Council of Trent*

ASV Matthew 5:27-32 (27) Ye have heard that it was said, Thou shalt not commit adultery:
(28) but I say unto you, that every one that looketh on a woman to lust after her hath committed adultery with her already in his heart.
(29) And if thy right eye causeth thee to stumble, pluck it out, and cast it from thee: for it is profitable for thee that one of thy members should perish, and not thy whole body be cast into hell.
(30) And if thy right hand causeth thee to stumble, cut it off, and cast it from thee: for it is profitable for thee that one of thy members should perish, and not thy whole body go into hell.
(31) It was said also, Whosoever shall put away his wife, let him give her a writing of divorcement:
(32) but I say unto you, that every one that putteth away his wife, saving for the cause of fornication, maketh her an adulteress: and whosoever shall marry her when she is put away committeth adultery.
Mark the authoritative tone in which—Himself the Lawgiver and Judge—Christ now gives the true sense and explains the deep reach of the commandment beginning from His crucifixion forward. The circumstances had altered; the former message was insufficient. Christ brings his own Personality forward, and gives a more perfect and far-reaching statement than the current form of teaching at the time. He therefore spoke here and elsewhere as having authority, and not as the scribes. It may be added here that no mere man ever spake as Jesus did when explaining or enforcing the law. He did it as having a right to do it; and He that has a right to ordain and fulfill laws in the government of God must be Himself divine. The most generic term of sexual immorality, FORNICATION, seems intentionally used as post-nuptial sin, seeing that the strict letter of the Law of Moses made death the punishment and so excluded even the possibility of committing adultery in the event of a second marriage. And no longer would it be lawful to 'put away' a wife for any cause as the Pharisees taught.
From; **Martin Luther on Marriage & Divorce** (born 10 November 1483 – died 18 February 1546)

{But you ask: Is there then no reason for which there may be separation and divorce between man and wife? Answer: Christ states here (Matt. v. 31-32) and in Matthew xix. 9, only this one, which is called adultery, and he quotes it from the law of Moses, which punishes adultery with death. Since now death alone dissolves marriages and releases from the obligation, an adulterer is already divorced not by man but by God himself, and not only cut loose from his spouse, but from this life. For by adultery he has divorced himself from his wife, and has dissolved the marriage, which he has no right to do; and he has thereby made himself worthy of death, in such a way that he is already dead before God, although the judge does not take his life. Because now God here divorces, the other party is fully released, so that he or she is not bound to keep the spouse that has proved unfaithful, however much he or she may desire it.}

Martin Luther, a former Augustinian monk and theology professor, began the Protestant Reformation by nailing his "Ninety-Five Theses" to the Roman church door in Wittenberg, Germany in 1517. Although his original intent was only to reform the Roman Catholic Church, Luther's actions led to a split in the Church, dividing it into the Protestant and Catholic branches. The Roman Church took various steps to counter Luther's challenge, but Luther refused to recant. In June 1520, the pope issued a papal bull (Bannbulle) that threatened to excommunicate Luther. After Luther publicly burned the pope's edict in December, he was excommunicated in January 1521. The Council of Trent, Twenty-Fourth Session 1563, issued canons and decrees on it's DOCTRINE ON THE SACRAMENT OF MATRIMONY to counter teachings on divorce and remarriage the Roman church considered heresy. Note an excerpt from the opening statement; {Husbands love your wives, as Christ also loved the Church, and delivered himself up for it; adding shortly after, This is a great sacrament, but I speak in Christ and in the Church. Whereas therefore matrimony, in the evangelical law, excels in grace, through Christ, the ancient marriages; with reason have our holy Fathers, the Councils, and the tradition of the universal Church, always taught, that it is to be numbered amongst the sacraments of the new law; against which, impious men of this age raging, have not only had false notions touching this venerable sacrament, but,

introducing according to their wont, under the pretext of the Gospel, a carnal liberty, they have by word and writing asserted, not without great injury to the faithful of Christ, many things alien from the sentiment of the Catholic Church, and from the usage approved of since the times of the apostles; the holy and universal Synod wishing to meet the rashness of these men, has thought it proper, lest their pernicious contagion may draw more after it, that the more remarkable heresies and errors of the above-named schismatics be exterminated, by decreeing against the said heretics and their errors the following anathemas.**}**
The first thing that I notice is jangling of scripture, notice; This is a great sacrament, but I speak in Christ and in the Church. Ephesians 5:32 *actually says;* This is a great mystery: but I speak concerning Christ and the church. *The Roman church arguments, though otherwise intended, are in reality of no answer and produce no conviction. The only effect was to cause that amazement, irresolution and confusion, which is the result of a superficial understanding of scripture. The result of that superficial understanding is readily seen in the* Council of Trent. *Of interest is the 24th session, 1563, entitled the* DOCTRINE ON THE SACRAMENT OF MATRIMONY. **{CANON VII**.-If any one saith, that the Church has erred, in that she hath taught, and doth teach, in accordance with the evangelical and apostolical doctrine, that the bond of matrimony cannot be dissolved on account of the adultery of one of the married parties; and that both, or even the innocent one who gave not occasion to the adultery, cannot contract another marriage, during the life-time of the other; and, that he is guilty of adultery, who, having put away the adulteress, shall take another wife, as also she, who, having put away the adulterer, shall take another husband; let him be anathema.**}**
Sound familiar? The decrees and cannons issued by the Council of Trent put in place a concept that became known as the traditional view, which was quickly accepted around the world and has been the way many people view the matter ever since. Eventually brethren within the Church of Christ began to teach this concept as gospel. The theory was that since marriage is a "divine creation," that it is a "sacrament," and as such, is under the control of the church and is unbreakable until death.

Divorced? What do you do NOW? Remarriage? No Remarriage? So what does the Bible teach about these things? I believe the authority of Christ is the only valid authority. To listen to much modern teaching, one could easily come away with the sense that there IS only one legitimate Christian position, the traditional view. Now the problem with the traditional view is this, that view was decreed by the Council of Trent, propelled by carefully selected scriptures, distorted, without regard to the established whole. In the past, Martin Luther, John Calvin, Erasmus, John Knox, William Tyndale, and John Wesley to name a few, had a different explanation! How come nobody tells you that? So let me list for you, four different views, thus giving you an opportunity to consider what your position might be. Primarily, though, I hope it can help us not to demonize Christians who hold other interpretations, knowing that they are not alone in their views.
The first position *is that divorce is not an option God ever allows…it is always wrong, period. Therefore, any time it is done, it is a sin before God. In this position, the idea is that marriage is a sacrament and mystical union which human actions cannot break and should not flout. Some of these people believe that even if there is a civil divorce, it can never break the spiritual union, the sacrament of marriage. Obviously, this is a Roman Catholic position from Thomas Aquinas forward. This strong view was codified by the Roman Church at the Council of Trent in 1563. This is also a position that some of the very conservative theologians today believe, although they don't use the word "sacrament," they would affirm an indissoluble, mystical component to the marriage.*
The second position *is divorce is allowed, but only in certain cases, with no option for remarriage except to the original spouse. This position holds that the New Testament teachings of adultery and, perhaps, abandonment (from 1 Corinthians 7), were intended to be an exhaustive list of the grounds for divorce. Their reading of Jesus' teachings (Matthew 19 and Matthew 5) follow the interpretation that while he permitted divorce, he did not permit remarriage in those passages. This being the case, these individuals also believe that the only acceptable remarriage is with one's ex-spouse as long as the ex-spouse is alive. Historically, this view is held by a number of the earliest church leaders, during the*

rise of Christianity in the first few centuries after Christ.
***The third option** is divorce is allowed in certain "scriptural" cases, in which the innocent party is permitted to remarry another person. Notably, these "scriptural" causes would be adultery and abandonment. But the distinction is the freedom to remarry someone else. This interprets Jesus' statement about adultery as a legitimate cause for divorce as also giving freedom of remarriage. Usually, the preference would still be to remarry one's original spouse, if that is possible in a Christian way, but it is not a restriction. This would be close to William Tyndale's view, also Presbyterian founder John Knox and founder of Methodism John Wesley.*
***The 4th option** is divorce is allowed for a variety of reasons, and remarriage is also allowed. A core part of this view is that the scriptural responses of Paul and Jesus were to situational questions, rather than trying to establish an exhaustive list of legitimate grounds of divorce (which is how it is often taken by many today). One of the strongest arguments in favor of this view is that if Jesus' mention was the only legitimate grounds for divorce, why would Paul add to the list? Sir Thomas Moore, Origen, Martin Luther, Desiderius Erasmus (New Testament Greek Scholar of the Reformation period), Philip Melancthon, John Calvin (who allowed divorce for impotence, religious incompatibility, abandonment and adultery) and reform theologian Martin Bucer were all in this category, allowing in practice both divorce for various causes, and remarriage. In some cases, these individuals had a theology that was more like the third position, but their practice was in this 4th category. Interestingly enough, Luther, Calvin and Bucer spoke of marriage as a civil institution, rather than a church matter, rejecting the Catholic notion that marriage is a sacrament. Also interesting is the fact that Luther and Calvin both recognized the hindrance of a Christian spouse's spiritual life as legitimate grounds for divorce, and Luther even addressed significant anger and discord in the home, much like today's "irreconcilable differences." SOOOOOO, if you feel like people are treating you as an outsider because you happen not to believe the same view as some other individuals, realize your view MAY fit with historical Christianity, whether they say so or not. And, recognize*

that just because a particular view happens to be the most vocal does NOT make it necessarily the most scriptural. Case in point, the Council of Trent, DECREE ON THE REFORMATION OF MARRIAGE *chapter 1, paragraph 2, contained within the 2nd sentence;* **{**But whereas the holy Synod perceives that those prohibitions, by reason of man's disobedience, are no longer of avail; and whereas it takes into account the grievous sins which arise from the said clandestine marriages, and especially the sins of those parties who live on in a state of damnation, when, having left their former wife, with whom they had contracted marriage secretly, they publicly marry another, and with her live in perpetual adultery**}** *Sound familiar? Perpetual adultery (ie living in adultery) has been a most vocal concept, but cannot be found in scripture, and yet the concept is taught as gospel. The alarm has been trumpeted;* Come out of her, my people, that ye be not partakers of her sins, and that ye receive not of her plagues (Rev 18:4). *Are you listening?;*
1Corinthians 7:27-28 (27) Art thou bound unto a wife? seek not to be loosed. Art thou loosed from a wife? seek not a wife.
(28) But and if thou marry, thou hast not sinned; and if a virgin marry, she hath not sinned. Nevertheless such shall have trouble in the flesh: but I spare you.
Paul's admonishment begins with a question;
(1) Art thou bound unto a wife?, *the language is such that it conveys the proposition that a man is bound to a woman either by promice, by engagement, or by consummate marriage.*
(2) Seek not to be loosed; *that is, remain as you were called, do not seek a divorce.*
(3) Art thou loosed from a wife? seek not a wife. *If you are divorced, do not seek a wife. The admonishment here, remain single. However, Paul does give permission to remarry, are you listening?;*
(4) but and if thou marry, thou hast not sinned. *It should be noted that altho permission is given to remarry, if divorced, it does not convey the right to break an existing bond;* Art thou bound unto a wife? *I remind you that here in 1 Corinthians 7, Paul is teaching new testament law, not the law of Moses. Listen to this;*
{As products of the Renaissance, the Christian humanists attempted to cast off the tradition of the Church and return to the teaching of

Scripture. Thomas More, for example, though he lived and died a Roman Catholic-and was even canonized by his church-nonetheless held views on marriage and divorce which were contrary to its tradition (he may have been motivated by having left a life of monkish asceticism to be married!). In his Utopia, he suggested that marriage is intended for the pleasure of male and female.[17] He stressed the importance of the marriage bond, but held that if a husband and wife could not live in harmony, by mutual consent of both, they should be allowed to divorce and marry someone else.[18] He also believed that unfaithfulness or intolerable behavior by either spouse breaks the marriage bond. At the same time, "breakers of wedlock are punished by the severest grade of slavery" in his Utopia and, for a subsequent offence, should be put to death.[19] A contemporary and fellow-spirit of More, Desiderius Erasmus, also held views on marriage and divorce which were quite radical for his day. He cast scorn on the total prohibition of divorce and the idea of an indissoluble marriage bond.[20] Commenting on the Gospel of Matthew, he pointed out that the Church interprets Christ's teachings more narrowly than he did, and that such inflexibility is contrary to the general interpretation of the Sermon on the Mount.[21] In treating the Pauline teaching on divorce, he noted a need to allow for remarriage after divorce for sound causes other than adultery, such as cruelty or mutual hatred. Erasmus maintained, though, that he was not seeking to encourage unnecessary divorces, but only to remedy unhappy marriages when all other means had failed .[22] The twenty-fourth session of the Council of Trent in November of 1563 dealt with and set out the official Roman Catholic position on divorce and remarriage. In reaction against the Reformation, it [p.135] reaffirmed the indissolubility of the marriage bond and the sacramental character of matrimony. It stipulated that "the bond of matrimony cannot be dissolved on account of the adultery of one of the married parties," and that neither spouse may contract a second marriage during the lifetime of another without committing adultery. If anyone should promote a contrary position, "let him be anathema."[23]
The decisions of the Council of Trent were further strengthened in 1880 by the issuance of Arcanum Divinae Sapientiae by Pope Leo XIII. It declared that "Christ the Lord raised matrimony to the

dignity of a sacrament ... and by the bond of divine love strengthened the naturally indissoluble partnership of a man and woman."[24] Moreover, Christ gave the Church complete control of marriage legislation. No civil authority has any legitimate right to regulate this realm.[25] In 1930, Pope Pius X issued the encyclical Casti Connubi. Taking Leo XIII's encyclical as his starting point, he too emphasized the dignity of marriage as a perpetual sacrament. Because marriage was instituted by God and affirmed by Christ, it is not subject to "human wills or to any contrary pact made even by the contracting parties themselves."[26] In regard to the indissoluble character of the marriage bond, the encyclical quoted Augustine of Hippo to the effect that there are no sufficient grounds. A woman's barrenness is not sufficient cause, nor is a husband's infidelity. If a separation occurs, any remarriage while a spouse lives is adultery.[27] Tertullian (c. 200), like his contemporaries, held that the marital bond is indissoluble. In his Treatises on Marriage and Remarriage, he strongly objected to a woman's remarrying even after her husband's death, because then she would have "one husband in the flesh and another in the spirit. This would be adultery-joint knowledge of one woman by two men."[5] In regard to divorce, he claimed that the new law of Christ had abrogated the OT law permitting divorce; that same new law thereby outlawed remarriage. Tertullian did, however, accept remarriage if the dissolution of the first (either by death or divorce) had occurred prior to one's conversion (for in Christ, one becomes a new creation).

One of the early English reformers, and a martyr to his faith (d. 1536), was William Tyndale. His thought shows considerable Lutheran influence. Like the founder of the Reformation, he believed that marriage is ordained by God for purposes of love, companionship, and procreation, and to serve as a bastion against illicit sexual activity. It could not, however, be considered a sacrament in the proper sense of the word, for it did not carry with it a promise. Should it be considered such because it is a similitude of the union between Christ and his church, then all other NT similitudes would have to be considered sacraments.[47]

Much of Tyndale's consideration of divorce and remarriage was motivated by and applied to the divorce of King Henry VIII from

Catherine of Aragon and his subsequent marriage to Anne Boleyn. While not disallowing divorce when it accorded with scriptural grounds, Tyndale decided that the King's marriage to Catherine had been in full agreement with the Bible; he could find no good reason why the church should not grant Henry a dissolution .[48] For Tyndale, divorce was possible only because of adultery. Because the Mosaic Law stipulated the death of the adulterer, the innocent party was not under bondage to the original marriage. Desertion was also a just cause in Tyndale's opinion, because he saw it as invariably tied to adultery.[49] The Protestant Reformation was essentially a reaction against what its proponents considered to be the ecclesiastical, moral, and theological deviations of Roman Catholicism. The Reformers sought to place the Christian faith back on a biblical foundation free of the trappings of magisterial dogma. Because of the varying origins of the Reformation, there is no one position on the ethics of divorce and remarriage. Nonetheless, one may find teachings which may be termed distinctively Protestant. These views are clearly seen in the teachings of Martin Luther and John Calvin, the most influential of the Reformation leaders. In general, they observed the Augustinian view that the good of the marriage involves children and faithfulness, but they rejected the [p.136] sacramental view of the marriage bond, emphasizing the civil rather than the ecclesiastical aspects of matrimony. **Divorce And Remarriage From The Early Church To John Wesley,** David L. Snuth)**}**

{That portion of this council that most concerns us here, however, took place near the very end of the third meeting (which adjourned on December 4, 1563 with the proclamation, "Anathema to all heretics, anathema, anathema!"). Session 24 was held November 11, 1563, and it was in this session that the sacrament of marriage and problems associated therewith (such as divorce) were addressed. This occurred under the reign of Pope Pius IV (1559-1565). Twelve canons were issued at the end of this session regarding "The Sacrament of Matrimony." In Canon #9 the primacy of the celibate state was reaffirmed. Polygamy was condemned in Canon #2. Various additional matters were also addressed. However, it is Canon #7 with which we are specifically concerned in this present study. This particular canon declares that both spouses who

are party to a divorce (when the cause of divorce is the adultery of one spouse), "even the innocent one who gave not occasion to the adultery, cannot contract another marriage during the lifetime of the other; and that he is guilty of adultery who, having put away the adulteress, shall take another wife, as also she, who, having put away the adulterer, shall take another husband." Here we see that remarriage is denied to all parties in a divorce ... even the party innocent of the sin of adultery ... as long as the other spouse is alive. Needless to say, this goes significantly beyond the teaching of the New Covenant writings, as I have sought to demonstrate within my book. This is also considerably more restrictive than most traditionalists within Churches of Christ teach, since generally they will allow the right of remarriage to the spouse not guilty of adultery (true in most other conservative Christian groups as well). So, to answer this elder's question -- yes, the traditional position is based somewhat on this canon (though they would say it's based only upon the Scriptures), but over the past several hundred years that canon has been softened somewhat in favor of the innocent party (at least by most traditionalists, although some do indeed adhere totally, at least in practice if not in profession, to the decree of the Council of Trent). (REFLECTIONS by Al Maxey The Council of Trent)**.}**

So,where does your loyalty lie, in new testament doctrine or the Catholic Council of Trent? When people introduce creeds, human interpretations, or religious alterations to God's doctrine, disunity inevitably results. Our business should be teaching the gospel of salvation; that Faith in Christ is the effect of belief; that baptism is the effect of faith; that those who first believe the testimony of God, by faith repent of their sins, confess Jesus Christ is the Son of God and are baptized for remission of sins have the full testimony of pardon. This is the gospel. Need prayer for other reasons, in either case come while we persuade with song.

This message approved by
Jack Warford
a minister for Christ

The Council of Trent

The Twenty-Fourth Session
The canons and decrees of the sacred
and oecumenical Council of Trent,
Ed. and trans. J. Waterworth (London: Dolman, 1848), 192-232.

Hanover Historical Texts Project
Scanned by Hanover College students in 1995.
The page numbers of Waterworth's translation appear in brackets. [Page 193]
SESSION THE TWENTY-FOURTH,
Being the eighth under the Sovereign Pontiff, Pius IV., celebrated on the eleventh day of November, MDLXIII.

DOCTRINE ON THE SACRAMENT OF MATRIMONY

The first parent of the human race, under the influence of the divine Spirit, pronounced the bond of matrimony perpetual and indissoluble, when he said; 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. But, that by this bond two only are united and joined together, our Lord taught more plainly, when rehearsing those last words as having been uttered by God, He said, therefore now they are not two, but one flesh; and straightway confirmed the firmness of that tie, proclaimed so long before by Adam, by these words; What therefore God hath joined together, let no man put asunder. But, the grace which might perfect that natural love, and confirm that indissoluble union, and sanctify the married, Christ Himself, the institutor and perfecter of the venerable sacraments, merited for us by His passion; as the Apostle Paul intimates, saying: Husbands love your wives, as Christ also loved the Church, and delivered himself up for it; adding shortly after, This is a great sacrament, but I speak in Christ and in the Church. Whereas therefore matrimony, in the evangelical law, excels in grace, through Christ, the ancient marriages; with reason have our holy Fathers, the Councils, and the tradition of the universal Church, always taught, that it is to be numbered amongst the sacraments of the new law; against which, impious men of this age raging, have not only had false notions touching this venerable sacrament, but, introducing according to their wont, [Page 194] under the pretext of the Gospel, a carnal liberty, they have by word and writing asserted, not without great injury to the faithful of Christ, many things alien from the sentiment of the Catholic Church, and from the usage approved of since the times of the apostles; the holy and universal Synod wishing to meet the rashness of these men, has thought it proper, lest their pernicious contagion may draw more after it, that the more remarkable heresies and errors of the above-named schismatics be exterminated, by decreeing against the said heretics and their errors the following anathemas.

ON THE SACRAMENT OF MATRIMONY.

CANON I.-If any one saith, that matrimony is not truly and properly one of the seven sacraments of the evangelic law, (a sacrament) instituted by Christ the Lord; but that it has been invented by men in the Church; and that it does not confer grace; let him be anathema.

CANON II.-If any one saith, that it is lawful for Christians to have several wives at the same time, and that this is not prohibited by any divine law; let him be anathema.

CANON III.-If any one saith, that those degrees only of consanguinity and affinity, which are set down in Leviticus, can hinder matrimony from being contracted, and dissolve it when contracted; and that the Church cannot dispense in some of those degrees, or establish that others may hinder and dissolve it ; let him be anathema.

CANON IV.-If any one saith, that the Church could not establish impediments dissolving marriage; or that she has erred in establishing them; let him be anathema.

CANON V.-If any one saith, that on account of heresy, or irksome cohabitation, or the affected absence of one of the parties, the bond of matrimony may be dissolved; let him be anathema.

[Page 195] CANON VI.-If any one saith, that matrimony contracted, but not consummated, is not dissolved by the solemn profession of religion by one of the married parties; let him be anathema.

CANON VII.-If any one saith, that the Church has erred, in that she hath taught, and doth teach, in accordance with the evangelical and apostolical doctrine, that the bond of matrimony cannot be dissolved on account of the adultery of one of the married parties; and that both, or even the innocent one who gave not occasion to the adultery, cannot contract another marriage, during the life-time of the other; and, that he is guilty of adultery, who, having put away the adulteress, shall take another wife, as also she, who, having put away the adulterer, shall take another husband; let him be anathema.

CANON VIII.-If any one saith, that the Church errs, in that she declares that, for many causes, a separation may take place between husband and wife, in regard of bed, or in regard of cohabitation, for a determinate or for an indeterminate period; let him be anathema.

CANON IX.-If any one saith, that clerics constituted in sacred orders, or Regulars, who have solemnly professed chastity, are able to contract marriage, and that being contracted it is valid, notwithstanding the ecclesiastical law, or vow; and that the contrary is no thing else than to condemn marriage; and, that all who do not feel that they have the gift of chastity, even though they have made a vow thereof, may contract marriage; let him be anathema: seeing that God refuses not that gift to those who ask for it rightly, neither does He suffer us to be tempted above that which we are able.

CANON X.-If any one saith, that the marriage state is to be placed above the state of virginity, or of celibacy, and that it is not better and more blessed to remain in virginity, or in celibacy, than to be united in matrimony; let him be anathema.

CANON XI.-If any one saith, that the prohibition of the solemnization of marriages at certain times of the year, is a tyrannical superstition, derived from the superstition of the [Page 196] heathen; or, condemn the benedictions and other ceremonies which the Church makes use of therein; let him be anathema.
CANON XII.-If any one saith, that matrimonial causes do not belong to ecclesiastical judges; let him be anathema.

DECREE ON THE REFORMATION OF MARRIAGE
CHAPTER I.
The form prescribed in the Council of Lateran for solemnly contracting marriage is renewed.--Bishops may dispense with the bans.--Whosoever contracts marriage, otherwise than in the presence of the Parish Priest and of two or three witnesses, contracts it invalidly.
Although it is not to be doubted, that clandestine marriages, made with the free consent of the contracting parties, are valid and true marriages, so long as the Church has not rendered them invalid; and consequently, that those persons are justly to be condemned, as the holy Synod doth condemn them with anathema, who deny that such marriages are true and valid; as also those who falsely affirm that marriages contracted by the children of a family, without the consent of their parents, are invalid, and that parents can make such marriages either valid or invalid; nevertheless, the holy Church of God has, for reasons most just, at all times detested and prohibited such marriages. But whereas the holy Synod perceives that those prohibitions, by reason of man's disobedience, are no longer of avail; and whereas it takes into account the grievous sins which arise from the said clandestine marriages, and especially the sins of those parties who live on in a state of damnation, when, having left their former wife, with whom they had contracted marriage secretly, they publicly marry another, and with her live in per-[Page 197]petual adultery; an evil which the Church, which judges not of what is hidden, cannot rectify, unless some more efficacious remedy be applied; wherefore, treading in the steps of the sacred Council of Lateran celebrated under Innocent III., it ordains that, for the future, before a marriage is contracted, the proper parish priest of the contracting parties shall three times announce publicly in the Church, during the solemnization of mass, on three continuous festival days, between whom marriage is to be celebrated; after which publication of banns, if there be no lawful impediment opposed, the marriage shall be proceeded with in the face of the church; where the parish priest, after having interrogated the man and the woman, and heard their mutual consent, shall either say, "I join you together in matrimony, in the name of the Father, and of the Son, and of the Holy Ghost;" or, he shall use other words, according to the received rite of each province. But if upon occasion, there should be a probable suspicion that the marriage may be maliciously hindered, if so many publications of banns precede it; in this case either one publication only shall be made; or at least the marriage shall be celebrated in the presence of the parish priest, and of two or three witnesses: Then, before the consummation thereof, the banns shall be published in the church; that so, if there be any secret impediments, they may be the more easily discovered: unless the Ordinary shall himself judge it expedient, that the publications aforesaid be dispensed with, which the holy Synod leaves to his prudence and judgment. Those who shall attempt to contract marriage otherwise than in the presence of the parish priest, or of some other priest by permission of the said parish priest, or of the Ordinary, and in the presence of two or three witnesses; the holy Synod renders such wholly incapable of thus contracting and declares such contracts invalid and null, as by the present decree It invalidates and annuls them. Moreover It enjoins, that the parish priest, or any other priest, who shall have been [Page 198] present at any such contract with a less number of witnesses (than as aforesaid); as also the witnesses who have been present thereat without the parish priest, or some other priest; and also the contracting parties themselves; shall be severely punished, at the discretion of the Ordinary. Furthermore, the same holy Synod exhorts the bridegroom and bride not to live together in the same house until they have received the sacerdotal benediction, which is to be given in the church; and It ordains that the benediction shall be given by their own parish priest, and that permission to give the aforesaid benediction cannot be granted by any other than the parish priest himself, or the Ordinary; any custom, even though immemorial, which ought rather to be called a corruption, or any privilege to the contrary, notwithstanding. And if any parish priest, or any other priest, whether Regular or Secular, shall presume to unite in marriage the betrothed of another parish, or to bless them when married, without the permission of their parish priest, he shall-even though he may plead that he is allowed to do this by a privilege, or an immemorial custom,-remain ipso jure suspended, until absolved by the Ordinary of that parish priest who ought to have been present at the marriage, or from whom the benediction ought to have been received.
The parish priest shall have a book, which he shall keep carefully by him, in which he shall register the names of the persons married, and of the witnesses, and the day on which, and the place where, the marriage was contracted.
Finally, the holy Synod exhorts those who marry, that before they contract marriage, or, at all events, three days before the consummation thereof, they carefully confess their sins, and approach devoutly to the most holy sacrament of the Eucharist.
If any provinces have herein in use any praise-worthy customs and ceremonies, besides the aforesaid, the holy Synod earnestly desires that they be by all means retained.
And that these so wholesome injunctions may not be unknown [Page 199] to any, It enjoins on all Ordinaries, that they, as soon as possible, make it their care that this decree be published and explained to the people in every parish church of their respective dioceses; and that this be done as often as may be during the first year; and afterwards as often as they shall judge it expedient. It ordains, moreover, that this decree shall begin to be in force in each parish, at the expiration of thirty days, to be counted from the day of its first publication made in the said parish.
CHAPTER II.
Between whom Spiritual Relationship is contracted.
Experience teaches, that, by reason of the multitude of prohibitions, marriages are ofttimes unwittingly contracted in prohibited cases, in which marriages either the parties continue to live on, not without great sin, or they are dissolved,

not without great scandal. Wherefore, the holy Synod, wishing to provide against this inconvenience, and beginning with the impediment arising from spiritual relationship, ordains, that, in accordance with the appointments of the sacred canons, one person only, whether male or female, or at most one male and one female, shall receive in baptism the individual baptized; between whom and the baptized, and the father and mother thereof; as also between the person baptizing and the baptized, and the father and mother of the baptized; and these only; shall spiritual relationship be contracted.

The parish priest, before he proceeds to confer baptism, shall carefully inquire of those whom it may concern, what person or persons they have chosen to receive from the sacred font the individual baptized, and he shall allow him or them only to receive the baptized; shall register their names in the book, and teach them what relationship they have contracted, that they may not have any excuse on the score of ignorance. [Page 200] And if any others, besides those designated, should touch the baptized, they shall not in any way contract a spiritual relationship; any constitutions that tend to the contrary notwithstanding. If through the fault or negligence of the parish priest any thing be done contrary hereto, he shall be punished, at the discretion of the Ordinary. That relationship, in like manner, which is contracted by confirmation shall not pass beyond him who confirms the person confirmed, his father and mother, and him who places his hand on him; all impediments arising from this kind of spiritual relationship between other persons being utterly set aside.

CHAPTER III.

The impediment of public honesty is confined within certain limits.

The holy Synod entirely removes the impediment of justice arising from public honesty, whensoever espousals shall be, for whatsoever cause, not valid; but, when they are valid, the impediment shall not extend beyond the first degree; forasmuch as any such prohibition can no longer be observed, without injury, in more remote degrees.

CHAPTER IV.

Affinity arising from fornication is confined to the second degree.

Moreover, the holy Synod, moved by the same and other most weighty reasons, limits, to those only who are connected in the first and second degree, the impediment contracted by affinity arising from fornication, and which dissolves the marriage that may have been afterwards contracted. It ordains [Page 201] that, as regards degrees more remote, this kind of affinity does not dissolve the marriage that may have been afterwards contracted.

CHAPTER V.

No one is to marry within the prohibited degrees: in what manner dispensation is to be granted therein.

If any one shall presume knowingly to contract marriage within the prohibited degrees, he shall be separated, and be without hope of obtaining a dispensation; and this shall much the rather have effect in regard of him who shall have dared not only to contract such a marriage, but also to consummate it. But if he have done this in ignorance, but yet has neglected the solemnities required in contracting matrimony, he shall be subjected to the same penalties. For he who has rashly despised the wholesome precepts of the Church, is not worthy to experience without difficulty her bounty. But if, having observed those solemnities, some secret impediment be afterwards discovered, of which it was not unlikely that he should be ignorant, he may in this case more easily obtain a dispensation, and that gratuitously. As regards marriages to be contracted, either no dispensation at all shall be granted, or rarely, and then for a cause, and gratuitously. A dispensation shall never be granted in the second degree, except between great princes, and for a public cause.

CHAPTER VI.

Punishments inflicted on Abductors.

The holy Synod ordains, that no marriage can subsist between the abducer and her who is abducted, so long as she shall remain in the power of the abducer. But if she that has been [Page 202] abducted, being separated from the abducer, and being in a safe and free place, shall consent to have him for her husband, the abducer may have her for his wife; but nevertheless the abduced himself and all who lent him advice, aid, and countenance, shall be ipso jure excommunicated, for ever infamous, and incapable of all dignities; and if they be clerics they shall forfeit their rank. The abducer shall furthermore be bound, whether he marry the person abducted, or marry her not, to settle on her a handsome dowry at the discretion of the judge.

CHAPTER VII.

Vagrants are to be married with caution.

There are many persons who are vagrants, having no settled homes; and, being of a profligate character, they, after abandoning their first wife, marry another, and very often several in different places, during the life-time of the first. The holy Synod, being desirous to obviate this disorder, gives this fatherly admonition to all whom it may concern, not easily to admit this class of vagrants to marriage; and It also exhorts the civil magistrates to punish such persons severely. But It commands parish priests not to be present at the marriages of such persons, unless they have first made a careful inquiry, and, having reported the circumstance to the Ordinary, they shall have obtained permission from him for so doing.

CHAPTER VIII.

Concubinage is severely punished.

It is a grievous sin for unmarried men to have concubines; but it is a most grievous sin, and one committed in special contempt of this great sacrament, for married men also to live in this state of damnation, and to have the audacity at times to [Page 203] maintain and keep them at their own homes even with their own wives. Wherefore, the holy Synod, that it may by suitable remedies provide against this exceeding evil, ordains that these concubinaries, whether unmarried or married, of whatsoever state, dignity, and condition they may be, if, after having been three times admonished on this subject by the Ordinary, even ex officio, they shall not have put away their concubines, and have separated themselves from all connexion with them, they shall be smitten with excommunication; from which they

shall not be absolved until they have really obeyed the admonition given them. But if, regardless of this censure, they shall continue in concubinage during a year, they shall be proceeded against with severity by the Ordinary, according to the character of the crime. Women, whether married or single, who publicly live with adulterers or with concubinaries, if, after having been three times admonished, they shall not obey, shall be rigorously punished, according to the measure of their guilt, by the Ordinaries of the places, ex officio, even though not called upon to do so by any one; and they shall be cast forth from the city or diocese, if the Ordinaries shall think fit, calling in the aid of the Secular arm, if need be; the other penalties inflicted on adulterers and concubinaries remaining in their full force.

CHAPTER IX.

Temporal lords, or magistrates, shall not attempt anything contrary to the liberty of marriage.

Earthly affections and desires do for the most part so blind the eyes of the understanding of temporal lords and magistrates, as that, by threats and ill-usage, they compel both men and women, who live under their jurisdiction,-especially such as are rich, or who have expectations of a great inheritance,-to contract marriage against their inclination with those whom the said lords or magistrates may prescribe unto them. Wherefore, seeing that it is a thing especially execrable to violate the liberty of matrimony, and that wrong comes from those from whom right is looked for, the holy Synod enjoins on all, of [Page 204] whatsoever grade, dignity, and condition they may be, under pain of anathema to be ipso facto incurred, that they put no constraint, in any way whatever, either directly or indirectly, on those subject to them, or any others whomsoever, so as to hinder them from freely contracting marriage.

CHAPTER X.

The solemnities of marriage are prohibited at certain times.

The holy Synod enjoins, that the ancient prohibitions of solemn nuptials be carefully observed by all, from the Advent of our Lord Jesus Christ until the day of the Epiphany, and from Ash-Wednesday until the octave of Easter inclusively; but at other times It allows marriage to be solemnly celebrated; and the bishops shall take care that they be conducted with becoming modesty and propriety: for marriage is a holy thing, and is to be treated in a holy manner.

DECREE ON REFORMATION

The same sacred and holy Synod, prosecuting the subject of Reformation, ordains that the things following be established in the present Session.

CHAPTER I.

The manner of proceeding to the creation of Bishops and Cardinals.

If, as regards all manner of degrees in the Church, a provident and enlightened care is to be taken, that in the house of the Lord there be nothing disorderly, nothing unseemly; much more ought we to strive that no error be committed in the election of him who is constituted above all those degrees. [Page 205] For the state and order of the whole household of the Lord will totter, if what is required in the body be not found in the head. For which cause, although the holy Synod has elsewhere usefully ordained certain things touching those who are to be promoted to cathedral and superior churches, yet doth it account this office to be of such a nature, as that were it to be pondered upon in proportion to its greatness, there would never seem to have been caution enough taken. Wherefore It ordains, that, as soon as a church shall become vacant, processions, and prayers shall be made in public and private; and such shall be enjoined, by the Chapter, throughout the city and diocese; that thereby both clergy and people may be enabled to obtain from God a good pastor.

And as regards all and each of those who have, in any way, any right from the Apostolic See, or who otherwise have a part, in the promotion of those to be set over the churches; the holy Synod,-without making any change herein, from a consideration of the circumstances of the present time,-exhorts and admonishes them, that they above all things bear in mind that they cannot do anything more conducive to the glory of God, and the salvation of the people, than to study to promote good pastors, and such as are capable of governing a church; and that they sin mortally, becoming partakers in others' sins, unless they carefully endeavour that those be promoted whom they themselves judge the most worthy of, and useful to, the church, not guided by entreaties, or human affection, or the solicitations of pretenders, but by what the merits of the individuals require at their hands; and seeing that they be persons whom they know to have been born in lawful wedlock, and who, by their life, learning, and in all other qualifications, are such as are required by the sacred canons, and by the decrees of this Synod of Trent.

And forasmuch as, by reason of the diversity of nations, peoples, and customs, a uniform system cannot be followed everywhere, in receiving the grave and competent testimony of [Page 206] good and learned men on the subject of the aforesaid qualifications, the holy Synod ordains, that, in a provincial Synod, to be held by the metropolitan, there shall be prescribed for each place and province a proper form of examination, scrutiny, or information, such as shall seem to be most useful and suitable for the said places, which form is to be submitted to the approval of the most holy Roman Pontiff; yet so, however, that, after that this examination, or scrutiny, as regards the persons to be promoted, shall have been completed, it shall, after being reduced into the form of a public document, be necessarily transmitted, as soon as possible, with all the attestations and with the profession of faith made by the individual to be promoted, to the most holy Roman Pontiff, in order that the said Sovereign Pontiff, having a full knowledge of the whole matter and of the persons, may, for the advantage of the Lord's flock, in a most useful manner provide those churches therewith, if they shall have been found, by the examination or scrutiny, suitable persons. And all the scrutinies, informations, attestations, and proofs of whatsoever kind, and by whomsoever made, even though in the Roman court, touching the qualifications of the person to be promoted, shall be carefully examined by a cardinal-who shall report thereon to the consistory-aided therein by three other cardinals; and the said report shall be authenticated by the signature of the cardinal who drew up the report, and of the three other cardinals; and therein each of the four cardinals shall make affirmation that, after giving exact attention thereto, he has found the persons to be promoted, endowed with the qualifications required by law, and by this holy Synod, and that, at the peril of his eternal salvation, he doth certainly think them fit to be placed over the churches: in such wise that, after the report has been made in one consistory, the

sentence shall be deferred until another consistory, in order that the said inquiry may be more maturely looked into in the mean time,-unless the most blessed Pontiff shall judge it expedient to act otherwise.
[Page 207] And the Synod ordains, that all and singular the particulars which have been elsewhere ordained, in the same Synod, touching the life, age, learning, and the other qualifications of those who are to be appointed bishops, the same are also to be required in the creation of cardinals-even though they be deacons -of the holy Roman Church; whom the most holy Roman Pontiff shall, as far as it can be conveniently done, select out of all the nations of Christendom, as he shall find persons suitable.
Finally, the same holy Synod, moved by the so many most grievous afflictions of the Church, cannot avoid recording, that nothing is more necessary for the Church of God than that the most blessed Roman Pontiff apply especially here that solicitude, which, by the duty of his office, he owes to the Universal Church,-that he take unto himself, to wit as cardinals, persons the most select only, and that he appoint over each church, above all things, good and fit pastors; and this the more, for that our Lord Jesus Christ will require at his hands the blood of those sheep of Christ which shall perish through the evil government of pastors who are negligent, and forgetful of their office.
CHAPTER II.
A Provincial Synod to be celebrated every third year, a Diocesan Synod every year: who are to convoke, and who to be present thereat.
Provincial councils, wheresoever they have been omitted, shall be renewed, for the regulating of morals, the correcting of excesses, the composing of controversies, and for the other purposes allowed of by the sacred canons. Therefore, the metropolitans in person, or if they be lawfully hindered, the oldest suffragan bishop shall not fail to assemble a Synod, each in his own province, within a year at latest from the termination of the present council, and afterwards, at least every third year, [Page 208] either after the octave of the Resurrection of our Lord Jesus Christ, or at some other more convenient time, according to the custom of the province; at which council all the bishops and others, who, by right or custom, ought to be present thereat, shall be absolutely bound to assemble, those excepted who would have to cross the sea at their imminent peril. The bishops of the province shall not, for the future, be compelled, under the pretext of any custom whatsoever, to repair against their will to the metropolitan church. Those bishops likewise who are not subject to any archbishop, shall once for all make choice of some neighbouring metropolitan, at whose provincial Synod they shall be bound to be present with the other bishops, and shall observe, and cause to be observed, whatsoever shall be therein ordained. In all other respects, their exemption and privileges shall remain whole and entire.
Diocesan Synods also shall be celebrated every year; to which all those even who are exempted, but who would otherwise, that exemption ceasing, have to attend, and who are not subject to general Chapters, shall be bound to come; understanding however that, on account of parochial, or other Secular churches, even though annexed, those who have charge thereof must needs, whosoever they may be, be present at the said Synod. But if any, whether metropolitans, or bishops, or the others above-named, shall be negligent in these matters, they shall incur the penalties enacted by the sacred canons.
CHAPTER III.
In what manner Prelates are to make their visitation.
Patriarchs, primates, metropolitans, and bishops shall not fail to visit their respective dioceses, either personally, or, if they be lawfully hindered, by their Vicar-general, or visitor; if they shall not be able on account of its extent, to make the visitation of the whole annually, they shall visit at least the greater part thereof, so that the whole shall be completed in two years, [Page 209] either by themselves, or by their visitors. Metropolitans, however, even after having made a complete visitation of their own proper diocese, shall not visit the cathedral churches, or the dioceses of the bishops of their province, except for a cause taken cognizance and approved of in the provincial Council.
But archdeacons, deans, and other inferiors, who have been hitherto accustomed lawfully to exercise (the power of) visitation in certain churches, shall henceforth visit those same places, but by themselves only, with the consent of the bishop, and assisted by a notary. The visitors also who may be deputed by a Chapter, where the Chapter has the right of visitation, shall be first approved of by the bishop; but the bishop, or, if he be hindered, his visitor, shall not thereby be prevented from visiting those same churches apart from those deputies; and the said archdeacons, and other inferiors, shall be bound to give the bishop an account, within a month, of the visitation that has been made, and to show him the depositions of witnesses, and the proceedings in their entire form; any custom, even though immemorial, and any exemptions and privileges whatsoever notwithstanding.
But the principle object of all these visitations shall be to lead to sound and orthodox doctrine, by banishing heresies; to maintain good morals, and to correct such as are evil; to animate the people, by exhortations and admonitions, to religion, peacefulness, and innocence; and to establish such other things as to the prudence of the visitors shall seem for the profit of the faithful, according as time, place and opportunity shall allow. And to the end that all this may have a more easy and prosperous issue, all and each of the aforesaid, to whom the right of visitation belongs, are admonished to treat all persons with fatherly love and Christian zeal; and with this view being content with a modest train of servants and horses, they shall endeavour to complete the said visitation as speedily as possible, though with due carefulness. And during it they shall be careful not to be troublesome or burthensome to any one by any useless expenses; and neither they, nor any of theirs, shall, by way of agency fee for the visitation, or, on account of wills made for pious uses--except that which is of right due to them out of [Page 210] pious bequests--or under any other name whatsoever, receive anything, be it money, or present, of whatsoever kind, or in whatsoever way offered; any custom, even though immemorial, to the contrary notwithstanding; with the exception, however, of food, which shall be furnished frugally and in moderation to them and theirs, only during the time necessary for the visitation, and no longer. It shall, however, be at the option of those who are visited, to pay, if they prefer it, in money, according to a fixed assessment, what they have been accustomed heretofore to disburse, or to furnish the food as aforesaid; saving

also the right of ancient conventions entered into with monasteries, or other pious places, or churches not parochial, which right shall remain inviolate. But, in those places or provinces, where it is the custom that neither food, money, nor anything else be received by the visitors, but that all be done gratuitously, the same shall be retained there.
But if any one, which God forbid, shall presume to receive anything more than is prescribed in any of the cases above-named; besides the restitution of double the amount which is to be made within a month, he shall also be subjected, without any hope of pardon, to the other penalties contained in the constitution of the general Councils of Lyons, which begins, Exigit; as also to the other penalties (which shall be enacted) in the provincial Synod, at the discretion of that Synod.
As regards patrons, they shall not presume in any way to interfere in those things which regard the administration of the sacraments; neither shall they meddle with the visitation of the ornaments of the church, or its revenues arising from landed property, or from buildings, excepting so far as they are competent to do this by the institution, or foundation; but the bishops themselves shall attend to these things, and shall take care that the revenues of those buildings be expended upon purposes necessary and useful for the church, as to them shall seem most expedient. [Page 211]

CHAPTER IV.

By whom, and when, the office of preaching is to be discharged: the Parish Church to be frequented in order to hear the word of God. No one shall preach in opposition to the will of the Bishop.

The holy Synod, desirous that the office of preaching, which peculiarly belongs to bishops, may be exercised as frequently as possible, for the welfare of the faithful, and accommodating more aptly to the use of the present times, the canons elsewhere set forth on this subject, under Paul III., of happy memory, ordains, that the bishops shall themselves in person, each in his own church, announce the sacred Scriptures and the devine law, or if lawfully hindered, it shall be done by those whom they shall appoint to the office of preaching; and in the other churches by the parish priests, or, if they be hindered, by others to be deputed by the bishop, whether it be in the city, or in any other part whatsoever of the diocese wherein they shall judge such preaching expedient, at the charge of those who are bound, or who are accustomed, to defray it, and this at least on all Lord's Days and solemn festivals; but, during the season of the fasts, of Lent and of the Advent of the Lord, daily, or at least on three days in the week, if the said bishop shall deem it needful; and, at other times, as often as they shall judge that it can be opportunely done. And the bishop shall diligently admonish the people, that each one is bound to be present at his own parish church, where it can be conveniently done, to hear the word of God. But no one, whether Secular or Regular, shall presume to preach, even in churches of his own order, in opposition to the will of the bishop.
The said bishops shall also take care, that, at least on the Lord's Days and other festivals, the children in every parish be carefully taught the rudiments of the faith, and obedience towards [Page 212] God and their parents, by those whose duty it is, and who shall be constrained thereunto by their bishops, if need be, even by ecclesiastical censures; any privileges and customs notwithstanding. In other respects, those things decreed, under the said Paul III., concerning the office of preaching, shall have their full force.

CHAPTER V.

In criminal causes against Bishops, the greater causes shall be taken cognizance of by the Sovereign Pontiff only, the less by the Provincial Council.

The more grave criminal causes against bishops, even of heresy-which may God forfend-which merit deposition or deprivation, shall be taken cognizance of and decided by the Sovereign Roman Pontiff himself only. But if the cause shall be of such a nature that it must necessarily be committed out of the Roman Court, it shall not be committed to any others soever, but metropolitans, or bishops, to be chosen by the most blessed Pope. And this commission shall both be special, and shall be signed by the most holy Pontiff's own hand; nor shall he ever grant more to those commissioners than this,-that they take information only of the fact, and draw up the process, which they shall immediately transmit to the Roman Pontiff; the definitive sentence being reserved to the said most holy Pontiff.
The other things hereupon elsewhere decreed, under Julius III., of happy memory, as also the constitution published in a general Council under Innocent III., which begins, Qualiter et quando, which constitution the holy Synod renews in this present decree, shall be observed by all.
But the less criminal causes of bishops shall be taken cognizance of and decided in the provincial Council only, or by persons deputed thereunto by the provincial Council. [Page 213]

CHAPTER VI.

When and how the Bishop may absolve from crime, and dispense in cases of irregularity and suspension.

It shall be lawful for the bishop to dispense in all manner of irregularities and suspensions, arising from a crime that is secret,-except that proceeding from wilful homicide, and those crimes which have been already carried before a legal tribunal; -and (it shall be lawful for them), in their own diocese, either by themselves, or by a vicar to be deputed especially for that purpose, to absolve gratuitously, as far as the tribunal of the conscience is concerned, after imposing a salutary penance, all delinquents whatsoever their subjects, in all cases whatsoever that are secret, even though reserved to the Apostolic See. The same also, as regards the crime of heresy, shall be permitted them in the said court of conscience, but to them only, and not to their vicars.

CHAPTER VII.

The virtue of the Sacraments shall, before being administered to the people, be explained by Bishops and Parish Priests; during the solemnization of mass, the sacred oracles shall be explained.

In order that the faithful people may approach to the reception of the sacraments with greater reverence and devotion of mind, the holy Synod enjoins on all bishops, that, not only when they are themselves about to administer them to the people, they shall first explain, in a manner suited to the capacity of those who receive them, the efficacy and use of those sacraments, but shall endeavour that the same be done piously and prudently [Page 214] by every parish

priest; and this even in the vernacular tongue, if need be, and it can be conveniently done; and in accordance with the form which will be prescribed for each of the sacraments, by the holy Synod, in a catechism which the bishops shall take care to have faithfully translated into the vulgar tongue, and to have expounded to the people by all parish priests; as also that, during the solemnization of mass, or the celebration of the divine offices, they explain, in the said vulgar tongue, on all festivals, or solemnities, the sacred oracles, and the maxims of salvation; and that, setting aside all unprofitable questions, they endeavour to impress them on the hearts of all, and to instruct them in the law of the Lord.

CHAPTER VIII.

On public sinners, a public penance shall be imposed, unless the Bishop shall determine otherwise: a Penitentiary to be instituted in Cathedral Churches.The apostle admonishes that those who sin publicly are to be reproved openly. When, therefore, any one has, publicly and in the sight of many, committed a crime, whereby there is no doubt that others have been offended and scandalized; there must needs be publicly imposed upon him a penance suitable to the measure of his guilt; that so those whom he has allured to evil manners by his example, he may bring back to an upright life by the testimony of his amendment. The bishop, however, may, when he judges it more expedient, commute this kind of public penance into one that is secret. Likewise, in all cathedral churches, where it can be conveniently done, the bishop shall appoint a penitentiary, annexing thereto the prebend that shall next become vacant, which penitentiary shall be a master, or doctor, or licentiate in theology, or in canon law, and forty years of age, or otherwise one who shall be found more suitable [Page 215] considering the character of the place; and, whilst hearing confessions in the church, he shall be meanwhile reputed as present in choir.

CHAPTER IX.

By whom Secular Churches, not of any diocese, are to be visited.

Those things which have elsewhere been established by this same Council, under Paul III., of happy memory, and lately under our most blessed lord Pius IV., touching the diligence to be used by the Ordinaries in visiting benefices, even though exempted, the same shall also be observed in regard of those Secular churches which are said to be in no one's diocese; to wit they shall be visited by the bishop-as the delegate of the Apostolic See-whose cathedral church is the nearest, if he be able to do so; otherwise, by him whom the prelate of the said place has once for all selected in the provincial Council;-any privileges and customs whatsoever, even though immemorial, to the contrary notwithstanding.

CHAPTER X.

Where visitation and correction of morals are concerned, no suspension of decrees is allowed.

Bishops, that they may be the better able to keep the people whom they rule in duty and obedience, shall, in all those things which regard visitation and correction of manners, have the right and power, even as delegates of the Apostolic See, of ordaining, regulating, correcting, and executing, in accordance with the enactments of the canons, those things which, in their prudence, shall seem to them necessary for the amendment of their subjects, and for the good of their respective dioceses. Nor herein, when visitation and correction of manners are concerned, shall any exemption, or any inhibition, or appeal, or complaint, even though interposed to the Apostolic See, in any way hinder, or suspend the execution of those things which shall have been by them enjoined, decreed, or adjudged. [Page 216]

CHAPTER XI.

Honorary titles, or particular privileges, shall not derogate in any way from the right of bishops.

Forasmuch as the privileges and exemptions which, under various titles, are granted to very many persons, are clearly seen to raise, in these days, confusion in the jurisdiction of bishops, and to give occasion to those exempted to lead a more relaxed life; the holy Synod ordains, that if at any time it be thought proper, for just, weighty, and well nigh compulsory causes, that certain persons be distinguished by the honorary titles of Protonotary, Acolyte, Count Palatine, Royal Chaplain, or other such titles of distinction, whether in the Roman court or elsewhere; as also that others be admitted into monasteries as Oblates, or as attached thereunto in some other way, or under the name of servants to military orders, monasteries, hospitals, colleges, or under any other title whatsoever; nothing is to be understood as being, by these privileges, taken away from the Ordinaries, so as to prevent those persons, unto whom those privileges have already been granted, or to whom they may be hereafter conceded, from being fully subject in all things to the said Ordinaries, as delegates of the Apostolic See, and this as regards Royal Chaplains, in accordance with the constitution of Innocent III., which begins Cum capella: those persons, however, being excepted, who are engaged in actual service in the aforesaid places, or in military orders, and who reside within their enclosures and houses, and live under obedience to them; as also those who have made their profession lawfully and according to the rules of the said military orders, whereof the Ordinary must be certified: notwithstanding any privileges what soever, even those of the order of Saint John of Jerusalem, and of other military orders. But, as regards those privileges which by virtue of the constitution of Eugenius, those are accustomed to enjoy who reside in the Roman Court, or who are in the household of cardinals, such privileges shall in no wise be understood to apply to those who hold ecclesiastical benefices, in so [Page 217] far as those benefices are concerned; but such shall continue subject to the jurisdiction of the Ordinary; any inhibitions to the contrary notwithstanding.

CHAPTER XII.

What manner of persons those ought to be who are to be promoted to the dignities and canonries of Cathedral Churches: and what those so promoted are bound to perform.

Whereas dignities, especially in cathedral churches, were established to preserve and increase ecclesiastical discipline, with the view that those who should obtain them, might be pre-eminent in piety, be an example to others, and aid the bishop by their exertions and services; it is but right, that those who are called unto those dignities, should be such as to be able to answer the purposes of their office. Wherefore, no one shall henceforth be promoted to any dignities whatsoever, to which the cure of souls is attached, who has not attained at least to the twenty-fifth year of his age, and, having been exercised for some time in the clerical order, is recommended by the learning necessary for the

discharge of his office, and by integrity of morals, conformably to the constitution of Alexander III., promulgated in the Council of Lateran, which begins, Cum in cunctis.

In like manner archdeacons, who are called the eyes of the bishop, shall, in all churches, where it is possible, be masters in theology, or doctors or licentiates in canon law. But, to the other dignities or personates, to which no cure of souls is attached, clerics shall be promoted, who are in other respects qualified, and who are not less than twenty-two years of age. Those also who are promoted to any benefices whatsoever having cure of souls, shall, within two months at the latest from the day of obtaining possession, be bound to make a public profession of their orthodox faith in the presence of the bishop [Page 218] himself, or, if he be hindered, before his Vicar-general, or official; and shall promise and swear, that they will continue in obedience to the Roman Church. But those who are promoted to canonries and dignities in cathedral churches, shall be bound to do this not only before the bishop, or his official, but also in the Chapter; otherwise all those promoted as aforesaid shall not render the fruits theirs; nor shall possession avail them anything. No one shall henceforth be received to a dignity, canonry, or portion, but one who has either already been admitted to that sacred order which that dignity, prebend, or portion requires, or is of such an age as to be capable of being admitted to that order, within the time prescribed by law and by this holy Synod. As regards all cathedral churches, all canonries and portions shall be attached to the order of the priesthood, deaconship, or subdeaconship; and the bishop, with the advice of the Chapter, shall designate and apportion, as he shall judge expedient, to which thereof each of those respective sacred orders is for the future to be annexed; in such wise, however, that one half at least shall be priests, and the rest deacons, or subdeacons: but where the more praiseworthy custom requires, that the greater part, or that all be priests, it shall be by all means retained. Moreover, the holy Synod exhorts that, in provinces where it can conveniently be done, all the dignities, and one half at least of the canonries, in cathedral and eminent collegiate churches, be conferred only on masters, or doctors, or even on licentiates in theology, or canon law. Furthermore, it shall not be lawful, by virtue of any manner of statute or custom whatsoever, for those who possess, in the said cathedral or collegiate churches, any dignities, canonries, prebends, or portions, to be absent from those churches, above three months in each year-saving, however, the constitutions of those churches which require a longer term of service-otherwise every offender shall, for the first year, be deprived of onehalf of the fruits which he has made his own by reason even of his prebend and residence. But, if he be again guilty of the same negligence, he shall be deprived of all the fruits which he may have acquired during that same year: and, the contumacy increasing, they shall be proceeded against according to the con-[Page 219] stitutions of the sacred canons. As regards the distributions; those who have been present at the stated hours shall receive them; all others shall, all collusion and remission set aside, forfeit them, pursuant to the decree of Boniface VIII., which begins, Consuetudinem, which the holy Synod brings again into use; any statutes, or customs, whatsoever, to the contrary notwithstanding. And all shall be obliged to perform the divine offices in person, and not by substitutes; as also to attend on and serve the bishop when celebrating (mass), or performing any other pontifical functions; and reverently, distinctly, and devoutly to praise the name of God, in hymns and canticles, in the choir appointed for psalmody.

They shall, moreover, at all times wear a becoming dress, both in and out of church; shall abstain from unlawful hunting, hawking, dancing, taverns, and gaines; and be distinguished for such integrity of manners, as that they may with justice be called the senate of the Church. As to other matters, regarding the suitable manner of conducting the divine offices, the proper way of singing or chanting therein, the specific regulations for assembling in choir and for remaining there, as also such things as may be necessary in regard of all those who minister in the church, and any other things of the like kind; the provincial Synod shall prescribe a fixed form on each Head, having regard to the utility and habits of each province. But, in the mean time, the bishop, assisted by not less than two canons, one of whom shall be chosen by the bishop, and the other by the Chapter, shall have power to provide herein as may be judged expedient.

CHAPTER XIII.

In what manner provision is to be made for the more slightly endowed Cathedral and Parish Churches: Parishes are to be distinguished by certain boundaries.

Forasmuch as very many cathedral churches have so slight a revenue, and are so small, that they by no means correspond with the episcopal dignity, nor suffice for the necessities of the churches; the provincial Council, having summoned those whose [Page 220] interests are concerned, shall examine and weigh with care, what churches it may be expedient, on account of their small extent, and their poverty, to unite to others in the neighbourhood, or to augment with fresh revenues; and shall send the documents prepared in regard thereof to the Sovereign Roman Pontiff; who, being thereby made acquainted with the matter, shall, of his own prudence, as he may judge expedient, either unite together the slightly provided churches, or improve them by some augmentation derived from the fruits. But in the meantime, until the things aforesaid are carried into effect, the Sovereign Pontiff may provide, out of certain benefices, for those bishops who, on account of the poverty of their dioceses, stand in need of being aided by certain fruits; provided however those benefices be not cures, nor dignities, canonries, prebends, nor monasteries wherein regular observance is in force, or which are subject to general Chapters, or to certain visitors.

In parish churches also, the fruits of which are in like manner so slight that they are not sufficient to meet the necessary charges, the bishop,-if unable to provide for the exigency by a union of benefices, not however those belonging to Regulars,-shall make it his care, that, by the assignment of first fruits, or tithes, or by the contributions and collections of the parishioners, or in some other way that shall seem to him more suitable, as much be amassed as may decently suffice for the necessities of the rector and of the parish.

But in whatsoever unions may have to be made, whether for the causes aforesaid, or for others, parish churches shall not be united to any monasteries whatever, or abbeys, or dignities, or prebends of a cathedral or collegiate church, or to any other simple benefices, hospitals, or military orders; and those so united shall be again taken cognizance of by the Ordinaries, pursuant to the decree already made in this same Synod, under Paul III., of happy memory, which shall

also be equally observed in regard of those unions that have been made from that time forth to the present; notwithstanding whatsoever form of words may have been used therein, which shall be accounted as being sufficiently expressed here.

Furthermore, all those cathedral churches, the revenue of which, [Page 221] in real annual value, does not exceed the sum of one thousand ducats, and those parish churches where it does not exceed the sum of one hundred ducats, shall not for the future be burthened with any manner of pensions, or reservations of fruits. Also, in those cities and places where the parish churches have not any certain boundaries, neither have the rectors thereof their own proper people to govern, but administer the sacraments to all indiscriminately who desire them, the holy Synod enjoins on bishops, that for the greater security of the salvation of the souls committed to their charge, having divided the people into fixed and proper parishes, they shall assign to each parish its own perpetual and peculiar parish priest who may know his own parishioners, and from whom alone they may licitly receive the sacraments; or the bishops shall make such other provision as may be more beneficial, according as the character of the place may require. They shall also take care, that the same be done, as soon as possible, in those cities and places where there are no parish churches: any privileges aind customs, even though immemorial, to the contrary notwithstanding.

CHAPTER XIV.

In promotions to benefices, or in admissions into possession of the same, any deductions from the fruits, not applied to pious uses, are prohibited.

In many churches, as well cathedral as collegiate and parochial, it is understood to be the practice, derived either from the constitutions thereof, or from an evil custom, that upon any election, presentation, institution, confirmation, collation, or other provision, or upon admission to the possession of any cathedral church, benefice, canonries, or prebends, or to a participation in the revenues, or the daily distributions, there are introduced certain conditions, or deductions from the fruits, certain payments, promises, unlawful compensations, as also the profits which are in some churches called Turnorum lucra; and [Page 222] whereas the holy Synod detests these practices, It enjoins on bishops, that they suffer not anything of the kind to be done, unless the proceeds be converted to pious uses, nor permit any of those modes of entering (on benefices) which carry with them a suspicion of a simoniacal taint, or of sordid avarice; and they shall themselves carefully take cognizance of their constitutions, or customs in the above regards; and, those only being retained which they shall approve of as laudable, the rest they shall reject and abolish as corrupt and scandalous. And It decrees that those, who act in any way contrary to the things comprised in this present decree, incur the penalties set forth against simoniacs by the sacred canons, and divers constitutions of the Sovereign Pontiffs, all of which this Synod renews; any statutes, constitutions, customs, even though immemorial, even though confirmed by apostolic authority, to the contrary notwithstanding; the bishop, as the delegate of the Apostolic See, having power to take cognizance of any surreption, obreption, or defect of intention, in regard thereof.

CHAPTER XV.

Method of increasing the slight prebends of Cathedral, and of eminent Collegiate Churches.

In cathedral, and eminent collegiate, churches, where the prebends are numerous, and so small, that, even with the daily distributions, they are not sufficient for the decent maintenance of the rank of the canons, according to the character of the place, and of the persons, it shall be lawful for the bishop, with the consent of the Chapter, either to unite thereunto certain simple benefices, not however such as belong to Regulars, or, if a provision cannot be made in this way, they may reduce those prebends to a less number, by suppressing some of them,-with the consent of the patron, if the right of patronage belong to laymen,-the fruits and proceeds of which shall be applied towards the daily distributions of the remaining prebends; yet so, however, that such a number shall be left as may conveniently serve for the celebration of divine worship, [Page 223] and be suitable to the dignity of the church; any constitutions and privileges whatsoever, or any reservation whether general or special, or any application whatever, to the contrary notwithstanding: nor shall the aforesaid unions or suppressions be set aside or hindered by any manner of provision whatsoever, not even by virtue of any resignation, or by any other derogations, or suspensions whatever.

CHAPTER XVI.

What duty devolves on the Chapter during the vacancy of a See.

When a See is vacant, the Chapter, in those places where the duty of receiving the fruits devolves upon it, shall appoint one or more faithful and diligent stewards to take care of the property and revenues of the church, of which they shall afterwards give an account to him whom it may regard. It shall also be absolutely bound, within eight days after the decease of the bishop, to appoint an official, or vicar, or to confirm the one who fills that office; who shall at least be a doctor, or a licentiate, of canon law, or otherwise as competent a person as can be procured: if anything be done contrary hereto, the appointment aforesaid shall devolve on the metropolitan. And if the church be itself the metropolitan, or exempted, and the Chapter shall be, as has been said above, negligent, then shall the oldest of the suffragan bishops in that metropolitan church, and the nearest bishop in regard of that church that is exempted, have power to appoint a competent steward and vicar. And the bishop, who is promoted to the said vacant church, shall demand, from the said steward, vicar, and all other officers and administrators, who, during the vacancy of the See, were, by the Chapter, or others, appointed in his room,-even though they should belong to the Chapter itself,-an account of those things which concern him, of their functions, jurisdiction, administration, or of any other their charge whatsoever; and shall have [Page 224] power to punish those who have been guilty of any delinquency in their office or administration, even though the officers aforesaid, having given in their accounts, may have obtained a quittance or discharge from the Chapter, or those deputed thereby. The Chapter shall also be bound to render an account to the said bishop of any papers belonging to the church, if any such have come into the possession thereof.

CHAPTER XVII.

In what case it is lawful to confer more than one benefice upon one individual; and for him to retain the same.

Whereas ecclesiastical order is perverted when one cleric fills the offices of several, the sacred canons have holily

provided that no one ought to be enrolled in two churches. But, seeing that many, through the passion of ungodly covetousness deceiving themselves, not God, are not ashamed to elude, by various artifices, what has been so excellently ordained, and to hold several benefices at the same time; the holy Synod, desiring to restore the discipline required for the government of the church, doth by this present decree,-which It orders to be observed in regard of all persons whatsoever, by whatsoever title distinguished, even though it be by the dignity of the Cardinalate,-ordain, that, for the future, one ecclesiastical benefice only shall be conferred on one and the same person. If indeed that benefice be not sufficient to afford a decent livelihood to the person on whom it is conferred, it shall then be lawful to bestow on him some other simple benefice that may be sufficient; provided that both do not require personal residence. And the above shall apply not only to cathedral churches, but also to all other benefices whatsoever, whether Secular or Regular, even to those held in commendam, of whatsoever title and quality they may be. But they who at present hold several parochial churches, or one cathedral and one parochial church, shall be absolutely obliged,-all dispensations and unions for life whatsoever to the contrary notwithstanding,-retaining one parochial church only, or the cathedral church alone, to resign the other parochial [Page 225] churches within the space of six months; otherwise as well the parish churches, as also all the benefices which they hold, shall be accounted ipso jure void, and as void shall be freely conferred on other competent persons; nor shall they who previously held them be able to retain the fruits thereof, with a safe conscience, after the said time. But the holy Synod desires that a provision be made in some suitable manner, as may seem fit to the Sovereign Pontiff, for the necessities of those who resign.

CHAPTER XVIII.

Upon a Parish Church becoming vacant, a Vicar is to be deputed thereunto by the Bishop, until it be provided with a Parish Priest: in what manner and by whom those nominated to Parochial Churches ought to be examined.

It is most highly expedient for the salvation of souls, that they be governed by worthy and competent parish priests. To the end that this may with greater care and effect be accomplished, the holy Synod ordains, that when a vacancy occurs in a parish church, whether by death, or by resignation, even in the Roman Court, or in any other manner whatsoever, though it may be alleged that the charge thereof devolves on the church (itself), or on the bishop, and though it may be served by one or more priests,-and this not excepting even those churches called patrimonial, or receptive, wherein the bishop has been accustomed to assign the cure of souls to one or more (priests), all of whom, as this Synod ordains, must be subjected to the examination herein prescribed later,-even though, moreover, the said parish church may be reserved, or appropriated, whether generally or specially, by virtue even of an indult, or privilege granted in favour of cardinals of the holy Roman Church, or of certain abbots, or chapters; it shall be the duty of the bishop, at once, upon obtaining information of the vacancy of the church, [Page 226] to appoint, if need be, a competent vicar to the same--with a suitable assignment, at his own discretion, of a portion of the fruits thereof--to support the duties of the said church, until it shall be provided with a rector. Moreover, the bishop, and he who has the right of patronage, shall, within ten days, or such other term as the bishop shall prescribe, nominate, in the presence of those who shall be deputed as examiners, certain clerics as capable of governing the said church. It shall nevertheless be free for others also, who may know any that are fit for the office, to give in their names, that a diligent scrutiny may be afterwards made as to the age, morals, and sufficiency of each. And even,--if the bishop, or the provincial Synod shall, considering the custom of the country, judge this more expedient,--those who may wish to be examined may be summoned by a public notice. When the time appointed has transpired, all those whose names have been entered shall be examined by the bishop, or, if he be hindered, by his Vicar-general, and by the other examiners, who shall not be fewer than three; to whose votes, if they should be equal, or given to distinct individuals, the bishop, or his vicar, may add theirs, in favour of whomsoever they shall think most fit.

And as regards the examiners, six at least shall be annually proposed by the bishop, or by his vicar, in the diocesan Synod; who shall be such as shall satisfy, and shall be approved of by, the said Synod. And upon any vacancy occurring in any church, the bishop shall select three out of that number to make the examination with him; and afterwards, upon another vacancy following, he shall select, out of the six aforesaid, the same, or three others, whom he may prefer. But the said examiners shall be masters, or doctors, or licentiates in theology, or in canon law, or such other clerics, whether Regulars,-even of the order of mendicants,-or Seculars, as shall seem best adapted thereunto; and they shall all swear on the holy Gospels of God, that they will, setting aside every human affection, faithfully perform their duty. And they shall beware of receiving anything whatever, either before or after, on account of this examination; otherwise, both the receivers and the givers will incur the guilt of simony, from which they shall not be capable of [Page 227] being absolved, until after they have resigned the benefices which they were possessed of in any manner whatsoever, even before this act; and they shall be rendered incapable of any others for the time to come. And in regard of all these matters, they shall be bound to render an account, not only to God, but also, if need be, to the provincial Synod, which shall have power to punish them severely, at Its discretion, if it be ascertained that they have done anything contrary to their duty.

Then, after the examination is completed, a report shall be made of all those who shall have been judged, by the said examiners, fit by age, morals, learning, prudence, and other suitable qualifications, to govern the vacant church; and out of these the bishop shall select him whom he shall judge the most fit of all; and to him, and to none other, shall the church be collated by him unto whom it belongs to collate thereunto. But, if the church be under ecclesiastical patronage, and the institution thereunto belongs to the bishop, and to none else, whomsoever the patron shall judge the most worthy from amongst those who have been approved of by the examiners, him he shall be bound to present to the bishop, that he may receive institution from him: but when the institution is to proceed from any other than the bishop, then the bishop alone shall select the worthiest from amongst the worthy, and him the patron shall present to him unto whom the institution belongs.

But if it be under lay patronage, the individual who shall be presented by the patron, must be examined, as above, by those deputed thereunto, and not be admitted, unless he be found fit. And, in all the above-mentioned cases, to none

other but to one of those who have been examined as aforesaid, and have been approved of by the examiners, according to the rule prescribed above, shall the church be committed, nor shall any devolution, or appeal, interposed even before the Apostolic See, or the legates, vice-legates, or nuncios of that see, or before any bishops, or metropolitans, primates, or patriarchs, hinder or suspend the report of the aforesaid examiners from being carried into execution: for the rest, the vicar whom the bishop has, at his own discretion, already deputed for the time being to the vacant church, or whom he may afterwards happen to depute [Page 228] thereunto, shall not be removed from the charge and administration of the said church, until it be provided for, either by the appointment of the vicar himself, or of some other person, who has been approved of and elected as above: and all provisions and institutions made otherwise than according to the above-named form, shall be accounted surreptitious: any exemptions, indults, privileges, preventions, appropriations, new provisions, indults granted to any university whatsoever, even for a certain sum, and any other impediments whatsoever, in opposition to this decree, notwithstanding.

If, however, the said parish churches should possess so slight a revenue, as not to allow of the trouble of all this examination; or should no one seek to undergo this examination; or if, by reason of the open factions, or dissensions, which are met with in some places, more grievous quarrels and tumults may easily be excited thereby; the Ordinary may, omitting this formality, have recourse to a private examination, if, in his conscience, with the advice of the (examiners) deputed, he shall judge this expedient; observing however the other things as prescribed above. It shall also be lawful for the provincial Synod, if It shall judge that there are any particulars which ought to be added to, or retrenched from, the above regulations concerning the form of examination, to provide accordingly.

CHAPTER XIX.

Mandates 'de providendo,' Expectatives, and other things of the like kind are abrogated.

The holy Synod ordains, that mandates for contingent promotions, and those graces which are called expectant, shall not any more be granted to any one, not even to colleges, universities, senates, or to any individuals whatsoever, even [Page 220] though under the name of an indult, or up to a certain sum, or under any other colourable title; nor shall it be lawful for any one to make use of such as have been heretofore granted. So, neither shall any mental reservations, nor any other graces whatsoever in regard of future vacancies in benefices, nor indults which apply to churches belonging to others, or to monasteries, be granted to any, not even cardinals of the holy Roman Church; and those hitherto granted shall be looked upon as abrogated.

CHAPTER XX.

The manner of conducting causes, appertaining to the Ecclesiastical court, is prescribed.

All causes belonging in any way whatever to the ecclesiastical court, even though they may relate to benefices, shall be taken cognizance of, in the first instance, before the Ordinaries of the places only; and shall be completely terminated within two years at the latest from the time that the suit was instituted: otherwise, at the expiration of that period, it shall be free for the parties, or for either of them, to have recourse to superior, but otherwise competent, judges, who shall take up the cause as it shall then stand, and shall take care that it be terminated with all possible despatch; nor, before that period, shall the causes be committed to any others (than the Ordinaries), nor be transferred therefrom; nor shall any appeals interposed by those parties be received by any superior judges whatsoever; nor shall any commission, or inhibition be issued by them, except upon a definitive sentence, or one that has the force thereof, and the grievance arising from which cannot be redressed by an appeal from that definitive sentence. From the above are to be excepted those causes, which, pursuant to the appointments of the canons, are to be tried before the Apostolic See, or those which the Sovereign Roman Pontiff shall, for an urgent and [Page 221] reasonable cause, judge fit to appoint, or to avocate, for his own hearing, by a special rescript under the signature of his Holiness signed with his own hand.

Furthermore, matrimonial and criminal causes shall not be left to the judgment of deans, archdeacons, and other inferiors, even when on their course of visitation, but shall be reserved for the examination and jurisdiction of the bishop only; even though there should be, at this present moment, a suit pending, in whatsoever stage of the proceedings it may be, between any bishop, and the dean, or archdeacon, touching the cognizance of this class of causes: and if, in any said matrimonial cause, one of the parties shall truly prove his property in the presence of the bishop, he shall not be compelled to plead out of the province, either in the second or third stage of the suit, unless the other party will provide for his maintenance, and also bear the expenses of the suit.

Legates also, even though de latere, nuncios, ecclesiastical governors, or others, shall not only not presume, by virtue of any powers whatsoever, to impede bishops in the causes aforesaid, or in any wise to take from them, or to disturb their jurisdiction, but they shall not even proceed against clerics, or other ecclesiastical persons, until the bishop has been first applied to, and has shown himself negligent; otherwise their proceedings and ordinances shall be of no force, and they shall be bound to make satisfaction to the parties for the damages which they have sustained.

Furthermore, should any individual appeal in those cases allowed of by law, or lodge a complaint touching any grievance, or have recourse, as aforesaid, to a judge, on account of two years having elapsed, he shall be bound to transfer, at his own expense, to the judge of appeal, all the acts of the proceedings that have taken place before the bishop, having given, however, notice thereof previously to the said bishop; that so, if it seem fit to him to communicate any information on the suit, he may acquaint the judge of appeal therewith. But if the appellee [Page 231] shall appear, then shall he also be bound to bear his proportion of the costs of transferring those acts, provided that he wishes to make use thereof; unless it be the custom of the place to act otherwise, to wit, that the entire costs have to be borne by the appellant.

Moreover, the notary shall be bound to furnish the appellant, upon payment of the suitable fee, with a copy of the proceedings as soon as may be, and within a month at the furthest. And should that notary be guilty of any fraud in delaying the giving such copy, he shall be suspended from the exercise of his office, at the discretion of the Ordinary, and be condemned to pay double the costs of the suit, which shall be divided between the appellant and the poor of

the place. But if the judge also should himself be cognizant of, and an accomplice in, this delay, or if he shall in any other way raise obstacles against the entire proceedings being delivered over to the appellant within the term aforesaid, he shall be subjected to the same penalty of paying double the costs, as above; notwithstanding, as regards all the aforesaid matters, any privileges, indults, covenants, which only bind the authors thereof, and any other customs whatsoever to the contrary.

CHAPTER XXI.

It is declared, that, by certain words used previously, the usual manner of treating business in General Councils is not changed.

The holy Synod,-being desirous that no occasion of doubting may, at any future period, arise out of the decrees which It has published,-in explanation of the words contained in a decree published in the first Session under our most blessed lord, Pius IV., to wit, "which, the legates and presidents proposing, shall to the said holy Synod appear suitable and proper for assuaging the calamities of these times, terminating the controversies concerning religion, restraining deceitful tongues, correcting the abuses of depraved manners, and procuring for the church a true and Christian peace," declares that it was not Its [Page 232] intention, that, by the foregoing words, the usual manner of treating matters in general Councils should be in any respect changed; or that anything new, besides that which has been heretofore established by the sacred canons, or by the form of general Councils, should be added to, or taken from, any one.

INDICTION OF THE NEXT SESSION.

Moreover, the same sacred and holy Synod ordains and decrees, that the next ensuing Session be held on the Thursday after the Conception of the Blessed Virgin Mary, which will be the ninth day of December next, with the power also of abridging that term. In which Session there will be treated of the sixth chapter which is now deferred till then, and the remaining chapters on Reformation which have been already set forth, and other matters which relate thereunto. And if it shall seem advisable, and the time will allow thereof, certain dogmas may also be treated of, as in their proper season they shall be proposed in the congregations.

Martin Luther on Marriage & Divorce* **(From 'A Compend of Luther's Theology,' page 194-196) -**

Marriage

God has done marriage the honor of putting it into the Fourth Commandment, immediately after the honor due to Him, and commands, "Thou shalt honor father and mother." Show me an honor in heaven or on earth apart from the honor of God, that can equal this honor! Neither the secular nor the spiritual estate has been so highly honored. And if God had given utterance to nothing more than this Fourth Commandment with reference to married life, men ought to have learned quite well from this Commandment that in God's sight there is no higher office, estate, condition and work (next to the Gospel which concerns God Himself) than the estate of marriage.
—"To the Knights of the Teutonic Order," Works of Martin Luther, Vol. III, pp. 423 f.

To get a wife is easy enough, but to love her with constancy is difficult, and he who can do that may well be grateful to our Lord God. Therefore if any one wants to marry a wife, let him take the matter seriously and pray to our Lord God: "0 Lord, if it is thy divine will that I should live without a wife, then help me to do so! If not, bestow upon me a good, pious maid, with whom I can live my whole life long, one whom I love and who loves me." For the mere union of the flesh is not sufficient. There must be congeniality of tastes and character. — Conversations with Luther, p. 63.

When a man and a woman love and are pleased with each other, and thoroughly believe in their love, who teaches them how they are to behave, what they are to do, leave undone, say, not say, think? Confidence alone teaches them all this, and more. They make no difference in works: they do the great, the long, the much, as gladly as the small, the short, the little, and vice versa; and that too with joyful, peaceful, confident hearts, and each is a free companion of the other. But where there is a doubt, search is made for what is best; then a distinction of works is imagined whereby a man may win favor; and yet he goes about it with a heavy heart, and great disrelish; he is, as it were, taken captive, more than half in despair, and often makes a fool of himself.
— " Treatise on Good Works," Works of Martin Luther, Vol. I, p. 191.

Divorce

Those who want to be Christians are not to be divorced, but each to retain his or her spouse, and bear and experience good and evil with the same, although he or she may be strange, peculiar and faulty; or, if there be a divorce, that the parties remain unmarried; and that it will not do to make a free thing out of marriage, as if it were in our power to do with it, changing and exchanging, as we please; but it is just as Jesus says: " What God has joined together let not man put asunder."

For trouble here is owing solely to the fact that men do not regard marriage according to God's word as his work and ordinance, do not pay regard to his will, that he has given to every one his spouse, to keep her, and to endure for his sake the discomforts that married life brings with it; they regard it as nothing else than a mere human, secular affair, with which God has nothing to do. Therefore one soon becomes tired of it, and if it does not go as we wish, we soon begin to separate and change. Then God nevertheless so orders it, that we thereby make it no better; as it then generally happens, if one wants to change and improve matters, and no one wants to carry his cross, but have everything perfectly convenient and without discomfort, that he gets an exchange in which he finds twice or ten times more discomfort, not alone in this matter but in all others. . . .

But you ask: Is there then no reason for which there may be separation and divorce between man and wife? Answer: Christ states here (Matt. v. 31-32) and in Matthew xix. 9, only this one, which is called adultery, and he quotes it from the law of Moses, which punishes adultery with death. Since now death alone dissolves marriages and releases from the obligation, an adulterer is already divorced not by man but by God himself, and not only cut loose from his spouse, but from this life. For by adultery he has divorced himself from his wife, and has dissolved the marriage, which he has no right to do; and he has thereby made himself worthy of death, in such a way that he is already dead before God, although the judge does not take his life. Because now God here divorces, the other party is fully released, so that he or she is not bound to keep the spouse that has proved unfaithful, however much he or she may desire it.

For we do not order or forbid this divorcing, but we ask the government to act in this matter, and we submit to what the secular authorities ordain in regard to it. Yet, our advice would be to such as claim to be Christians, that it would be much better to exhort and urge both parties to remain together, and that the innocent party should become reconciled to the guilty (if humbled and reformed) and exercise forgiveness in Christian love; unless no improvement could be hoped for, or the guilty person who had been pardoned and restored to favor persisted in abusing this kindness, and still continued in leading a public, loose life, and took it for granted that one must continue to spare and forgive him. . . .

In addition to this cause of divorce there is still another: if one of a married couple forsakes the other, as when through sheer petulance deserts the other. So, if a heathen woman were married to a Christian, or, as now sometimes happens, that one of the parties is evangelical and the other not (concerning which Paul speaks in I Cor. vii. 13), whether in such a case divorce would be right? There Paul concludes: If the one party is willing to remain, the other should not break the engagement; although they are not of one faith, the faith should not dissolve the marriage tie. But if it happens that the other party absolutely will not remain, then let him or her depart; and thou art not under any obligation to follow. But if a fellow deserts his wife without her knowledge or consent, forsakes house, home, wife and child, stays

away two or three years, or as long as he pleases (as now often happens), and when he has run his riotous course and squandered his substance and wants to come home again and take his old place, that the other party must be under obligation to wait for him as long as he chooses, and then take up with him again: such a fellow ought not only to be forbidden house and home, but should be banished from the country, and the other party, if the renegade has been summoned and long enough waited for, should be heartily pronounced free. Commentary on Sermon on the Mount, pp. 169-174

…The third case for divorce is that in which one of the parties deprives and avoids the other, refusing to fulfill the conjugalFN1 duty or to live with the other person. For example, one finds many a stubborn wife like that who will not give in, and who cares not a whit whether her husband falls into the sin of unchastity ten times over. Here it is time for the husband to say, "If you will not, another will; the maid will come if the wife will not." Only first the husband should admonish and warn his wife two or three times, and let the situation be known to others so that her stubbornness becomes a matter of common knowledge and is rebuked before the congregation…FN2

Here you should be guided by the words of St. Paul, I Corinthians 7 [:4-5], "The husband does not rule over his own body, but the wife does; likewise the wife does not rule over her own body, but the husband does. Do not deprive each other, except by agreement," etc. Notice that St. Paul forbids either party to deprive the other, for by the marriage vow each submits his body to the other in conjugal duty. When one resists the other and refuses the conjugal duty she is robbing the other of the body she had bestowed upon him. This is really contrary to marriage, and dissolves the marriage…FN3

I therefore pass over the good or evil which experience offers, and confine myself to such good as Scripture and truth ascribe to marriage. It is no slight boon that in wedlock fornication and unchastity are checked and eliminated. This in itself is so great a good that it alone should be enough to induce men to marry forthwith, and for many reasons.

The first reason is that fornication destroys not only the soul but also body, property, honor, and family as well. For we see how a licentious and wicked life not only brings great disgrace but is also a spendthrift life, more costly than wedlock, and that illicit partners necessarily occasion greater suffering for one another than do married folk. Beyond that it consumes the body, corrupts flesh and blood, nature, and physical constitution. Through such a variety of evil consequences God takes a rigid position, as though he would actually drive people away from fornication and into marriage. However, few are thereby convinced or converted.

The estate of marriage, however, redounds to the benefit not alone of the body, property, honor, and soul of an individual, but also to the benefit of whole cities and countries, in that they remain exempt from the plagues imposed by God. We know only too well that the most terrible plagues have befallen lands and people because of fornication. This was the sin cited as the reason why the world was drowned in the Deluge, Genesis 6 [:1-13], and Sodom and Gomorrah were buried in flames, Genesis 19 [:1-24]. We see before our very eyes that God even now sends more new plagues.

In addition to these three grounds for divorce there is one more which would justify the sundering of husband and wife, but only in such a way that they must both refrain from remarrying or else become reconciled. This is the case where husband and wife cannot get along together for some reason other than the matter of the conjugal duty. St. Paul speaks of this in I Corinthians 7 [:10-11], "Not I but the Lord give charge to the married that the wife should not separate from her husband. But if she does, let her remain single, or else be reconciled to her husband. Likewise, the husband should not divorce his wife." Solomon complains much in the Proverbs about such wives, and says he has found a woman more bitter than death [Eccles. 7:26]. One may also find a rude, brutal, and unbearable husband.

Now if one of the parties were endowed with Christian fortitude and could endure the other's ill behavior, that would doubtless be a wonderfully blessed cross and a right way to heaven. For an evil spouse, in a manner of speaking, fulfils the devil's function and sweeps clean him who is able to recognize and bear it. If he cannot, however, let him divorce her before he does anything worse, and remain unmarried for the rest of his days. Should he try to say that the blame rests not upon him but upon his spouse, and therefore try to marry another, this will not do, for he is under obligation to endure evil, or to be released from his cross only by God, since the conjugal duty has not been denied him. Here the proverb applies, "He who wants a fire must endure the smoke."
What about a situation where one's wife is an invalid and has therefore become incapable of fulfilling the conjugal duty? May he not take another to wife? By no means. Let him serve the Lord in the person of the invalid and await His good pleasure. Consider that in this invalid God has provided your household with a healing balm by which you are to gain heaven. Blessed and twice blessed are you when you recognize such a gift of grace and therefore serve your invalid wife for God's sake.

But you may say: I am unable to remain continent. That is a lie. If you will earnestly serve your invalid wife, recognize that God has placed this burden upon you, and give thanks to him, then you may leave matters in his care. He will surely grant you grace, that you will not have to bear more than you are able. He is far too faithful to deprive you of your wife through illness without at the same time subduing your carnal desire, if you will but faithfully serve your invalid wife. Excerpts from 'The Estate of Marriage,' written in 1522 in 'Luther's Works,' Vol. 45, edited by Walter I. Brandt pg. 38-46

FN1 Of or relating to marriage, matrimonial.

FN2 Mat. 18:15-18 But, if thy brother sin, withdraw, convince him, betwixt thee and him, alone,--If unto thee he hearken, thou hast gained thy brother; But, if he do not hearken, take with thee, yet one or two, that, at the mouth of two witnesses or three, every declaration, maybe established; But, if he hear them amiss, tell it to the assembly,--And, if, even the assembly, he hear amiss, Let him be unto thee, just as the man of the nations and the tax-collector.

FN3 1 Cor. 7:1-5 Now, concerning the things whereof ye wrote, it were, good, for a man, not to touch, a woman; But, on account of fornications, let, each man, have, his own wife, and, each woman, have, her own husband: Unto the wife, let the husband render what is her due, and, in like manner, the wife also, unto the husband,-- The wife, over her own body, hath not authority, but the husband, and, in like manner, the husband also, over his own body, hath not authority, but the wife. Be not depriving one another--unless perhaps by consent for a season, that ye may have leisure for prayer, and, again, may be together,--lest Satan be tempting you by reason of your want of self-control.

Marriage, Divorce and Remarriage In Church History (Truth Magazine)

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When asked if I would write a short article on the issue of divorce and remarriage throughout church history, I immediately thought about the history professor who liked to put this essay question at the end of his tests: "Write the history of the world in ten pages or less" (I think it was his weird idea of a joke). I have been asked to limit myself to the so-called "early church fathers" and some of the "Restoration leaders," and I am happy to comply. In addition to a brief survey of the material and some of the issues, I have provided notes for further reference if anyone is so inclined. These references are safely buried in the endnotes, where they will not harm anyone.

Fortunately for all of us, there has been some fairly recent work published on the views of the "church fathers" regarding these issues. A recent book by affiliates of Dallas Theological Seminary (a dispensational-fundamentalist school in Texas) begins with a chapter on "The Early Church View," and includes some edited quotations from the Shepherd of Hermas, Justin, Athenagoras, Theophilus of Antioch, Irenaeus, Clement of Alexandria, Origen, and Tertullian.(1) Therefore, I will not take the space (which would well exceed our available space) to quote from these men. Everett Ferguson has observed that "All who strive to be New Testament Christians in the present age are in a way second-century Christians. Not that they have, consciously or unconsciously, followed the second-century church or taken it as an authority. But, at best, we stand in relation to first-century Christians as did second-century Christians."(2) As another recent author noted, "Christians of all times have the same homework to do."(3) If someone should desire to do his or her "homework" and read for themselves what these authors said, the relevant texts are recorded in the notes.(4)

William F. Luck's recent book, Divorce and Remarriage, contains an appendix dealing with the "early church view" in it; he states succinctly the attitude which careful Bible students should take regarding the writers of the immediate post-New Testament centuries: "the inspired text determines the limits of position; extrabiblical interpretations serve only as suggestions. Although the positions of the early church are generally given deference, being closer to the actual teaching themselves, they must neither be given undue weight nor be accepted uncritically."(5) Indeed, although it may be interesting and even instructive to consider what other men have written about the Bible (Spurgeon once commented that it seemed strange that many who think so much of what the Bible reveals to them think so little of what it has revealed to others), each person ultimately must determine for himself what the Bible teaches regardless of what others may believe. Thus, in another sense, what the ante-Nicene writers, or the Campbells, or anyone else has written is irrelevant.

These recent books on the opinions of the ante-Nicene writers are simply the latest round in an on-going debate within Roman Catholicism and Protestant evangelicalism and Fundamentalism over the last several decades. In some ways, they reflect some of the same developments and the similar effects of modern social circumstances which have been evident among churches of Christ in the same period. The "liberation" of Catholic theology following Vatican II in the 1960's produced, among other things, a book by Victor Pospishil which asserted that "a distinct majority of the Fathers and the ancient ecclesiastical authorities permitted the remarriage of husbands of adulterous wives, while generally denying it to all wives, even the innocent."(6) Like some today, Pospishil argued that, in his opinion, the writings of the ante-Nicene authors, and even the biblical texts on divorce and remarriage, are unclear. His argument then was that "the final judgment on this matter belongs to the Catholic Church with her unlimited power of the keys: the authority to grant total divorce and permit the remarriage of divorced Christians."(7) Noted Catholic writer Joseph Fitzmyer reviewed the book, saying, "Whatever else is to be said about the merits or demerits of this book, the treatment of the Biblical passages is unspeakably bad."(8) Pospishil's book may be seen as a typical example of someone who has allowed either his doctrinal presuppositions or the changing moral standards of society (or both), rather than the Bible, to dictate his conclusions.

Not long afterward, an opposite conclusion was reached by "the most comprehensive study ever written on this subject."(9) That conclusion was "that in the first five centuries [after Christ] all Greek writers and all Latin writers except one agree that marriage following divorce for any reason is adulterous."(10) The author of that work, Henri Crouzel, is a French Jesuit; but the same position has recently been championed by two authors associated with British and American Fundamentalism, who summarize with endorsement Crouzel's view that almost uniformly, in the writings of the first five centuries of church history (Ambrosiaster excepted), "the marriage bond was seen to unite both parties until the death of one of them. When a marriage partner was guilty of unchastity, usually understood to mean adultery, the other was expected to separate but did not have the right to remarry."(11)

What are modern Christians to make of such evidence? Of course, it is uninspired, and thus some may wish simply to dismiss it. It may well represent an extreme view of the biblical teaching, produced largely by the same cultural and doctrinal pre-suppositions which gave rise to other Roman Catholic positions, including celibacy and various features of monasticism. At the very least, it demonstrates that views allowing almost unlimited justification for serial marriages and divorces is totally unknown during the first five centuries after Christ.(12)

Heth and Wenham's almost opposite extreme view is challenged (I think successfully) by another Fundamentalist author connected with Moody Bible Institute in Chicago. In a long appendix "On the Divorce Teachings of the Early Church," William F. Luck argues "none of the writings of the early Church Fathers, in spite of their strong belief in their own correctness, is directly associated with the teaching of either Jesus or one of his apostles. By this, I mean that none of the principle sources cited by such writers as Heth and Wenham personally knew either Jesus or one of the disciples."(13) Furthermore, Luck argues that "a number of writers have mis- or over-read the teachings of certain early Church Fathers and have drawn certain unwarranted conclusions from such teachings."(14) Arguing that "the ascetic tendencies of most of the conservative Fathers produced biased exegesis of the Gospel texts" and that "their ascetic interests moved them to strict positions on the crucial matter of questionable sexual relations," Luck concludes, "Their interpretations should therefore be viewed with a critical eye."(15) Finally, Luck maintains, "we do not conclude that

the early traditions of the Church are 'nearly unanimous' against all remarriage and divorce."(16) Of course, not only the early writers but contemporary authors such as Luck, Heth, Wenham, and others must be read with care, discretion, and an eye to what the biblical texts actually say.

Divorce and Remarriage in the "Restoration Movement"

The other major area of church history I was asked to explore for this article is how the so-called "Restorationists" of the past two centuries have viewed the biblical teachings on divorce and remarriage. Probably the place to begin is with Alexander Campbell's Millennial Harbinger, which broached the subject a few times during its 40-year run. The first such reference is in the Harbinger for February, 1834. Responding to a question regarding Matthew 19 and 1 Corinthians 7, Campbell said, "It seems to me that in all cases of voluntary desertion on the side of the unbelieving party, the marriage covenant is made void, and the believing party is to the deserter as though they never had been married . . . When both parties are in the kingdom, then the husband who puts away his wife, or the wife who leaves her husband, except for whoredom, and who marries another, commits adultery; and whoever marries either of the parties, commits adultery, and is to be discarded from the Christian community." Campbell added: "I am happy to have the concurrence of brother Walter Scott, who is at this time here on a visit."(17) In the last volume of the Harbinger, four years after Campbell's death, an article appeared which stated that "there is nothing in the New Testament law of marriage that is not as applicable, practical, and necessary outside the church as within it."(18)

Ed Harrell's history of the antebellum Restoration Movement reports "even during the 1830's that while the brothel who married an 'unbeliever' was 'to be pited,' he was not to be 'put out.' Alexander Campbell wrote: 'Certainly no Christian can . . . exclude a person simply for marrying any person not forbidden by the laws of the land.'"(19) However, Harrell continues, most nineteenth century church members "were not so liberal on the question of divorce The generally accepted standard was: 'There is no release then to husband or wife for the marriage contract unless the other party has been guilty of fornication.' A few church leaders were liberal enough to concede that 'desertion,' practice not uncommon on the frontier, was a just cause for divorce and remarriage, but these were the exceptions.(20) Harrell concludes that "the churches were probably mol diligent in enforcing their code of morality in this area the in any other."(21)

Despite the fact that the churches of Christ during the late nineteenth century were separating from the Disciples of Christ over a variety of issues and even more basic problems of the authority of the Bible, according to one study of divorce issues in that period, the preachers one hundred years ago "spoke almost with one voice. Only the most avant-garde Disciples in the last years of the century differed from the church's majority."(22) The view of "Restoration preachers" in this era can be summarized in this way: "Theologically, divorce was wrong except for the cause of adultery. Socially, the dissolving of the marital bond was detrimental to the fabric of public morals." The preachers "consistently argued that only sexual intercourse outside of the marriage constituted grounds for divorce. . . . Must a congregation expel members whose marriages ended for causes other than adultery? Church editors unanimously agreed in the affirmative. Can the 'innocent party' in a divorce for adultery remarry? Most Disciple leaders replied 'yes.' If a person not yet a Christian 'divorces for other than adultery, remarries, and is then converted, can he enter the fellowship of the congregation? Except for two church spokesmen, the answer demanded that the current, and, in their opinion, unscriptural marriage be dissolved.'"(23)

In the early twentieth century, rising divorce rates were reflected in the increasing number of articles on divorce and remarriage by members of churches of Christ.(24) The Gospel Advocate Index, for instance, lists 31 articles on divorce for the first quarter of the twentieth century; but the next decade, from 1925 to 1935, exceeds that number considerably.(25) Obviously, space limitations forbid an examination of anything but a fraction of these articles, but I propose to survey a representative sample.

Sharing with their religious neighbors a concern over the rising tide of divorces, the Advocate reprinted an article from the Methodist Advocate which declared, "There is but one reason for marriage after divorce, and that is adultery," and warned ominously, "they who trifle with it are in danger of the flames of hell."(26) Although James A. Allen, editor of the Advocate in the early 1930s, took the most conservative position ("We have never been able to feel safe in saying that the innocent party may remarry again"(27)), most agree with P.W. Stonestreet's series of articles later that year, which, while acknowledging that some brethren believed that "the privilege [of divorce and remarriage] does not apply to anyone under any conditions," argued "that the Bible teaches the privilege of divorce and remarriage under certain conditions is quite generally conceded."(28) Stonestreet's articles appeared with the endorsement of F.W. Smith, longtime Advocate staff member and preacher at Franklin, TN, and cited previous articles by E.A. Elam, J.W. Kurfees, and T.B. Larimore, among others, upholding the right of the "innocent party" to remarry.(29) Stonestreet concluded his series of articles, "only two things can break the marriage bond - death and fornication - and in both cases remarriage is allowable; but in the case of separation for other causes, which is sometimes permissible, remarriage is not allowed."(30)

In 1933, H. Leo Boles, who served during his life both as editor of the Advocate and president of David Lipscomb College, argued that "All Bible students know that God recognizes but one cause for absolute divorce [divorce recognized by God as well as the state]. This is adultery, or fornication. . . . The words of Jesus, as recorded by Matthew, Mark, and Luke, condemn remarriage of a divorced one, and condemn it in terms which admit of no misunderstanding. The Savior mentions one, and only one, cause for putting away one party to the marriage union." Discussing 1 Corinthians 7, Boles added, "It seems that for some there was given the permission to separate temporarily for other causes than the sin of fornication; but those who were separated were to 'remain unmarried, or else be reconciled' to each other. These principles should be taught, and all of God's people should abide by their teaching."(31)

R.L. Whiteside's "Queries and Answers" column received numerous inquires regarding divorce and remarriage. Among Whiteside's responses were the following: a "brother who married a woman that had divorced her husband for his

fornication committed no sin in so doing . . . and if she wants to obey the gospel, she should be given a warm welcome." Regarding a "brother whose wife will not live with him for no apparent reason other than that she does not want to. . . . If he is not to blame in the matter, she has done and is doing him a great wrong. . . . Can he marry again? He can read Matt. 19:9 as well as I can. He cannot afford to lose his soul because someone does him a great wrong." Regarding one guilty of adultery who seeks remarriage, Whiteside commented, "If a guilty party remarries, he adds to his guilt. He does not merely commit adultery; he lives in it."(32)

Although one would be hard pressed to find any preacher willing to argue the right to remarry of one guilty of adultery (to say nothing of the sanctioning of virtually any second marriage which is becoming all too common today), a series of questions put to Whiteside in 1936 indicated that some may have been teaching privately what they would not argue in print or from the pulpit. When asked, "1. Is there a definite stand we can take on the question of divorce and remarriage? 2. Is there a general agreement in the brotherhood on the question? . . . 6. Do our brethren ever withdraw fellowship from divorced and remarried people? 7. Where a number of such couples are in a congregation, and these couples are friends and relatives of almost the entire congregation, what can the preacher or elders do in such a case? Should anything be done? If so, what?"(33) Whiteside responded: "With the possible exception of one of two matters, this page had devoted more space to the discussion of this marriage-and-divorce question than to any other . . . I have already taken a stand on what Jesus and Paul say (Matt. 19:9; 1 Cor. 7:12-15). That stand seems to me to be definite enough for all practical purposes. All I can do about the matter is to invite others to take the same stand, which I here and now do. 2. If the querist is correct in what he says about 'our preachers,' there does not seem to be a 4general agreement in the brotherhood on the question.' But the brotherhood certainly ought to agree with what Jesus and Paul say, and that is the only agreement that is worth mentioning. If the 'brotherhood' should agree among themselves and leave Jesus and Paul out of that agreement, so much the worse for the 'brotherhood.' . . . 6. I think I have heard of such. There is not much withdrawing done these days, except such withdrawing as is done in factional fights. Discipline is neglected. If other sins are let pass without notice, why wonder at the fact that the marriage of divorcees is also let pass without notice? 7. In such cases it does not seem that much can be done. Churches need to develop a conscience along the line of discipline. . . . It is a sad fact that church members will sometimes side with friends and kindred who are in the wrong. If a preacher will do his duty where so much is wrong, he will preach so that things will improve, or the church will get rid of him."(34)

In 1939, L.R. Wilson (first president of Florida Christian College and also president of Oklahoma Christian College), argued in the Firm Foundation that "It is possible for a divorced person who as contracted another marriage contrary to the law of Christ - to be saved without breaking the tie thus formed."(35) This position was reviewed at length by Roy H. Lanier [Sr.], who contrasted the two views in this way: "He believes that somewhere along the line, perhaps at repentance, the union ceases to be adulterous, while I believe the union continues to be adulterous."(36) A decade later, in the Gospel Advocate, brother Lanier attacked both "the extreme of disallowing divorce even for fornication, and . . . the other extreme of allowing divorce for other reasons."(37)

Perhaps the most notorious view on divorce and remarriage among brethren in the twentieth century was that of E.C. Fuqua, that non-Christians are under the authority of civil law only, and not amenable to the law of Christ. This theory, "which was beginning to make inroads on the thinking of brethren in many places" by 1954, was challenged by Thomas B. Warren and discussed in the form of a written debate in Fuqua's paper, the Vindicator, from August to December, 1954.(38)

As noted before, none of this "historical evidence" proves anything scripturally. At best, it informs a discussion of the subject by pointing out potential pitfalls, and perhaps by revealing which concepts are new and perhaps influenced by the spirit of the age, and those which have been advanced by mature, respectable Bible students who do not live in our time. My own "footnote" would be to say that it seems clear to me that some present-day views, advocated by some increasingly vocal brethren who seem bent on justifying almost every kind second (or later) marriage regardless of cause, would have been greeted with abhorrence by the vast majority of the brethren quoted here. It cannot even be said for these views that they have a respectable pedigree, or that brethren of the past would have accepted them. Perhaps the best which can be said of them is that they reflect an increasingly permissive society not inclined to accept the stipulations of the gospel on this subject regardless of how much the restrictions may be expanded.

Endnotes

1. William A. Heth and Gordon J. Wenham, Jesus and Divorce. The Problem with the Evangelical Consensus (Nashville: Thomas Nelson Publishers, 1984).
2. Early Christians Speak (Austin, TX: Sweet Publishing, 197 1), p. 10.
3. William F. Luck, Divorce and Remarriage: Recovering the Biblical View (San Francisco: Harper and Row, 1987), p. 255.
4. The relevant texts include: Shepherd of Hermas (c. 150), 4.1.4- 10; Justin Martyr, First Apology 13-15 (c. 150) and Second Apology 2.1-7; Athenagorus (c. 177), Supplication for the Christians 36; Theophilus of Antioch (c. 180), To Autolycus 3.13; Irenaeus, Against Heresies (c. 185) 3.3.4 and 4.15.2; Clement of Alexandria (c. 150-215), Stromata 2.23.145.3ff., 3.1.4, 3.6.50, and 3.7.57; Origen (c. 185-254), Commentary on Matthew 14.6, 14.23-24; Tertullian (c. 155-220), Ad Uxorem (to his wife) 2.1-2; Against Marcion 4.34 and 5.7; De Monagamia (on Monagamy) 5, 7, 9, and 11. These texts are generally available in reference works such as The Ante-Nicene Fathers (a nineteenth-century set kept in print by Eerdmans), or Ancient Christian Writers. The Works of the Fathers in Translation (a more recent multi-volume set produced by the Catholic publishers, Newman Press). These sets are generally available in college and university libraries.
5. Luck, p. 255.
6. Victor J. Pospishil, Divorce and Remarriage.- Towards A New Catholic Teaching (New York: Herder and Herder, 1967), p. 17.
7. Heth and Wenham, p. 39.

8. J.A. Fitzmyer, "The Matthean Divorce Texts and Some New Palestinian Evidence," Theological Studies 37 (1976), pp. 197-226; quotation from p. 225, n. 98.
9. Heth and Wenham, p. 22. The title of Henri Crouzel's book, published in French, is Leglise primitive face au divorce du premier au cinquieme siecle (Paris: Beauchesne, 197 1). Crouzel summarizes his views in English in "Remarriage After Divorce in the Primitive Church: A Propos of a Recent Book," Irish Theological Quarterly 38:1 (January 1971), pp. 21-41. Informative reviews of Crouzel's work appear in Theological Studies 33:2 (June 1972), pp. 333-338; and The Journal of Ecclesiastical History 24:1 (January 1873), pp. 60-62.
10. Heth and Wenham, p. 22.
11. Ibid. Heth teaches at Dallas Theological Seminary, and Wenham at the College of St. Paul and St. Mary in Cheltenham, England. Several articles by these two authors advance various portions of their argument. See Heth, "Another Look at the Erasmian View of Divorce and Remarriage," Journal of the Evangelical Theological Society 25:3 (September 1982), pp. 263-272, and "The Meaning of Divorce in Matthew 19:3-9," Churchman 98:2 (1984), pp. 136152; and Wenham, "Gospel Definitions of Adultery and Women's Rights," Expository Times 95:11 (August 1984), pp. 330-332, and Wenham, "Matthew and Divorce: An Old Crux Revisited," Journal for the Study of the New Testament 22 (October 1984), pp. 95-107.
12. For a fuller discussion of some of these concepts, see Pat Edwin Harrell, Divorce and Remarriage in the Early Church (Austin, TX: R.B. Sweet Publishing Company, 1967), chapter 5. Guy Duty, Divorce and Remarriage (Minneapolis: Bethany House Publishers, 1967, 1983), contains a chapter on "The Church Fathers' Views on Divorce and Remarriage" which concludes "that those are in error who claim that for the first rive centuries of the Christian Church none of the father allowed remarriage after divorce for adultery" (p. 121). This chapter, however, is based on flimsy secondary evidence.
13. Luck, p. 255.
14. Ibid. 15. Ibid., 269. 16. Ibid.
17. A. Campbell, "Divorces," Millennial Harbinger 5:2 (February, 1934), pp. 70-73. A variety of situations were raised in the Harbinger for comment by various preachers. In 1843, on anonymous brother, "Adelphos," posed and answered this question: "There is one cause, and only one, for which we may divorce a wife and marry another. But does this law prohibit a separation, if we continue unmarried, where this cause does not exist? I think not . . . several preachers of the gospel . . . for several years lived apart from their wives, because they could not happily live with them . . . a man must both leave or dismiss his wife and marry another, in order to incur the charge preferred by our Lord, of adultery" ("Divorce," Millennial Harbinger, New Series 7:2 [February 1843], pp. 72-73).
A decade later, Robert Milligan, writing from Indiana University, posed a number of questions and hypothetical examples regarding marriage and divorce. It is interesting to note that almost a century and a half ago, in an age we now look back upon as more "moral" than the present, preachers were complaining that theirs was an age "when the marriage covenant is so lightly esteemed by orators, legislators, jurists and philosophers." Milligan concluded, "But it is unnecessary to multiply arguments or illustrations. . . . Christ and Paul . . . concur in saying, that the marriage contract can be dissolved, during the life of both parties, by only one offence; and that the man or the woman, who, being once joined in this holy alliance, shall dissolve it by marrying again, during the life of the other party, unless said party shall have been guilty of the crime specified [fornication] - is guilty of the sin of adultery" (R. Milligan, "The Law of Divorce," MH, 4th Series, 3:7 [July 1853], pp. 408-413).
Several months later, A. Campbell himself weighed in with these comments: "The Lord, in his own personal ministry, inhibited divorces, except in one case, and that was a palpable violation or renunciation of the nuptial covenant [Campbell had already spent several paragraphs discussing the Greek words moicheia (adultery) and porneia (fornication) - SWI ... But Paul, by his office and the inspiration of the spirit of wisdom, felt himself justified in adding to the law enacted by the Lord Jesus Christ another statute or provision, concerning an infidel man who should . . . separate from a Christian wife; and also concerning an unbelieving wife, who should . . . abandon a believing husband. In such cases, a brother or sister in Christ is not under bondage to live with them . . . . But may the believing party marry again? is the more pinching question. Not, indeed, after the unbelieving party is dead, but while he or she yet lives? Does not the declaration, that a brother or sister is not bound . . . indicate this? This is a litigated question . . . " Campbell proceeds to quote a variety of commentators (in several cases noting with appropriate sarcasm, "This is explaining the passage by quoting it" or "These certainly are noncommittal men - superlatively prudent!") and concludes, in response to a specific case submitted by a reader: "When a woman finally deserts a Christian husband, and utterly refuses to live with him, we should . . . not consider him obligated to live henceforth without a wife. . . . " (A.C., "Separation and Divorce," Millennial Harbinger, 4th series, 3:10 [September, 1853], pp. 529-533).
18. "A Tragedy and Its Lesson," Millennial Harbinger 41:1 (January 1870). When challenged on this statement, C.L. Loos responded in defense of this position with a long series of arguments supporting the view that those outside the church are amenable to God's marriage requirements. He asked, and answered, this question, "does not all this [divine instructions regarding marriage and divorce] apply . . . [to) marriage out of the church as within it? We think this ought to be beyond all question. " In dealing with specific questions posed to him on the meaning of "not under bondage" in 1 Corinthians 7, Loos would say only that "Interpreters are not settled as to whether this means that the abandoned may remarry or not." But he was adamant in warning those who taught that divine law on marriage and divorce "holds good only when husband and wife are both Christians" that "this suggests some grave questions" (C.L.L., "On Divorce. - Inquiries," MH41:5 [May 1870], pp. 267-273).
19. David Edwin Harrell, Jr., Quest for a Christian America: Disciples of Christ Social Thought to 1866 (Nashville: Disciples of Christ Historical Society, 1966), p. 197. Harrell quotes James S. Lamar on the policy of a congregation in Pittsburgh: "If a man married a woman who was not a member of the church . . . he was called to account for marrying contrary to the word of the Lord, and he must say - perhaps in the presence of his wife that he was sorry for it; and

moreover - though this probably gave the poor woman some comfort - he must promise that he would not do so any more!" (pp. 196-197)
20. D.E. Harrell, Quest, p. 197, quoting an article by "Parthenos" entitled "Marriage - No. II" and Campbell, "Remarks on Parthenos, " MH 2:5 (May 193 1), pp. 203 and 207.
21. D.E. Harrell, Quest, 197, quoting the Protestant Unionist and Christian Age 5 (January 20, 1849), p. 10.
22. Fred Arthur Bailey, "The Status of Women in the Disciples of Christ Movement, 1865-1900" (Ph.D. dissertation, University of Tennessee, 1979), pp. 157-163. Bailey, now professor of history at Abilene Christian University, formerly taught at Freed-Hardeman College.
23. Bailey, pp. 160-161. References cited by Bailey include:
S.H. Hendrix, "Marriage and Divorce," American Christian Review, XX (May 25, 1882), 173; "Queries," Apostolic Times, V (May 1, 1873), 5; J. A. M., "Divorce and Marriage," ibid. (July 17, 1873), 1; "Queries and Answers," Christian Oracle, VI (April 18, 1899), 249; John C. Miller, "Marriage and Divorce," Christian Record, ii.s., II (July 1868), 208-13; Elisha G. Sewell, "Queries," Gospel Advocate, XX (January 24, 1877), 57; Elisha G. Sewell, "Queries," ibid., XXVII (July 15, 1885), 438; "Queries," ibid., XXIX (October 12, 1887), 648; For dissenting views see J. M. Mathes, "Querist's Department," Christian Record, ii.s., I (July, 1867), 208; Jacob Wright, "Divorce," ibid., Il (June, 1868),16165. John W. McGarvey, "Legalized Adultery," Apostolic Times, IX (January 11, 1877), 17. F. G. Allen, "Marriage and Divorce," ibid. (September 21, 1877), 569.
John F. Rowe, "Divorce and Adultery," American Christian Review, XXVII (April 17, 1884), 124; J. H. Ballinger, "Law of Divorce," ibid. (October 16, 1884), 333; John W. McGarvey, "Queries,"AT, V (March 26,1874),5; Daleph, "Divorce," ibid., VII (September 16, 1875), 414; "Talks with Querists," Christian Oracle, VII (September 18, 1890), 594; W. G. Springer, "Marriage, Divorce, Remarriage," ibid. (December 11, 1890), 788; B. K. Smith, "Divorce," Christian Pioneer, X (September 29, 1870), n.p.; Isaac Errett, "Querists' Drawer," Christian Standard, 11 (October 19, 1867), 330; W. D. Ingram, "Marriage," Firm Foundation, VI (August 28, 1890), 5; David Lipscomb, "Marriage and Adultery," GA, XV (May 8, 1873), 445-46; David Lipscomb, "Queries," ibid., XXVII (November 4, 1885), 710; "Queries," ibid., XXIX (June 22, 1887), 396; Elisha G. Sewell, "Marriage and Divorce," ibid., XXXV (August 31, 1893), 547; "Question Drawer," OPG, III (January, 1881), 52-53.
W. F. Madden, "Marriage-Divorce," American Christian Review, XIII (November 15, 1870), 362; S. "Divorce-Hard Cases, " ibid., XVI (July 22, 1873), 226; F. M. Collins, "Divorce, " ibid., XXIII (January 6, 1880), 1; A. Pickerill, "The Law of Divorce," ibid. (February 10, 1880), 41; J. Perry Elliott, "The Law of Divorce," ibid. (February 17, 1880), 49; "Queries and Answers," Christian Oracle, VI (January 10, 1889), 25; J. M. Mathes, "Querist's Department," Christian Record, ii.s., 11 (July 1883), 203; Elisha O. Sewell, "Queries," GA, XXII (September 23, 1880), 616; "Queries," ibid., XXIX (August 10, 1887), 499; David Lipscomb, "Queries," ibid., XXXII (December 3, 1890), 770. For dissenting views see F. S. Coal, "Divorce," American Christian Review, XXIII (February 10, 1880), 41; R. B. Trimble, "Marriage and Divorce," ibid., XXVII (June 12, 1884), 185; B. S., "The Sanctity of Marriage," GA, XXIII (April 12, 1881), 297. In 1894, the theologically liberal Christian Oracle added the vague cause of "mitigating . . . circumstances" to adultery as grounds for divorce. The paper's editors believed that "the eternal principles of justice and mercy must not be overlooked" under such conditions. "Talks with Querists, " Christian Oracle, XI (May 3 1, 1894), 338.
24. In 1910, for every 100 marriages there were 8.8 divorces; 13.4 in 1920 and 17.5 in 1930 (Ernest R. Mowrer, Family Disorganization: An Introduction to Sociological Analysis (Chicago: University of Chicago Press, 1927], pp. 3-28; quoted in William F. Banowsky, Mirror of a Movement. Churches of Christ as Seen Through the Abilene Christian College Lectureship [Dallas: Christian Publishing Company, 1965], pp. 416-424. Banowsky quotes A.O. Colley's 1920 lecture, which stated: "The New Testament does not recognize but one real cause for divorce, and that is for a married man or married woman to act unfaithful to the marriage vows . . . when committed [fornication) gives the innocent the right to be separated from the guilty. . . . All preachers and elders should teach that everyone that puts away his or her companion and marries another while the first is still living is violating the law of God" (pp. 229-230).
For a discussion on divorce in this period from a historical perspective, see William L. O'Neill, Divorce in the Progressive Era (New Haven, CT: Yale University Press, 1967); and Elaine Tyler May, Great Expectations.- Marriage and Divorce in Post- Victorian America (Chicago: University of Chicago Press, 1980).
25. Jack L. Ray, comp., Gospel Advocate Index, 1855-1982 (Nashville: Gospel Advocate Company, 1985), pp. 238-240.
26. "Divorce and Adultery," GA 70:41 (October 11, 1928), p. 977.
27. James A. Allen, "Divorce and Remarriage," GA 72:17 (April 24, 1930), p. 396.
28. P.W. Stonestreet, "God's Law on Divorce and Remarriage," GA 72:40 (October 2, 1930), p. 943.
29. See John W. Kurfees, GA 68 (December 9, 1926), and January 13, 1927, p. 39; E.A. Elam, GA 69 (February 10, 1927), p. 131; and T.B. Larimore, GA 69 (March 24, 1927), p. 276.
30. Stonestreet, "God's Law on Divorce and Remarriage (Chapter 111)," GA 72:42 (October 16, 1930), p. 991. In an earlier article, Stonestreet had argued, "To make Matthew's fuller record, where the exception is recorded, yield to the limited statements of Mark and Luke, is to reject not only Matthew's record giving the exception, but all the teaching; for the logical limits of such a course would be to reject the teaching recorded by Matthew, Mark and Luke, because John does not record the teaching. So much for the logic of the advocates of a human theory. . . . It is indeed strange that preachers who are accustomed to preaching baptism as a condition of salvation, opposing the doctrine of faith only, would even suggest making a fuller statement yield to a limited one" ("God's Law on Divorce and Remarriage [Chapter ll)," GA 72:41 [October 9, 19301, p. 967). Stonestreet concluded that article, "Since fornication is the cause for severing the marriage union, then why may not the guilty party remarry also? The guilty party is already an adulterer or adulteress, and remarriage would only be a further repetition of such a life, and hence nothing is said on that point in the inspired passage" (Ibid., p. 981).
Responding to a reader's question regarding the right of the guilty party to remarry, Stonestreet commented, "Our

Lord's statement, recorded in Matthew 19:9, affirms the permission of remarriage only of the innocent party. So, unless that permission is divinely given the guilty at some other place in some way, I have no right to teach that." However, Stonestreet added: "Genuine repentance on the part of the adulterer or adulteress introduces a different character in the same person, whose Scriptural remarriage privilege I neither affirm nor deny" (P.W. Stonestreet, "The Side Issue," GA 72-50 [December 11, 1930], p. 1191).

31. H. Leo Boles, "Scriptural Cause for Separation," GA 75:3 (January 19, 1933), p. 58.

In a series of articles that same year, G.C. Brewer advanced a similar argument when he commented on Matthew 19:9, "If language means anything, this teaches that if he puts away his wife for the cause of fornication he does not commit adultery if he marries another. This is the one exception to the rule. That sin will justify a divorce, or permit a divorce." Furthermore, in response to the argument that Matthew 19:9 should be relegated to Old Testament status and that death, as per Romans 7 is the only cause for remarriage for New Testament Christians, Brewer commented, "Those who offer this explanation have not examined the Scriptures on this point very carefully" (G.C. Brewer, "Christ and Paul on Divorce," GA 75:29 [July 20, 1933], p. 674). This article was a part of a longer series of articles by Brewer appearing in volume 75 of the Advocate In 1928, Brewer had met Judge Lindsey of Denver in debate on the subject of "companionate marriage."

32. R.L. Whiteside, "Divorce and Marriage," GA 76:49 (December 6, 1934), p. 1170.

33. Whiteside, "Questions on the Marriage of Divorcees," GA 78:14 (April 2, 1936), p. 321.

34. Ibid. See also Whiteside's Rej7ections (Denton, TX: Inys Whiteside, 1965), pp. 102-109,409-427.

35. L.R. Wilson, "Divorce and Remarriage," Firm Foundation 56:36 and 56:37 (September 5 and September 12, 1939).

36. Roy H. Lanier [Sr.], "Divorce and Remarriage," Firm Foundation 56:41 and 56:42 (October 10 and October 17, 1939, p. 1.

37. Roy H. Lanier [Sr.], "Concerning Divorce and Remarriage," GA 91:33 (August 13, 1949), pp. 517-518.

38. The discussion was later published in book form as The Warren-Fuqua Debate (Ft. Worth: J.E. Snelson Printing Co., 1954); quotation is from p. 7. See also Maurice W. Lusk, III, Marriage, Divorce and Remarriage In the Teachings of Jew and Paul (Atlanta: Guild of Scribes, 1982), especially chapter 9: "The Warren-Fuqua Debate: A Critique."

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Divorce And Remarriage From The Early Church To John Wesley

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Back
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The problem of divorce and remarriage is by no means a recent one for the church. From its inception, it has found this problem an irritant. Throughout the centuries, Christian leaders have grappled with the pros and cons of the matter.

I. The Attitudes Of The Early Church

All peoples in the Roman Empire, regardless of their religious affiliation, had the right to divorce their spouses. Marriage was considered a private contract which, like all other contracts, might be dissolved. Divorce was easily attained and, because the state placed heavy financial burdens upon single people, remarriage was encouraged.[1]

One of the earliest writings (and a book regarded by many in the early church as almost on a par with the NT writings), The Shepherd of Hermas (c. 140), deals with whether a husband sins if he continues to live with an adulterous wife. Hermas gives no option: he must divorce her. At the same time, "for the sake of her repentance," a second marriage was forbidden. Should an erring wife repent, her spouse must take her back in wedlock. Remarriage, other than to the repentant former wife, was regarded as adultery (Book 2, Comm. 4:4–8).[2]

In his A Plea for the Christians (c. 177), Athenagoras showed that the typical resistance to remarriage was based on the church's understanding of Jesus' teaching on the matter. "Second marriage is only a specious adultery," he declared. "'For whosoever puts away his wife,' says He [meaning Jesus], 'and marries another, commits adultery."[3] Indeed, the marriage bond for many of the Ante-Nicene Fathers was so indissoluble that it continued beyond the grave. A [p.132] virtually eternal relationship was established between the spouses, living or dead.[4]

Tertullian (c. 200), like his contemporaries, held that the marital bond is indissoluble. In his Treatises on Marriage and Remarriage, he strongly objected to a woman's remarrying even after her husband's death, because then she would have "one husband in the flesh and another in the spirit. This would be adultery-joint knowledge of one woman by two men."[5] In regard to divorce, he claimed that the new law of Christ had abrogated the OT law permitting divorce; that same new law thereby outlawed remarriage. Tertullian did, however, accept remarriage if the dissolution of the first (either by death or divorce) had occurred prior to one's conversion (for in Christ, one becomes a new creation).

Origen, in his Commentary on Matthew, did not seem as strict as his contemporaries. He noted that Christ rejected "the opinion that a wife was to be put away for every cause" (1.14.16), but he did not seem to rule out divorce completely. Indeed, he admitted that some church leaders "have permitted a (divorced) woman to marry, even when her husband was living," and he confessed that such permission was "not altogether without reason," being undoubtedly a lesser of evils (1.14.23).[6]

The Council of Elvira (c. 300) vigorously opposed remarriage. Women who divorced their husbands, regardless of grounds, were to be excommunicated. If an "innocent" wife (who divorced an adulterous husband) were to remarry, she was to be denied the sacraments until her first husband's death, after which she might find readmission to the church. Because, however, her crime was not as serious as that of a "guilty" party, if she were to die before her first husband, she might receive the sacrament of extreme unction.[7]

The Council of Arles (314) was more lenient. It dealt with the young Christian whose wife became an adulteress. Its counsel was similar to that of Elvira, that he should refrain from marrying a second time as long as the adulterous wife lived. No mention was made, however, of excommunication should he remarry.[8]

[p.133]

II. Roman Catholic Attitudes

The teaching of the Roman Catholic Church was based on the formulations of Augustine of Hippo, who regarded marriage as a sacrament. His views were more clearly organized by Thomas Aquinas and were later incorporated into the Canon Law.[9]

The Fathers of the fourth and fifth centuries were very strict in their interpretation of the NT divorce sayings. Jerome (347–420), for example, believed that a wife might leave a husband who was guilty of sexual perversion; "yet he is still her husband and, so long as he lives, she may not marry another." Should she divorce her husband and remarry, both she and the new spouse would be guilty of adultery. They could not receive the Eucharist (Lord's Supper) until they had done penance by agreeing to refrain from further sexual intercourse.[10]

For Augustine, "even from the union of the two, the man and woman, marriage bears a certain sacramental character, (which) can no way be dissolved by the death of one of them."[11] Such a sacramental bond holds in spite of adultery or divorce. Accordingly, he argued that, while divorce is permissible because of fornication on the part of one spouse (though he candidly admitted that he did not know whether fornication referred to "acts of uncleanness" or to "every transgression of the law on account of unlawful lust," e.g., idolatry or covetousness), remarriage is out of the question, for, regardless of circumstances or who may be the guilty party, the marriage bond remains.[12] Unless and until the original spouse dies, remarriage is adultery.

Thomas Aquinas's Summa Theologica set forth systematically what has become the teaching of the Roman Catholic Church on marriage and divorce. Marriage, he declared, "was instituted in the New Law in so far as it represents the mystery of Christ's union with the Church, and in this respect it is a sacrament of the New Law."[13] Nothing-not even adultery--can dissolve the marriage of two communicants. While a husband is bound to divorce a wife who continuously commits adultery, he may not remarry (to do so constitutes adultery on his part) unless she dies; should she repent, he should be reconciled to her, although he cannot be compelled to do so.[14] In the case where only one of the marriage partners is a believer, Aquinas taught that the unbeliever might be put away, [p.134] because "spiritual adultery is more

grievous than carnal."[15] At the same time, a distinction was made: should a communicant divorce an unbelieving wife who was willing to cohabit, he could not remarry; if the spouse, though, was unwilling, then "the believing husband after parting from her (might) be united to another in marriage."[16]
As products of the Renaissance, the Christian humanists attempted to cast off the tradition of the Church and return to the teaching of Scripture. Thomas More, for example, though he lived and died a Roman Catholic-and was even canonized by his church-nonetheless held views on marriage and divorce which were contrary to its tradition (he may have been motivated by having left a life of monkish asceticism to be married!). In his Utopia, he suggested that marriage is intended for the pleasure of male and female.[17] He stressed the importance of the marriage bond, but held that if a husband and wife could not live in harmony, by mutual consent of both, they should be allowed to divorce and marry someone else.[18] He also believed that unfaithfulness or intolerable behavior by either spouse breaks the marriage bond. At the same time, "breakers of wedlock are punished by the severest grade of slavery" in his Utopia and, for a subsequent offence, should be put to death.[19]
A contemporary and fellow-spirit of More, Desiderius Erasmus, also held views on marriage and divorce which were quite radical for his day. He cast scorn on the total prohibition of divorce and the idea of an indissoluble marriage bond.[20] Commenting on the Gospel of Matthew, he pointed out that the Church interprets Christ's teachings more narrowly than he did, and that such inflexibility is contrary to the general interpretation of the Sermon on the Mount.[21] In treating the Pauline teaching on divorce, he noted a need to allow for remarriage after divorce for sound causes other than adultery, such as cruelty or mutual hatred. Erasmus maintained, though, that he was not seeking to encourage unnecessary divorces, but only to remedy unhappy marriages when all other means had failed .[22]
The twenty-fourth session of the Council of Trent in November of 1563 dealt with and set out the official Roman Catholic position on divorce and remarriage. In reaction against the Reformation, it [p.135] reaffirmed the indissolubility of the marriage bond and the sacramental character of matrimony. It stipulated that "the bond of matrimony cannot be dissolved on account of the adultery of one of the married parties," and that neither spouse may contract a second marriage during the lifetime of another without committing adultery. If anyone should promote a contrary position, "let him be anathema."[23]
The decisions of the Council of Trent were further strengthened in 1880 by the issuance of Arcanum Divinae Sapientiae by Pope Leo XIII. It declared that "Christ the Lord raised matrimony to the dignity of a sacrament ... and by the bond of divine love strengthened the naturally indissoluble partnership of a man and woman."[24] Moreover, Christ gave the Church complete control of marriage legislation. No civil authority has any legitimate right to regulate this realm.[25]
In 1930, Pope Pius X issued the encyclical Casti Connubi. Taking Leo XIII's encyclical as his starting point, he too emphasized the dignity of marriage as a perpetual sacrament. Because marriage was instituted by God and affirmed by Christ, it is not subject to "human wills or to any contrary pact made even by the contracting parties themselves."[26]
In regard to the indissoluble character of the marriage bond, the encyclical quoted Augustine of Hippo to the effect that there are no sufficient grounds. A woman's barrenness is not sufficient cause, nor is a husband's infidelity. If a separation occurs, any remarriage while a spouse lives is adultery.[27]
III. The Continental Reformers
The Protestant Reformation was essentially a reaction against what its proponents considered to be the ecclesiastical, moral, and theological deviations of Roman Catholicism. The Reformers sought to place the Christian faith back on a biblical foundation free of the trappings of magisterial dogma. Because of the varying origins of the Reformation, there is no one position on the ethics of divorce and remarriage. Nonetheless, one may find teachings which may be termed distinctively Protestant. These views are clearly seen in the teachings of Martin Luther and John Calvin, the most influential of the Reformation leaders. In general, they observed the Augustinian view that the good of the marriage involves children and faithfulness, but they rejected the [p.136] sacramental view of the marriage bond, emphasizing the civil rather than the ecclesiastical aspects of matrimony.[28]
A. Martin Luther
Few men have had a higher view of marriage than Luther. He taught that it "has been instituted by God" and that "marriage by nature is of such a kind that it drives, impels, and forces men to the most inward, highest spiritual state, to faith."[29] He decried attempts by the Roman Catholic hierarchy "to despise matrimony and to lure people away from it to celibacy." Few can remain chaste, and therefore necessity dictates marriage.[30] At the same time, while holding an exalted view of marriage, Luther did not consider it to be a church concern, but a worldly matter for the secular authority.[31] When Jesus spoke on divorce, said Luther, he was not legislating the issue, but preaching against a capricious use of the divorce laws.[32]
In his own preaching on divorce, Luther was quite flexible as to what constitutes just cause. He cited adultery as the only cause given by Jesus. Through the Mosaic Law, adultery was punishable by death. Therefore, an adulterer "has already been divorced, not by man but by God Himself, and separated not only from his wife but from this very life."[33] In such an instance, the other partner is completely free of any obligation to the former spouse. Adultery for Luther, however, was not the only possible ground. Desertion of spouse and family, he felt, was equally legitimate.[34]
In his interpretation of the teachings of Paul, Luther believed that if a Christian hinders a believing spouse from following Christ, divorce is in order, with remarriage a viable option. On the other hand, should the Christian divorce the unbeliever for other causes, there must be reconciliation or the maintenance of a celibate state.[35] Anger was also a just cause. If a husband and wife could not live together harmoniously, but only in hatred and continual conflict, let them be divorced. Once more, however, reconciliation or celibacy were preferred. Nonetheless, in such cases, if a spouse did not desire reconciliation and the other was unable to remain chaste, the latter should remarry, for "God will not demand the impossible."[36] [p.137]
B. John Calvin
Like Luther, Calvin held a high view of marriage, seeing it as "a good and holy ordinance from God."[3](37) It was not,

however, a sacrament any more than farming, building, or barbering, which were also ordinances, "for it is required that a sacrament be not only a work of God but an outward ceremony appointed by God to confirm a promise. Even children can discern that there is no such thing in marriage."[3](38) He scorned the Roman Catholic basis for sacramentalizing marriage by translating "mystery" in Eph 5:32 as "sacrament," concluding that Catholics were either deceived by the meaning of the Latin word or else ignorant of the Greek language.[39] At the same time, he insisted that marriage was instituted by God as a perpetual law in force until the end of the world.[40] Any rupture of that law has its origin in the depravity of humanity.

For believers, marriage is an indissoluble bond, and spouses connected by marriage no longer have the freedom to change their mind and go off elsewhere.[41] If they find it impossible to live with each other, they are bound nonetheless and may not take a new spouse. On the other hand, if an unbeliever wishes to divorce a spouse on account of religion, the believer is no longer under marital obligation. In such a case, "the unbelieving party makes a divorce with God rather than with her partner."[42]

Like Luther, Calvin saw adultery as the one cause for divorce in Jesus' teachings. As far as he was concerned, the OT penalty for adultery should be enforced, making divorce unnecessary, but "the wicked forbearance of magistrates makes it necessary for husbands to put away unchaste wives, because adulterers are not punished."[43] Divorce under such circumstances gives the innocent party freedom to remarry, for Jesus' condemnation of remarriage as adultery applied undoubtedly only to "unlawful and frivolous divorces."[44]

Although Calvin was very conservative in his theological view of divorce, like Luther his practice was more liberal. His "Ecclesiastical Ordinances," adopted by the Little and Large Councils of 1561, allowed three grounds for divorce and remarriage [p.138] other than adultery: impotence, extreme religious incompatibility, and abandonment. He also provided for annulment where a spouse could not, because of some physical infirmity, perform the conjugal act.[45]

IV. British Church Attitudes

In the minds of the Continental Reformers, the insistence on the indissolubility of marriage regardless of circumstances was one of the foremost scandals of Roman Catholicism.[46] The British Reformers were equally critical of the Catholic position.

A. The Early Reformers

One of the early English reformers, and a martyr to his faith (d. 1536), was William Tyndale. His thought shows considerable Lutheran influence. Like the founder of the Reformation, he believed that marriage is ordained by God for purposes of love, companionship, and procreation, and to serve as a bastion against illicit sexual activity. It could not, however, be considered a sacrament in the proper sense of the word, for it did not carry with it a promise. Should it be considered such because it is a similitude of the union between Christ and his church, then all other NT similitudes would have to be considered sacraments.[47]

Much of Tyndale's consideration of divorce and remarriage was motivated by and applied to the divorce of King Henry VIII from Catherine of Aragon and his subsequent marriage to Anne Boleyn. While not disallowing divorce when it accorded with scriptural grounds, Tyndale decided that the King's marriage to Catherine had been in full agreement with the Bible; he could find no good reason why the church should not grant Henry a dissolution .[48]

For Tyndale, divorce was possible only because of adultery. Because the Mosaic Law stipulated the death of the adulterer, the innocent party was not under bondage to the original marriage. Desertion was also a just cause in Tyndale's opinion, because he saw it as invariably tied to adultery.[49]

Thomas Cranmer, first Archbishop of Canterbury following Henry's break with Rome (and martyred by Mary Tudor in 1556), played a key role in the formulation of Anglican views on divorce and remarriage. His attitudes reflected an affinity for Roman Catholic theology. He was a major figure in the council of prelates, which wrote The Institution of a Christian Man in 1537, and was [p.139] chairman of the commission which produced A Necessary Doctrine and Erudition of Any Christian Man in 1543, both of which were authorized by the King. Both books were similar in their emphasis that any marriage to which there was an impediment according to the laws of either church or realm must be declared null (and it was under this provision that Henry had his marriage to Catherine of Aragon declared null), but if a marriage was lawfully made according to the ordinance of God, it could not be dissolved during the lives of the spouses.[50]

Cranmer's opinions are further evidenced in a letter in 1540 to Osiander, a preacher of Nuremburg (and his wife's uncle), where he derided the presence of Philip Melanchthon at the second marriage of the Landgrave of Hesse. He was particularly dismayed at the idea of remarriage after divorce: "What can possibly be alleged in your excuse when you allow a man after a divorce, while both man and woman are living, to contract a fresh marriage?"[51]

Martin Bucer, while in the strictest sense a Continental reformer, came to England in 1549 at the invitation of Archbishop Cranmer and spent the remainder of his life there. While in England, he wrote De Regno Christi, which strongly influenced many English divines. Much of the book was concerned with marriage and divorce. Bucer emphasized the civil nature of marriage and reminded Edward VI (to whom the book was dedicated) that a monarch should see that marriages "be made, maintain'd, and not without just cause dissolved."[52] He castigated the Roman Church for its practice of disjoining persons from conjugal relations for reasons other than adultery while forbidding those so parted to remarry. Contrary to Roman Catholic interpretation of Scripture, he held that none of the Church Fathers ever dismissed a person from the church for remarrying after a divorce approved by Imperial law.[53]

For Bucer, the proper purpose of marriage was not sexual intercourse, but "the communicating of all duties both divine and humane, each to other with utmost benevolence and affection."[54] He concluded that marriage necessitates continuous cohabitation; if the marriage partners separate either mutually or against the will of the other, then the marriage is broken. In accordance with his view of the purpose of marriage, Bucer determined that not only [p.140] adultery was just cause for divorce, but other separating factors as well, such as impotence, leprosy, and insanity.[55]

John Knox, the founder of Scottish Presbyterianism, was very much like his mentor, John Calvin, in his stance on

divorce. In his First Book of Discipline (1560), he noted that marriage, once lawfully contracted, could not be terminated unless adultery had occurred. Like Calvin, he deplored the failure of civil authorities to execute adulterers. The church was to excommunicate such people and set the innocent party free to marry again. Upon the repentance of the guilty party, however, forgiveness was to be granted and, "if they cannot remain continent, ... we cannot forbid them to use the remedy ordained by God (i.e. marriage)."[56] Knox realized that such a position was far from perfect but, with his colleagues, he offered it "as the best counsel God giveth unto us in so cloubtsome a case."[57]

B. The Dissenters

About one century after De Regno Christi, John Milton, one of England's greatest poets and a Puritan officer in Cromwell's Commonwealth government, not only translated Bucer's work, but also wrote two tracts of his own on the subject of divorce and remarriage: Tetrachordon, his major work, and Colasterion, both published in 1645. (Milton may have been motivated, in part, by his own unhappy marriage in 1643, which broke up shortly afterward, reunion being effected in 1645.) According to its subtitle, the former was intended to harmonize the OT passages on marriage and divorce (Gen 1:27f.; 2:18, 23, 24; and Deut 24:1f.) with similar passages in the NT (Matt 5:31f.; 19:3–11; and 1 Cor 7:10–16).

Milton inferred the grounds for divorce from the purposes of marriage as he had discovered them in the Bible. He noted that Genesis teaches that, because it is not good for man to be alone, God made a "help meet for him" (2:18, AV). Thus, the purpose of marriage is for companionship, mental and social as well as physical. Spouses, believed Milton, should help one another to be more devout, to generate mutual fellowship and love, to procreate, and, lastly, to avoid sexual sin.[58] If a marriage is less than God intended, and is devoid of happiness, then it "is not of God's institution, and therefore no marriage."[59] Likewise, should a marriage be barren, though it n-dght be very difficult for a man to divorce his wife, he would be justified in so doing. In commenting on Gen 2:24, Milton agreed that a man should cleave to his wife-as long as she was what a wife should be. At the same time, he asked, [p.141] "Can any law or command be so unreasonable as to make men cleave to calamity, to ruin, to perdition?"[60]

Milton had no problem reconciling his views with the Mosaic Law and Christ's interpretation of it. Jesus had no intention of abrogating Deut 24:1–4; He simply reproved its abuse.[61] He did not set out a new juridical law to be enforced by civil authority. Likewise, Paul, in his First Epistle to the Corinthians, was only imitating what Christ taught, that divorce is not to be hastily done, but that reconciliation should always be the first and foremost desire.[62]

Milton's views were not to go unchallenged. In 1647, the Westminster Confession of Faith was published. Its section on marriage stated categorically that nothing but adultery and wilful desertion is sufficient reason for dissolving the marriage bond.

John Wesley, the father of Methodism, demonstrated a break with the Reformers and a decided preference for the Anglican teaching out of which he came. He treated divorce and remarriage in the context of polygamy: "All polygamy is clearly forbidden in these words, wherein our Lord expressly declares, that for any woman who has a husband alive, to marry again is adultery."[63] The same held true for a man. In contrast to Luther and Calvin, Wesley did not allow divorce on the grounds of cruelty. The only ground was adultery, in which case there was no Scripture forbidding the innocent party from remarrying.[64]

V. Summary

The views of church leaders and scholars have been guided by their interpretation of the biblical teachings on marriage and divorce. Not all have interpreted these passages in like manner. Indeed, some have come virtually to opposite conclusions. Because they were writing largely for men, most of their remarks and illustrations concern women at fault. Generally, however, either directly or by allusion, they agree that what applies to one sex applies equally to the other.

The Ante-Nicene Fathers generally permitted divorce on the ground of adultery. Some even required it. At the same time, remarriage was usually forbidden. Not only did it cut off any chance of marital reconciliation, but many in the church regarded marriage as an indissoluble bond which continued unbroken until the death of one spouse. Thus (prior to such an occurrence), remarriage was an adulterous act and the offender was liable to [p.141] excommunication. There was not, however, unanimity. Some, like Origen, allowed remarriage after a divorce on the ground of adultery. Others (e.g., the Council of Arles), while deploring remarriage, did not require excommunication as a penalty. The Nicene and Post-Nicene Fathers were stricter in their interpretations of Jesus' sayings. No matter what a spouse had done, remarriage following divorce was out of the question.

Augustine's position became the foundation of the Roman Catholic view of marriage as a sacrament. When contracted between two communicants, marriage is indissoluble. Where only one is a believer, spiritual adultery is involved and a divorce may be permitted (along with remarriage, under certain conditions). This position was challenged during the Renaissance by some of the humanists (e.g., More and Erasmus), but it was reaffirmed during the Counter-Reformation by the Council of Trent as official dogma. Numerous impediments to marriage were noted, however, whereby marriages might be annulled.

The Protestant Reformation brought a fresh examination of the biblical teachings. The Continental Reformers, while holding a high view of marriage, eschewed its sacramental nature. They permitted remarriage by an innocent party after a divorce because of adultery or desertion.

The Anglicans generally held positions close to those of Roman Catholicism. While scandalized by the notion of marriage as a sacrament, they nonetheless tended to regard remarriage after divorce as adultery (although there were those who diverged from that opinion).

The dissenting denominations tended to follow the views of the Reformers. Some, like Milton, were very flexible as to cause, but most followed the Westminster divines in pronounced restraint.

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[58] Tetrachordon, Works, 4:158.

[59] Ibid., 4:157.
[60] Ibid., 4:166. Milton was not a "male chauvinist," for elsewhere, he notes that "the like may be said of a bad husband" (4:168).
[61] "The Doctrine and Discipline of Divorce," Works, 4:57.
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REFLECTIONS by Al Maxey The Council of Trent

Second, the shepherd in Texas writes -- "I understand that the 'traditional' view on MDR is almost directly from the Council of Trent. I have looked at this manuscript online, but cannot wade through it to get a clear picture of this teaching. Do you have any help or references on this?" It has oft been said that the Council of Trent was the official Roman Catholic response to the public burning of the June 15, 1520 papal bull, Exsurge Domine, of Pope Leo X, condemning the teachings of Martin Luther (1483-1546), although the council did not actually convene for another two and a half decades. Although multi-faceted in scope, it is fairly safe to state that Martin Luther's teachings were far more faith/grace-centered than the Roman Catholic leadership of his day. Luther, through his prolific writings and his many public proclamations, was having a tremendous influence upon the thinking of the laity (as well as some within the clergy). This could not be tolerated by the powers that be in the Papal See. This rogue clergyman was filling the hearts and minds of the people with notions of freedom in Christ from the dogma of institutionalized religion and its attendant oppression. Thus, the Council of Trent was convened to solidify traditional Catholic theology and doctrine, thereby officially countering, it was hoped, the growing "heresy" of "change agents" like Martin Luther.

The Council of Trent actually occurred over a period of 18 years (1545-1563), and spanned the reigns of five popes. It took the Catholic leadership 25 years to even convene the first session, for the more they looked into the teachings of Luther (and others like him), the more they realized how difficult it was going to be to rationally counter these arguments. Thus, delay after delay took place as they tried to figure out how to justify their dogma in the face of his challenges. The result of the 25 sessions, in three separate sittings (which took over four years), "was a greater volume of legislation than the combined output of all the previous 18 general councils recognized by the Roman Catholic Church." Many of the disciplinary reforms required by this legislation were born of fear of the teachings of Luther, who was seeking to turn men's minds back to what the Bible actually said, rather than what the Church said it said. Thus, the Council declared that the curriculum in all Catholic seminaries was to be scholastic rather than biblical.

Thirty-three canons were issued condemning Luther's "error" on justification by faith. The sacraments were given more time in the Council than any other doctrinal matter. Seven sacraments were instituted by Christ, it was affirmed: baptism, confirmation, communion, penance, unction, orders, marriage. With regard to communion, transubstantiation was confirmed as the official church doctrine, thus condemning the various views of Luther, Zwingli, Karlstardt, Calvin and others. Church tradition was declared to be equally authoritative with Scripture; the Church leaders alone were divinely invested with the authority to correctly interpret the Bible, not the laity; the Vulgate was to be used exclusively in all public readings and writings. Sound familiar?! No version but the KJV? No interpretation correct but ours? Tradition equal to Truth? Like Martin Luther, we're still having to fight for freedom from bondage to religious regulation; we're still struggling against the Institution to bring a grace-centered, Jesus-focused worshipful experience into the lives of His people. We are still wandering through a desert of tradition to find that refreshing oasis of Truth.

As was already noted somewhat in passing, the Council of Trent was the 19th Ecumenical Council of the Roman Catholic Church, and is easily considered to be by far the most important and influential of them all. It convened three times, beginning on December 13, 1545 and ending on December 4, 1563. The rulings and regulations of this council would remain for several centuries. Indeed, it would be over 300 years before the next Ecumenical Council was convened. The Oxford Dictionary of the Christian Church states: "The Council of Trent was the most impressive embodiment of the ideals of the Counter-Reformation." Martin Luther knew a council was being prepared [indeed, Pope Paul III (1534-1549) had called for it almost a decade earlier, but his cardinals were unanimously opposed], and so he'd been preparing for this assault on his teaching [he wrote the Smalcald Articles, which defined those areas where he felt some compromise could occur, and those areas of faith, doctrine and practice where such compromise should never occur]. Sadly, the continual delays in convening this council were so numerous that by the time it finally began Martin Luther only had two months left to live (he died on February 18, 1546). Thus, for the next 18 years the Roman Catholic Church would seek to counter the influence of a man who was no longer alive to defend his teaching.

That portion of this council that most concerns us here, however, took place near the very end of the third meeting (which adjourned on December 4, 1563 with the proclamation, "Anathema to all heretics, anathema, anathema!"). Session 24 was held November 11, 1563, and it was in this session that the sacrament of marriage and problems associated therewith (such as divorce) were addressed. This occurred under the reign of Pope Pius IV (1559-1565). Twelve canons were issued at the end of this session regarding "The Sacrament of Matrimony." In Canon #9 the primacy of the celibate state was reaffirmed. Polygamy was condemned in Canon #2. Various additional matters were also addressed. However, it is Canon #7 with which we are specifically concerned in this present study. This particular canon declares that both spouses who are party to a divorce (when the cause of divorce is the adultery of one spouse), "even the innocent one who gave not occasion to the adultery, cannot contract another marriage during the lifetime of the other; and that he is guilty of adultery who, having put away the adulteress, shall take another wife, as also she, who, having put away the adulterer, shall take another husband." Here we see that remarriage is denied to all parties in a divorce ... even the party innocent of the sin of adultery ... as long as the other spouse is alive. Needless to say, this goes significantly beyond the teaching of the New Covenant writings, as I have sought to demonstrate within my book. This is also considerably more restrictive than most traditionalists within Churches of Christ teach, since generally they will allow the right of remarriage to the spouse not guilty of adultery (true in most other conservative Christian groups as well). So, to answer this elder's question -- yes, the traditional position is based somewhat on this canon (though they would say it's based only upon the Scriptures), but over the past several hundred years that canon has been softened somewhat in favor of the innocent party (at least by most traditionalists, although some do indeed adhere totally, at least in practice if not in profession, to the decree of the Council of Trent).

Geneva Bible Marginal Notes

Finally, this brother writes, "I have read that in the margin notes of the Geneva Bible it is written that apoluo does not mean 'divorce.' Wal-Mart does not have a copy of this manuscript. Any help or resource on validating this?" Ahhhh ... yet

another failing of the Wal-Mart empire!!! Seriously, though, I'd be surprised if they did have a copy. It is not very common today, and many have probably never heard of it, but in its day it was the most beloved of the English versions. It was easily the most widely read and most influential English Bible of the 16th and 17th centuries, and was especially beloved by the Puritans. Indeed, it was often referred to as The Puritan's Bible, and was brought with the Pilgrims as they set sail on the Mayflower. From 1560 to 1644 it went through over 200 different printings, and was the version of choice for many of the greatest theologians and writers of that time (including such men as John Bunyan and John Milton). When Queen Mary ("Bloody Mary") banned the printing of the Scriptures in English for the common people, many fled to Geneva where they began work on an English Bible for the people (thus the name The Geneva Bible).

One of the great features of this Bible, a feature that certainly made it popular with the common people, was its extensive use of marginal notes, all written by some of the great Protestant Reformation leaders of that time; men like John Calvin, John Knox, Miles Coverdale, William Whittingham, Anthony Gilby, William Keithe, Thomas Sampson, Thomas Wood, and many others. These extensive notes were designed to help the common reader better understand the Scriptures, something that infuriated the Roman Catholic leadership who believed the interpretation of the Scriptures was not the responsibility or right of the laity, but only of the clergy. These notes run almost 300,000 words, and make up almost one third of the length of this version. For many, many decades these marginal notes aided the people in better understanding the Word of God. These notes were also the ultimate reason for the demise of this version, as King James considered them "seditious," and thus made ownership of this version a felony. Thus, to quiet these "seditious" teachings of the Protestant Reformers, King James demanded an "authorized" version be produced that would forever replace it, and which would retain the use of certain words and phrases approved by him. This would, in the course of time, come to be known as The King James Version. It would be promoted with such fervor (while The Geneva Bible was defamed with equal fervor) that the final printing of the latter would occur in 1644. For those interested, The Geneva Bible may be read online in its entirety, with all its notes (both the 1560 and 1599 printings). It is quite interesting to study.

With regard to the question by the elder from Texas -- "I have read that in the margin notes of the Geneva Bible it is written that apoluo does not mean 'divorce.'" -- actually, that is not true. In the Matthew 5:32 text there are no notes dealing with the topic, and in the Matthew 19:9 text there are only two notes, one from the 1560 version, the other from the 1599 version. **The latter note simply makes the observation regarding the passage in general that there would be no need of divorce if those committing adultery were treated as the Law required: i.e., they were to be put to death!** It does not suggest divorce didn't exist, it merely suggested that if the Law of Moses was observed strictly then it would never occur (at least not for the cause of adultery). The other note, from the 1560 edition, is the one that might have caused some to think what the brother suggested in his question. This note opines, with respect to the covenant of marriage: "For this band cannot be broken at man's pleasure." The point of this statement is clearly not to suggest the impossibility of divorce, but rather to stress that these covenants were entered into with God as witness, and they were not subject to disbanding on a whim. During the time of Christ, marriages were cast aside and new ones entered into "at man's pleasure," and the Lord condemned the practice in no uncertain terms! "One woman for one man for life" was the IDEAL, and the selfish wishes of men were never to be elevated above this eternal IDEAL of our God. Does it happen? Yes. Are marriages too often terminated "at man's pleasure"? Yes, to man's shame. Such is sin, and we should call it no less.

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