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CONSIDERATIONS ON CATHOLICISM BY A PROTESTANT THEOLOGIAN

COOLXXXV

(Sacred Heart Review)

On page 587 of "Mediaeval Europe" we have: "Since marriage was a sacramental act and could, therefore, properly be celebrated only by a priest, the act itself and all the very complicated interests resulting from it were taken into the scope of the clerical jurisdiction."

Here is a fresh instance of the almost hopeless confusion of the Protestant mind between a sacramental and a sacerdotal act. Most Protestants imagine, as we see Emerton does, that the administration, not, as in fact, of five sacraments, but of every sacrament, is exclusively competent to the priest, whereas, as we know, the sacrament of Baptism, even regularly, may be deputed to deacons, and in case of necessity may be regularly, and even without it, validly, administered by lay persons, or even by non-Christians.

Marriage, again, as we know, although a sacrament, is of necessity administered by lay persons, namely, the consenting parties, the priest, where present, ratifying it, but not sacramentally administering it. It is their intention, not his which determines validity.

Moreover, as we know, the Church anathematizes all those who shall maintain that the priest is intrinsically necessary to the validity of a Christian marriage. Nay, even the law of Trent does not absolutely require a priest, were it in Rome itself, but is, as the Congregation de concilio has decided, sufficiently fulfilled if a marriage is ratified by a man having a parochial title, even though as yet unordained. See Lehmkühl. Furthermore, a marriage in a Catholic country is valid at which the pastor is present, even though his presence is compelled, and even though he does not utter a word. See, in the *Promessi Sposi*, the way in which Lorenzo and his betrothed very nearly secure their marriage in spite of the refusal of Don Ambrose, the curato.

Moreover, we know how, in Protestant countries (excepting certain districts once French or Spanish), Catholic marriages before Protestant witnesses or before magistrates, although involving privation of the sacraments, are received by the Church as valid.

I wonder what Professor Emerton thinks of marriages between baptized Protestants competent to contract, and married in Protestant countries. It is fair to presume that he is aware that if such couples become Catholics they are not remarried, but are received as already sacramentally united. However, like Bishop Doane, he seems neither to have inquired the matter out nor to have thought it out. His incompetence is, of course, less discreditable than the Bishop's, but in a matter of such practical import, it is by no means creditable to him.

Of course, with so negligent a thinker about matters theological, especially matters sacramental, it is too much to assume the knowledge that where, in a Catholic country, a Catholic clergyman can not be found—as in various thinly peopled regions—the parties are allowed to contract a consensual marriage before witnesses, which, although it should afterwards be registered and blessed, is not repeated, but is equally sacramental with any other.

We see, then, that the Professor goes entirely wrong in saying that the Church claims jurisdiction over marriage because it is a sacerdotal act. She claims it because, as between the baptized, it is a sacramental act, whether it is or is not a sacerdotal act in any particular instance.

Our author says that the Church drew marriage, with all the complicated interests resulting from it, within her jurisdiction. Now, it is true that in the Middle Ages, when the organization of the State was as yet confused and incomplete, the discussion of marriage in the Church Courts almost of necessity involved more or less discussion of the rights of offspring. Yet intrinsically, says Pope Benedict XIV., quoting other high authorities, Bellarmine among them, all questions touching the descent of estates or of secular dignities belong exclusively to the competency of the State. The Church discusses such questions now only so far as they bear upon the competency to receive prelatial dignities. Probably, even now, there is sometimes difficulty in making a clean partition, but the theory as laid down by this learned Pope, is perfectly clear.

Even in the Middle Ages this distinction between the sacramental and the purely secular side of marriage, or rather of its results, although fluctuating, was by no means unremarked. For instance, the most orthodox English Catholics, while acknowledging that John of Gaunt's tardy marriage with Catherine Swinford legitimized their children religiously, declared that only an Act of Parliament could legitimize them civilly, nor did the Church interpose any anathema against this purely secular decision. So also in Scotland, the shadow which hung, for ten reigns, over the right of the Stuarts to the throne, lay in a doubt whether a dispensation, which had a retroactive effect religiously, had such an effect politically. Yet this divergent opinion concerning Robert III.'s marriage with his cousin Elizabeth Moore involved no quarrel between Church and State. It is true, Dr. Burton himself seems to be confused over this controversy, and he may have misled me.

We see that the two great martyrs, Sir Thomas More and Cardinal Fisher, already had the distinction in question perfectly in mind. They could not acknowledge that Henry was validly married to Anne, as assuredly he was not, yet both the illustrious martyrs were willing to support Elizabeth's title to the Crown, because that, as they acknowledged, was a point lying wholly within the competency of the Sovereign and the Estates. The one matter which the Church then, as now, claimed the sole right to decide was, whether a conjugal union was or was not a valid Christian marriage. When, as often happened in Spain, children born out of wedlock succeeded to dukedoms or domains, or to the throne itself, the Church let such purely external matters take their course according to the manner of the land.*

We would advise Professor Emerton to ask for a year's retreat in Boston College, and there take a course in sacramental theology, beginning with St. Thomas Aquinas and winding up with Sylvester J. Hunter and Dr. Byrne, consulting, by the way, the "Catholic Dictionary" and Wetzer and Welte. By that time he might know what he is talking about within this range, which assuredly is more than he knows now.

However, we will conclude our consideration of his able and engaging work with a quotation which witnesses both to right feeling and good sense.

"When the monasteries of a country had got into a bad way it never occurred to those most interested in the welfare of society that the fault might be in the very nature of the monastic principle itself, but they invariably concluded that the only trouble was that this principle had not been carried out thoroughly enough. Not less monasticism, but more, was needed in order to keep the monastic idea pure and thus effectual. So we have, over and over

again, great waves of monastic reform sweeping over European society and carrying with them, let it be fairly understood, usually all that was best and most forward-looking in the community. The conclusion that we have to draw from the fact is that the mediaeval world was right; that it knew its own needs and was trying to provide for them in its own way."

CHARLES C. STARBUCK.
Andover, Mass.

*Note—Jesus Christ raised marriage to the dignity of a sacrament in order that the married couple may thus receive grace to live chastely, to have mutual affection, and be a mutual support, to enable them to bear patiently the trials and hardships of life, and train their children by example and instruction in the knowledge, love and service of God. According to St. Paul, marriage is a type of the indissoluble union between Jesus Christ and His Church. Thus are we taught that nothing on earth, except the Church, can be compared with the peculiar and beneficent influence, the great power, the sacred office and exalted dignity with which God has clothed the married couple. It is their exclusive privilege to preserve the human race and to people heaven with saints. To maintain the unity and indissolubility of marriage our Divine Saviour placed it under the authority and the custody of the Church. To protect this great sacrament from the profanation of the impure, and form the impious usurpation of the civil power which dares to attempt to make and unmake marriages, the Church of God has enacted many laws, and she is constantly appealing to the Christian conscience to reverence this bulwark of society. Jesus Christ declares that marriage is dissolved only by death, and that any one, whether divorced or not, who marries while husband or wife is alive, is living in adultery. Marriage with heretics, infidels and Jews has always been forbidden. Such marriages, unless contracted according to law, are very often null and void, and of no effect whatever, and the parties are simply living in adultery.

Marriage, which so profoundly affects one's life for good or evil, and which decides one's happiness in this life and eternity, should be contracted according to the laws of God and His Church. It should be preceded by long and fervent prayer for guidance; the advice and the blessing of parents should be asked; the counsel of spiritual director and pastor may not be amiss. As marriage is a sacrament it would be a horrible sacrilege to get married while one is in the state of sin. Persons about to be married, therefore, always go to Confession and to Holy Communion so as to be fit to receive all the graces which the Sacrament of Matrimony is intended to bestow. The unhappiness that accompanies so many marriages during life is, there is reason to fear, but the just punishment of the irreverent and sinful dispositions, and the defiant disobedience, with which too many, alas, enter the holy state of matrimony. Would that all marriages were so arranged as to draw on them, not a curse but a blessing.—Ed. Sacred Heart Review.

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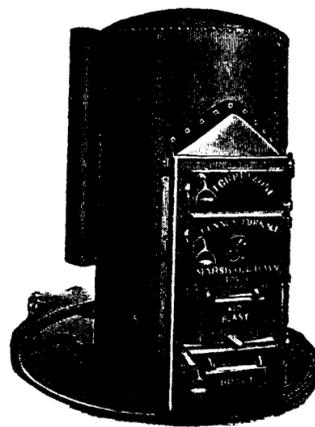
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