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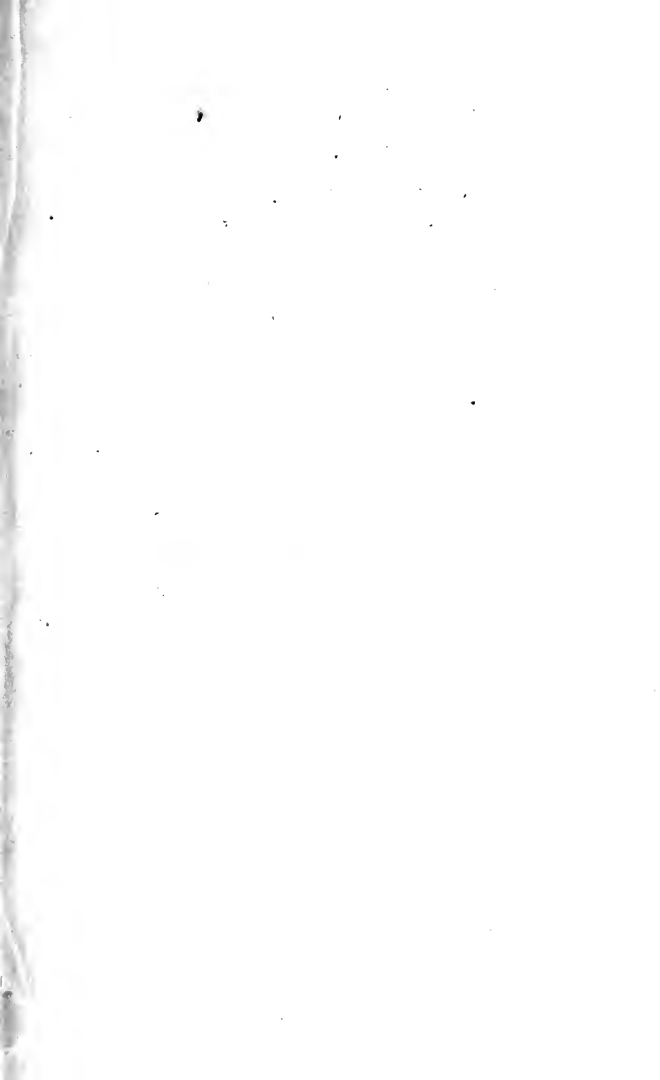
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Demonstration of the
necessity of abolishing a...





DEMONSTRATION
OF THE
NECESSITY OF ABOLISHING
A CONSTRAINED
CLERICAL CELIBACY;
EXHIBITING
THE EVILS OF THAT INSTITUTION,
AND
THE REMEDY.

BY THE RIGHT REV. DIOGO ANTONIO FELJO,
SENATOR AND EX-REGENT OF THE EMPIRE OF BRAZIL,
BISHOP ELECT OF MARIANNA, ETC., ETC.

TRANSLATED FROM THE PORTUGUESE,
WITH AN INTRODUCTION AND APPENDIX,
BY REV. D. P. KIDDER, A. M.

Debet unusquisque, non pro eo, quod semel ebiberat, et tenebat, pertinaciter congregi; sed siquid melius, et utilius extiterit libenter amplecti. Non enim vincimur, quando offeruntur nobis meliora, sed instruimur.—CYPR. IN EP. AD QUINT.

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INTRODUCTION.

A HISTORY of Roman Catholicism in Brazil, would embrace many topics of peculiar interest. That form of Christianity was introduced contemporaneously with the first settlement of the country. Its propagation was one of the leading objects avowed by Portugal in her efforts to conquer and colonize that extensive portion of the world.

The devotion of the Portuguese colonists to the interests of the faith in which they had been nurtured, probably more than patriotism or any other principle, inspired their persevering and eventually successful resistance to the Huguenot French and the heretical Dutch, who repeatedly invaded the country.

Within the territories of Brazil, the Jesuits commenced the most splendid, and perhaps the most commendable missionary enterprise known in their history. Here, too, they first encountered that powerful and determined opposition which finally secured the downfall of their order.

Save the tribunal of the Inquisition, there is scarcely any institution of the Romish Church

which has not there been established—established too, it is boasted, with nearly all the purity exhibited in Italy, and even in Rome herself. These institutions, moreover, have long been in practical operation, free from the remotest opposing influence, and have doubtless produced their legitimate effects.

In the revolution which separated the colony from the mother country, and established Brazil as an independent empire, Roman Catholicism was retained as the religion of the state. Nevertheless, Brazilians did not surrender the right to think and act for themselves. Whenever, in their view, the general good has required it, which has been very often, they have closed the door to convents, and appropriated monastic edifices to the public uses of the country.

The Pope, on a certain occasion, refused to consecrate one of their bishops. A proposal was promptly made to separate themselves from the See of Rome, and establish the Brazilian church on an independent footing. After refusing for several years to submit to any unjust or arbitrary claims of his holiness, the question was only settled by the resignation of the bishop referred to.

Soon after the organization of the present form of government, a bold and philanthropic effort was made in the General Assembly or Parliament of the Empire, to abolish clerical celibacy, that distin-

guishing feature of Roman Church discipline, and thus close up a prolific source of moral corruption. The time, however, had not come for the success of the measure, although it was supported by many of the first men of the nation, and was loudly called for by facts notorious to all. To embody the chief particulars relating to this attempt at ecclesiastical reform, is the design of the present publication.

One of the principal defenders of the project was Feijó, the author of the accompanying demonstration; himself a priest, then a member of the Chamber of Deputies, subsequently Regent of the Empire, and afterward a Senator for life. This treatise produced a powerful impression on the public mind, and together with other discussions of the subject, convinced a large proportion of the more intelligent Brazilians, both clergy and laity, of the correctness of the views here advocated.

Such a circumstance is sufficient of itself to invest this work with a peculiar interest. But it possesses intrinsic merits which render it valuable, independent of the particular occasion which called it forth.

For such a work to have been lost to the world and to future generations, would have been a great calamity. Yet such had well nigh been its fate. This translation is made from the only copy we recollect to have seen during a residence of from

two to three years in Brazil, and is believed to be the first published in any language. Only a limited edition of the original work was ever issued. 'This being in part suppressed by its enemies, in part devoured by its friends, and between both kept hidden from the world for sixteen years, it can scarcely be regarded as less than a peculiar providence by which the book should now make its appearance in a form, and spread its pages so widely, that it can never again be concealed.

We are neither insensible of the great privilege we enjoy of paying a just tribute of respect to the talents of the first Regent of Brazil, nor of the high gratification which Brazilians must experience in view of the admiration which this production of their distinguished fellow-countryman is destined to challenge from the learned of North America and of Europe. But it is with still greater pleasure that we contemplate the services which the labors of that worthy man may yet render to the cause of truth. His "*Demonstration of the necessity of abolishing a constrained clerical celibacy,*" will be sought for by various classes of men, and will probably be found capable of administering to each a word in season.

The Roman Catholic will here find a frank and fearless discussion of an important branch of his church polity substantiated at every step by vene-

rated names and acknowledged authorities. The argument itself is accompanied by all the authority due to a bishop nominated to the extensive diocese of Marianna.

The Protestant will here discover an independence of thought, and a liberality of views, that he was perhaps little prepared to expect from a Roman Catholic bishop. The theologian is here furnished with a sound argument, an extensive series of references to ancient authors in point, and also to facts, the validity of which, in this controversy, can no longer be questioned; and at the same time, with a complete historical compendium of the subject in discussion. The curious reader, moreover, will not fail to be interested in the style of argumentation, in the opinions advanced upon a variety of questions in ecclesiastical history, and especially in some facts respecting the widely extended Empire of Brazil, that are incidentally interwoven and illustrated.

Especially at this crisis, when active inquiry is aroused upon this and other kindred topics; when some are endeavoring to clothe the assumptions of the present day in the ghostly traditions of the past, and others are eager to rend the antiquated vail, and reduce every assumption to its proper merits; it will be fitting for all to peruse the testimony of one perfectly at home among the Fathers, and at the same time qualified to speak from experience

upon the question he discusses. While some are gravely contemplating the propriety of a return to clerical celibacy, and its counterpart, auricular confession; it may be well for them and others to pursue a candid inquiry into the origin and applications of the former institution in past ages.

Indeed it can not be amiss for any to listen to the voice of lamentation spontaneously raised on account of the wide-spread and almost irrepressible evils arising from the immoralities of men at whose hands we are told we must receive absolution, or be excluded from the kingdom of heaven; nor to be admonished by the fate of those who have been reduced to the extremity of suing for the restoration of those natural rights, of which a spiritual despotism has deprived them, and of pleading for the intervention of the civil authority as the only hope of securing ecclesiastical reform.

The translator has simply to add, that he has endeavored to present to the English reader a faithful version of Bishop Feijo's work; preferring, in several instances, to preserve a formal and antiquated phrase, rather than take any liberties with the literal signification.

NEW YORK, *June*, 1844.

DEDICATION.

~~~~~  
TO THE HONORABLE,

THE REPRESENTATIVES OF THE NATION.

GENTLEMEN :—

To whom rather than to you, friends of my country, protectors of public liberty, and zealous defenders of the rights of Brazilian citizens, ought I to dedicate this brief essay; the offspring of my respect to justice, of my veneration to religion, and of my love to humanity?

Charged with defending us from oppression, it belongs to you to set us free from the chains which unenlightened ages have fastened upon us. Elevated above prejudices that have grown hoary under the shade of a religion whose basis is sweetness and charity, you have the courage necessary to rebuke those rare, but conceited and miserably contemptible geniuses, who rejoice and delight in hearing the groans of imprudent or seduced victims, who, pursuing the phantom of an ephemeral perfection, have plunged themselves into the abyss of crime and of disgrace.

Armed with the authority delegated to you by the Constitution, you have the power necessary to combat those turbulent spirits, the enemies of all

reform, who, incapable of proposing a single measure for improvement, are nevertheless eternally censuring others, who neither stand in need of their impotent counsels, nor in fear of the devout sarcasms of their pretended piety.

August and most worthy Representatives of the Nation ; prudence is the only lamp which should guide the steps of the Legislator. That condescension, however, which has not for its basis this offspring of enlightened experience, is a weakness—is a crime.

All Brazil knows the necessity of abolishing a law that never was, is not, and never will be observed. All Brazil is witness of the evils which the immorality of the transgressors of that law entails upon society. Without probity, there is no execution of law ; without the execution of law, there is no justice ; without justice, there is no civil liberty ; and without civil liberty, there is an end to public happiness.

Legislators ; deign to accept the efforts of one of your number ; reflect upon the important truths which he offers to your contemplation, and be unwilling to bear the mighty responsibility which will rest upon you if you retard the revocation of a law which is the source of public immorality.

DIOGO ANTONIO FEIJO'.

RIO DE JANEIRO, *July 9, 1828.*

## P R E F A C E .

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A DISCUSSION in the Chamber of Deputies called forth from one of its members, well known for his learning and his probity, the assertion, "*That the clergy of Brazil was dishonored by the law constraining their celibacy.*"

Afterward, when reflecting upon the means of reforming the clergy, and examining the annals of Christendom, I myself became also convinced that the most fruitful source of the various evils which are entailed upon this important class of citizens, was a forced celibacy. I consulted Catholic authors, and authors not Catholic, philosophers and canonists, and the solidity of the reasons of those who censured the law, equally with the insufficiency of the arguments adduced to sustain it, confirmed me in my opinion.

I therefore judged it my duty as a man, as a Christian, and as a Deputy, to offer to the House my report on this subject, in which I undertook to substantiate as fully as the necessary brevity of such a report would permit, this proposition : "*That celibacy, not being prescribed to priests by the divine law, nor even by apostolic institution, and being moreover cause of the immorality of the same,*

*it belonged to the General Assembly to revoke the law requiring it. That this resolution should be communicated to the Pope, in order that he might place the laws of the church in harmony with those of the empire, by revoking such as impose penalties on the priest who marries; and in case he should not do so within a specified time, that the beneplacito\* should be suspended to those laws which, fomenting discord between members of a family, might disturb the public tranquillity."*

I foresaw the necessary shock which these propositions would give to the minds of those who, fallen asleep in the opinions inherited from their ancestors, refuse farther investigation. Moreover, all know the blind obstinacy of those who, at a certain age, can not consent to be admonished of their errors; but, withal, the defenders of celibacy appeared in much fewer numbers than I expected.

The pious detraction of which they made use in the absence of reason; the confusion and the disorder of their long harangues; the uncharitable manner which they employed in ostentation of their zeal to defend religion, which they thought was attacked; whereas it was vindicated from the false accusations of the incredulous, a proper dis-

\* The Constitution of Brazil, Art. 102, Sec. 14, guaranties to the government the right of conceding or denying its beneplacito (sanction) to the decrees of councils, the bulls of the Pope, and all other ecclesiastical constitutions.—*Trans.*



inction being made between it and what is only accidental to it; their defence of the honor of the ecclesiastical state, which they pretended was impugned by those who, on the contrary, endeavored to raise it from the disesteem into which it has fallen; all co-operated toward the triumph of truth. A few still remain, who, either through ignorance, mistake, or prejudice, strive with their own conscience. The innate sentiments of justice are, and eternally will be, in contradiction to their opinions. Let not such suppose this to be a rebellion of the flesh against the spirit: it is the voice of nature, which speaks against the prejudices of education: it is the cry of conscience against perverted reason: it is the contest of truth against error.

A wish to repay the interest which the Chamber of Deputies took in the simple reading of that report, and the kind reception which an impartial public has given it, together with my own conviction of the necessity of abolishing clerical celibacy, has induced me to give a more full exposition of the sentiments therein expressed. I shall, however, follow the same method as before, it being in my view the most appropriate and convincing; since, if it can be shown that this subject is not within the cognizance of civil jurisdiction, the project is defeated at once, and vice versa. In the former case, nothing remains for us but to

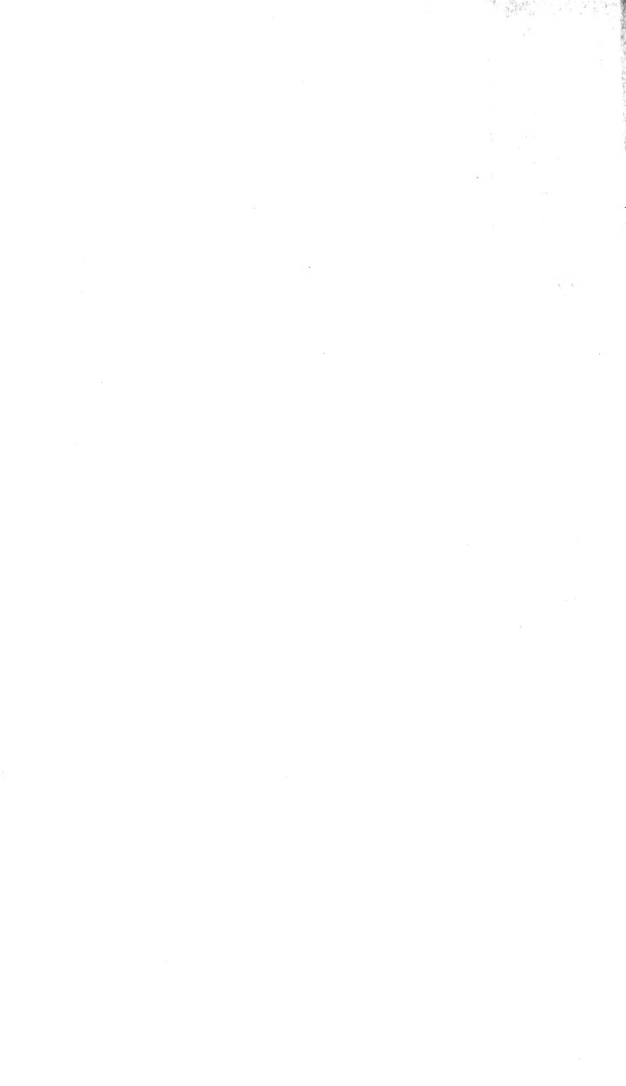
suffer the oppression of the law in silence, until Jesus Christ shall become mindful of his Church ; because her visible head does not draw back from a step once taken, and the See of Rome, although it does not hesitate a moment in granting dispensations to ecclesiastical law, yet it never suffers those laws to be revoked. The latter is not for its interest.

I shall not hesitate to repeat the same arguments, and to cite the same authorities as before. The former are solid : the latter convincing. I shall, however, add new proofs. I do not wish to arrogate to myself the honor of originality. So much has been written on this subject, and with so much depth, that it will be sufficient for me to exercise judgment in choice, and clearness in arrangement. What, however, I shall surrender to no one, is the honor of desiring most sincerely the happiness of my country, the re-establishment of the honor and dignity of the clergy, and the salvation of the many SOULS who are INEVITABLY LOST through the existence of a law from which there is, as I shall prove, not one good result.

I find myself obliged to come down to the level of those who profess this false principle, "*That philosophers are libertines, and heretics never speak the truth.*" I shall confine myself, therefore, to the citation of known authors, and those approved

by my opponents, or at least respected by the orthodox. I shall establish myself on facts proved, and on examples under the eyes of all.

I do not write for the truly learned, nor for those well-intentioned men, who, possessed of love for their neighbor, anxiously desire his happiness, and condole with him in his misfortunes. These two classes belong to my own party. I write for the good of men who ordinarily surrender themselves up to be led blindly by those in whom they suppose exists a certain right to direct them. I will make my remarks intelligible, in order that such may not be deceived by specious arguments, whose futility is found enveloped in the sacred mantle of religion. My only concern is to be understood. I have no fear of being confuted.



## CONTENTS.

---

|                    | PAGE. |
|--------------------|-------|
| Introduction ..... | 3     |
| Dedication.....    | 9     |
| Preface.....       | 11    |

### PROPOSITION I.

|                                                                                                                                                |    |
|------------------------------------------------------------------------------------------------------------------------------------------------|----|
| The right to establish legal impediments to matrimony,<br>and to annul and revoke the same, belongs to the<br>temporal or state authority..... | 19 |
| PROOF 1. From the nature of matrimony.....                                                                                                     | 19 |
| “ 2. From the use which temporal authority has<br>made of this right.....                                                                      | 29 |
| “ 3. From the doctrine of the church in early<br>ages .....                                                                                    | 32 |
| SCHOLIUM.—From the 4th Canon of the 24th Session<br>of the Council of Trent.....                                                               | 36 |
| GENERAL INFERENCES .....                                                                                                                       | 40 |

### PROPOSITION II.

|                                                                                            |    |
|--------------------------------------------------------------------------------------------|----|
| The impediment of clerical orders ought to be abolished                                    | 42 |
| § 1. That impediment is unjust.....                                                        | 42 |
| § 2. It gives rise to immorality in the Clergy.....                                        | 49 |
| § 3. Immorality in the Clergy has a peculiar tendency<br>to promote public immorality..... | 60 |

|                                                                                                     |     |
|-----------------------------------------------------------------------------------------------------|-----|
| § 4. The law requiring Celibacy is useless . . . . .                                                | 61  |
| § 5. Its abrogation is desired by prudent men. . . . .                                              | 62  |
| § 6. Clerical Celibacy is not of divine institution. . . . .                                        | 66  |
| § 7. It is not of apostolic institution. . . . .                                                    | 67  |
| § 8. History of clerical Celibacy. . . . .                                                          | 69  |
| <i>a.</i> Reflections respecting Pafnucius, and the<br>legitimacy of the Council of Trullo. . . . . | 82  |
| <i>b.</i> Continuation of the History of Celibacy<br>down to the present time. . . . .              | 85  |
| § 9. Compendious view of the institution of clerical<br>Celibacy. . . . .                           | 93  |
| § 10. The Western Church was never opposed to the<br>Eastern in this respect. . . . .               | 94  |
| § 11. General View of the arguments . . . . .                                                       | 95  |
| § 12. It is lawful to censure the discipline of the<br>Church . . . . .                             | 96  |
| § 13. The discipline of the Latin Church is impolitic                                               | 100 |
| CONCLUSION. . . . .                                                                                 | 109 |
| APPENDIX. . . . .                                                                                   | 113 |

# CLERICAL CELIBACY.

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## PROPOSITION I.

*The right to establish absolute impediments to Matrimony, and to annul and revoke the same, belongs to the temporal or State Authority.*

THE nature of matrimony itself, the example of catholic sovereigns, the doctrine of the church in the most enlightened ages of Christianity, and the authority of respected authors, will furnish us with arguments whose irresistible force will produce the necessary conviction of the truth of our proposition.

### PROOF I.

#### FROM THE NATURE OF MATRIMONY.

Matrimony, in the opinion of all governments and in the doctrine of the church, as taught in her rituals and catechisms, is, in its origin, *a lawful contract between one man and one woman, which God has authorized for the multiplication of the human race.* From this simple and natural definition, it is inferred, 1. That matrimony derives its origin from the Author of Nature, who in Paradise directed the first parents of the human race to *be*

*fruitful and multiply, and replenish the earth.* 2. That in the social state, whose object is to guaranty the rights of each, and to make those of the individual subordinate to those of the whole, it belongs to the government to regulate this contract in such a manner that the ends of its institution may be realized. 3. That since this contract is of such importance, that on it depends the perpetuity of our species, the education of posterity, the peace of families, and hence the tranquillity, security, and prosperity of the state—the government can not forego the right of regulating it, without losing the very essence of its existence, which consists in uniting the several functions necessary to maintain the well-being of society.

Hence, therefore, the prerogative of establishing impediments to matrimony, must be considered as belonging to the indisputable and inalienable rights of the government of a nation.

The absurdities which follow the negation of such a right to a government, are evident; while it is still worse to yield it to a foreign authority, and one which is independent of civil power.

Society would oftentimes be found in contradiction with itself, and thus carried to the very verge of anarchy. If this evil has not as yet been carried to its highest pitch, the fact is due to the humiliation of those governments which suffer their subjects to ask exemption from law at the hands of a foreign power, and to the indulgence with which such favors are ordinarily granted.

Matrimony, then, from its very nature, is a contract, having for its foundation natural rights, which are subordinate to the interests of society,



and therefore under the jurisdiction of civil authority.

Some, however, urge that matrimony, being among Christians a sacrament, is as such exclusively subordinate to the church, and affirm that no disposition of the secular authority can have any effect upon its validity. The falsity of this assertion will be manifest, when it is proved that in matrimony the contract and the sacrament are two things, distinct in quality and separate in their nature ; and that, although the contract were identical with the sacrament, yet, from this circumstance, secular authority would by no means have lost jurisdiction over it.

Otherwise, it would be necessary to admit the absurdity that when Christ instituted his church and spiritual kingdom,\* he nevertheless made dependant on it the validity of a temporal contract ; whose principal object is the mutual advantage, the propagation of our species and education of posterity ; and thus introduced confusion and disorder into society by depriving civil government of an essential right, and revolutionizing the very objects of that society which God has established, and which he orders and protects as well as the

\* It appears superfluous to cite authorities in proof of a truth so well understood at the present time as that Christ's kingdom is not of this world ; however, to avoid the censure of some of our over righteous ones, I will refer to Fleury, *Eccl. Hist.*, Dis. vii. He says, " It is evident from the New Testament, and from the tradition of the first ten centuries, that the kingdom of Christ is purely spiritual ; that he came on earth only to establish the true worship of God, accompanied by a pure morality, without interfering with the political government of different nations, neither in their laws nor customs which only have respect to the present life."

church herself. Revolutions these, which more than once have ruined states, and brought into discredit the authority of that church which has promoted them by her criminal invasions upon the dominion of temporal power.\*

The early ages of the church exhibit the true rule of her discipline. Fortunately, she then recognised no other right respecting matrimonial contracts than that of watching over them, like other human actions, in order to declare them iniquitous before the bar of conscience, when contrary to the Divine law. She recognised it as her duty to superintend the execution of the laws of sovereigns respecting marriages, and often had recourse to those sovereigns in order to declare invalid such marriages as she deemed opposed to the morality of the gospel.†

The infidel who, after marriage, professed Christianity, was never obliged to renew his marriage before the church.

Catechumens, who, during a series of years, were preparing themselves for baptism, were nev-

\* Notorious are the bloody conflicts which have occurred between popes and kings relating to subjects within jurisdiction of the latter. Without wandering from the subject before me, I might cite numberless examples of difficulty on account of ecclesiastics intermeddling with a view to suspend the validity of matrimony. The Emperor Leo was attacked by the Patriarch of Constantinople, on account of his marriage with Zoe. Every one is acquainted with the persecution which Adrian II. put forth against Loterus, king of Lorena, and with the excesses of Gregory V. against Robert the Pious, because he married his kinswoman Berta.

None of these things would have happened, if the church had been content to keep in her own proper sphere.

† 112 Can. Afric. Cod. Tom. 2, Conc. S. Ambros a Theodos. Greg. 2 a Luistpr.

er prohibited from contracting marriage ; because the doctrine was then current *that matrimony resulted from the mutual agreement of the parties, ratified according to legal forms.* The same was repeated by Nicolas I. to the clergy of Belgium ; by Eugene IV. in the council of Florence ; and was subsequently consecrated in the catechism of the council of Trent, which teaches, section 24, *that marriages under the law of the gospel exceed those of former dispensations, in the grace which perfects natural love, confirms the indissoluble unity of husband and wife, and sanctifies the conjugal relation.*

Such, in fact, is the doctrine and practice of the church toward Christians themselves, among whom she frequently grants marriages merely in the light of contracts.

Public penitents, separated from the church, were not admitted to the reception of sacraments during the first degrees of their penance ; nevertheless young men were permitted to marry, or at least their marriages were tolerated by indulgence, as St. Leo himself affirms.\* Such marriages could not be anything more than contracts, since matrimony is a sacrament of the living, as theologians express themselves, and can not be administered to penitents before their reconciliation.

Virgins and monks who married notwithstanding their vows, while those vows were not regarded as a legal impediment, were held to be truly married ; but it is certain that such marriages were not celebrated before the church, nor by her

\* Epist. ad Rustic Narb.

ministers, who would have detested them; and therefore were merely contracts.\*

Marriages between Christians and infidels, although not declared null, or when granted by dispensation, are nothing but contracts; since all know that an infidel is incapable of receiving a sacrament, and therefore in this case it is administered to neither of the contractors.†

Among heretics, without the pale of the church, who neither believe in the sacrament of matrimony nor have ministers possessed of any right to administer it, how can marriages be considered as sacraments? Nevertheless, Benedict XIV. declared them valid, independent of being ratified in presence of a curate, even when converted.‡

Catholics who contract matrimony while a secret legal impediment exists—being secretly dispensed, notwithstanding the absence of the curate—are truly married, according to the determination of the same Benedict XIV., in a case of this instance, substantiating himself on the declaration of Pius V.||

Christians marrying by proxy were always held as truly married, notwithstanding they never confirmed their nuptials in presence of a curate. No one, however, will attempt to maintain that, being absent, they can receive the sacrament by proxy, since the union of the substance and the form applied by the minister to the subject, can not be re-

\* St. Augus., Tom. 6, col. 375. Vide Pocier *Traité sur la Matrimonie* et Dupin *Bibliothèque*, sec. 5, par. 1.

† Tertullian, lib. 2, ad uxor. St. Augus. de *Conjug. adult.*, lib. 1, cap. 25. *Sinod. Elib.*, can. 15.

‡ Tom. 1. *Bul.*, p. 87. *Brief of March 13, 1741.*

|| *Sistem Lubi de Teolog.*, Tr. *Matrim.*

alized ; but it is, in the view of theologians, a circumstance essential to the validity of a sacrament. To save myself the trouble of refuting the frivolous reasons by which some endeavor to maintain the existence of the sacrament in such marriages, I will avail myself of the authority of the great *Cano*, who not only affirms that the church never taught that all marriages among the faithful are sacraments, but also pronounces the dulness and folly of those who maintain the contrary to be undeserving a reply.\*

Second marriages are deprived of the nuptial blessing in which all antiquity, and the Greek church to the present day has made the sacrament to consist. Third and fourth nuptials were so much condemned, as to involve those who celebrated them in severe penance. At the same time such marriages were considered valid, notwithstanding the aversion which the church held toward them ; and they are among us at present, notwithstanding they are unaccompanied with the nuptial blessing.†

Clandestine marriages anterior to the council of Trent were held to be valid, although not celebrated by a priest.‡

\* *Cano*, lib. 8, cap. 8. *Palavicin* in *Hist.*, lib. 23, cap. 9.

† The *Apost. Const.*, lib. 3, cap. 2, call second marriages unlawful ; third, intemperance ; and all subsequent, fornication.

*St. Greg. Nanz.*, 31 ; *St. Basil*, 4, &c. The council of *Salamanca*, in 1335, persuaded itself, cap. 11, that the blessing should not be granted even in second marriages, in order not to repeat the sacrament.

‡ *Conc. Trid.*, sec. 24. As early as A. D. 400, a Spanish council in *Toledo* had determined, can. 19, that persons who kept a single concubine, in place of a wife, should not be excommunicated. So little did they regard the sacrament essential to the validity of the contract, when the laws did not make it null.

The celebrated Carranza, in his catechism, approved by a deputation of the council of Trent, states that in some countries it was customary to marry before a magistrate, previous to going to the church to receive the sacrament. This practice was doubtless founded on the doctrine of St. Ambrose and other fathers, as well as upon the canon law.\* All these facts in the history of the church prove conclusively the distinction between the contract and the sacrament in matrimony, and also that among Catholics themselves there have been and still are many persons married merely in the light of a contract, without the slightest impropriety or shadow of sin.

In reply to these arguments, resort has been made to the assertion that among Christians marriages are, by the very act, exalted from contracts to sacraments; the contractors themselves becoming ministers in the case, and that the priest is therefore only the qualified witness required by the canons, and the blessing no more than a ceremony of the church, without any sacramental effect. The absurdity of this opinion will now be shown.

How can it be believed that in sacraments necessary to salvation, e. g., baptism and penance, the subject, although a priest, can not even in the most urgent case administer them to himself, and yet matrimony, a sacrament in no way essential to salvation, can be celebrated by the contractors

\* St. Ambr. again, Ep. 19, a Vig., says that marriage ought to be sanctified by the blessing of the priest—“*Conjugium sacerdotali benedictione sanctificari oportet.*” Nevertheless he maintains, Lib. de Inst. Virg., cap. 6, that the contract constitutes matrimony—“*Facit conjugium pactio conjugalis.*”

themselves, who for the time being assume the authority of ministers, thus excluding this sacrament from the administration of the priesthood, whose very office consists in imparting to the faithful the grace of the Savior, as communicated by means of the sacraments? The very idea is refuted by the practice of the church. It is contrary to the nature of the sacraments, as well as condemned by the best authors.

Heretics who disbelieve in the sacrament of matrimony, can not be capable of administering it. Nevertheless, they contract matrimony in valid form, and, as we have already observed, Benedict XIV. does not permit their marriages to be renewed after their conversion.

A Catholic may marry a heretic or an infidel, being properly dispensed, and if the contractors are to become ministers of the sacrament, why may not the Catholic in this case administer it alone? The heretic and the infidel would neither believe in it, nor wish to perform or receive such a sacrament; and though the heretic did desire to do either, he would be unable, because he is excommunicated, and thus deprived of all rights as a Christian.

Moreover, even the minister himself, without an intention to administer the sacrament, does not administer it.\* But, among us, neither party has any such intention, because they are unacquainted with any such office: on the contrary, both expect to receive the sacrament of matrimony from the priest. How, then, is it administered in the actual marriage of Catholics?

\* Concil. Trid., sec. 7, can. 11.

Let us suppose, however, that the civil contract is transformed into a sacrament, and that among Christians the former is inseparable from the latter. Now, since the contract is the basis on which the sacrament rests, or rather, since the lawful contract is the only thing made a sacrament, and that has a priority of existence, it is beyond a question that the civil authority still retains its jurisdiction over the civil contract, and that contract loses none of its subordination to civil power, although elevated into a sacrament. Thus the citizen, by becoming a Christian, does not alter his relations to civil authority, although his individual character and personal dignity are by virtue of baptism elevated to a higher category, and he has, under this new relation, also come under the cognizance of spiritual authority.

Thus the matrimonial contract remains in every respect subject to the laws of society, although as elevated to the rank of a sacrament, it is equally subject to the laws of the church. Hence it follows that if two individuals contract matrimony according to civil law, and not according to ecclesiastical law, still they will be validly married, although the sacrament be not received.

Both kinds of authority are independent. Each one may legislate upon subjects within its own jurisdiction. But as spiritual authority has for its immediate object the salvation of souls, and not the public tranquillity, like the civil power, it can not in the nature of things determine upon matters independent of that especial object. Still more, it can not intermeddle in opposition to temporal authority under any pretensions, without admitting



the absurd and anti-social maxim of the influence of one power over another, with a reciprocal invasion of each other's attributes. From such conflicting claims the most destructive consequences have always ensued.

It has now been demonstrated that matrimony is by its very nature entirely and exclusively subject to the civil authority, whether considered as a contract distinct from the sacrament, or whether in union with the sacrament placed in a new category, which grace confers upon it the moment that the union is realized. We shall proceed to prove our proposition by the use which Catholic sovereigns have made of this right of establishing and revoking impediments to matrimony, not in opposition to the church, but with her decided approbation.

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## PROOF II.

### FROM THE USE WHICH THE TEMPORAL AUTHORITY HAS MADE OF THIS RIGHT.

The Roman emperors were converted. The solid virtues of the pastors of the church, their learning, their charity, and the miracles which they performed, attracted toward them a high veneration.

Exemptions, privileges, and largesses, conferred upon them exaltation and grandeur. Even matters of temporal interest were carried before their tribunal, as the most just, impartial, and full of equity. All this occurred, but the emperors neither yielded to the church the right of regulating matrimony,

nor did she claim any such right. Previous laws were in all respects observed, and the church merely watched over them, and became zealous for their execution.

Justinian, the emperor who legislated so much upon ecclesiastical affairs, in no one of his laws makes mention of the sacred ritual when treating of matrimony.\* He annulled the marriages of persons of rank, when not preceded by the stipulation of a dowry. To persons of a less elevated station he granted the alternative of either stipulating a dowry, or if they preferred, of going to a church, and there, in presence of the Patron Saint and of three or four priests, declaring that they received each other mutually as husband and wife. Persons in the lower classes of society he permitted to marry without even this formality.†

A century before, Theodosius the Powerful declared marriages valid between persons of equal condition, when confirmed by their mutual consent and proved by the testimony of their friends.

In the East, it was Leo the Philosopher who at the beginning of the tenth century made the nuptial blessing essential to the validity of matrimony.‡ He dispensed slaves from this, but Alexis Comenus subjected them to it. In the West, it was Charles the Great who made the nuptial blessing necessary in many cases.§ Tabarus says, "If you consult the *Codex Salicorn* of the Goths,

\* Lib. 4, Decret., tit. 19 and 8, affirms that the sacrament of matrimony (evidently in a latent sense), exists both among the faithful and the unbelieving.—"*Sacramentum conjugii apud fideles, et infideles existit.*"

† Lex. 23, par 7, Cod. de Nupt.

‡ Const. Emp. Leon, 89.

§ Cap. 408, lib. 6, p. 179, lib. 7.

Visigoths, &c., you will everywhere find that the sovereign determined respecting matrimony, regulating its forms and conditions, granting or denying dispenses, and that the contract always appeared distinct from the sacrament.”\*

Daguesus observes, that in the first nine centuries, the church conformed herself to the laws of the state, and never assumed to honor with the sacrament a union condemned by the laws of princes.†

Chatizel, after maintaining the same opinion, adds, that up to the fourteenth century, history offered traces of the custom in question.‡

In France, as late as 1635, marriages of princes of the royal blood, without the consent of the king, were held to be null, and Louis XIII. did not hesitate to declare invalid the marriage of his brother Gastan. When theologians were consulted, and the affair was referred to a national council, the marriage was by all pronounced null.§

At the present day, marriages among minors are invalid both in France and Austria, and in this empire, proclamation is a necessary condition to the validity of the marriage contract. Moreover,

\* Tabaró do Contrato e do Sacramento do Matrimonio.

† Tom. 3, edit. quart., p. 69.

‡ Theodosius, in establishing the impediment of consanguinity in the second degree, reserved to himself the right of dispensing it. Heraclius granted himself a dispense to marry his niece Martina. Theodoricus, in Italy, dispensed impediments to marriages both before and after they were contracted. See Flodoard, Hist. Eccl., for the case of Bodheim, whose marriage was declared null by an assembly, because it lacked the consent of Charles the Bald. The case of John, Prince of Bohemia, is notorious, whose marriage was annulled by the Emperor Louis IV., and who afterward granted Margaret a dispensation to again marry her kinsman.

§ Memorias do Clero da França.

a recent law has come into effect, by which simple adultery, substantiated before a court, becomes a ground of divorce.\* It only remains to consider the doctrine of the church on this point.

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### PROOF III.

#### FROM THE DOCTRINE OF THE CHURCH IN EARLY AGES.

Athenagoras in his apology addressed to Marcus Aurelius and Commodus, asserts that "the Christians only recognized as wives those females who had been espoused according to their laws."†

Pope Celestine I., being consulted respecting the second marriage of one who abandoned the first because it had not been celebrated before the church, decided in favor of the first, *in order that the faith of an oath be not trampled upon, and that a reciprocal promise should be kept.*‡

St. Basil makes the validity of matrimony in the case of slaves and minors, consist in the consent of their masters and parents.§

St. Ambrose recognised the essential parts of matrimony as consisting in the contract, and also St. John Chrysostom. The latter, although he confessed sovereigns might err in their laws, yet declares, *that they ought to be obeyed, both in cele-*

\* Lubi, Sistem. de Theol., trac. de matr.

† According to the correction of D. Prud. Marant. Ad calcem oper. St. Justin.

‡ Decret. Grat., causa 35, quest 6, can. 2.

§ Epist. 2, ad Amphilech.

*brating matrimony and in making a will, either of which otherwise would be invalid and useless.\**

St. Augustine teaches that marriages with second nephews or neices were lawful, because the divine law did not prohibit them, nor had human law as yet prohibited them.† The council of Orleans in A. D. 541, declared null those marriages of slaves and of minors which had not received the assent of the parents and masters.‡

Theodore of Canterbury says in his collection of canons, that among the Latins no marriages were permitted within the fifth degree of affinity, as appeared from the Roman questions.§

St. Theodoret the learned, when consulted respecting the validity of second marriages; seeing they were deprived of the sacerdotal blessing, in which the Greeks affirm that matrimony consists; replied, unhesitatingly, *that they were legitimate marriages when contracted in conformity with the laws.*¶

Nicolas I. replied to the bishops of Belgium *that according to the laws respecting matrimony, the consent of the parties was sufficient, and that the nuptial blessing might be omitted without sin.\*\**

Adrian II., when consulted respecting a marriage celebrated according to all the forms prescribed in the civil law, but without the interven-

\* St. Ambrose, Ep. 13, ad Syr., says: "God can not approve the marriages of the faithful with unbelievers, because the law prohibits them." See his Epist. ad Patern. Jo. Cr. Homil., 15 ad pop. Antioch.

† De Civit Dei., lib. 15, cap. 16.

‡ Tom. 5, col. 385.

§ Tom. 1, Spicileg.

¶ Epist. 50, ad Naucrath.

\*\* Concil., Tom. 8, art. 2, col. 517, art. 3, col. 518.

tion of a priest, *decided that such a marriage, since it exhibited nothing conflicting with canonical law, could not be condemned.\**

Yvo de Chartres, the most able canonist of the 12th century, maintains in all his letters *that matrimony is neither valid nor invalid except by virtue of the civil laws.†*

Alexander III., when consulted touching the validity of a marriage, ratified merely with the ceremonies prescribed in civil law, *decided that it was of such complete validity that in case either party should marry another, even after carnal connexion, the same would be obliged to return to the first marriage.‡*

Benedict X. being asked by the patriarch Gaudencius, whether there was any impediment to matrimony between a young woman and a young man who had been espoused to a deceased sister of the former, answered that he could not condemn a marriage which neither the scriptures nor the civil laws condemned.§

Pius VI., in the briefs addressed to the Bishop of Lysia, and the Archbishop of Tarsus, declares valid and lawful such marriages as had been contracted during the revolution, *on condition they had been conformable to civil law.*

Benedict XIV. had already decided to the same effect respecting the Dutch. 'The Bishop of Langres in his pasoral instructions, 15th March,

\* Beluz. Miscell., tom. 1.

† Epist. 167. It should be observed that the first general Lat-eran Council founds its prohibition of the marriage of kinsfolk both upon divine and secular law.

‡ Tom. 10, Concil., col. 1574.

§ Tom. 10, col. 1581.

1791, declares that the nuptial blessing will continue to be administered to those who desire it, although not considered essential to the validity of the civil contract.\*

Innumerable documents are offered us by the history of the church, from which we learn that the ground of prohibitions and legal impediments to matrimony in early times was either the divine law, or that of the civil government. It is true that in some of the Fathers and councils, principally those of the 9th century and subsequent periods, are occasionally found decisions relative to the validity of matrimony. This circumstance is owing in part to the duty imposed on the church of examining their validity, with reference to sanctifying them by the sacrament; which insensibly led her ministers to think themselves authorized to legislate respecting said contract. In addition to this was the consent and approbation of sovereigns, who having resorted to the nuptial blessing as the most efficacious means of securing honesty in matrimonial engagements and happiness to the married state, often yielded up to the ministers of the church decisions respecting matrimony, just as they had done subsequent to Constantine, with many other questions of merely temporal concern. Part, finally, was owing to the ignorance of sovereigns themselves, who in the

\* Reference should be made to the celebrated conference between the Archbishop of Cambis and the Cardinal Antoneli, which is found in the collection of Briefs. The Cardinal there maintains that mutual consent is the essential part of matrimony, and consequently, that marriages among the French, although unaccompanied by the forms required by the Council of Trent, should be considered valid, unless their invalidity were shown upon other principles.

dark ages delivered themselves wholly up to the direction of priests, while those priests assumed not only to legislate upon matrimony, but also upon wills, upon the persons and property of ecclesiastics, upon churches, and even upon the rights of citizens and the destiny of empires.\*

But as nothing is easier than to quibble upon vague quotations, we perceive that an attempt has been made to refute all these considerations, by means of a canon of the Council of Trent. We now proceed to dispose of this objection which appears insurmountable to those who have either no desire or no ability to reason.

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#### SCHOLIUM.

THE 4TH CANON OF THE 24TH SESSION OF THE COUNCIL OF TRENT DOES NOT BIAS THE PRESENT QUESTION.

A fixed principle in sacred hermeneutics is, *that councils must be understood and interpreted according to the object they had in view in the formation of this or that canon.*

Now, since it is undeniable that the Fathers assembled in the Council of Trent proposed to themselves no other object than that of combating and anathematizing the errors of Luther and his sectaries, it evidently follows that the canon under consideration condemns no other opinion than that which denied to the church the power of estab-

\* Fleury 4 and 7, Disc. sur., Hist. Eccl. Beside this, consult the different general and minor councils, e. g. the 4th Lateran, where will be found a specimen of legislation, civil and penal, upon matters purely temporal.



lishing any other impediments than those laid down in Leviticus, without pretending to decide whether the contract of matrimony among Christians was distinct from the sacrament, or whether the right of imposing legal impediments which the church possessed, was delegated to her by the temporal authority. The council decided truly. For the church had the right of imposing true and valid impediments, proceeding either from a precarious and delegated authority, or from that which was proper and essential.\*

Nor was it possible that the council should decide with other views—a council which proposed to decide nothing dogmatically, unless as was their duty, their decisions were based on scripture and tradition, and unless by discussion they could obtain a unanimity of votes. Now on this subject no passage of scripture was found to favor the opposite view, while, on the contrary, all tradition formally condemned it. Besides, the most able theologians were, and have continued to be, even since the Council of Trent, of our own opinion. These circumstances clearly prove that canon to have contemplated no other object than that of confirming Catholics against heretics in the doctrine that they ought to be subject to the impediments established by the church properly understood; until either she or the power which had ceded to her the right in question or permitted to her its exercise, should revoke them.

Melchior Cano, the bishop so distinguished at the Council of Trent, and whose writings still enjoy the respect and veneration of the orthodox,

\* Palavicini, *Hist. Conc. Trid.*

maintains *that among Catholics many marriages have no characteristic of a sacrament.*

Now it must be evident that such being merely civil contracts can not be subject to the jurisdiction of the church except by permission of the temporal authority.

Giles Foscari, bishop of Modena, maintains *that temporal authority has lost none of its jurisdiction over matrimony by the circumstance of its being constituted a sacrament.\**

Catarinus, bishop of Conza, who rendered himself illustrious at the council referred to, asserts that when Christ made matrimony a sacrament, he in no way altered its natural or political relations; and hence it will always remain the same, and in the same manner subject to that authority which presides over civil order.†

The celebrated Peter Soto, a theologian of Pius IV., declared in the same council that it was through the willingness and piety of princes that the church had acquired the right of imposing impediments to matrimony.‡ Jacob Naclantus,|| and Domingos Soto,§ were of the same sentiment, notwithstanding they voted to establish the 4th canon of the 24th section. Besides these, numberless others have continued to defend our views, and at the present day they are current in the greater part of the universities of Europe.

From all this we conclude that the council of Trent decided merely that Christians ought to be

\* Palavicin Hist. Conc. Trid., Lib. 22.

† Trat. dos Matrimonios Cland., em 1552.

‡ Lib. 3. Inst. Christ.—de Sac. Matr.—de Instr. sacer.

|| Trat. 16, de irrit. claud. conj. § In 4 cent. Dist. 40.

subject to those impediments established by the church.

But if any thing else was meant, as far as the present question is concerned, it was neither followed nor adopted by many orthodox writers and several entire kingdoms, did not consent to its publication, but continued to establish and revoke impediments at their own pleasure, the council to the contrary notwithstanding. Now it is a maxim of St. Bernard, founded on the doctrine of the church, that "*when the orthodox are in doubt, there is no authority.*" From this, it follows, at least, that our opinion is not heretical.\*

Upon this subject it may be well to consult the famous work of Lonoá. *Regia in matrimonium potestas*; the Elements of Christian Theology, by Anthony of Genoa—the letter of M. Leplat to Pope Pius VI., in 1782; the works of Pereira, Rieger, Eibel; the article *Marriage et Empechement*, &c.; *Dictionaire Theol.*, de Bergier; and, above all, the work of Tabarus—*Principles of Distinction between the Contract and Sacrament of Matrimony*; Paris edition, 1825. The latter work, especially, discusses this subject, with the most profound skill and erudition, and gives reference to other celebrated writers, who may be consulted with great propriety.†

\* *Fides ambiguum non habet, quod si habet, fides non est.*

† Anthony, of Genoa, generally speaks with the greatest reserve respecting all ultramontane maxims, which he doubtless abhorred; nevertheless, on the present question he explains himself as follows: "There has been no little controversy upon the question to whom belongs the right of establishing legal impediments to matrimony. But since matrimony is in the first place a civil contract, the regulation of it without doubt belongs to the sovereign. As a sacrament,

## GENERAL INFERENCES.

From the considerations already adduced, the following reflections necessarily arise:—

1. Matrimony, as a contract, is entirely and exclusively subordinate to civil authority.

2. Spiritual authority may require conditions, without which the sacrament can not be administered.

3. As it would be an outrage for a sovereign to assume to regulate the sacrament and prescribe its forms, under pretext that said sacrament falls under a contract subject to his jurisdiction; so is it an equal outrage for the church to assume to regulate the contract of matrimony, under pretext that it is merged in the sacrament.

4. To prescribe those rules by which matrimony may be validly contracted, with reference to fulfilling the designs of Providence, falls within the prerogative of sovereigns.

5. To examine whether the contract is lawfully consummated according to laws human and divine, in order to become worthy of sanctification by the sacrament, and to prescribe forms for the administration of the latter, belongs to the authority of the church.

6. Notwithstanding the church has possessed the power of establishing and dispensing impedi-

however, neither the most powerful sovereigns nor the (N. B.) church herself has any right to interfere with its substance." He concludes thus: "The impediments which appear to be imposed by the church are none other than those of natural or divine right, which consequently she does not determine, but merely declares."

ments, either through the consent, ignorance, or permission of the temporal authority, yet this jurisdiction is precarious, and might at any moment be taken away and restored where it belongs, by a natural and essential right, and is consequently inalienable.

7. The Council of Trent did not and could not design to condemn this opinion, because it is the only true one ; according to the nature of matrimony, the practice of the church in her most prosperous periods, and the example of Catholic monarchs, who have established, dispensed, and annulled impediments, when and as they judged proper.

## PROPOSITION SECOND.

THERE IS NECESSITY OF ABOLISHING THE  
IMPEDIMENT OF CLERICAL ORDERS.

BEING now assured that supreme jurisdiction on this subject belongs to temporal authority, nothing remains but to show the propriety or the necessity of abolishing the impediment of orders, so that priests may lawfully marry.

This necessity will be manifest from three striking considerations. 1. The injustice of that impediment. 2. The great evils it occasions, instead of producing any good. 3. Because, although it were innocent, yet it is useless.

§1. THE IMPEDIMENT OF CLERICAL ORDERS IS  
UNJUST.

No human law can be just unless it is based upon natural right. Society, of whatever kind, has, and can have, no other object than that of securing the common good of its members. Whenever, then, any law deprives man of a right bestowed on him by the Author of nature, except in cases where the privation of that right is indispensable to the general welfare, it becomes manifestly unjust.

The right which man possesses of contracting matrimony, is one essential to our species. It is a right so sacred that its exercise, in many cases, becomes a duty of the greatest importance to so-

ciety and to individuals. How then can any human authority determine that a priest may not contract matrimony? To determine that he may not make that contract until after a certain age, when nature determines the periods between which it ought to take place; to determine that he may not without the previous consent of those to whom as a minor he is responsible, and without certain formalities requisite to secure the perpetuity of the contract, or without certain compliances which make it lawful, honorable, and suitable to the reception of the sacrament; all this may be prudently and practically conceded as the prerogative of civil jurisdiction.

Such impediments proceeding from human power, have no tendency to deprive man of his essential right in this case, but merely to prevent his exercising it in an improper manner. The impediment of orders alone tends to nullify this right. If the contract is prohibited by other impediments in this way, it is permitted in that. If it is denied at one time it is granted at another. In the case of orders, however, there is no time, no place, no circumstance, which can permit the enjoyment of that natural right. This simple reason abundantly proves the injustice of such an impediment.

It is objected, that since in the general neither this man nor that is obliged to marry, the right may with propriety be ceded. Under the plausibility of this reasoning, an attempt is made to hide the injustice of the law. The futility of that attempt, I proceed to show.

No man can cede rights with which he is en-

dowed by the good pleasure of his Creator. Such an act would be characterized by irreflection, and hence would be rebellion against the general order of that providence by which all things have been arranged in view of certain determinate ends, and to which every man is obliged to conform. Besides, the propensity to matrimony being innate and essential to the species, is liable to become a passion, and in such case extremely difficult if not impossible to control.

How then can any man without the height of imprudence, and a wicked pride, yield up for ever a right, the exercise of which often becomes a duty, and the sacrifice of which may bring in its train the violation of many other duties? This impropriety becomes the more notable in proportion to the little or no good resulting from the sacrifice. To yield this right temporarily in the spirit of penitence and self-denial, with a view to a better discharge of duty, according to the explanation of the Fathers; or for life, with this reserve—provided its cession shall be compatible with personal happiness and the discharge of other duties. Thus much is prudent and approved by religion. To this it is rejoined that since absolute continence is possible to all, all who subject themselves to it are under perpetual obligations to remain in celibacy.

I have no wish to appeal to the constitution of human nature, nor to the history of those generally useless efforts which have been made in this species of sacrifice, but for the present simply to consult the sentiments of Christian antiquity.

St. Ignatius in the 1st century said—if any



one is able to abide in celibacy, let him do it with humility.\*

St. Clement of Alexandria, in the 2d century, called those happy on whom God had bestowed the gift of chastity.†

St. Cyprian, in the 3d century, preferred that even those virgins who had consecrated themselves to God, should marry in case they lacked either the desire or the ability to persevere in chastity.‡

St. Epiphanius, of the same century, more than once admits that many can not dispense with marriage.§

St. Augustine and St. Jerome, of the 4th century, affirm that virginity is a gift of God, not conferred upon all.¶

St. Gregory the great, in the 6th century, permits members of the priesthood who can not persevere in continence, to marry.¶¶

Numberless quotations might be added, which are unnecessary, since St. Paul taught the Corinthians that it were "better to marry than to burn;"\*\* and Christ himself declared that continence was a divine gift, and that all were not capable of maintaining the resolution to practise it.††

\* Ep ad Polyc., n. 5. † Oper. Clem., str. 3.

‡ Cypr. de hab. virg., et ep. ad Pomp.

§ Epiph. Haeres. 59. § Jeron adv., Jovin.

¶ Reply to the 2d question of St. August. Ap.—*Si qui vero sunt clerici extra sacros Ordines constituti, qui se continere non possunt, sortiri uxores debent.* It matters not that this permission is merely extended to the lower clergy; it is sufficient for my purpose that he admits that some are not obligated to continue in celibacy.

\*\* Ep ad Cor. 1., cap. 7. v. Pereira's note.

†† Math. cap 19, v. 11. The text embraces the opinions of Tertulian, St. Ambrose, and others. Vide their commentaries.

Doubtless for these reasons the church even at the present time does not regard vows of chastity, although perpetual, as an impediment which mars the validity of matrimony.

Yet, if anything whatever is capable of disqualifying a person for this contract, it must be the vow of chastity, which is, according to theologians, a *deliberate promise made by one capable of that which is promised to God, who accepts it in view of a greater good*. In the person professing the vow there is no constraint, but simply the desire of perfection. He has yielded up a right which he might enjoy, or omit to enjoy, in view of becoming better. It appears, then, that this sacred pledge has taken away all liberty of ever returning to the forfeited right. But for what reason has the church ever recognised the validity of matrimony, when contracted by such persons?\* I can discover no other than that which St. Cyprian gave, *that they be not condemned*,† because God does not take advantage of the imprudence of men.

Such vows, after all, must be considered as conditional with respect to their object, to which

\* In speaking of vows of chastity, I make no distinction between the simple and the solemn vow. All know that they are essentially the same, and are, before God, of equal obligation, and that the distinction was invented by Gracian, in order to reconcile the doctrine of St. Augustine and the early fathers with the 2d Lateran Council, which constituted the solemn vow of the 2d in the monastic profession, an absolute impediment to matrimony. This doctrine, however, was not practised in the church, either with respect to the monastic profession or sacred orders, until after the decision of Boniface VIII. Cap. uni. de vol. et vot. redemp. in 6.

† *Melius est, ut nubaret, quam in ignem delictis suis cadant.* Cypr. Ep. ad Pomp.

there remains a salvo; provided their fulfilment becomes so difficult as to compromise their happiness, because the church is certain that this is the will of the Sovereign Benefactor.

Now, if such is the doctrine of the church with respect to those who voluntarily make vows of chastity to God, how can we believe that a promise to continue in celibacy, made to men, is so binding that it can in no case be broken by marriage. Let us speak the truth. When an individual fails in a promise to God, which he could, although with difficulty, perform, he is guilty; but his marriage is valid, because he was not at liberty wholly and absolutely to forego that right. His promise in such case was only a genuine purpose.

If, then, he fails in his promise to men when, without inconvenience, he could keep it, he, also, is guilty; but his marriage is still more valid, because the violation of his promise is much less iniquitous.\*

\* The Council of Trent, session 24, can. 9, in anathematizing those who say that persons who believe they do not possess the gift of chastity, although they have vowed to maintain it, &c., and those who are prohibited by sacred orders, &c., does not at all embarrass our views; because that canon could never have had the design of prohibiting that respectful censure which every subject may exercise toward a law or regulation, when it appears grievous and unjust.

The council could not, therefore, have had any other design than that of condemning the anti-social doctrine of those who affirm that the subject may with impunity violate a law, when it appears to him unjust or impracticable. Good order certainly requires respect for the law until it is revoked, or at least until the opinion of its injustice, its inutility, or impracticability, has become general. Thus many laws have fallen into disuse, and their obligation has ceased. Eg., among others, the penitential canons, and those prescribing a single kind of food in fasting, abstinence from blood and the

The church is so persuaded of this truth, that when a Christian, bound by such vows, presents himself before her, showing the inconveniences of his promise, as the interpreter of the will of God, she easily dispenses him from the restraining impediment, and among the thousand reserved cases which the popes have made, they never included that of this impediment. At least it is certain that bishops dispense it without recourse to them.\*

How does this proceeding compare with the practice introduced in the 12th century, of adjudging the marriages of priests null, merely because they had subjected themselves to the laws of the church by which marriage was prohibited? Can any one persuade himself that an obligation contracted toward the church is of more force than one contracted toward God?

Those who do not profess the maxims of despotism, who are convinced that no mere whim is indulged in the government of the world, but that the arrangements of providence manifest high and holy designs, worthy of God himself, will not hesitate to receive this truth. *No one is capable of depriving man absolutely and arbitrarily of the rights to contract matrimony.*

It is said, however, that the church having the right to require certain qualifications in her ministers, may require celibacy as a necessary condition. Without yet deciding whether she can prunish of animals strangled, notwithstanding they were all enacted in an apostolic council. We shall presently have occasion to justify our conduct more fully in censuring the discipline of the church concerning celibacy.

\* Vide Appendix, note A.

dently require this of them, I will remark that she ought not to deprive them of a right with which as men they are endowed by Heaven, but when they are unwilling to remain subject to her regulations, to divest them of her ministry as the eastern church does, and as the Roman church did till the 12th century.

Let us return to our question. I shall no longer dispute with the church respecting the impediment of orders; because she has no control over the contract of matrimony, by inherent right. The civil authority can neither deprive a citizen of the right to marry, nor consent that he be deprived of it; its business is to regulate (and therefore to maintain) that right. Hence, to decree that the priest may never marry, is absurd, is despotic, is unjust.

Because it is an injustice, because such an interference is opposed to the necessities of humanity, because it imposes upon an entire class extraordinary sacrifices, not required by the Almighty, but only advised to those who are capable of them; for these reasons such decrees have always been infringed upon, and from their infraction, evils have resulted greater than the advantages of a compliance with them. This will now be shown.

## §2. THE IMPEDIMENT OF ORDERS IS A SOURCE OF IMMORALITY IN THE PRIESTHOOD.

It is a never-failing maxim among those who treat on the science of legislation, that *no law should be enacted when there is a probability of its being constantly transgressed*. . Imprudent legisla-

tors, who have contemned this maxim, have generally suffered the chagrin of seeing all their efforts rendered useless, and their subjects habituated to despise other laws better founded in justice. When such a habit is once contracted immorality rises to its greatest height. Thenceforward there is neither order nor justice, each one regarding himself the arbiter of his own actions, and ready to be governed either by caprice or passion. It is true, subjects never perpetually despise or violate a law which does not exist in contradiction to the nature of things ; either in being opposed to public sentiment, the offspring of habit and education, or being impracticable as adapted to a few and not to the many on whom it is imposed ; or, in fine, until it has become insignificant from having no power to promote public happiness. Let these principles be applied to the law establishing the impediment of clerical orders, and it will be easy to discover, why, ever since its imposition, it has failed to be observed.

In the early days of Christianity, when the fervor and enthusiasm which novelty inspires had taken possession of Christians ; when the example of apostolic men and the prodigies which accompanied the establishment of religion, carried persons to a high degree of perfection, it is not wonderful that celibacy should be cultivated as a penance, and that individuals of every age and condition should devote themselves to its maintenance. But the fervor of that period by degrees growing cold, ecclesiastics themselves began to decline into the common relaxation. From the beginning of the 4th century downward, several

private councils pretended to confirm the law which till then had been followed only by custom and by choice of the individual ; that is, they required positive continence as a necessary condition to sacred orders dismissing from the clerical relation the priest who married. We will observe the result of this prohibition.

Alexander Natal observes, that notwithstanding the repeated determination of popes and councils, very few subjected themselves to celibacy, and that the more the observance of the law was insisted upon, the greater evils appeared.\* In fact, the least attention bestowed on ecclesiastical history can not fail to remark this truth.

Pope Siricius in the latter part of the 4th century, complained bitterly of the abuse of the law, and of there being priests who were ignorant of the prohibition ; so completely inefficient it had become.†

St. Jerome declared that there were bishops who were no longer willing to ordain single men, on account of his assured fear of their incontinence.‡

St. Epiphanius, of the same century, certifies that in many places, the incontinence of the clergy was countenanced in view of human weakness and for the want of those not subject to it.||

St. Ambrose confesses that the priests married in many places, and endeavor to justify their course on the ground of ancient custom.§

\* Hist. Eccl., Dis. 4 cent.

† Ep. ad Him.

‡ Advers. Vigil.

|| Haeres. 59.

§ Quod eo non praeterii, quia in plerisque abditioribus locis, cum ministerium gererent, vel etiam Sacerdotium, filios susceperunt ; et id tanquam uso vetero defendunt, &c.

Innocent I., in the beginning of the 5th century, suffered married presbyters and deacons who had been ignorant of the decretal of Siricius, to be preserved in their orders. Thus we see to what extent it was forgotten within twenty years of its date.\*

Innumerable are the councils which endeavored to renew a law constantly falling into desuetude. They did not spare ecclesiastical penalties, and sometimes became so extravagant as to decree temporal punishments, some of which were manifestly and inexcusably unjust. Certain councils even decreed against the priest who should marry, the penalties of deposition, perpetual imprisonment, fasting upon bread and water during life, and bloody stripes beside.†

Others prohibited females from marrying priests, condemning such as were suspected of that intention to have their hair cut off in disgrace, to be expatriated, and even to be sold and their price given to the poor.‡

Others excluded the sons of priests from ordination and ecclesiastical benefices; declaring them illegitimate; incapable of holding property; confiscating their goods to the churches where their fathers served; condemning them to servitude, and even excommunicating the judges who should be disposed to set them free.|| To what greater

\* Epist. ad Eux, up.

† Conc. de Toledo, can. 1., A. D. 597. Do. can. 4, 5, 6, A. D. 653. Germanic, can. 43. Worms, can. 9.

‡ Conc. of Toledo, A. D. 653, can. 43. Augsburgh, can. 4. London, 1127, can. 7, &c.

|| Conc. de Toledo, 653, can. 10. Pavia, A. D. 1012, can. 3, 4. Burgo, 1031, can. 8. Pictav., 1078, can. 8. Clermont, 1095 can. 11, &c.



excesses could criminal legislation possibly arrive!

But what was the consequence? The evil continued; the scandal augmented, and all the remedies became inefficacious. From the time that persons who had vowed celibacy as an act of devotion were admitted to ecclesiastical orders, frequent abuses occurred, which councils endeavored in vain to remedy.

The council general of Nice, A. D. 325, was the first to prohibit priests the society of suspected women. The evil arrived at such a pitch that at length sisters, and even mothers, were forbidden to reside with them, on account of the females who would be found in their company.\*

Councils at last became wearied of their useless attempts to restrain the incontinence of priests and of seeing their penalties frustrated, whether decreed against priests themselves, their concubines, or, in fine, their innocent children. They then proceeded to prohibit the faithful from hearing masses said by them, as though they had no means of suspending or dismissing them. Writers give us a sad picture of the licentious life of those priests, while so many and various laws conclusively prove not only the constant transgression of the requirement, but also the insufficiency of all the means applied to check it.†

The last general council discovering no other

\* Concil de Turs., A. D., 566., can. 10 and 11. Maience, A. D. 888, 10. Consult Richard's Analysis of Councils.—St. Johan. Chrys., *contr. hab. cler.*

† Consult Nicolas de Clemangis.—*Do Estado da corrupção, da Igreja, &c.* O Pranto da Igreja por Alvaro Pelagio.—S. Pedro Damiao—*contra os clérigos impudicos, &c.*

remedy for the evil, contented itself in withholding from the beneficed clergy a third part of their benefice on proof of the first offence ; the whole after the second, while the third was only made to incur suspension, not dismissal.

Surely if rigorous and even unjust and barbarous penalties had been unable to put down concubinage, how, possibly, could such means ? In fine, the same practice obtained anciently which is current now. The ecclesiastic was no longer punished unless some enemy chose to resuscitate against him a law which has suffered as many ages of neglect as it has enjoyed of existence.

Prompt and severe chastisements may render the priest more cautious, and public opinion may oppose a barrier to the scandal, but what is the result ? Cases of scandal are less frequent, but continence is not as a consequence more sure. Under the shade of mystery, crimes become greater, although self-preservation ensures their concealment.\*

It should be observed that incontinence is by no means a vice peculiar to ecclesiastics, but doubtless is provoked by unnatural restraint. In the third and fourth centuries, during the rage of anti-matrimonial principles, we behold a most gloomy picture drawn by St. Jerome and Cyprian even of virgins themselves.

\* When we speak of abolishing clerical celibacy, many priests oppose it, perhaps, through a mistaken idea of self-respect, or because they are apprehensive of a failure in the effort ; but let it once be realized and immense numbers would avail themselves of the privilege. This was the case in France, and also in England, when, in 1548, parliament revoked the laws prohibiting the marriage of priests. Out of 16,000, 12,000 married within 6 years, while the reign of Edward V. continued. V. Fleury and Hist. da Rev. Franceza.

In view of it, the latter most worthy father, a light of the church, even went so far as to practice what at the present day would appear reprehensible to the veriest idiot; perhaps he was excusable in view of the spirit of the age to which he yielded.\*

Some trained up in the rigor of monastic life, or imbued with ascetic notions, contemplated the universal prevalence of celibacy! Dazzled by the splendor of the virtues of certain individuals who had vowed celibacy, little did they regard the frequent calamities into which others were plunged in the unequal struggle between the weakness of human nature and the supremacy of an unnatural law. How different was the conduct of Paul, whom they could not condescend to imitate! That inspired apostle, writing to Timothy respecting a case in point, concludes by saying: "I will, therefore, that the younger women marry, bear children, guide the house, give none occasion to the adversary to speak reproachfully. For some are already turned aside after Satan." Prudent in his zeal, he did not insist that widows should remain unmarried, and thus applied to the evil its proper remedy.†

In view of what has been said, let the comparison be made between the advantages arising from obedience to the law and the evils resulting from

\* Epist. ad. Pomp. *Inspiciantur interim Virgines ab obstetricibus diligenter—de habit. Virg.* What is more notable is, that such abuses existed in the second century, as may be seen in Tertul. *de vel. Virg. ad fin.* where, among other things, the following may be read: *Facillime concipiunt et felicissime pariunt hujusmodi Virgines: haec admittit coacta et invita Virginitas. Vide S. Jeron. epist ad Eustoch. cap. 5. v. 11-13.*

† V. Pereira's Note.

its transgression, and it will be easy to decide whether it is best to follow St. Paul or those fathers and councils who have so imprudently insisted upon advising, promoting, and decreeing celibacy.\*

It is now proved, that from the moment clerical celibacy was instituted, the law requiring it has been violated; and it has been violated because legislators exacted more than the Divine Founder of religion required. He was contented with merely advising entire continence, and the apostle very plainly remarked, that in exalting its merits he wished to ensnare no one.†

Pafnucius, the octagenarian bishop who had already lost an eye for the faith of Christ, and whose life was spotless, in the first general council opposed the projected law of celibacy, showing that *such an excess of rigor would do the church great injury, and also that all were not capable of the restraint.*‡

Bergier commends the wisdom of this prelate, and the wisdom of the council in listening to it; since to have determined on celibacy then, would have been to approbate the sect of Eucratists, and other heretics who condemned matrimony.§

Fleury, who is more impartial, and incomparatively more judicious, admires *the wisdom of the council in not establishing a law which would, in the nature of things, be violated.*||

\* St. Clement, Strom. 3, recommends neither to depress matrimony nor imprudently exalt celibacy.

† 1 Ep. ad Corinth, 7, 35.

‡ Socrates a Sozom, Hist. Eccl.

§ Art. Celib. Diction. Theologique.

|| Hist. Eccl. 4 cent.

Alexander Natal maintains that the Council of Thebes, very far from favoring laxity of morals, on the contrary, by applying the remedy to incontinence, promoted the honor and the welfare of the church.\* It is needless to cite more authorities to prove what the experience of the church for fifteen centuries has sufficiently demonstrated. Thus an imprudently established law, accustoming subjects to disobedience and contempt of authority, introduces licentiousness.

But if the law requiring celibacy has this inconvenience in common with other impolitic laws, it has, besides, a direct tendency to demoralization of a still more important bearing, as I will proceed to show.

Before the priest—especially the cure of souls—from the unhappy moment in which he yields to illicit inclinations, two roads are opened leading to the very abyss of ruin, one of which he will inevitably follow—that of apostacy, or that of aggravated wickedness. If he continues to believe in religion, he finds himself arraigned as a criminal by the principles he professes, and convicted of nefarious sacrilege every time he exercises a ministry polluted with such a crime.† Shame or interest in the beginning overcome remorse, and by degrees habit is confirmed; thus, in a short time the transgression of so many and such sacred laws capacitate him for any crime. Hence the adage, “*to him that is lost, every thing is gain.*” ‡

But, if he can not resist remorse, he resorts to

\* Disertas. ao 4, Seculo da Historia.

† Vide Appendix B.

‡ A hum perdido, tudo faz conta.

deism, and organizes a religion to suit his inclinations ; or, perhaps, to the greater injury of himself and society, he lapses into the dark and doubtful system of atheism or materialism, and under the mask of hypocrisy continues to receive the conveniences and emoluments offered him by the sacred ministry of religion. I appeal to experience. Let the testimony of impartial observers be regarded.

The priest who is given to monied speculations or to gambling, who is negligent, fretful, ambitious, proud, or avaricious, finds a thousand pretexts which seem to lessen his guilt and to palliate conscience ; he may be self-deceived, and in the supposition of good faith may still exercise his ministry with profit to the faithful (!). This the incontinent priest can not do. Christian morality teaches him that in this class of transgressions there is no insignificance ; every act is great, is mortal sin. Weakness and passion may cause his will to yield, but they can not seduce his reason, while he does not cast off the religious principles of his profession. Hence incontinence extends and communicates vice to all his actions, which thus become necessarily corrupted. For this reason it will be exceedingly difficult to find an incontinent priest who is not, in other respects, wicked. Here also is the reason why the greater share of impartial historians bestow so much praise on the Greek and Protestant clergy, when they compare their morality with that of Catholic priests in general.\*

\* St. Peter Damian says, that when he went to the bishopric of Turin he found the ecclesiastics of that place very upright and well-instructed—*satis honesti et decenter instructi*—but

§3. IMMORALITY IN THE PRIEST HAS A PECULIAR TENDENCY TOWARD PUBLIC IMMORALITY.

Being certain that a forced celibacy is the origin and principal cause of the immorality of the clergy, it becomes us now to observe, that this conduces in an especial manner toward immorality in society at large.

Religion consists of two parts : speculative and practical. The first relates to faith, the second to duty. Now, inasmuch as public morality is closely allied to religion, and in fact an essential part of it, and inasmuch as the priests are the administrators of it, being charged by the sacredness of their office with the reform of morals, and for this purpose nearly all receiving public salary and emoluments ; why do not those results appear which ought to be expected ? It is because their conduct is in contradiction with their opinions ; their examples are not conformable to their precepts, and their words are destitute of unction and of life ; because their ministry is discharged in a formal and idle manner ; and because their views and purposes do not accord with the objects and institutions of religion.

The parish priest baptizes, preaches, and hears confessions, but how does he discharge those important offices ? A vain outside, often even divested of decency, is what for the most part offers itself to the eyes of the serious observer.

learning that they were married by permission of Conibertus their bishop, the light became extinguished in darkness, and his joy was turned into sorrow. So great is the power of prejudice ; but the truth is evident to any one wishing to see it. Dissert. 2, opus. 18.

And why does this happen? Because his conscience condemns all his actions, and condemns them because they are poisoned by that radical vice, incontinence. Thus the sacred ministry is not only rendered useless, but the priest, going on by degrees to discredit and render suspected the morality he teaches, augments the number of transgressors.

Certain oft-repeated objections are commonly opposed to these arguments: 1. That it is not incontinence which renders a priest vicious. 2. That if the transgression of a law was a sufficient reason for its revocation, then no law, however just, could be preserved. Miserable objections these, because 1. We have already shown that although ecclesiastics are subject to many vices, nevertheless the one in question is their easily besetting sin, and has a necessary tendency to demoralize both priest and people. 2. Because it is an incontestible truth, that when a law, instead of promoting its contemplated object, on the contrary goes to defeat that object, it is for that reason unfounded and unworthy to continue in force.

Now, this truth is applicable to the law of celibacy and others like it, but not to those necessary laws which have for their sole object the protection of the natural rights of men.

Independent of any legislation, robbery, murder, calumny, and treason, will always be wrong; hence the legislator should never cease to impose penalties upon such delinquencies. They are always evil; there is no case in which they can be tolerated. This is not the case with marriage, which is only wrong because the law makes it so,



and since this law, very far from conducting priests to perfection, on the contrary leads the greater part of them to perdition, policy and justice require the legislator to revoke it.

We grant that the priest may be a wicked man ; he may trample upon the most sacred laws because he is a man ; although married, he may be an adulterer or a debauchee ; but in either of these cases let him be corrected with all the severity of law, and if incorrigible, dismissed from his high vocation. But if his difficulty, the origin of his misfortune, is a propensity to incontinence, the only remedy is matrimony. That remedy is proper ; it may not be infallible.\*

But let us suppose that the law requiring celibacy is just, and not calculated to occasion immorality, still it is useless, as we now proceed to show.

#### §4. THE LAW REQUIRING CELIBACY IS USELESS.

No person in the general, being obliged to marry, celibacy on the other hand being in all respects a less expensive state of life, we everywhere find, and at all times, a great number attached to it, of both sexes, and especially among Catholics, many living chastely, independent of law requiring them to do so.

The calculation of advantages of a temporal kind to some, and spiritual to others, is the compass which guides their choice in embracing this state, and although not prohibited from contracting matrimony they remain single until new views of temporal or spiritual happiness incline them to a different choice. All know the difficulty a man

\* 1 Ep. ad Cor. cap. 7, v. 2.

will have in contenting himself in a state which seems contrary to his nature, and hence is forced upon him.

Now if these things are so, what is the advantage of the law of celibacy? Nothing whatever. Those who are continent with the law would be without it, or more correctly speaking, the number of continent persons would be greater in absence of the law. If indeed it be credible that a single individual remains in absolute continence in virtue of the law, who would not without it, it may also be affirmed that he who is thus made to strive with nature and to endeavor to overcome his inclination (because in the supposition, he is inclined to matrimony) loses the best moments of his life in a combat where no victory is to be gained; moments which otherwise would be employed in the discharge of important duties which nature and religion enjoin. For the merit of continence does not consist in the privation of enjoyment, but in an appropriate disposition, which through it is acquired, in view of more important ends. Thus teaches St. Paul.\*

Now, since the legislator ought not to circumscribe or restrain uselessly the liberty of subjects, it is evident that the law ought to be abolished from the very fact that it is useless.

#### §5. ITS ABROGATION IS THE DESIRE OF PRUDENT MEN.

The necessity of revoking a law enjoining a forced celibacy, has been seen by many enlightened minds, and ardently desired by good men,

\* 1 Ep. ad Corinth, c. 7, v. 32.

who could not look with indifference upon the misfortunes of their fellow-beings. It has also been urgently insisted upon by monarchs, who, ignorant of their rights or slaves of the superstition of their times, have had recourse to an authority which then had the power to impose and revoke at will any impediment to matrimony.

In the general Council of Constance, the Emperor Sigismund earnestly besought that clerical celibacy might be abolished.

At the Councils of Pisa and Basil, similar solicitations were made, but were neutralized by political considerations.\*

At the Council of Trent, the almost unanimous desire of Catholic princes was expressed in favor of the same object.

The Duke of Bavaria, on that occasion, demonstrated the necessity of the measure with an admirable energy, explaining the political and moral reasons on which it was founded. Beside other things, he remarked as follows: "That among 50 priests there would scarcely be found one who did not live in a state of notorious concubinage. That not only priests but laymen required the abolition of the law, and also patrons of churches, who had become unwilling to grant benefices except to married men. That it was better to abrogate the law than to open the door to an impure celibacy. That it was an absurdity to refuse married men an entrance into orders, and yet to tolerate those who lived in fornication. That, in fine, if it was determined to bind priests to abso-

\* Lanfani. Hist. de Conc. de Base.

lute continence, they must only ordain old men.”\* Such was more or less the language of other Catholic princes.

Cardinal Zaburela in the Council of Constance, the Bishop of Salsburgh and others in their synods, Cardinal Lorena at Trent, and the Archbishop of Granada, whose discourse is said to be still preserved in the Jesuits library of that city, made great efforts toward revoking the regulation, and the Archbishop of Praga and the Bishop of the five churches determined to oppose the vote taken, but were dissuaded.†

Pius II., before his elevation to the papal chair regarded the prohibition of matrimony to priests as the fruitful source of condemnation to great numbers who otherwise would be saved in the use of lawful marriage.‡

Polidorus Virgilius maintained that there was no institution which had done more to bring disgrace upon the ecclesiastical office, which had

\* Fleury Hist. Eccl.

† Fleury—Hernando de Avila—Curayer—Vargas and others.

Although the Fathers of the Council of Trent well understood that celibacy as a matter of discipline might be dispensed with, as Pius V. said in his interview with Amulius the ambassador of Venice, yet they thought it most prudent not to take that step at a time when heretics renounced vows of celibacy as unworthy of God and opposed to nature, which we do not assert, when such vows are voluntary. Experience, however, has shown how much more prudent it would be to shut the mouths of heretics and libertines by granting priests at once the only remedy to incontinence, and providing for their happiness in a natural and decisive manner! It is probable that a council in the 19th century would act very differently, being removed from the contentions which prevailed at that period, and having before their eyes the *unaltered picture* of the frailty of their priests.

‡ Annal 10., L. 11.

caused greater evils to religion or greater grief to good men.\*

Having now demonstrated the necessity of abolishing celibacy as a requisite to clerical orders, so that a priest may lawfully marry, it still remains to satisfy the fearful consciences of those persons who without reflecting themselves, and sustained only by the prejudice and false doctrine of others, who seize upon their credulity to alarm their fears and prejudice them against the truth, think that the celibacy of priests is an order of heaven and that no human power has a right to revoke it.

I shall therefore prove from the history of the church and the authority of credited authors, that clerical celibacy is neither a divine nor apostolic institution ; that it originated about the commencement of the 4th century ; that it did not become a regulation of discipline in the western church until after the 12th century, and that the eastern church up to the present has permitted her ministers to marry without the Latin church ever daring to censure the practice, while, on the contrary, the latter has even authorised and permitted it to those who in modern times have become incorporated with her.

\* Detrer. invent., L. 5., c. 4. I know that many good men have defended the *celibate*, but after all, they can prove nothing but the excellence of chastity and the antiquity of the law we are discussing, which are granted at once. They, however, are very cautious about saying a word upon the good and evil which have constantly resulted from the law which has always been in disuse as impracticable. This is our task. We are showing the real origin of the institution, and its consequences, but we do not deny that he who has the gift of continence may be more happy than the married man. St. Paul teaches this, experience sustains it, and that is sufficient.

§6. CLERICAL CELIBACY IS NOT A DIVINE INSTITUTION.

If we look at the gospel, not a word is found from which it can be inferred, I do not say clearly, but even with the most forced construction, that Christ enjoined celibacy upon his ministers, or even recommended it to them. The only text on which such a construction is attempted, is this : "If any man come to me and hate not his father and mother, and wife and children, and brethren and sisters, yea, and his own life also, he can not be my disciple."\*

I need not tire the reader with the refutation of any attempt to found the precept of celibacy on this passage. Every Christian knows how much he ought to respect and love both father and mother, and yet God approves that both be forsaken that he may cleave to his wife ; and that Christ by those words designed to teach nothing more than the necessity of being resolved to forsake things even the most dear, when they shall become an obstacle to salvation.

Nor is it the Christian merely who ought to profess these principles. The good citizen ought not to hesitate in abandoning these relatives, or even life itself, when his country demands such a sacrifice. This is very evident. The contrary would be absurd and even impious, and a resort to such texts for such a cause, is the greatest proof of its unreasonableness.

The gospel speaks a thousand times of virgins, but never advises one to perpetuate her celibacy.

\* St. Luc., cap. 14, v. 26.

When Christ remarked that many become eunuchs for the kingdom of heaven's sake, he was evidently replying to his disciples, who thought the condition of that man hard who was separated from his wife, an adulteress, without power to marry again ; and designed to show that there are many circumstances in which man is required to deny himself for the sake of gaining heaven.

But we leave this topic. The church has decided, founding her position on the doctrines of St. Paul ; and the practice of the early Christians also indicates that celibacy is a more perfect state, and hence preferable to matrimony, as giving the individual more liberty to apply himself to the things of the kingdom of God.

But because celibacy is a more perfect state, it does not follow that it is necessary and indispensable to the priest. Poverty is also a state very highly commended in the gospel, but was it enjoined absolutely on clergymen ? Why is this left open to choice or circumstance, and not the former ? One thing is certain, neither one nor the other were insisted on by Christ himself as essential to his ministers.

#### §7. CLERICAL CELIBACY IS NOT AN APOSTOLIC INSTITUTION.

St. Paul, the only one of the apostles who treats *ex professo*, upon the character required in deacons, presbyters, or bishops, says : " A bishop must be blameless, the husband of one wife, vigilant, sober, of good behavior,"\* &c.; and when he recommends Timothy to " lay hands suddenly on no

\* 1 Ep. a Timoth. cap. 3, v. 2.

man, neither be a partaker of other men's sins," he concludes by saying, "keep thyself pure."

From these and other passages, we may learn, since St. Paul recommends that the bishop and deacon be the husband of one wife,\* that the continence and chastity required of them is consistent with matrimony; since it is beyond doubt that improprieties often exist in connexion with that state, and that excesses occur reproved by reason and condemned by revelation.

St. Paul indeed teaches this in his first letter to the Corinthians, and St. Clement of Alexandria describes what continence is among the married.† Pafnucius very plainly says that the conjugal act is chastity.‡ St. Augustine, St. Ambrose, St. John Chrysostom, and others, prove that chastity may be preserved in matrimony, and this is the language of the church herself.∥

Such also were the sentiments of Christian antiquity; for although numberless canons were decreed, prohibiting marriage to priests, founded on other reasons, yet never was any mention made of the precepts of St. Paul, of which, had they

\* It is generally known that among the Jews polygamy was permitted, and concubinage was tolerated among the Romans, and that among both it was permitted to divorce wives and marry others, while the first were yet living. It was doubtless with reference to these facts that St. Paul requires the minister to be the husband of one wife.

† *Eum qui uxorem ducit, pro liberorum procreatione exercere oportet continentiam, ut ne suam quidem, concupiscat uxorem, quam debet diligere, honestate et moderate voluntato operam dans liberis, &c.* Str. 3.

‡ *Congressum viri cum uxore legitima castitatem esse adserens, &c.* Selvagio, Lib. 1, Paf.

∥ *Homil. 26 in Math. Sicut crudelis et iniquus est, qui castam dimittit uxorem, &c.* Liv de bon. conj.



existed, those legislators who were so zealous to enjoin clerical celibacy as an apostolic institution, would have gladly availed themselves.\*

Having now demonstrated that neither Christ nor his apostles established this institution, nor indeed advised Christian ministers invariably to follow such a state of life, I pass to consider its actual origin and progress.†

### §8. HISTORY OF CLERICAL CELIBACY.

Documents are rare respecting this subject, until subsequent to the third century. This, however, ought to be declared, that while no labor has been spared to discover all that existed, the only ones that appear, are in favor of the liberty then enjoyed by ministers, of marrying and living as husbands with their wives.

St. Ignatius, a disciple of the apostles, rebukes and even threatens with condemnation him who by a profession of chastity should think himself greater than a bishop.‡ From this passage it is naturally inferred that such presumption on the part of the bachelor was founded on the idea that on account of professing a state of perfection he thought himself for that reason superior even to a

\* A council held at Rome by Gregory VII., 1074, was the first which ever assumed to explain the words of St. Paul in the sense in which they are now held by our opponents.

† This is according to the explanation of the very authors who defend the celibate. *Perpetua lex continentiae nec a Christo nec ab apostolis sacris ministris imposita fuit.* Natal. Alexan. Prop. 3. Diss. ad 4 cent.

*Nullum autem jure Divino, nec naturali nec positivo eam clericis praeceptam esse satis certum est.* Riger Tom 3, Tit. 3.

‡ *Si gloriatur, perit. Etsi se maiorem Episcopo censet, interiet.* Ad. Poly. No. 5.

bishop, who led an ordinary life ; which is to say, that of a married man.

St. Clement, of Alexandria, that father who was acquainted with the immediate disciples of the apostles ; that celebrated individual who, on account of his erudition both sacred and profane, was selected to preside over the most distinguished religious school then in existence, is decided on this subject.

His authority is much greater on this subject since he treats of it *ex professo*. He had two sorts of adversaries to contend with ; some who detested matrimony and others who held all sorts of debauchery to be lawful. When he contended with the latter, who pretended to find authority in some misinterpreted expression of St. Nicolas, one of the seven deacons in the days of the apostles, he asserted *that Nicolas had nothing to do with any other female than his own wife, to whom he was married*. This proves the use of matrimony among priests, and by whom ? By St. Nicolas himself.

When he combated the enemies of matrimony, who alleged the example of Jesus Christ, who never married, he replied, that the Savior had no need of a helpmate, that it was not his object during his sojourn on earth to train up children, but that the church was his bride.

He attacked his adversaries with the example of St. Peter and St. Philip, who had wives and children. No one will attribute to Clement of Alexandria the unskilfulness and absurdity of attempting to confute heretics with facts relating to those individuals, while yet Pagans or mere

Jews; hence we must suppose him acquainted with the fact that those apostles had children after their call to the apostolic office.\* This is by no means improbable, since, from the gospel itself we learn that the disciples frequently absented themselves from the company of their divine master, and it is natural to suppose that this time was spent in their several families.

He also confounds the heretics with the doctrine of St. Paul, who admits married men even to the episcopacy, in case they properly conduct themselves in conjugal life, and adds still more, that in the procreation of children they will be saved.† Whoever gives credence to this most worthy authority, will necessarily be convinced that up to his time no such prohibition existed, but on the contrary, that Christian ministers enjoyed full liberty to marry or not. This he plainly asserts.

This father, in his other works, the *Pedagogue*, and the *True Gnostic*, proposes maxims of the purest virtue, and those which still remain like a fountain of pure morality; hence he can in no way be suspected of laxity of views.

Tertulian, who went to such an excess as to condemn first marriages, as embracing the elements of fornication, and even presumes to censure St. Paul for permitting second marriages, even then did not make use of the great argument against the marriage of priests. It can hardly be possible that he would have abandoned that strong support to his paradox if such a practice had been in existence.

\* Stromat. 3.

† Ibidem. Servabitur autem per filiorum procreationem. Sed unusquisque nostrum habet, si velit, potestatem ducendi legitimam uxorem in primis, inquam, nuptiis.

When he exhorted the people to chastity, he reminded them that there were many examples of it among the clergy.\* This implies, of course, that marriage was common among them. Origen, who carried continence to the extreme of literally making himself a eunuch, scarcely distinguishing between the sacrifices of the old and new law, gives his opinion, that "if in the former, priests ought to abstain from the use of matrimony when they were about to sacrifice, that in the latter also, he who would, in an acceptable manner, offer sacrifices, should dedicate himself to perpetual chastity." This was merely his opinion—videtur mihi. He moreover confesses that he "knows not how to explain the reason why the church admits the husband of one wife to be a bishop, when, perhaps, he may lead a less continent life than the husband of two." †

Thus much we learn of the times in which he lived. From the institution of Christianity celibacy was held in high repute, and great numbers devoted themselves to it. Athenagorus, St. Justin, Minucius, Felix, and others, state this distinctly. Ministers chosen from among the heads of families, as St. Paul recommended; men of age, as the name presbyter signifies, gave the edifying example of every species of virtue. When, however, a man who had vowed chastity for the sake of spiritual profit, entered the ministry and then married, such a step would be looked upon with a natural surprise, very similar to what occurs among us when a young lady leaves a *recolhimento* ‡

\* Lib. de Exort. Cast. cap. 5 et 13.

† Rom. 23 in Num. Certum est, quæ impeditur &c.

‡ A species of nunnery, where females are educated,

in order to marry, or when a devout monk secularizes himself; but since they merely descend from a certain degree of perfection to the ordinary state of life, they commit no crime although the step they take is calculated to produce astonishment, and perhaps abhorrence, in society. This, we may conjecture, began to take place toward the end of the third century.

The first fact which history records relative to the law of celibacy, relates to Pinitus, bishop of Gnosa, who in A. D. 171 contemplated enforcing it; but St. Dyonisius, bishop of Corinth, that wise and zealous prelate, who watched over neighboring dioceses as well as his own, wrote to him, exhorting him not to *impose a heavy burden on his brethren, but to have regard to the common weakness of men.*\*

The year 300 is the first in which a council forbade the use of matrimony to married priests.† In 315, the Council of Neocesarea, in the first canon, determined the deposition of the minister who should marry; and in canon eight, orders him to be suspended who should have intercourse with his own wife, as though she were an adulteress.

In 319, by the Council of Ancyra, it was still granted to deacons to marry after their ordination, if in the act of ordination they protested that they so desired.

In A. D. 325 the first general council was held at Nice. Some one was present to whom it occurred to bring into force the law of celibacy, with the privilege of leaving when they or their friends desire; and where the veil is not taken, although some remain for life.—[TRANS.

\* Euseb. Hist. Eccl. lib. 4, cap. 23.

† Conc. de Elvira, c. 33. Placuit in totum, &c.

but the advice of Pafnucius was followed. That holy prelate, among other things, remarked—that the council ought to be content with the ancient custom of those priests remaining single who were ordained in that state.\* That council consequently left things as it found them; that is, they suffered each individual to be governed by his own choice. Writers of this century, notwithstanding they appear to be considerably influenced by the spirit of celibacy, yet confess that there was either no law enjoining it, or that, at least, it was not general in the church.

St. Athanasius, in his letter to Draconcius, observed, *that there were many bishops single, and many monks who had children*; whence it is inferred that in either state persons would consult their inclinations. This proves liberty, not law.

St. Basil, at the end of the same century, observes respecting professed continence, that it was not then common, except among monks, who appeared to have tacitly embraced it.

Eusebius says that the gospel does not prohibit matrimony, and that what St. Paul desired was, that a bishop should only have married once, after the example of Noé, &c. He adds that it is proper, nevertheless, for those who are elevated to the priesthood to abstain from familiarity with their wives. This is merely his opinion—*decet*—he refers to no law.†

Socrates, contemporary to many of the fathers present at the Council of Nice, relates that in his time there was no general law requiring celibacy,

\* Choasi. Hist. Eccl. 4 cent.

† Demonstr. lib. 1, cap. 9.

although it was common through choice. He mentions several places where the bishops still had children.\*

St. Jerome himself, who went to the extreme of monastic austerity, both in sentiment and practice, who sometimes needs to be defended from the imputation of having condemned matrimony, even he, when contending with Vigilantius, who denied the merit of continence, only made mention of the example or custom of the churches of Antioch, Egypt, and Rome, which selected for their ministers either single men, or those married men who abandoned conjugal life. This proves that other churches had a different discipline.†

The council of Carthage, A. D. 348, very far from establishing the precept of celibacy, merely commands those ministers who do not wish to marry, but who prefer the perfection of continence, to avoid residing in company with females not of their kindred, as the General Council of Nice had already determined.‡

St. Ambrose simply says, “that when married men were admitted to the sacred ministry, it was hoped they would withdraw themselves from their wives;” and referring to single men, he confesses that they *were not obliged to be ordained such.*§ St. Cyril had previously remarked, that *those who desired to fulfil worthily, that is, in the most perfect manner, their ministry, lived in celibacy.*|| To this we cheerfully assent, on condition, however, that the celibacy be chaste and real.

\* Lib. 5, cap. 22. Hist. Eccl.

† Jerom. adv. Vig. ‡ Canon 3.

§ Non quò exsortem excludat conjugis, non hoc supra legem præcepti est, sed ut conjugali castimonia ferret ablutionis suae gratiam. || Catechis. 12.

It appears that in some places men carried continence to such an excess as to abandon even their own wives, interpreting the scriptures literally, or rather materially, as was done afterward, which circumstance gave rise to the sixth apostolic canon, by which *deposition and excommunication are denounced against him who should abandon his wife under the pretext of religion*, and to the fifty-first canon, which\* *commands that priest to be deposed who shall abstain from matrimony, not through a spirit of mortification, but on the ground that it is wicked.\**

Granting to critics that the apostolic canons, as well as the apostolic constitutions, are a compendium of the discipline most common in the fourth and fifth centuries; yet it is important to observe the manner in which the twenty-seventh canon and the 17th chapter of the sixth book are expressed. From those parts, it is manifest that the prohibition of matrimony to priests was a new law, and not the repetition of an old one.†

Variety of discipline on this point could scarcely be greater. In one part priests were married; in

\* A thousand contortions have been applied to these canons, in order to wrest from them their force; but a comparison of them with the apostolic constitutions and the Council of Trullo, will show that we have given their true meaning. Can. 6. *Episcopus aut Presbyter uxorem propriam nequaquam sub obtente religionis abjiciat, &c.* Vide etiam can. 51.

† Can. 27. *Innuptis autem, qui ad Clerum proveci sunt præcipimus, ut, si voluerint uxores accipiant, sed Lectores Cantoresque tantummodo.*

Const. ap. Lib. 6, cap. 17. *In Episc. a Diac. constitui præcipimus viros unius matrimonii, sive vivant eorum uxores sive obierint: non licere autem illis post ordinationem, si uxores non habent, matrimonium contrahere; aut si uxores habeant, cum aliis copulari sed contentos esse ea, quam habentes, ad ordinationem venerunt.*



another, only deacons ; and in a third, only readers and singers. In some places, married men were prohibited the conjugal life ; and in others, those who abandoned their wives were punished. Yet the number of nuns and monks, on the whole, increasing, and the greater proportion of bishops being selected from among the latter, or at least from among those who professed an ascetic life, it was natural that the people should, by degrees, begin to look with indifference upon married priests, as though they led a life of inferior sanctity to that of those who professed the perfection of continence.\* This disposition being fostered, until it grew into a species of contempt for those who did not exhibit that show of perfection, many were at length found who were unwilling to witness the celebration of mass by married priests. Some even affirmed that the wives of priests could not be saved.†

The professors of continence insulted their brethren who were married, so that the Council of Gangres, in 380, had occasion to anathematize them, and declare that although it did not disapprove of continence, it condemned the arrogance of those who, under pretext of it, exalted themselves above others who adopted a simple and common mode of life.‡

\* Such is the power of prejudice, that even among us a large proportion of the common people would have less aversion to hear mass and receive the sacraments from a priest living in notorious concubinage, than from one who was married, but led an acknowledgedly virtuous life. So greatly does the pretence of perfection impose upon the ignorant. We ought, however, to desire truth and not imposture.

† Conc. de Gang. can. 4. Can. 1, seg. Grat. Dist. 30, can. 12 S. Greg. Nan. Orat. 40, S. Joh. Chrysos. Ep. ad Tit.

‡ Canon 21.

It was the Latin church that insisted most upon the celibacy of the clergy, but we have already had occasion to observe to what extent the law was despised and even forgotten, in its very origin, and at the places where it was decreed. In 390 the Council of Carthage established it again, as though it were new.\*

The Council of Toledo, assembled from all Spain in 400, did not then presume to chastise those clergymen who were married previous to the preceding council, but contented itself with determining that they should not be promoted to the higher orders. The same determination is met with in the Council of Turin, composed of the bishops of Gaul and Italy.

In 402, a council at Rome obliged (can. 3) priests and deacons to remain in celibacy, giving no other reason than that they were required to offer sacrifice and to baptize; not basing the regulation upon anterior laws, but upon the example of priests in the Levitical law.

In the Council of Telipta, 418, canon 4, celibacy was ordained for bishops, priests, and deacons, as though for the first time, and without any penalty for disobedience.

That of Orange, 441, canon 22, revoked the regulation of the Council of Ancyra, which obliged deacons to vow chastity at their ordination, and in canon 4, determined that those hitherto ordained might be promoted to the superior orders, notwithstanding their conjugal life.

The Council of Tyre in 461, canon 1, exhorted priests to a life of continence, that they might

\* Can. 2.

better apply themselves to prayer, &c., but moderated the rigor of previous canons.

That of Agda, 506, in the first and second canons, orders merely to suspend, without deposition, those priests who were married for the second time, or married to widows. That of Gerona, 517, canons 6 and 7, orders that the bishop, priest, deacon, and sub-deacon, who may be married, to live apart from their wives, or that they have in their company a clerical friend, as witness of their continence. This is manifestly contradictory to the sixth apostolic canon.

Justinian, early in the sixth century, in his law *de Epis. et Cler.* prohibits the marriage of priests; but St. Gregory the Great, in 580, but little afterwards, when Pelagius obliged sub-deacons to separate from their wives, observed that it was hard to subject them to a law which they had not promised to keep, and that in future they should only be obliged to promise chastity when they were ordained.

St. Augustine, the apostle of England, was either so ignorant of this law, or else found it so impracticable, that he consulted St. Gregory to know if priests, incapable of maintaining absolute continence, could marry and yet continue in the sacred ministry.\*

Such was the confusion and variety of discipline on this subject up to the seventh century. Each diocese had its own practice, and each determined as seemed it best. But we must not lose sight of the vexations and abuses practised in order to put in execution a law which originated

\* V. the reply of Greg. to Augustine.

more from the private notions of those who decreed it, than from any utility that could result from it.\* That such was its origin we have already shown, and it is abundantly manifest from the insufficiency of those means employed to enforce it.

The sixth general council was at length held. In it no disciplinary canons were enacted. Meantime, uniformity of discipline was loudly called for on several points, and especially relating to the celibacy of priests, touching which there prevailed such contradictory practices. Eleven years subsequent, at the solicitation of most of the bishops who were present at that general council, Justinian convoked another as supplementary to it. More than two hundred bishops were consequently assembled in the emperor's palace, with the especial purpose of reforming and harmonizing the discipline of different sections of the church. We then, for the first time, see a general council establishing the law of celibacy. But in what manner was it done? This we proceed to show.†

The council says:‡ “Since in the *apostolic canons*, marriage is not permitted except to readers and singers, we henceforth prohibit it to sub-deacons, deacons, and presbyters, under penalty of deposition. Whoever, therefore, wishes “to marry, must do so before entering either of these orders.”

“We know that in the church at Rome married priests are required to abandon their wives; but we, following the perfection of the apostolic can-

\* Fleury on the 7th cent.

† Consult Fleury also on this council. His testimony is the more authoritative, since he defended the celibate.

‡ Const. 3, Imp. Leon.

ons, desire that such marriages remain in force, and that such persons be not deprived of the society of their wives when they may with propriety enjoy it. Hence, if any married man be judged worthy of the holy ministry, he shall not be excluded from it on account of being married, nor in his ordination shall he be made to promise to abandon his wife, lest dishonor be brought on matrimony, which God has instituted and blessed with his presence."

"Every one therefore who in contempt of the apostolic canons shall presume to deprive either priest, deacon, or sub-deacon of the lawful society of his wife, shall be deposed. Those, however, who think they ought to elevate themselves above the regulation of the apostles, which forbids a man to forsake his wife under religious pretensions, and to do more than is divinely required of them, if they can part with their wives, by mutual consent, we command them to do so, and to show us their sincerity."

This council has been generally accredited. Pope Sergius, however, refused to acknowledge it; but that is not to be wondered at, for Rome always pretending to be not only the mother and mistress but also the queen of churches, never tolerated any censure upon her acts. Nevertheless, the council in Trullo was recognised by the eastern church, under the title *Quinisist*, as supplementary both to the 5th and 6th, and its authority remains still in force.

(a). *Reflections upon the course of Pafnucius ; and upon the validity and legitimacy of the Quinisist Council.*

The advocates of a forced celibacy regard these two circumstances as the shoal on which all their arguments make shipwreck, and hence they endeavor in every way to pervert, disfigure, and question them. But notwithstanding all the quibbling that can be exhausted upon facts so notorious and incontestable they are recognised as authentic.

The course taken by Pafnucius, has been detailed by Socrates, who had conversed with many of the fathers present at the Council of Nice ; by Sozomeneus, a writer almost contemporary ; by Gelazius, who in the 5th century wrote a history of the acts of this council ; by Suidas and others. Dupin remarks, that "those who doubt this fact must do so through fear of the censure it brings upon the discipline of the church at the present day, rather than on the ground of any reasoning that can be alleged against it." Indeed Fleury does not contest it, nor does even Bergier dare to deny it.

The council at Trullo was convoked by the Emperor Justinian at the solicitation of many of the bishops present at the 6th general council ; a formality which preceded anterior councils. It was numerously attended, consisting of more than 200 bishops, among whom were the four great patriarchs in person, and the pope by his legates. There was perfect liberty in voting. In it was no attempt to define doctrines, but simply to regulate general discipline on those points in which

uniformity had been wanting, or departures from the spirit of the church had taken place.

Now for such an object 200 bishops from the principal churches, were more than sufficient to collate the different usages of their several dioceses in order to choose that discipline most generally received, and best adapted to the necessities of the church.

They all subscribed to the canons of this council, including the legates of the pope; although the latter afterward pretended they did it in the surprise of the moment; in fine the emperor accepted and confirmed them. Let the reader now judge which exhibits the most candor, wisdom, and prudence; the eastern church in adopting and following the discipline fixed upon by this council without a dissenting vote; or that of Rome in refusing to become subject to it because Pope Sergius stood aloof from it as in some of its canons interfering with the practice of his church. Who now can tolerate that blind devotion to popes which has led some to detract from the authority of a council respected by antiquity, and even incorporated by the 7th council general, with the 6th as a supplementary part of that? The truth is, that the Romans are not yet willing to submit themselves to this declaration of the 7th general council; but of what consequence is the recognition of the church at Rome, to the catholicity of a council?

St. Antonine, Caetano, Sanderus, Clemangis, and others, call in question the Council of Pisa, because, forsooth, Rome became unwilling to recognise it as legitimate; nevertheless, Rome at

first regarded it as general, and so do many churches at the present day.

The Council of Constance was regarded as general by the popes Martin V., Eugene IV., and Pius II.; but after Rome found some of its pretensions rather inconvenient, she ceased to recognise it as such; nevertheless, the greater share of Catholic churches still give it rank among the general councils. The Council of Bazil is general with some, private with others, and part of its sessions are rejected by a third class. In fact, there are five opinions respecting its orthodoxy.

The 5th Lateran council is only regarded as general by the ultramontanists, and that of Florence is not yet admitted to that category by France.

In view of these facts, from which it appears that the mere church of France or of Rome can with impunity recognise or omit to recognise a council as general, that was held even on doctrinal subjects, who can dispute the right of the eastern church, then the most considerable portion of the whole Catholic body, to sustain the authority of the Council of Trullo on matters purely disciplinary? Rome herself was so well satisfied of these truths that she has remained content with preserving her discipline, and never censuring that of the eastern church, founded on this council. Other councils general were afterward held, in which both churches united, but none of them assumed to revoke the discipline established by the Council of Trullo.



(b). *Continuation of the history of clerical celibacy, subsequent to the seventh century.*

The eastern church confirmed its discipline respecting the marriage of priests. There, the married priest who was ordained, lived as a married man until death; but if one who had vowed chastity and had been ordained single, then married, he lost his office as a punishment for his violation of faith. Continence was required as a perfection in bishops, but as these were few in number and generally taken at an advanced age from monasteries, where the practice of this virtue had been rendered constant and easy, no inconvenience resulted from the regulation.

Notwithstanding what was decreed at the council above referred to, the custom by degrees obtained of priests taking a sort of noviciate of two years, during which they might still marry, without being dismissed from their office. The Emperor Leo abolished this practice as an abuse.\*

At length the eastern church ceased altogether to strive against nature, and to oppose ineffective barriers to the propensity for matrimony. Her clergy acquired the public confidence, founded on the consideration of their virtues. Thus a single judicious law, adapted equally to the nature of man and to ecclesiastical dignity, put an end to evils which the Latin church, in councils, bulls, and decrees, without number, has attempted, and to this day endeavors in vain to avoid.

In fact, notwithstanding the rivalry between the two churches, which would naturally produce the

\* Fleury, Hist. eccl. 11 cent.

greatest exactness in the observance of the discipline of each, we find that in the 9th century the national Council of Worms established anew the law of celibacy, under penalty of suspension for its infraction, just as though the ancient law had been forgotten.

In the 10th century, the Council of Augsburgh again prohibited the marriage of bishops, presbyters, deacons, and sub-deacons, as it observed according to the decree of the Council of Carthage. Into such disuse had the ancient laws fallen that this council only thought of referring to that of Carthage, and not to the decisions of popes, or even of anterior councils.

Yvo de Chartres, in the 11th century, when consulted by Galon, Bishop of Paris, respecting the marriage of one of his canons, replied, that if a similar thing should occur in his diocese, he should let the marriage stand, and content himself with causing the canon to descend to a lower office. This circumstance proves the disuse into which the ancient laws on this subject had fallen. It was so great that even bishops seemed to be unacquainted with their existence, and the most scrupulous among them were governed, in cases like these, merely by their own option.

In the Council of Pavia, at which Benedict VIII. presided, the penalty of deposition was instituted against priests who kept concubines; and horrible is the picture which that pope drew of the licentious lives which they led.

This doubtless resulted in a great degree from the prohibition of matrimony, which would natu-

rally be enforced in places under the immediate inspection of the popes.

It appears that in this century, in far the larger portion of the Latin church, the law requiring celibacy was in perfect disuse.

This is what St. Peter Damian affirms to the pope on the testimony of the bishops. It is what he himself observed, in the bishopric of Turin, where the clergy had married by consent of Conibertus, their bishop, and as he confessed, were the most honorable and learned he had met with.\*

The same is gathered from the letter which Alexander II. addressed to the king and bishops of Dalmatia, wherein the pope declared if in future a bishop, priest, or deacon, should marry or should retain a wife which he had, he should be degraded from his office, and should neither assist in the choir, nor receive the emoluments of the church.† It is again seen in the decree of Nicolas II., addressed to the bishops of France, and ordering that, in consequence of a resolution expressed in the canons of the Council of Rome, at which he had presided, every priest who, subsequently to the decree of Leo IX. (8 years previous), had publicly married, and did not abandon his wife, should be deprived of his ecclesiastical functions, and no longer take part in the sacred offices of a presbyter.‡

It was on this occasion that St. Uldaric, or, as others prefer to call him, Gontier, chancellor of the Emperor Henry IV., and Bishop of Bamberg,

\* Mabillon Lib. 62. Annal. ou Ep. 25.

† Hugo Flavi. Tom. 1., nov. Bibliot.

‡ Escritores da meia idade, Tom. 2.

wrote to Nicolas, affirming that the marriage of priests was neither forbidden by the Old nor New Testaments; and concluded by urging the pope to withdraw his decree, lest it should expose the clergy to great crimes, by depriving them of the wives whom they had lawfully married.\*

Gregory VII., more active, or less prudent, undertook to restore this discipline, which during seven centuries had not been put in general practice. He employed every species of means, and by his order, or in imitation of him, several councils renewed the prohibition. But what was the result? The clergy of Cambay wrote a letter to their brethren of Rheims, imploring aid against the Romanists, and against Gerard their bishop, who insisted upon their putting away their wives in obedience to the pope's legate, who was attempting to enforce a decree so long ineffective.† The clergy of Nyon wrote a similar letter to that of Cambay, expressing the same sentiments.‡

The Gallic clergy withstood the decree of Gregory VII., and did not hesitate to pronounce him a heretic for ordering separation from their wives, against the express prohibition of scripture. Sigibert, of Glenbour, also remonstrated against the decree.||

The Archbishop of Mayence and the Bishop of Pass, declared that, although they ordered the decree to be enforced, it was simply in awe of that pope, so inflexible in his opinions. In fact,

\* Mabillon Lib. 64. Annal n. 133—Ibid in Append.

† Musaeum Italicum. Tom. 1.

‡ Cellier Hist. des Auteurs Eccl.—Richard's Analysis of Councils.

|| Lambert Stet.

the pope, dissatisfied with such an execution of his commands, summoned the archbishop to appear in Rome, accompanied by his suffragans.\*

Aton, Bishop of Constance, perceiving the evils that would result from the execution of that imprudent decree, not only omitted putting it in force, but suffered his clergy still to marry; but the pope summoned him to Rome, ordered his clergy and people not to obey him, and at length excommunicated him.

At the Council of Worms, in presence of Henry IV., Gregory VII. was deposed by all the bishops present, on account of the disorders occasioned by his imprudent decrees. In the same year, the pope deposed Henry IV., and absolved his vassals from their oath of allegiance, at the same time deposing and excommunicating a great number of bishops.†

These were the results of imprudent and unjust measures. Public tranquillity was disturbed, and in many places the clergy themselves rebelled; and the superstition of the age favoring the designs of the pope, whole countries were involved in terrible commotions. The rigor of his indiscreet zeal by no means moderated, and he at length triumphed, at the expense of religion, and the discredit of the church.‡

In the same century, however, the council of Winchester resolved that married priests might continue to live with their wives, and that only in future no one should be ordained without promising

\* Vit. Greg. Act. Mabillon.

† V. Hist. Eccl. de Fleury, de Choas and de Qmeiner.

‡ V. Vol. 5, Sup. to Richard's Annals of the Councils.

continence. In Estrigonia, in 1114, Archbishop Lorenzo, in the 31st canon of the council held in that city, permitted priests, married before their ordination, to remain in conjugal life, although principles of chastity were enjoined upon them.\*

Such was the state of things relating to the celibacy of the clergy, when the general Lateran Council of 1139 decreed that all marriages of priests should be null, subjecting those who had been guilty of matrimony to penance, and renewing the prohibition of hearing mass from them or such as kept concubines. Thenceforward priests could no longer marry, and concubinage universally took the place of matrimony.

In 1237, a council in London, at which a Legate of the Pope presided, in its fifteenth canon, ordained that the clergyman who should marry clandestinely should be deprived of his benefice, and his children incapable of holding property, or of receiving ordination. This proves that secret marriages came in vogue when they could no longer be celebrated openly.

In 1279 the Council of Pont-au-de-mar, canon 20, again spoke of married priests, in a manner which proves that in the archbishopric of Rouen clerical marriages were still tolerated. It is true that Richard supposes this toleration merely to have

\* In reading the records of councils, we find that the reasons on which their decisions were based, are not in all cases the best. E. g. the 4th general Lateran Council decided that an order was not valid unless given in good faith, alleging, as a foundation of said decision, this maxim—*Omne quod non est ex fide, peccatum est*. Nothing could be more ill applied. Another council general, in prohibiting matrimony with the four degrees of kindred, founded itself on the four fluids that composed the four elements, &c. !!

extended to sub-deacons ; but such a supposition is purely gratuitous, having no real foundation.

It is worthy of especial remark, that notwithstanding the reiteration, during successive ages, of the prohibition forbidding priests to marry, and the penalties declared against concubinage, yet things became no better, nor were ecclesiastics punished according to the laws. Such a phenomenon has never occurred, except when laws have been manifestly unjust, or ill-adapted to their object. The innate sentiment of justice opposes the execution of contradictory laws, and their executors become indifferent to their enforcement. Thus nature herself supplies the oversight and deficiencies of imprudent lawgivers.

Finally, the last general council in the sixteenth century mitigated a little the penalties of concubinage, but, as we have already observed, confirmed the law making clerical orders an absolute impediment to matrimony, and anathematized those who should say that priests might marry in spite of the ecclesiastical law prohibiting them ; asserting as a reason, that continence is not impossible, and that God will grant it to all who ask for it in a proper manner \*

\* What but the most stupid ignorance, joined to the grossest superstition, could have reconciled sovereigns to tolerate certain acts of the councils, e. g. the persecution of Jews and heretics, with the enslavement of the former ; a prohibition to enjoy public offices, and a subjection to be robbed of their children, &c.

The fourth Lateran Council went so far as to threaten that the Pope would expose the lands of those princes who should not expel heretics from their dominions. It is equally curious to see the councils of Toledo and Saragossa, in the latter part of the seventh century, prohibiting the widows of kings to marry, under pain of excommunication, and obliging them to take the habit of nuns in some monastery for life, &c., &c.

This council, however, was not accredited on points of discipline in many places; and to this day, France and Hungary have not consented to its publication; while many of its articles have been reformed, altered, and nullified, sometimes by popes, sometimes by governments, and finally, by contrary custom and disuse.

That was certainly attained which some of the popes desired; that is, priests were prohibited marrying. Sovereigns, ignorant of their rights, frightened by the superstition of their people, and subject to the dominion of popes, tolerated, or rather yielded to, the sentiments of their times.\* And if France, free from the ordeal of fire which was made to devour the victims destined to placate the wrath of the Omnipotent, when they dared to question the maxims published by the See of Rome, had not, by a peculiar providence, preserved some remnants of liberty, much more tardy had been the progress and spread of the true principles of ecclesiastical law.†

One truth ought not to be overlooked; it is that clerical orders have prevailed as an absolute impediment to matrimony, only while temporal power has sustained the measure by the sword; which circumstance councils have designed to secure by the thunder of their anathemas. Whenever sov-

\* It ought to be observed, that the liberties of the Roman Catholic church in France owe their existence more to the protestations of government than to the efforts of ecclesiastics. The latter have several times solicited the publication of the Council of Trent, in which the rights of bishops are very little consulted; but the design is apparent, of inculcating the universal dominion of popes, their supremacy to general councils, &c., &c.

† V. 1st Council of Vienna, 4th Lateran, that of Florence, &c.



ereigns have left this matter at the option of ecclesiastics, they have promptly changed their concubinage into lawful matrimony. This has been observed among Protestant sects in England, and more recently in France.

#### §9. COMPENDIOUS VIEW OF THE INSTITUTION OF CLERICAL CELIBACY.

It has now been proved that this institution is neither divine nor apostolic in its origin ; that up to the close of the third century Christian ministers were at liberty to marry, and live a conjugal life with those wives whom they had espoused prior to their ordination, although, through custom, their marriages were rare, and many withdrew from conjugal life by mutual consent ; that from the beginning of the fourth century, when the especial law enjoining celibacy originated, its non-observance was so uniform, that in many places it fell into perfect disuse, and even total forgetfulness ; that notwithstanding the renewals of that law in subsequent ages, with bitter and most unjust penalties, yet it never was generally enforced ; that in the eleventh century, the law in question had fallen into such complete forgetfulness, that priests married with impunity in the greater share of dioceses, even with the permission of their respective bishops ; and that after the general Lateran Council in the twelfth century, constituted clerical orders an absolute impediment to matrimony, still, in some dioceses, the clergy preserved their right to marry.

It has been proved that in the east, from the beginning, priests have enjoyed the privileges of marriage contracted before their ordination ; and

that even those who were single, sometimes, though rarely, married; that about the end of the 7th century, discipline having been hitherto divergent on this particular, the Quinisist Council confirmed it for ever, declaring not only that matrimony was no obstacle to ordination, but that it was criminal to oblige a priest to abandon his wife; and that although a single priest who married subsequent to his ordination was deposed, yet his marriage was accounted valid.

Have these practices of the eastern church ever been condemned by the western? This question gives rise to the following observation:—

§10. THE WESTERN CHURCH NEVER OPPOSED THE DISCIPLINE OF THE EASTERN, IN RESPECT TO THE CELIBACY OF PRIESTS.

The council held in Trullo censured the church of Rome for excluding her married priests from conjugal life, contrary to the express declarations of scripture, and what was still worse, obliging them to separation. There has not appeared a council of the Latin church which has attempted to defend itself from this imputation. The Latin and Greek churches preserved their unity several centuries subsequent to this event, and celebrated together several general councils, which kept silence on this matter, while each church continued in its own disciplinary practices.

The two churches at length separated, and when a re-union was stipulated, the Greek church, among other things, required of the Latin the abolition of celibacy.\* When, in 1215, in the gen-

\* Can. 14 ordains punishment in all the rigor of the canons, against priests living in concubinage, and adds: Qui autem

eral Lateran Council, under Innocent III., in presence of the Patriarchs of Constantinople and Jerusalem, and of the Emperor of the East, certain canons were instituted relative to the Greeks, the Latins, far from censuring their practice in retaining married priests, on the contrary, formally recognised the legitimacy of the usage.\*

Innocent III., being consulted to know if the son of a Greek priest could be promoted to the episcopacy, replied, *that as the Greek church did not admit the vow of continence, without the least doubt the ordination might proceed.*† In fine, Benedict XIV., knowing that he had no right to alter the discipline respecting celibacy toward those Greeks who had become reunited with the Latin church, granted them the preservation of their usages on this point in the bull 57, de dogm. et rit. ab Itolugre. tenend.‡

#### §11. GENERAL COMPENDIUM OF THE ARGUMENT.

We have now demonstrated the legitimate authority of the General Legislative Assembly of Brazil, to establish, revoke, and abrogate impediments to matrimony, as being essentially a civil contract, and entirely and exclusively subject to temporal power.

We have demonstrated the necessity of abolish-

secundem regionis suae morem non abdicarunt copulam conjugalem, si lapsi fuerint, gravius puniatur, cum legitimé matrimonio possunt uti.

\* Mandamus, si aliud canonicum non obsistat, ad confirmationem, et consecrationem sine dubitatione procedas. In C. cum olim de clericis conj.

† V. cap. 6 de cler. conj.

‡ Burchard's selection of canons, and Richard's reflections on same. Art. Empecti. del. Ord.

ing the impediment of clerical orders, as being unjust, and the cause of immorality both to clergy and people, and at the very least as useless.

We have further demonstrated, that clerical celibacy was neither enjoined by Christ and his apostles upon ministers of religion, nor was it exclusively recommended to them ; that notwithstanding the discipline of the eastern and western churches was different, in this respect, from the close of the 3d or beginning of the 4th century, yet that circumstance was never a cause of disunion or of anathema ; that the Greek church, however, has always censured the Latin for excluding married priests from matrimonial life, while the latter has never taken exception to the customs of the Greek church on this point, but, on the contrary, has solemnly recognised them as legitimate, and permitted their practice to Greek clergymen who have become united with it.

#### §12. LAWFULNESS OF CENSURE UPON DISCIPLINE.

We must first premise that the church merely defines and declares what is doctrine, and that her decrees do not change, except respecting discipline ; that doctrine is in its nature invariable, being founded upon the constant revelation of scripture, or upon universal and uninterrupted tradition ; that discipline, on the other hand, is in its nature variable, because, in the first place, it is founded on human calculations, which may err ; because, in the second place, wisdom and prudence, of which legislators are not always possessed in abundance, demand that it should be so ; and finally, because it needs to be adapted to the circumstances of time,

place, and persons, which are perpetually changing. That clerical celibacy is a matter of discipline, has been manifest in what we have said, showing it to be merely an ecclesiastical institution, although this feature would not be changed in case it could be proved apostolical. Let those who are scrupulous, however, consult Burchard, bishop of Worms, Richard,\* Pius IV.,† Selvagius,‡ Natal Alexander,§ and even Bergier,|| and others who can not be suspected.

I will repeat the words of \*Richard for this reason, that he is a most pertinacious defender of celibacy. Here they are: "Discipline is essentially variable, because it does not consist in things necessary to salvation, or determined or revealed in the Gospel, but in practices either indifferent in themselves or not essentially necessary, and whose utility depends upon times, persons, and nations. Hence the same practices may be useful at one time, in respect to a certain people, and useless, or even prejudicial, at another time, in respect to another people. For this reason, the decisions of the church are not always the same upon the same points of discipline; and hence the difference between the Latin and Greek churches, respecting the administration of sacraments, celibacy of priests, &c., &c. In order that a point in discipline should be invariable, and a matter of faith, it were necessary that it should have been revealed, and believed as such by universal tradition."—*Treatise on Councils, chap. 17, Rule 4.*

\* See preceding note.

† V. Fleury continuation of Hist.

‡ Selv. Inst. can. e Antig. Ecclz.

§ Dissert. ad 4th cent. Hist. Ecclz.

|| Art. Celib. Diction. Theolog.

It is not only lawful, but it is evidently a duty of man, as a member of society and as a good Christian, to censure every species of legislation which is found in contradiction with nature, and with the objects for which it was instituted. Respect and moderation, however, ought to direct in the analysis of either injustice, imprudence, or inutility, in the law which it is contemplated to abolish. But censure freely exercised by the subjects, is the peaceful and lawful means by which the lawgiver may learn the imperfections of a law, and become sufficiently enlightened to modify or revoke, according to the exigence of circumstances.

To what but censure do we owe the extinction of so many abuses in ecclesiastical discipline, so many excesses of jurisdiction, and so many superstitions stealthily introduced into the worship of God? If public censure had not been prohibited — if the tribunal of fire had not closed up the mouth alike of the wise and the suffering — if popes had not assumed the right of imposing silence by means of their terrible anathemas, not only against him who spake, but who even thought, in contradiction to their principles — if a shameful espionage had not been made the duty of every Roman Catholic, who was obliged to denounce even his own father, his own son, or the wife of his bosom, to be immolated in the sacred fire which superstition kindled in the very heart of empires, and which ought not to have been endured by those who had the power to extinguish it — but for these obstacles, the law of celibacy would not have been perpetuated in the church as a source of continual evil to society, individuals, and the church herself.\*

\* Note C, Appendix.

Meantime we owe to the efforts of nature contending against the prejudices of education, the exercise of that just censure which has put an end to the celebrated ordeals denominated judgments of God; to the eucharist administered to the dead; to the persecution of the Jews; to the disastrous crusades; to the abuse of indulgences; to the universal dominion of popes; to the veneration of false decretals; to the existence of the holy office of the Inquisition, &c. &c.

But censure must still continue, in order that the discipline of the church be further modified, altered, and perfected; so much the more in the present day, since popes, fearing the omnipotence of general councils, for three hundred years have omitted to convoke any more, contrary to the express determination of said councils, to which they are subordinate, and to which they owe a filial obedience, as well as the rest of us Catholics.

The church is not infallible, save when she defines doctrines in theology and morals. As to discipline, she may fail in prudence, and even tolerate things very difficult to be justified. This was asserted by the great Cano; and the judicious Fleury, in analyzing some usages in modern discipline, remarks: "To all these things I see no reply, unless it be compatible with good faith to grant that in these matters, like all others, practice does not always accord with right reason. But it does not hence follow that we abandon our principles, which we see plainly founded on scripture and the most wholesome traditions of anti-

quity.”\* The great theologian, James, of Paiva, so much eulogized by the historians of the Council of Trent, declared before that body, that councils may err in matters of discipline, and not only so, but they frequently decree things not the most suitable.† Such is also the opinion of our own Pereira,‡ and many others versed in the decrees of councils ;|| while St. Augustine himself remarked the same thing in the 4th century.§ Let no one, therefore, deny us the use of a right which to him who knows how to appreciate it, becomes also a most important duty.

§13. THE DISCIPLINE OF THE CHURCH OF ROME RESPECTING CLERICAL CELIBACY IS NOT PRUDENT.

It remains to examine whether the church does right in insisting upon the celibacy of priests, as a necessary condition of their being preserved in their office, since this is her only proper prerogative ; it having been shown that the power of

\* Discours. 10., Hist. Eccl.

† Liv. 1, Def. Trid. Fid.

‡ Analise da Profisao da Fé. &c.

|| In fact, if we should yield a blind obedience to councils, what would become of us, having before our eyes the anathema of the council general of Constance, against those who said that the decretals were false, and all the clergy who studied them ?

In what state would civilization be found if we should implicitly follow the decrees of councils, from the 7th century to the Council of Trent ? Let those tell us, who have read them, and who know the evils they have caused. The dark ages in which they were held are a palliation to their errors, and it is still to be wondered how Divine Providence could preserve doctrine unharmed, in the midst of such ignorance.

§ Quis nescit ipsa pleniora, saepe á posterioribus emendari, id est, Conciliis. Liv. 2, C. 3 de bapt. cont. Don.



rendering null their marriages, belongs exclusively to temporal authority.

To desire that ministers of religion be perfect, that is, that they may possess not only ordinary virtues, but even such as may render them angelic, is an excellent desire. It corresponds to the advice given by the Savior to all Christians, and especially to their ministers and spiritual guides. But to determine by law that priests must be perfect, is an impracticable assumption, founded on the mistaken notion that perfection is a natural state, and hence may be common to an entire class. It is to elevate an exception above a general rule; it is an imprudence calculated to make the yoke of obedience heavy, salvation difficult, and human life in many cases insupportable. It is a severity which Jesus Christ, the author and founder of our religion, did not exact, which the apostles did not institute, and to which the church herself did not assent, until the 4th century.

The discipline of celibacy would be tolerable, if instead of being established by law it were left to custom, and to the choice of the individual, as was wisely done till the close of the third century. Few evils would then result from it, and the church would neither be destitute of upright ministers, nor would the weak be exposed to such frequent occasions of stumbling. If it were permitted to receive ministers from the class of men who are married, the following results might be expected. 1. The number of persons eligible to the office would be infinitely increased, and there would consequently be opportunity for a better choice. 2. The church would be enabled to be

severe in her examination of persons voluntarily making vows of chastity, to know whether they actually are examples of the perfection they profess. 3. She would not be obliged to avail herself of the ministerial services of young men, at 20 years of age, but might wait till they were mature ; that is, till at least 30 years ; the period at which Christ commenced his divine mission, and which, having been required by the ancient canons, is doubtless necessary for the proper discharge of functions so august as to demand that respect which age united to virtue inspires. This could not be secured at the present time, since those men are very rare who would remain single till 30 years old, in order to enter the ministry, and hence a great want of service would be experienced. Thus one evil brings on another. 4. The church would not then be under the necessity of closing her eyes upon the concubinage of priests (as the pious Gerson long since thought proper), but might proceed against them with all the rigor of canonical law ; might sift the wheat from the chaff, preserve unspotted the honor and dignity of the church, and promote the welfare and salvation of an unworthy minister, by separating him from an office for which he is not suitable, without however depriving him of the only means of remedying his misfortune.

Some friends, however, of the usages of our church, perhaps prejudiced in favor of their antiquity, would prefer that we should return to the discipline decreed, although very rarely practised, between the 4th and 12th centuries ; that is, that we should not admit to the ecclesiastical office

married men who remained as such, but would merely depose those priests who should marry, without annulling their marriages. In fact, nothing but a blind presumption, or a fanatical regard for customs, of whose origin they are ignorant, could discover to any, motives of preference in favor of a discipline whose results we have already depicted. I confess, however, that this choice would be that of a less evil, since at least some priests would prefer matrimony to the honors and conveniences conferred by the priesthood. Nevertheless, the greater part would do as historians inform us the priests did when Gregory VII., displaying the whole rigor of his zeal, obliged them to abandon either their churches or their wives. Almost all, at first, feigned divorce, and soon secretly, but afterward openly, presented the heart-sickening spectacle of infidelity and of scandal.\*

Let us now forget, for a moment, all that has been said, in order to suppose it necessary, or at least of prime utility, that the priest be single, in order to preserve himself (as St. Paul expresses it), free from the cares of the world, not being anxious to please his wife, &c. But by being free from a wife may he not also have father, mother, sisters, and, *perhaps*, children, to care for? In the present discipline under which priests are or-

\* Sineius, early in the 5th century, refusing to accept a bishopric, said it was because he did not wish to visit his wife in a secret manner, giving the semblance of adultery to what was lawful. This seems to indicate that the greater share of married priests practised on the principles to which he objected, as the reiterated prohibitions of councils aimed at the same thing.

dained with the title of a patrimony, are they not nearly all employed in earning the means of subsistence? Are they not artists, teachers, or cultivators, maintaining a great number of domestics under their supervision?

The judicious Fleury asks: "What is the care of a family in comparison with that of a State? What is the attention due to a wife and five or six children, and domestics in proportion, compared to that necessary in the government of a hundred thousand subjects?" Now, beside the case of many bishops who govern large countries, we have the case of our most holy father the pope, offering us the example of a monarch bishop, ruling millions of men. But do none of these things usurp those cares which ought to be exclusively employed in the holy ministry? Do they not divide the heart of the priest, and disqualify it for prayer? Is matrimony a sacrament full of grace, and called for by the nature of man? Is this the *ONLY* condition in life which incapacitates man for the priesthood? All know that it is not. And it is not, if for no other reason, because among the apostles there was only one, John, a single man, and he was not the individual who received the honor of the primacy, but Peter, who was beyond question a married man. Again, it is not, because the universal church, until the 4th century, admitted to the priesthood married men, who retained their wives, and the eastern church to this day does the same; while the western church has approved of its conduct in this respect, although she yet refuses to imitate it.

Let us proceed to another hypothesis, as though

all the foregoing reasons were either specious or futile. Is there any one who will pretend that continence is practised by the greater portion of the clergy? Let us grant the very least, that one hundredth part of the priests are incontinent. Does not this proportion deserve the compassion of the church? Did not Christ, in his parable of the good shepherd, show that in order to save a single lost sheep he would often leave the ninety-nine which were out of danger?

Let the church, then, leave the ninety-nine priests who, we will suppose, can remain continent or not, at their option, and if but a single one is lost through the law of celibacy, let her revoke that law.

The Hebrews were absolved from the natural law, and permitted to have more than one wife, but Christ declares that polygamy was suffered among them by Moses, on account of the hardness of their hearts.

*Fifteen hundred years of EXPERIENCE prove the impracticability of a pure celibacy in the GREATER PART of the clergy.* Let the church, then, grant them matrimony, which at the very least, is not opposed to the laws of nature.

St. Clement of Alexandria, and other fathers, who regarded successive marriages as criminal, nevertheless concede that St. Paul permitted them, in view of human weakness. Let the church, then, permit the marriage of priests, which is no crime, in view of their notorious weakness! For this permission there is no need of indulgence; prudence and justice sufficiently demand it. Let the church be governed by the advice of Paul,

when he spake by permission and not by commandment ; and in imitation of him, at least grant marriage to priests lest Satan tempt them to incontinence.

Was it not St. Augustine who taught that *the severity of a law ought to be moderated, in order that charity may apply a remedy to greater evils ?\**

Did not Pope St. Simasius proclaim this maxim : †—It would be cruel to insist on the observance of a law, when that law has become prejudicial to the church ; because laws are made with the design of preventing, not producing evil ?

Did not St. Bernard say, “ *nothing is more just than a change, alteration, or omission of those things which have been established through principles of charity, when charity itself thus demands ?*” ‡

And has not this been the course of the church respecting many important laws, some of which were dictated by the apostles themselves ?

Even in our own generation, have not Catholics been absolved from the sanctification of a multitude of holydays, which, during ages past, they were obliged to keep holy by abstinence from flesh, and a cessation of labor on said days ? §

\* Ep. 151, apud. Grat.

† Ep. ad avit.

‡ Lib. de Proc. e Discip.

§ An infinite number of the laws of the church have been revoked, or suffered to fall into complete disuse. Without mentioning many other examples in point, I will refer to frugality at bishops' tables, which, from the two dishes limited by several councils, is changed into sumptuous banquets. Silks, gold, and precious stones, so often prohibited, have become their common dress and ornaments. In fine, the simplicity in their houses and furniture which so many councils concerned themselves to perpetuate by appropriate canons, has been changed into a degree of luxury, ill-becoming the

I will now, at the close of my observations, submit the case of St. Paul, which, to every lover of truth and justice, is more than sufficient to prove all that I have said respecting chastity. It is detailed for our profit in the scriptures.

It having become necessary that there should be some women in the church, set apart for the catechism, instruction and assistance of other women; but this service being incompatible with the subjection due to a husband, and the residence necessary to a married woman in her own house, with her family, St. Paul determined that for deaconesses should be chosen widows of one hus-

spirit of that religion of which they are the principal ministers. Splendid palaces, a numerous train of servants, sumptuous carriages, &c., &c., are the example which the head of the church and his cardinals give us of obedience to the canonical laws enjoining Christian simplicity! But it is rejoined that times have changed, and, in this respect, discipline must change with them. Very well. Then the discipline requiring celibacy is alone necessary to be eternally preserved? He who fasts may receive more than one species of food; the penitent may be delivered from the rigor of penitential canons; the uncle may marry his niece, for in all these cases regard must be had to human weakness; we may omit to sanctify the days of St. Philip. St. Lawrence, &c., in order to devote them to labor, since experience has shown that such days are generally spent in amusements, gaming, indolence, and crime; and in no one of these cases are the faithful ordered *to beseech Heaven to succor their weakness, and to exert themselves, since God does not command impossibilities, but imparts his grace to those who worthily seek it.* The priest, however, alas for him! can not marry, although the experience of fifteen centuries has proved the yoke of celibacy to be hard, and the law requiring it to be the cause of concubinage, scandal, disgrace, and misfortune, to persons unnumbered. All other laws may be abolished; their frequent transgression may be a sufficient pretext for the legislator to revoke them, in order to avoid greater evils; but upon the law of celibacy, notwithstanding its public and constant violation, legislators must forever close their eyes! The Lord have mercy upon his church! Vide Appendix, note D.

band, honest, sober, &c., who should be sustained at the expense of the churches which they served.

What followed? In a short time the apostle discovered a necessity of remedying the evil. He says, 1. Tim. 5: 9-16: "Let not a widow be taken into the number under threescore years old, having been the wife of one man, well reported of for good works," &c. "But the younger widows refuse," &c. "I will, therefore, that the younger women marry, bear children, guide the house, give none occasion to the adversary to speak reproachfully; for some are already turned aside after Satan."\* If, then, the church of Rome is unwilling to revive the earliest and happiest ages of Christianity, by the ordination of married men possessed of the qualifications required by the apostles, let her at least imitate the wisdom, prudence, and charity of that inspired man, and admit to the ecclesiastical office no more bachelors, until they shall have at least arrived at the discreet age of threescore years!

\* What different prudence we have in these days! Girls and boys, at the age of sixteen years, are admitted to a profession of vows, in which they oblige themselves not only to celibacy for life, but to blind obedience, rigorous poverty, and an eternal imprisonment! Which is the better discipline, that instituted by St. Paul or by our modern canons? Let the results of each testify.



## CONCLUSION.

HAVING now demonstrated the right of the civil authority to establish, modify, and revoke impediments to matrimony and the necessity of abolishing the impediment of clerical orders, it would be wrong to doubt for a moment that the General Assembly of Brazil, either through mistaken calculations of prudence, or regard to the prejudices of certain individuals, who enjoy little or no consideration in society, will hesitate in the discharge of an important duty, and leave an honorable and numerous class of citizens to suffer still longer the deprivation of a right as sacred as it is essential to the human race, a privation also which entails unnumbered evils upon society itself.\* It remains, however, to show that, in an additional and indirect manner, it belongs to the General Assembly to restrain the discipline of clerical celibacy.

It is a doctrine current at the present day among canonists themselves, that *whenever an ecclesiastical law becomes injurious to society, it ceases to be religious, and for this very reason the temporal authority is bound to embarrass its execution.*†

\* Appendix, note E.

† Eybel. Intr. in Jus. Eccl. Cap. 6. There have occurred an infinite number of examples of the exercise of this right, by Catholic sovereigns; who have sometimes vetoed bulls, sometimes prohibited their execution, and sometimes, in fine, determined things contrary to ecclesiastical law. It will be sufficient merely to compare the decrees of the Council of Trent, which is accepted among us, with laws subsequently enacted in opposition to it.

Now it is certain, from the uninterrupted experience of fifteen centuries, that the law enjoining celibacy has produced immorality in a class of citizens charged with instructing the public in morality and religion. For this cause their office, beside being useless, becomes prejudicial, whenever the people find their conduct giving the lie to their doctrines and precepts, immorality in society being thus encouraged. Hence it follows, that it is a duty of the General Assembly to remove from these persons thus publicly employed, every circumstance which renders them useless or injurious to society.

Let us suppose now that the legislature should revoke the impediment of clerical orders, but that the church, although recognising the validity of the marriage of priests, should still continue to depose and even excommunicate them, it is evident that such a shock between the concessions of temporal power and the punishments inflicted by spiritual power would cause dissatisfaction, party strife, and the disturbance of public quiet.

Therefore the General Assembly, in addition to revoking the impediment of clerical orders, not only could, but of right should, suspend the *benepiacito* to those papal laws which respect celibacy, that they may henceforth have no more force in the Empire of Brazil.\*

\* In view of all these considerations, no other resource is left to the defenders of celibacy,\* but that of perverting and falsely interpreting the authors quoted, and in want of proof, to seize the weapons of fanaticism and superstition, and brand as heretics, infidels, and libertines, those who shall declare in favor of my opinions. But I request the reader not to rely either on my quotations nor those of my adversaries

\* Appendix, Note F.

I have now redeemed my promise, I have satisfied my conscience, and have discharged a duty imposed upon me by the nation, in hope of promoting public happiness. I have fulfilled one of the most important obligations of the Christian minister, by exposing the inconveniences of a law which does so much to prejudice the interests of religion itself.

Let others now say what they please. They may show that I have erred, but they can not, without calumny, impeach my good intentions.

I will conclude this *demonstration* by a profession of the doctrine of the Council of Gangres. "We admire virginity united to humility; we approve of continence practised with piety and gravity; we respect the matrimonial union as honorable; and, in a word, we desire the church to practise what is taught in the sacred scriptures and apostolic traditions."

but to examine with his own eyes the references made and the contexts of the authors. Then let him decide upon the sincerity and good faith of those with whom this question is contested.



## APPENDIX.

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NOTE A, p. 48.

Dispensations, apostolic graces, &c.

The *Despertador*, a daily paper of Rio de Janeiro, on the 14th of March, 1840, published the following article of correspondence, which is translated to show into whose hands the power of granting dispensations was held at so late a period of the 19th century, and how graciously it was used :—

“*Mr. Editor* :—Nurtured in the bosom of the Catholic church, in which, by the grace of God, I hope to live and die, I have been hitherto unwilling to credit the general clamor which, for a long time, has been in universal circulation against the scandalous simony practised by the pontifical legate, resident at this court, in the concession of apostolic graces and dispensations.

“Being employed, however, to solicit the dispensation of a matrimonial impediment, in favor of a Brazilian artist of low circumstances, I suffered the consequences of my incredulity, having the greatest difficulty to secure the brief of dispensation for less than one hundred and fifty milreis ! (about \$100).

“I became astonished and amazed, on reflecting what riches must accrue to the Abbot Fabrini (then *Chargé d’Affaires*, now *Internuncio*, of his holiness at the imperial court of Brazil), from the humiliation or the ignorance with which our present bishops renounce for his benefit the power confided to them by Jesus Christ, and which their predecessors have always used in its plenitude.

“I ought not to pass over in silence the cautiousness used by the chancellor, or whoever acts as secretary to the legation, in refusing to pass a receipt for the *sum* received, as is always practised in the ecclesiastical chambers, to furnish the agent with a voucher. Was it because such monies did not belong to the perquisites of any one, but were to be deposited in the coffers of charity for the aid of indigent Brazilians? In this case the poor have a prospect of dying with hunger; meanwhile, this most illustrious delegate from Rome is growing rich and leading a sumptuous life.

“AN ECCLESIASTIC.”

Dispensations for the use of flesh during Lent, and on fast days, are still granted by the bishops, and by the wholesale; it being generally understood that the Brazilians will not be bound by the rules of the Roman church in this particular. An instance occurred in 1839, in which a six years’ dispensation having terminated, the legislature of the province embraced by the diocese condescended to go through the formality of requesting his reverence the bishop to grant another similar one, which he accordingly did.

## NOTE B, p. 57.

“He is convicted of nefarious sacrilege every time he exercises a ministry polluted with such a crime.”

What more humiliating picture of the depravity of man could possibly be drawn? The reader may be assured it is no fancy sketch. He will perceive that this essay was not designed to furnish statistics respecting clerical immorality, but that, nevertheless, this subject is continually appealed to, as one well understood and of portentous signification. The author deemed it necessary to establish general principles; particular cases of their exemplification were familiar to the minds of all. When we regard the heinousness of this species of guilt in but a single case, it is sufficient to fill the mind with disgust and horror. What language, then, can portray the “abomination” of that moral “desolation” which must naturally result when the character here described is not uncommon?

It is not necessary for me to add anything to the assertions of the author, but I ought, perhaps, to illustrate the deep meaning of some of his expressions, which might otherwise be taken by some as vague and declamatory. Let it then be recollected that this sober production was especially addressed to a body of legislators, including bishops and priests, beside the author, who, of course, would be able, as well as interested, to repel any false statements or conclusions respecting the class to which they belonged, and we may better estimate the force of many of the sweeping charges here made.

E. g. p. 64. *Is there any one who will pretend that continence is practised by the greater portion of the clergy?*

Again, p. 63, among the advantages anticipated from admitting married men to orders are these :

“2. *The church would be enabled to be severe in her examination of persons voluntarily making vows of chastity, to know whether they actually are examples of the perfection they profess.*”

“4. *The church would not then be obliged to close her eyes upon the concubinage of priests,*” &c.

There was a notorious case, in which the vicar of a parish had the hardihood to apply to a legislative body for an especial act to legitimize some eight or ten of his children, so that they might inherit his property! I understood said act was granted. One of the most melancholy views of this subject is that which exhibits the effect of such conduct on the public mind. When practised by spiritual guides, men supposed to be in especial favor with Heaven, the most revolting sins, if not hallowed, become at least stripped of their enormity, and rendered worthy of extenuation in the eyes of the people.

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NOTE C, p. 98.

“If the tribunal of fire had not closed up the mouths alike of the wise and the suffering—if popes had not assumed the right of imposing silence by means of their terrible anathemas—if a shameful espionage had not been made the duty of every Roman Catholic, who was obliged to denounce,” &c.—“the law of celibacy would not have been perpetuated in the church, as a source of continual evil to society, individuals, and the church herself.”

What Roman Catholic among us dare say as much? Perhaps in no country where Roman



Catholicism is the religion of the state, does there prevail more liberality of sentiment on many points connected with the doctrines and polity of that church, than in Brazil; while it certainly exceeds that found among Catholics in several countries where that church is not predominant. The present translation is proof in point; and also a proposition subsequently introduced by the author, Feijó, to the National Legislature to provide for the civilization and christianization of the Indian tribes of the interior of Brazil, by means of Moravian missionaries. It may also be inferred, from the statement made by a very intelligent citizen of the country, viz: that "among the community at large there prevails no manner of prejudice against reading the scriptures in the vulgar tongue." The writer is acquainted with many facts which corroborate this statement, so much in contrast with what is true of the great body of Catholics in the United States, and the countries from which they chiefly emigrated.

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## NOTE D, p. 107.

"We may omit to sanctify the days of St. Philip, St. Lawrence," &c.

Thirty-six days of the year, in addition to the Sabbaths, were formerly observed in Brazil as close holydays, by cessation from labor, public business, &c. For the reasons hinted at in the author's note, thirteen of them have now been abolished or dispensed, and thus become like other secular days, save that the precept requiring the faithful to hear mass in the morning is considered

binding by the church, although very little attended to by the people. These days are familiarly denominated half-holydays—*dias santos de meia cara*, &c. The remark of the author respecting amusements, gaming, and indolence, is probably still quite too true, both of the close holydays and Sundays.

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NOTE F, p. 110.

The defenders of clerical celibacy.

We find reference, both in the preface and at the close of this work, to the opposition which the author knew full well its sentiments would call forth. The only individuals known to have attempted written answers to them, were the Archbishop of Bahia, and a Portuguese priest by the name of Luiz Gonsalves dos Santos.

The latter published a work four or five times larger than the *Demonstration*, entitled, “*Defence of Clerical Celibacy againt the separate report of Padre Feijó.*” It was met by a pamphlet of nineteen pages, under the title of a “Reply to the nonsense, absurdities, impieties, and self-contradictions of the Padre L. G. dos Santos, in his pretended defence of clerical celibacy.” A few paragraphs from this reply deserve to be preserved in this connexion. It is addressed in the form of a letter to his opponent, and commences thus:—

“*Reverend Sir*:—Before replying to the nonsense and absurdities with which your work abounds, in attempting to defend clerical celibacy against all the principles of propriety, justice, and

morality, I wish to comply with your request to present the title by which I am 'constituted advocate in behalf of the clergy of Brazil, and authorized to make a separate Report, embracing a project which no priest has requested me to advance.'

"Ask the Chamber of Deputies for the proper certificates, and you will ascertain what number of constituents sent me as a member of the General Assembly of Brazil. Then giving yourself the trouble to read the political constitution of the empire you will learn my rights and obligations to propose whatever I judge necessary to the happiness of its citizens. Among those citizens are all our numerous ecclesiastics, unless indeed we except the ultramontanists and papists who obey the Bishop of Rome as their lord and master, and think him authorized to give laws to sovereigns on subjects within their exclusive jurisdiction."

"Good reason have the clergy to demand who made *you* their advocate, and authorized you to undertake the defence of celibacy. Are you ignorant that the Committee of the House of Deputies on Ecclesiastical Affairs, has four members beside myself, viz., two priests, one bishop, and one bachelor in canons? These gentlemen, if they differ from my opinions, may at a proper time present theirs.

"Does your pride or your pharisaical zeal carry you to such an extent as to desire to take the lead of them and instruct them? Or if you could not be content to wait for their report, would it not have been better to transfer the task you have undertaken to some abler pen; to some less intoler-

ant spirit, who although without reason, might yet with dignity, manage arguments already stale, so as not to insult others, nor bring discredit upon religion itself, in the way you do.

“It is a painful task to reply to nonsense and absurdities which are palpable to all who read and reflect on them : but since you have had the address to bring into use the weapons belonging to ignorance, fanaticism, and a perverse heart, showering in every page of your work the epithets, *libertines*, *debauchees*, *impious*, &c., upon those who are so happy as to see, hear, and know a little more than yourself, it becomes necessary for me to dismask you, in order that the unwary people may not be persuaded that your criminal animosity to attack my opinion, results either from your sincere convictions or from the justice of the cause you assume to defend.”

It does not appear that the facts alleged by our author were at all questioned. The proposition of his opponent was as follows: “Clerical celibacy is of apostolic institution, as the church always has taught, as the councils have defined it, and as the popes have declared it, against innovators, Greek schismatics, heretics, *libertines*,” &c. The discussion would, of course, lead into the endless mazes of fathers, traditions, and canons, and it is unnecessary to follow our author in his refutation of the arguments brought to sustain his propositions. It is sufficient to say, that after tracking out all his sophistical windings in the labyrinth of Roman authorities, he proceeds :—

“Tell me then, sir, who is the wicked man and libertine, he who opposes the doctrines of the

apostles, the opinions of the holy fathers, and the practices of the church, or he who sustains them, and insists upon their restoration? Who has most zeal for religion and charity for his brethren, he that desires to see the ministers of religion irreprehensible and free from a law which occasions immorality among them, brings them into discredit and disesteem, and finally conducts them to perdition; or he who is stupidly satisfied with the formality of celibacy, insensible to the disgrace of his brethren, to the scandal heaped upon religion, to the uselessness of her ministers, and who, overflowing with fanatical zeal, vociferates to this effect?—

*‘ Our priests were ordained with the condition of their remaining continent; whether they are or not, whether they can be or not, no matter; let them suffer, let them strive in vain with their weakness; since they have been imprudent and deceived themselves respecting the possibility of fulfilling their promise, they must at any rate die bachelors, be the consequences what they may!’*

\* \* \* \* \*

“ You say, moreover, that the Greek and protestant clergy live in profound misery on account of being married. Here is another perversion of truth. When an effect may be traced to several causes, it is necessary to discover the one which is real. But it ought to be known that the Greek protestant clergy are not poorer than the Roman, whom we have often seen begging. We can even affirm that we know some (among the latter) who might live in a very respectable style if they had lawful wives to keep them from the prodigalities

into which weakness and passion plunge them. What you ought to confess, even to our shame, is the morality of the protestant clergy. In fact, since they offer us the interesting example of so many moral virtues, when destitute of the grace of Christ, being out of the true church, and, perhaps, merely because matrimony is open to them, what prodigies of holiness ought we not to present if we had equal liberty and were assisted by the grace of God !”

“ Forgetful that your book constitutes a perfect *libel*, and that by the expressions with which you have so charitably honored your brethren you have declared yourself hostile to religion itself, since that commands you to love even your enemies, and not call them *debauchees, epicures, wolves of Satan, waymarks to hell, atheists, &c., &c.*; strange to tell, you all at once become inflamed with charity for a poor weak cardinal, whose name I concealed for decency’s sake. In order to defend him, you do not hesitate to pronounce me a calumniator. Why ? Merely because I did not give my authority for the fact. Well, then, to satisfy your curiosity, I will give you the names of four authors for your consultation—Hovedin, Huntingdon, Paris, Wertin.

“ If you are afraid to read these, and continue obstinately to affirm that such conduct is impossible or impracticable to so high a character, you may choose as his substitute either one among six or seven of their holinesses who have proved by their public example the necessity of abolishing the law requiring celibacy in the clergy. If you do not know the names of these popes I will

tell you what they are, and refer to authors that you may without scruple consult."

"Must my report, then, like Pandora's box, be pent up for the sake of the country? No, sir; my exposition of this subject was designed to enlighten the public mind, and to promote the solid virtues of community by means of a measure which the people themselves desire, in view of the scandals to which they are witness; at the same time it was designed to confound the ignorance and fanaticism of those who meddle with subjects which they confessedly do not understand. *Your* book is the torch of discord, which has no other object than that of creating fanaticism, and disseminating in society the spirit of persecution. But you are deceived; the world is already tired of seeing human blood spilled for the sake of enslaving consciences.

"You may rage, become furious, and despair, but you will die confounded, and never see the fires of the holy office kindled, nor the thunders of the Vatican fulminated against one who respects the primacy of St. Peter, and the doctrines and morality of the Catholic religion. But I have said enough. The intelligent will form a correct judgment of the merits of the question, and the unlearned but sincere people will discover, from the insults and calumnies of your book, who it is that is like to bring down the maledictions of heaven upon Brazil. Whether it is myself, by endeavoring to lessen crime, to restore to humanity its rights, and to the clergy the esteem and consideration which they ought to possess; or whether it is you, notwithstanding your boasted zeal for re-

ligion, by cursing your neighbor, tolerating concubinage, and resting satisfied with the hypocrisy of some, the imposture of others, and the scandal of many !”

The above extracts exhibit something of the character as well as the logic of our author's principal opponent. It will not be irrelevant to add that this same priest, Luiz Gonsalves dos Santos, has perhaps equally distinguished himself in several recent publications against protestantism, aimed especially at the protestant missionaries resident at Rio de Janeiro. The principal work was dedicated to Fabrini, the pope's ambassador, of whom mention is made in Note A. It presents nearly 200 pages octavo, principally occupied in attempting to refute the well-known tract, “*The Protestant Religion No Novelty*,” consisting barely of 4 pages, 12mo. !

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NOTE E, p. 109.

“It would be wrong to doubt that the General Assembly of Brazil will not hesitate in the discharge of an important duty,” &c.

Notwithstanding the convincing arguments of our author, and his sanguine anticipations that the General Assembly would give heed to them, yet he was doomed to experience disappointment in the defeat of his measure. His subsequent election to the highest office within the gift of the nation, proves that it could have been through no want or loss of personal influence.

It is not necessary, however, to assign reasons why this was the result of so bold and high-



handed an attempt at reform, especially when we reflect what an alarm would be excited by it, throughout the entire dominions of the pope, and what numberless influences the See of Rome could bring to bear upon a Catholic nation, just emerging into civil liberty, and still embarrassed with pending war.

Clerical celibacy, with its wretched consequences, as portrayed in this work, is still retained in Brazil, and it is not known that another attempt to abolish it will soon, if ever be made. Those who have exerted themselves unsuccessfully in behalf of reform seem to have become disheartened. The ex-regent himself is believed to experience this sentiment to no small degree. He once remarked to the writer, respecting his brethren of the priesthood, that "*they neither wish to introduce improvements themselves, nor will they suffer others to do so.*"

It may not be uninteresting to the reader to have an authentic statement of the especial reason why the Roman church so pertinaciously adheres to the policy of requiring a formal celibacy in her clergy, in defiance of the claims of justice, humanity, and religion.

The following is translated from a standard theological work, entitled, "COMPENDIUM OF MORAL THEOLOGY, *for the use of the Seminary of Olinda*, by the Padre *Manoel do Monte Rodrigues d' Araujo*, Professor of Moral Theology in said Institution." 2 vols. Pernambuco, 1837. It is a scholium upon §1172, sec. VI., on Orders: "The marriage of priests would be accompanied with very serious hazard of the peace and secu-

riety of families. A Catholic priest would have many means of seducing, if he could hope to arrive at the end of seduction through a lawful marriage. Under the pretext of directing the conscience, he might corrupt and gain the heart, turning to his private advantage the influence which his ministry gives him solely for the benefit of religion. *Were we to abolish the celibacy of priests, as a necessary consequence SACRAMENTAL CONFESSION would be abolished also.* This was the result in the reformed church, and for this object the same measure was proposed in France, about the time of the revolution." V. Gregoire Histoire du Mariage des Prêtres. Chap. 8.

It is idle to argue this question. I will only remark what is well known in Brazil, viz., that this class of men, although prohibited lawful marriage, have so "many means of seduction," that a large proportion of the more respectable families peremptorily guard their daughters from any approach to the confessional.

The following paragraph from the text of the same *standard work*, is subjoined as a specimen of the *facts* on the ground of which clerical celibacy is advocated:—

"4th Objection.—The example of the reformed (protestant) clergy, who are married. *Ans.*—This is a miserable objection, and those who make it must either do so through ignorance or bad faith. 1st. Ignorantly, because there intervenes an immense distance between the Roman Catholic priesthood and the protestant ministry. The protestants have no sacrifice, no altar, and no priesthood, except that which is lay, ignoble, and

merely external, and consequently no reasons for continence, not even those which prevailed with the Levites at the time of their ministrations. Not so with Catholics, who offer and partake of the Immaculate Lamb, who have part in mysteries that would be tremendous even to angels.

“Protestant pastors have their functions limited to preaching, presiding at public worship on the Sabbath, and celebrating the Supper a few times per year, nothing more ; while Roman Catholic pastors, beside preaching and presiding at public prayers longer and more frequently, have to go through with mass, and the service of the breviary, every day ; to attend on confessions, to administer the sacraments, and perform other functions enumerated in §1157. How, then, can they discharge, in addition to all these duties, those of a family ? 2d. Insincerely ; because it is known that the people have little or no respect for the reformed clergy ; their misery is frightful. *Their* daughters are those who populate places of prostitution, and they themselves are not exempt from the license of theatrical performances, and when one of them is introduced upon the stage it is to personate the fool or the drunkard !”

A part of the above falsehoods are repeated in a pamphlet written by the Archbishop of Bahia, in an impotent effort to refute the arguments of Feijó.

I intended to comment upon that production of the Primate of Brazil, against our author ; but having perused and reperused it, I find that the paragraph containing the miserable slanders just detailed, in order that they might refute themselves,

is the only one marked as worthy of especial notice.

It is needless to multiply remarks upon a work having such a perfect unity of design, and so much point in its language, as that which I have now translated. I will therefore take leave of the reader by expressing to him the opinion, that whatever effect the perusal of this book may have upon the minds of protestants, it is capable of exerting a powerful influence upon any Roman Catholic community in which it may be read.

I therefore look forward with interest to the day when it shall be freely circulated in several important countries of Europe.

THE END.

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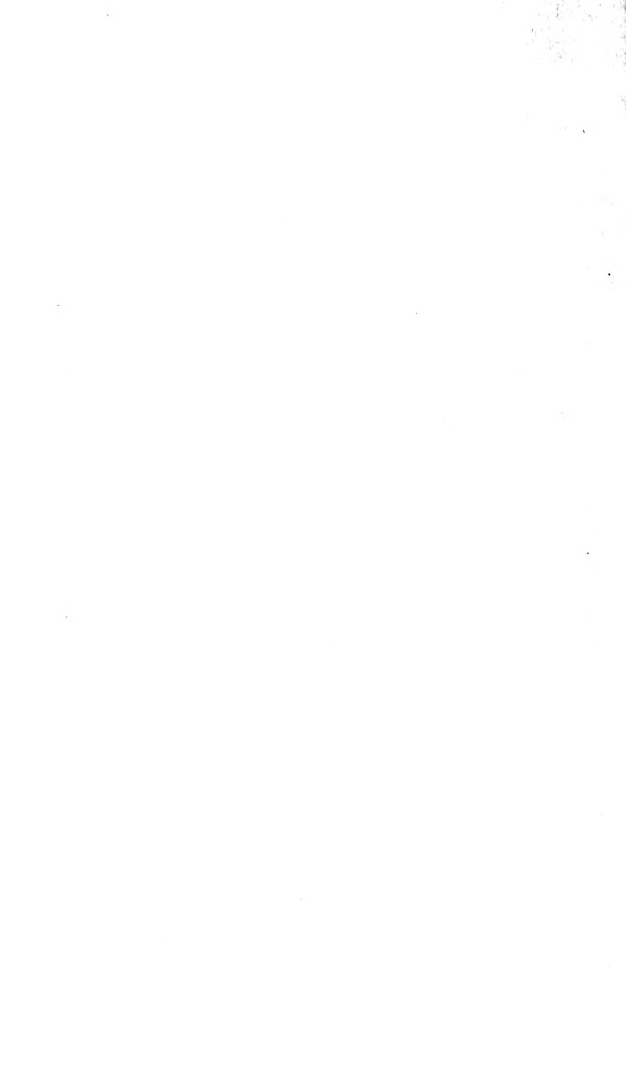
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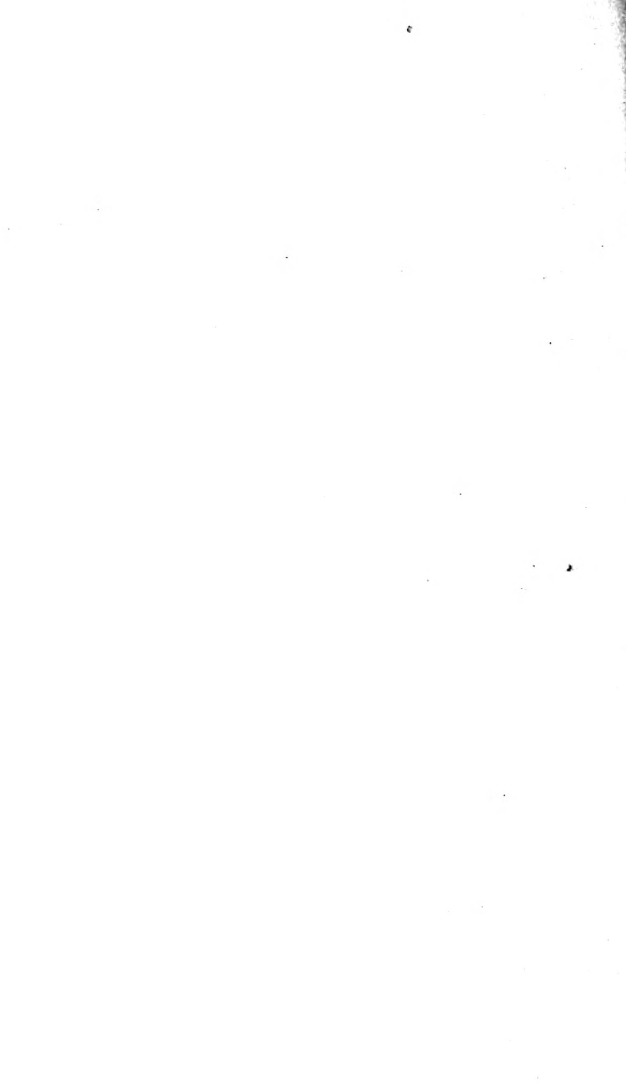
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