost of committing a homicide. Here is a mere comparison, which we do not offer as an argument: suppose two men, for want of provisions, are about to die of hunger; is it permissible for the stronger of the two to kill the weaker, in order to take his share of the provisions? That is the act of the physician who kills the weaker, the child, to save the stronger, the mother. If the parity is denied on the ground that in the supposed case the weaker person is not causing to the stronger any direct harm, whereas it sometimes happens that the fetal placenta poisons the mother, we answer in the first place that some good gynecologists have told us that the theory of placental poisoning is being more and more questioned. But suppose even that it is true, and return to our comparison. If the weaker person, forcibly held close to the other, involuntarily exhales a harmful vapor, is his right to life thereby impaired? May the stronger in that case resort to murder to free himself from this unhealthy environment?

Besides, is it quite certain that unless an abortion is performed the mother and the child will die? Is it very far from certain. There are not wanting cases in which a conscientious physician has saved both mother and child in spite of the medical indication of abortion. The doctor's verdict is based on probabilities.<sup>65</sup>

#### 110. AFTER ALL, IS IT NOT A PITY THAT HUMAN LIVES SHOULD BE LOST BECAUSE OF A PRINCIPLE?

It is not, when that principle is a saving one, which preserves greater values than those it sacrifices. Now faith in Providence assures us that every principle imposed by the law of God is a conserving force of higher values.

In the present instance, one sees, it is true, some very sad, pitiable cases, in which a person dies, who might have been saved by abortion. But does not a more far-sighted vision see also a greater number of lives saved by the rigor of the principle?

This severity intensifies the effort to save both lives; and this effort is sometimes rewarded with complete success. At the same time the spirit of invention is stimulated, and this results in discoveries which render out of date even the

<sup>65</sup>See in the excellent little book of Dr. Clement, *Le droit de l'enfant a naître* (Bruges, Beyaert, 6th ed. 1931) the chapter, *Vers la suppression de l'avortement thérapeutique*.

medical indication for abortion or feticide. "Respect for the life of the child," writes Dr. Clement,<sup>66</sup> "stimulates progress." Is it not through this means that specialists now declare themselves able to control cases which were formerly despaired of, cases of so-called uncontrollable vomiting?<sup>67</sup>

Let us in addition observe this psychological fact. When a physician who practises medical abortion is attending a woman who is pregnant and ill, everything conspires against the child. What reproaches are in store for the doctor if the mother dies when he had reason to believe he could save both her and the child! But the child, needlessly sacrificed, will make no complaint from beyond the grave! If one could get the statistics, we are persuaded that the number of real victims of medical abortion would be far greater than that of so-called victims who are supposed to have died for having been unwilling to consent to abortion.

### 111. WHY DOES THE HOLY FATHER SPEAK OF "DIRECT" KILLING?

Because the death of the child may be a consequence, not willed, although foreseen and inevitable, of a medical treatment which is permitted in spite of this foreseen consequence.

Although we may never do what is evil, still we have neither the obligation nor the power to prevent all evil from happening. We cannot be responsible for an evil consequence flowing from our good actions, when that consequence does not depend on us, and when the motive for acting is in proportion to the evil which is feared. In such cases the evil cannot be imputed to us as willed, because we do not will it; nor as permitted, because by our scrutiny of the reasons for acting, and by the precautions we have taken, we have fully satisfied our positive duty of removing, as far as is humanly possible, the accidental evil consequences of our action.

<sup>66</sup>Op. cit., p. 81.

<sup>67</sup>See for example one of the studies of Dr. Leven of Paris, *Les vomissements au cours de la grossesse*, *La Médecine*, April, 1929, in which he details the treatment which he finds successful. We have also direct assurances of the same fact from other gynecologists. Dr. Leven concludes with these words: "At a time when the birth-rate is so low, the fear of pernicious vomiting should no longer cause dread of pregnancy; nor should avoidable abortions any longer be practised."

### 112. BUT WHAT IS NECESSARY IN ORDER THAT AN ABORTION MAY BE CLASSIFIED AS INDIRECT?

It is necessary that the abortion be not willed either as an end or as a means, but simply be permitted as occurring in spite of all, through the intervention of a factor which we cannot remove. It is, therefore, not sufficient that in an abortion the only purpose intended be to save the mother, if the abortion is a means to that end, if the expulsion of the fetus is utilized as a means.

In such a case, since the abortion is chosen, it is willed, and is, therefore, direct. Consequently, abortion will be indirect only in case the morbid condition of the maternal matrix requires the immediate removal of that organ, even though this removal necessarily entails the exit of the fetus which is enclosed in the uterus. The abortion, however, would be direct if the womb were to be emptied in order by that means to stop a hemorrhage. It is absolutely direct when it is practised because the mother is affected with tuberculosis or general weakness, or because it is feared that the child will be physically deformed or mentally affected.

### 113. THE ENCYCLICAL MENTIONS A COUNTRY WHERE ABORTIONS ARE VERY FREQUENTLY PRACTISED WITH THE SANCTION OF PUBLIC AUTHORITY. CAN YOU NAME A COUNTRY OF WHICH THIS IS TRUE?

It is notorious that in Soviet Russia, notably in Moscow, there is an official Institute where abortion is practised upon any woman who asks for it. About 30,000 abortions a year are performed there. But statistics supply us with precious information on the physical harm caused by these operations. Nature takes her revenge upon these unnatural mothers.<sup>68</sup>

### 114. IS EUGENIC SCIENCE THEN TO BE REPROBATED?

On the contrary, efforts and researches which tend to improve the health and vigor of the human race in themselves praiseworthy. The Holy Father teaches that we may, and should, take account of the findings and recommenda-

<sup>68</sup>Even outside of Russia, are not the statistics of abortion alarming? Take a single example. Already in 1923,—and it is no better since then—there were in France 500,000 abortions a year, of which 85 per cent (425,000) were criminal, according to Doctors Pinard and Richet. (Speech of Mr. Zamanski at the Social Congress of Marseilles, 1929.) In Germany there are yearly one million abortions.

tions of this science or art. But the end does not justify the means. One cannot give to eugenics such primacy as to forget the law of God in order to satisfy its demands. On March 21 of this year (1931) the Holy Office, with the approval of the Holy Father, declared that we must absolutely reject and hold as false and condemned by the Encyclical "Casti Connubii" of December 31, 1930, the so-called "eugenic" doctrine, as well "positive" eugenics as "negative," together with the means which it indicates for the improvement of the human race, by neglecting the laws of nature, of God, or of the Church, concerning marriage and the rights of individuals.<sup>69</sup>

The Holy Father takes occasion in this connection to remind public authorities that it is their duty to protect the lives of the innocent, especially of those who cannot defend themselves. To deliver them to death, even at the hands of physicians, is to commit a crime that cries to heaven for vengeance.<sup>70</sup>

#### 115. IS IT NEVER ALLOWED FOR A GOOD END TO REMOVE A CHILD FROM THE WOMB BEFORE IT HAS ATTAINED MATURITY?

We must distinguish between abortion (the moralists call it abortion when a child who is not viable is removed) and premature delivery. The latter will be allowed when it is practised at such a time and by such means that under ordinary conditions the lives of both the mother and the child will be provided for.<sup>71</sup>

#### 116. WHAT ARE THE CONDITIONS UNDER WHICH THIS MAY BE DONE?

In the first place, the child must be already viable. At present, thanks to artificial incubators the child may be said to be viable after about six months of life within the womb. But this initial viability is a very different thing from full viability which requires at least eight months. Between these two periods viability goes through varying degrees, in which the chances of life are unequal. Moreover, premature delivery is more or less harmful to the child, according to his degree of maturity. Mere viability may not, therefore, always be a sufficient reason for delivering a child of six months. If there is imminent danger, the

<sup>69</sup>*Acta Ap Sedis*, Vol XXXII, p. 118  
<sup>71</sup>Reply of the Holy Office. May 4. 1898. ad 2.

70P. 56.

operation will be legitimate as soon as the child has a chance to survive. If such a danger is not certain, then its probabilities must be considered, as well as the harm that would result from prolonging the pregnancy; and in the absence of a controlling reason of this nature, one should wait the full eight months. In short, the formula of the Holy Office gives us this rule: Consider the two lives, that of the mother and that of the child, as of equal value; and do what is for the best interests of both, everything considered, and without forgetting that the saving of the mother's life is a very great benefit to the child himself.

#### 117. WHAT OTHER CLAIM OF EUGENICS IS EQUALLY REJECTED BY THE HOLY FATHER?

The Holy Father in no wise admits that the State may for eugenic reasons *directly* forbid marriage to persons who are naturally capable of fulfilling its functions; and still less does he admit the right of the State to so mutilate a person as to deprive him of a natural faculty.<sup>72</sup>

In our day those who cultivate the science of eugenics will willingly grant that their studies are not sufficiently advanced, nor their conclusions sufficiently certain to enable even themselves, just yet, to advocate such radical measures.

But these arguments lead only to a tentative answer. Accordingly the Holy Father passes over these considerations, and, by a peremptory and definite answer, confronts the "eugenists" with the principle of the incompetence of the civil authority.

#### 118. HOW CAN THIS INCOMPETENCE BE SHOWN?

It can be shown first from a true concept of human society. The mission of society is by no means to deprive man of rights which he had before, but rather to facilitate and protect the normal exercise of these rights. As long as there is no question of persons guilty of crime, the State cannot, even for the common good, restrict rights, other than those which come from itself, such as political rights.

It can also be shown from the dignity of a human person. Man, with his body and its members, does not belong to himself; he belongs to God and to His Christ. God gives him only the use thereof. The consent of the individual could not therefore avail to transfer to others a right which he never had himself.

<sup>72</sup>Pp. 42, 43.

**119. DOES THE ENCYCLICAL PERMIT MUTILATION AS A PUNISHMENT FOR CERTAIN CRIMES, OR AS A PREVENTIVE MEASURE AGAINST THE REPETITION OF CRIMES?**

The Encyclical does not pronounce on these questions. It does not intend either to approve or to condemn such measures.

Our own humble opinion would be for the negative, at least at the present time, for the reason that this type of punishment is repugnant to our penal system which does not favor corporal punishments directly and positively applied, such as whipping.

**120. MUST WE THEN APPROVE THE MARRIAGES OF BLIGHTED INDIVIDUALS, WHOSE PROGENY CAN BE NONE OTHER THAN WRETCHED?**

According to the Encyclical "Casti Connubii"<sup>73</sup> such persons should often be advised not to marry; but if they are otherwise capable of marrying, they cannot be charged with grave sin in neglecting the advice.

**121. WHY SHOULD THEY OFTEN BE ADVISED NOT TO MARRY?**

Because the prevision of defective children diminishes for the parties themselves the hope of a happy union, and suggests temptations against right conduct in married life. Neither is it right to aggravate without necessity the burdens that weigh down public administration or private charity.

**122. WHY SHOULD NOT SUCH UNIONS ALWAYS BE DISCOURAGED?**

Because there may be grave reasons, either of a private nature, such as the moral weakness of the parties, or of a public nature, such as for example the need of an heir for a throne or for an illustrious family, which outweigh the undesirable consequences of such unions. Let us not forget the words of the Apostle: It is better to marry than to burn with the flame of unrestrained passion.<sup>74</sup>

Neither must we forget that those whom nature has, so to speak, disinherited have still the sublime last end of human individuals, and can still attain eternal blessedness. Indirectly, they even render a service to society by detach-

<sup>73</sup>P. 42.

<sup>74</sup>"It is better to marry than to be burnt." 1 Cor. vii, 9.

ing the affections of men from this earth where so many have to suffer; and also, by fostering feelings of sympathy, which is a sentiment of so social a nature that an unbelieving philosopher<sup>75</sup> ranked it above all others; by bringing into play the noble virtue of charity; and by delivering men from that selfishness which seeks enjoyment for its own sake. How dull, sad, and cold life would be in a society where there were no unfortunates to help, no afflicted ones to console.

**123. HOW IS IT THAT A PERSON WHO CONTRACTS A MARRIAGE WHICH, FROM A EUGENIC STANDPOINT IS INADVISABLE, DOES NOT COMMIT A GRAVE SIN?**

Because the power of procreation gives him the right to contract marriage. The exercise of a right does not involve in itself any contradiction of the essential order, and cannot therefore, as such, be stigmatized as a grave sin.

**124. IN DENYING THE EXISTENCE OF MORTAL SIN IN SUCH A CASE, DOES THE ENCYCLICAL RECOGNIZE THAT IT IS A VENIAL SIN?**

The text of the Encyclical does not exclude venial sin, but neither does it affirm that one is committed in every case. It simply abstracts from the question of venial sin.

**125. IF THERE IS A VENIAL SIN, WHAT IS THE REASON FOR IT?**

The fact that in the use of the right, though there is no violation of the essential order, there is nevertheless a yielding to a disordered inclination. Such would be the case for instance if a person physically unfit should insist on marrying, although a life of continence were not beyond his power. The venial sin, therefore, is found in the inopportune use of a right, just as, in the state of marriage, such a sin is committed when the parties use their right in a somewhat irregular fashion.

**126. ADMITTING THAT THE STATE HAS NO RIGHT TO FORBID MARRIAGE PERMANENTLY, CAN IT FORBID IT TEMPORARILY TO PERSONS WHO, FOR A CERTAIN PERIOD, WOULD BE SOURCES OF INFECTION TO THE PERSONS THEY MIGHT MARRY?**

The State could exercise such power, at least by putting

<sup>75</sup>Schopenhauer, *Grundlage der Moral* (Complete Works, Munich, 1912, Vol. III, p. 678).

itself in agreement with the competent authority, which, in the case of baptized persons, is the Church.

**127. IN VINDICATING FOR ALL PERSONS THE INVIOLEABLE RIGHT TO MARRY, DOES NOT THE ENCYCLICAL FAVOR THE GRADUAL DETERIORATION OF THE HUMAN RACE?**

That is the claim made by some eugenists; but the better informed contest the value of their arguments. It seems rather that nature herself tends to eliminate the unfit.<sup>76</sup>

**128 IN DENYING TO THE CIVIL AUTHORITY ALL DIRECT POWER OVER THE BODIES OF THE CITIZEN AND OVER HIS NATURAL FACULTIES, WHAT INDIRECT POWER OF THE SAME CIVIL AUTHORITY IS IMPLICITLY RECOGNIZED?**

The power of condemning guilty persons to seclusion in virtue of vindicative justice, and the power to protect society against dangerous persons by imprisoning them, and by segregating those whose contact would spread disease.

**129. HOW DOES EUGENICS ATTACK THE CHILD WHILST IT PRETENDS TO SECURE BETTER BIRTHS?**

It attacks, not the children whom it permits to be born and to live, but those whom it prevents from being born. These suffer an irreparable personal wrong, because the others can never take their place.

At the same time, more directly, it attacks marriage in the natural right man has to marry. For two reasons, therefore, the Encyclical had to condemn its exaggerations.

**THE CAMPAIGN AGAINST CONJUGAL FIDELITY**

**130. WHAT ATTACKS ARE MADE UPON CONJUGAL FIDELITY?**

After calling attention to the fact that every attack upon the child is equally an attack upon conjugal fidelity, because such a sin always compromises the primary end of marriage, the Encyclical mentions three special assaults which are launched respectively against conjugal chastity, against the

<sup>76</sup>See for example Oswald Bumke, *Lehrbuch der Geisteskrankheiten*, Munich, 1924, p. 347, Jaschke und Pankow, *Lehrbuch der Gynäkologie*, Berlin, 1921, p. 494

hierarchy of the family, and against the love which should be the ruling power in the home.

### 131. HOW IS CONJUGAL CHASTITY THREATENED?

It is impaired by those friendly unions or "companionate marriages" which we have already characterized above (number 86); also by that worldly point of view which, because of the exuberance of certain appetites, regards the uprightness of virtuous married people as out of date, demands greater license in relations with third parties, and the abolition of the legal barriers that still exist against adultery.

### 132. WHAT DOES THE HOLY FATHER SAY IN OPPOSITION TO THESE ABERRATIONS?

He appeals to the hearts of chaste couples; he invokes the immutable Divine prohibition: "Thou shalt not commit adultery," and the unalterable declaration of Christ: "Who-soever shall look on a woman to lust after her, hath already committed adultery with her in his heart" (St. Matth. v, 28)."

### 133. WHAT ERROR IS OPPOSED TO THE HIERARCHY OF THE FAMILY?

The theory which holds that the married woman should be freed from all subordination, and put on a footing of perfect equality with her husband. There is a propaganda for a *physiological* emancipation which would withdraw the wife from the duties of a spouse and mother; an *economic* emancipation, which would assure her full liberty of movement enabling her to administer her property and her affairs as she pleases; and a *social* emancipation, which would free her from domestic duties and enable her to throw herself according to her natural bent into politics or business.

### 134. HOW IS THIS ERROR REPUTED IN THE ENCYCLICAL?

This *total emancipation* is rejected<sup>78</sup> as an upsetting of the entire domestic order, and a cheapening of woman herself, who, robbed of her glory of spouse and mother, would become once more what she was in the pagan world, a mere instrument of the passions of her husband. This so-called "emancipated" woman, now neither a virgin nor a mother, on whom the modern world thinks it is conferring freedom by enabling her to "live no longer for others but for her-

self, that is for her pleasure and according to her whims," under the influence of concupiscences, the only rights now recognized, undergoes "the brutal domination of him who has received from nature the gift of strength, over her whose weakness will henceforth be defenseless, since she will no longer have the protection of the Christian laws of marriage."<sup>79</sup>

For that matter, what serious historian does not acknowledge that woman owes her dignity and her true liberty to the Gospel of Christ?

Absolute equality is rejected because the interests of the family, the duties of married life, the unity and stability of the institution of marriage demand a certain inequality of rank. But the Sovereign Pontiff has made the necessary or fitting reservations beforehand especially where he recognizes the equal right of both parties to the marriage, to demand of the other the acts that are proper to married life. (See number 55, above.)

### 135. MUST THIS INEQUALITY ALWAYS REMAIN THE SAME?

Not at all; it can and should adapt itself to varying circumstances. Thus no one objects to the abolition of certain legal disabilities of women regarding contracts. But these variations can never change essentially the order established by God.<sup>80</sup>

### 136. IN CONDEMNING THE SOCIAL EMANCIPATION OF WOMAN, DOES THE ENCYCLICAL DISAPPROVE OF THE POLITICAL RIGHTS WHICH WOMAN HAS WON IN VARIOUS COUNTRIES, THE RIGHT OF SUFFRAGE, AND OF HOLDING PUBLIC OFFICE?

The Encyclical does not touch upon these points in any way. It disapproves only such an injection of woman into public life as would imply her desertion of the home.

### 137. WHAT ATTACK IS MADE UPON CONJUGAL LOVE?

For the love which is grafted upon a sacred duty and which persists through trials and difficulties, there is an at-

<sup>79</sup>Abbe Dermine, *La Doctrine du mariage chrétien*, pp. 81, 82. Here is a confirmation which is not without value, as it comes from a Paris organ of wide circulation, which is not Catholic in its tone. Under the title, *Mon Film*, the magazine, *Le Journal*, under date of Jan 16, 1931, published this frank admission: "Free love, the equality of the sexes, the personal struggle for life,—these things are contrary to woman's deepest instincts, to her moral and physical nature, to her true interests, they are but a last resort in a society where woman, falling from her high position—for she is falling from it in spite of appearances—is in danger of becoming more and more unhappy." 80P 45

tempt to substitute an insecure and capricious affection and to make the constancy or inconstancy of that sentiment the norm which shall determine the continuance or breaking off of the marital union itself.

**138. WHAT DOES THE HOLY FATHER SAY ABOUT THIS?**

He calls it an attempt to substitute a house built upon sand for one that is built on a rock.<sup>81</sup>

**139. BUT AFTER ALL EVERY CHAIN IS A BURDEN. DOES NOT THIS CHAIN OF DUTIES INTERFERE WITH THE DRIVE, THE SPONTANEITY, OF THE FEELINGS?**

We must take account of the actual condition of the human race since the Fall of our First Parents: It is, as a matter of fact, impossible to count on any perseverance which is not safeguarded by an obligation. The experience of the nineteenth and twentieth centuries proves conclusively that liberty alone does not lead to welfare and happiness.

**THE CAMPAIGN AGAINST THE SACRAMENT**

**140. IN WHAT DIRECTION IS THE PRINCIPAL EFFORT OF THE ENEMIES OF CHRISTIAN MARRIAGE PUT FORTH?**

According to the Encyclical the principal attack is against marriage as a Sacrament. The Holy Father says:<sup>82</sup> *And now considering that the third blessing, which is that of the Sacrament, far surpasses the other two, we should not be surprised to find that this, because of its outstanding excellence, is much more sharply attacked by the same people.*

**141. BY WHAT TACTICS?**

By tactics in which we can distinguish three steps: the denial of the sacred character of marriage; the assault upon its indissolubility; and the relegation of marriage to the rank of profane and civil affairs.

**142. HOW IS THE DENIAL OF THE SACRED CHARACTER OF MARRIAGE FORMULATED?**

By regarding the marriage which is called *civil* as the real marriage, which can later be supplemented by a religious ceremony, a nuptial blessing, which is in no way essential.<sup>83</sup>

<sup>81</sup>P. 45

<sup>82</sup>P. 45.

<sup>83</sup>Pp. 45, 46.

**143. IS IT IMPOSSIBLE FOR THE CIVIL CEREMONY TO BE THE TRUE NUPTIAL CONTRACT?**

It is impossible in this sense, that the declaration of a civil magistrate can never form the bond, whose only efficient cause is the exchange of consent by the two parties themselves. For non-baptized persons the civil contract may be the real contract in this sense that the competent authority—and according to a common opinion, that is, for those cases, the civil authority—can require on pain of nullity that the exchange of consent be given in the presence of a civil magistrate and two witnesses; just as the Church, since the Council of Trent, and now under the Code of Canon Law, requires on pain of nullity for marriages between two Catholics and between a Catholic and a non-Catholic, that the exchange of consent be given regularly in the presence of an authorized priest and two witnesses.

We say this is required *regularly*, because the Code provides for certain cases in which the marriage may be validly contracted before any two witnesses, without the presence of a priest.

**144. IS IT NOT THE NUPTIAL BLESSING WHICH IS THE SACRED ELEMENT IN A MARRIAGE?**

Although the nuptial blessing is a sacred ceremony, which, through the prayer of the Church, is a means of actual graces, yet it does not constitute the sacred element which is essential to marriage.

**145. WHERE IS THAT ELEMENT?**

It is in the mutual consent of the parties to the marriage.

**146. IS THE SACRED CHARACTER PECULIAR TO CHRISTIAN MARRIAGE?**

A marriage between Christians is the only marriage which is a Sacrament; but in a lower degree every marriage contains something sacred, "put there," says Leo XIII, "by nature herself."

**147. HOW DO YOU PROVE THAT THIS SACRED ELEMENT EXISTS IN EVERY MARRIAGE?**

We prove it from the unanimous consent of the peoples who have introduced a religious rite into the conjugal union; from the Divine origin of the institution of marriage; from

the end of marriage, which is to bring up for God the children that may be born, and to lead the spouses themselves to God by the mutual help which they give each other; finally from the mysterious alliance between God and the spouses in human generation, God creating and infusing the spiritual soul into the body prepared by the parents.<sup>84</sup> Leo XIII adds this more profound supernatural reason: "because marriage was from the beginning like an image of the Incarnation of the Word of God" (Encyclical "Arcanum").

The sacramental character gives besides to Christian marriage a new dignity or nobility in which the Apostle St. Paul recognizes a great mystery in Christ and in the Church (Ephes. v, 32).

The conjugal community cannot derive entirely from the created natural order, either its end or its means. Its principal end, the generation of children, cannot be attained unless God, the Creator of the spirit, intervene in the paternal function and complete it by the creation of the soul. By that very fact, marriage, even in its natural reality, overflows the confines of this world and surpasses the forces of this world. From this point of view alone, every marriage is a mystery. Then, consider its interior structure. We find there a sensible, corporal side, and a moral, spiritual side. Inasmuch as it is placed in the sphere of the senses, marriage is in danger of losing itself by sinking into animality. It must cry for help from above to escape from the preponderance of the corporal element. On its moral and spiritual side, it is more than a simple alliance of mind and heart; it implies the mutual self-surrender of two persons destined to be welded together in one flesh, a thing which is done in all security and purity only with the Divine good pleasure. Hence, even a purely natural marriage possesses a mystic character, and is a sacred and holy thing. According to the admirable expression of Leo XIII it is a foreshadowing of the Incarnation of the Son of God. Nowhere is man less autonomous than in marriage. Autonomy, by cutting the secret roots of its life, its special relation to God, makes marriage unrecognizable, reduces it to nothing.<sup>85</sup>

What shall we say now of the supernatural elevation of Christian marriage by the sacramental character with which

<sup>84</sup>Pp 46, 47.

<sup>85</sup>These thoughts are borrowed almost literally from the fine address which Mr Karl Adam delivered at the general assembly of German Catholics held at Freiburg in Brisgau in 1929. It was published by Herder under the title, *Die Sakramentale Weise der Ehe*.

Christ has endowed the consent which gives it birth? What shall we say of the mission which belongs as a consequence to Christian spouses to represent by their union and love the union of Christ and His Church?

Listen to this exhortation which the Ritual used in Germany addresses to the bride and groom in the ceremony of marriage:

Just as Christ never abandons His Church, so you must never forsake each other, but ever remain faithfully united until death. And just as Christ sanctifies His Church, so too each of you should work for the sanctification of the other. As Christ loves His Church, and protects and cares for her, so the husband should love his wife, and protect her, and care for her with fidelity even unto the sacrifice of self; and as the Church is subject to Christ as to her head, so too the wife should obey her husband in all that is necessary, right, and fitting. And both should, in faithful unity, raise their children for Christ and for His holy Church.

Consequently, as Dr. Riedel observes,<sup>86</sup> the Sacrament of matrimony confers on the partners a grace which perfects their natural love, a grace which cements their indissoluble unity, which helps them to sanctify each other, and enables them to fulfil their duty in regard to their children.

**148. WHY DO YOU ASCRIBE THE SACRAMENTAL CHARACTER TO "MARRIAGE BETWEEN CHRISTIANS" AND NOT ONLY TO MARRIAGE BETWEEN CATHOLICS?**

Because marriage between Christians whom heresy or schism has separated from the true and only Catholic Church, is a Sacrament just as much as that between Catholics, provided the parties have been validly baptized.

**149. WHAT DUTIES, THEREFORE, ATTACH TO FUTURE SPOUSES WHO ARE BAPTIZED?**

A high regard for Christian marriage which they are about to contract, and an ardent zeal to make their union resemble as closely as possible its arch-type, the union between Christ and the Church.

**150. ARE ALL BAPTIZED PERSONS WHO ARE MARRIED AWARE OF THE SACRAMENTAL DIGNITY OF THEIR UNION?**

Unfortunately they are not, because Protestants deny the sacramental character of marriage.

Four centuries of Protestant teaching have established two convictions in the consciousness of the English-speaking world. The first is that the marriage of Christians is in no sense a sacramental union, and the second, that marriage is not a lasting, but a terminable, union. . . . It is a contract which can be terminated at will by the parties concerned, provided that they fulfil the conditions prescribed by the State.<sup>87</sup>

#### 151. WHAT THEN ARE WE TO THINK OF MIXED MARRIAGES?

The Holy Father is very far from granting that other assumption of the profaners of marriage, namely that Catholics may marry persons of any other religion, or of no religion at all, or even professed atheists, without concerning themselves in the least about the religion of their chosen partner, and without any regard to ecclesiastical authority. On the contrary, the Sovereign Pontiff emphasizes<sup>88</sup> the just aversion which the Church professes for mixed marriages, and recalls to mind the words of the Code (Canon 1060): "Everywhere and with the greatest strictness the Church forbids marriages between baptized persons, one of whom is a Catholic and the other a member of a schismatical or heretical sect."<sup>89</sup>

#### 152. WHAT ARE THE DISADVANTAGES AND DANGERS OF MIXED MARRIAGES?

For the *parties themselves*, a less complete accord of thought, sentiment, and action, flowing from the fundamental disagreement on the question of religion.<sup>90</sup>

Also, the greater difficulty of fulfilling the task of mutual sanctification; less assurance of peace and cordial understanding; and a fatal tendency toward religious indifference.

For *the children*, there is reason to fear apostasy, or religious indifference, which is next door to loss of faith and ungodliness.

#### 153. DOES NOT THE CHURCH GRANT DISPENSATIONS FROM THE IMPEDIMENT OF "MIXED RELIGION"?

Yes, she sometimes does, for grave reasons based on religious interests; for example, when in an exceptional case a well-grounded hope of the other party's early conversion

<sup>87</sup>*America*, January 17, 1931, p. 350.

<sup>88</sup>Pp. 47, 48.

<sup>89</sup>Experience only confirms the wisdom of this judgment. Cf. Rev. P. Ter Haar, C SS R., *De matrimonio mixto eorumque remediis*.

<sup>90</sup>See the convincing and popular exposition of this subject in "Marry Your Own" by D. A. Lord, S J. (St. Louis, The Queen's Work).

makes the disadvantages and dangers more remote; and when a reason of a political nature demands such a concession.<sup>91</sup> Sometimes, too, the reason for the dispensation is hardness of heart; it is given to prevent a still greater evil.

But when she does dispense, the Church imposes conditions dictated by the spiritual interests of the parties and of the children. She requires that the Catholic party work for the conversion of the other; that the non-Catholic party agree in writing to allow the Catholic party full liberty to practise his or her religion devoutly. Moreover both parties must promise in writing to educate in the Catholic Faith all the children that may be born of the marriage.<sup>92</sup>

#### 154. IS THE PROHIBITION AGAINST MIXED MARRIAGES MERELY OF ECCLESIASTICAL ORIGIN?

It is a matter of natural and Divine law if there is danger of perversion for the Catholic spouse or for the children. (Can. 1060.)

#### 155. WHY IS IT THAT THE CODE OF CANON LAW SEEMS TO RESERVE ITS SEVERITY FOR THE MARRIAGES OF CATHOLICS WITH CHRISTIANS OF OTHER COMMUNIONS, AND WHY IS IT NOT MORE SEVERE ON MARRIAGES WITH UNBAPTIZED PERSONS?

It is in fact more severe on marriages with unbaptized persons, because for these it promulgates a more severe sanction: such marriages are null and void if contracted without a dispensation.

#### 156. WHAT OTHER SOCIAL PLAGUE FLOWS FROM THE PROFANATION OF MARRIAGE?

The plague of divorce, the increasing facility of which is deplored by the Encyclical.<sup>93</sup> Even persons who are little affected by the religious motive are alarmed by the moral and social decline which statistics indicate.<sup>94</sup> Nevertheless the obstinate abettors of the new paganism continue to agitate for the establishment of divorce where it does not yet exist, and for extending its facility where it is already recognized.

<sup>91</sup>[Translator's note This latter reason would seem to have application only in countries, such as many of those of Europe, where matrimonial alliances between royal families have political importance.]

<sup>92</sup>See Code of Canon Law, Canons 1061, 1062

<sup>93</sup>Pp. 48-51

<sup>94</sup>See, for instance, the statistics published by us in *Perspectiva*, 1930. See also Dermine, *La doctrine du mariage chrétien* "Divorce," he writes, p. 139, "makes love free, and kills it; indissolubility disciplines love, and saves it."

**157. WHAT REASONS DO THEY ALLEGE FOR SUCH ACTION?**

They allege both subjective and objective reasons: the *interests of the parties themselves*, they argue, demand that the innocent party be allowed to break with the guilty, and that the guilty party be withdrawn from a union which has become painful and strained; the *welfare of the children* requires that the quarrels and misbehavior of the parents be removed as a source of offence and scandal; the *good of society* demands the annulment of marriages which do not fulfil their purpose, and the legal separation of unhappy couples to prevent crimes, and to forestall lies and official perjuries committed in the course of legal proceedings for divorce.

Others, seeing no longer in marriage anything but a private contract, claim that, like any other contract, it can be made and dissolved by mutual consent.

**158. WHAT DOES THE ENCYCLICAL SAY TO THESE OBJECTIONS?**

It replies in the first place by recalling the inviolable law of God and of Christ, and the anathemas of the Council of Trent. We must have confidence in God and in the Church; neither God nor the Church is mistaken: that is enough to reject, in the name of the common welfare, the reasons conjured up under color of the same interest.

Then it adds that in extreme cases separation duly regulated by competent authority, that is, fundamentally by ecclesiastical authority, and as regards civil effects by the civil authority, is a sufficient protection against the evils mentioned.

Finally, a detailed contrast drawn between the regime of indissolubility and that allowing divorce, is an eloquent refutation of the argument attempted in favor of the latter.

**159. FROM WHAT SOURCE DOES THE ENCYCLICAL DRAW THIS CONTRAST?**

From the earlier Encyclical of Leo XIII. "*To revert again [says the Holy Father] to the expressions of Our predecessor, it is hardly necessary to point out what an amount of good is involved in the absolute indissolubility of wedlock and what a train of evils follows upon divorce. Whenever the marriage bond remains intact, then we find*

*marriages contracted with a sense of safety and security, while, when separations are considered and the dangers of divorce are present, the marriage contract itself becomes insecure, or at least gives ground for anxiety and surprises. On the one hand we see a wonderful strengthening of good will and co-operation in the daily life of husband and wife, while on the other both of these are miserably weakened by the presence of a facility for divorce. Here we have at a very opportune moment a source of help by which both parties are enabled to preserve their purity and loyalty; there we find harmful inducement to unfaithfulness. On this side we find the birth of children and their tuition and upbringing effectively promoted, many avenues of discord closed amongst families and relations, and the beginnings of rivalry and jealousy easily suppressed; on that, very great obstacles to the birth and rearing of children and their education, many occasions of quarrels and seeds of jealousy sown everywhere. Finally, but especially, the dignity and position of women in civil and domestic society is reinstated by the former; while by the latter it is shamefully lowered and the danger is incurred of their being considered outcasts, slaves of the lust of men."*<sup>95</sup>

Considering the exceptional importance of this matter, it seems worth while to sum up in a synoptic form the teachings which we have just transcribed.

#### INDISSOLUBILITY

Marriages peaceful and secure.  
 Mutual good will strengthened.  
 Guarantees of chaste fidelity.  
 Birth and education of children protected.  
 Door closed against discord between families.  
 Seeds of discord nipped in the bud.  
 Dignity and position of woman upheld in society and the home.

#### DIVORCE

Unions made precarious by even the distant prospect of divorce, and by suspicions easily aroused.  
 Good will weakened.  
 Harmful temptations to infidelity offered.  
 Birth and education of children compromised.  
 Many occasions of discord.  
 Seeds of discord growing to bitterness.  
 Humiliation of woman, often irreparable. "After having ministered to the passions of their husbands they are in danger of being considered as outcasts."—Leo XIII, "Arcanum."

**160. WHAT OTHER CONSEQUENCE DOES DIVORCE ENTAIL?**

It is the open road to the decay of morals, and leads to an ever-increasing number of broken homes.

**161. WHAT FINAL REMARK DOES THE ENCYCLICAL MAKE OF THE SUBJECT OF DIVORCE?**

It notes the justice of the forecast made by Leo XIII, the unheard-of degradation of the family where Communism is in control.

## PART THREE

### REMEDIES

#### 162. WHAT REMEDIES DOES THE HOLY FATHER INDICATE AS FIT TO CORRECT THESE ABUSES?

He indicates some direct and some indirect remedies.

#### 163. WHAT DO YOU MEAN BY DIRECT REMEDIES? 1

Those which operate directly against the ills and abuses. They are divided into principal ones, which attack the evil at its source, and secondary ones, which aim at the manifestations of the evil.

#### 164. WHAT ARE INDIRECT REMEDIES?

Those which either positively facilitate the action of the direct remedies, or tend to remove the obstacles to their action.

#### 165. WHAT GREAT DIRECT REMEDY IS INDICATED BY THE HOLY FATHER?

The great direct remedy is the restoration of marriage according to the Divine plan. The world is suffering from having departed from this plan; it can be cured only by returning to it.<sup>96</sup>

#### 166. WHAT ARE THE SECONDARY REMEDIES?

They are especially laws which would protect more effectively the sanctity of marriage, which would punish abuses against nature, and forbid the manufacture and sale of instruments used for sinful intercourse.

#### 167. WHAT INDIRECT REMEDIES ARE SUGGESTED?

The Encyclical proposes many.

1. Control over the concupiscence which leads to sin.<sup>97</sup> But this control supposes submission to God according to the words of St. Augustine: "Be thou subject to God, and thy flesh subject to thee"<sup>98</sup>; and according to the warning of St. Paul, that the sages of antiquity were delivered up to their shameful lusts for having refused humble submission to God (Rom. i, 21-24).

2. A profound piety implied in this very submission.<sup>99</sup>

<sup>96</sup>P. 52.  
<sup>99</sup>P. 53

<sup>97</sup>Pp. 53, 54. <sup>98</sup>*Enarr. in Ps.* 143, v. 6; PL, 37, 1860.

3. A consideration of those motives for curbing the passions which are based on natural reasons and on scientific facts. While the Holy Father does not entirely overlook such motives, nor dissuade their use, he warns us not to overestimate their importance.<sup>100</sup>

4. An accurate knowledge of the doctrine of marriage. There is more danger of going astray in this matter than in others, because here the appeal of the senses makes itself felt. Hence in this connection more appropriately than ever comes the recommendation to obey the Church, who is the teacher of truth and the infallible interpreter of a revelation which, while supernatural, is also destined, in the actual condition of the human race, to make easily available to all, without admixture of error, moral truths of the natural order.<sup>101</sup>

5. The firm determination to accomplish under all circumstances and at all costs the will of God expressed in His commandments.<sup>102</sup>

In order to form this determination, preserve it, and translate it into action, the Holy Father exhorts Christian spouses to meditate often on their state of life, and on the grace which is available to them through the Sacrament; to remember that they are consecrated and strengthened by a special Sacrament whose power never deserts them. It is theirs to cooperate always with the Divine advances, and by the generous fulfilment of their duties to experience practically the power of grace.

6. Remote preparation for marriage by the training of character.<sup>103</sup>

7. Proximate preparation by the wise choice of a partner.<sup>104</sup>

8. Care to provide a material situation which will render the fulfilment of duty less difficult.<sup>105</sup>

**168. CAN THE OBEDIENCE TO THE CHURCH, WHICH IS MENTIONED IN NUMBER FOUR OF OUR SUMMARY OF THE POPE'S RECOMMENDATIONS, BE LIMITED TO THE CHURCH'S SOLEMN DEFINITIONS?**

Absolutely not. With due proportion, it must be extended to her other decrees and to her proscription of certain opinions as false or dangerous. To trust only in one's

<sup>100</sup>P 54

<sup>101</sup>Pp. 54, 55.

<sup>102</sup>Pp 57, 58

<sup>103</sup>Pp. 58, 59.

<sup>104</sup>Pp. 59, 60.

<sup>105</sup>Pp. 60, 61.

own personal opinions, to imagine that the Church is but ill-informed on present conditions, to be ready to believe that her less solemn decrees are mistaken or ill-considered,—all this, says the Encyclical, *is quite foreign to everyone bearing the name of Christian.*

We may observe, besides, that it is scarcely worthy of a man of good sense. Is it not almost a contradiction to pass without any intermediate stages from a recognized duty of submission to a suspicious independence? The true Christian, whether learned or not, sees in the authoritative teaching mission granted to the Church, a sign of God's will that he accept also her less peremptory directions. In everything concerning faith and morals, he should therefore follow the guidance of the Church of God, through her supreme Pastor the Roman Pontiff, who is himself guided by Our Lord Jesus Christ!

**169. FROM THE FACT THAT TRUE PIETY AND KNOWLEDGE OF THE DOCTRINE OF MARRIAGE ARE SO IMPORTANT FOR THE IMPROVEMENT OF MORALS, WHAT CONCLUSION MAY BE DRAWN AS TO THE MISSION OF PASTORS AND THOSE WHO HAVE CARE OF SOULS?**

That their mission is to train the Faithful to piety and devotion to God; to propagate zealously the true doctrine of marriage so that the truth may possess the mind and captivate the heart; to counteract the spread of evil by a propaganda fully as active and industrious for the right.

**170. DOES THIS MISSION BELONG EXCLUSIVELY TO PASTORS AND PRIESTS?**

The Encyclical wishes also the concurrence of the laity, and especially of that intellectual and social *élite* which is enlisted for *Catholic Action*.

**171. IN MARRIAGE ITSELF, OF WHAT MUST CHRISTIANS BEWARE AS OF A REEF UPON WHICH THE CHARM AND IDEAL OF THEIR MARRIAGE RUN THE RISK OF CRASHING?**

They must shun the idolatry of the flesh, the ignoble servitude to pleasure. "It is imperative," wisely remarks Dr. Deelen,<sup>108</sup> "that the spiritual faculties keep the upper

hand." In this connection the Holy Father scores the idea of a so-called "perfect marriage," which, as has been well said, is really a *degenerate marriage*.<sup>107</sup>

The Holy Father also rejects, not indeed all physiological direction, but *that exaggerated physiological education . . . by which is learned the art of sinning in a subtle way rather than the virtue of living chastely*.<sup>108</sup>

#### 172. WHAT ENCOURAGING DOCTRINE DOES THE ENCYCLICAL PROFESS AS REGARDS THE SACRAMENT OF MATRIMONY?

It teaches that this Sacrament, which is conferred by the transitory act of the exchange of consent, is permanent in its effects; that it produces a bond that endures as a constant source of help and succor. Just as under the sacramental species dwells the Body of Christ, enduring sign of the Divine life which Christ communicates to those who receive Him, so the permanent bond of Christian marriage remains as a symbol of the union of Christ and His Church, and consequently as a symbol which signifies grace.

#### 173. WHAT KIND OF TRAINING SHOULD BE THE REMOTE PREPARATION FOR MARRIAGE?

A training which curbs selfishness and cowardice in the presence of temptations training to generosity and self-command.

#### 174. WHAT TYPE OF BRIDE AND GROOM ARE REALLY PREPARED FOR A HAPPY MARRIAGE?

Those who are determined to help each other in everything; to save their souls and to work for their mutual perfection; to be real fathers and mothers to their children,

<sup>107</sup>Under the title *Het volkomen huwelyk* ("Perfect Marriage"), Dr. Th. H. van de Velde, published at Leyden a book intended for doctors and husbands. It was the first volume of a trilogy on happiness in wedded life. It appeared in 1925 and was in its fourth edition already in 1926, and translated into several languages. Severely scored as a dangerous book by Dr. Schaeppman, in *Nederlandsche Katholieke Stemmen*, 1926, p. 219, it has just been placed on the Index with explicit mention that the prohibition applies to all translations (*Acta A. S.*, 1931, 117). More recently, another Catholic doctor, Dr. Deelen, published under the title *Van Man en Vrouw* ("Concerning Man and Wife") a work in an entirely different spirit, as admirable in its doctrine, which is that of the Encyclical, as for its style. On pages 87 and 88 he mentions the bad consequences of refinements of sensuality ('sHetogenbosch, Bois le Duc, Malmberg, 1931), and he advises, especially at the beginning of married life, a certain moderation in the use of the conjugal right, so that in case the need should arise, both parties may be ready for the abstinence which may become imperative. (This same advice is given by other excellent authorities, notably by Deelen, op. cit. p. 81, 82, and Rieder, *Brautunterricht*, pp. 20, 26.)

<sup>108</sup>P. 57.

and to provide for them at home that happiness which money cannot buy and which is a reminder of Heaven.

#### **175. WHICH ONES BECOME REAL CHRISTIANS AND GREAT CITIZENS?**

Precisely those who have prepared in this way for marriage.

#### **176. WHAT TASK THEN IS INCUMBENT ON FUTURE SPOUSES AND ON EDUCATORS?**

Future spouses must pass through, as it were, an apprenticeship for conjugal life by practising generosity and cultivating moral fibre. Educators must correct the disordered tendencies of children from their early years, and develop their good inclinations; imbue their minds with the doctrines that come from God, and prepare their hearts to receive the help of Divine grace.

#### **177. WHAT DOES THE ENCYCLICAL TEACH US AS TO THE CHOICE OF A PARTNER?**

It insists in the first place—and with what good reason!—on the importance of that choice. How many have to rue during their whole lives the rashness and frivolity of an ill-considered match!

Hence it demands mature deliberation, in which neither God nor religion are left out; in which the aspirants to marriage reflect on themselves, their character, education, propensities, and qualities; and consider, also, the other party and his or her fitness under these same respects, the children whom they must be ready to receive willingly from God's bounty, and finally society and their place in it.

It demands a prayer that this choice may be enlightened, pure and high in its motives.

It demands that the wise counsel of parents on the subject be not neglected: they have experience on their side; and besides this deference to them draws down the blessing of God.

#### **178. WHAT ECONOMIC SITUATION DOES THE HOLY FATHER HOPE TO SEE REALIZED?**

The Pope demands in the interest of conjugal morality and of the home something which is equally imperative for the peace of civil society, a situation which offers to every honest man a livelihood worthy of a human being with due

regard to circumstances of time and place. He demands that the father of a family have resources sufficient for the support of his family. Entering into details, he demands that decent lodging and living be obtainable through work; reasonable market prices; for the wife, immunity from such labor as is incompatible with the care of the home and the duties of motherhood, and, in child-birth, care and medical assistance. He is conscious besides that all this is equally imperative to prevent a general upheaval of society.

#### 179. ON WHAT FACTORS DOES THE ENCYCLICAL RELY FOR THE REALIZATION OF THIS SITUATION?

On a just wage, which the Holy Father declares must be at least a family wage, that is, sufficient to support a family; on the foresight and intelligent activity of the parties themselves, whether by individual efforts or by joint association. Also on the absolute duty of Christian charity, which requires a right use of this world's goods and the dedication of the surplus to relieve the needs of the poor. In case private efforts to this end are insufficient, the Holy Father counts on the supplementary intervention of the public authority. To relieve the penury of the needy, says the Holy Father, is one of the most important of the administrative duties of those who have the care of the State and of the common good.<sup>109</sup>

#### 180. BY WHAT TITLE IS THE FAMILY WAGE DUE?

His Holiness Pius XI does not undertake to solve this question by an authoritative decree, any more than did Leo XIII in his "Rerum Novarum."<sup>110</sup> But he insinuates, as did Leo XIII, that the title is one of strict justice. The Latin text does not present the obligation of paying a family wage as connected with that of paying a just wage. Literally, the words: "*neque fas est mercedes statui tam tenues quæ, pro rerum condicionibus, alendæ familiæ sint impares,*" are translated: "nor is it lawful to fix such a scanty wage as will be insufficient for the upkeep of the family in the circumstances in which it is placed." The words, "nor is it lawful" must be understood in this sense, the "nor" being used in this instance merely as a connective.<sup>111</sup>

<sup>109</sup>Pp. 61, 62. See the fine article of Msgr. Vanneufville, *L'Encyclique sur le mariage Aspects sociaux (Chronique Sociale de France, Febr., 1931)*.

<sup>110</sup>However, Dr. John Ryan, in the *Ecclesiastical Review*, 1931, pp. 269-270, observes that the Holy Father declares explicitly that a non-family wage is illicit. See also the article of Father Blakely, S. J., in *America*, 1931, p. 386.

<sup>111</sup>P. 60.

**181. SHOULD THE CARE OF INDIGENT FAMILIES EXTEND TO ILLEGITIMATE CHILDREN?**

The Encyclical says that they should also be helped in order to avoid greater evils. Besides, a woman who accepts the burden of motherhood has in part expiated the guilt of conception. The Encyclical, however, protests against the inversion of right order which takes place when an illegitimate mother is treated better, is aided more expeditiously and more bountifully than is the dutiful wife.

**182. SHOULD THE INTERVENTION OF THE STATE BE LIMITED TO MATERIAL AID?**

It is of the highest importance to the State to safeguard also the moral order; to promulgate just laws regarding conjugal chastity and the mutual duties of husband and wife.

**183. WHAT LAWS, FOR INSTANCE, ARE HIGHLY DESIRABLE FROM THIS POINT OF VIEW?**

Laws forbidding criminal practices, punishing the instigators and advisers of such practices; hindering the manufacture and sale of instruments designed for such abuses; laws regulating and protecting marriage according to the law of God and the declarations of the Church.

**184. DOES NOT THIS SUPPOSE AN UNDERSTANDING OF THE CIVIL POWER WITH THE ECCLESIASTICAL, AN ALLIANCE, A CONCERTED ACTION BETWEEN THE TWO?**

It does; but such an understanding and alliance are highly desirable. Public morals need the guidance of the true religion and the help of grace; while on the other hand civil laws can accomplish a great deal to second the Church. Not a few people regulate, if not their consciences, at least their conduct, according to what State laws allow or forbid.

**185. DOES NOT SUCH AN UNDERSTANDING THREATEN TO DIMINISH THE AUTHORITY AND INFLUENCE OF THE STATE?**

The State has nothing to fear from it, since the Church recognizes the legitimacy of the civil authority as parallel with that of the Church, and the independence of the two, each in its own sphere. On the other hand, the family, society, and humanity have everything to gain by such an agreement.

### 186. CAN SUCH AN ACCORD BE PRACTICALLY REALIZED IN MODERN SOCIETY?

So much so that the Holy Father can adduce the example of the Lateran pacts, those agreements with Italy which furnished the solution to the Roman Question.<sup>112</sup>

As regards marriage, the Concordat, in article 34 begins with this fine preamble: "The Italian State, wishing to restore to marriage, which is the basis of families, a dignity worthy of the Catholic traditions of its subjects, recognizes the civil effects of the sacrament of matrimony as it is regulated by Canon Law."

There follows a stipulation that the banns of marriage shall be published, not only in the parish, but also in the communal house.

Immediately after the wedding the parish priest is to explain the civil effects of the marriage by reading the provisions of the civil code on the rights and duties of husband and wife. A copy of the marriage certificate must be furnished within five days to the Commune, to be entered in the records of the State.

Grounds for nullity, and the dispensation from the bond of a non-consummated marriage (*ratum et non consummatum*) are reserved to the ecclesiastical bureaus. The Supreme Tribunal of the *Signatura* verifies the regularity of the procedure and transmits the decrees to the Court of Appeals of the State, which shall render them executory.

The Holy See consents to the adjudication of causes of separation by the civil judicial authorities.

### 187. WHAT IS THE WISH EXPRESSED BY THE HOLY FATHER AT THE CLOSE OF THIS BEAUTIFUL ENCYCLICAL?

He expresses the wish that its teachings may be spread far and wide, and its lessons and precepts put into practise.

Also the Father of all the Faithful cannot but be pleased to receive from men of the world and men of learning, such testimonials as the one that comes from Dr. René Biot, of Lyons, who writes: "It is not only lessons in morality but also lessons in method which the Encyclical gives to the medical world. While it will serve as a guide to morality, it will also mark a new epoch by stimulating medical men

<sup>112</sup>The Lateran agreements can be found in *Acta Apostolicæ Sedis*, 1929, Vol. 21, p. 209, or in *Persodica*, Vol. 18, p. 125. [Also in "The Pope and Italy," by W. Parsons, S.J. The America Press.]

to new efforts for the upbuilding of the science of 'human medicine.'"<sup>113</sup>

**188. BUT, WHEN WE CONSIDER WHAT MODERN SOCIETY IS, WITH ALL THE DEMANDS OF ITS "CULTURE," IS NOT THIS A UTOPIAN DREAM?**

It is no more utopian than were these same teachings when they were promulgated amid the corruption of pagan Rome.

As a matter of fact it is already awakening a response in the consciences even of persons who are strangers to the Catholic faith.

"Here we have at last," said the Protestant magazine *Vie Nouvelle*, on January 30 of this year, "without mincing, compromise, or concealment, the evangelic ideal of marriage, highly proclaimed with all its severity and all its imposing beauty, and the formal condemnation of whatever threatens its sublime indissolubility or stains its purity."

The noted English Catholic writer and lecturer, G. K. Chesterton, said in New York: The Encyclical on Christian marriage "compels us to squarely face the question whether the world would really be happier under the sexual anarchy advocated by the vociferous minority or living in conformity with the rules prescribed by the Church."<sup>114</sup>

"In truth," concludes the Catholic Doctor Deelen, "indissoluble Christian marriage meets all the legitimate demands which life attaches to procreation."<sup>115</sup>

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We may therefore repeat with confidence the touching prayer which at the close of his Encyclical the Holy Father addresses to the Most Blessed Trinity; and we may also count on the Apostolic Blessing which he then gave to the entire world.

<sup>113</sup>*L'Encyclique sur le mariage. Reflexions d'un médecin*

<sup>114</sup>Quoted from *Catholic Daily Tribune*, January 16, 1931

<sup>115</sup>*Van Man en Vrouw*, p. 96.

**CLOSING PRAYER OF THE HOLY FATHER**

*May the Father, "of whom all Paternity in heaven and earth is named," who strengthens the weak and gives courage to the pusillanimous and faint-hearted, and Christ Our Lord and Redeemer, "the Institutor and Perfecter of the holy Sacraments," who desired marriage to be and made it the mystical image of His own ineffable union with the Church, and the Holy Ghost, charity, the light of hearts and the strength of the mind, grant that what We by this letter have expounded concerning the holy Sacrament of Matrimony, the wonderful law and will of God respecting it, the errors and impending dangers, and the remedies with which they can be counteracted, all will perceive, will admit with a ready will, and by the grace of God will put into practise, so that that fruitfulness dedicated to God, immaculate faith, unshaken stability, and the riches and plenitude of the graces of the Sacrament, may once more vigorously flourish in Christian wedlock.*