

JOURNAL
OF THE
GENERAL CONVENTION
OF THE
Protestant Episcopal Church
IN THE UNITED STATES OF AMERICA

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1940

WITH APPENDICES

PRINTED FOR THE CONVENTION

1940

APPENDIX XXI.

REPORT OF THE JOINT COMMISSION ON MARRIAGE AND
DIVORCE TO THE GENERAL CONVENTION OF 1940
KANSAS CITY, MISSOURI

The General Convention of 1937 adopted the following resolution:

Be it Resolved, the House of Bishops concurring, That the final resolution of the House of Deputies in Message 42 be amended to read as follows: That this Commission on Marriage and Divorce be continued. That its membership shall consist of five bishops to be appointed by the Chairman of the House of Bishops, and eight Presbyters and seven Laymen to be appointed by the President of the House of Deputies. This Commission shall report to the next General Convention, and is to confer with the leaders of other religious bodies in the hope that a move may be made towards uniformity in the attitude towards marriage and divorce.

The following is a list of the names and dioceses of members of the Commission appointed in 1937 and the later appointments to fill vacancies.

JOINT COMMISSION ON MARRIAGE AND DIVORCE OF
GENERAL CONVENTION 1937

	<i>Diocese</i>
RT. REV. HERMAN PAGE, D.D.....	Michigan
RT. REV. CAMERON J. DAVIS, D.D.....	Western New York
RT. REV. WILLIAM SCARLETT, D.D.....	Missouri
RT. REV. I. P. JOHNSON, D.D.....	Colorado
RT. REV. W. J. GARDNER, D.D.....	New Jersey
REV. BURTON S. EASTON, S.T.D.....	New York
REV. FREDERICK C. GRANT, D.D.....	Chicago
†REV. R. A. KIRCHHOFFER.....	Alabama
REV. JOHN W. SUTER, JR., D.D. (in place of Bishop Kirchhoffer).....	New York
*REV. FRANK H. NELSON, D.D.....	Southern Ohio
REV. H. RALPH HIGGINS, S.T.D. (in place of Dr. Nelson).....	West Michigan
REV. HOWARD C. ROBBINS, D.D.....	New York
*REV. R. W. TRENBATH.....	Newark
‡REV. PERCY G. KAMMERER, PH.D. (in place of Rev. Mr. Trenbath).....	Pittsburgh
REV. VESPER O. WARD.....	Minnesota
REV. SAMUEL E. WEST.....	Kansas
PROF. JOSEPH H. BEALE, LL.D.....	Massachusetts
RANDOLPH BIAS.....	West Virginia
JOHN I. HARTMAN.....	Harrisburg
B. ALLSTON MOORE.....	South Carolina
ROLAND S. MORRIS.....	Pennsylvania
J. J. SAUNDERS.....	Kentucky
*ORIGEN S. SEYMOUR.....	Connecticut
JOHN M. GLENN (Secretary and Treasurer of Commission, but not a member).....	130 East 22nd Street, New York City

*Died

†Made Bishop

‡Resigned

THE REPORT

Your Commission has held three meetings in addition to a meeting for organization. There have also been several meetings of our Executive Committee for duties assigned to it by the full Commission; and sub-committees have done faithful work. On February 8, 1940, the Executive Committee held a joint meeting with the Committee of the Woman's Auxiliary appointed at the request of the General Convention. This Committee held its meetings entirely without conference with our Commission except to present its preliminary findings. The Church is to be congratulated on having a group of women ready and able to do such a careful and thoughtful piece of work. Of course their Report represents only the findings of the Committee and does not attempt to speak for the Woman's Auxiliary or for the whole Church. It is a pleasure to append their Report to ours.

At the last Convention the hope was expressed that your Commission might secure some discussion of its problems at the Lambeth Conference. Obviously this has been impossible. We were also directed to seek conferences with the leaders of other religious bodies with the hope of securing some uniformity of attitude towards marriage and divorce. Several such conferences were held through Committees, but we have nothing definite to report except that we were met with a most sympathetic and cooperative spirit.

At a meeting of the Commission held April 28, 1939, Bishop Davis and Dr. Robbins were instructed to draw up a new Canon 41 along the lines of the Canon presented at Denver in 1931. Their report was made to a meeting of the Commission held October 13, 1939 when various modifications were suggested. The proposed Canon was presented to a meeting of the House of Bishops in November, and then to the Church Press—in both cases inviting criticism. Our proposals have received much comment from the Church Press and from various Bishops, clergy and laymen.

All recommendations were carefully considered at a meeting on April 26, 1940 and the Canon was further amended. In essence the changes were surprisingly few. In accordance with one wise suggestion the first part of the Canon was rewritten to emphasize more clearly the importance of education and pastoral work, but there were no changes in principle. Therefore those present, with one exception, voted to present to General Convention the amended Canon which appears on page 3. Later the objecting member gave his consent to this plan.

It should be frankly stated that while all present were willing to support our proposal as a marked advance over the present Canon there was a sharp division of opinion as to the desirability of having any penalty clauses in the Canon; and we have considered holding another meeting; but as the issue involves two opposing points of view another meeting would probably produce little change in the Report. Under the circumstances it seems wise to present the Report as adopted at the last meeting of the Commission, leaving any further changes, as we must, to the wisdom of the General Convention.

In an appendix we also submit the admirable interpretation of our proposed Canon written by Dr. Howard C. Robbins.

I could not conclude this Report without mention of the death of two men who have been members of the Commission since its first appointment by the General Convention of 1925—Dr. Frank H. Nelson and Origen S.

Seymour. Their contribution to our work has been of the same faithful, wise, energetic Christian quality that made them outstanding leaders in every branch of the Church's work. *Lord vouchsafe them light and rest and a sweet employment in the spacious fields of eternity.*

HERMAN PAGE, *Chairman.*

AMENDED CANON PROPOSED BY COMMISSION

CANON 41.

Of the Relationship of the Church and the Family

§ I. [i.] Every Minister in charge of a congregation shall give, or cause to be given, to both adults and children, regular instruction in the relation of the Church and the family; which instruction shall include the duties and responsibilities of membership in a family, the mutual obligations and privileges of spouses and of parents and children, and the doctrine and discipline of Christian marriage, together with the particular ministration of the Word and the Sacraments and the work and worship of the Church of which the family and its members have need for the fulfilment of a Christian life. It must be remembered that any valid marriage between Christians is a Christian marriage.

Ministers
shall give
instructions.

[ii.] Every Minister in charge of a congregation shall use all diligence in uniting all the families within his cure in the worship, work and support of the Church.

Unite
families
in worship,
etc.

[iii.] Every Minister in charge of a congregation shall use all diligence in preserving the peace and concord of every family within his cure, and whenever the security or permanence of any home is imperiled either by dissension between husband and wife or by dissension between parent and child, it shall be the duty of the parties to such dissension to lay before him the causes and circumstances thereof, and it shall be his duty to labor by all godly means to restore them to charity with each other; but at the request of either party, he may delegate this duty to some other Minister of this Church.

Preserve
peace in
family.

§ II. [i.] No Minister of this Church shall solemnize any marriage until he has ascertained by due inquiry the right of the parties according to the laws of this Church to contract a marriage, and it shall be within the discretion of any Minister to decline to solemnize any marriage.

Inquiry
into right
to marry.

[ii.] The following are impediments to marriage:

1. Consanguinity (whether of the whole or of the half blood) within the following degrees:

Impediments
to marriage.

(a) One may not marry one's ascendant or descendant.

(b) One may not marry one's sister.

(c) One may not marry the sister or brother of one's ascendant or the descendant of one's brother or sister.

2. Lack of free or legal consent of either party.

3. Mistake as to the identity of either party.

4. Mental deficiency of either party sufficient to prevent fulfilment of the Marriage Vows.

	<p>5. Failure of either party to have reached the age of puberty.</p> <p>6. Impotence of either party undisclosed to the other.</p> <p>7. Sexual perversion of either party.</p> <p>8. The existence of venereal disease in either party.</p> <p>9. Facts which would make the proposed marriage bigamous.</p>
Instruction and Christian ideals of marriage necessary.	<p>[iii.] No Minister of this Church shall solemnize a marriage unless he is assured that the parties thereto have been instructed in the nature of Christian marriage and the duties and responsibilities thereof, and is assured that the parties thereto hold the Christian ideal of marriage, and intend to seek the Church's help to realize the ideal. To this end, before he officiates, he shall require them to sign in his presence the following statement:</p>
Statement required.	<p>"We, A. B., and C. D., desiring to receive the blessing of the Church upon our marriage, do solemnly declare that we hold Christian marriage to be a life-long union of husband and wife, for the purpose of mutual fellowship, encouragement, and understanding, for the procreation (if it may be) of children and their physical and spiritual nurture, for the safeguarding and benefit of society, and for the advancement of the Kingdom of God. And we engage ourselves, so far as in us lies, to make every effort to realize the Christian ideal of marriage."</p>
Legal requirements.	<p>[iv.] Ministers of the Church shall conform to the laws of the state governing the civil contract of marriage, and also the laws of this Church governing the solemnization of Holy Matrimony.</p>
Witnesses.	<p>[v.] There shall be at least two witnesses present at the solemnization of a marriage.</p>
Record to be kept.	<p>[vi.] Every Minister shall without delay formally record in the proper register the name, age, and residence of each party to a marriage solemnized by him. Such record shall be signed by the Minister who solemnizes the marriage, by the married parties, and by at least two witnesses of the marriage.</p>
Notice of three days.	<p>[vii.] 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 solemnization; Provided, that for weighty cause a Minister, upon less than three days' notice, may solemnize the marriage of persons, one of whom is a member of his own congregation, or is well known to the Minister.</p>
Marriage of divorced persons prohibited.	<p>[viii.] No Minister knowingly, after due inquiry, shall officiate in the marriage of any divorced person whose former spouse is living: but this Section shall not prevent a Minister from giving the Church's blessing to the parties to such a union as is hereinafter provided.</p>
Impediments.	<p>[ix.] No Minister knowingly, after due inquiry, shall solemnize or bless any marriage if there exist at the time any of the impediments to a valid marriage listed in Paragraph II, (ii) of this Canon.</p>

§ III. [i.] If after a marriage has been annulled or dissolved by a civil court, it shall be proved to the Bishop and his advisors in the Diocese or District in which one of the parties is domiciled, that at the time of the marriage any of the impediments to marriage listed in Paragraph II, (ii) of this Canon existed, the Bishop may declare the marriage ecclesiastically null.

When marriage may be declared null.

[ii.] A person whose former marriage has been annulled or dissolved by a civil court, and annulled by the Bishop, may be married as if he had never previously been married.

Annulment by civil court.

[iii.] Any person whose former marriage has been dissolved for any cause by a civil court, and who later has been married to another person than his or her former spouse, in a manner recognized by civil authority, shall forfeit his or her status as a Communicant in good and regular standing; but if a year has elapsed since the dissolution of the former marriage he or she may apply to any Minister of the Church in his or her domicile for the restoration of such status and for a blessing upon their union. The Minister thereupon shall inquire into the circumstances of the divorce, and shall seek evidence as to the character of the parties concerned, in order that he may determine whether in his opinion the spiritual welfare of the parties and the good of the Church and of society will be served by granting the petition. He shall then lay the petition and his findings before the Bishop or marital court of his domicile, and the Bishop having taken legal advice shall give judgment in writing to said Minister. In case of a favorable judgment, the Minister in his discretion may bless the parties to the union, using such parts of the Office for the Solemnization of Matrimony as are pertinent thereto. In every such case the Minister shall conform to the requirements of Section II. (iii) of this Canon.

Remarriage after divorce forfeits Communicant status.

Exception.

§ IV. No Minister of this Church shall in any case refuse the Holy Communion to a penitent person in imminent danger of death.

Sacrament to penitents.

NOTES ON A REVISED DRAFT OF CANON 41.

REV. HOWARD C. ROBBINS, D.D.

The principles on which the revised draft of Canon 41 are based include (1) recognition that the Christian ideal of marriage implies the life-long union of one man and one woman and that the Church must steadfastly bear witness to this ideal; (2) recognition that failure to realize this ideal may be due to any of a great variety of causes, ranging from those involving grave moral turpitude to those involving little, if any, so that in the exercise of its disciplinary powers the Church is bound to distinguish between them and to act accordingly. By permitting its ministers to solemnize only marriages which conform to its rules, and by attaching loss of communicant status in good standing to those who disobey its rules, the Church bears witness to the Christian ideal. By permitting appeal to the Bishop as chief Pastor for restoration of communicant status,

and for ecclesiastical recognition of marriages recognized by civil authority, the Church is enabled to exercise its disciplinary powers realistically, and with due regard for the spiritual interests of the individuals involved and of society.

Section I. The title of the Canon is changed. It would seem that the Church should concern itself not merely with marriage and divorce, but with a continuing effort to integrate family life around the church as a common interest. That divorce can be prevented by such integration is a fact of experience. That such integration is essential to character building is more and more evident from the reports of sociologists and social workers; furthermore, the effectiveness of the Church in building the Kingdom of God in individual hearts, especially children's, is largely conditioned by the attitude of the family as a unit toward the Church. It is hoped that Section I. will be implemented by an authorized Office of Instruction.

Subsection (ii) has to do with the continuing contact of the Church and family. It states specifically the duty of the Minister to deal with the family as a unit. It is expected that this will result in an effort to restore the family pew (perhaps reserved for family use), and for a program of worship and work in which the members of the family may all have a part together and individually—but thus united.

Subsection (iii) states it to be the duty of either or both husband and wife and not merely the offended party, to carry grave dissensions to the Minister. There are two sides to almost every marital dispute. If the contact can be thus continued, many divorces will be prevented.

Section II. has to do with the solemnization of matrimony. The impediments are listed here. We have removed "insanity," because it has in law a very limited meaning. We have inserted number 4 as covering also those personality deficiencies which make a successful marriage impossible—such as habitual alcoholism, arrested development, mental and emotional, etc. We propose again the "Statement" proposed at Denver. While it is true that the content of this is largely implied in the marriage service, it is also true that the statement makes the implication definite and concrete, and forms an excellent starting point for premarital instruction. What we want is to emphasize the fact that marriage solemnized by the Church is a contract not only between the parties, but between the parties and the Church.

In Subsection (viii) the "adultery" exception is omitted. This is because, *first*, if marriage is regarded as a spiritual union, there are many other infidelities as destructive of the union as adultery. *Second*, there is insufficient scriptural foundation for the exception. *Third*, the exception puts the whole matter on a physical basis. It is impossible to specify causes for divorce because marriage is so much a matter of personality adjustment.

This section forbids a communicant to contract a marriage where one of the parties is divorced and the former spouse is living, and attaches the penalty of loss of status as communicant in good standing for contracting such a marriage. This is done in order to make definite the implication as to communicant status in the present Canon, and in the interests of consistency.

It is also provided that such status may be regained by a certain prescribed procedure, since forgiveness should be characteristic of the Church, and allowance should be made for the individual's attitude, and his spiritual need of the Church in his new relationship. In the case

of a remarriage of a person divorced, or whose marriage is annulled by a civil court, if such remarriage is contracted in a manner recognized by the civil authority, the parties thereto may apply to the Bishop for an ecclesiastical recognition of the remarriage, and for the Church's blessing. Here the Bishop is required to consider the characters of the parties concerned and the circumstances of the divorce. If the decision is favorable, communicant status is restored or confirmation given if desired. Furthermore, if desired, a Minister may give the Church's blessing, but only if the parties are duly instructed and accept the Christian ideal as set forth in II, (iii). This is the procedure to regain communicant status referred to in III. (iii).

APPENDIX I

THE PRESENT CANON

CANON 41.

Of the Solemnization of Holy Matrimony.

§ I. Ministers of this Church shall within their Cures give instruction both publicly and privately, on the nature of Holy Matrimony, its responsibilities and the mutual love and forbearance which it requires.

Ministers
shall give
instructions.

§ II. Ministers of this Church shall conform to the laws of the State governing the civil contract of marriage, and also to the laws of this Church governing the solemnization of Holy Matrimony.

Legal re-
quirements.

§ III. [i.] No Minister of this Church shall solemnize any marriage before the following conditions have been carefully complied with:

Conditions.

(a) He shall ascertain by due inquiry the right of the parties according to the laws of this church to contract a marriage.

Due inquiry.

(b) He shall instruct the contracting parties as to the nature of Holy Matrimony, its responsibilities, and the means of grace which God has provided through His Church.

[ii.] There shall be at least two witnesses present at the solemnization of the marriage.

Presence of
witnesses
required.

[iii.] Every Minister shall without delay formally record in the proper register the name, age and residence of each party. Such record shall be signed by the Minister who solemnizes the marriage, by the married parties, and by at least two witnesses of the marriage.

Marriages
to be recorded
in Register.

[iv.] 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 congregation, or is well known to the Minister, but in such a case the Minister

Notice of
three days.

shall immediately report in writing his action to the Ecclesiastical Authority.

§ IV. If one party to a marriage so grievously offend the other that the security of permanence of the home is imperiled it shall be the duty of the offended party to lay the matter before a Minister of the Church; and it shall be the duty of such Minister to labor that the parties may be reconciled.

Marriage of
a divorced
person is
prohibited.

Exception.

Proviso.

Minister may
decline to
officiate.

§ V. No Minister, knowingly after due inquiry, shall solemnize the marriage of any person who has been or is the husband or the wife of any other person then living, from whom he or she has been divorced for any cause arising after marriage. Nor shall it be lawful for any member of this Church to enter upon a marriage when either of the contracting parties is the husband or the wife of any other person then living from whom he or she has been divorced for any cause arising after marriage. But this Canon shall not be held to apply to the innocent party in a divorce for adultery; *Provided*, that before the application for such remarriage a period of not less than one year shall have elapsed after the granting of such divorce; and that satisfactory evidence touching the facts in the case, including a copy of the Court's Decree, and Record, if practicable, with proof that the defendant was personally served or appeared in the action, be laid before the Ecclesiastical Authority, and such Ecclesiastical Authority, having taken legal advice thereon, shall have declared in writing that in his judgment the case of the applicant conforms to the requirements of this Canon; and *Provided, further*, that it shall be within the discretion of any Minister to decline to solemnize any marriage.

§ VI. [i.] Any person whose former marriage has been annulled or dissolved by a civil court may apply to the Bishop or to the Ecclesiastical Court constituted by Canon, of the Diocese or Missionary District of the said person's domicile to have the said marriage declared null and void by reason of any of the following impediments to marriage:

Impediments
to marriage.

1. Consanguinity (whether of the whole or of the half blood) within the following degrees:
 - (a) One may not marry one's ascendant or descendant.
 - (b) One may not marry one's sister.
 - (c) One may not marry the sister or brother of one's ascendant or the descendant of one's brother or sister.
2. Lack of free or legal consent of either party.
3. Mistake as to the identity of either party.
4. Mental deficiency of either party sufficient to prevent the exercise of intelligent choice.
5. Insanity of either party.
6. Failure of either party to have reached the age of puberty.
7. Impotence or sexual perversion of either party undisclosed to the other.

8. The existence of venereal disease in either party.
9. Facts which would make the proposed marriage bigamous.

[ii.] The Bishop in such case, after taking legal advice thereon, or the Ecclesiastical Court proceeding in accordance with the canons and acting through the Bishop, shall render judgment in writing to the petitioner. All judgments rendered under this Canon by the Bishop or the Ecclesiastical Court shall be made matters of permanent record in the archives of the Diocese or Missionary District. No such judgment shall be construed as referring in any way to the legitimacy of children or the civil validity of the former relationship.

Bishop or
Ecclesiastical
Court to
render
judgment.

[iii.] Any person whose former marriage has been annulled or dissolved by a civil court and pronounced null by the Bishop, may be married by a Minister of this Church as if he had never previously been married.

§ VII. [i.] If any Minister of this Church shall have cause to think that a person desirous of Holy Baptism, or of Confirmation, or of receiving the Holy Communion, has been married otherwise than as the word of God and discipline of this Church allow, such Minister, before receiving such person to these ordinances, shall refer the case to the Bishop for his godly judgment thereupon. The Bishop, after due inquiry into the circumstances, and taking into consideration the godly discipline both of justice and of mercy, shall give his judgment thereon in writing. *Provided, however,* that no Minister shall in any case refuse these ordinances to a penitent person in imminent danger of death.

Reference of
doubtful cases
to the Bishop
before admis-
sion to the
Sacraments.

Proviso.

[ii.] 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.

Judgment
shall be
given in
writing.

APPENDIX II

REPORT OF THE COMMITTEE OF THE WOMAN'S AUXILIARY ON MARRIAGE AND DIVORCE

"Be It Resolved, the House of Bishops concurring, That an invitation be extended to the Woman's Auxiliary of the Protestant Episcopal Church of the United States, to appoint a committee, fully to consider the question of marriage and divorce, and to present their views to the Commission on Marriage and Divorce appointed under Resolution of the General Convention of 1937, before making their report to the General Convention of 1940."

The Committee of the Woman's Auxiliary on Marriage and Divorce appointed in January 1938 in accordance with the above resolution has met frequently, its members have read widely, have consulted various specialists on the subject, have made three significant investigations and have discussed the question with care.

FUNDAMENTAL PRINCIPLES

Certain fundamental principles have been basic in all discussions of the Committee.

The Committee is profoundly convinced that Christian marriage is the life-long union of one man and one woman. Anything else is contrary to Christian teaching and to the best interests of society. Christian marriage is fully possible only through the grace of God.

The Church must hold aloft as did her Master, the ideal of perfection, "Be ye therefore perfect." She is required to lead men and women toward this ideal of perfection, to draw them nearer to God, to be a teacher and a guide. She must offer forgiveness and consolation when failure occurs.

The application of Christian principles constantly requires a fresh study and a more intelligent devotion. Today the altered position of woman, the greater urbanization of the population, with the breaking of ties to a secure home, all tend to weaken the roots of family life. From age to age different conditions arise. To apprehend God's continuing revelation, constant effort is required under the guidance of the Holy Spirit.

With these principles in mind the Committee has arrived at certain convictions and points of view as a result of its study, investigation and discussion.

PREPARATION FOR CHRISTIAN MARRIAGE

The Committee believes that adequate preparation for marriage should be as much the priest's responsibility as preparation for Confirmation.

Marriage is a relationship the success of which depends largely on the character and attitudes of the two individuals who enter into it. The opportunity of the Church to help develop the kind of men and women who can live happily together in the married estate begins with Baptism and the Church School, and continues through its influence on the home and its training for Confirmation and responsible Church membership. Everything that the Church can do to foster wholesome and happy family life is valuable since it is in the home that character is molded and ideals instilled both by example and precept.

The Church should attempt through addresses, classes and discussions to give to young people an appreciation of the meaning of courtship and marriage. Various methods of instruction are in use and excellent advice may be had from many priests. However, the practice varies widely and therefore we recommend that the National Council be asked to appoint a Committee to study Family Relations and Marriage Preparation and to recommend appropriate action.

For those who have not grown up under the influences of the Church as well as for those who have, the clergy have a responsibility before a marriage is performed to make clear the teaching of the Church regarding Christian marriage. Because of the importance of this teaching, an office of instruction for marriage might well be included in the Prayer Book.

PASTORAL CARE OF MARRIED CHURCH PEOPLE

The Committee believes that the early years of any marriage present special problems on which the wise and understanding priests of the Church may often give helpful counsel. The pitfalls which lie before a man and a woman in developing their marriage relationship are revealed only as they live their lives; the desire for help arises as a result of experience.

Individual counsel is possible through parish visiting and private consultation. Courses and discussions are also finding favor, where many questions may be helpfully discussed with those already married who find that a truly Christian union can be built only by daily effort.

Preaching should be emphasized; we must be reminded often that the Church is deeply concerned with the homes in which her people live and that a happy partnership of man and woman in marriage is unquestionably one factor in God's will for the good of his children.

THE CIVIL ACT OF CONTRACT AND RELIGIOUS SOLEMNIZATION OF
MATRIMONY *

Marriage by the Church and marriage by the State are not synonymous; they have wholly different connotations which should be openly and formally recognized. Marriage is a relationship between a man and a woman which is legalized by the State and blessed by the Church. The importance of the Solemnization of Matrimony can be made manifest by separating it from the civil contract. Not enough thought or education has been given to the meaning of the religious ceremony, wherein the help of God is sought by the man and woman to enable them to live faithfully together, nor is the meaning of the civil contract understood. The time has come when we can draw this distinction and educate people to a definite understanding of both ceremonies.

A civil ceremony is necessary in all cases, and it is the only appropriate one for those who are indifferent to the blessing of the Church. That blessing should be given to those who desire it, and who seek and receive instruction for Christian marriage.

The value of the marriage ceremony in drawing people to the Church would not be seriously affected by this separation if the Church carries out a real program of education so that the meaning of the religious ceremony is better understood. Those who come to the Church because they desire the solemnization of their marriage will appreciate more deeply the value of the distinction and be drawn to the Church thereby.

The custom of reading the Banns in Church is of great value. A general revival of the custom would have a psychological effect in preventing hasty marriages.

MARRIAGE CONTRACT DISSOLVED BY THE STATE

The Committee believes that preparation for marriage and pastoral care of our Church people along the lines indicated above will increase the likelihood of achieving a genuinely successful Christian marriage.

When a marriage has failed in spite of all efforts of the priest and the people concerned, it must be remembered that any divorce or annulment

*One member of the Committee does not fully concur in this section.

must be secured in a civil court; the Church does not make the laws governing these proceedings. The separation is complete between the civil law and the ecclesiastical law.

REMARRIAGE OF A DIVORCED PERSON

If a divorced person who has been in communion with this Church desires to remarry after a reasonable time and desires as does the partner of this second marriage, the blessing of the Church, this might well be bestowed when the parish priest or a suitable committee are assured, after examination of the circumstances involved, of the genuine desire and purpose of both participants to lead a Christian life. Each case presents a situation peculiar to itself and must be considered before God on its own individual merits in the light of the fundamental principles above stated. But no priest unwilling to perform such a ceremony should be required to do so.

ADMISSION TO HOLY COMMUNION OF PERSONS REMARRIED AFTER DIVORCE

The Committee is in complete agreement that persons remarried after divorce should not for that reason be deprived of Holy Communion. Excommunication is the most serious deprivation that can be inflicted upon a communicant of the Church. The Committee believes that the use of such a penalty in these cases is contrary to Christ's teaching of mercy.

INVESTIGATIONS MADE BY THE COMMITTEE

In the preparation of this Report the Committee has been greatly aided and enlightened by three investigations, summaries of which are attached as Appendices: A. An Inquiry regarding instruction given in theological seminaries intended to help prospective clergy in preparing young people for marriage; B. An Inquiry addressed to the Bishops of the Church regarding present practice in preparing couples for marriage; C. A Questionnaire to women of the Auxiliary on problems of the Church's position on marriage and remarriage after divorce.

This Report is made to the Joint Commission on Marriage and Divorce in the sincere hope that by its publication serious study and consideration of the problems will be stimulated, that earnest and constructive discussion will take place, so that the Church, facing honestly and courageously the issues involved, may follow the leading of the Holy Spirit.

(Signed)

(MRS. ROBERT G. HAPP, South Bend, Ind.)
 (MRS. HENRY HILL PIERCE, New York,
 N. Y.)
 (MRS. ALFRED M. CHAPMAN, New York,
 N. Y.)
 (MRS. KENDALL EMERSON, New York, N. Y.)
 (MRS. C. LESLIE GLENN, Cambridge, Mass.)
 (MRS. WILLIAM E. LEIDT, Scarsdale, N. Y.)
 (MRS. NORMAN B. LIVERMORE, Ross, Calif.)
 (MRS. HENRY J. MACMILLAN, Wilmington,
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APPENDIX A

AN INQUIRY REGARDING INSTRUCTION GIVEN IN THEOLOGICAL SEMINARIES INTENDED TO HELP PROSPECTIVE CLERGY IN PREPARING YOUNG PEOPLE FOR MARRIAGE

A letter sent in January 1939 to the deans of the seminaries, asking them if they would kindly inform the Committee as to how students are prepared to give instructions for marriage, brought eight replies, as follows:

At Berkeley Divinity School, each class has informal conferences on the problems of marriage.

The Virginia Theological Seminary deals with this subject as a part of the course in Pastoral Theology, stressing the Canons of the Church which call for public and private instruction on the question of marriage, providing a list of books; calling attention to factors in marital life like money, social background, family relationships, religious differences, sex factors and maladjustments. The difference between mere marriage and Holy Matrimony is stressed. As to instructions, the students are advised to begin early in the Church School with classes on preparation for marriage; using a wise married woman as teacher for the girls and a wise married man for the boys. For the sexual aspect, it is advisable to call in a physician, if possible. Emphasis is placed on starting instruction in the home.

The Divinity School of Philadelphia brings up the subject of marriage in a course on Pastoral Care and in a Clinical Training Period when experience is gained by visiting the Marriage Relations Courts of the city.

The DeLancey Divinity School in Buffalo no longer maintains an undergraduate department.

At The Nashotah House, marriage and the duties of husbands and wives are taken up in the course in Moral Theology as well as in the Dean's course in Pastoral Theology. In this course, consisting of five hours a week for one half year, ten lectures are given on family relations including (a) The problem of training children and the duties of parents to children, (b) Fidelity, which includes a detailed study of the sex aspect, (c) As a Sacrament. The chief object of this course is to prepare the men to act as Confessors and Directors in a wise manner, but the material given is sufficient to form a basis for instructions for marriage.

At the General Theological Seminary in New York, the course in Pastoral Care includes the importance of the instruction for marriage and students are referred to the literature on the subject. In the Senior Groups much time is spent discussing the way in which such instruction ought to be given and the book, "In Honour Bound," of Dr. Robbins and Dr. Easton, is in part the result of these conferences. The course on Pastoral Psychology deals with the matter from a somewhat different angle.

At the Episcopal Theological School at Cambridge, Mass., the prescribed courses on Pastoral Care for Juniors and Seniors include methods of dealing with individuals in family difficulties as well as the preparation of persons for marriage. In the prescribed course on Christian Ethics the moral problems involved in sexual and marital relations are covered. An elective course offered every other year on the family and its problems goes into these matters in detail and deals with the sociology of the family.

At the Church Divinity School of the Pacific, the marriage instructions are covered in two courses, Christian Ethics and Pastoral Relationships. The necessity for giving such instructions is covered in the course on Canon Law.

To conclude, all the seminaries are, it is seen, aware of the necessity for the training of youth, instruction as to family life and the distinction between civil marriage and Holy Matrimony. No doubt the different ways of approaching this subject have proved of value, but it would seem to our Committee that the time had now come when further consideration of these matters might well lead to a more coordinated policy.

APPENDIX B

AN INQUIRY ADDRESSED TO THE BISHOPS OF THE CHURCH REGARDING PRESENT PRACTICE IN PREPARING COUPLES FOR MARRIAGE

The following questions were sent to 99 Bishops and 57 replies were received:

"Would you please let me know what the Clergy in your Diocese are doing in the way of instructions to couples coming to them for marriage? Are there any women attached to their staff to talk to young women? Are books recommended? What methods have your Clergy found to be most helpful?"

Many Bishops replied that they thought their clergy were conscientiously following instructions of the Canon, but that they could not know definitely without sending an inquiry to each clergyman. Several Bishops did this.

One Bishop reported that only one-sixth of his clergy are doing a really good job, two-thirds are doing something in the way of having conferences with young couples, going over the marriage service with them and recommending books and literature, the other one-sixth are doing practically nothing.

In some Dioceses fine work is being done by commissions in the Department of Social Service or Religious Education, such as Marriage Preparation Commissions or Marriage Clinics, conducted with the assistance of trained people. Courses are given at diocesan clergy conferences with doctors and qualified speakers, also courses in Young Peoples' Summer Conferences, normal schools, round table meetings, high schools and universities. One diocese has an Institute of Family Relations in summer schools in social work for theological students.

Lectures are given on pastoral medicine, with courses on preparation for marriage, parenthood, happy family life, and a consultation service provided for young men and women separately.

In one diocese a physical examination is demanded before marriage. Many clergy urge couples to consult physicians and some parishes have men and women physicians or trained workers to whom couples can go.

Some Bishops complain that there is too little good literature for young people to read on Home and Marriage.

Some of the suggestions are: a parish advisory council to the Rector, with doctors, psychiatrists, laymen and laywomen to help them; a Marriage commission under the National Council to advise clergy in methods, research, bibliography, and most successful plans carried out in other dioceses and parishes, doing research in regard to the effectiveness of this counseling and supplying a library for the clergy along this line, also a list of speakers and authorities; more should be done in a general educational way with late adolescents before marriage is contemplated; there should not be too much stress on the physical, that should be left to physicians; the Church should be primarily concerned in setting up proper attitudes toward marriage as a vocation in the Christian life; the worst thing that has happened to marriage in the last generation is its almost complete secularization; the Church must lift marriage to a higher plane and make young couples feel that Christian marriage is a Holy Sacrament and not merely a legal contract.

APPENDIX C

A QUESTIONNAIRE TO WOMEN OF THE AUXILIARY ON PROBLEMS OF THE CHURCH'S POSITION ON MARRIAGE AND REMARRIAGE AFTER DIVORCE

In its study of the problems of Marriage and Divorce, the Women's Committee sent a questionnaire to the president of the Woman's Auxiliary in each diocese. This questionnaire was intended to discover the thinking of women of the Church on the various aspects of this question, so vital in the life of our corporate fellowship.

The response was, on the whole, most cooperative, 66 dioceses participating in the discussion of the questions. There were 191 groups formed for the purpose, with a known total of 1390 women taking part.

The answers were recorded for statistical purposes by Miss Jessamine Whitney of the National Tuberculosis Association, who gave most valuable assistance to the Committee. It was impossible to compute the results exactly, but certain trends of thought were evident, which indicated a desire on the part of the large majority that the Church should reexamine its position on the whole subject.

The Committee has not attempted to incorporate within the Report itself the findings from the questionnaire, although it has been gratefully conscious at all times of the interest and cooperation which it has received from the women of the Church.