

# DIVORCE AND ITS EVILS.

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D I V O R C E   A N D   I T S   E V I L S .

T A B L E   O F   C O N T E N T S .

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The subject of divorce is one that confronts us every day in the newspapers. It has become almost as common to read of a divorce suit as it is to read of matrimony itself. It is an evil which seems to be increasing among us, and with the increase comes the familiarity which gradually reconciles us to its presence and educates us into pardoning its guilt.

"Separation" or as the law terms it, "limited Divorce," which does not permit either party to marry again during the lifetime of the other may be a stern necessity at times, but such a thing as absolute divorce ought to be a thing unheard of or an occurrence so rare that it would occasion universal surprise and distress when it took place.

The sanctity and perpetuity of the marriage bond are the defence of home and the safeguard of society. Destroy these and domestic and social life in their integrity and purity are relegated to anarchy. It is almost impossible to exaggerate the evils which must follow a state of things where family ties are loosened and yet this is the ultimate fate we as a people are inviting by corrupt legislation and the laxity of public sentiment.

To discuss the subject of divorce as completely and briefly as possible, it is best to treat first of its history, giving the idea



which different nations have entertained at different times. Beginning with the Hebrew, then passing to Greek and Roman conceptions of marriage and divorce and the changes undergone in legislation since their time.

The second step would be the enumeration of some of the evils which result from the existing looseness of public opinion and bad legislation on the subject, and to propose some remedies for the mitigation of the evil.

Among the Hebrews the ideal of marriage was a peculiarly beautiful one. "For this cause shall a man leave his father and mother and cleave to his wife, and they twain shall be one flesh." Here the union of one man with one woman is thought of; polygamy could not exist nor could they who were made one flesh be separated other than by some violent process of nature. Human laws could not sever such bonds. This ideal of marriage remained among the Hebrews until Christ came into the world. This nation slack at first in their morals and family ties gradually developed into a virtuous and upright people, and divorce and polygamy ultimately became very rare among them.

In examining Hebrew legislation on divorce I find it very one-sided in its treatment of the parties concerned. At first the wife had no right of divorce. If the wife committed adultery the husband could divorce her without ceremony, whereas if the same offence were

committed by the husband, the right of divorce was not granted to the wife. At a somewhat later time, however, a formal proceeding was made necessary to secure divorcement, in order to protect the wife against any hasty or rash proceedings and to furnish her protection against fraud.

The divorced wife was at liberty to marry another man, but if separated from him by death or divorce could not return to her first husband. The great freedom of divorce which law and usage gave to the man made it all the more important that her interest should be protected. As the woman had no right of divorce on her part while the husband did have it was no more than right that she be allowed to marry again. There was no equity in granting the husband certain liberties unless some compensation were granted to the wife. If it was in itself an evil endured but not encouraged, it was in a sense right that another similar evil should counter-balance it and deprive it of some of its baneful effects. This need of protection was increased by the institution of polygamy, for it sometimes happened that when a husband took unto himself a second wife he would become tired of the first one and her feelings would then be such that domestic happiness would cease and a divorce from one or the other wife had to ensue.

Among the Greeks the reverse of things is true. The Hebrew conception of divorce was at first degraded and obscure, while the



Greeks were in the beginning strict and severe and as they advanced laxity in morals was apparent, and gave a corrupt conception of marriage and divorce. Divorce at Athens was easy and frequent. It took two shapes distinguished often by different words, being called sending away or out of the house, (Apopeipein) or (Ekepeipein) when the husband repudiated the wife; but quitting and going away, (Apopeipein) when the wife separated herself from the husband. In the first instance there was scarcely any formality required, although sometimes the husband did make known his intentions before witnesses called for that purpose. The second case was that in which the wife left the husband. When she began the proceedings, she was required to appear in person before the Archon at his office and there present a writing in which the reasons for her separation from her husband were set down. If both parties agreed about the divorce that ended the matter. She commonly returned to her nearest relations, and he would be compelled to pay whatever of her dower remained in his hands. Suits of this kind were very frequent among the Greeks. It is safe to say that their decline both morally and intellectually was a result indirectly to their loose conceptions in matters of marriage and divorce.

The Romans had more of the moral and religious in their character than did the Greeks, as is shown by that strong sense of justice and love of established form which pervades all of their law. The

early institutions more than any other western nation partake of patriarchal life. The closeness of the family tie and the vast power which the master of the house had over the wife, children and slaves, all point in that direction. So essential is the early constitution of the household to the Roman State, that State life itself may be said to have grown directly from family life. Tradition has it that the first divorce at Rome occurred in 520 B. C. While this tradition may not be, yet with the knowledge of their laws and customs we may believe that divorces were exceedingly few in the early history of the Romans.

But when Rome began her conquests and acquired so much wealth, there hastened on a corruption of manners and morals; a luxury and avarice greater perhaps than any other nation ever reached. Rome was built on family discipline and economy, energy, and order, rather than on domestic affections. The Roman matron was naturally austere by the discipline of life, and was not loved much, but regarded as a house mistress simply. Just as soon as the old rigor of family ties had passed, morals fell and marriage was injured to its very foundation. The position of the wife became a very independent one. The dower of either party was an essential of marriage. And if the chance of a better dower were offered the marriage could be dissolved at pleasure. Towards the end of the Republic, public opinion had ceased to frown upon divorce and it could be secured by either wife



or husband with almost equal freedom, also there would be a ready consent to the separation in the prospect of marrying again. This privilege was open to all who could legally contract a marriage.

America in many respects may be compared with Rome. "Her vices, greed for gold, prodigality, corruption in family as manifested by divorce are increasing among us." "Our institutions both moral and political will depend upon our ability to keep family life pure and simple."

Scriptures teach that for no reason except for adultery or fornication shall divorce be granted, and then marrying again is forbidden. There has been considerable discussion on the interpretation of the Scriptures pertaining to divorce, but the bulk of evidence seems to oppose the modern ideas of divorce. Apparently human laws conflict with the laws of God, and where there is a digression, especially in so important a matter as marriage and divorce, evil results have followed.

A prime evil of divorce is that it breaks up the home. Any influence which tends to break up the sanctity of home life and the marriage bond disintegrates society and destroys the condition of things out of which these spring and grow "to supremest beauty and strength." By breaking up the family, divorce defiles its sanctities, lays open its privacy, dishonors its parentage, shames its posterity and stops the only pure revenues of human life.



Our public institutions depend upon the sanctity and unity of family life. Whatever impairs or destroys this unity, and the fruits thereof, is injurious both to personal and public morality and the general well-being of society, and should be repressed by law.

Another common evil resulting indirectly from divorce is hasty and ill-considered marriage. Divorce encourages carelessness in entering into the marriage bond, and makes inviting and tempting run-away marriages, a large per cent. of which result in final separation. Divorce is just such an evil and is obnoxious to every restraint and limitation that is consistent with the administration of justice which looks to the common safety and happiness of mankind.

Divorce in the modern sense is directly opposed to nature's laws. Now all right perception of nature's law (which is God's law as well), and of that righteous patriotism which seeks to make our own virtuous and well trained posterity the strong hope of our nation's purity and greatness, is in danger of being sacrificed to our petty conceptions of individual ease to an extent which by the laws of sociology "pre-figures barrenness."

Divorce would be greatly diminished, in my opinion, if the following remedies were applied:

Repeal the present code and enact laws based upon the Word of God. Make the marriage tie indissoluble except for the cause of adultery, and then permit the innocent party only to be free to mar-

ry again.

Prevent clandestine marriages by providing that in all cases licences must be made public in some way a short time before any one authorized to marry may perform the service.

In all cases of divorce where the blame-worthy party is permitted to marry again, such marriages within a certain limit ought to be made unlawful.

The law should prescribe exactly what is to be done with the case in hand and not leave so much power in the hands of the judge.

There should be unity in divorce laws throughout the states.

If divorce legislation is to be reformed it should be undertaken along these lines. That divorce is increasing among us is very evident, and through its influence and that of corrupt legislation the moral and religious interests are seriously affected.

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