ARTICLE II.

SOME RELATIONS OF DIVORCE TO SOCIAL MORALITY.

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THERE is growing up in our communities a direct foe of the home. The Nation is becoming gradually aroused to the danger. I refer to the social and legal abuses of the great sexual bond of marriage. With incidental reference to other disintegrating forces, I shall ask your particular attention to the subject of Divorce.

A few years ago, Renan said in Paris, "Nature cares nothing for the ideas of the New Testament as to the family." "Yes," replied Matthew Arnold, when in America, "It may be that Nature cares nothing for these ideas, but Human Nature cares a great deal," and "Human nature is structurally religious and domestic," adds an eminent American, "and religion and home can never be successfully antagonized, nor be safely ignored."

I am obliged in the limits of this paper to confine myself chiefly to one of three lines of thought: The Historical, or the Exegetical, or the Cotemporary problem.

I. It would be interesting and is important, in view of the growth of the evolution philosophy, to discuss under the historical phase of our subject the different theories as to the origin of the family, represented by Sir Henry Maine and his school on the one side, in defence of the monogamic origin, and Sir John Lubbock and his school on the other, suggesting promiscuity as the early type. But I must omit all of this most interesting phase of our subject, and say nothing about the teachings of Hebrew, Greek, and Roman history

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on our theme, in order to get down to our own cotemporary problem. Suffer, however, a few teachings of the historical survey. A study of the family historically shows that, whatever may have been the habits of prehistoric races, or are the customs of savage tribes to-day, at the dawn of verifiable history the family life existed in the simple bond of monogamy. Again, we see that the earliest conception of marriage in all history is religious, and yet that the later Roman idea of contract, and the Greek idea of individual freedom, opened the way to unlimited grounds for separation, or to an almost universal incontinence. Incidentally we see that the voluntary or legal severing of the marriage bond on easy terms may co-exist, and in historic fact did co-exist in Greece and Rome, with a great increase of licentiousness. We discover, moreover, that, for whatever causes, the family, both in its civil and religious aspects, was nearer utter destruction in the days of the later Roman republic and early empire than before or since in the history of civilized society. We may add one inference more which may be of value in our study, that the material and intellectual grandeur of a nation, like that of classical Greece and republican Rome, may co-exist with a dry rot of social and family immorality; that nations which have given to the world its ideals of law, its most perfect models of government and art, its most stupendous works of architecture, and its most enormous aggregate of wealth, its perfection of literary form, and its incomparable ideals of beauty,—that such nations may achieve all these things, and yet decay to inevitable destruction without the accompaniments of domestic morality. I think we can say, without the least fear of denial, what nearly every cotemporary and subsequent historian abundantly proves, that the one vice of the great civilizations of the past from which we inherit so much that is good and splendid, *the one* vice which rose high above and dug deep beneath every other, was the sin of impurity—the breaking or denying, by private sin or

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public apathy, of the laws which regulate the relations of the sexes.

Slavery, drunkenness, and impurity: this is the Triad of the Devil on the pages of history. It was *not* drunkenness, it was *not* slavery, but it *was* impurity, which stands out as *the* sin of the world nineteen hundred years ago, and which undermined the greatest nations that ever existed. Now, Christianity shows its moral success or failure, as it is able and willing to cope with these three curses of society. The vices of slavery and drunkenness have been and are objects of Christian attack, and strenuous efforts to restrain or eradicate them brighten the course of Christian history. But, mark, neither slavery nor intemperance, as specific vices, is touched by name in the teaching of the great Master of our faith and morals, Jesus Christ; yet his gospel in its sanctions and moral intent made it inevitable that a man, if a Christian, must grapple with them. Christendom has grappled and is grappling with them. And yet we maintain that the sin of personal impurity is the most fundamental of them all. Whatever tends to undermine the sanctity of marriage, fosters this sin. These positions can be maintained,—

1. First, because "sex is the most profound single element of life," all pervasive, natural; everybody, man, woman, or child, is open to its elevating or degrading forces, by the very fact of being alive. Drunkenness is generally acquired, and slavery was never universal; but sex is inherent and everywhere. It is therefore the one indestructible root of good or evil.

2. But it is the most fundamental, secondly, because the family, in its integrity and in its violation alike, never *involves one alone, always two or more.* A man may get drunk and ruin himself by his indulgence. He generally mars the happiness of his friends, or degrades others beside himself, but not necessarily; and, even if so, he may commit this vice without making another partner of his guilt. But a man or a woman cannot violate the purity or integrity of this fundamental basis of life, without *the sin of two.* Even in the case

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of intemperance, the one point in its enormity most dwelt upon to-day is that it tends to injure the family life; and the greatest curse of slavery in all ages has been the gate it has thrown open to unchecked licentiousness.

3. But mark a third ground for so emphasizing this sin of impurity. Pervasive as the good and evil of sex are, universal as the regulation of the sexes must be, fundamental as domestic purity is to social well-being; yet, *yet*, there seems to be no place in which this fundamental truth is taught. Our schools do not, and it is a grave question whether they can, discuss it. In the one place where it might be enforced and taught, the home, it is seldom mentioned, from fear or a false delicacy. Whether the reasons be good or bad, the pulpit seldom touches it, on account of the promiscuous nature of church assemblies, or for reasons less creditable. And yet it is *the one* peril that everybody is exposed to. It is the one evil that Jesus Christ selected to deal with directly, while he left others to be moulded by general principles.

4. And so I give this as a fourth and all-sufficient reason for calling it the fundamental social question; because Christ himself went out of his way to legislate on the family. Christ made a *striking exception* to protect the family. On two or three occasions he took pains to emphasize what the family was in its intent, and to lay down specific principles in regard to the severance of the marriage bond. There is great force in the fact, that *the* social peril which Christ singled out for special legislation, the first great social evil which Christ's followers emphasized—following his precepts and forced thereto by the utter decay of social purity in their day—is the one which Christianity is grappling with yet; though intemperance and slavery have occupied and do occupy a more prominent place in the public discussions. And, though so fundamental, so emphasized by Christ, so often alluded to in the Epistles and early church literature, so pervasive and subtile, it yet goes on its sweeping course to-day; partly because, from fear or apathy or a false delicacy, it is seldom touched in public or private, on its moral side, while yet our public

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prints are more and more filled with disgusting and demoralizing details of moral leprosy in England and America.

II. But we must next look briefly at the exegetical aspects of our subject. We have alluded to the exceptional specific emphasis which Jesus gave to the family. Three times he touched literally the matter of the social evil by personal contact with three poor outcast, fallen women. How do men fold their arms, and women gather up their skirts, in presence of a sin Jesus himself touched, with sympathy for the woman and with conscience-scrutiny for the man! But it is with his teachings on the matter of Divorce that we are most interested here. Time prevents our pausing upon exegetical details; but careful study of Christ's words leads us to certain conclusions which can successfully challenge attack. Epitomizing the teachings of Christ in the four passages on this subject (Matt. v, xix; Mark x; and Luke xvi.), we find that Christ allows only one cause for divorce, that of adultery. He asserts, *first*, the guilt of the man who divorces his wife for other cause; *second*, imminent danger of adultery for the woman thus put away for any lighter cause; *third*, the guilt of adultery on the part of any other man who marries such a divorced or repudiated wife; *fourth*, the guilt of adultery on the part of the husband who divorces his wife on lighter grounds, and marries another; *fifth*, if the action for divorce originate from the wife, and she put away her husband save for the one cause, she commits adultery. As a matter of pure exegesis, nothing can be more explicit; and taken together the four passages cover nearly all combinations of the problem for man and woman alike. And now on these passages a few observations will be sufficient:

1. That the Roman Catholic Church has always understood, in the passages epitomized, that Christ denies the right of either party to remarriage. On the other hand, the Greek and Protestant churches have nearly always maintained the right of remarriage, in such cases, to the innocent party.

2. Christ's words here have been supposed by some to out-

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line an ideal society, and cannot, it is said, be meant to apply strictly to actual life. In reply note

(1) That Christ answers this by distinctly saying that the strict rule he would enforce is historical. He refers to the *original* institution of marriage, and says: "What God hath joined together, let not man put asunder." In actual practice and in the original intent this was the rule before social degeneracy began.

(2) Moses permitted, not commanded it, because, in ruder and more corrupt days, it could not be enforced. But Christ distinctly implies by his language that it was time for a higher code to reign. Christendom from his day to ours can only evade this by confessing that in matters of social morality, we, after nineteen centuries of Christian light, are yet to be ruled by the lower permissive morality of 3,500 years ago. "Our hardness of heart" is as great as theirs.

(3) This rule of Christ's was put into practice at once in the Christian church of the early centuries—that century so foul and debased that one would hardly dare attempt to describe it. This became one of the burning questions of the early church, and it was against the prevalent laxity of personal and family life that the early Christians set themselves like a rock, even in that day of Rome and Corinth.

But a passage in Paul's seventh chapter of First Corinthians is supposed to modify or antagonize these utterances of our Lord. We find this passage:

> If any brother have a wife that believeth not and she be pleased to dwell with him, let him not put her away. And the woman which hath a husband that believeth not, if he be pleased to dwell with her, let her not leave him; but if the unbelieving depart, let him depart. A brother or a sister is not under bondage in such cases, but God hath called us in peace.

This passage is supposed by some to allow divorce for desertion. But, note, (*a*) Paul is not speaking here of *divorce* at all, but only of *possible separation.* (*b*) He is considering the case only where one or both are heathens. "Under bondage in such cases" must, therefore, refer to *those cases;* and if divorce ever is allowable in *such cases*, we have *no such cases* in

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Christendom for our modern legislation. Certainly we seldom hear of *religious incompatibility* as sundering the marriage bond. (*c*) Even if we suppose "Not under bondage" to refer to breaking the marriage tie by divorce, is not that word "bondage" strange language for Paul to use of marriage in the face of Christ's high view of the sanctity of marriage, and Paul's own language elsewhere, that a man and woman are bound to each other as long as they live? (*d*) But, however we regard this passage, that only can be the right interpretation which brings it into harmony with Christ's great law. We have discovered already what that is. Any supplemental legislation of Paul certainly cannot be antagonistic to Christ's plain teaching. (*e*) A different interpretation of this passage, especially at the time of the Reformation, doubtless as a recoil from the strict Catholic views of marriage, has opened the flood-gates of modern, Protestant divorce. This canon of interpretation extends divorce to *all* cases of desertion; and from its allowance for this cause of desertion extends it to other causes less, equally, or more heinous. And so the logic of the ages, as time goes on, has increased this one cause to nearly a dozen; and we Protestants to-day, despite the uniform and noble stand of Roman Catholicism all down the centuries, are confronted with a private practice and a public legislation, at the most extreme remove from the New Testament standard.

Doubtless the recoil of the *Reformers* from the sacramental theory of marriage in the Catholic Church, together with the abuses of celibacy and concubinage; and, later, the recoil of Puritanism from the sacerdotal views of the Church of England, were the controlling influences which have fostered this greater license in our earlier Protestant history. But deeper than these causes is the growth of individualism, intensified by republican forms of government and by industrial changes. Everywhere we hear of rights: rights of labor, rights of capital, rights of woman, rights of universal suffrage, rights to the public crib, rights to the spoils of office, good rights and bad rights alike; one is as logical as

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the other, if the individual alone is the basis of society. We need not discuss this, only state it as a manifest fact and tendency. Everywhere, as Sir Henry Maine has said, "The drift is from status to contract, and from the family to the individual." This is the one dominant thought in America; —"Rights." And now hosts of foreigners come to share our rights, and help to make and unmake our free institutions. Of course, then, we cannot be surprised that the right of divorce and the right of sexual freedom should be emphasized with the rest. And yet, some rights are harmless in a simple Puritan society which may be ruinous if indulged in a complex civilization like ours. Suffer only the facts, often stated publicly before. Right out of pure and free New England has come the greatest impulse to break up the home. It is a fact, and a strange one, but fact, nevertheless. In New England and the Western Reserve of Ohio, and wherever New England men and women have gone, frequent divorce has gone. The movement as a marked evil seems to have begun in Connecticut between 1840 and 1850, when the laws on this subject were relaxed. Since then, the license of new settlements, conflicting state laws, a growing demand for social as for political equality, foreign immigration (which, though from nations of stricter rule on the marriage bond, is effective by the very law of repulsions), and the stain of foreign ideas of incontinence (result of travel) have all joined to increase the peril of the family. The morals of sex, moreover, are often treated from the individual rather than the social standpoint. Men seem easily to convince themselves that licentiousness is an individual vice, like drunkenness, and good women who will not touch the harlot with their little fingers, yet suffer the society and the advances of men who make harlots.

But to return to facts. Divorces have doubled in proportion to marriages in the thirty years from 1850 to 1880. In Connecticut it had become in the latter year one divorce to every ten and four-tenths marriages; in Rhode Island one to eleven; in Massachusetts one to twenty-one; in Maine one to ten; in Vermont one to fourteen; for all New England about one

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to fourteen. In twenty-nine counties in California in a recent year, an investigator found one divorce to seven and four-tenths marriages. In San Francisco in one year one to five and seven-tenths, and in one solitary county in California, as low as one to three. In Ohio, the number has increased since 1870 ninety-five per cent., while marriages have increased only twenty-nine per cent. and population only thirty per cent. Bishop Gillespie, of Michigan, collected, a few years ago, facts from twenty-four counties, which show about one to thirteen. I have personally obtained from the proper officers in Grand Rapids the fact that, from October, 1884, to October, 1885, one divorce was granted to four and a half marriages, as the record of Kent county. For 1886, from the figures so far collected, it will be about one to six, making Kent county one of the banner counties in the country in its disgraceful record against the home.

But we must consider, also, that out of these averages we must deduct the whole or a very large part of the Catholic population, in which communion no divorce is allowed. This will make the showing even more marked, by increasing the ratios for the Protestant and anti-religious element of our communities.

We must remember, likewise, that in Massachusetts, which has kept the most careful and reliable statistics on all subjects of public morality for many years past, we find that between 1860 and 1880 the population increased forty-five per cent., marriages increased only twenty-five per cent., and divorce one hundred and forty-five per cent. Other New England states have increased in population presumably as fast, and Western states faster than Massachusetts; and if, for the country over, the ratio of divorce to marriages about doubled in thirty years, the same or greater ratio of divorce and marriage to population would probably be true for other states than Massachusetts.

Now we must remember another class of facts, to see the full significance of these figures, viz., that families, especially among the better classes, are smaller than formerly; so that

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we have to face the combined force of four facts; viz., (1) population is rapidly increasing, and yet (2) there are fewer marriages in proportion to population; (3) more divorces in proportion to marriages; (4) smaller families in marriage.

Once more, we must bear in mind the source of our increase of population, from the lower classes of Europe, and how they eagerly avail themselves of our laws; but in so doing throw off, in the act, the bonds of the Catholic Church, if Catholic before coming here, and join, not generally the Protestant, but the anti-religious or non-religious elements in our midst.

But consider again that, apart from this recruiting to the forces opposed to the family, yet, after all, the increase in divorce is chiefly in the native stock of America. If now, you say that this stock is the lower stratum of society, either foreign or native, it can be easily answered that however true that may have been twenty years ago, or may be to-day, yet our poorer and lower classes in this country, by push and energy and opportunity, are fast becoming, year by year, our better classes, and carry with them as they go up in social life, presumably, the same ideas of home and marriage they originally had—inevitably so, unless the popular sentiment of the higher classes of Protestant society, into which they come, is intelligent and firm to Christian principles on this vital matter. Let me add that lax ideas of divorce are not confined largely to the lower middle classes in the West, as Mr. Dike, a few years ago, told the writer they were in New England; but are often found to permeate our so-called best society, and frequently exist in our churches unrebuked.

The problem then is: Fewer families formed in proportion to population; more homes broken up in proportion to those made; smaller families raised in marriage, especially among the better classes; ignorance or indifference to this whole question among our better Protestant citizens; and the lower classes, with their irreligious and socialistic ideas of the family life, pushing their way up in a free and unrestricted state and

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threatening to dominate legislation of the land on this as on other matters. Here is our problem. Is it not a vital one?

But we must also consider another fact, which complicates this problem here in the United States, viz., that legislation has tried nearly every experiment with the subject. South Carolina allows no divorce at all; New York allows only the one cause. Massachusetts gives nine grounds, and Michigan seven. Other states vary from three or four to ten. Most states place this power only in the hands of the regular courts; one only, Delaware, yet confines it to the legislature, where most of the states originally placed it. Some of the states, after enumerating a long list of grievances which may sunder the bond, add yet an omnibus clause, which places almost unlimited discretion with the judge, as to other causes, which his judgment may allow. Add now the fact that despite high requirements, as in New York, yet nearly all the states acknowledge the validity of any divorce, however lax, procured in accordance with the laws of any other state. Consider also the fact that the states differ materially as to the length of time required to gain a residence long enough to procure the sundering of the bond,—from a few months to several years. Consider also the fact that methods of procedure in the courts vary from strict requirements as to evidence, in some states, to a perfect travesty of evidence, in others; so that often a divorce can be procured almost without the knowledge of the other party. Consider that an elective judiciary cannot be as pure and independent on these vital matters as a more permanent bench might be, and that there is a class of lawyers who make it a special business to see any case through by false evidence, chicanery, and collusion, between parties conniving at the separation. Consider, again, that our laws generally affix no adequate penalties to these cases of cruelty and desertion and non-support and drunkenness, and even adultery. If heinous enough to break up homes, they surely should be visited by severe penalties. But who ever hears of an adulterer punished by the state, even if good laws are on the statute-book?

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Who punishes the habitual drunkard, who wrecks the peace of the whole family, and then gets for his only punishment the riddance of a wife and children, whom he has abused and never supported? We deal out punishment for cruelty to animals; but though we sunder the bond of a cruel marriage life, we seldom put in jail the man whose cruelty sundered the bond, but let him get at once another victim. Call marriage a contract, if you will, yet were violations of property contracts as lightly dealt with as violations of the marriage contract, property would have no legal stability whatever. And then, again, in most of our states no prohibition of remarriage is placed upon the guilty one. If one state, as New York, forbids an adulterer to remarry there during the life of a former consort; yet he can go off to Michigan or Illinois, and come back, maybe, to live in guilt with his very paramour under the ægis of law. If in some states years must intervene before such remarriage, in others he can at once enter the bonds. The same kind law which so conveniently cuts his bond to one whose home and hopes he has wrecked —the same kind law permits him to wed at once some other victim; and he will easily find magistrates or ministers to bless his iniquity, for a legal fee, or a tempting bonus. I will not go into the details of well-authenticated cases—cases so numerous and notorious, that, after reciting the distressing story, a prominent writer, a few years ago, called it "consecutive polygamy," comparing it with that in Utah, which he called by contrast "cotemporaneous polygamy."

III. Enough has been said to indicate an alarming tendency of our day and our generation. Let us go further, to consider some questions regarding the responsibility for this tendency, and to speak of a few helps in forming a better public sentiment. We might follow a certain school of thinkers on public moral questions, and throw the *whole burden* upon our laws. Let us not do that. Our laws on these questions are lax and defective, far removed from the specific law of the great Lawgiver for Christendom, and not as good, even, as public sentiment would enforce. In no one respect have our

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statutes swung further from the standard of Christ. If some men call a tax or license law, which aims to restrict the free sale of intoxicants, wicked, anti-Christian, and intolerable, though without specific word of Christ on the subject, what might we not say about our divorce laws, so squarely opposed to the simple and unequivocal teaching of Jesus Christ? Surely if Christian sentiment should be roused to the evils of intemperance, and if temperance men have any reason for laying these ills at the doors of legislation, and hope that laws will eradicate the vice, surely, *surely*, as Christians and citizens, we have far more right and duty to rouse Christian sentiment on this question, backed by such specific requirements of our Lord.

But deeply as we may feel on this matter, let us not lose our judgment. Christ and his followers after him must deal far more with individuals than with laws. Laws are only what the popular sentiment and conscience make them. Why, here in Christendom, for nineteen centuries, upheld essentially before the world, by the oldest communion of the Christian church, the Catholic, has been the high and ideal standard of Jesus Christ's law on the family; and yet it, with the authority of the God-man himself behind it, has not yet controlled the laws of what we call Christendom. What then? Shall we be discouraged in any moral battle, even this one? No. But shall we run tilt with our imperfect laws and demand at once perfect ones? No. For that were manifest folly, and even Christian principles do not work in that magical way. Shall we give up then and wait for public sentiment? No. But if we recognize any truth and any significance in the facts and principles here urged, let us rouse ourselves as Christians and citizens to make a better force back of laws. Laws have much to do in forming sentiment, very, very much. In this matter we are considering, sheer ignorance that Christ ever taught anything different from what our laws allow, is one great cause of this increasing evil. Some people think it all right because the law allows it. Now, grant, for argument's sake, that our laws on this subject are

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as good as public sentiment will allow; grant that their intent at least may be good, to protect the happiness, if not the purity, of society,—is the public sentiment right? That is the greater question. Is the intent of the law mistaken in fact? That is the important question. And has the Christian church no mighty mission in forming the sentiment and guiding the intent of the law? We must recognize the fact that though we live in a nominally Christian land, the state is not and cannot be really Christian until the church itself is; and even then only as individuals are willing to exhibit in life the law of Christ.

Now, on this vital matter of the family there are some things that public law can do, even as it now exists.

1. It can shut off some of the lighter causes of divorce; that is possible.

2. It can do what nearly every statute provides for: substitute separation from bed and board for absolute divorce, in a large number of cases; thus facilitating return to the former state. But this provision is almost a dead letter. Bishop Gillespie, of Michigan, is authority for the statement that he found in twenty-four counties of Michigan not a single case of separation, and the clerks of some courts did not know that there was such a thing. This separation in many cases would effect all that divorce does, and is all in those cases that even a lax law should permit, even in a low social tone.

3. It is a flagrant offence against common ideas of justice and public safety that an offence deemed sufficient to break the solemnest bond on earth, civil or divine, should almost never be followed with penalties. We have some penalties attached to our laws on this subject; but they are quite generally not enforced; we ought to have others, too, and enforce them all. Any society, however unchristian and lax, owes this much to common decency and justice.

4. Collusion between dissatisfied parties, even so outrageous a thing as collusion to adultery, exists not in Patagonia, but in the United States, to break up God's fundamental institution, a home. By the behests of even the laxest law that

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can be framed should this be ferreted out. A constable's conscience, to say nothing of a lawyer's, or that of an ermined judge, should denounce this outrage.

5. Swift and careless procedure is as illegal as it is immoral; but it is notorious all over the land how quickly, and on what shallow evidence, and with what artful devices of lawyer and client and witness, this *outrage* on common law is committed. Tenfold better a bad and quarrelsome home than such denial of the commonest dictates of justice. Even a police court will spend days over the pilfer of pence.

6. The commonest and laxest laws of any state which cares for the home contract as much as it cares for property contracts will at least keep a man or woman guilty of an offence against so sacred a bond, from immediately contracting another marriage. The delay of procedure recently instituted by the laws of Vermont has resulted in a striking diminution of divorces. It is hoped that a similar law recently enacted in Michigan will effect the same good results. Do we let a defaulter or a thief, unpunished, go free at once on society to play his games again? And yet we let an adulterer, or a drunkard, or a deserter, or a cruel brute freely wed at once anybody who will marry him. I cannot find in Judge Jennison's digest of our divorce laws anything to meet this evident evil, although some recent legislation in several states has been in the right direction. "The mind shrinks," he says, "from the attempt to conjecture what must be the near result of such a state of demoralization. It forces the conclusion that disregard of, and contempt for, the obligations of the marriage bond is the dry rot of our society, eating out its life with awful certainty, however strong and prosperous the surface may appear." A judge says this, dealing with actual laws; not a minister, dealing with ideal ones.

7. A seventh suggestion has been made by some who think far more than others do of the advantage of better laws in advance of the sentiment back of them. It is an amendment to the Constitution of the United States to make uniform our state laws on this subject; but even if this would be consti-

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tutional, such a law now would inevitably be a low one, nearer down to the common level of lax laws, than up to the higher level of the better ones, and "idle as a painted ship upon a painted ocean," unless, for example, Christian communities and assemblies rise to a demand for laws nearer Christian than the ones we have.

IV. I now pass, fourthly and lastly, to consider two objections to all that has been said, the only two of any weight that I have met in conversation or study. I think I need not guard myself, after what I have said, from the charge of desiring impossibilities, or demanding for our public laws at once an ideal code. I wish, as a Christian, I could make such a demand. I cannot as a citizen; and that principle of difference every wise man must remember, even if he does not wish to. *First*, it is objected that our laws are humane in intent, and Christian in spirit, if not in letter; for permission of all these grounds in divorce does tend to break up bad homes, and why keep up a cruel and drunken and incongenial home? Why not sever ill-assorted wedlock? Why not in the interest of peace and mercy to sad wives and restless husbands let them go free to greener pastures and more unclouded skies? Certainly, that course has some plausible reasons for it. But we might answer once for all and stop, when writing for communities which recognize the authority of Jesus Christ, that he forbids it, and he was as humane and tender as any court, or husband, or wife; he, more than any other teacher who ever lived, emphasized the rights and duties of the individual; especially has his gospel historically elevated the rights and duties of woman; and woman is more interested in this home problem than any other class. It is this tender Teacher of individualism and women's best Friend who denies the argument in the name of humanity, and God's fundamental institution, the home. But this objection can be met on other, lower grounds: It is fundamental to the stability of all society, that individuals must waive some rights for the public good. It is better that some individuals suffer than that the state be injured. This is an axiom, and yet nothing is more unfelt

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and neglected in our social life, with this clamor for individual rights everywhere. Now we all know from what we see that there is infelicity in many married lives; but infelicity is a variable word. It depends upon judgment and temperament and caprice, and mutual crimination oftentimes, as well as sterner evidence of fact. For the greater evils in the present state of society, perhaps law can do no better than it does. But how hard to draw the line, and how easy to aggravate the impossibility of happiness and duty in lighter causes of incompatibility! I have refused at least seven marriages of divorced couples, in this state, during three years, and most of the grounds for separation in the premises were confessedly for no cause but incongeniality. Laws or arguments which encourage such practices would weaken all bonds everywhere. Once establish the principle that humanity on slight grounds demands the annulling of such a sacred bond, and you open wide the gates of universal discord.

Moreover, the very fact of easily sundering such relations encourages the restlessness and unhappiness which might be borne with firmness and principle, if the marriage bond were firmer. Besides, we must consider the effect of such reasoning in encouraging hasty marriages. This is one of the worst features of the whole problem; a bond easily broken is rashly taken. This needs no argument, for hasty marriages are met in every society. Easy divorce works the opposite effect with the more prudent, viz., they will not contract a bond so lightly esteemed by law and custom.

But, again, the atmosphere of any home built on such shifting sands, which the winds of law and custom may blow away, cannot be conducive to the law and order of the family life, its authority, its wide and wise planning for children, its mutual forbearance and serenity, its Christian rectitude, and unselfish aims. But far worse than any other effect of such argument is the temptation it fosters to form other attachments. Once grant the principle that affection is something you cannot control for life, and that its loss is a cause for divorce—what bickerings, what retaliations, what burnings of

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hatred and lust, it breeds, when the law sunders lightly two, to wed another two, whose affections are engaged before obtaining a bill of divorcement. This is the worm at the root of many a fair flower of home and children's heritage.

A final but important consideration against this objection must be added, that nearly all the arguments for it may be met by the allowance of separation in such cases as are cited, and not by the provision of total divorce.

But there is a *second* objection to our arguments in this paper. Easy divorce is said to preserve public purity, and prevent incontinence. This is the great argument of all who uphold manifold divorces. It has some weight and doubtless is true to-day against a perfectly strict and ideal code. It was true as against practices of the Catholic clergy and laity in the middle ages. It is true of some European countries to-day. In the name of public purity, I say, let us not do anything to increase the evil of licentiousness, already so colossal! But, we may reply, the burden of proof that easy or even quite strict divorce does effect this good end must lie with those who affirm it. And right here they must first meet the position that Jesus Christ would not have made such a law as to increase this giant evil: for he not only made it, but his disciples and the early church enforced its high behests in the Christian communities as they went forth into the most licentious age the world ever saw.

But, waive that if you please, though it is an unanswerable position if we accept Christ's morality as ours, yet history certainly does not support such an objection as the one we are considering. What was the result of divorce in Rome? Did it check, or even tend to, licentiousness? Nay, it was the very handmaiden of the evil; if not the cause, yet the close attendant, of it. So surely, the early church by this reasoning should have shrunk from Christ's law; but nothing is more demonstrable than that Christ's law, even then, more than any one thing, checked that vice in that pestilential society, and saved our heritage of a pure family. What if its severity met a re-

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coil in monastic life, no less than in Luther's Reformation—yet to establish the position, you must show a very high degree of purity in Europe and America to-day against the Catholic past of the middle ages and now. There is an advance. Yes; but nineteen centuries ought to make that on either code of legislation. And yet that our lax divorce laws have done it will require abundant proof, which I have never met. And, moreover, analogy in other civilizations goes to show that the advance has been in spite of it.

But grant that these laws are beneficial in the present hardness of men's hearts. Still, why should the heart be harder in one state than in another, in Connecticut than in New York? Is Canada, where divorce is comparatively unknown, more licentious than across Detroit River in Michigan? There never was a divorce granted in South Carolina, except for some years after the war, by a law speedily repealed. And yet, despite certain evident evils of concubinage, a judge of South Carolina declares that the working of this stern policy has been to the good of the people and the state in every respect. We have seen above how Judge Jennison, of Michigan, calls our system the dry rot of society. Again, it is a well-known fact of history, past and present, that the Irish people are among the chastest in the world. Yet the strict Catholic law under which they have always lived, according to the objection, ought to have opened the flood-gates of impurity. Berlin is counted among the most licentious cities of Europe, rivalling, if not equalling, Paris. Yet the German divorce laws, next to those of Switzerland, are the laxest in Europe. We may look with interest to France, which in 1882 changed her laws to greater leniency. We ought to see, in time, amendment of social morality in France, if the objection is good.

I will only add that while statistics on this subject are rare, yet the most careful ones, those of Massachusetts, show this: Illegitimacy has doubled in Massachusetts in ten years, and so has divorce, while population has only increased one-fourth; and while convicted crimes against purity have increased two-

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fold, all other crimes, excepting so-called liquor cases, have increased hardly one-fourth. Take these facts for what they are worth,—not much, perhaps, and explainable on some other grounds; yet they serve to rebut an objection, unless disproved and confronted with other facts.

In conclusion, let us ask ourselves whether we can face the apathy on this subject, even in Christian homes and society, without a word of warning and appeal? We can be full of hope and courage on this great subject, because whole generations have passed in some communities without a public word on this vital issue, and we can be sure that when facts *are known* with such a clear teaching of Christ behind us, and love of home and purity as allies, these truths will find a lodgment in mind and conscience, if we urge them. It is to Christian men and women that our appeals will come. This is a religious and moral issue, more than a political one. It is loyalty to Christ and his teachings on which we may rely. It is to love of a pure public society that we can address ourselves. Whatever the state can or may do to help, we may wait and pray for it, and do the best we can with the existing laws; but the Christian church, at least, must try to show to the public law a bold and loyal response to Christ's aims for the home, by knowing his law so clear and strict; by a Christian example on these practices; by personal purity, man no less than woman; by the stigma of social recoil from practices which some men indulge and some women condone. Helping to enforce any existing law, so far as it is not immoral, let us agitate for better ones. But back of all laws, good or bad, ministers, at least, owe to those higher laws of Christ the force of their Christian example not to help contract a marriage, even if legal by state law, from which they would bid their people, in their Christian example, refrain, in accordance with Christ's requirement. We can all do this much. We owe it to ourselves, our homes, our state, our Lord. We owe it to our sons and our daughters to prepare God's highway of purity and right, for them, in a stable and Christian family, God's most fundamental institution on earth.

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