

PROBLEMS OF
MARRIAGE AND DIVORCE

*Being an Address Given to
a Group of Laymen*

By the Most Rev. and Rt. Hon.

GEOFFREY FRANCIS FISHER
ARCHBISHOP OF CANTERBURY

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PUBLISHERS' NOTE

It should be noted that the Archbishop of Canterbury, in this address, was speaking against the background of the canon law of the Church of England. The canon law of the American Episcopal Church, while generally in accord with that of the Church of England, differs in some particulars, notably in the list of impediments to Christian marriage. The specific laws of the Protestant Episcopal Church in the United States of America are to be found in Canons 16, 17, and 18 of the Canons of General Convention.

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THE INSTITUTION OF MARRIAGE always has presented, and always will present, vastly complicated and difficult problems to both Church and State, for it involves so many different aspects of human life. It is first of all a deeply personal matter, but at the same time one which closely affects social well-being; it is productive of many moral problems and is involved in many legal complexities; and through it all religious principles of high importance are at stake. Entering so profoundly into the personal, religious, and social life of man marriage cannot but present problems of acute concern and of immense complexity.

The most that I can hope to do now is to follow as clearly as I can the main considerations, not stopping to explore by-roads, or even to examine in detail or to justify carefully the main considerations which I present.

2

I ought really to begin by asking what constitutes a marriage. Even this primary question is by no means easy to answer. The Church has its requirements, and the State also has its own requirements. These may vary a good deal as between Church and State, or between Church and Church, or

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between one State and another. Fortunately (and thanks to the age-long co-operation of Church and State in this country) in England there is no conflict between the initial requirements of the Church of England and of the Civil Law.

For my present purposes I take the case of Mr. A and Miss B. Mr. A is a bachelor and Miss B is a spinster, and they marry. Whether they are married in church—that is, whether they take part in the “Solemnization of Holy Matrimony”—or in the Registrar’s Office, both Church and State accept them as validly married. They become for all purposes Mr. and Mrs. A.

Here I must omit many possible questions. But we must note that the Church requires for a true marriage the intention of lifelong union as expressed in the marriage service. We must ask whether that intention can be assumed to exist in civil marriages. It is important to observe that the Registrar-General has recently taken steps to bring to the notice of all who are being married civilly that English law, even while it provides for divorce, knows only one kind of marriage, a marriage for life. It does not contemplate the possibility of a union lacking that intention. The intention may not always be there, but the Church is able to assume and is right to assume that the parties mean what they are publicly professing to mean by being married under English law.

There are obvious dangers here, especially in the present state of increasing laxity of view. One can conceive of a situation in which the Church would be unable any longer to recognize civil marriages for Church purposes and would be driven to hold that only those married in church are truly married—a situation which would raise very serious problems and one that must be avoided if possible.

To return to Mr. and Mrs. A, we now ask what is the true

nature of the marriage upon which they have entered. What has happened to them?

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One answer is that they have merely entered into a legal contract, which is valid so long, but only so long, as both sides keep the bargain. If one fails, the other can sue for restitution of rights or for release from the contract with compensation. It is difficult to resist the further conclusion that, if it is a legal contract only, then it can freely be ended by the mutual desire of the contracting parties.

But this conclusion is not recognized in law. And, indeed, all kinds of religious, social, and moral objections to it arise. Such a theory of contract would change the whole conception of marriage as we have received it, and would substitute for it a view which in many ways offends the deepest instincts of mankind. It subordinates the idea of a stable home, and the interests of children, to the personal choices of the parents. By reducing the status of the home and family to a contract open to revision at will, it disturbs and demoralizes society. It is repugnant to religion. Yet if marriage is *primarily* a legal interest, and lifelong marriage merely a desideratum, then the possibility of divorce by consent at the request of either party is the logical result.

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Now let us turn to what Jesus Christ says of marriage. For Christians this is of course decisive, in so far as we can be sure of his teaching. The Royal Commission which sat from

1909 to 1912 said that all are agreed that Christ intended to proclaim the great principle that marriage ought to be indissoluble. It went on: "There is wide divergence as to whether the ideal thus held up by our Lord was or was not intended by him to exclude any exceptions." I shall come back to this point later.

But so far all agree, that "the ideal or principle of matrimony as monogamous and lifelong union is beyond question."

But the word "ideal" as used here needs scrutiny. It must be remembered that our Lord spoke with great emphasis about this "ideal"; that he spoke of it not as an ideal but as what marriage in fact by its nature *is*; and, thirdly, that when referring to Moses's concessions in the matter of divorce, he described them not as failures to attain an ideal but as deceptions, owing to the hardness of men's hearts, from real marriage as God ordained it.

Let me draw special attention to the tremendous emphasis with which Christ laid down his principle or definition of marriage. After all it is essential to give full weight to this before coming to the question of possible exceptions.

(a) Consider the Gospels of St. Matthew and St. Mark: "From the beginning of the creation God made them male and female. For this cause [of mutual need] shall a man leave his father and mother and cleave unto his wife: and they shall be one flesh: so that they are no more two—but one flesh: what therefore [not *whom*, but *what*] God hath joined together, let not man put asunder." This, according to these Gospels, is what marriage is, factually, not "ideally."

(b) But our Lord not only defined what marriage is, he also applied his definition. He said (Luke 16:18) that anyone who divorces his wife and marries another commits adultery (that is to say, departs from and violates that which

marriage is); and in Mark 10:11 he said privately to his disciples that a man who divorces his wife and marries another commits adultery against her, and a woman who divorces her husband and marries again commits adultery.

(c) But that is not all. St. Paul writes of the subject in his first letter to the Corinthians (I Cor. 7:10), a document which is earlier in date than the Gospels, and which shows the Church in action. He begins: "Unto the married I command, yet not I, but the Lord," thus claiming here what he deliberately does not claim for advice he gives later, that he is passing on the explicit directions of Jesus Christ. "Unto the married I command, yet not I, but the Lord: Let not the wife depart from her husband, but if she depart, let her remain unmarried, or be reconciled to her husband. And let not the husband put away his wife." That is as clear as the statements of our Lord quoted above and identical in content. It can be taken for granted that that was our Lord's teaching, namely, that marriage *is* a lifelong union, and that departure from it *is* something else, even if, for the sake of convenience, we have to call it by the same name.

(d) Let us turn to the early history of the Church in this matter, recalling its position, a small group fighting for its existence. Jews, in all but the strictest sects where adultery alone could be the cause, allowed divorce "for every cause" (Matt. 19:3) and permitted remarriage: even bad housework or a preference for someone else was judged sufficient, and a woman so divorced could marry again. The Romans and Greeks were even laxer: either partner could divorce the other on the slightest pretext and marry again.

The Church went directly against these universal social practices with the flat demand of the Gospel statements and the practice of the Pauline and other Churches. This tiny sect

in the end revolutionized marriage. It routed the whole practice of the contemporary world. It created a new belief in monogamous lifelong marriage as a duty to God, and imposed it upon its members and in the end on the civilized world. Surely the impetus for such an assault and victory must have come from our Lord. It could not have happened otherwise. It is not therefore surprising that the Church in the West has put such an emphasis on the lifelong and indissoluble character of marriage. Plainly the thing of lasting importance is to preserve this victory of Christ. Whether there are exceptions or no is altogether subordinate to this main consideration.

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It is, however, to the possibility of exceptions that attention is generally directed. Is divorce possible? If so, on what terms? Was Christ legislating or stating an ideal? Can there be remarriage after divorce at all? If only for some, how are they to be selected? And so on. I should like to make the following introductory points:

(a) First, this is a sinful world. It is a world which crucified Christ and which is, so to say, always crucifying his principles. There is for the Church and for Christians always the tension expressed by St. Paul (Rom. 7:22, 23): "I delight in the law of God after the inward man," that is, in its principles and ideals, but "I see another law in my members, bringing me into captivity to the law of sin." The proper Christian approach to marriage problems is not at all that of the controversialists, but rather that of St. Paul: "O wretched man that I am! who shall deliver me from the body of this death?"

(b) Secondly, the Church has to deal with the sinful condition of its members *somehow*. Every Church therefore has its "marriage discipline" or rules. I do not think that our Lord was legislating, if by that is meant telling the Church for all time how to deal with marriage discipline; he said nothing at all about "the use of the marriage service" or "admission to communion." My expectation would be that here as elsewhere he would leave the Church free, in reliance upon his Holy Spirit, to find its way according to his will.

(c) Thirdly, I see clear evidence of such freedom to deal with practical problems in the New Testament itself. St. Paul in I Cor. 7:12, the passage referred to above, having declared what our Lord had said, goes on: "To the rest speak I, not the Lord." He then lays down what is known as the Pauline Privilege. If a converted Christian husband or wife has an unconverted pagan partner willing to abide, well and good; the one sanctifies the other. If the partner is not willing to abide but departs, let him depart, that is, presumably by divorce. The Church takes St. Paul's words to mean that the converted brother or sister is free to marry again. "As God hath distributed to every man, as the Lord hath called every one, so let him walk." "And so ordain I in all churches."

In these cases it is clear that St. Paul is legislating. Whether he was right or wrong I do not know, and the Pauline Privilege has been a fruitful cause of difficulties. But clearly St. Paul's direction is that a valid marriage may in these circumstances be ended, and a new marriage entered into. I take this as evidence that the Church has always had the right to legislate and to make exceptions, without prejudicing or belittling the definition given by our Lord of what marriage really or by nature is.

(d) Fourthly, some would say that our Lord himself

made exceptions. In the fifth and nineteenth chapters of St. Matthew's Gospel (Matt. 5:32 and 19:9) it is said that everyone who divorces his wife *save for fornication* makes her an adulteress, and everyone who divorces his wife *save for fornication* and marries another commits adultery. In fact, these two passages do not help much one way or another. The meaning is obscure. Scholars are now satisfied that the two exceptions "save for fornication" are early insertions into the narrative. At best if these words mean that anyone who divorces a partner for adultery may marry again, such a single point is of little relevance to-day, for it is morally unsatisfactory to put so much upon possibly a single act of adultery and to ignore other causes of marriage breakdown. But if one accepts, as I have accepted, the Church's power to legislate, there is no need to discuss these passages in detail, whatever their precise meaning. They appear to show the Church at a very early stage trying to legislate, and they thus reinforce the other pointer in the same direction.

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We may conclude therefore that the Church has power to legislate. But it may be asked—is not any departure from lifelong union shown by Mark, Luke, Paul, and even Matthew to be adultery? How can the Church legislate in such a situation without condoning adultery?

Our Lord defined marriage as by God's will and intention lifelong and monogamous. Every falling below that will of God partakes of sin. Our Lord does not hesitate to describe it as "adultery" when judged in the light of the Divine will.

Yet "the ordering of human society and the necessity of

discipline even within the Churches make human attempts at judgement and the establishment of a relative justice in all human affairs necessary."* To attempt to secure, by the Church's discipline, relative justice with regard to adultery is not to condone it but is a necessary duty of the Church.

We must therefore analyse the word "adultery" and examine its moral content before considering how Church discipline shall deal with it. Our Lord himself used the word in two different senses. He applied it to a man who, after divorcing his wife, marries another. He also said that "who-soever looketh on a woman to lust after her hath committed adultery with her already in his heart" (Matt. 5:28). Here are two kinds of adultery; and how many who would never be guilty of the former must plead guilty to the latter! There is another form of adultery, morally more detestable than either of these, when a man (or a woman) coveting his (or her) neighbour's wife (or husband) invades the marriage and violates it by adultery. There is another form, less open perhaps to moral objection than the other three, the adultery incurred in a second marriage after divorce which is totally unconnected with the breakdown of the first marriage, where, so to speak, the first marriage is dead and buried beyond apparent recall and the second marriage often comes as a real blessing to both parties and to the children. And it is evident that even though every one of these conditions is (as breaking in fact or in thought the marriage bond) adultery, yet they differ greatly in the degree of moral reprobation for which they call.

Here then is the problem. There is only one standard of marriage, that of our Lord. The Church must bear witness to it unflinchingly. There are also all sorts of sinful conditions,

* C. H. Dodd and Alan Richardson, in *Education for Christian Marriage*, p. 64.

and different kinds of adultery. How is the Church to discipline them?

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Every Church has its discipline, and finds it very troublesome and wearisome. The Orthodox Churches (much influenced by the Byzantine Empire) came to permit divorce for certain reasons including treason, insanity, and adultery, but the guilty parties in a suit may never marry each other.

The Roman Church has a very complicated legal system which, while refusing any marriage after divorce, makes much use of nullities. A marriage declared null never was a marriage, and the parties are free to contract for the first time a real marriage. Some of the reasons for which they grant nullities we also hold; but others we think are very difficult to establish, especially when they deal with questions of lack of intention and *force majeure*. They even hold that a Roman Catholic not married by a Roman Catholic priest but, for example, in an Anglican church, is not validly married and if divorced may be married (for the first time, according to this theory) in the Roman Church. This contradicts the ancient Catholic principle that it is the parties and not the priests who make the marriage.

Up to the Reformation the Church of England, like the rest of western Christendom, did not recognize divorce. But during that period there were innumerable medieval subterfuges and almost everyone could find a plea (prohibited degrees and spiritual relationship of sponsors in baptism) specious enough to obtain a nullity.

At the Reformation these subterfuges for obtaining nullities were abolished, and the grounds restricted to such as became

common practice in English law; without this loophole even, the Church of England was left with the most rigorous of all Church disciplines. The Canons of 1603 allowed no divorce, except *a mensa et toro*, that is, what is now known as judicial separation. It is necessary to emphasize that the Canons of 1603 are still the only Church Laws about divorce and that they do not permit any divorce with the right to remarry. Much has happened no doubt since 1603, as we shall see. But any new legislation has been by the State, not by the Church. And if the Church has acquiesced in some situations created by the State it has not given them the imprimatur of its own legislative sanction. It should be kept clearly in mind in what follows that the present law of the Church of England forbids any marriage after divorce.

But of course the State has had its influence in England as in the East. Up to 1857 the State allowed divorce with right to remarry by private Act of Parliament, and the Church did not and indeed was not in a position to refuse to remarry in these cases. The cases were very few. The procedure was very expensive. Only the husband had the right to relief, and he only for adultery. There were only 317 such divorces in a period of 250 to 300 years. To that extent, at least, the Church admitted the exception of remarrying the innocent party. But it was a thoroughly unsatisfactory system from every point of view, calling out either to be ended or to be made something other than an aristocratic privilege.

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In 1857 the Matrimonial Causes Act became law. For the first time, apart from the procedure just mentioned, divorce

in England became possible. The secular courts could grant divorces for certain reasons with the right to remarry. This at once raised the question of the Church's willingness to remarry such persons as had been granted divorces under the Act. At the time the Convocations had only just been revived and were from a practical point of view impotent, so that the bishops in the House of Lords were the only spokesmen for the Church. Parliament, showing some solicitude for the clergy, included in the Act special clauses to the effect that no priest was compelled to marry one divorced for adultery, the so-called "guilty party," nor was he liable to penalty or censure for marrying or for refusing to marry a "guilty party." If he refused to marry the innocent party he must let another priest do so in his church.

Bishop Tait of London, in speaking of the Act, said: "I was convinced the clergy would not obtain such good terms if the Bill were sent back." (It had been before Parliament since 1854.) "The clergy have gained a far greater concession than could have been anticipated in the provision leaving it to their option to celebrate the remarriage of guilty parties or not." Archbishop Sumner had moved an amendment to exclude guilty parties altogether from remarriage in church, but this had been rejected.

That then was the situation. The state directed the Church to marry innocent or guilty, but as a concession allowed a clergyman to refuse to remarry the guilty if he wished. The Church accepted the position imposed upon it, as the best that could be got and at least as more honest than the system of divorce by private Act of Parliament, though a minority remained violently opposed.

But note here the scale of the problem. The figures of the divorce rate, then and now, are important and striking:

In 1871 there were 190,112 marriages and 171 divorces.
In 1910 there were 267,721 marriages and 596 divorces.
In 1920 there were 379,982 marriages and 3,090 divorces.
In 1933 there were 318,191 marriages and 4,042 divorces.
In 1953 there were 344,488 marriages and 30,326 divorces.

These increases have been due to various causes. War has certainly been one of the most important, but increased facilities have also played their part. In 1937 the so-called "Herbert Act" introduced additional causes, allowing divorce for three years' desertion, cruelty, or five years' insanity, as well as for adultery; and the increasing acceptance of divorce of course meant that many who in a more healthy moral climate would never have contemplated divorce, began to regard it, first as a possible, and then as an acceptable, thing. I am not now considering whether the State was wrong in giving these legal extensions, but it is the State which has taken this action, and not the Church.

In 1937, as in 1857, the State recognized that the clergy *might* object and it made a further concession. "No clergyman shall be compelled to marry any person whose former marriage has been dissolved *on any ground* and whose former partner is still living, or compelled to permit such a marriage in his church." Thus the State gives to every clergyman in the land the statutory right to *refuse* to marry in church those who marry again with a former partner still living, and so it gives the Church and its clergy freedom.

Let us now turn to the Church and trace the progress of Church thought since 1857. We have already seen that until

1857 there was no marriage after divorce, except in the case of a private Act of Parliament, and that in 1857 the leaders of the Church accepted the fact (not without protest) that clergymen should marry the innocent party and could marry the guilty party after a divorce suit.

The Lambeth Conference of 1888 considered this question and passed a resolution, maintaining (a) that divorce could be permitted *only* for adultery, according to the Matthaean exception as it was then understood, and (b) that no remarriage of the guilty party should take place in church during the lifetime of the innocent party. It noted that there had always been a difference of opinion in the Church on the question whether our Lord meant to forbid marriage to the innocent party. We may observe that Anglican opinion in 1888 was that the guilty are to be excluded altogether from remarriage in church, and divorce is to be recognized only for adultery.

The Lambeth Conference which met in 1908 reaffirmed the Resolution of 1888 but added that it was undesirable that the *innocent* party should be remarried with the blessing of the Church. This addition was carried by a narrow margin of three votes out of a total vote of 171. What was barely accepted in 1908 was more and more decisively adopted by the Conferences of 1920 and 1930. In 1930 "this Conference recommends that the marriage of one whose former partner is still living should not be celebrated according to the rites of the Church" and no adverse vote is recorded.

Why has official Church opinion moved so steadily in this direction between 1857 and 1930 and since? Several reasons may be given.

(a) The Church realized that the mounting tide of divorces was threatening to overthrow the whole Christian

conception of marriage. It was no longer a question of deciding about "exceptions" to our Lord's standard but of preserving that standard itself for the nation.

(b) The social evils springing from broken homes became the more evident as their number increased. In particular, evidence accumulated from all sides of the dreadful harm done to the children of broken homes.

(c) If the social evils were mounting, the moral grounds on which divorces rested were also alarmingly unsatisfactory. Adultery had once been the only ground of divorce and could claim some kind of recognition as such in the Gospels. But while continuous adultery was one thing, a single act of adultery was not a good ground on which to break up a marriage for life. And adulteries were "arranged." There was no longer any security that the innocent party really was the innocent party, and in any case the line between innocence and guilt in breaking up a marriage is rarely so clear-cut as a divorce decree might suggest. In short, the *moral* basis of divorce decrees could hardly be regarded as satisfactory.

(d) So the Church most naturally re-examined its own position. Up to 1857 it had been clear enough. Since then it had had to accept much that it did not like. It protested against marrying the "guilty party." It came to protest against marrying the "innocent party." It found after 1937 that even if there was some justification for adultery as a cause for divorce in the New Testament, there was none for the new causes added in 1937.

(e) Scholars on their own grounds had ceased to regard the Matthaean exception as an authentic "word of the Lord" and found its meaning obscure.

(f) In fact, the Church was forced to look again to its own tradition and to give full regard to our Lord's definition

of what marriage is. It was that principle that the early Church carried to triumph over the civilizations of Jew, Greek, and Roman. It was that principle that the Church must uphold and secure today—not only as the true Christian principle but as vital, therefore, for the health and stability of the nation.

The question remaining therefore was this: how shall the Church best preserve and bear witness to the principle entrusted to its care by our Lord?

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Let us reassemble the Church's position as it is today. The Church of England in its Convocations has affirmed its position in formal resolutions. One states that marriage, according to God's will, is essentially a union of A and B exclusive of all others as long as both shall live. No one disputes that this describes what marriage in its full sense *is*.

A second declares that divorce therefore "always involves a departure from the true principle of marriage as declared by our Lord." This again is surely something upon which all will agree. A third resolution directs that "in order to maintain the principle of lifelong obligation which is inherent in every legally contracted marriage and is expressed in the plainest terms of the marriage service, the Church should not allow the use of that service in the case of anyone who has a former partner still living." This is a clear ruling. It is supported by resolutions of the Lambeth Conference, representative of the whole Anglican Communion. It is this resolution of the Convocation, which has now been operative for nearly 20 years, which causes so much criticism and opposition.

Some are desperately anxious to help the hard cases, and some cases are very hard indeed. They would therefore allow remarriage in church after divorce in some cases at the discretion of some appropriate authority. There are others who really think that divorce does not matter and would like the Church to be defeated in its stand. Such persons are opposed to the ethical suggestion that divorce is a failure and a sin. In either case they are glad that the State leaves liberty to clergymen, if they wish, to marry the "innocent party" and that a few clergymen, against the direction of Convocation, are ready to avail themselves of this liberty.

What is the answer? You will note that I have not attempted to shelter behind a rigorist attitude which says that our Lord forbade divorce and that is the end of the matter. I believe that our Lord stated truly and finally what marriage is in reality and truth. Every divorce is created by sin somewhere and every marriage after divorce is involved in that sin. Adultery is not the only sin that makes a marriage almost intolerable; there are other disruptive causes too. But always sin enters in and does its work.

One might almost say in a paraphrase of another New Testament passage: "There must needs be divorces; but woe unto that man or woman by whom the divorce cometh."

Our Lord left his Church no power to alter the true principle of marriage, for it is not an "ideal" but a fact of God's will and ordinance. And it is the duty of the Church to uphold that at all costs.

But in this as in all things our Lord left the Church liberty to deal as best it can with sinful conditions. Personally I do not like the way the Orthodox Churches or the Roman Church exercise their marriage disciplines. I believe that the Church of England way is the best way open to us and the

nearest to Christ's will, because it deals as little as possible in legalities and courts and as largely as possible in terms of moral and spiritual truth.

The attitude of the Church of England, shortly put, is:

(a) No marriage in church of any divorced person with a partner still living, since the solemnizing of a marriage is a formal and official act of the Church, and the Church must not give its official recognition to a marriage which (for whatever cause) falls below our Lord's definition of what marriage is.

(b) But the relation of such people to the Church or their admission to communion is another matter, one of pastoral care for the sinner, and properly a matter of pastoral discretion.

I will say something on each of these points.

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There are a number of reasons why the Church is right to exclude from marriage in church all, without exception, who have a former partner still living. Marriage is not only a personal but also a social institution. It is an act of the society and must be performed by a publicly approved officer. A church service is openly and officially an act of the Church carrying its whole authority. The Church has its duty to Christ and to society to bear witness to what he said marriage *is*. It cannot, least of all in present circumstances, make exceptions in its public solemnizations of marriage without compromising its witness. It has the power to do so, and in 1857 it so acquiesced. But at that time public opinion, conventionally Christian, did at least uphold the Christian standard, and now it does not.

If the Church were to marry divorced persons there would be no way left in which it could bear effective witness before the world to the standard of Christ, for there is no other official or formal act which would give it the opportunity.

Again, if the Church were to make exceptions it would raise a number of unanswerable questions. On what principles should the exceptions be made? Only for those where the partner was divorced for adultery? Or for any cause? Only for the innocent? But in this case how shall innocence be judged and what shall be its standard? Moreover, it would be impossible for the Church to satisfy public opinion that in each case the granting of the exception was justified, and not influenced by weakness, or wealth, or social status, or some other unworthy reason.

Some think that the clergy ought to be left to decide each case on its merits, but this attitude shows a singular ignorance of the facts of parish life. Were the clergy to be left to the free exercise of their discretion they would find themselves in an impossible position, as many of them have said. They would be left to reach a decision on insufficient facts. They obviously could not hear evidence in any technical sense, nor in most cases could they hear more than one side of the case. They would often be faced with persons who had resided only a short time in their vicinity, of whose background they were ignorant. They would be at the mercy of every hard luck story; and they would lack the means of securing reliable evidence. And imagine the effect in a country village on the pastoral position of the parish priest if he allowed the remarriage of the squire and refused it to a cottager, even if his judgment was fully justified. Other difficulties would be created by the appearance of a different bias if he excluded the squire and admitted the cottager. In either

case the real facts upon which the judgment would rest could not be disclosed; so full scope would be left for surmise and suspicion.

When it is a question of a public, corporate act such as the Solemnization of Holy Matrimony the Church must have its rule, and the clergy must accept it loyally. It cannot be left to the varying discretion of twelve thousand parish priests or even to the varying discretion of forty-three diocesan bishops. We may speak of the fitness of a *person* to be admitted to communion, but in the case of marriage the question is whether the *marriage* is a fit one to be celebrated in church. The Church cannot corporately marry below Christ's standard. It stands before the world to proclaim that this is what Christ means marriage to be and what he says it is.

And from my own experience I can say that the world is beginning to take notice of this attitude. More and more divorced persons know that they cannot be remarried in church: and (as I find) very many of them welcome the fact that the Church is upholding a standard from which they have chosen to, or been forced to, depart. Thus the Christian standard is being saved; the Church is doing its necessary work, and making people think more seriously before they embark on marriage. In addition, it does all it can to prepare people for marriage by making them think of their duty to God, to each other, to society and to the public weal, and so retrieving the whole moral dignity of marriage.

Here then is a true witnessing and saving work being done by the Church in making this rule. Who suffers by it? A number of people (no one can say how many but they must be relatively few) who after a former marriage has been ended by divorce wish to be married again in church. Some of them, no doubt, desire it for inadequate reasons and do

not deserve it. Some (and these are the really "hard" cases) may have had terrible spiritual suffering and distress imposed upon them by the first marriage and, finding spiritual deliverance and renewal in the prospect of the second marriage, may desire out of a good and sincere heart that the Church should marry them. Is it not wrong and unchristian to exclude them?

(a) Let me say quite frankly that in some cases where a first marriage has ended in tragedy, a second marriage has, by every test of the presence of the Holy Spirit that we are able to recognize, been abundantly blessed. For this very reason I do not find myself able to *forbid* good people who come to me for advice to embark on a second marriage. I put such facts about our Lord's teaching and the Church's position before them as I have outlined. I tell them that it is their duty as conscientiously as they can to decide before God what they should do. If they remarry, they will never again be able to bear a full and clear witness to our Lord's declaration of what marriage is: but the decision is on their conscience and they must decide whether this lasting spiritual loss is in their judgment outweighed by a call of God to seek spiritual gain in a second marriage.

(b) But that does not mean that the Church should marry them. They would then be asking the Church to compromise the one way in which it can give a clear testimony to our Lord's standard for their sakes. The Church cannot tell the world all the conclusions of their own private thinking; nor is it for the Church to endorse or reject the decision to which they come. It is their private responsibility, and if they seek marriage, it must be by a civil marriage without trying to involve the Church in the act.

(c) Thus if they feel denial of a church marriage to be

a "cross of suffering," they should bear it for the Church, so that it may not, in its official acts of marrying, compromise the standard entrusted to it by our Lord, to defend which is the Church's essential duty. I have hardly ever found anyone who is not responsive to this line of argument and who does not find in it a real spiritual and moral strength and consolation.

When people say to me that by this harsh rule we are driving people away from the Church just when they most need our help, I think of the many cases I deal with and find the opposite to be true. Again and again people, confronted with this rule, discover for the first time what Christ's teaching is, what marriage involves, their own personal responsibility to Christ and to his standards, their part in a nation's moral stability, penitence, and the way to grace. But even so, it might still be thought that the Church's rule was harsh, if it stood by itself as *all* the Church had to say to divorced people who marry again. But of course it is not.

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To the whole of this argument there is a pastoral conclusion. It is, of course, the Church's bounden duty to give all the spiritual help it can to people who get involved in matrimonial troubles.

I have tried to show that it is of the first importance for the Church's teaching and witness that it should not marry divorced persons in church. But it is equally concerned with the persons themselves and their spiritual relation to our Lord. I have also tried to show that such people can be led to see that refusal of marriage in church is far from being

a matter of cold legality, but on the contrary helps them to enter into a truer spiritual relation with our Lord and with the Church. Again and again one sees how that does indeed happen, and out of their travail of spirit they begin to see just in this refusal a discipline which is the beginning of spiritual hope.

But what is to be the next step? That will depend very much upon the character and spiritual apprehension and essential integrity of the persons concerned. Very often such people do not come to the notice of the parish priest or of the bishop until long after their second marriage. Very often they have in the meantime excommunicated themselves. One or both may never have been confirmed. The growing up of their children may have brought them to desire to be able to help their spiritual life and to share it with them after they are confirmed. It is astonishing how varied are the histories, motives, and circumstances which the parish priest, in consultation (when questions of confirmation and admission to Holy Communion arise) with his bishop, has to consider.

I have known many cases where the mother, being unconfirmed and having children coming to church and being prepared for confirmation, desires confirmation. Very often that leads to the husband being converted and desiring to be confirmed. Sometimes it means that the husband, confirmed but lapsed for long from being a communicant, will agree to follow with his unconfirmed wife through the whole course of her confirmation preparation. If there had been no Church discipline, no refusal to marry in church, no requirement that admission to Holy Communion is to be controlled by the discretion of the bishop, these grand opportunities would never be given. As it is they are very rewarding for the parish

priest; and as a bishop I specially value this pastoral ministry in such cases as I am able to take up myself. And through this ministry, constantly, whole families are being reconciled to Christ and restored to sacramental life and grace.

For of course this pastoral ministry would be deprived and frustrated unless it was able in the end to lead to admission to communion by confirmation or by readmission of those already confirmed.

I am satisfied that when parish priest and bishop concur, it is entirely right that the bishop should admit to communion in these cases. Moreover, I believe, under the pressure of their pastoral duty almost all parish priests come to agree. Some years ago a few parish priests would maintain that admission should be refused unless the parties agreed actually or in effect to live apart. No one makes that impossible suggestion to me now. And one by one the most "rigorist" parish priests approach me (often saying how surprised they are to find themselves doing so), putting forward a case for my discretion.

If, after careful inquiry from the parish priest, and sometimes after personal interviews with the parties, I think right to admit them, I then decide whether it shall be at once or after some defined period of further exclusion. Sometimes it is right to admit at once, especially with those who have for long excommunicated themselves. In one case I have excluded for a number of years and required faithful church attendance throughout that time.

It may be asked why the bishop should be brought into it. Why should not the parish priest exercise his own discretion as to readmission to Holy Communion? It is not without reason that the Lambeth Conference *did* bring the bishop in. Some clergy would not be happy to admit unless they did

have the bishop's direction to do so. Most of them value the fact that the decision is the bishop's and not theirs, because it eases their position with their parishioners. It is not arduous. Most cases are settled by the interchange of one or two letters between bishop and parish priest. That is often valuable, since a parish priest sometimes has really not made any sufficient inquiry into the matter before writing to the bishop and the bishop's letter in reply causes him to do so. The bishop is also able in special cases to ask to see the parties themselves.

All this work is neither over-burdensome nor tiresome. I find it always full of human and of spiritual and godly interest. The fact that the bishop's discretion is required keeps a fairly constant standard in the matter and discourages too great a rigidity in one parish and too great a compliant casualness in another. In fact it keeps the whole process as one of a serious nature and full of pastoral and evangelizing opportunity.

That then is how it works—a strict rule as to what marriages the Church will celebrate that truth may not be blurred: a great readiness in pastoral dealings wherever suitable to bring such people back into the fellowship of the Church and into the fellowship of the sacraments, that love may have its perfect work. This may at first seem an illogical or contradictory position. In fact it is in the deepest sense theological;* and, as I think, it fulfils the true purposes of Church discipline in these matters, combining after the mind and will of our Saviour Jesus Christ, truth with love, better than the discipline of any other Church in Christendom.

* See Theological Note, on following pages.

THEOLOGICAL NOTE

Both aspects of the position described in the concluding paragraph above rest not on human calculation but on theological grounds; that is to say, upon truths about God revealed in Jesus Christ.

(a) St. Paul, using at a deeper level a frequent Old Testament metaphor, compares the bond between husband and wife with that between Christ and his Church. "Husbands, love your wives, even as Christ also loved the church and gave himself for it; that he might sanctify and cleanse it . . . that he might present it to himself a glorious church . . . holy and without blemish" (Eph. 5:25-7). The husband is to nourish and cherish his wife "even as the Lord the church." "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. This is a great mystery: but I speak concerning Christ and the church" (Eph. 5:31, 2).

Christ in his relation to the church shows the real meaning of love and the real purpose of all self-giving. His giving was a complete, irrevocable self-giving to the Church, that by him the Church might fulfil itself and become a glorious Church. All this is a truth about the nature and will of God, and applies therefore to every kind of relationship involving self-giving and love. It applies therefore to marriage. Husband and wife are united in a self-giving from which there can be no going back, a self-giving of love whereby each hopes to sanctify and cleanse the other, to help the other to a true fulfilment, so that together they may achieve their true glory.

On this theological basis the early Church gave a new meaning to marriage (see p. 5 above); a new understanding of love, to express which it had to discard an old word (*eros*) and bring into use another (*agape*); and a new place to women. Amongst Jew and Gentile alike the place of women in the marriage relationship had been one of subservience and insecurity. Christian teaching gave them in marriage an equality not of function but of mutual rights and regard (see 1 Cor. 7: 3, 4). Thus established on a secure ground in the home, women from the beginning of the Church took an honourable part in its life.

This understanding of love, of mutual self-giving in marriage, and of the relationship between men and women in Christ, is embodied in the Christian conception of marriage, and the Church's first duty is to proclaim the glorious potentiality of marriage, to show what it can and ought to be, in order to bear witness to Christ. If the Church were to marry divorced persons in church, it would be concealing and contradicting those truths about God and his will, and would obscure the true relation of Christ and his Church, which ought to be revealed in the relation of husband and wife.

(b) Our Lord came to seek and to save the lost, and to bring them into a living relationship with himself. It was to that end that he talked so long with the Samaritan woman of whom he said: "Thou hast had five husbands; and he whom thou now hast is not thy husband" (John 4:18). The Church must give the utmost pastoral care to those who marry again civilly after a divorce on one side or the other, or often enough on both. This pastoral obligation to them and to all men in their sins is a theological requirement, derived from the character of God. But how far does it take us? Can it be right to admit such persons to the Holy Communion, when

they are denying the real truth of marriage by living in a union which must be described as "adulterous"?

Let us be clear on this. Our Lord told us what marriage was, and the Church cannot before the world, as an official act, celebrate a marriage where there is a divorce. Our Lord left to the Church the pastoral care of individuals and the duty of binding or loosing: it is not the Lord, but the Church which decides on matters of discipline as near to the mind of Christ as it can. Pastorally, the question is: where, spiritually, does this person *now* stand? The word adultery can be applied to several different moral conditions (see p. 9). In pastoral ministry what matters most is to discover the moral condition of the sinner. There may be striking evidence that the Holy Spirit has brought and is bringing such people to a real discovery of Christ. There may indeed be evidence that the Holy Spirit is doing this through the marriage of two persons, one or both of whom may have been divorced. Are they to be told that they must disregard all their now accepted, and perhaps long-standing, obligations to one another and to children, break up their home, and commit themselves to lifelong celibacy? That would generally be not to help them, but to "quench the spirit," and might even appear to frustrate the work of the Holy Spirit in and through their union. In such cases there must be a place for discretion, and our own Church provides one. I have never seen any harm come from use of this discretion; I have seen much good. Church people should feel enough trust in their parochial clergy and bishops to know that this discretion is always prayerfully and faithfully used.

But the two points here mentioned go together. Only if the Church is bearing uncompromisingly its witness to the truth of marriage by refusing to marry divorced persons, can

it without damage and without causing confusion use discretion in its pastoral work, whereby it seeks to build up those, who can never again bear a full witness to Christ's conception of marriage, into a lowly, penitent, and really blessed life in the grace of God and the strength of the sacraments of the Church.