Divorce--Thomas Aquinas*

1Corinthians 6:9-11 (9) Know ye not that the unrighteous shall not inherit the kingdom of God? Be not deceived: neither fornicators, nor idolaters, nor adulterers, nor effeminate, nor abusers of themselves with mankind,
(10) Nor thieves, nor covetous, nor drunkards, nor revilers, nor extortioners, shall inherit the kingdom of God.
(11) And such were some of you: but ye are washed, but ye are sanctified, but ye are justified in the name of the Lord Jesus, and by the Spirit of our God.
Why question the blood of Jesus?, and subjugate it to the Catholic Council of Trent traditional theory that a divorced and remarried person somehow forfeits their washing, sanctification and justification they received in the name of the Lord Jesus. Some of the Corinthians had been guilty as charged, but the Gospel had shown them the way to be redeemed from such practices. Washed, sanctified, and justified all refer to becoming a Christian, which was completed by obedience to the gospel ordiance of baptism. Corinth was sin city that caused much travail for the Apostle Paul; {Venus was the principal deity of Corinth. Her temple was one of the most magnificent buildings in the city, in it a thousand priestesses (public prostitutes), were kept, at public expense, always ready for immoral indulgence, as worship to their goddess. Some of the Corinthian Christians, having been used to a religion that encouraged immoral living, were finding it a little hard to adapt themselves to their new religion which prohibited immoral living. Paul had said, in discussing certain things, that all things are lawful (12). Some of them evidently were quoting this to justify their promiscusous sexual indulgence. Paul positively states that it does not so apply and positively, in unmistakable language, prohibits Christians from such indulgences. Halley's Bible Handbook-23 edition} *In the city of Corinth, adultery and fornication were the result of a life style that encourged sexual immorally. Physical*
intimency with someone other than ones marriage partner is cause for adultery (1 Cor 7:4), physical intimency of an unmarried person is fornication, so it is easily seen how the two are overlaping.

Thus at Corinth, such indulgence by a married person or a single person with a temple priestess was sexual imorality and therefore sin. This was a grave problem Paul was addressing, not divorce and remarriage. If Hebrews:13:4, *which says;* Marriage is honourable in all, and the bed undefiled: *is a true statement, then how could marriage be '**honorable in all**,' if marriage after legal divorce is 'living in adultery?' How could marriage be honorable if* it is better to burn with desire than to marry*? (1Cor 7:9). Did you know the term 'living in adultery' is not a Gospel statement, neither by command, inference, example or concession. The Corinthians had questioned Paul about these marriage concerns, his response is in;*

1Corinthians 7:1-5--Holman Christian Standard Bible

(1) Now in response to the matters you wrote about: "It is good for a man not to have relations with a woman."
(2) But because sexual immorality is so common, each man should have his own wife, and each woman should have her own husband.
(3) A husband should fulfill his marital responsibility to his wife, and likewise a wife to her husband.
(4) A wife does not have the right over her own body, but her husband does. In the same way, a husband does not have the right over his own body, but his wife does.
(5) Do not deprive one another sexually except when you agree for a time, to devote yourselves to prayer. Then come together again; otherwise, Satan may tempt you because of your lack of self-control.

Don't you see that if one is not allowed to marry after divorce, then 'lack of self-control' may be insufferable.
It puts the innocent person under temptation to be inflamed with intimate desire, thereby giving place for the devil to work, and places people under bondage to forbidden desire. Are you listening? What you are questioning is the ability of the blood of Jesus to wash away sin, under the pretext of unacceptable repentance. Therefore the blood of Jesus is put on trial. So, does the blood of Jesus wash away sin or not? Consider this, if the blood of Jesus does not cleanse the other person completely, can it cleanse you or I completely? Should this be the case, then we all are in a lot of trouble.

The Council of Trent, codified in 1563, based on teachings from Thomas Aquinas, who, being unable or unwilling to accept Hebrews chapter 13 or 1Corinthians chapter 7, put forth his theory on marriage, therefore, we will investagate the silliness of such reasonings. But first; The perfect, complete and undivided doctrine on marriage and 'remarriage after divorce' as given by Paul to the Corinthians in chapter 7:27-28;
(1) Art thou bound unto a wife? seek not to be loosed. *This command gives clear meaning; do not seek divorce from your marriage partner, the person guilty of this command is in direct conflict with the command given by Paul.*
(2) Art thou loosed from a wife? seek not a wife. *Should your marriage result in divorce, do not seek a replacement partner to marry. Remain as you are, unmarried. However, there is one more part given as concession to the divorced, also to virgins if such cannot contain, are you listening?;*
(3) But and if thou marry, thou hast not sinned; and if a virgin marry, she has not sinned.
Paul in this writing to the Corinthians allows marriage for the legally divorced, that is to whom he was speaking, and to the virgin. However, he did not allow marriage to the separated, that is, 'put away' but still married. Sepration and remarriage is cause for adultery. Divorced and remarriage is not.
The Catholic Council of Trent traditional theory on marriage denighs marriage to the divorced, the reason is; **{**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. (Divorce and Remarriage From the Early Church To John Wesley-David L. Snuth)**}**
The word 'sacrament' takes authority away from the word and gives it to another entity. Therefore, by making marriage a sacrament, that put marriage under the religious authority of the time, and was codified in 1563 by the Council of Trent. However by the time of Thomas Aquinas, medieval writers had touched upon the 'spiritual condition of marriage by stressing the sacramental aspect of marriage. Hence, marriage was sanctified at the hands of the

medieval church, making ecclesiastical decisions stressing the 'spiritual union' between two people. Nevertheless, under the influence of reasoning to fit all the sacraments into a single conceptual scheme, theologians from Thomas Aquinas onward admitted that the sacrament gave a positive assistance toward holiness in the married state of life. That matrimony as a sacrament is a kind of 'spiritual joining together.' However, scripture teaches that two joined in marriage are joined in the flesh, not in the spirit. There is not one verse in the whole of the Bible giving command, inference, example or concession stating or implying that marriage is a sacrament or that a man and a woman become one in the spirit. Are you listening? How much more mistaken can the mistaken be mistaken? To understand better the mindset of midevil persuasion on the subject of marriage, some examples are in order that reveal mistaken mindset of the time; {(1) 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." Indeed, the marriage bond for many of the Ante-Nicene Fathers was so indissoluble that it continued beyond the grave. A virtually eternal relationship was established between the spouses, living or dead.
(My reply; A man and a woman become one flesh that lasts until parted by death, or severed by divorce, altho the latter option should not be contemplated to avoid trouble in the flesh. 'Whosoever puts away his wife and marries another commits adultery', *cannot be denighed, because 'put away' means a separation, which is not cause rendered by death or divorce*.

(2) 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." 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).
(My response; Altho Tertullian answered many Biblical questions scripturally, including his acceptance of dissolution and remarriage pryor to one's conversion, I am at a loss as to where he came up with the idea that a woman commits adultery when remarrying after her husbands death, which she can legally do.)

(3) 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." Moreover, Christ gave the Church complete control of marriage legislation. No civil authority has any legitimate right to regulate this realm.
(My reply; Two things excape knowledge, Christ raised matrimony to the dignity of a 'sacrament', and that He gave legislation of marriage to an apostate church. Faith is based upon command, inference or example by hearing the word of God. Therefore marriage cannot be a sacrament nor was marriage legislation ever delegated out of the word of God.)
(4) Altho there were some remnant considerations found in the text of the early church fathers, there was little involvement from the church clergy. It could be said that the separation of marriage and the church, as strange as this sounds, might be due to the understanding of what happened during marriage. Origen for example, noted that the Holy Spirit was temporarily lost during intercourse.
(My reply; Jesus said He would send the Holy Spirit to bring to their remembrance all things He had spoken to them. Paul by the Holy Spirit gives this instruction to both the husband and wife; Do not deprive one another sexually except when you agree for a time, to devote yourselves to prayer. Then come together again; otherwise, Satan may tempt you because of your lack of self-control.*) If the Holy Spirit should be lost, would not that occur when tempted by lust and desire fulfilled outside ones marriage bond?}*

{(5) In reading Aquinas we must understand that many of the objections centered on the sinfulness of marriage because of its logical connection to intercourse.
(My rebuttal; Marriage is honorable in all, and the bed undefiled: Hebrews 13:4. *Because of* mid-evil *belief that marriage is sinful anyway, what other doctrine could have been concocted concerning 'divorce and remarriage' under such a mindset, than 'living in adultery?' Are you listening? How much more mistaken could the mistaken be mistaken?*
(6) To do something that makes us irrational requires that we have a good reason for it. Hence it is inescapable. However, there is at least one good reason for marriage and intercourse; and that is reproduction. Therefore irrationality that results from sex can be excused morally.
(I object! And the Lord God said, It is not good that the man should be alone; I will make him an help meet for him. Gen 2:18.
An help meet for him means; an help suitable for him, both physical and intellectual, the other side of the coin is, he would be suitable for her. For this cause shall a man leave his father and mother, and shall be joined unto his wife, and they two shall be one flesh. Eph 5:31. *No uninspired man would have thought the joining of a male and female in sexual intimacy would actually merge their bodies into one. But the word of God has declared it so, and the fact will be acknowledged by all who respect him. That being the case, how could marriage be sinful or intimacy irrational? Listen to this;* But if any man think that he behaveth himself uncomely toward his virgin, if she pass the flower of her age, and need so require, let him do what he will, he sinneth not: let them marry. 1Co 7:36. *I should think, intimacy between a husband and wife is not cause to be irrational, however, outside the marriage bond, it would be irrational, why?, because it's sin.)*
(7) Now the form of matrimony consists in a certain inseparable union of souls, by which husband and wife are pledged be a bond of mutual affection that cannot be sundered.
(My reply; So how did the traditional theory come to be so completely accepted from these unscriptural and often silly reasonings of mistaken mid-evil men?)
Excerts from; Aquinas view of Marriage posted on January 13, 2004

by David Mendez}

Is divorce a work of the flesh?, I would say so, same as any other. However, you who from the heart have obeyed the gospel were washed, were santified, were justified in the name of the Father, the Son and the Holy Spirit, cleansed from the works of the flesh. Is there any relief in the case of abandonment, yes, the innocent Christian is released from the marriage contract as tho they had never been married if 1Corinthians 7:15 is correct. Earthlings do not and have not been given the capabilities contained within the two-edged sword, that is, the dividing asunder and discerning the thoughts and intents of the heart to make such a righteous judgment. However do not get the wrong idea. There are things the Church leadership cannot allow because of clear Biblical instruction, for instance, if a person 'put away' (separated) but not divorced remarries, that marriage cannot be recognized, it is sin. Nor can homosexual men be allowed leadership in the Church for they are worthy of death, not in this world, but in the world to come (Ro 1:32). People who are dead in sin are not worthy of membership in the Church, but receive the wages of sin. However, I wish to pose a question. Should two homosexual men that be married to each other, (according to the law of men), be shown and accept the error of their way and divorce (according to the law of men), then should one or both obey the gospel and be married to a woman, would he be allowed to lead singing, or prayer or preach a sermon by those who teach and expound the traditional theory as scripture? Turn with me to;

Galatians 5:19-24 (19) Now the works of the flesh are manifest, which are these; Adultery, fornication, uncleanness, lasciviousness,
(20) Idolatry, witchcraft, hatred, variance, emulations, wrath, strife, seditions, heresies,
(21) Envyings, murders, drunkenness, revellings, and such like: of the which I tell you before, as I have also told you in time past, that they which do such things shall not inherit the kingdom of God.
(22) But the fruit of the Spirit is love, joy, peace, longsuffering, gentleness, goodness, faith,
(23) Meekness, temperance: against such there is no law.
(24) And they that are Christ's have crucified the flesh with the affections and lusts.

With this scriptural information we can conclude this concept; [For we know that our old self was crucified with Him in order that sin's dominion over the body may be abolished, so that we may no longer be enslaved to sin, (Rom 6:6 HCSB] *so then, we can be assured our old man was crucified with Christ, by our compliance to the ordiance of baptism that was established by Jesus Christ while He was still on earth (Mark 16:16). And the baptized believer can be assured he is accepted, just like Paul, who declaired himself to be the viliest of sinners, in other words, he considered himself the worst of all because he persecuted the Church. Should that not overshadow divorce and marriage?*
Perhaps is would be wise to consider Two Restoration Leaders!
{In 1824, Barton W. Stone and Alexander Campbell met for the first time. After they met, they stayed in constant contact with each other. They would discuss and often disagree on various subjects, but they saw the things in which they disagreed as matters of opinion. Stone affirms that he was never fully persuaded on the idea of baptism for the remission of sins until confronted with the issue by Alexander Campbell. Campbell speaks concerning the unity that he and Stone, along with their two separate movements, were able to achieve: "Our bond of union is not opinion, nor unity of opinion. It is one Lord, one faith, one baptism, one Spirit, one hope, one God and Father of all. These we all preach and teach. We have no standard of opinion amongst us. We have no patented form of sound words drawn up by human art and man's device, to which all must vow eternal fidelity. It is our peculiar felicity and, perhaps, it may be our honor, too, that we have been able to discover a ground so common, so sacred, so divinely approbated, so perfectly (catholic) universal and enduring, on which every man, who loves our Lord Jesus Christ sincerely, may unite, and commune, and harmonize, and cooperate in all the works of faith, in all the labors of love, and in all the perseverance of hope." Campbell and Stone differed in their methods of presenting the Gospel. Stone was the evangelist, while Campbell was the teacher. Campbell provided the light of information, while Stone was the man of exhortation. The following quotations from the tongue and pen of Barton Stone reveal his concepts of Biblical truths: 'The doctrines of the Bible, we believe, have never divided Christians, but human opinions of

these doctrines, without charity, have already done the mischief....For thirty-two years of my ministry, I have kept in view the unity of Christians as my polar star....Campbell and Stone are but fallible men and, therefore, should not be followed farther than they follow Christ.' (Don't Know Much About Church History by James O. Maxwell).**}**

Why can't those that 'forbid to marry' and those that 'do not forbid to marry' be as equally averse about making opinions the test of fellowship--and equally solicitous for the salvation of souls as did Barton W. Stone and Alexander Campbell? Biblically, are there any that solicit 'forbidding to marry' a test of fellowship? Turn to;

1Timothy 4:1-3 (1) Now the Spirit speaketh expressly, that in the latter times some shall depart from the faith, giving heed to seducing spirits, and doctrines of devils;

(2) Speaking lies in hypocrisy; having their conscience seared with a hot iron;

(3) Forbidding to marry, and commanding to abstain from meats, which God hath created to be received with thanksgiving of them which believe and know the truth.

So, where does 'forbidding to marry' come from? 1Timothy 4:1, 'doctrines of devils.' *Never in the present dispensation, that is, in the Kingdom of Heaven on earth, has there been a period of total agreement, however we could be one: provided opinions are not the test of fellowship. What should be the test of fellowship? Oneness of mind and agreement of scriptural teachings concerning the Lord's Church; It's government--each congregation is governed locally, but followships other faithful congregations. It's item's of worship-*

(1) Teaching from the word of God.

(2) The Lord's supper to be eaten in memory of Jesus Christ, remembering the death of Christ and look forward to His return. The greatest importance is attached to the Lord's supper.

(3) Congregational prayer is to be engaged in.

(4) We are to give of our means upon the first day of the week as the Lord has prospered us.

(5) We are to praise God in song, making melody with the heart. The music of the Church is to consist only of singing, of the fruit of our lips giving thanks to His name.

There must be oneness and agreement in the ordiance of salvation as instituted by Jesus Christ while He was still on earth--believe, faith, repentance, confession and baptism.
***Faith in Christ is the effect of belief**; The things done for us by Christ will truly be to us as though they were not, unless they are believed. Belief is the cause, trust, confidence. Faith in Christ, the effect.* ***Baptism is the effect of faith**; it's design and purpose is to introduce the subjects of it into the participation of blessings that are contained within the death and resurrection of Christ; who died for our sins, and rose again for our justification. To the believing penitent soul it is the means of receiving a formal, distinct, and specific absolution, or release from guilt. Therefore, only those who first believe the testimony of God, and by faith repent of their sins, confess Jesus Christ is the Son of God, and are immersed into His death for remission of sins, have the full and explicit testimony of God assuring them of pardon. It is hardly necessary here to remark, that as the disciples of Christ are declared to be in a pardoned, justified, sanctified, reconciled, adopted, and saved state, they are the only persons in such a state.*
For as many of you as have been baptized into Christ have put on Christ. (Galatians 3:27). *Are you ready to put on Christ? Are there prayer requests for other reasons, come and make your request known while we persuade with song.*

This message acknowledged by
Jack Warford
a minister for Christ

Divorce and Remarriage From the Early Church To John Wesley

David L. Snuth

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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 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]

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, 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 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 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

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 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 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 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, "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

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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OF THE BILL OF DIVORCE (SEVEN ARTICLES)

We must now consider the bill of divorce, under which head there are seven points of inquiry:

(1) Whether the indissolubility of marriage is of natural law?

(2) Whether by dispensation it may become lawful to put away a wife?

(3) Whether it was lawful under the Mosaic law?

(4) Whether a wife who has been divorced may take another husband?

(5) Whether the husband can marry again the wife whom he has divorced?

(6) Whether the cause of divorce was hatred of the wife?

(7) Whether the reasons for divorce had to be written on the bill?

Whether inseparableness of the wife is of natural law?

Objection 1: It would seem that inseparableness of the wife is not of natural law. For the natural law is the same for all. But no law save Christ's has forbidden the divorcing of a wife. Therefore inseparableness of a wife is not of natural law.

Objection 2: Further, the sacraments are not of the natural law. But the indissolubility of marriage is one of the marriage goods. Therefore it is not of the natural law.

Objection 3: Further, the union of man and woman in marriage is chiefly directed to the begetting, rearing, and instruction of the offspring. But all things are complete by a certain time. Therefore after that time it is lawful to put away a wife without prejudice to the natural law.

Objection 4: Further, the good of the offspring is the principal end of marriage. But the indissolubility of marriage is opposed to the good of the offspring, because, according to philosophers, a certain man cannot beget offspring of a certain woman, and yet he might beget of another, even though she may have had intercourse with another man. Therefore the indissolubility of marriage is against rather than according to the natural law.

On the contrary, Those things which were assigned to nature when it was well established in its beginning belong especially to the law of nature. Now the indissolubility of marriage is one of these things according to Matt. 19:4, 6 Therefore it is of natural law.

Further, it is of natural law that man should not oppose himself to God. Yet man would, in a way, oppose himself to God if he were to sunder "what God hath joined together." Since then the indissolubility of marriage is gathered from this passage (Mat. 19:6) it would seem that it is of natural law.

I answer that, By the intention of nature marriage is directed to the rearing of the offspring, not merely for a time, but throughout its whole life. Hence it is of natural law that parents should lay up for their children, and that children should be their parents' heirs (2 Cor. 12:14). Therefore, since the offspring is the common good of husband and wife, the dictate of the natural law requires the latter to live together for ever inseparably: and so the indissolubility of marriage is of natural law.

Reply to Objection 1: Christ's law alone brought mankind "to perfection" [*Cf. Heb. 7:19] by bringing man back to the state of the newness of nature. Wherefore neither Mosaic nor human laws could remove all that was contrary to the law of nature, for this was reserved exclusively to "the law of the spirit of life" [*Cf. Rom. 8:2].

Reply to Objection 2: Indissolubility belongs to marriage in so far as the latter is a sign of the perpetual union of Christ with the Church, and in so far as it fulfills an office of nature that is directed to the good of the offspring, as stated above. But since divorce is more directly incompatible with the signification of the sacrament than with the good of the offspring, with which it is incompatible consequently, as stated above (Q[65], A[2], ad 5), the indissolubility of marriage is implied in the good of the sacrament rather than in the good of the offspring, although it may be connected with both. And in so far as it is connected with the good of the offspring, it is of the natural law, but not as connected with the good of the sacrament.

The Reply to the Third Objection may be gathered from what has been said.

Reply to Objection 4: Marriage is chiefly directed to the common good in respect of its principal end, which is the good of the offspring; although in respect of its secondary end it is directed to the good of the contracting party, in so far as it is by its very nature a remedy for concupiscence. Hence marriage laws consider what is expedient for all rather than what may be suitable for one. Therefore although the indissolubility of marriage hinder the good of the offspring with regard to some individual, it is proportionate with the good of the offspring absolutely speaking: and for this reason the argument does not prove.

Whether it may have been lawful by dispensation to put away a wife?

Objection 1: It seems that it could not be lawful by dispensation to put away a wife. For in marriage anything that is opposed to the good of the offspring is against the first precepts of the natural law, which admit of no dispensation. Now such is the putting away of a wife, as stated above (A[1]). Therefore, etc.

Objection 2: Further, a concubine differs from a wife especially in the fact that she is not inseparably united. But by no dispensation could a man have a concubine. Therefore by

no dispensation could he put his wife away.

Objection 3: Further, men are as fit to receive a dispensation now as of old. But now a man cannot receive a dispensation to divorce his wife. Neither, therefore, could he in olden times.

On the contrary, Abraham carnally knew Agar with the disposition of a husband towards his wife, as stated above (Q[65], A[5], ad 2,3). Now by Divine command he sent her away, and yet sinned not. Therefore it could be lawful by dispensation for a man to put away his wife.

I answer that, In the commandments, especially those which in some way are of natural law, a dispensation is like a change in the natural course of things: and this course is subject to a twofold change. First, by some natural cause whereby another natural cause is hindered from following its course: it is thus in all things that happen by chance less frequently in nature. In this way, however, there is no variation in the course of those natural things which happen always, but only in the course of those which happen frequently. Secondly, by a cause altogether supernatural, as in the case of miracles: and in this way there can be a variation in the course of nature, not only in the course which is appointed for the majority of cases, but also in the course which is appointed for all cases, as instanced by the sun standing still at the time of Josue, and by its turning back at the time of Ezechias, and by the miraculous eclipse at the time of Christ's Passion [*Jos. 10:14; 4 Kings 20:10; Is. 38:8; Mat. 27:15]. In like manner the reason for a dispensation from a precept of the law of nature is sometimes found in the lower causes, and in this way a dispensation may bear upon the secondary precepts of the natural law, but not on the first precepts because these are always existent as it were, as stated above (Q[65], A[1]) in reference to the plurality of wives and so forth. But sometimes this reason is found in the higher causes, and then a dispensation may be given by God even from the first precepts of the natural law, for the sake of signifying or showing some Divine mystery, as instanced in the dispensation vouchsafed to Abraham in the slaying of his innocent son. Such dispensations, however, are not granted to all generally, but to certain individual persons, as also happens in regard to miracles. Accordingly, if the indissolubility of marriage is contained among the first precepts of the natural law, it could only be a matter of dispensation in this second way; but, if it be one of the second precepts of the natural law, it could be a matter of dispensation even in the first way. Now it would seem to belong rather to the secondary precepts of the natural law. For the indissolubility of marriage is not directed to the good of the offspring, which is the principal end of marriage, except in so far as parents have to provide for their children for their whole life, by due preparation of those things that are necessary in life. Now this preparation does not pertain to the first intention of nature, in respect of which all things are common. And therefore it would seem that to put away one's wife is not contrary to the first intention of nature, and consequently that it is contrary not to the first but to the second precepts of the natural law. Therefore, seemingly, it can be a matter of dispensation even in the first way.

Reply to Objection 1: The good of the offspring, in so far as it belongs to the first

intention of nature, includes procreation, nourishment, and instruction, until the offspring comes to perfect age. But that provision be made for the children by bequeathing to them the inheritance or other goods belongs seemingly to the second intention of the natural law.

Reply to Objection 2: To have a concubine is contrary to the good of the offspring, in respect of nature's first intention in that good, namely the rearing and instruction of the child, for which purpose it is necessary that the parents remain together permanently; which is not the case with a concubine, since she is taken for a time. Hence the comparison fails. But in respect of nature's second intention, even the having of a concubine may be a matter of dispensation as evidenced by Osee 1.

Reply to Objection 3: Although indissolubility belongs to the second intention of marriage as fulfilling an office of nature, it belongs to its first intention as a sacrament of the Church. Hence, from the moment it was made a sacrament of the Church, as long as it remains such it cannot be a matter of dispensation, except perhaps by the second kind of dispensation.

Whether it was lawful to divorce a wife under the Mosaic law?

Objection 1: It would seem that it was lawful to divorce a wife under the Mosaic law. For one way of giving consent is to refrain from prohibiting when one can prohibit. It is also unlawful to consent to what is unlawful. Since then the Mosaic law did not forbid the putting away of a wife and did no wrong by not forbidding it, for "the law . . . is holy" (Rom. 7:12), it would seem that divorce was at one time lawful.

Objection 2: Further, the prophets spoke inspired by the Holy Ghost, according to 2 Pet. 1:21. Now it is written (Malachi 2:16): "When thou shalt hate her, put her away." Since then that which the Holy Ghost inspires is not unlawful, it would seem that it was not always unlawful to divorce a wife.

Objection 3: Further, Chrysostom [*Hom. xxxii in the Opus Imperfectum falsely ascribed to St. John Chrysostom] says that even as the apostles permitted second marriages, so Moses allowed the bill of divorce. But second marriages are not sinful. Therefore neither was it sinful under the Mosaic law to divorce a wife.

Objection 4: On the contrary, our Lord said (Mat. 19:8) that Moses granted the Jews the bill of divorce by reason of the hardness of their heart. But their hardness of heart did not excuse them from sin. Neither therefore did the law about the bill of divorce.

Objection 5: Further, Chrysostom says [*Hom. xxxii in the Opus Imperfectum falsely ascribed to St. John Chrysostom] that "Moses, by granting the bill of divorce, did not indicate the justice of God, but deprived their sin of its guilt, for while the Jews acted as though they were keeping the law, their sin seemed to be no sin."

I answer that, on this point there are two opinions. For some say that under the Law those who put away their wives, after giving them a bill of divorce, were not excused

from sin, although they were excused from the punishment which they should have suffered according to the Law: and that for this reason Moses is stated to have permitted the bill of divorce. Accordingly they reckon four kinds of permission: one by absence of precept, so that when a greater good is not prescribed, a lesser good is said to be permitted: thus the Apostle by not prescribing virginity, permitted marriage (1 Cor. 7). The second is by absence of prohibition: thus venial sins are said to be permitted because they are not forbidden. The third is by absence of prevention, and thus all sins are said to be permitted by God, in so far as He does not prevent them whereas He can. The fourth is by omission of punishment, and in this way the bill of divorce was permitted in the Law, not indeed for the sake of obtaining a greater good, as was the dispensation to have several wives, but for the sake of preventing a greater evil, namely wife-murder to which the Jews were prone on account of the corruption of their irascible appetite. Even so they were allowed to lend money for usury to strangers, on account of corruption in their concupiscible appetite, lest they should exact usury of their brethren; and again on account of the corruption of suspicion in the reason they were allowed the sacrifice of jealousy, lest mere suspicion should corrupt their judgment. But because the Old Law, though it did not confer grace, was given that it might indicate sin, as the saints are agreed in saying, others are of opinion that if it had been a sin for a man to put away his wife, this ought to have been indicated to him, at least by the law or the prophets: "Show My people their wicked doings" (Is. 58:1): else they would seem to have been neglected, if those things which are necessary for salvation and which they knew not were never made known to them: and this cannot be admitted, because the righteousness of the Law observed at the time of the Law would merit eternal life. For this reason they say that although to put away one's wife is wrong in itself, it nevertheless became lawful by God's permitting it, and they confirm this by the authority of Chrysostom, who says [*Hom. xxxii in the Opus Imperfectum falsely ascribed to St. John Chrysostom] that "the Lawgiver by permitting divorce removed the guilt from the sin." Although this opinion has some probability the former is more generally held: wherefore we must reply to the arguments on both sides [*Cf. FS, Q[105], A[4], ad 8; FS, Q[108], A[3], ad 2; Contra Gentes iii, cap. 123].

Reply to Objection 1: He who can forbid, sins not by omitting to forbid if he has no hope of correcting, but fears by forbidding to furnish the occasion of a greater evil. Thus it happened to Moses: wherefore acting on Divine authority he did not forbid the bill of divorce.

Reply to Objection 2: The prophets, inspired by the Holy Ghost, said that a wife ought to be put away, not as though this were a command of the Holy Ghost, but as being permitted lest greater evils should be perpetrated.

Reply to Objection 3: This likeness of permission must not be applied to every detail, but only to the cause which was the same in both cases, since both permissions were granted in order to avoid some form of wickedness.

Reply to Objection 4: Although their hardness of heart excused them not from sin, the permission given on account of that hardness excused them. For certain things are

forbidden those who are healthy in body, which are not forbidden the sick, and yet the sick sin not by availing themselves of the permission granted to them.

Reply to Objection 5: A good may be omitted in two ways. First, in order to obtain a greater good, and then the omission of that good becomes virtuous by being directed to a greater good; thus Jacob rightly omitted to have only one wife, on account of the good of the offspring. In another way a good is omitted in order to avoid a greater evil, and then if this is done with the authority of one who can grant a dispensation, the omission of that good is not sinful, and yet it does not also become virtuous. In this way the indissolubility of marriage was suspended in the law of Moses in order to avoid a greater evil, namely wife-murder. Hence Chrysostom says that "he removed the guilt from the sin." For though divorce remained inordinate, for which reason it is called a sin, it did not incur the debt of punishment, either temporal or eternal, in so far as it was done by Divine permission: and thus its guilt was taken away from it. And therefore he says again [*Hom. xxxii in the Opus Imperfectum falsely ascribed to St. John Chrysostom] that "divorce was permitted, an evil indeed, yet lawful." Those who hold the first opinion understand by this only that divorce incurred the debt of temporal punishment.

Whether it was lawful for a divorced wife to have another husband?

Objection 1: It would seem that it was lawful for a divorced wife to have another husband. For in divorce the husband did a greater wrong by divorcing his wife than the wife by being divorced. But the husband could, without sin, marry another wife. Therefore the wife could without sin, marry another husband.

Objection 2: Further, Augustine, speaking about bigamy, says (De Bono Conjug. xv, xviii) that "when it was the manner it was no sin." Now at the time of the Old Law it was the custom for a wife after divorce to marry another husband: "When she is departed and marrieth another husband," etc. Therefore the wife sinned not by marrying another husband.

Objection 3: Further, our Lord showed that the justice of the New Testament is superabundant in comparison with the justice of the Old Testament (Mat. 5). Now He said that it belongs to the superabundant justice of the New Testament that the divorced wife marry not another husband (Mat. 5:32). Therefore it was lawful in the Old Law.

Objection 4: On the contrary, are the words of Mat. 5:32, "He that shall marry her that is put away committeth adultery." Now adultery was never permitted in the Old Law. Therefore it was not lawful for the divorced wife to have another husband.

Objection 5: Further, it is written (Dt. 24:3) that a divorced woman who marries another husband "is defiled, and is become abominable before the Lord." Therefore she sinned by marrying another husband.

I answer that, According to the first above mentioned opinion (A[3]), she sinned by marrying another husband after being divorced, because her first marriage still held good. For "the woman . . . whilst her husband liveth, is bound to the law of her husband" (Rom.

7:2): and she could not have several husbands at one time. But according to the second opinion, just as it was lawful by virtue of the Divine dispensation for a husband to divorce his wife, so could the wife marry another husband, because the indissolubility of marriage was removed by reason of the divine dispensation: and as long as that indissolubility remains the saying of the Apostle holds.

Accordingly to reply to the arguments on either side:

Reply to Objection 1: It was lawful for a husband to have several wives at one time by virtue of the divine dispensation: wherefore having put one away he could marry another even though the former marriage were not dissolved. But it was never lawful for a wife to have several husbands. Wherefore the comparison fails.

Reply to Objection 2: In this saying of Augustine manner [mos] does not signify custom but good manners; in the same sense a person is said to have manners [morigeratus] because he has good manners; and "moral" philosophy takes its name from the same source.

Reply to Objection 3: Our Lord shows the superabundance of the New Law over the Old in respect of the counsels, not only as regards those things which the Old Law permitted, but also as regards those things which were forbidden in the Old Law, and yet were thought by many to be permitted on account of the precepts being incorrectly explained---for instance that of the hatred towards our enemies. and so is it in the matter of divorce.

Reply to Objection 4: The saying of our Lord refers to the time of the New Law, when the aforesaid permission was recalled. In the same way we are to understand the statement of Chrysostom [*Hom. xii in the Opus Imperfectum falsely ascribed to St. John Chrysostom], who says that "a man who divorces his wife according to the law is guilty of four crimes: for in God's sight he is a murderer," in so far as he has the purpose of killing his wife unless he divorce her; "and because he divorces her without her having committed fornication," in which case alone the law of the Gospel allows a man to put away his wife; "and again, because he makes her an adulteress, and the man whom she marries an adulterer."

Reply to Objection 5: A gloss observes here: "She is defiled and abominable, namely in the judgment of him who first put her away as being defiled," and consequently it does not follow that she is defiled absolutely speaking; or she is said to be defiled just as a person who had touched a dead or leprous body was said to be unclean with the uncleanness, not of sin, but of a certain legal irregularity. Wherefore a priest could not marry a widow or a divorced woman.

Whether a husband could lawfully take back the wife he had divorced?

Objection 1: It would seem that a husband could lawfully take back the wife he had divorced. For it is lawful to undo what was ill done. But for the husband to divorce his wife was ill done. Therefore it was lawful for him to undo it, by taking back his wife.

Objection 2: Further, it has always been lawful to be indulgent to the sinner, because this is a moral precept, which obtains in every law. Now the husband by taking back the wife he had divorced was indulgent to one who had sinned. Therefore this also was lawful.

Objection 3: Further, the reason given (Dt. 24:4) for its being unlawful to take back a divorced wife was "because she is defiled." But the divorced wife is not defiled except by marrying another husband. Therefore at least it was lawful to take back a divorced wife before she married again.

On the contrary, It is said (Dt. 24:4) that "the former husband cannot take her again," etc.

I answer that, In the law concerning the bill of divorce two things were permitted, namely for the husband to put away the wife, and for the divorced wife to take another husband; and two things were commanded, namely that the bill of divorce should be written, and secondly that the husband who divorced his wife could not take her back. According to those who hold the first opinion (A[3]) this was done in punishment of the woman who married again, and that it was by this sin that she was defiled: but according to the others it was done that a husband might not be too ready to divorce his wife if he could nowise take her back afterwards.

Reply to Objection 1: In order to prevent the evil committed by a man in divorcing his wife, it was ordered that the husband could not take back his divorced wife, as stated above: and for this reason it was ordered by God.

Reply to Objection 2: It was always lawful to be indulgent to the sinner as regards the unkindly feelings of the heart, but not as regards the punishment appointed by God.

Reply to Objection 3: There are two opinions on this point. For some say that it was lawful for a divorced wife to be reconciled to her husband, unless she were joined in marriage to another husband. For then, on account of the adultery to which she had voluntarily yielded, it was assigned to her in punishment that she should not return to her former husband. Since, however, the law makes no distinction in its prohibition, others say that from the moment that she was put away she could not be taken back, even before marrying again, because the defilement must be understood not in reference to sin, but as explained above (A[4], ad 3).

Whether the reason for divorce was hatred for the wife?

Objection 1: It would seem that the reason for divorce was hatred for the wife. For it is written (Malachi 2:16): "When thou shalt hate her put her away." Therefore, etc.

Objection 2: Further, it is written (Dt. 24:1): "If . . . she find not favor in his eyes, for some uncleanness," etc. Therefore the same conclusion follows as before.

Objection 3: On the contrary, Barrenness and fornication are more opposed to marriage than hatred. Therefore they ought to have been reasons for divorce rather than hatred.

Objection 4: Further, hatred may be caused by the virtue of the person hated. Therefore, if hatred is a sufficient reason, a woman could be divorced on account of her virtue, which is absurd.

Objection 5: Further, "If a man marry a wife and afterwards hate her, and seek occasions to put her away"* alleging that she was not a virgin when he married her, should he fail to prove this, he shall be beaten, and shall be condemned in a hundred sicles of silver, and he shall be unable to put her away all the days of his life (Dt. 22:13-19). [*The rest of the passage is apparently quoted from memory.] Therefore hatred is not a sufficient reason for divorce.

I answer that, It is the general opinion of holy men that the reason for permission being given to divorce a wife was the avoidance of wife-murder. Now the proximate cause of murder is hatred: wherefore the proximate cause of divorce was hatred. But hatred proceeds, like love, from a cause. Wherefore we must assign to divorce certain remote causes which were a cause of hatred. For Augustine says in his gloss (De Serm. Dom. in Monte i, 14): "In the Law there were many causes for divorcing a wife: Christ admitted none but fornication: and He commands other grievances to be borne for conjugal fidelity and chastity." Such causes are imperfections either of body, as sickness or some notable deformity, or in soul as fornication or the like which amounts to moral depravity. Some, however, restrict these causes within narrower limits, saying with sufficient probability that it was not lawful to divorce a wife except for some cause subsequent to the marriage; and that not even then could it be done for any such cause, but only for such as could hinder the good of the offspring, whether in body as barrenness, or leprosy and the like, or in soul, for instance if she were a woman of wicked habits which her children through continual contact with her would imitate. There is however a gloss on Dt. 24:1, "If . . . she find not favor in his eyes," which would seem to restrict them yet more, namely to sin, by saying that there "uncleanness" denotes sin: but "sin" in the gloss refers not only to the morality of the soul but also to the condition of the body. Accordingly we grant the first two objections.

Reply to Objection 3: Barrenness and other like things are causes of hatred, and so they are remote causes of divorce.

Reply to Objection 4: No one is hateful on account of virtue as such, because goodness is the cause of love. Wherefore the argument does not hold.

Reply to Objection 5: The husband was punished in that case by being unable to put away his wife for ever, just as in the case when he had corrupted a maid (Dt. 22:28-30).

Whether the causes of divorce had to be written in the bill?

Objection 1: It would seem that the causes of divorce had to be written in the bill: because the husband was absolved from the punishment of the law by the written bill of divorce. But this would seem altogether unjust, unless sufficient causes were alleged for a divorce. Therefore it was necessary for them to be written in the bill.

Objection 2: Further, seemingly this document was of no use except to show the causes for divorce. Therefore, if they were not written down, the bill was delivered for no purpose.

Objection 3: Further, the Master says that it was so in the text (Sent. iv, D, 33).

On the contrary, The causes for divorce were either sufficient or not. If they were sufficient, the wife was debarred from a second marriage, though this was allowed her by the Law. If they were insufficient, the divorce was proved to be unjust, and therefore could not be effected. Therefore the causes for divorce were by no means particularized in the bill.

I answer that, The causes for divorce were not particularized in the bill, but were indicated in a general way, so as to prove the justice of the divorce. According to Josephus (Antiq. iv, 6) this was in order that the woman, having the written bill of divorce, might take another husband, else she would not have been believed. Wherefore according to him it was written in this wise: "I promise never to have thee with me again." But according to Augustine (Contra Faust. xix, 26) the bill was put into writing in order to cause a delay, and that the husband might be dissuaded by the counsel of the notaries to refrain from his purpose of divorce.

Something to think about;
1Timothy 4:2 Speaking lies in hypocrisy; having their conscience seared with a hot iron;
Perhaps a 'conscience seared' is best described according to the words of Adolf Hitler: Tell a lie often enough, and eventually people will believe it is the truth. Enter the Council of Trent's Traditional Theory of divorce and remarriage.
The message 'Divorced' Revised; 02192020
Study Aids; Halley's Bible Handbook 24th edition
Bible Commentary--E.M. Zerr
This message presented to; PineMt.Ar.-July2015/ WestvilleOk-Aug2015/LostsheepOk-Aug2015/