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WITH APPENDICES

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APPENDIX XVI.

JOINT COMMISSION ON MARRIAGE AND DIVORCE

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REPORT OF THE JOINT COMMISSION ON MARRIAGE
AND DIVORCE

The membership of the Commission on Marriage and Divorce was enlarged by the election of Bishop Johnson, of Colorado; Bishop McDowell, of Alabama, and Professor Burton S. Easton, of the General Theological Seminary of New York, Professor of Literature and Interpretation of the New Testament. The Commission suffered a great loss in the death of the Rev. Caleb R. Stetson, D.D., Rector of Trinity Church, New York. He was faithful in his attendance upon meetings. While he had strong opinions, nevertheless he presented them in a spirit of cooperation and conciliation. Changes in the Canon adopted at the last General Convention were largely due to his efforts.

Your Commission has not been unmindful of the suggestion that it secure the counsel and advice of outstanding women in the Church; but unfortunately financial conditions have made it impossible for the Commission to function as in the past, namely on the basis of paying the traveling expenses of those who attended meetings. Our financial income has practically vanished. For this reason but two meetings of the Commission have been held since the Denver Convention. For the same reason the Commission has been unable to finance the publication of the report on Canon Law authorized by the last General Convention. Moreover, there has been a feeling among our members that it will not be wise at this Convention to further amend the present Canon, but rather to give it trial for at least another three years.

The requirement of the Canon which has aroused the most criticism is that requiring three days' notice before the Marriage Service may be performed. This clause was placed in the present Canon for various reasons. One was to prevent over-hasty marriages. Another was to give clergymen the opportunity to gain more information about the parties to the marriage; and a third was to bring the legislation of the Church in line with standards of social procedure which have already been adopted by many States in the Union. It seems a pity for the Church to lag behind the State, when it claims to take such a high stand in regard to the sanctity of marriage.

The section on nullity doubtless needs amendment; but action could be taken more wisely on the basis of further experience.

At the last General Convention the section dealing with remarriage for adultery was referred to this Convention as unfinished business. In its present form it probably satisfies nobody. Those who think all remarriage of divorced persons is wrong feel that the present exception should be withdrawn. Those who believe that the Church should remarry those divorced on grounds other than adultery do not like it; and probably everyone who has given the subject careful consideration realizes that there is unfairness in a Canon that actually puts a premium on collusion, misrepresentation, and even on adultery, so that remarriage may become possible in accordance with the law of the Church.

Moreover, there should be a clearer definition as to what constitutes adultery. For instance a wife secures a divorce from her husband on the ground of cruelty, or non-support; and within a short time he marries another woman. In accordance with the law of this Church he is, of course, living in adultery; but under our Canon law the wife is not free to remarry because the divorce was not granted for adultery.

There is also a growing feeling that there should be some method of dealing with divorce other than on strictly legalistic grounds. The underlying causes of marital infelicity are so personal and intimate, and physical, mental, and moral deficiencies are often so hard to determine, that a court runs the gravest danger of doing a Christian injustice if obliged to render a decision based on specific causes. On the other hand it would rarely be difficult to decide whether a separation between husband and wife is socially and spiritually desirable. Particularly in matters involving marriage and divorce we need wise and understanding judges more than a detailed procedure as to the lines which they must follow. Unless a court is given wide discretion there is obvious danger of an increasing resort to casuistry.

In the adoption of the present Canon the Church acted distinctly in favor of giving the blessing of the Church to many divorced persons who have been remarried. This attitude was registered in section VII, subsection ii, which reads as follows:

"Any persons who have been married by civil authority, or otherwise than as this Church provides may apply to the Bishop or to the Ecclesiastical Court of their domicile for the recognition of communicant status or for the right to apply for Holy Baptism or Confirmation. After due inquiry into all the facts relevant thereto, judgment shall be given in writing to the petitioners by the Bishop or by the Ecclesiastical Court acting through the Bishop. In case of a favorable decision, a Minister of this Church may, at his discretion, bless the parties to the union."

It is to be noted that when the Bishop or the court has favorably recognized their communicant status, or *their right* to apply for Holy Baptism or Confirmation, a Minister of this Church may at his discretion bless the parties to the union. It is doubtful whether the Church as a whole has begun to comprehend the significance of this change in the Canon. It embodies the growing conviction that it is essential to distinguish between legal marriage and ecclesiastical marriage, which is really but the blessing of a legal union. This section certainly should have much further trial before it is amended. Naturally it must be unsatisfactory to those who believe that any blessing by the Church implies the condoning of adultery; nor is it satisfactory to those who feel that ministers of

this Church should have a larger right—not merely to bless a marriage, but as clergymen to act as officers of both State and Church.

At this point also the mind of the Church needs much clarification. Is the Church ready to leave marriage on its legal side entirely to the authorities of the State and confine its ministrations to those who might be willing to have two Marriage Ceremonies? Or will it seek to devise some plan by which it can utilize its present opportunity of acting as the representative of the State? The former policy would surely mean that far fewer people would turn to the Church for a religious ceremony. This would be a serious step. Throughout its history the Church has had to consider three classes of people—those who are faithful and loyal Churchmen, those who have been confirmed and baptised but are more or less lax in their relations to the Church, and those who are outsiders. The earliest and most ancient Services of the Church have recognized what may be termed this threefold ministry of the Church. Every Clergyman realizes that he has no greater opportunities for extending the influence of the gospel than by the use of the occasional Services such as Baptism, Confirmation, Holy Matrimony, Ministry to the Sick, and the Burial of the Dead. Careful consideration should be given to any step that would restrict our opportunities for getting those who are to be married to dedicate their marriage to the service of Almighty God.

In the opinion of your Commission it is not wise to attempt to reopen the whole subject of the Canon at this Convention. As already stated, we believe that in its present form it should be given further trial. The only change that we advise is a modification of the three-day clause.

We think that the outstanding value of the present Canon lies in its emphasis on education for marriage—biological, economic, moral, and spiritual. It seems clear that the only hope of sanctifying marriage is by an educative process. The Western Church has worked under the present restrictive Canon for centuries, but nevertheless the divorce rate continues to increase all over the world, especially in the United States, but in England and Canada as well. The educative attitude is so new that we cannot yet look for results, but experience seems to make it clear that all hope of progress in our civilization lies along educative lines. Our Eighteenth Amendment, and the carnage by automobiles afford abundant evidence that laws are impotent unless based on public opinion.

We may well ask ourselves whether in the matter of divorce we are not dealing with a symptom of a disease which is basic in the conflicts of industry, in the conflicts between pressure groups within the nation, in the conflicts between nations. We must also ask ourselves whether the difficulty is not to be found in the philosophy of life which expresses itself in our modern system of education.

A generation ago Professor Royce of Harvard said that a dominant aim of our education was personal success, and last winter Mr. Walter Lippman in a meeting in New York went further and said that it is the outstanding characteristic of modern education. The educational gospel of the day is expressed in such words as "self-expression," "self-realization," and "self-determination." With the ordinary man and woman this is bound to lead to conflicts in every relation of life, in the home, in business, and in international relationships. A leading educator recently declared that our whole system of education must be reorganized on the basis of co-operation as against competition. There is spreading all over the world a system of education that leaves out God and Jesus Christ. If the Church is right in her conviction that the fullness of life for

an individual or for a community must be based on the service of God, and fellowship with Christ, we certainly face a tremendous task in making religion a vital power in the lives of individuals. There seems to be a growing conviction that it is at just this point that the Church is falling short. A clergyman who has had considerable experience, in speaking of a conference on the subject of Marriage, said that the physician was excellent, the psychiatrist admirable, but that the only man whose address was weak and unsatisfactory was the clergyman. Moreover, he added that this was a common experience. We must seriously ask ourselves whether we as leaders of the Church are not failing at the very point where our work should be most effective, namely in deepening the religious life of the individual man and woman so that it will express itself in all the relationships of life.

Your Commission offers the following resolutions:

1. *Resolved*, The House of concurring, that Canon 41, section III, sub-section iv, be amended by adding after the words "the service of solemnization" the following: "Provided, that for weighty cause a Minister, upon less than the requisite three days' notice, may solemnize the marriage of persons, one of whom is a member of his own parish, but in such a case the Minister shall immediately report in writing his action to the Ecclesiastical Authority," so that sub-section iv, when amended, shall read as follows:

"No marriage shall be solemnized by a Minister of this Church unless the intention of the contracting parties shall have been signified to the Minister at least three days before the service of solemnization; Provided, that for weighty cause a Minister upon less than the requisite three days' notice may solemnize the marriage of persons, one of whom is a member of his own parish, but in such a case the Minister shall immediately report in writing his action to the Ecclesiastical Authority."

2. *Resolved*, The House of concurring, that the Commission on Marriage and Divorce be continued and given power to add to its numbers.

APPENDIX XVII.

REPORT OF THE JOINT COMMISSION ON THE WORK OF DEACONESSES

Since the last General Convention your Commission has held three meetings, making fourteen in all since its first appointment by the General Convention of 1919. Certain changes have been made in the personnel of the Commission. The following members have been added: the Bishop of Vermont, the Rev. Thomas A. Sparks, Miss Ethel Springer, Deaconess Elizabeth Chappell, Deaconess Edith Adams, and Mrs. Goodrich Fenner. At its first meeting, the Rev. Dr. E. J. Randall was elected Secretary to fill the vacancy caused by the lamented death of the Rev. Dr. Carroll M. Davis. After rendering valuable service, Dr. Randall was obliged by illness to resign the office of Secretary early in 1934 and the Rev. Dr. George L. Richardson was chosen to fill the vacancy.

Your Commission has continued to study the whole subject of women's work in the Church and the relation of it to the Order of Deaconesses, and is increasingly convinced of the value and importance of the Order