

The Catholic Record

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LONDON, SATURDAY, MAY 14, 1921

THE CHURCHES AND DIVORCE

In view of the widespread interest and very general discussion aroused by the attempt to legislate on Ontario both divorce courts and divorce law, Social Welfare in its May issue very appropriately devotes much space to an article entitled "What the Churches are saying about Divorce."

Despite the discordant, indeed flatly contradictory interpretations of Holy Writ, as to what Christ Himself taught in the matter of divorce, there is abundant evidence that the fearless and forceful teaching of the Catholic Church on this matter, as in many others, profoundly influences the mind and conscience of many outside the visible household of the faith.

The Church of England in Canada has made official statements directly opposed to the Catholic doctrine on marriage and divorce; and in this it may rightly claim the authorization of the highest possible Anglican authority. For the Bishops of the Lambeth Conference in 1920 thus dealt with the question:

"Nevertheless, the Conference admits the right of a national or regional Church within our communion to deal with cases which fall within the exception mentioned in the record of our Lord's words in St. Matthew's Gospel, under provisions which such Church may lay down."

Though the Church of England at home and in Canada has thus officially departed from Catholic teaching it is refreshing to find that Catholic faith and Catholic conscience still vigorously survive in many of its members. Social Welfare publishes a lengthy extract from the Bulletin of the Church of England Council for Social Service, September, 1920; from this extract we call a few statements:

"The whole question is at one and the same time curiously complex and equally curiously simple. The simplicity of the question lies in the undisputed fact that the Christian Church has never at any time recognized divorce and flatly refuses to do so now. For the Christian Church divorce simply does not exist. For a divorced person to re-marry is, in the view of the Church, deliberately to enter into adultery, and so to live in flagrant sin—which debar him as one from the spiritual ministrations of the Church."

"Without going at all deeply into the subject it may be said briefly that this doctrine and discipline rests upon the passages in the Gospels of St. Matthew (19:3-12) and Mark (10:2-12). A study of these passages cannot possibly lead to any conclusion other than that our Lord taught unequivocally that re-marriage of divorced people is ipso facto adultery. It must be carefully noted that Christ did not say that under no circumstances should separation take place in case of the adultery of one of the parties to the marriage. He merely says that re-marriage after divorce entails adultery. It is hard to see how any dialectical agility can possibly read any other meaning into His words. At any rate the Christian Church has always taken that view and it remains the undisputed law of the Church to this day. This side of the question exhibits the simplicity of the problem to Christian men and women from the purely religious and doctrinal viewpoint."

"It is at this point that we arrive at the most serious and significant reflection that divorce really entails a recession from the responsibilities and a denial of the liabilities arising from the most serious step that anyone can take in this life, the contraction of a marriage."

"The conclusion that we are inevitably forced to is that divorce is absolutely non-Christian, in fact it is more than that, it is not only negative, but it is positively anti-Christian."

"Happily it seems that the Church is sound on the point and that we have a formidable body of instructed Christian opinion against any movement for making the facilities for divorce greater."

This fearless statement of the Catholic doctrine in the matter of marriage and divorce may inevitably suggest comparison with the halting, hesitant, timid compromising of the Anglican bishops both at the Lambeth Conference and in Parliament; it is, however, not the inconsistencies of Anglicanism that we desire to draw attention to but the consoling fact that, whether or not "the Church [of England] is sound on the point," we have "a formidable body of instructed Christian opinion against any movement for making the facilities for divorce greater." This fact we welcome with gratitude.

We are accustomed after all, to the survival, or the revival of Catholic belief and practice in the Church of England in spite of the heavy hand of official discouragement. But it is almost startling to find Methodism travelling the same road.

Despite the Methodist Church Discipline's express recognition of "scriptural grounds" for divorce, the Christian Guardian, March 30th, in an editorial cuts the scriptural ground from under the feet of the Discipline.

Here are a few extracts: "What is the attitude of Jesus to divorce? There can be but one answer. 'He that marrieth her who is divorced causeth her to commit adultery.' Jesus makes no difference between the innocent or the guilty party. The question of divorce does not arise over separation. Separation may sometimes be the almost inevitable result of perverse conduct and alienation. But separation does not warrant a new marriage. The argument that it should carry with it such a right is based ultimately on a view of sex morality which one would hardly care to avow in a Christian Church."

"To quote Jesus as allowing separation for the cause of adultery is in no way to prove that Jesus sanctioned divorce for any reason. But there are many devout scholars who, when they compare the statement of Matthew with the parallel statement reported by the other evangelists, conclude that the toleration of even one exception in the report of Matthew is not as close to the actual thought of Jesus as the other reports. In any case, even Matthew is decisive as to re-marriage. Jesus has only one plain word for it."

"The adoption by the State on the instance of the Church of the drastic prohibitory laws, however, will serve to bring home to many Christian people increasing discomfort at the thought of our State sanctioning re-marriage in clear opposition to the Christian standard as set forth by Jesus."

Side by side with this editorial we have quoted the official pronouncement of the General Conference May, 1920, and that of the Methodist Department of Social Service both holding that divorce is justified by adultery, and that the innocent party has a right to marry another.

Here again what we would emphasize is not the inconsistency, but the fact that despite the official teaching and practice of his own denomination this Methodist writer is constrained to accept the teaching of Christ as proclaimed in every age and country by the Catholic Church.

The Presbyterian General Assembly, June 1920, draws attention to "the dangerous tendency, in some quarters, to the relaxation of our divorce laws," but reaffirms that Church's recognition of adultery as a scriptural ground for divorce.

The Presbyterian Witness, March 17th, 1921, points out the dangers of easy divorce and admits that, "It looks as if, in some sections of Canada at least, we were drifting rapidly in the direction of conditions on the other side of the American border."

Later on The Witness says: "We cannot here go into the claim of the Roman Catholic Church that divorce ought not to be granted under any circumstances—a rule to which this Church does not always itself adhere. We assume that the ground which our Saviour took on this question, which is followed by our own and other Churches, will continue to be the basis of a divorce law in Canada."

The Presbyterian Witness doubtless believes the slender it here repeats against the Catholic Church. He does not know that there is no divorce law for those parts of Canada

that would be affected by the proposed legislation. He thinks "the present divorce law is antiquated and unjust" in as much as it recognizes the "double standard." "Such an injustice," he indignantly continues, "should be wiped from our statute books." As it is not and never was on our statute books it cannot be wiped off.

So we may charitably suppose that he was quite honest in setting down a manifest calumny against the Catholic Church. Over and over again, in one form or another, this crops up.

Suffice it to say that the Catholic Church has never annulled a valid marriage; never granted a divorce a vinculo.

The Catholic Church courts in Quebec never annulled a single marriage in spite of the repeated charges to the contrary.

The editorial writer in the Christian Guardian comes pretty near grasping the true facts when he says:

"We must not confuse a declaration that no marriage ever took place with the dissolution of a marriage tie once legally established."

Substitute "validly" for "legally" and you have the distinction that is so often ignored when speaking of the Catholic ecclesiastical courts in dealing with marriage.

The distinction between a decree of nullity *ab initio* and the newspaper term "annulment of marriage" is very clearly set forth in the petition to the Senate from the Anglican Diocese of Niagara:

"The Church of England has ever taken the position that divorce (by which your petitioners mean dissolution of the marriage bond) has never been permitted in case of marriage solemnized between two persons not within the prohibited degrees of kindred and consanguinity, of competent age, sound mind and potent, whenever such union has been entered into by mutual free consent and not under duress or constraint. When persons so married have found it impossible to live together, the Church has by Decrees of Judicial Separation (from bed and board) permitted them to live apart, but in no case to marry again during the life of either. When it has been found that ceremonies purporting to be marriages have been performed either between persons or under conditions not within the foregoing categories, the Church has by Decrees of Nullity declared that such ceremonies did not constitute marriages and has declared them null and void."

There we have a clear exposition of those acts of the ecclesiastical courts of Quebec that have been the subject of so much and such gross misrepresentation. And the Anglican petitioners are willing to give to the Civil Courts only the power to issue decrees of nullity when it is found that the attempted marriage is no true marriage; they oppose without qualification the proposal to give Civil Courts the power to dissolve, for any reason whatever, a valid marriage.

Social Welfare gives a very fair, full and sympathetic account of the Catholic position, quoting from "Divorce in Canada" by the Rev. Dr. J. J. O'Gorman and from "Marriage and Divorce" by the Rev. A. P. Mahoney of St. Peter's Seminary, London. At a time when it is imperative to mobilize the forces of Christian opinion and Christian conscience against legislation that would imperil the Christian home, we cannot too strongly urge on our readers the desirability of having these two excellent pamphlets both for personal study and to pass on to non-Catholic friends.

"IS MARRIAGE WORTH SAVING?"

Is there in Canada so many unhappy marriages and so little esteem for the Christian family life that there is any general sentiment behind the demand for divorce law and divorce courts?

No one who knows the people of Ontario will answer affirmatively. We have no hesitation in denying that any such sentiment exists, and in affirming that once the trend of the proposed legislation is understood, its significance realized, that the Christian conscience of non-Catholic Ontario would reject it with loathing.

For various reasons the issue has been obscured, it is not necessary to go into these reasons here. But who has not heard Protestant men and women in the humbler walks of life as well as those who by education and

thoughtful observation understand the vital importance of family life, express themselves as strongly as any Catholic against extending the facilities for divorce?

There is no general sentiment in favor of divorce, there is a very pronounced sentiment against it. If in such circumstances the proposed divorce legislation can be put through Parliament who is there so blind as not to see that a widening of the breach will inevitably follow?

The United States is an object-lesson in this matter. If we care to save Canada from a like fate resistance must be prompt and effective now. Who is so famous as to think that if we supinely permit the entering of the wedge we can prevent its being driven farther in?

The Right Rev. William Hall Moreland, Protestant Episcopal Bishop of Sacramento, has just made a lucid and remarkably forceful statement on the matter that, though addressed to Americans, should be pondered by Canadians. Indeed it is likely to affect much more good in Canada where the public conscience has not yet been debauched on this question; though it has undoubtedly been dulled by familiarity with American divorces.

The Bishop says: "Easy divorce is the subtle poison which is corrupting the ideals of family life in the United States. Disguising its deadly character under the form of sympathy for misreated individuals, the divorce poison gradually destroys the Christian conception of marriage as a permanent relation."

"The United States has attained greatness because of its high moral ideals. The homes of the American people are the citadels of the nation's strength. But we have at work in every State of the Union except one (South Carolina) a powerful virus infecting American life at its source, undermining the institution of marriage, rotting the underpinning of the whole structure of civilized life. What makes the situation alarming is the unconcern with which the average citizen views this evil. The nation itself stands committed to a lax attitude toward it. It is permitted and encouraged by the laws of the land."

Here is a vital consideration for us. If we can not now arouse the Christian conscience, what hope will there be of arresting the divorce evil when "the nation itself stands committed to it," when conscience has grown apathetic through familiarity with divorce proceedings? Bishop Moreland continues:

"County records of the United States show men and women who have been divorced and remarried as often as six or seven times. "Lustful males, marrying for physical satisfaction chiefly, cast off wives at pleasure as if they were kept mistresses. Mining kings, oil millionaires and war profiteers, grown suddenly rich, have put away the faithful partner of the days of poverty and struggle and lavished their new made wealth upon actresses. Selfish women, sacrificing men to their passion for jewels, clothes and luxury, are encouraged under our laws to sell their bodies to the highest bidder, yet continue to move in decent society as respectable women. This is no fancy picture. It describes what is going on today all over the United States. Conditions are growing worse."

Follows another consideration which thrusts itself on the attention of Canadians at the present juncture: "Easy divorce even among the best intentioned people is a standing invitation to magnify trivial differences, an invitation to selfishness and discord, an encouragement to hasty or impulsive unions. Experience shows that if divorce courts were abolished, as in South Carolina, or divorce made difficult as in Canada, New York, District of Columbia and elsewhere, the majority of those seeking divorces would find it impossible to live together contentedly, and that many of them would find the full happiness and reward of faithful married life."

There is absolutely no stage at which the progressive corruption of morals can be arrested once divorce as a principle is admitted in law. Bishop Moreland is not indulging in reckless prophecy, but exercising calm judgment when he writes: "If easy divorce continues at the present rate in this country the ideal of true marriage, as the union of one man and one woman until death shall part, will gradually fade from the consciousness of the American people and be replaced by a kind of

barnyard morality. Even now our young people, knowing that the law permits a consecutive polygamy, enter into the married state with the deliberate purpose of breaking it off, should the first attempt be unsatisfactory, and of drawing another ticket in the lottery."

The following statistics given by the Protestant Bishop are their own eloquent comment:

"Let every lover of the United States, who wishes to see this nation continue to hold the respect of mankind reflect upon the following facts, which have been gathered out of the United States Census Reports of 1910 covering the vital statistics of marriage and divorce for 1916, and the years preceding."

"Divorces in America in 1894 were 28,000; in 1916, 114,000. Increase of population during the period was 62%. Increase of divorces 288%."

"Divorces in America in 1894 were 28,000; in 1916, 114,000. Increase of population during the period was 62%. Increase of divorces 288%."

"The number of children named in divorce decrees for the past twenty years is 1,318,000. That is to say a vast army of innocent children were deprived of the loving oversight of one parent or another, being made orphans or half orphans not by the hand of Providence but by the selfishness of their parents. In the public institutions and reformatories of California over 40 per cent. of the children are the offspring of divorced parents, and this proportion will doubtless hold good of several other States of the Union."

"Adult children involved in divorce actions by the fault of their parents number 500,000 (estimated); so that the total wreckage of the divorce evil in the first twenty years of the present century, including parents and children, reaches the frightful total of 5,585,000 Americans. This is one-twentieth of our total population."

After elaborating the divorce statistics still further, excluding the Catholic population, Bishop Moreland concludes: "No legislation will be effective without the arousing and education of public opinion. The real question before the American people is, 'Is marriage worth saving?' The issues go far beyond the feelings of individuals who are unhappily married. The foundations of Home are involved. The alternative of licensed free love is presented. The question for the United States to decide is whether it is more serious that individuals should suffer or that marriage should be ultimately lost."

"Easy divorce is the darkest cloud today upon our American life. Again we urge on every reader of the CATHOLIC RECORD to procure for study and distribution the two pamphlets by Father O'Gorman and Father Mahoney."

No worthier work can be performed by any patriotic Canadian than to disseminate at the present time sound information on the divorce question.

THE GOVERNMENT OF IRELAND ACT, 1920

The following able analysis of the measure of Home Rule now offered to Ireland was sent by the writer to The Canadian Magazine. No wonder such "self government" is contemptuously rejected by 90% of the people of Ireland.—E. C. R.

Having obtained a copy of this Act from the King's Printers at London, I desire to correct and supplement the account of its contents given by Sir John Willison in The Canadian Magazine for February.

Sir John says: "Each Parliament must also create a Senate." This is incorrect. Section 13 says:

(1) The Senate of Southern Ireland shall be constituted as provided in the Second Schedule to this Act.

(2) The Senate of Northern Ireland shall be constituted as provided in the Third Schedule to this Act.

(3) The provisions contained in the Fourth Schedule to this Act shall have effect with respect to the nomination, election and term of office of members of the Senates of Southern Ireland and Northern Ireland.

Turning to the Schedules named, we find the second constitutes the Southern Senate as follows:

Part I.—Officers entitling Holders to be Senators: The Lord Chancellor of Ireland, The Lord Mayor of Dublin, The Lord Mayor of Cork.

Part II.—Nominated Senators. Representatives of Commerce (including Banking), Labor, and the Scientific and Learned Professions to be nominated by the Lord Lieutenant, 17.

Part III.—Elected Senators. Archbishops or Bishops of the Roman Catholic Church holding Sees situated wholly or partly in Southern Ireland, 4; Electors: The Archbishops and Bishops of the Roman Catholic Church, "holding Sees," (situated as above.)

Archbishops or Bishops of the Church of Ireland, "holding Sees," (situated as above), 2; Electors: The Archbishops and Bishops (of the same Church, "holding Sees," &c.) Peers who are taxpayers or ratepayers in respect of property in and have residences in Southern Ireland, 16; Electors: The Peers who are taxpayers or ratepayers (same as above.)

Members of His Majesty's Privy Council in Ireland of not less than two years standing, who are taxpayers or ratepayers, (as above), 8; Electors: The members of His Majesty's Privy Council in Ireland who are taxpayers, or ratepayers, (as above.)

Representatives of County Councils 14 in all; in Leinster 4; Munster 4; Connaught 4; Counties of Donegal, Monaghan and Cavan, 2; Electors, The members of County Councils, voting together as Provinces.

Now, as to the Northern Senate: Third Schedule—Part I. Officers entitling Holders to be Senators: The Lord Mayor of Belfast; the Lord Mayor of Londonderry.

Part II.—Elected Senators. Twenty-four senators to be elected by the members of the House of Commons of Northern Ireland.

Sir John Willison's statement is substantially correct as to the Northern Senate; but as to the Southern Senate it is absolutely at variance with the facts. So far from the Southern Senate being created by the Southern Parliament, it is certain to be politically and religiously out of sympathy with the majority of the people unless the Lord Lieutenant appoints nearly all of his 17 nominees from the popular party. When making these appointments for the first time, he would have no government to advise him; and as they hold office for ten years; it would be 1931, at least, before any Senator would be nominated on the recommendation of a government responsible to the people.

Everyone who knows anything of Irish political and social conditions will see at once how the other electoral bodies will exercise their respective powers. On the other hand, the Senate of the North is to be elected, to the number of 14 out of 26, by the House of Commons; the other two being safe "Unionist" cast-off holders. In the South the political and religious minority are given an excellent chance to block the House of Commons through the Senate. In the North, the political and religious minority are not even to have what is popularly called "a look-in," so far as the Senate is concerned. No County Council nominee there: The Northern County Councils are largely Nationalist.

Let me next refer to the third governing body set up by the Act: The Council of Ireland, Section 10, deals with the powers of this Council; and gives it exclusive power over railways and fisheries; expressly stating that these powers "shall become powers of the Council of Ireland, and not of the Governments and Parliaments of Southern Ireland and Northern Ireland." And note this: "The rates, fares, tolls, dues and other charges directed by the Minister of Transport under the Ministry of Transport Act, 1919, and in force on the appointed day, may be charged until fresh provision shall be made by the Council of Ireland, or the Parliament of the United Kingdom, with regard to the amount of any such rates, fares, tolls, dues, and other charges."

Thus the whole subject-matter of railways and railway charges is handed over to a Council of forty; 20 appointed by the smaller parliament; 20 by the larger; with a Chairman appointed by the Lord Lieutenant. Students of Anglo-Irish politics know how powerful the railway lobby has always been in opposition to Home Rule. Ireland has several small railways, whose inadequate and profiteering management has long been one of the leading political issues in that country. They are owned in England, and managed from London.

See now how benevolently they are dealt with by this Act. They

remain safe in the loving arms of their political friends. The Northern House sends 13 members to the Council. The Northern Senate, elected by the House, sends 7. The Southern House sends 13; and the Southern Senate, constituted as above stated, sends 7. Assuredly, the Anglo-Irish railways are reasonably sure of "warm sympathy" and in no danger of "cold justice." Home Rule has no sting for them, it is the Home Rule. Imagine a self-government act which does not give the elected legislatures any power to make laws touching railways and railway transportation! As its final blessing, its parting benediction, the Parliament at London confirms the rates, tolls, charges, etc.; which, by the way, are very much higher than in England. Section 7 gives the Council power over all matters now dealt with by the English Parliament by Private Bill, when the case is one in which legislation would otherwise be required from both the northern and the southern legislatures. This provides for a continuance of the methods which blocked Mr. Henry Ford for a year when he wanted to establish a factory in Cork, having the bad taste to prefer it to Belfast and London.

The Council is, I suppose, the most undemocratic body it is possible to conceive of. Six counties furnish 20 members; 26 counties furnish 50 members; and the electoral arrangements of the Southern Senates are such that in this Council there is very likely to be a clear majority, sent there by a minority of the whole nation. At the best, there is a 20 to 20 blockade with a chairman nominated from Dublin Castle or from Downing Street.

But of course the whole scheme is mere! an attempt to make the tallowing the dog; and the times are gone when that can be done with much success in any country. The whole scheme of partition is artificial and unnatural; and a proof of it is this very Council; which is a grotesque caricature of a national legislature; an admission in very mockery of the impracticability of trying to make six counties into a new geographical unit. Lord Rothemann said: "Let us make a sort of island of them." Well, that has not been done; but who knows what the statesmanship which conceived the Council of Ireland, may not be capable of? The financial clauses are tempting; but I have not the time; nor have you, I suppose, the space or the patience. Suffice it must to say that this part of Ireland's case remains no better than ever. Seventeen years after the Union in 1817 an English Government charged England with the Irish national debt, which was £21,000,000; and, as a supposedly fair exchange, charged Ireland with England's debt, which was £446,000,000. On that consolidated debt Ireland has paid interest ever since. Nearly thirty years ago, a Royal Commission on Financial Relations, of which our own Edward Blake was a member, reported that England owed Ireland, in equity £250,000,000, and of that not one cent has been repaid. This situation is not in any way improved by this Act.

One more reference; and I have finished: The Reserved Subjects of legislation; that is, those still reserved to the Parliament at London. Some few of these are understandable: The Crown; Army; Navy; Peace; and War; Treaties with Sovereign States. The others are not to be understood by Canadians, as reservation in an Act called a Self-government Act: Relations with other parts of the Empire; extradition; naturalization of aliens; domicile; trade with any place out of the part of Ireland within their jurisdiction; (Note that—the north and the south cannot legislate so as to affect trade with each other); cables; wireless telegraphy; aerial navigation; light-houses, buoys, beacons, coinage, legal tender, negotiable instruments, weights and measures, trade marks, designs, merchandise marks, copyright, patent rights, customs and excise.

By section 9, the police forces known as the Royal Irish Constabulary and the Dublin Metropolitan Police, the appointment and removal of magistrates; the Postal Service, Post Office Savings Banks and Trustee Savings Banks; designs for stamps; registration of deeds; and the Public Record office, are also reserved until the two legislatures agree on the National Parliament to take them over.

One wonders what the two legislatures will find to legislate about.