Marriage and Divorce

By James, Cardinal Gibbons

MARRIAGE is the most inviolable and irrevocable of all contracts that were ever formed. Every human compact may be lawfully dissolved but this. Nations may be justified in abrogating treaties with each other; merchants may dissolve partnerships; brothers will eventually leave the parental roof, and separate from one another; friends may be obliged to part company,—but by the law of God the bond uniting husband and wife can be dissolved only by death. No earthly sword can sever the nuptial knot which the Lord has tied; for "what God hath joined together let no man put asunder."

Three of the Evangelists, as well as the Apostle of the Gentiles, proclaim the indissolubility of marriage, and forbid a wedded person to engage in second wedlock during the life of his spouse. There is indeed scarcely a moral precept more strongly enforced in the Gospel than the indissoluble character of marriage validly contracted.

The Pharisees came to Jesus, tempting Him and saying, "Is it lawful for a man to put away his wife for every cause?" Who, answering, said to them, "Have ye not read that He who made man from the beginning, made them male and female?" And He said: "For this cause, shall a man leave father and mother, and shall cleave to his wife, and they two shall be in one flesh. What therefore God hath joined together, let no man put asunder."

Why Moses Permitted Divorce

THEY say to Him, "Why then did Moses command to give a bill of divorce, and to put away?" He saith to them, "Moses, because of the hardness of your hearts permitted you to put away your wives: but from the beginning it was not so; and I say to you, whosoever shall put away his wife, except it be for fornication, and shall marry another, committeth adultery, and he who shall marry her that is put away, committeth adultery."

Our Savior here emphatically declares that the nuptial bond is ratified by God Himself, and hence that no man can validly dissolve the contract. To the Pharisees interposing this objection, if marriage is not to be dissolved, why then did Moses command to give a divorce, our Lord replied that Moses did not command, but simply permitted the separation, and that in tolerating this indulgence the great lawgiver had regard to the violent passion of the Jewish people, who would fall into a greater excess if their desire to be divorced and to form a new alliance were refused. But our Savior reminded them that in the primitive times no such license was granted. He adds, "I say unto you: Whosoever shall put away his wife and shall marry another, committeth adultery."

It is sometimes erroneously asserted that the text justifies an injured husband in separating from his adulterous wife and marrying again. But the Gospel is to be explained in the sense that while the offended consort may obtain a divorce from bed and board from his unfaithful wife, he is not allowed a divorce so as to have the privilege of marrying another. This interpretation is confirmed by the concurrent testimony of the Evangelists Mark and Luke, and by Saint Paul, all of whom prohibit a divorce *a vinculo* without any qualification whatever. In Saint Mark we read, "Whosoever shall put away his wife, and shall marry another, committeth adultery against her, and if the wife shall put away her husband, and be married to another, she committeth adultery."

The same unqualified declaration is made by Saint Luke: "Everyone that putteth away his wife, and marrieth another, committeth adultery: and he that marrieth her that is put away from her husband, committeth adultery." Both these Evangelists forbid either husband or wife to enter into second wedlock, how aggravating soever may be the cause of their separation. And surely if the case of adultery authorized the aggrieved husband to marry another wife, those inspired penmen would not have failed to mention that qualifying circumstance.

Another Prohibition

PASSING from the Gospels to the Epistles of Saint Paul to the Corinthians, we find there also an unqualified prohibition of divorce. The Apostle is writing to a city newly converted to the Christian religion. Among other topics he indicates the doctrine of the church respecting matrimony. We must suppose that, as an inspired writer and a faithful minister of the Word, he discharges his duty conscientiously, without suppressing or extenuating one iota of the law. He addresses the Corinthians as follows: "To them that are married, not I but the Lord commandeth, that the wife depart not from her husband. And if she depart, that she remain unmarried, or be reconciled to her husband. And let not the husband put away his wife."

Here we find the Apostle in his Master's name commanding the separated to remain unmarried, without any reference to adultery. If so important an exception existed, Saint Paul would not have omitted to mention it; otherwise he would have rendered the Gospel yoke more grievous than its founder intended it to be. We must, therefore, admit that, according to the religion of Jesus Christ, conjugal infidelity does not warrant either party to marry again; or we are forced to the conclusion that the vast number of Christians whose knowledge of Christianity was derived solely from the teachings of Saints Mark, Luke, and Paul were imperfectly instructed in their faith.

Woman's Unhappy Past

THE family is the source of society; the wife is the source of the family. If the fountain is not pure, the stream is sure to be foul and muddy. Social life is the reflex of family life. And if we would clearly understand whither as a nation we are drifting when we forsake the Christian standard of morals and the Christian precepts concerning the indissoluble nature of the marriage tie, the history of women in pagan countries should enlighten us. With rare exceptions, they suffered bondage, oppression, and moral degradation. The wife had no rights that the husband felt bound to respect. Woman was kept in perpetual bondage or unending tutelage; she was regarded as the slave and the instrument of man's passions, rather than his equal and companion, by nearly every nation of antiquity; and she is still so regarded in all countries where Christianity does not prevail.

It was part of the mission of Christianity to change all this. Woman was proclaimed the peer of man in origin and destiny; her dignity, in consequence, being equal to his, and the vindication of the unity, the sanctity, and the indissolubility of marriage conferred the greatest boon upon the female sex. The holiness of the marriage bond is the palladium of woman's dignity, while polygamy and divorce involve her in bondage and degradation. In accordance with the teachings of our Savior, no man can have more than one wife, and no woman more than one husband. The rights and obligations of both consorts are correlative. To give to the husband the license of two or more wives would be an injustice to his wife, and destructive of domestic peace.

While admitting that there may be legitimate cause for separation, we can never allow any pretext for the absolute dissolution of the marriage bond. For so strong and violent are the passion of love and its opposite passion of hate, so insidious is the human heart, that once a solitary pretext is admitted for absolute divorce, others are quickly invented, as experience has shown. Thus, a fearful crevice is made in the moral embankment, and the rush of waters is sure to override every barrier that separates a man from the object of his desires. It has again and again been alleged that this law is too severe; that it is harsh and cruel; and that it condemns to a life of misery two souls who might find happiness if permitted to have their marriage annulled and to be united with more congenial partners.

When Harshness Is Mercy

EVERY law has its occasional inconveniences, and I admit that the law absolutely prohibiting divorce *a vinculo* may sometimes appear rigorous and cruel. But its harshness is mercy itself when compared with the frightful miseries resulting from the toleration of divorce. Its inconvenience is infinitesimal when contrasted with the colossal evils from which it saves society and the solid blessings it secures to countless homes. Those exceptional ill assorted marriages would become more rare if the public were convinced once for all that death alone can dissolve the marriage bond. They would then use more circumspection in the selection of a conjugal partner. The reckless facility with which divorce is procured in this country is an evil scarcely less deplorable than Mormonism. Indeed, it is in some respects more dangerous than the latter; for divorce has the sanction of the civil law, which Mormonism has not. Is not the law of divorce a virtual toleration of Mormonism in a modified form? Mormonism is simultaneous polygamy, while the law of divorce practically leads to successive polygamy.

Each State has on its statute books a list of causes, or rather pretexts, which are recognized as sufficient ground for divorce *a vinculo*. There are in all twenty-two or more causes, most of them of a trifling character, and in some States the power of granting a divorce is left to the discretion of the Judge. In reports on the statistics of marriage and divorce, startling facts appear in testimony of the awful industry of the divorce courts. From all this it is painfully manifest that the cancer of divorce is rapidly spreading over the community and poisoning the fountains of the nation. Unless the evil is checked by some speedy and heroic remedy, the existence of family life is imperiled. How can we call ourselves a Christian people, if we violate a fundamental law of Christianity? And if the sanctity and indissolubility do not