

# Roman Catholicism By Lorraine Boettner

## Chapter XV Marriage

This is the continuation of Dr. Boettner's book, *Roman Catholicism* and the next chapter after [Chapter XIV Celibacy](#).

### **1. The Christian View of Marriage**

The teaching of Scripture concerning marriage can be set forth in the four following propositions:

1. Marriage is a holy and sacred relationship between one man and one woman, designed to continue as long as they both live.
2. Marriage is the normal state for the average adult both from the social and the hygienic standpoint.
3. Children are a gift from God.
4. The family (not the individual) is the fundamental unit of society.

In the Christian view of marriage sex is set forth as one of the powers divinely implanted in human nature. It is, therefore, not to be looked upon as something evil, something to be suppressed and put down like a plague. The Bible tells us: "God created man in his own image, in the image of God created he him; male and female created he them" (Genesis 1:27). In that same passage we also read: "And God saw everything that he had made, and, behold, it was very good" (vs. 31).

God, then, is the author of sex. He created mankind with that particular power, and when He had done so He pronounced it good. He also made clear that the purpose of sex was (1) that the human race might be perpetuated and that it might increase upon the earth, and (2) that it might provide a special kind of companionship among human beings. Viewed in this light, marriage is a gift that not even the angels know, and sex is a high and wholesome gift from God to the highest of His earthly creatures. Sex, therefore, can become evil only when it is perverted.

Says one writer: "The attraction which men and women and boys and girls feel for each other is a normal, natural thing. It is part of the nature that God has put within us, but it must be governed by the ideals and rules that He has given us. The fullness of human relationship is to be shared by only one man with one woman and vice versa. It is intended that this human partnership shall be on a lifetime basis. It is a union which is physical and spiritual, and it is the ultimate in human relationships" (B. Hoyt Evans, *The Presbyterian Journal*, August 5, 1959).

For the Christian man and woman marriage properly begins in the church. Most Christians realize the importance of religion for marriage, and they want to

have the ceremony solemnized and blessed by the church. The vows taken are religious. The spiritual aspect of marriage and the blessing of God upon the new union are the very heart of the matter. For Christians it just does not seem right or sufficient to be married before a civil official even though such marriage is legal. A mere civil ceremony seems cold and lacking in that spiritual aspect which can do so much to enrich and ennoble the new union and make it permanent. For non-Christians, however, the civil ceremony is both legal and proper.

## **2 The Roman Doctrine that Marriage Is a Sacrament**

Because the supposedly infallible Vulgate mistranslated Ephesians 5:32 to read, "This is a great sacrament," the Roman Church for ages has taught that marriage is a sacrament. But the correct translation is: "This is a great mystery."

In his broader teaching in Ephesians chapter 5, Paul is speaking of the union that exists between Christ and the church, and he points to marriage as a symbol of that union. He teaches that as Christ loved the church, and gave himself up for it (v. 25), so should husbands love their wives as their own bodies (v. 28). He says: "For this cause shall a man leave his father and mother, and shall be joined unto his wife, and they two shall be one flesh"; and then he adds: "This is a great mystery: but I speak concerning Christ and the church" (vv. 31-32, King James Version). The American Standard Version reads: "This mystery is great," which is substantially the same. Today even Roman Catholic writers acknowledge that the old translation was in error. The new Confraternity Version translates it correctly: "This is a great mystery"—which is the same as the King James Version. But the Church of Rome continues to hold zealously the doctrine that was formulated on the erroneous Vulgate translation, namely, that marriage is a sacrament. Marriage is now firmly established as one of the seven sacraments of the Church of Rome, and evidently cannot be relinquished.

A vital consequence of the erroneous translation has been that the Roman Church has attempted to control everything pertaining to marriage. Since marriage was held to be a sacrament, that placed it entirely under the control of the church; for only the church can administer a sacrament. Civil marriage was declared to be unlawful. And since at the time of the Council of Trent the Roman Church did not acknowledge the validity of Protestant marriage, the Council simply declared that any marriage not performed by a priest was null and void. The 73rd article of the *Syllabus of Errors* issued by Pope Pius IX, which even today forms a part of the ordination vow of every Roman Catholic priest, says: "Marriage among Christians cannot be constituted by any mere civil contract; the marriage contract among Christians must always be a sacrament; and the contract is null, if the sacrament does not exist." In another statement Pius IX declared that marriage without the Roman sacrament was "low and abominable concubinage."

The Catholic Almanac for 1954 says: "... a Catholic who goes through a marriage ceremony before a minister or justice of the peace contracts no marriage." And America's most distinguished Roman theologian, Monsignor Francis J. Connell, for many years Dean of the School of Sacred Theology at Catholic

University, in Washington, D. C., sets forth the rule that Roman Catholics who are married before a Protestant minister must be punished even to the graveyard. In answer to the question, "Is it correct to tell Catholics that they will be denied Christian burial in the event that they attempt marriage before a non-Catholic minister?" he replied: "Such a statement can be made correctly, as long as the clause is added, 'unless before death they give signs of repentance' (Canon 1240, Section 1). The reason is that by such a sinful act a Catholic becomes a public and manifest sinner, and to such a one Christian burial is denied (Canon 1240, Section 1, Note 6)" (*American Ecclesiastical Review*, October, 1959, p. 266). And *The Sign*, a Roman Catholic magazine, issue of May, 1958, expresses typical Roman Catholic bigotry on this subject when it refers to marriage not performed by a priest as merely "attempted" marriage, and rates a marriage ceremony performed by a Protestant minister as inferior even to that of a civil official. It says: "The attempted marriage of two Catholics, or of even one Catholic, before a civil official is invalid. On that score, however, excommunication is not incurred, as would be the case were the marriage attempted before a non-Catholic religious minister." A practical Commentary on the *Code of Canon Law* (1925), by S. Woywod, page 563, carrying the imprimatur of Cardinal Hayes, sets forth this same view, as does another book, *Catholic Principles of Politics*, by Ryan and Boland, a widely used text in Roman Catholic colleges and universities. Hence it is clear that the Roman Church claims exclusive jurisdiction over the marriage contract and the marital state of Christians, and that all civil laws that contradict Canon Law are held to be null and void.<sup>1</sup>

<sup>1</sup> Marriage requirements were liberalized somewhat in 1966 and again in 1970. See footnote [#2].

But the fact is that Rome's own teaching is null and void, for Paul does not say that marriage is a sacrament, nor is that statement found anywhere in the Bible. Marriage was not instituted by Christ, which is a requirement for a true sacrament, but instead was instituted in the Garden of Eden thousands of years before the time of Christ. Hence Rome's attempt to bring all marriage under her exclusive jurisdiction stands revealed as merely another of the methods which she uses in her attempt to nullify an important area of civil control and to bring all human relationships under her own control. Her clearly revealed purpose is to rule the entire life of the family.

The fact that Roman Catholicism holds that marriage is a sacrament does not mean that it holds marriage in greater reverence than does Protestantism. Protestantism holds that marriage was divinely instituted in the Garden of Eden, and so was established by God's blessing. For a Christian, therefore, it is a sacred ordinance that should be performed by a minister and blessed by the church.

### **3 Roman Denial of the Validity of Protestant and Civil. Marriage**

During the Middle Ages, when the Roman Church had a monopoly over all religious affairs, her control over marriage was effective and ruthless. Civil law was conformed to Canon Law, and no form of marriage other than that performed by a priest was recognized as valid or legal. Even after the

Reformation the Roman Church for centuries continued to deny the validity of all marriage performed by Protestant ministers or by officials of the state. She asserted that all couples not married by a priest were living in adultery and that their children were illegitimate.

Few Protestants seem to know that even today the Roman Church still claims authority over the marriage of all Christians everywhere, over Protestants as well as Roman Catholics, and that it is only since the *Ne Temere* decree, issued by Pope Pius X, April 19, 1908, that the marriage of Protestants, performed by Protestant ministers, has been regarded as valid by the Roman Church. And even today in several countries where there is a concordat between the Vatican and the civil government, as in Spain and Colombia, Protestant marriages still are illegal. Civil marriages are legal for Protestants, but they have to be approved by judges who usually are Roman Catholics and they often are hindered by all kinds of impediments. If one party has been baptized into the Roman Church even in fancy (as most people in those countries have been), even though he has long since left that church, Rome still opposes the marriage and seeks to bring it within her own jurisdiction. That, of course, is Roman practice everywhere, never to give up to another church one who has been baptized in the Roman Church. In the concordat countries the marriage of two Roman Catholics, or of a Roman Catholic and a Protestant, or of a Roman Catholic and an unbeliever, before a Protestant minister or official of the state is strictly forbidden by the Roman Church and is illegal in the state. That is a consistent pattern in countries where Rome has the power to enforce her will, and that is what we can expect in the United States if this ever becomes a Roman Catholic nation.

The *Ne Temere* decree of 1908, while granting that the marriage of Protestants by Protestant ministers after that date would be considered valid, was not retroactive and did not validate such marriages performed before that date. On the other hand it defined more specifically the rule of the Roman Church regarding its own members, in that anywhere the marriage of two Roman Catholics, or of one Roman Catholic and a Protestant, before a Protestant minister or an official of the state was pronounced null and void, even though the marriage had occurred years earlier and had brought forth several children. Furthermore, the decree of 1908 was made only as a concession, largely because of pressure brought to bear on the hierarchy in the United States and other Protestant countries. Hence the pope may revoke that decree any time he deems expedient and declare that no marriage of Christians anywhere is valid without the special blessing of his priests.

Because of the pope's asserted authority over all Christian marriage, he claims the authority to annul any Protestant marriage anywhere and at any time. That authority is no idle boast, and is exercised today in some cases in which Protestants wish to be free from present mates in order to marry Roman Catholics. Though professing to be unalterably opposed to divorce, the Roman Church gets around that obstacle quite easily by declaring those marriages null and void, that is, never to have existed in the first place. She simply grants an "annulment." Surely it would be hard to find bigotry and intolerance in a more exaggerated form than is thus displayed officially and continually by the Roman Church.

There is a strange inconsistency in the application of the *Ne Temere* decree. Under that decree if two Protestants are married by a Protestant minister the marriage is held to be valid. But if two Roman Catholics, or a Roman Catholic and a Protestant, are married by the same minister, using the same service and taking the same vows, she calls it "attempted marriage," and pronounces it null and void. By all the rules of logic if the ceremony is valid in one case it is also valid in the other. Such a distinction in Canon Law is merely another evidence of the compromising nature of the Roman Church, conceding as much as seems expedient under certain circumstances, but enforcing her rule wherever she is able.

That the Roman Church in Protestant countries today does not interfere directly with marriage when only Protestants are concerned is due only to the fact that she does not have the power, not because she willingly and freely makes that concession. Let it never be doubted that if Rome gains the power she will again enforce her claim over all marriage as she did before the Reformation. She would like nothing better than to return to that period, which even yet she refers to nostalgically as "the age of faith." An example of what Roman Catholic domination in the field of marriage can mean, and of the ideal that Rome would like to put into effect everywhere, is set forth in the report of the Evangelical Confederation of Colombia, dated August 24, 1959. It reads as follows:

*"Protestant marriage not legal.* As the Roman Catholic and the civil ceremonies are the only forms of marriage which produce legal effects in Colombia, Protestants are first married by a magistrate and then solemnize their union with a religious service in their church.

"The Roman Catholic clergy is jealous of its privileged position in the performance of the marriage ceremony. It brands as 'public concubinage' the union produced by civil marriage. It puts pressure on the civil authorities to delay and obstruct the civil ceremony, if not to prevent it altogether. Against those couples who have the courage and tenacity to carry through with the civil ceremony the church hurls its penalty of excommunication in an attempt to force the pair, through social ostracism and economic pressure, to renounce their sin and return to the Catholic Church in repentance."

For members of the Roman Catholic Church in Colombia only a church ceremony is valid. However, a national law states that if both parties to the marriage declare that they have never been members of the Roman Catholic Church, or that they have formally separated from it, a civil ceremony is valid. But the process is a difficult one. The magistrates must notify the priest in whose parish the couple are resident, and then a delay of one month is required, during which time the priest has opportunity to try to dissuade the parties from their contemplated step. At the request of the priest the civil ceremony may be postponed indefinitely. Conditions in Spain are similar to those in Colombia.

Marriage of a Roman Catholic and a Protestant before a Protestant minister opens the way for easy divorce on the part of the Roman Catholic. Suppose a Roman Catholic man marries a Protestant girl. If marriage proves to be satisfactory, well and good; he is content to let stand. But if it does not

turn out well, he can easily accept the teaching of his church that it was not a valid marriage in the first place. He does not see it as the solemnly binding union that the Protestant holds it to be. If he finds himself forbidden absolution from sin by the priest because of a Protestant marriage, he may feel obliged in conscience to separate from the Protestant partner. But if the couple wishes to remain together he may proceed to obtain from the pope a dispensation or a "revalidation" of the marriage. An effort usually will be made to persuade the Protestant to submit to a Roman Catholic wedding. But if that fails, a curious thing happens. The Roman Catholic party then goes alone to the priest. Lucien Vinet describes this process as follows:

"He or she will be married 'validly' without the consent or knowledge of the Protestant party. This wonderful Roman invention is called, in Latin, 'Revalidatio in radice' (Cure from the very root). The pope in Rome will give his consent to this marriage in union with that of the Roman Catholic party, using also the original marriage consent of the Protestant party, and this will render valid the marriage of this unfortunate couple. The cure has been effected. The 'Sanatio' of the pope has validly married the two persons without the knowledge of the Protestant party. Now the couple can live together and the Roman Catholic party has no more conscientious troubles" (*I Was a Priest*, p. 56).

Recently a case arose in Italy in which a man who was not a member of the Roman Catholic Church and a woman who was a member were married in a civil ceremony. At the direction of the bishop of Brato the local priest read a letter to the congregation in which the legality of the marriage was denied and the relationship was denounced as "low and abominable concubinage." The case was taken to court by the husband, on the charge of slander, and in March, 1958, a verdict was obtained against the bishop and the priest. The court was composed of three judges who were Roman Catholics. The bishop was fined 40,000 lire (\$64) and costs of the six-day trial, and was ordered to pay the injured couple \$672 damages. The \$64 fine, however, was suspended. The bishop appealed the case and strong pressure was brought to bear on the court by the hierarchy from the pope down. The pope declared a period of mourning, because a fine had been laid on a bishop of the Roman Church by a civil court. That apparently was more pressure than the court could stand. The result was that the verdict was reversed, the claim for damages was denied, and the couple was ordered to pay the court costs. There the case ended, but not without a great deal of very unfavorable publicity for the Roman Church.

There is, of course, nothing in Scripture that gives to church authorities the exclusive right to perform the marriage ceremony. According to American law the legal right and privilege of performing marriage ceremonies is given to the ministers of all churches who qualify and to certain officials of the state. No person or church should attempt to usurp that power, or to say that marriages performed by rituals other than their own are illegal and that the people who employ them are not married but are living in sin. Such procedure is a vicious repudiation of American law, and should be punishable as slander in the courts. In New Zealand it is a felony punishable in the courts for any

church or individual to declare or teach that a marriage contracted in accordance with the civil law is not a true marriage. Certainly church laws made in a foreign country and utterly lacking in Scriptural authority, should not be allowed to supersede American laws, resulting in the vilification of the ministers of other churches, our court officials, and many of our people whose good name is injured by such laws. But Roman Church law, based on Canon 1094, does precisely that. In Roman Catholic countries it is a common occurrence for the civil laws to be conformed to or based on the Roman Church Canon Law. The Roman Church thus claims that she is above all civil authority, that to her belongs the authority to legislate on matters pertaining to marriage, and that any conflict between the church and the state is to be resolved in favor of the church.

#### **4 The Pre-Marital Contract**

Since the Roman Church denies the validity of the marriage of a Roman Catholic before a Protestant minister, there is strong pressure on Roman Catholics, if they wish to remain in good standing with their church, to be married only by a priest. When a Protestant consents to marry a Roman Catholic before a priest, he finds that he must agree, first, to take a series of religious instructions. This course, given by the priest, consists of at least six one-hour lessons in which the doctrines of that church are favorably presented in the hope that the Protestant will be persuaded to become a Roman Catholic. Ten to fifteen such lessons are preferred if the Protestant will consent to take them. He is also given some books to study which glorify the Roman Church and condemn Protestant churches. He soon learns that he must sign away all his religious rights and privileges in the home, and that he must make all of the concessions while the Roman Catholic party makes none at all. He also learns that the Roman Catholic party must secure a dispensation from the bishop (the priest cannot grant it) before a mixed marriage can be performed, for which dispensation a payment be made (every service in the Roman Church seems to have a fee attached to it, and this fee is in addition to the regular marriage fee). This payment normally is made by the man. But if the man happens to be a Protestant, and particularly if he might be expected to resent a request for such a payment, it is made by the future wife.

The following contract must be signed by the Protestant:<sup>2</sup>

"I, the undersigned, not a member of the Catholic Church, wishing to contract marriage with \_\_\_\_\_, a member of the Catholic Church, propose to do so with the understanding that the marriage thus contracted is indissoluble, except by death. I promise on my word of honor that I will not in any way hinder or obstruct the said \_\_\_\_\_ in the exercise of \_\_\_\_\_ religion, and that all children of either sex born of our marriage shall be baptized and educated in the Catholic Church, even though the said \_\_\_\_\_ should be taken away by death. I further promise that I will marry \_\_\_\_\_ only according to the marriage rite of the Catholic Church; that I will not either before or after the Catholic ceremony present myself with \_\_\_\_\_ for marriage with a civil magistrate or minister of the gospel."

The following promise is to be signed by the Roman Catholic party:

"I, \_\_\_\_\_, a Catholic, wishing to marry \_\_\_\_\_, a non-Catholic, hereby promise that, if the Most Reverend Bishop grants me a dispensation, I will have all my children baptized and reared in the Catholic Church, sending them, if possible to a Catholic school, and will practice my religion faithfully, and do all in my power, especially by prayer, good example, and frequentation of the Sacraments, to bring about the conversion of my consort."

<sup>2</sup> Twice in recent years Pope Paul VI has made some concessions regarding the marriage ceremony. On March 18, 1966, it was left to the bishop to decide whether the pledges from both parties that any children born to the union should be baptized and educated in the Roman Catholic Church should be oral or in writing. A mixed marriage could be performed by the priest in the church, with mass and nuptial blessing. Permission was granted for a Protestant minister to have a part in the ceremony and to offer words of congratulations and exhortation, but only after the priest had conducted the ceremony and had secured the pledges that any children would be raised as Roman Catholics, and the Protestant had pledged not to interfere with their religious training. Marriage performed by a Protestant minister or by a civil ceremony was not recognized as lawful, but a Roman Catholic so married was no longer excommunicated. A separate ceremony in any other church, either before or after the Roman Catholic ceremony, was forbidden as before. Only a minute number of Protestant ministers, most of them very liberal minded, consented so to cooperate.

And on April 29, 1970, though still upholding the church's objection to mixed marriages, but described by Vatican officials as a "definite step" toward other churches for the sake of Christian unity, Pope Paul gave permission for bishops to permit mixed marriages to be performed without a priest, "if serious difficulties stand in the way." The Protestant is not required to promise that the children will be reared in Roman Catholic Church, but the Roman Catholic still must promise the bishop "to do all in his power" to have the children so reared. Previously such a dispensation could be obtained only from the Vatican.

This promise by the Roman Catholic party, containing among other things a pledge to work for the conversion of the Protestant party, is not necessarily brought to the attention of the Protestant party, but may be signed in secret. Resentment has often arisen when it has been discovered, sometimes years afterward, that such a pledge was made a part of the wedding contract without the knowledge or consent of the Protestant party.

After these pledges have been signed the wedding ceremony can be performed only by a Roman Catholic priest. It cannot, however, take place in the church, but only in the rectory or church vestry. No organ will be played, and no singing will take place. The girl, if she is the Roman Catholic party, is purposely deprived of the glamour of the ritual and of the blessing of her church, which means so much to a Roman Catholic girl. Thus in her eyes her marriage is made to fall short of a true wedding. She is made painfully aware that it is a defective wedding. And for a Roman Catholic man who values his church the wedding is equally marred. By these restrictions the official sorrow of the Roman Church is expressed, because a Protestant is becoming a



proximate cause of the loss of a Roman Catholic to the Roman Church—by means of his or her lifelong association with a member of another church. Such impediments, promises, and dispensations illustrate and emphasize in a very practical way the hierarchy's determination to isolate Roman Catholics from other people so far as possible. The Roman Church thus recognizes the evils of a mixed marriage, and is set against it as is any Protestant church. She seems to feel that in a mixed marriage she probably will be the loser, that the Roman Catholic party if exposed to Protestant influences is more likely to leave his or her church than is the Protestant to be won to it. And indeed statistics show that such is the case.

In some dioceses, because of the fact that the premarital contract often is not carried out, a new method has been adopted—the Milwaukee diocese form—which gives the archbishop the authority to enforce all the promises made by either or both parties. This form reads:

"The parties hereto expressly state that they do hereby give to the Most Reverend Archbishop of \_\_\_\_\_, as the representative of the Roman Catholic Church or his delegates, or representatives, the right to enforce each and every promise herein contained in the event of the violation by either party or both, and empower him to give full force and effect to the agreement herein contained."

Such a marriage becomes in fact a three-cornered affair. The two young people not only marry each other, but admit into their married life a third party, the archbishop, who is given specific legal authority to enforce the provisions between them as individuals, or between them and the Roman Church. In the event that they do not fulfill the terms of the agreement he can, by his own authority, revoke the dispensation, if he does nothing more, and, so as far as the Roman Church is concerned, dissolve the marriage.

But even before the present method was thought of, the Roman Church was attempting to deal with the situation. Because so many Roman Catholics who signed the premarital contract were disregarding it, the Holy Office of the Inquisition, in Rome, in 1922, issued a more drastic decree which declared that if the conditions were not adhered to, the dispensation must be counted "null and void." Thus if parties to a mixed marriage fail to have their children baptized and educated in the Roman religion, their marriage is automatically dissolved so far as the Roman Catholic Church is concerned. And that has proved to be a powerful weapon for keeping Roman Catholics in line, for, since they trust to their church for salvation, there is nothing they fear more than condemnation by their church. But when marriages of many years standing, which have produced families and which the husband and wife want to preserve, are dissolved for such frivolous and selfish reasons, how clearly that reveals the hierarchy's lack of appreciation of the true sacredness of marriage! And how clearly it reveals the basically unchristian character of that church! We can only conclude that such action is another product of a celibate priesthood which knows nothing of the pleasures and responsibilities of home and family.

It is well known that many Roman Catholics resent these stringent requirements. Some authorities tell us that in the Protestant parts of the

United States, Canada, Australia, and South Africa, approximately one fourth of the Roman Catholics contract Protestant or civil marriages, and that in so-called Roman Catholic France, and in Italy, Spain, and Portugal, before those countries became fascist, the proportion was even higher.

## **5 The Injustice of the Pre-Marital Contract**

A Protestant who has any respect for his church will not sign such a contract. When he is asked to sign he is in effect asked to acknowledge that his own church, which he holds to be a true church of Christ, is no church at all, but instead a dangerous organization. And he is also asked to do a further unreasonable and even sinful thing, namely, to surrender his right to any voice in the religious affiliation or the spiritual training of his own children. To sign such a pledge is to betray his Christian heritage. Such action invariably brings not happiness but heartache and tragedy.

It is the duty of a Protestant minister, when any member of his congregation is being led into or is contemplating marriage with a Roman Catholic, to enlighten him or her concerning the situation that will result and to do all within his power to prevent such a marriage. He should challenge the right of any Roman Catholic priest to instruct any member of his congregation, particularly if he himself is not also present at such meetings. If such instruction is given any member of his congregation, he should invite personally the Roman Catholic party for a series of lessons on the Bible or demand an equal opportunity to give him instruction in the Protestant faith. In view of the Roman practice, no Roman Catholic should be allowed to marry a Protestant without knowing what Protestant life and doctrine is, and this provision should be made effective through church discipline against the Protestant member if necessary. And beyond that the Protestant minister should see to it that the young people of his church are properly instructed, through their group meetings or special study classes, concerning the nature and practices of Roman Catholicism.

How shameful for a Protestant boy or girl to sign a premarital contract forever surrendering the religious freedom of his or her children, in order to marry someone, no matter how attractive, in the Roman Church! To such we say: "The Roman Catholic Church wants your children. It wants them more than you want them, for it extracts a pledge from them while you are willing to give them up. In signing that contract while yourself refusing to join that church you are saying in effect that the Roman Church is not good enough for you but that it is good enough for your children." Let any Protestant who contemplates signing that contract realize that it bars Protestant parents from their precious children completely and forever in that most sacred of all relationships, spiritual guidance. Let him also realize that financially it means that in time his family inheritance will pass into Roman Catholic hands. This latter, of course, is one of the primary aims that the Roman Church has in forcing through such a contract.

Too often when young people fall in love, everything else, including church, becomes secondary. Wrapped up in each other, and in a mood to be magnanimous and charitable, they are at that time peculiarly susceptible to pressure and are in a mood to sign anything. So, at the opportune moment, the priest

presents his exorbitant demands, mixing love with religious proselytizing. Pledges are made that under normal conditions would not be made. The marriage ceremony is performed. Then gradually disillusionment sets in. The Roman Catholic member is pledged to do everything possible to convert the Protestant, but the Protestant is forbidden to do anything to convert the Roman Catholic or to have any voice in the religious life of the home. This makes for disharmony from the beginning. Children arrive, and the Protestant parent awakens to the fact that his child is already contracted to the Roman Church. The premarital pledge casts its evil shadow, and in many instances leads to broken hearts and bitter family relations. Under normal conditions children serve to bring parents closer together. But in mixed marriages they tend to tear them apart. The threat of ecclesiastical discipline makes family unity more difficult. And the Christian religion, which should be a means of binding the family more closely together, serves instead to tear it apart and to make family unity impossible except on the basis of total surrender. The chance for separation, annulment, or divorce is greatly increased. And most unfortunate of all, the children become the victims of sectarian exploitation.

Furthermore, the Protestant who enters into such a marriage with a loyal Roman Catholic finds that the priest, in the confessional as frequented by the other party, deems it his privilege and duty to inquire into the most intimate habits and practices of the home and to give advice and commands regarding them. It is the priest who will forever stand between those two people, and, if that influence is not resisted, it is he who will win the battle of minds in that marriage.

Let the Protestant who is engaged to marry a Roman Catholic make a serious attempt to lead him or her to become a true Christian, with sincere faith in Christ and in Christ alone as Lord and Savior, to be proved by a consistent manner of life over a period of time. If possible, let him persuade the Roman Catholic to join a Protestant church. The Protestant cannot get fair play in the Roman Church; therefore the Roman Catholic should be persuaded if possible to join a Protestant church. Otherwise the engagement should be broken off. Such procedure will go far toward avoiding the tragedy of a mixed marriage.

Any unprejudiced person will readily understand how intolerant and cruel is a system which takes advantage of the noblest and most intimate affections of two young people in order to force one of them into submitting to the authority of a religious system which he cannot accept. Protestant churches have never attempted to control and exploit marriage so as to increase the membership and wealth of their denominations as the Roman Church has. They instinctively expect and practice fair play in such matters, while the Roman Church, under threat of eternal damnation, demands all of the children and so attempts to rob Protestants of the heritage of their faith, their children, and their family fortunes.

## **6 A Fraudulent Contract**

If a Protestant has had the misfortune to have signed the Roman Catholic premarital contract, is he legally and morally bound to keep it?

The answer is that in Roman Catholic countries, where civil law is based on or conformed to Canon Law and the courts are under the domination of the Roman Catholic Church, it can be enforced. Children often are taken from one or both parents, allegedly for their own good, when the terms of the contract are not complied with, and are given to the Roman Catholic parent or placed in Roman Catholic institutions. Homes have been broken up by this cruel practice. But in democratic and Protestant countries it usually cannot be enforced. In the United States, for instance, the Roman Church, sensing that trouble might arise if attempts were made to enforce such agreements, has made but little effort toward that end. But the Canon Law which is the basis for that practice remains a part of the system, ready to be applied if and when Roman influence increases, so that it can be made effective.

In the few cases in which court tests have been made, the courts have quite consistently held that no agreement as to the religious education of children entered into by the father and mother, before or after marriage, is binding. The welfare of the child takes precedence in such cases. In most such cases the Roman Church has simply been running a bluff when it has insisted on enforcement of the contract through the courts. Whenever the Protestant parent has had the courage to assert his rights rather than surrender his children, the presiding judge almost invariably has ruled in favor of religious freedom and has refused to allow his court to be used to promote the membership of an ecclesiastical organization.

Furthermore, in the United States where the Constitution guarantees freedom of religion to every person, it is the privilege of either parent to change his or her mind in matters of religion, and to teach his or her children those moral and religious truths which at the time seem best. If outside pressure is brought to bear upon a person so that he signs away his constitutional rights, the transaction is fraudulent and should be repudiated. For any church or individual to attempt to freeze a person's religious thinking is a violation of those constitutional rights.

But above and beyond the legal aspects of the case, the Roman Catholic premarital contract is morally fraudulent, and as such it should be repudiated. In the first place it is fraudulent because it compels the Protestant husband to abdicate his divinely appointed right to be the head of the family in the realm of faith and morals, and it is unchristian for the Roman Church to attempt to usurp that right. The Bible says: "The husband is the head of the wife, as Christ also is the head of the church" (Ephesians 5:23); and again, "But I would have you know, that the head of every man is Christ; and the head of the woman is the man" (1 Corinthians 11:3). But in signing that pledge the Protestant husband abdicates his God-given right to be the head in that most important realm, the spiritual, and instead makes his wife the head. And the Protestant girl simply should not marry a man who will claim the right to make Roman Catholicism the religion of the home.

Secondly, it is fraudulent because no church has a right to compel parents to sign over their children to it for religious training. The Scriptures expressly place upon the parents, not the church, the primary responsibility for the right training of their children.

Thirdly, it is fraudulent because the Roman Church represents itself as a true Christian church, indeed as the only true church, which it most certainly is not, as is proved by many events in its past history and by the fact that it teaches numerous doctrines which are contrary to the Bible.

And fourthly, it is fraudulent because under threat of excommunication it is forced upon young people who want to get married. Yet the Roman Church itself, in its system of granting annulments, separations, or divorces, acknowledges that coercion invalidates the marriage. And since it so readily and pointedly recognizes the illegality of a contract that has been entered into through coercion, the premarital contract that is forced upon all Protestants who marry Roman Catholics by a priest is equally invalid.

Is it, then, morally wrong to break such a contract? The answer is, NO! It was a fraudulent contract, obtained under duress, and therefore invalid even by Rome's own standards.

Sooner or later most people who have been foolish enough to sign such a contract wake up to the fact that they have done something that is morally wrong. What they should do then is to repent of their sin, ask God to forgive them, repudiate the contract, and from there on do as the Bible and their consciences direct. The primary guilt for such a situation rests on the church that has taken advantage of a delicate situation and has sown the seeds of matrimonial disharmony by coercing a couple to sign away their Christian privileges.

C. Stanley Lowell, in a splendid article dealing with this subject says:

"Any moral code makes allowance for actions taken under duress. A trusted bank teller would not ordinarily hand over a bag of the bank's money to a stranger. But when the stranger demands the money at gun point, he may do that very thing. The bank does not discharge the teller for dereliction of duty. It recognizes that the act was done under dire coercion.

"The Roman Catholic ante-nuptial pact is an agreement at gun point. When a man and woman are in love they are notoriously unable to think straight. More than that, they are under the influence of the most tender and powerful emotions. Sign the agreement? Of course they will sign! They will sign anything; they're in love! Such an agreement can hardly be expected to stand, however, once reason has reasserted itself.

"When the day of awakening comes, as it always comes for the Protestant or Jew who has been coerced, there is only one thing to do. Let the two persons involved sit down together and look clear-eyed into a problem that is uniquely their own. Let arrogant clerical counsel be disregarded for the interference it patently is. Let these two—and no others—think the problem through and arrive at their solution. This is a hard thing; perhaps it is impossible. But there is one thing more impossible—the attempt to stand slavishly upon an agreement that was coercive from the first" (pamphlet, *Is the Catholic Ante-Nuptial Agreement Binding?*).

## 7 Mixed Marriage Difficulties

A happy home must be built on a firm foundation. Harmony in religious belief is a great asset toward that end. Every couple will find that marriage presents plenty of problems without adding to them an unnecessary and unsolvable religious problem. A mixed marriage is in itself a cause for alarm, and all groups, whether Protestant, Roman Catholic, or Jewish strongly advise against it. Almost invariably those couples who have been so involved will advise against it. That a mixed marriage occasionally works out well does not disprove the general rule, and in those cases it probably will be found that one or perhaps both parties did not take their religion seriously, or that each was willing to go more than halfway in giving in to the other.

In most cases mixed marriage means civil war, whether hot or cold. The most difficult problems usually come with the arrival of children. The Protestant father is reminded that he signed an agreement to allow all of his children to be brought up in the Roman Catholic faith. So they are baptized in that church. When Sunday comes the mother and children go to one church, while he disheartedly makes his way to another. There he sees other families, parents and children, worshipping together. But he sits alone, and feels more lonely. Church attendance may cease to have any pleasure for him, and he may even stop going to church. The children go to parochial school where their training is in the hands of the nuns. They are taught to kneel before images and crucifixes, to pray to the Virgin Mary, and to confess to a priest. They are also taught that all non-Catholics, including their own father, have no chance for salvation, and in general are given a philosophy of life and a code of ethics that outrages his conscience. Disagreement is certain to arise between husband and wife regarding the support of the churches. The husband may want to support Protestant missions in Latin America, or Japan, or particularly in Italy, while the wife probably will want to support Roman Catholic churches and convents and schools.

The home is the most important influence in the life of a child. But children are quick to sense it when there is trouble between parents. Quite often they are the chief casualties in a religiously mixed home. Caught up in the crosscurrents of conflict between father and mother, they are more or less forced to take sides. There is scarcely anything in the world more painful than that, and they rebel against having to make such a choice. Their tendency is to reject both, and to become irreligious. It then becomes easier to take the next step, rebellion against civil authority and against society itself. Social workers tell us that much juvenile delinquency arises because of religious conflict and religious indifference in the home. It is significant that the divorce rate in mixed marriage families is as high as among non-religious people, while it is considerably lower where husband and wife are of the same faith.

Some very interesting and significant facts were brought out recently in the Harvard Survey of 60,000 homes, by two prominent sociologists, Dr. Carle C. Zimmerman, of Harvard University, and Dr. Lucius F. Cerventes, S.J., of St. Louis University. The findings were as follows:

1. "Couples with different religious affiliation have fewer children than

those who marry within their own faith.

2. "Children of interfaith marriages are much less likely to finish high school than those whose parents are of the same religious faith.
3. "Six out of every ten children of a Catholic-Protestant marriage end by rejecting all religions—Catholic, Protestant, and others.
4. "About half of the Catholic men who marry non-Catholics abandon their faith. [No doubt this is one of the primary reasons the Roman Catholic Church is so opposed to interfaith marriages, and why it seeks to restrict them with such stringent rules.]
5. "Men and women of all faiths showed a higher divorce rate when they married someone of a different religion. In an interfaith marriage by a Protestant, the divorce rate was two to three times as great as in an all-Protestant marriage. Among Catholics, the increase was three to four times. Among Jews, five to six times. Among other religions, two to three times.
6. "In this survey, Jewish men had the highest percentage of interfaith marriages. Twenty-four percent of those studied had married non-Jews.
7. "Teenage arrests are much higher in mixed-marriage families. When Protestant men married outside their faith in St. Louis, Omaha, and Denver, their youngsters suffered twice as many arrests as youngsters in single faith homes. In marriages between Catholics and non-Catholics, the arrests of teenage children in every city doubled or tripled. The children of Jewish husbands and Gentile wives in Boston, St. Louis, Denver, and Omaha, had four to ten times as many arrests for juvenile offenses as the children of all-Jewish marriages in those cities" (*This Week*, September 20, 1959).

A report from the United Lutheran Church of America, issued by Dr. E. Epping Reinartz, of New York, secretary and statistician for the denomination, showed that mixed marriages between members of the United Lutheran Church and Roman Catholics totaled 3,343 in 1958, and that two thirds of the couples so married went to Lutheran pastors for the ceremony. It also showed that four times as many Roman Catholics joined the United Lutheran Church as United Lutherans joined the Roman Catholic Church and that the United Lutheran Church gained 3,566 in baptized members from Roman Catholic congregations while losing 868 members to the Roman Catholic Church.

The General Assembly of the Presbyterian Church in the U. S., in 1959, counseled its church members as follows concerning mixed marriages:

"The Roman Catholic attitude with reference to mixed marriages makes it impossible for a wholesome family religious life to exist and continually requires the Protestant to surrender or compromise his personal convictions. What is even more serious it involves the signing away of the spiritual birthright of unborn children by denying them the possibility of any religious training in the home other than that prescribed by the Roman Catholic Church. It is far better that the parties concerned not marry than that these tragic results should follow."

A man needs a wife who can stand at his side and support him in all of the important things in life, one who attends the same church, hears the same sermons, and prays the same prayers. And a woman needs a husband who can give her spiritual as well as material support in all of the trials and problems of life. But even the standard of authority is different for Protestants and Roman Catholics. For Protestants the Bible is the only rule of faith and practice, while Roman Catholics believe that the church sets forth that rule, that whatever the church teaches must be received implicitly, and that what the priest commands should be done. Long ago the prophet asked: "Can two walk together, except they be agreed?" (Amos 3:3).

From every side comes the warning that religiously mixed marriages are sources of trouble. Many of these marriages might turn out more happily if they were left to themselves. But constantly there rises up between husband and wife, and between parents and children, the black-robed priest of the church. He comes armed with the anathemas which are so dreaded by devout Roman Catholics, and presumes to give instructions concerning church obligations, financial affairs, and the rearing of children, depending in each instance on how far he considers it expedient to go. Such interference makes normal family relationships impossible.

The most important decision one makes in life is whether or not he will accept Christ as Savior. For most people the second most important decision is the choice of a life partner. Christian marriage involves not only a civil union of two people, but also a spiritual union of two souls. Yet how can there be a union of religious ideals when one is governed by Protestant principles and the other by Roman Catholic principles? Obviously the difference is too great and the antagonisms too strong for any such union. A Protestant, therefore, should not allow himself to fall in love with a Roman Catholic, but should regard that as forbidden territory unless he can win the Roman Catholic to his faith. The time to settle the matter of religion is before, not after, marriage. Those who carefully and prayerfully study God's Word and then come to marriage in a unity of spiritual understanding are far more likely to find that the blessing of God will rest upon their home than are those who attempt to disregard this problem.

The Bible strongly warns against mixed marriages, against marriage with one of another religion, or one with no religion. In the Old Testament the Jews were strictly forbidden to intermarry with the people around them. And in the New Testament Paul says: "Be not unequally yoked with unbelievers: for what fellowship have righteousness and iniquity? or what communion hath light with darkness?" (2 Corinthians 6:14).

Let anyone who is contemplating a mixed marriage stop and count the cost before he mortgages his own future and sells the birthright of his children. What heartache, what bitter remorse, is suffered by those who are caught in this dilemma! Many would give almost anything if they could undo what they have done—if they could go back and listen to the warnings they once spurned. There is no solution for this problem after marriage. The only way to solve it is to avoid it in the first place.



## 8 The Roman Catholic Attitude toward Divorce

The Roman Catholic Church boasts of her strictness regarding divorce, and seeks to create the impression that divorces are much less common among Roman Catholics than among Protestants. In order to understand her claims it is necessary to distinguish between the different classifications which she makes of marriage as *legitimate*, *ratum*, and *consummatum*.

A marriage between Protestants, or between those who profess no religion, performed by a Protestant minister or official of the state, is called *legitimate*. A marriage between Roman Catholics performed by a priest is called *ratum*. And a marriage between those married by a priest is called *consummatum* after they have exercised their marital rights. We have seen that for many centuries the Roman Catholic Church held that any marriage performed by a Protestant minister or by an official of the state was invalid, and that Pope Pius IX, setting forth these principles, condemned all marriage not performed by a priest as "low and abominable concubinage." We have also seen that in 1908 the Roman Church reluctantly issued the *Ne Temere* decree through which it would recognize future Protestant marriages as valid, but that that decree was not retroactive.

Let it be remembered that while the pope has conceded the validity of Protestant marriage since the new Canon Law in 1908, he has never given up the claim of superior authority over all Christian marriage everywhere. By virtue of that power he claims the right to annul any Protestant or civil marriage. Since the concession in Canon Law was made only as a concession and under pressure, it may be withdrawn at any time that the Roman Church feels itself strong enough to enforce its claims, and all Christian marriage again be placed in the hands of the priests.

In the Roman Church every diocese has its divorce court. It refuses to recognize civil divorce of its members in certain instances, and holds that marriage of one of its members performed by a Protestant minister or civil official is not valid. On the basis of the so-called "Pauline privilege" as set forth in 1 Corinthians 7:15, in which a believer is declared to be under no further obligation to a deserting unbeliever, the Roman Church teaches that a marriage between Protestants, or between unbelievers, can be dissolved when one member is converted to Roman Catholicism. A marriage between a Roman Catholic and a Protestant, or between a Roman Catholic and an unbeliever, performed by a Protestant minister or official of the state, comes under this classification. This provides an easy "out" when a Roman Catholic wants to be free from a non-Roman Catholic in order to marry another Roman Catholic. This device is not called a divorce, but an "annulment." It says that in such cases a true marriage never existed in the first place. As such it opens the way for the dissolution of a large number of marriages by the simple expedient of giving another definition to what we term divorce, and exposes the hypocrisy of the claim that the Roman Catholic Church is unalterably opposed to divorce.

Even a marriage that is *ratum* (between two Roman Catholics before a priest), but which one or both participants claim is not *consummatum*, can be dissolved (1) by profession of religious vows in a religious order approved by the

Roman Church, e.g., entering a convent as a nun, or becoming a monk or a priest; or (2) by a dispensation from the pope. There is, of course, no Scripture warrant for such exceptions, nothing but manmade decrees by the hierarchy.

Paul Blanshard, in his *American Freedom and Catholic Power*, discusses quite fully the teaching of the Roman Catholic Church concerning separation and divorce. He says:

“Legal and permanent separation without remarriage is permitted in the Catholic system for many reasons. ... The Canon Law permits separation not only for adultery and habitual crime but also for simple difference in religious conviction ‘if one party joins a non-Catholic sect; or educates the offspring as non-Catholics.’ This rule is so sweeping that it is a ground for separation if a parent who has been married by a priest sends a child to an American public school without the priest’s permission. In some cases it is also ground for the complete nullification of a mixed marriage. ...

“There is almost no type of marriage that cannot be annulled under the complex rules of the Catholic marriage courts if a determined spouse is willing and able to go to the expense of prolonged litigation, and uses sufficient patience and ingenuity in constructing a plausible case.

“The annulment process is used eagerly and frequently by American Catholics as a kind of Catholic substitute for divorce. Hundreds of annulments of valid civil marriages are granted each year by the Catholic hierarchy in the United States without reaching public attention. The Church’s annulment statistics tell only a fragment of the real story. The rest of the story is contained in tables and reports that never reach the public. ...

“Any Catholic who has married a non-Catholic without getting his spouse to promise that all their children will be reared as Catholics can easily secure an annulment from a local bishop without any judicial formalities by proving that his original marriage was not ‘correct in form.’ The Canon Law says that such marriages are null and void from the beginning, so the priest does not need to submit the case to a tribunal. He delivers a one-sheet Decree of Nullity after making sure that the former marriage was actually performed in the way described. A modest fee—usually \$15—is asked for this service. ...

“When shortcuts to annulment are unavailable, the Church provides a number of special elastic interpretations of marriage vows that can be used to dissolve marriages. One of these elastic devices is the theory that there must be an ‘interior consent’ to a marriage or it is void from the beginning. ... The priests have stretched this to include many cases of apparent valid marriage in which a married person changes his attitude toward his spouse long after marriage, and then announces that he never consented to the marriage in the first place. ... Any Catholic can obtain an ecclesiastical annulment if he can prove that in entering marriage he made it a condition that he would not have children, or that the parties agreed that they could get a divorce if the marriage proved to be unsuccessful. In such cases the hierarchy holds that the parties to a marriage never actually consented to full marriage. They made a mental reservation about two essentials of marriage, children and

indissolubility" (pp. 198-208).

Thus the Roman Church, while pretending to be zealous in maintaining the marriage bond, makes exceptions on the basis of excuses so flimsy that they would not be given serious consideration in a civil court. Fortunately in the United States these church decrees do not give legal annulments or divorces, since American civil law is superior to Roman Catholic Canon Law. But they are effective in countries where church law has the force of civil law, either because civil law has been written to conform to church law or because it readily approves and supplements church law. We have already pointed out that since the Roman Church acknowledges coercion as invalidating a marriage, therefore, on the same principle the premarital contract which is forced upon a Protestant in a mixed marriage, is equally invalid.

L. H. Lehmann makes the following comparison between marriage relations in Protestant and Roman Catholic countries:

"Despite the obvious evils of divorce in modern democratic countries... the number of divorces is no greater than the number of unfaithful husbands in Catholic authoritarian countries where the church's prohibition against divorce is upheld by the civil law. In such countries there is no check on the waywardness of men and no recourse to the law by wives to obtain either freedom or support from adulterous husbands.

"In Latin Catholic countries especially, the priests have always indulgently ignored the traditional custom of married men having one, if not many, mistresses, but have always fought relentlessly against divorce, by which wives could free themselves from such men. The result is a very high rate of illegitimacy in such countries as compared to Protestant countries.

"Safeguarding property rights, social status and legitimacy, has always been considered of greater importance to the Roman theologians than individual morality. This accounts for the extraordinarily high rate of illegitimacy in Catholic countries such as Italy, Spain, Portugal, France and all Latin American countries. ... In Latin American countries the rate of illegitimacy ranges from 25% to 50%, and the illiteracy is correspondingly high. North of the Rio Grande, in Protestant democratic countries, even though it includes Catholic Canada, the rate of illegitimacy is only 2.4%, and the illiteracy rate only 6%" (*Out of the Labyrinth*, p. 190).

Any departure from Scripture invariably works evil in one form or another. The first and most detrimental result of the Roman Catholic doctrine that not even adultery is a proper ground for dissolution of the marriage bond (although annulments are granted for much less serious offenses), is to render that crime easier of accomplishment and more frequent. An unscrupulous husband or wife knows that his or her partner cannot obtain a divorce on the ground of adultery and so feels less restraint. As just pointed out in the quotation from Mr. Lehmann, it is notorious that in the Latin American countries the men are more lax in their extra-marital relations, it being not an uncommon practice and one accepted without serious protest for men of wealth and prominence to have a "mistress" in addition to a lawful wife. Another result, again particularly prominent in Latin America where the

priests attempt so much interference in family affairs, is the abnormally large number of "common law" unions. And still another result is that numerous causes are allowed for permanent separation, *a thoro et mensa*, from bed and board. Certainly it is not the mark of a true church for divorce to be disguised under other terms and treated so lightly. In actual fact the sacred institution of marriage is handled in a quite arbitrary manner in the Roman Church. The whole matter of marriage and divorce is in the hands of the hierarchy, which exercises the right of setting up or removing impediments at its pleasure, supported only by papal decrees. And the inevitable result, far from rendering marriage a more sacred institution among Roman Catholics than among Protestants, is exactly the opposite.

(Continued in [Roman Catholicism By Lorraine Boettner Section Four Chapter XVI The Parochial School.](#))

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