

SUPPLEMENT TO THE THIRD PART, QUESTION 53

Of the Impediment of Vows and Orders (In Four Articles)

We must now consider the impediment of vows and orders. Under this head there are four points of inquiry:

- (1) Whether a simple vow is a diriment impediment to matrimony?
- (2) Whether a solemn vow is a diriment impediment?
- (3) Whether order is an impediment to matrimony?
- (4) Whether a man can receive a sacred order after being married?

Whether marriage already contracted should be annulled by the obligation of a simple vow? Suppl. q. 53 a. 1

Objection 1. It would seem that a marriage already contracted ought to be annulled by the obligation of a simple vow. For the stronger tie takes precedence of the weaker. Now a vow is a stronger tie than marriage, since the latter binds man to man, but the former binds man to God. Therefore the obligation of a vow takes precedence of the marriage tie.

Objection 2. Further, God's commandment is no less binding than the commandment of the Church. Now the commandment of the Church is so binding that a marriage is void if contracted in despite thereof; as instanced in the case of those who marry within the degrees of kindred forbidden by the Church. Therefore, since it is a Divine commandment to keep a vow, it would seem that if a person marry in despite of a vow his marriage should be annulled for that reason.

Objection 3. Further, in marriage a man may have carnal intercourse without sin. Yet he who has taken a simple vow of chastity can never have carnal intercourse with his wife without sin. Therefore a simple vow annuls marriage. The minor is proved as follows. It is clear that it is a mortal sin to marry after taking a simple vow of continence, since according to Jerome* "for those who vow virginity it is damnable not only to marry, but even to wish to marry." Now the marriage contract is not contrary to the vow of continence, except by reason of carnal intercourse: and therefore he sins mortally the first time he has intercourse with his wife, and for the same reason every other time, because a sin committed in the first instance cannot be an excuse for a subsequent sin.

Objection 4. Further, husband and wife should be equal in marriage, especially as regards carnal intercourse. But he who has taken a simple vow of continence can never ask for the debt without a sin, for this is clearly against his vow of continence, since he is bound to continence by vow. Therefore neither can he pay the debt without sin.

On the contrary, Pope Clement[†] says (cap. Consuluit, De his qui cler. vel vovent.) that a "simple vow is an impediment to the contract of marriage, but does not annul it after it is contracted."

I answer that, A thing ceases to be in one man's power from the fact that it passes into the power of another. Now the promise of a thing does not transfer it into the power of the person to whom it is promised, wherefore a thing does not cease to be in a person's power for the reason that he has promised it. Since then a simple vow contains merely a simple promise of one's body to the effect of keeping continence for God's sake, a man still retains power over his own body after a simple vow, and consequently can surrender it to another, namely his wife; and in this surrender consists the sacrament of matrimony, which is indissoluble. Therefore although a simple vow is an impediment to the contracting of a marriage, since it is a sin to marry after taking a simple vow of continence, yet since the contract is valid, the marriage cannot be annulled on that account.

Reply to Objection 1. A vow is a stronger tie than matrimony, as regards that to which man is tied, and the obligation under which he lies. because by marriage a man is tied to his wife, with the obligation of paying the debt, whereas by a vow a man is tied to God, with the obligation of remaining continent. But as to the manner in which he is tied marriage is a stronger tie than a simple vow, since by marriage a man surrenders himself actually to the power of his wife, but not by a simple vow as explained above: and the possessor is always in the stronger position. In this respect a simple vow binds in the same way as a betrothal; wherefore a betrothal must be annulled on account of a simple vow.

Reply to Objection 2. The contracting of a marriage between blood relations is annulled by the commandment forbidding such marriages, not precisely because it is a commandment of God or of the Church, but because it makes it impossible for the body of a kinswoman to be transferred into the power of her kinsman: whereas the commandment forbidding marriage after a simple vow has not this effect, as already stated. Hence the argument is void for it assigns as a cause that which is not cause.

Reply to Objection 3. If after taking a simple vow a man contract marriage by words of the present, he

* Cf. St. Augustine, De Bono Viduit, ix † Alexander III

cannot know his wife without mortal sin, because until the marriage is consummated he is still in a position to fulfill the vow of continence. But after the marriage has been consummated, thenceforth through his fault it is unlawful for him not to pay the debt when his wife asks: wherefore this is not covered by his obligation to his vow, as explained above (ad 1). Nevertheless he should atone for not keeping continence, by his tears of repentance.

Reply to Objection 4. After contracting marriage he is still bound to keep his vow of continence in those matters wherein he is not rendered unable to do so. Hence if his wife die he is bound to continence altogether. And since the marriage tie does not bind him

to ask for the debt, he cannot ask for it without sin, although he can pay the debt without sin on being asked, when once he has incurred this obligation through the carnal intercourse that has already occurred. And this holds whether the wife ask expressly or interpretively, as when she is ashamed and her husband feels that she desires him to pay the debt, for then he may pay it without sin. This is especially the case if he fears to endanger her chastity: nor does it matter that they are equal in the marriage act, since everyone may renounce what is his own. Some say, however, that he may both ask and pay lest the marriage become too burdensome to the wife who has always to ask; but if this be looked into aright, it is the same as asking interpretively.

Whether a solemn vow dissolves a marriage already contracted?

Suppl. q. 53 a. 2

Objection 1. It would seem that not even a solemn vow dissolves a marriage already contracted. For according to a Decretal (cap. Rursus, De his qui cler. vel vovent.) “in God’s sight a simple vow is no less binding than a solemn one.” Now marriage stands or falls by virtue of the Divine acceptance. Therefore since a simple vow does not dissolve marriage, neither will a solemn vow dissolve it.

Objection 2. Further, a solemn vow does not add the same force to a simple vow as an oath does. Now a simple vow, even though an oath be added thereto, does not dissolve a marriage already contracted. Neither therefore does a solemn vow.

Objection 3. Further, a solemn vow has nothing that a simple vow cannot have. For a simple vow may give rise to scandal since it may be public, even as a solemn vow. Again the Church could and should ordain that a simple vow dissolves a marriage already contracted, so that many sins may be avoided. Therefore for the same reason that a simple vow does not dissolve a marriage already contracted, neither should a solemn vow dissolve it.

On the contrary, He who takes a solemn vow contracts a spiritual marriage with God, which is much more excellent than a material marriage. Now a material marriage already contracted annuls a marriage contracted afterwards. Therefore a solemn vow does also.

Further, the same conclusion may be proved by many authorities quoted in the text (Sent. iv, D, 28).

I answer that, All agree that as a solemn vow is an impediment to the contracting of marriage, so it invalidates the contract. Some assign scandal as the reason. But this is futile, because even a simple vow sometimes leads to scandal since it is at times somewhat public. Moreover the indissolubility of marriage belongs to the

truth of life*, which truth is not to be set aside on account of scandal. Wherefore others say that it is on account of the ordinance of the Church. But this again is insufficient, since in that case the Church might decide the contrary, which is seemingly untrue. Wherefore we must say with others that a solemn vow of its very nature dissolves the marriage contract, inasmuch namely as thereby a man has lost the power over his own body, through surrendering it to God for the purpose of perpetual continence. Wherefore he is unable to surrender it to the power of a wife by contracting marriage. And since the marriage that follows such a vow is void, a vow of this kind is said to annul the marriage contracted.

Reply to Objection 1. A simple vow is said to be no less binding in God’s sight than a solemn vow, in matters pertaining to God, for instance the separation from God by mortal sin, because he who breaks a simple vow commits a mortal sin just as one who breaks a solemn vow, although it is more grievous to break a solemn vow, so that the comparison be understood as to the genus and not as to the definite degree of guilt. But as regards marriage, whereby one man is under an obligation to another, there is no need for it to be of equal obligation even in general, since a solemn vow binds to certain things to which a simple vow does not bind.

Reply to Objection 2. An oath is more binding than a vow on the part of the cause of the obligation: but a solemn vow is more binding as to the manner in which it binds, in so far as it is an actual surrender of that which is promised; while an oath does not do this actually. Hence the conclusion does not follow.

Reply to Objection 3. A solemn vow implies the actual surrender of one’s body, whereas a simple vow does not, as stated above (a. 1). Hence the argument does not suffice to prove the conclusion.

* Cf. Ia, q. 16, a. 4, ad 3; Ia, q. 21, a. 2, ad 2; IIa IIae, q. 109, a. 3, ad 3

Objection 1. It would seem that order is not an impediment to matrimony. For nothing is an impediment to a thing except its contrary. But order is not contrary to matrimony. Therefore it is not an impediment thereto.

Objection 2. Further, orders are the same with us as with the Eastern Church. But they are not an impediment to matrimony in the Eastern Church. Therefore, etc.

Objection 3. Further, matrimony signifies the union of Christ with the Church. Now this is most fittingly signified in those who are Christ's ministers, those namely who are ordained. Therefore order is not an impediment to matrimony.

Objection 4. Further, all the orders are directed to spiritual things. Now order cannot be an impediment to matrimony except by reason of its spirituality. Therefore if order is an impediment to matrimony, every order will be an impediment, and this is untrue.

Objection 5. Further, every ordained person can have ecclesiastical benefices, and can enjoy equally the privilege of clergy. If, therefore, orders are an impediment to marriage, because married persons cannot have an ecclesiastical benefice, nor enjoy the privilege of clergy, as jurists assert (cap. Joannes et seq., De cler. conjug.), then every order ought to be an impediment. Yet this is false, as shown by the Decretal of Alexander III (De cler. conjug., cap. Si Quis): and consequently it would seem that no order is an impediment to marriage.

On the contrary, the Decretal says (De cler. conjug., cap. Si Quis): "any person whom you shall find to have taken a wife after receiving the subdiaconate or the higher orders, you shall compel to put his wife away." But this would not be so if the marriage were valid.

Further, no person who has vowed continence can contract marriage. Now some orders have a vow of continence connected with them, as appears from the text (Sent. iv, D, 37). Therefore in that case order is an impediment to matrimony.

I answer that, By a certain fittingness the very nature of holy order requires that it should be an impediment to marriage: because those who are in holy orders handle the sacred vessels and the sacraments: wherefore it is becoming that they keep their bodies clean by continence*. But it is owing to the Church's ordinance that it is actually an impediment to marriage. However it is not the same with the Latins as with the Greeks; since with

the Greeks it is an impediment to the contracting of marriage, solely by virtue of order; whereas with the Latins it is an impediment by virtue of order, and besides by virtue of the vow of continence which is annexed to the sacred orders; for although this vow is not expressed in words, nevertheless a person is understood to have taken it by the very fact of his being ordained. Hence among the Greeks and other Eastern peoples a sacred order is an impediment to the contracting of matrimony but it does not forbid the use of marriage already contracted: for they can use marriage contracted previously, although they cannot be married again. But in the Western Church it is an impediment both to marriage and to the use of marriage, unless perhaps the husband should receive a sacred order without the knowledge or consent of his wife, because this cannot be prejudicial to her.

Of the distinction between sacred and non-sacred orders now and in the early Church we have spoken above (q. 37, a. 3).

Reply to Objection 1. Although a sacred order is not contrary to matrimony as a sacrament, it has a certain incompatibility with marriage in respect of the latter's act which is an obstacle to spiritual acts.

Reply to Objection 2. The objection is based on a false statement: since order is everywhere an impediment to the contracting of marriage, although it has not everywhere a vow annexed to it.

Reply to Objection 3. Those who are in sacred orders signify Christ by more sublime actions, as appears from what has been said in the treatise on orders (q. 37, Aa. 2,4), than those who are married. Consequently the conclusion does not follow.

Reply to Objection 4. Those who are in minor orders are not forbidden to marry by virtue of their order; for although those orders are entrusted with certain spiritualities, they are not admitted to the immediate handling of sacred things, as those are who are in sacred orders. But according to the laws of the Western Church, the use of marriage is an impediment to the exercise of a non-sacred order, for the sake of maintaining a greater honesty in the offices of the Church. And since the holding of an ecclesiastical benefice binds a man to the exercise of his order, and since for this very reason he enjoys the privilege of clergy, it follows that in the Latin Church this privilege is forfeit to a married cleric.

This suffices for the Reply to the last Objection.

Objection 1. It would seem that a sacred order cannot supervene to matrimony. For the stronger prejudices the weaker. Now a spiritual obligation is stronger than a bodily tie. Therefore if a married man be ordained, this will prejudice the wife, so that she will be unable to

demand the debt, since order is a spiritual, and marriage a bodily bond. Hence it would seem that a man cannot receive a sacred order after consummating marriage.

Objection 2. Further, after consummating the marriage, one of the parties cannot vow continence without

* Cf. Is. 52:11 † Cf. q. 61, a. 1

the other's consent[†]. Now a sacred order has a vow of continence annexed to it. Therefore if the husband be ordained without his wife's consent, she will be bound to remain continent against her will, since she cannot marry another man during her husband's lifetime.

Objection 3. Further, a husband may not even for a time devote himself to prayer without his wife's consent (1 Cor. 7:5). But in the Eastern Church those who are in sacred orders are bound to continence for the time when they exercise their office. Therefore neither may they be ordained without their wife's consent, and much less may the Latins.

Objection 4. Further, husband and wife are on a par with one another. Now a Greek priest cannot marry again after his wife's death. Therefore neither can his wife after her husband's death. But she cannot be deprived by her husband's act of the right to marry after his death. Therefore her husband cannot receive orders after marriage.

Objection 5. Further, order is as much opposed to marriage as marriage to order. Now a previous order is an impediment to a subsequent marriage. Therefore, etc.

On the contrary, Religious are bound to continence like those who are in sacred orders. But a man may enter religion after marriage, if his wife die, or if she consent. Therefore he can also receive orders.

Further, a man may become a man's bondsman after marriage. Therefore he can become a bondsman of God by receiving orders.

I answer that, Marriage is not an impediment to the receiving of sacred orders, since if a married man receive sacred orders, even though his wife be unwilling, he receives the character of order: but he lacks the exercise of his order. If, however, his wife consent, or if she be dead, he receives both the order and the exercise.

Reply to Objection 1. The bond of orders dissolves the bond of marriage as regards the payment of the debt, in respect of which it is incompatible with marriage, on

the part of the person ordained, since he cannot demand the debt, nor is the wife bound to pay it. But it does not dissolve the bond in respect of the other party, since the husband is bound to pay the debt to the wife if he cannot persuade her to observe continence.

Reply to Objection 2. If the husband receive sacred orders with the knowledge and consent of his wife, she is bound to vow perpetual continence, but she is not bound to enter religion, if she has no fear of her chastity being endangered through her husband having taken a solemn vow: it would have been different, however, if he had taken a simple vow. On the other hand, if he be ordained without her consent, she is not bound in this way, because the result is not prejudicial to her in any way.

Reply to Objection 3. It would seem more probable, although some say the contrary, that even a Greek ought not to receive sacred orders without his wife's consent, since at least at the time of his ministry she would be deprived of the payment of the debt, of which she cannot be deprived according to law if the husband should have been ordained without her consent or knowledge.

Reply to Objection 4. As stated, among the Greeks the wife, by the very fact of consenting to her husband's receiving a sacred order, binds herself never to marry another man, because the signification of marriage would not be safeguarded, and this is especially required in the marriage of a priest. If, however, he be ordained without her consent, seemingly she would not be under that obligation.

Reply to Objection 5. Marriage has for its cause our consent: not so order, which has a sacramental cause appointed by God. Hence matrimony may be impeded by a previous order; so as not to be true marriage: whereas order cannot be impeded by marriage, so as not to be true order, because the power of the sacraments is unchangeable, whereas human acts can be impeded.