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ASPECTS OF THE CHRISTIAN'S SOCIAL RESPONSIBILITY

Introduction, and the Implications of Divorce Law

Introduction

It might be supposed that the theme of the Christian's Social Responsibility—at least in the form of some account of its fulfilment in individual cases—would be a welcome one, and that the books written about it would be best sellers. Yet it is not so. It might also be supposed that the importance of facing responsibilities in social life would be recognised as part of that relevance of Christianity to modern times, which is so frequently taken for granted by those who proclaim its doctrinal content. Yet this is not so, either.

Books which are badly written do not deserve to sell well, while well-written Christian books of recent date have achieved enormous sales; but this may nevertheless not be the answer. No one at any rate could claim that *Evangelicals in Action*, *Time for Action* or even *Within a Yard of Hell* were as well known among Christians as if they were prescribed reading; yet any one of these might well be required of anyone intending to undertake Christian work and seeking a reading list. Of course, he would find himself not agreeing with everything he read, and this would no doubt be disconcerting if his former reading had been limited to Holy Scripture and commentaries thereon whose authors were elevated by tradition above being disagreed with. Readers of Professor Torrance will recall his abhorrence of any approach to the Church's ministry or witness to Scripture which, being introvert in nature, forms an echo chamber where 'the Gospel rebounds, as from a brick wall'.

To change the metaphor, we have seen all we need to see of that professed Christianity which stands beneath the arched dome of its glass case, indistinguishable because of the grime that collects upon the glass, and proudly proclaims that the *inside* gets a regular clean!

The current significance of their topics has brought to the fore two books which *have* been really widely read: *The Cross and the Switchblade* and Lunn and Lean's *New Morality*. In this issue of the *Journal*, we are considering the social responsibility of the Christian in relation to the rapidly rising rate of divorce and the social consequences of some recent attitudes to divorce generally; Marriage Guidance; the problems of Old Age; and the Rehabilitation of Prisoners.

Before we pass to the consideration of some recent problems in relation to divorce, there are a few matters which should be mentioned. Some doubt has been expressed whether Christian social responsibility (in an institutional sense) should be regarded as synonymous with the social responsibility of the Christian. Perhaps there is a duty to influence society in a Christian direction? In the International Reformed Bulletin issued in December, 1965 under the title *The Church's Mission Today*, Mr. Hebden Taylor argues for a growth of Christian organisations—and makes it clear that here is no isolationist attitude, but rather a call to concentrated action by Christians through organisations which 'devote themselves in word and action to the cause of social justice'. There are of course problems about all this, but clearly we can no longer stand aloof, anti-union, anti-vote, anti-politics and still hope to help, on anything but a personal level, broken homes, broken lives, broken marriages and broken hearts.

Yet nothing could be more clear from the articles which follow than that much of the work which is being done, and which could be still more widely done, *will* be personal work in the most literal sense. Indeed, it is surely useless to contemplate successful Marriage Guidance work unless one is personally fitted by experience as well as training. But this has a corollary. If it is true that one cannot discuss deeply personal problems unless one has a personal concern and some personal acquaintance with the nature of the problems to be solved, it is also true that the experience called for involves some integration into the life of the community. A husband whose dutiful wife has always done as she is told, is not fitted by the submissiveness he has secured, nor by the marital 'harmony' which has resulted from it, to be a Marriage Guidance Counsellor.

How individual are the needs of the aged (yet how dangerous it may be to let them become obsessed by self-pity), and how individual are the circumstances of ex-prisoners, will likewise sufficiently appear from the pages which follow. But what of the problem of the increased and increasing divorce rate?

The implications of divorce law

The very recent decision to pass to the County Courts the decision of many divorce cases will not, I think, in itself represent a very great change in the climate, though its practical and legal implications are considerable in the sphere of administration. The areas which seem rather to call for some specific comment are three:

- The increasing rate at which dissolutions are taking place;
- The effect of this increase on moral standards;
- The significance of recent suggestions for changes in the law.

(a) The rate of divorce

Something in the region of 30,000 divorces now take place in each year. This figure, with some variation, has been the rough average for some fifteen years.

The effect of the *Matrimonial Causes Act*, 1950 (re-enacted in this respect this year) is to enable a woman to obtain a divorce in this country provided that (her husband not being resident in any other part of the United Kingdom, the Channel Islands or the Isle of Man) *she is resident in England and has been ordinarily resident there for three years*. This means that the English Courts have jurisdiction even if the *husband* is not *domiciled* in England, and so the Act widens greatly their jurisdiction. Similarly, the extent to which foreign divorces are recognised as valid has been greatly widened in scope during the past fifteen years. This is not to say that these moves have been wrong or unfortunate; in some cases, the decisions have done no more than to break to some extent the ancient shackle by which the personal law of the wife is regarded as that of her husband, so that only the Courts in the country to which he had gone could, in many cases, grant what we regarded as a valid divorce at all. It is the *effect* of the changes that is a matter for concern.

In a case decided in 1906, it had been decided that the English Courts would *recognise* a divorce, wherever granted, provided the divorce was recognised by the Courts of the husband's domicile; it must be granted however that in 1959 the Courts declined to say that a further suggested extension could be recognised. Equally, it must be admitted that recognition was refused to a decree obtained after a residence in Florida of the required period of ninety days!

If a projected change were made, the separated wife would be able to acquire a domicile independent of her husband's (as she can in most American States) and the residence basis for divorce would be rendered unnecessary.

Here again, however, if we accept that an unsatisfactory marriage is, in practical terms, as well dissolved, it is difficult also to argue that increases in the ease with which marriages may be dissolved are intrinsically bad. It is not usually people who stand a good chance of 'making a go of it yet' who petition for divorce from a husband now out of the country.

(b) The effect on moral standards

Much doubt has been expressed whether broken homes are a real cause of juvenile crime, and perhaps too much attention has been paid to this particular aspect of the situation. Time might have been more profitably spent demonstrating what the dissolution of marriages on a large scale does to a society which is family-based, and in which the control of the lives of their children in every respect rests to so great an extent with parents. What could be more easy than a succession from one generation which regards marriage as a terminable contract, to a next generation which regards any relationship as freely assumed, freely doffed, and experimental in between the two? If God cares, He cares enough not to let men do what they like; if God is left out, the moral climate will not stay at relaxed divorce rules, because 'what I like' will eventually become the only criterion.

(c) **Suggested changes**

Many suggestions have been put forward, many criticisms levelled at those who have been bold enough to suggest one change or another. Can we get to one or two fundamental principles? Do we still think that the retention of collusion as an absolute bar to divorce is right at the expense of reconciliation? Should such emphasis be placed on whether the parties have 'got together' collusively on the matter, or is it more important to *try* to get them together in order to reconcile them before finally dissolving their marriage—irrespective of the origin of the proceedings? As the emphasis swings (it has done so) to reconciliation if possible, and to the consideration of the welfare of children above all else, does the importance of collusion diminish?

Certainly this can become very clear from a different angle. Some time ago, I was asked for advice by a student who had committed adultery with another man's wife. He was himself single, and anxious only to discuss the ease with which he could marry the woman, since (he said) her husband did not care whether the marriage continued or not. Surely it was more important to tell him to get out and stay out than to discuss the niceties of collusion?

The value of opportunities for reconciliation is recognised also by an Act of 1963, as the result of which condoned adultery cannot be revived; formerly, condoned adultery would revive if, for example, the guilty spouse deserted the other for a period of three years. The result was that condonation was treated as conditional forgiveness, and the period of re-association was regarded as probationary. Now, a continuance or resuming of co-habitation after a matrimonial offence, for a period of not more than three months, will not amount to condonation at all *provided the co-habitation is with a view to reconciliation*.

As far as collusion is concerned, the effect of the Act of 1963 is said to be to render it a discretionary rather than an absolute bar. The Act says that the Court may in its discretion grant a decree despite collusion; it is clear, however, that the intention is not to enable spouses to part by legal divorce on a concocted petition.

Is not such an emphasis on reconciliation, difficult to work out in practice though it may be, more satisfactory than the reduction of marriage to a simple contract (instead of legally a matter of status)—a reduction which characterises the approach in *Law Reform Now?* There, the writers of the Family Law section, under the general editorship of the now Lord Chancellor, expressed the view that marriage should be regarded as a contract, imposing certain obligations, breach of which should (broadly) entitle the other party to set it on one side; all talk of guilt, innocence and matrimonial offences was, they thought, out of place. Matrimonial offences, they agreed with some members of the Royal Commission on Marriage and Divorce, 'are in many cases merely symptomatic of the breakdown of marriage, . . . there should also be provision for divorce in cases where, quite apart from the commission of such offences, the marriage has broken down completely'.

This emphasis on reconciliation is of course repeatedly emphasised in Mrs. Argent's paper on Marriage Guidance, to which is appended a copy of the General Principles and Aims of the National Marriage Guidance Council. Perhaps, indeed, the whole theme of this issue should be reconciliation: the reconciliation of the spouses to a marriage, of ex-prisoners to a hostile society, of youth to age. Those who are theologically inclined will see from their New Testament Word Books that we are not far from the New Testament concept of reconciliation in so regarding it. In this way, men may be helped to find themselves.

'And when he had come to himself, he . . . came to his Father'.
(the first century prodigal);

'And suddenly, nothing seemed more natural in the world than to come home'. (a twentieth century prodigal: Richard Feverell)

K. N. S. COUNTER

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