

**CONSIDERATIONS ON
DIVORCE A VINCULO
MATRIMONII, IN CONNEXION
WITH HOLY SCRIPTURE**

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Considerations on Divorce a Vinculo Matrimonii, In Connexion with Holy Scripture by
Barrister

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CONSIDERATIONS

ON

DIVORCE A VINCULO MATRIMONII,

In connexion with Holy Scripture.

BY

A BARRISTER.

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(who became a Romanist. Died. 1869)*

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CONSIDERATIONS ON DIVORCE.

HAVING recently had my attention called to the subject of Divorce, I was anxious to ascertain, whether a divorce, dissolving the marriage tie, and allowing the parties to marry again, or, as it is commonly called, a "*divorce a vinculo matrimonii*," by reason

ERRATA.

- Page 15, line 1, for former read latter.
" 15, " 2, " latter " former.
" 52, " 1, after laws add of.
" 55, " 7 from bottom, for a tall read at all.

legislature is called upon to interfere, and to render such divorces generally legal and attainable. With the arguments which may be urged, either for or against such a measure, on grounds of public policy or expediency, I have nothing to do; it is not my intention to consider them. My business is simply with the rule of Scripture; which, if it condemns such divorces, not only, is the strongest, but ought to be at once a conclusive argument against them, if the

profession of Christianity is any thing more than a name.

Now the passages of the New Testament which bear most directly upon this subject, and suffice to settle it, are those which occur in the three gospels of St. Matthew, St. Mark, and St. Luke: that is to say, in the 5th and the 19th chapters of St. Matthew's gospel; in the 10th chapter of St. Mark's; and in the 16th chapter of St. Luke's: and in order that the reference to them may be more easy, and the construction of them more intelligible, I here place them—both the original Greek and the authorised version—side by side, in a tabular form. Those passages which may be found in the writings of St. Paul I reserve for subsequent consideration, as explanatory and corroborative of those in the gospels.

Matt. v. 31, 32.

Ἐβλήθη δέ, ὅτε τις ἀνακαλύσῃ τὴν γυναῖκα αὐτοῦ, ἵδωτα αὐτῇ ἀποστάσιον.

Ἐγὼ δὲ λέγω ὑμῖν, ὅτε τις ἀνακαλύσῃ τὴν γυναῖκα αὐτοῦ, παρεκτός λόγου πορνείας, καὶ ἐὰν ἀπολελυμένην γαμήσιον, μοιχεύσεται.

It hath been said, Whosoever shall put away his wife, let him give her a writing of divorcement:

But I say unto you, That whosoever shall put away his wife, saving for the cause of fornication, causeth her to commit adultery: and whosoever shall marry her

Mark x. 2-12.

Καὶ προσελθόντες οἱ θαμισαῖοι ἐπηρώτησαν αὐτὸν, εἰ ἔξεστιν ἀνδρὶ γυναῖκα ἀκαλύσει; πειράζοντες αὐτόν.

Ὁ δὲ ἀποκριθεὶς εἶπεν αὐτοῖς: Τί ὑμῶν ἐνετειλάρο Μωσῆς;

Οἱ δὲ εἶπον· Μωσῆς ἐπέγραψε βιβλίον ἀποστάσιου γράφαι, καὶ ἀκαλύσει.

Καὶ ἀποκριθεὶς ὁ Ἰησοῦς εἶπεν αὐτοῖς· Πρὸς τὴν σκληροκαρδίαν ὑμῶν ἔγραψεν ὁ κύριος τὴν ἐντολὴν ταύτην.

Ἀπὸ δὲ ἀρχῆς κτίσεως, ἔρρεν καὶ ὅλην ἐποίησεν αὐτοὺς ὁ Θεός.

Ἔρεκεν τοῦτου κατὰ λείπει ἄνθρωπος τὸν πατέρα αὐτοῦ καὶ τὴν μητέρα

Luke xvi. 18.

πᾶς ὁ ἀκαλύων τὴν γυναῖκα αὐτοῦ, καὶ γαμήσῃ ἑτέραν, μοιχεύει· καὶ πᾶς ὁ ἀπολελυμένην ἀπὸ ἀνδρὸς γαμήων, μοιχεύει.

Whosoever putteth away his wife, and marieth another, committeth adultery: and whosoever marrieth her that is put away from her husband, committeth adultery.

Matt. v. 31, 32.

that is divorced committed adultery.

Matt. xix. 3-12.

Και προσήλθον αὐτῷ οἱ Φαρισαῖοι, πειράζοντες αὐτόν, καὶ λέγοντες αὐτῷ· Εἰ ἔξεστιν ἀπολύσαι τὴν γυναῖκα αὐτοῦ κατὰ πάσαν αἰτίαν;

Ὁ δὲ ἀποκριθεὶς εἶπεν αὐτοῖς· Οὐκ ἀπέγραψε, ὅτι ὁ ποιήσας αὐτὴν ἀρχῆς, ἄρσεν καὶ θῆλυ ἐποίησεν αὐτόν.

Καὶ εἶπεν, Ἔνεκεν τούτου καταλείψει ἄνθρωπος τὸν πατέρα καὶ τὴν μητέρα, καὶ προσκολληθήσεται τῇ γυναίκῃ αὐτοῦ· καὶ ἕσονται οἱ δύο εἰς σάρκα μίαν;

Ὡστε οὐκέτι εἰσὶ δύο, ἀλλὰ σὰρξ μία· ὁ ὅν ὁ θεὸς συνέσεν, ἄνθρωπος μὴ χωρίζεται.

Λέγουσιν αὐτῷ· Τί οὖν Μωσῆς ἐνετείλατο δοῦναι βιβλίον ἀποστασίου, καὶ ἀπολύσαι αὐτήν;

Ἀλεγει αὐτοῖς· Ὅτι Μωσῆς πρὸς τὴν σκληροκαρδίαν ὑμῶν ἐπέτρεψεν ὑμῖν ἀπολύσαι τὰς γυναῖκας ὑμῶν ὡς ἀρχῆς δὲ οὐ γέγονεν οὕτω.

Ἀλεγει δὲ ὑμῖν, ὅτι ὅς ἂν ἀπολύσῃ τὴν γυναῖκα αὐτοῦ, εἰ μὴ ἐπὶ πορνείᾳ, καὶ γαμήσῃ ἄλλην, μοιχᾶται· καὶ ὁ ἀπολελυμένος γαμήσας, μοιχᾶται.

Λέγουσιν αὐτῷ οἱ μαθηταὶ αὐτοῦ· Εἰ οὕτως ἐστὶν ἡ αἰτία τοῦ ἀνθρώπου μετὰ τῆς γυναίκος, οὐ συμφέρει γαμήσαι.

Ὁ δὲ εἶπεν αὐτοῖς· Οὐ πάντες χωροῦσι τὸν λόγον τούτον, ἀλλ' οἱς δέδοται.

Εἰσὶ γὰρ εἰνούχοι, οἵτινες ἐκ κοιλίας μητρὸς ἐγεννήθησαν οὕτω· καὶ εἰσὶν εἰνούχοι, οἵτινες εἰνούχισθησαν ὑπὸ τῶν ἀνθρώπων· καὶ εἰσὶν εἰνούχοι, οἵτινες εἰνούχισαν

Mark x. 2-12.

ρα, καὶ προσκολληθήσεται πρὸς τὴν γυναῖκα αὐτοῦ·

Καὶ ἕσονται οἱ δύο εἰς σάρκα μίαν· ὥστε οὐκέτι εἰσὶ δύο, ἀλλὰ μία σὰρξ.

Ὁ ὅν ὁ θεὸς συνέσεν, ἄνθρωπος μὴ χωρίζεται. Καὶ ἐν τῇ οὐκίᾳ πάντες οἱ μαθηταὶ αὐτοῦ περὶ τοῦ αὐτοῦ ἐσηγόρευον αὐτόν.

Καὶ λέγει αὐτοῖς ὅς ἐάν ἀπολύσῃ τὴν γυναῖκα αὐτοῦ, καὶ γαμήσῃ ἄλλην, μοιχᾶται ἐπ' αὐτήν.

Καὶ ἐάν γυνὴ ἀπολύσῃ τὸν ἄνδρα αὐτῆς, καὶ γαμήσῃ ἄλλην, μοιχᾶται.

And the Pharisees came to him, and asked him, Is it lawful for a man to put away his wife? tempting him.

And he answered and said unto them, What did Moses command you?

And they said, Moses suffered to write a bill of divorcement, and to put her away.

And Jesus answered and said unto them, For the hardness of your heart he wrote you this precept.

But from the beginning of the creation God made them male and female.

For this cause shall a man leave his father and mother, and cleave to his wife;

And they twain shall be one flesh: so then they are no more twain, but one flesh.

What therefore God hath joined together, let not man put asunder.

And in the house his disciples asked him again of the same matter.

And he saith unto them, Whosoever shall

Luke xvi. 18.

Matt. xix. 3-12.

ἐαυτοὺς διὰ τὴν βασιλείαν
τῶν οὐρανῶν. Ὁ θεὸς ἔθηκε
τοὺς χωρεῖν, χωρεῖται.

The Pharisees also came unto him, tempting him, and saying unto him, Is it lawful for a man to put away his wife for every cause?

And he answered and said unto them, Have ye not read, that he which made them at the beginning made them male and female,

And said, For this cause shall a man leave father and mother, and shall cleave to his wife: and they twain shall be one flesh?

Wherefore they are no more twain, but one flesh. What therefore God hath joined together, let not man put asunder.

They say unto him, Why did Moses then command to give a writing of divorcement, and to put her away?

He saith unto them, Moses, because of the hardness of your hearts, suffered you to put away your wives: but from the beginning it was not so.

And I say unto you, Whosoever shall put away his wife, except it be for fornication, and shall marry another, committeth adultery: and whoso marrieth her which is put away doth commit adultery.

His disciples say unto him, If the case of the man be so with his wife, it is not good to marry.

But he said unto them, All men cannot receive this saying, save they to whom it is given.

Mark x. 2-12.

put away his wife, and marry another, committeth adultery against her.

And if a woman shall put away her husband, and be married to another, she committeth adultery.

Luke xvi. 18.

Matt. xix. 3-12.

For there are some eunuchs, which were so born from their mother's womb: and there are some eunuchs, which were made eunuchs of men: and there be eunuchs, which have made themselves eunuchs for the kingdom of heaven's sake. He that is able to receive it, let him receive it.

Mark x. 2-12.

Luke xvi. 18.

Now the thing which seems most important, in comparing these passages, is the difference in the language of our Lord, as it is recorded by St. Matthew, and as it is found in the other two Evangelists: the former containing what is alleged to be a qualification of the rule laid down, or an exception to it; the latter containing no exception, but laying down the rule without any qualification. But it is impossible not to feel, that if this is more than a mere difference of expression, if it really involves such a difference as the one suggested, it is a difference of no trifling description. A rule, which does not admit an exception, is very different from one which does. A law which binds all persons, under all circumstances, is not the same as one which binds only particular classes, or which exempts, under certain circumstances, from its operation. The difference in such cases is one, not of form, but of substance; it makes the rule or the law applicable, or inapplicable, according to particular circumstances, and variable in its effects; and upon this applicability or inapplicability depends the responsi-

bility or immunity, moral as well as legal, of those who are within the sphere of its authority ; the difference being of course more marked, as well as more important, if the consequences of any violation of the rule or law are made severely penal.

Now, whatever may be the construction put upon the passages cited from St. Matthew's gospel, no person can deny, that, as the rule stands recorded by St. Mark and St. Luke, a divorce *a vinculo matrimonii* is absolutely prohibited in all cases ; and therefore even in those in which adultery has been committed by one of the parties. Were a statute passed in terms similar to those employed by St. Mark and St. Luke, no court could venture to construe it otherwise, than as an absolute and universal prohibition ; and were St. Matthew's gospel not in existence, no man would ever have dreamed, that a divorce by reason of adultery was an excepted case. If, then, St. Matthew introduces such an exception, he makes the rule essentially different from the rule which the others give,—he allows what they prohibit : and the question, whether he does so or not, is one of awful moment ;—for whatever the rule really is, he who violates it is declared, by all the three Evangelists, to be guilty of nothing less than adultery ; he commits a deadly sin, a crime of the greatest magnitude, one which perils his eternal salvation. The result, therefore, of this difference, if such a difference there be, is, that what, according to two Evangelists, is forbidden, and a sin of the highest