

QUAM RELIGIOSA ENCYCLICAL OF POPE LEO XIII ON CIVIL MARRIAGE LAW

Leo XIII

The great religious persistence with which Peru adhered to the Catholic faith is a praiseworthy distinction for that illustrious country. This same nation is united with Us and with the Apostolic See through allegiance and choice. A number of things show this, among which are the prayers addressed to Us to support the holy missions in the remotest districts of that land. Priests and religious are needed, men whose devotion and piety would be nourished by skill and zeal for daily growth. We remember with pleasure that a large group of Catholics from the entire country met two years ago in the capital of Peru, knowledgeable and virtuous men distinguished by their position and wealth. From this group a certain new and joyful spiritual love burst forth. Without hesitation they zealously promoted the faith of their fathers, and with reverence and love they followed this See of Peter in public discussions. Venerable brothers, We have never avoided any opportunity to show Our singular good will toward Peru with increased encouragement and open proof of Our benevolence. There are many things We do not want to pass by, among which is this: Peru has attained much dignity and authority from the honors and special privileges attributed by the Apostolic See to its bishop. These distinctions fill Us with a certain hope that in whatever manner your ancestors carried out their wonderful work, from this moment on the leaders of Peru might employ as much effort on behalf of these matters. Furthermore, We hope that they will fully approve everything which their steadfastness in defending the Catholic faith has lawfully conferred on them.

Civil Marriage in Peru

2. It is with sorrow that We view the recently disseminated law in Peru. Under the appearance of regulating the marriage of non-Catholics, it introduced in effect, what is called a civil marriage, even though that law does not affect people of all conditions. What is more, putting aside the authority of the Church, a civil ceremony is permitted for mixed marriages whenever the Holy See, for serious reasons and for the eternal salvation of the Christian family, would consider it inappropriate to exempt anyone from the law forbidding marriage between those of different faiths.

3. We were seriously upset by these events, which have been perpetrated in violation of the obedience due to Our dignity and to the authority divinely invested in Our supreme ministry. We urge you to preserve safe and sound the Catholic teaching on marriage and assure the preservation of the Peruvian faithful.

Church Doctrine on Marriage

4. We are concerned about the whole Christian flock, as Our apostolic duties require, for We have given frequent instruction concerning the sanctity of marriage. Jesus Christ, the author of the new covenant, translated the duty of nature into sacraments, and this duty cannot be divorced from religion and immersed in worldly of fairs. Preceded by sacred rite, it can bring about a more tranquil and happy life for the spouses, strengthen family harmony, raise children more correctly, and suitably provide for the welfare of its community. Indeed, We have treated this matter in greater detail in Our apostolic letter *Arcanum divinae sapientiae consilium*. In that letter We wanted to remind the faithful of the vigilant cares which the Church has shown for preserving the honor and sanctity of marriage, for the Church is the best guardian and avenger of mankind. We also reminded the civil authorities of what matters they could rightfully regulate. It is not necessary for Us to bring each of these examples to your attention. It is, however, relevant to mention again that the leaders of the state have authority in human affairs which led to marriage and generally concern civil matters. However, in the truly Christian marriage, they have no authority, for this matter should be left to the jurisdiction of the Church, which is not established by men. If the marriage contract is properly performed-that is, as Christ established it - then they will be able to see if anything which pertains to civil law might follow. It is Catholic teaching that the dignity of the sacrament adds to the marriage of Christians; nobody can depart from this without losing faith. For that reason, these matters should be governed by the divine authority of the Church alone. No marriage can be considered firmly

ratified unless it is joined according to Church law and discipline. It is easy to understand from this that wherever the Tridentine law of the chapter Tametsi(1) would have been correctly promulgated, then any marriage contracted against its prescription should be considered null and void. That Tridentine law was not only promulgated in Peru, but it has been enforced for a long time and faithfully observed. Therefore, the Apostolic See strongly desires to keep this teaching.

Exhortation to Reform

5. Venerable Brothers, instruct the flock entrusted to your care more clearly and fully, so they do not remain unaware of any part of this serious matter, which greatly concerns the eternal salvation of many of them. We also want you to use your authority and advice to influence those who are empowered to make laws in Peru. Enter into their favor, so they consider the example of the Catholic people. The courage of the blessed citizens Turibius and Rose, great examples of virtue, comes to mind here. Publicly restore both mind and will, so that they never depart from the Church's precepts in making laws, which, if correctly observed, will bring about the natural happiness of the people. They should promise that they will not allow the recent decree to stand unchanged. They should also promise that civil marriage laws will contain nothing contrary to the teaching of the Church.

6. Meanwhile, filled with the hope of divine assistance and confident in your zeal and skill, We lovingly bestow Our apostolic blessing as a pledge of heavenly gifts and as a sign of Our special good wishes for you, Venerable Brothers, and for all the clergy and people entrusted to each of you.

From the Vatican, 16 August 1898

LEO XIII

REFERENCE:

1. Session 24, de ref. matrim., chap. 1.

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