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Marriage and Divorce [Twine Bound Bundle]

Earl Clement Davis

Saw Copy

Marriage and Divorce.

The status of the family in the social economy is one of the most complex and involved that we have to deal with. So far as I can judge by the remarks that I hear about the problem of marriage and divorce, and the articles that I read upon the subject, it presents a problem that is not very clearly understood. The wide comment that has been made since the publication of the statistics on divorce covering the period from 1887 to 1806~~,~~ if it has served one thing more than another~~,~~ has served to show the failure on the part of many who have written to understand the meaning and the significance of the facts brought to light by the very thorough investigation conducted by the Census Bureau of the United States.

On the one hand we have the pessimistic interpretation from ~~that which~~ what we may righty call the ecclesiastical point of view. You are all doubtless familiar with the doleful note, sounded by those who look at the problem from the ecclesiastical ~~point of view.~~ standpoint. In the increasing frequency of divorce they see only a violent outbreaking of irreligion and immorality, a bold and criminal defiance of ~~xxxxxxxxx~~ tradition ~~and~~, law, and pious authority. The remedy suggested by such is also characteristic of the type. They ~~indicate~~ hold that the only hope for society lies in tightening the thumb-screws of church and state law; ~~Make~~ in making laws more stringent, and enforcing them the more zealously. In this manner they hope to stem the tide of disintegration that they believe ~~they see~~ is going on among~~xxxxx~~ them.

I do not care to discuss this point of view. It seems to me to be much more servicable to treat the matter differently. While I lament the sorrow and the misery that is involved in all these unhappy relationships, and the severing of human relations that ought to bring the deepest peace and joy, yet as I view these facts in the light of historical developement, they bring to me a tale, not of woe, but of hope. In truth, I should feel downcast and pessimistic indeed, if there were not some kind of ~~evidence of a~~ protest against the family relations as they exist in ~~xxxxxxxxxxxxxx~~ no small part of our population to day. The truth is that the old order is changing, and out of the decay and the disintegration of the old order there is arising a fairer , a ~~purest,~~ purer and a more noble conception of ~~xxxxxx~~ the family and the family life than society has yet recognized. We are leaving behind that conception of the family in which the woman is a dependent of the husband, subject to his will, and, in truth, his property, and we are working towards that conception of the family as union of equals in ~~a co-operative mate-hood~~ an Ethical relationship in the greatest and most divine function of human life. The unsettled state to-day is but the travail and pain of the growth and establishmnet of the higher form of the family life. Already we find many familes where this new ideal is realized, and the number is daily increasing.

Our appreciatinn of the~~xx~~ situation is cleared by recalling the fact that the family life which society has adopted is the product of long ages of experience. That which society has adopted as the standard of family life has been adopted because ~~in~~ the long experience of ~~the~~ ages ~~it~~ has ~~been~~ shown ~~that~~ it to be ~~is~~ best ~~adapted~~ suited to ~~xx to~~ the functions of attaining and maintaining the highest efficiency, physical, moral and spiritual, of humanity. It has survived because it is the most fit to survive. In other words history has shown that nature fosters and encourages the monogamic type of family, and frowns upon any diviation from its ideals. Or if you choose to use the language of theology, history shows that the monogamic type, one husband, and one wife, is the divine type.

The marriage life of the early humans is not entirely clear but id is probable that it was a temporary monogqmy. At least all the facts that we have concerning the family life of the highest animals and the lowest known humans indicate that among the earliest humans, the family life was for the most part that of a temporary monogamy. ~~Thisxidea~~ The extent of the period of mate-hood varied according to economic conditions, and with the conditions of social developement. In the tropical forests of the Andaman islands, says Prof. Giddings, where climatic conditions are dry and healthy, and there is an abundance of natural food, a woman and infant can find subsistance without the husband's assistance. It is not remarkable therefore that, among the Mincopis, who live here, ~~that~~ the marriage is commonly dissolved as soon as the child is weaned. (~~Sociology 266~~)

On the whole it seems probable that the early family was, ~~at its best, and in theory at least~~ a temporary monogamy, developing ~~x~~ constantly in the direction of longer and longer periods of marriage. There were variations from this standard both in the direction of polyandry, or one woman with several husbands, and in the direction of polygyny, or one man with many wives. This variation depended largely on economic conditions. Where the struggle for existance is hard, we get the custom of one woman with ~~xmxn~~ several husbands, coupled with the practise of infanticide. The modern developement of this variation is seen in the institution of prostitution. On the other hand where economic conditions were easy, and men could provide sustinence, either through wealth or some kind of privilege, the variation was in the direction of polygamy. The modern prototype of that variation is to be found among the Mormons, or in a less open way, in the sytem of cuncubinage in certain countries, and in the custom that obtains in certain strata of society to-day, where men who can afford it ~~kxxpx~~ keep mistresses outside of the family.

Now it is evèdent that these variations from the normal standard must result in disaster. History has shown, and present conditions confirm that ~~xxxxxxdxx~~ nature has a way of taking care of those who violate her laws. Promiscuous co-habitation brings in its train disease. Disease incapacitates for survival. Therefore those who have held most strictly to the monogamic type of family have survived, because they have been the most healthy. The experience and observation along this line, has taught humanity a lesson which it attempts to incoporate into its social institutions,-namly the lesson of the efficiency of the pure monogamic type of family, a marriage of one man and one woman for life.

Two other facts need to be noted in connection with the evolution of the family life in primitive society. It seems to be true that in early ~~xxxxx~~ conditions, before the warlike spirit developed, that the line of descent was through the ~~xxxxxxx~~ mother. When tribes or clans lived in friendly relations, it seems to have been the custom for the man to go to a tribe and marry a woman, remaining with the tribe as long as the marriage lasted, The offspring remained with the mother, and were were supported by the father and the brothers of the mother afeer her husband had left. It is evident that when tribes were no longer on friendly relations, the man could not go to the hostile tribe and live with the woman whom he wished for his wife. He, therefore, captured her and took her to live with him in his tribe. Out of this developed ~~xx~~ what is known as the patronymic type of family, where ~~xxxxxxx~~ the line of descent passed through the father. The mother bacome absorbed in the clan or tribe of her husband, and the children were of his tribe.

This type gave way in time to marriage by purchase, according to which the man purchased from the father, or the clan the woman of his choice. All this of course tended to lengthen the period of married life, and tended to develop the ideal of a pure monogomy, entered into for life.

As one thinks of the long ages of developement, and lets his imagination picture to him the romance and the hardship of all these experiences through which humanity was learning how to live, we come to see more and more clearly the solid ground upon which the moral principles of life really rest.

But out of this patronymic family ideal, modified and given sanction in ~~of~~ the growing religious ideals we get the development of the patriachal family with its religious sanction. As civilized society emerged from lower forms, and brought ~~brings~~ with it the gleanings of thousands or hundreds of thousands of years of experince, ~~it saw that~~ it saw that one of the most fundamental principles of social law ~~that it had learned~~ was this, that the form of married life which produces the best and highest type of man-hood and woman-hood, both physical, moral, and spiritual, is the pure monogomy, (one man and one wife) united for life. For example among the Israealits, as disclosed by the Old Testamant, the accepted form of family life up to the time of the prophets or later, was that of polygyny, or one man and several wives. With the great moral idealism of the prophets, we first get the note of the ideal of the pure monogamic marriage. This will really indicate to you how late in the developement of our social institutions, this type came to be accepted as the ideal. Yet it is is probably true that, among the middle class of people, the class who were fairly prosperous, but not sufficiently prosperous to support more than one wife, ~~that~~ the monogamic type had its place and its supporters all through the ages. ~~This is witnessed for example~~

The truth of this assertion is witnessed by the fact that the ideal of pure monogomy was voiced by the prophets, and it is in the establishment of the prophetic reform that we first get the social recognition of monogomy. But the prophets were of the lower classes. They were upholding their class ideal.

~~But~~ The patriarchial family thus established developed into the religious-proprietary family of medieval society. That conception of the family, in which religious economic and social considerations were the controlling factors, and the wishes, the affections, and the dispositions of the individuals were crushed and relegated to the back-ground, controlled the social ideal of the family life until the advent some three or four centuries ago of the spirit of equality and democracy. Then the sacramental idea of the marriage gave way to what has been characterised as the romantic marriage.

In the romantic marriage, much less stable then the sacre-mental, the feelings of love, and the idealistic relations of the family life gained supremacy over the demands of property, social standing, and economic advantage, and religious authority. This form of the family life was much more moral than the old religious- proprietary type, and was a great factor in breaking up the cast system of former ages. While, as Prof. Giddings points out,(And it is from him that I am taking many of these facts) ~~xhxxXxpxxpxixxxyxfamilyxxxx~~,-"To perpetuate a patrimony and a faith, the religious proprietary family sacraficed the inclinations of individuals," the romantic family, to gratify the amatory preferances of individuals, has sacraficed, not only patrimony and tradition, but, as we are coming to see, children as well.

In the present period of developement we are leaving behind, both the remains of the religious- proprietary family, and the romantic family, and are developing towards the ethical conception of the family, as an ethical institution. "The ethical family sacrifices individual feelings, only when they conflict with right reason and moral obligation, but then it sacrifices them without hesitation. It regards a genuine love as the most sacred thing in the world except duty, but duty it places first, and in the list of imperative duties it includes the bearing and the right training of children by the vigorous and intelligent portion of the population."

" The true ethical family is established, therefore, only by the marriage of a man and a woman, who, in all sincerity, believe that their union is justified by a concurrence of four things, namly; an unmistakable affection, compounded about equally of passion, admiration, and respect ; physical fitness for parenthood ; ability to maintain a respectable and pleasant home; and a high sense of the privilege and the duty of transmitting their qualities and their culture to their children."

Thus I have tried to suggest something of what has been the evolution of the family in the past, and what we are developing towards to-day. It is from this point of view that I wish to say something about these facts of marriage and divorce,

We are and have been legally, and so far as proper social sanction is concerned , socially , defenders of the monogamic ideal of family life for about 2500 years. As a matter of fact, we never have had a pure monogamy. There has always been some modification of the ideal among a considerable portion of the population, either in the direction of some form of polyandry, or in the direction of polygyny. The developement to-day is not from polygamy to monogamy, but from a lower form of monogamy to a higher form. The great forces of society are at work in the directions that I have indicated. These divorces, and similar social phenomena, are the occasional and spectacular evidences of the change that is going on.

The rough outline of the facts which were disclosed in ~~x~~ statistics published by the government are these. In 1867 there were granted 9937 divorces . In 1906 there granted 72.062. This presents a rate of increase far in excess of the rate of increase in the population." The number of divorces granted in the year 1870 was10.962 ; in the year 1880 it was 19.063 ; an increase of 79.4 %. Population in the same interval increased 30.1 %. The percentages of increase both for divorces and for population shows a decline for the two succeeding decades, --1880 to 1890 and 1890 to 1900. But as compared with the ~~xxx~~ growth of population, ~~xxxxxxx~~ the increases on divorces was the greatest in the last decade, the percentage for increases of divorce(66.6) being more than three times that for the population (20.7) , whereas ~~xxxxxx~~ in the decade from 1870 to 1880 the former percentage (79.4) was only about 2 2/3 times the ~~x~~ latter,(30.1). In 1867 there was one divorce for every 17 marriages, while in 1906 there was one for every 11 . It has been estimated that if this rate of increase continues ~~xxxx~~ during the ~~xxxx~~ next eighty years, as it has been during the last 40, there will be one divorde to every two marriages. During this same period the rate of marriage increased only very slightly.

Now what are these facts the evidence of ? It seems to me that they point clearly to their relation with several movements that are going on to-day. In the first place we hear frequently of the disgraceful divorce prodeedings among people whose excessive wealth, idleness, and faith that money may purchase everything, have rendered moral and social degenerates. These bear witness to the disintegration of that group in society. Similar processes of disintegration have taken place in the past under similar conditions. Nature has a way of destroying those who are unfit. But ~~they~~ there need not detain us. Then we have also many divorces, and moral infringments at the hands of those who have been taught that the sanctity of the marriage tie rests in its sacramental nature. Slipping from under the paternal arm of authority, they find that they have not developed the proper power of self-control. Seeing the sacramental sanction discredited, they find no sanctity at all in the marriage tie. From these sources I fear that we shall yet have more and more of this divorce trouble. ~~that~~ It is related to the disintegration of the old types of the family life . One need, however, feel no fear as to the safety of the family. The family rests upon higher laws than apply here, and such forces do not threaten it.

But on the other hand, there are large numbers of divorces ~~that are~~ related to what may be properly called the constructive movements of society. The education of women, and the entry of women into industrial and commercial life, have opened up an alternative before her. She is no longer bound by economic necssity to accept the vicious conditions of married life such as many women a few years since were compelled to accept. "In view of the fact that two thirds of the divorces are granted to the wife, it is safe to say that 2/3 of them would not be sought but for the access of women into the industrial field." The fact also that 55 % of all divorced women are along the bread-winners indicates, that the wife who gets the divorce , intends to support herself and children if there are any. In other words it is an assertion of economic freedom.

Then again , the divorce may, and I think does indicate a protest against promiscuous living among men. Women are demanding a higher moral standard of life from their husbands than before the possibility of economic independence was opened to them. When we recall the fact that physicians of the most conservative type substantiate the statement made in a document issued by the state of Mass. this year to the effect that 75% of the young men have had or have disease that may be transmitted to wife and offspring, and that 50% of the disasterous troubles of motherhood, to say nothing of the sins of the fathers visited upon the children are due to such diseases, we do not wonder that women are insisting upon a higher standard of morality among men, and that the protest against this often registers itself in the divorce court.

But to revert to the economic significance of divorce, it is noteworthy that desertion is the alleged cause for 38.9 % of all divorces. This is a reflection of the unstable condition of industrial life. In fact the relation of divorce to industrial life and economic conditions is clearly demonstrated by the fact that in periods of depression, and panic such as the past two years the divorces fall off with great rapidity, But this temporary decrease makes an upward leap just as soon as prosperity returns. For example note these figures . In 1891 there were 2.079 divorces over the previous year; 1892, 1.039 ; 1893,889 ; 1894 ,100 ; in 1895 , 2.819 ; 1896 , 2550.

This shows that various economic conditions exist which enter into the question. Unstable industrial conditions make the family life insecure.

Then the general intellectual developement of woman, in which she earns and maintains the right to have and to hold opinions of her own, and which makes the obedience to the overbearing authority of an overlord husband unbearable, ~~all this~~ is swelling and doubtless will continue to swell, for some time to come ~~the~~ the number of divorces. While divorces , sought for on account of such reasons, are very much to be deplored, yet they are the evidence of a new and better ideal of the family, and indicate that many people rather disrupt a family life, from which all that makes the family life moral has departed, than to continue the farce of a legal but essentially immoral relationship.

In the face of the facts and these apparent causes for the facts, "what is to be done ?" is asked. Frankly I confess that I do not see any particular advantage to be gained by more stringent laws, and a more rigorous enforcement of them. In fact that kind of treatment seems to me too much in accord with most of our legislation to-day. These facts indicate that there are certain forces, economic and moral, that are at work swelling the proportion of divorces. To make stringent prohibitory laws is fruitless. We must go back to the fundamental roots of things. One immediate cause for divorces is the breaking away of the old authority idea of marraige as a sacrement. Here the method to pursue is, not to attempt to reestablish the sacremental idea. ~~simply because~~ That is highly undesirable, and ~~xxxxxxxx~~ indeed impossible. We might as well try to have a man become a boy again. On this point we must insist ever on more freedom, and ~~in~~ show~~ing~~ that the sanctity of marriage rests on far more exacting grounds than the dictates of the state ~~and~~ or the church. All men and women must ~~x~~ come to see and will come to see that all true marriages derive their sanctity from the fact that they are the result of a voluntary allegience growing out ofdeep affection and a high noble purpose. No action , by either state or church, can or ever has made an immoral, commercial marriage, into a moral holy wedlock. The action of the state or the church may make it legal, and satisfy the conditions of property and convention, but it cannot change the nature of the relation. We need therefore to develop still more the conviction of independence and freedom, so that no man or woamn shall ever be compelled to enter into marriage relations, except for the cleanest, and the most noble of purposes. We must insist, therefore, that the true nature of the marriage relation is not determined by its sanction, but by its purity and its purpose.

This brings us again to the question of the influence of education. That the education of women has influenced the rate of divorce is fairly apparent. . But the trouble is not that we have had too much education, but that we have had too little. We must not curb and restrain, but we must trust to the broadening of our educational influences. That is one of the most pressing demands to-day.

Then we have noted the fact that divorce increases as women gain certain economic freedom. But in order to limit what seems this evil result, shall we make attempts to check the movement towards economic freedom. By no means, we must also push this through to the limit,—giving to woman a standing in society on precisely the same plain as men. More than that, we must give her an economic freedom that shall not limit her great function of motherhood, but indeed shall free her from the grinding conditions under which in all too many cases she now attempts to become a bread-winner and a mother at the same time. In this aspect of the change we are at the present moment in a most unfortunate situation.

Recognizing the close relationship of economic conditions to the stability, the comfortableness of the family life, we must note that the entry of the woman and the child into industrial life, marks the division of the house and home ~~x~~ against ~~xhx~~ itself. The woman, leaving the home to become of assistance in winning the bread, becomes a competitor of the real bread winner, thus dividing the house, and working tremendous havoc among families. But there is no turning back now, we must push this thing through, until woman has achieved a complete economic independence, of which there is but a suggestion in her entry into industrial life.

But really these things are not so alarming after all, for the family does not rest upon social, or ecclesiastical law, or custom, but upon the very nature of things. Each step that we make is but a step towards the better family life of which I have spoken. In this family the union will rest upon the reciprocal affection, admiration and respect of the two equal parties, joining themselves together in a solemn compact for the highest and noblest of all human endeavors, to rear a family of children and transmit to them the highest achievments of evolution in health, wisdom, and in moral purity.

Yet the central pivot of all our social developement ~~xxxx~~ is the family. I think that the truth of the two remarks that I shall quote in closing is obvious. " It is obvious that whatever tends to uplift marriage and promote mate-hood is directly in line with social progress; and any sociological change which increases women's opportunities for independence and unfoldment strengthems marriage and forms matehood." In connection with this statement , which implies at least the necessity of the equal standing of men and woman in society, consider the statement of John Stuart Mills." The moral regeneration of mankind will only really commence when the most fundamental of the social relations is placed under the rule of equal justice."

Marriage and Divorce

Earl C. Davis

Pittsfield, MA

1910[1]

The status of the family in the social economy is one of the most complex and involved that we have to deal with. So far as I can judge by the remarks that I hear about the problem of marriage and divorce, and the articles that I read upon the subject, it presents a problem that is not very clearly understood. The wide comment that has been made since the publication of the statistics on divorce covering the period from 1887 to 1906—if it has served one thing more than another—has served to show the failure on the part of many who have written to understand the meaning and the significance of the facts brought to light by the very thorough investigation conducted by the Census Bureau of the United States.

On the one hand, we have the pessimistic interpretation from what we may rightly call the ecclesiastical point of view. You are all doubtless familiar with the doleful note sounded by those who look at the problem from the ecclesiastical standpoint. In the increasing frequency of divorce they see only a violent outbreaking of irreligion and immorality, a bold and criminal defiance of tradition, law, and pious authority. The remedy suggested by such is also characteristic of the type. They hold that the only hope for society lies in tightening the thumb-screws of church and state law, in making laws more stringent, and enforcing them the more zealously. In this manner, they hope to stem the tide of disintegration that they believe is going on among them.

I do not care to discuss this point of view. It seems to me to be much more serviceable to treat the matter differently. While I lament the sorrow and the misery that is involved in all these

[1] While this manuscript is undated, references are made to *The Century Magazine* for May-October 1909, and to a report of the Bureau of the Census covering the period 1887 to 1906. Given that it would take at least a year to issue this report, it likely was published in 1907 or thereafter. For these reasons, I have guessed that the date for this manuscript is 1910.

unhappy relationships, and the severing of human relations that ought to bring the deepest peace and joy, yet as I view these facts in the light of historical development, they bring to me a tale, not of woe, but of hope. In truth, I should feel downcast and pessimistic indeed, if there were not some kind of protest against the family relations as they exist in no small part of our population today. The truth is that the old order is changing, and out of the decay and the disintegration of the old order there is arising a fairer, a purer, and a more noble conception of the family and the family life than society has yet recognized. We are leaving behind that conception of the family in which the woman is a dependent of the husband, subject to his will, and in truth, his property, and we are working towards that conception of the family as [a] union of equals in an ethical relationship in the greatest and most divine function of human life. The unsettled state today is but the travail and pain of the growth and establishment of the higher form of the family life. Already we find many families where this new ideal is realized, and the number is daily increasing.

Our appreciation of the situation is cleared by recalling the fact that the family life which society has adopted is the product of long ages of experience. That which society has adopted as the standard of family life has been adopted because the long experience of ages has shown it to be best suited to the functions of attaining and maintaining the highest efficiency—physical, moral and spiritual—of humanity. It has survived because it is the most fit to survive. In other words, history has shown that nature fosters and encourages the monogamic type of family, and frowns upon any deviation from its ideals. Or, if you choose to use the language of theology, history shows that the monogamic type—one husband, and one wife—is the divine type.

The marriage life of the early humans is not entirely clear, but it is probable that it was a temporary monogamy. At least all the facts that we have concerning the family life of the highest animals and the lowest known humans indicate that among the earliest humans, the family life was, for the most part, of a temporary monogamy. The extent of the period of mate-hood varied according to economic conditions, and with the conditions of social development. In the tropical forests of the Andaman Islands, says Prof. Giddings, where climatic conditions are dry and healthy, and there is an abundance of natural food, a woman and infant can find subsistence without the husband's assistance. It is not remarkable, therefore that, among the Mincopis who live here, the marriage is commonly dissolved as soon as the child is weaned.[2]

On the whole it seems probable that the early family was a temporary monogamy, developing constantly in the direction of [a] longer and longer period of marriage. There were variations from this standard, both in the direction of polyandry, or one woman with several husbands, and in the direction of polygamy, or one man with many wives. This variation depended largely on economic conditions. Where the struggle for existence is hard, we get the custom of one woman with several husbands, coupled with the practice of infanticide. The modern development of this variation is seen in the institution of prostitution. On the other hand, where economic conditions were easy, and men could provide sustenance, either through wealth or some kind of privilege, the variation was in the direction of polygamy. The modern prototype of that variation is to be found among the Mormons, or in a less open way, in the system of concubinage in certain countries, and in the custom that obtains in certain strata of society today, where men who can afford it keep mistresses outside of the family.

Now it is evident that these variations from the normal standard must result in disaster. History has shown, and present conditions confirm, that nature has a way of taking care of those who violate her laws. Promiscuous co-habitation brings in its train disease. Disease incapacitates for survival. Therefore, those who have held most strictly to the monogamic type of family have survived, because they have been the most healthy. The experience and observation along this line has taught humanity a lesson which it attempts to incorporate into its social institutions, namely the lesson of the efficiency of

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[2] Franklin Henry Giddings (1855-1931) prominent early American Sociologist. The work that Earl Davis may be drawing from here is Giddings' *The Elements of Sociology: A Textbook for Colleges and Schools,* New York: Macmillan Co., 1901. References to the Mincopis of the Andaman Islands are found in several places in this book, including the following from page 183, "Among the Mincopis of the Andaman Islands, it is customary for the father to live with the mother until after their child is weaned, and then to seek another wife."

the pure monogamic type of family, a marriage of one man and one woman for life.

Two other facts need to be noted in connection with the evolution of the family life in primitive society. It seem to be true that in early conditions, before the warlike spirit developed, that the line of descent was through the mother. When tribes or clans lived in friendly relations, it seems to have been the custom for the man to go to a tribe and marry a woman, remaining with the tribe as long as the marriage lasted. The offspring remained with the mother, and were supported by the father and the brothers of the mother after her husband had left. It is evident that when tribes were no longer on friendly relations, the man could not go to the hostile tribe and live with the woman whom he wished for his wife. He, therefore, captured her and took her to live with him in his tribe. Out of this developed what is known as the patronymic type of family, where the line of descent passed through the father. The mother became absorbed in the clan or tribe of her husband, and the children were of his tribe.

This type gave way in time to marriage by purchase, according to which the man purchased from the father, or the clan, the woman of his choice. All this, of course, tended to lengthen the period of married life, and tended to develop the ideal of a pure monogamy, entered into for life.

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But out of this patronymic family ideal, modified and given sanction in the growing religious ideals, we get the development of the patriarchal family with its religious sanction. As civilized society emerged from lower forms, and brought with it the gleanings of thousands or hundreds of thousands of years of experience, it seems that one of the most fundamental principles of social law was this, that the form of married life which produces the best and highest type of manhood and womanhood, both physical, moral, and spiritual, is the pure monogamy (one man and one wife) united for life. For example, among the Israelites, as disclosed by the Old Testament, the accepted form of family life up to the time of the prophets or later, was that of polygamy, or one man and several wives. With the great moral idealism of the prophets, we first get the note of the ideal of the pure monogamic marriage. This will really indicate to you how late in the development of our social institutions, this type came to be accepted as the ideal. Yet it is probably true that, among the middle class of people, the class who were fairly prosperous, but not sufficiently prosperous to support more than one wife, the monogamic type had its place and its supporters all through the ages. The truth of this assertion is witnessed by the fact that the ideal of pure monogamy was voiced by the prophets, and it is in the establishment of the prophetic reform that we first get the social recognition of monogamy. But the prophets were of the lower classes. They were upholding their class ideal.

The patriarchal family, thus established, developed into the religious-proprietary family of medieval society. That conception of the family, in which religious, economic and social considerations were the controlling factors, and the wishes, the affections, and the dispositions of the individuals were crushed and regulated to the background, controlled the social ideal of the family life until the advent, some three or four centuries ago, of the spirit of equality and democracy. Then the sacramental idea of the marriage gave way to what has been characterized as the romantic marriage.

In the romantic marriage, much less stable than the sacramental, the feelings of love, and the idealistic relations of the family life, gained supremacy over the demands of property, social standing, and economic advantage, and religious authority. This form of the family life was much more moral than the old religious-proprietary type, and was a great factor in breaking up the cast system of former ages. While, as Prof. Giddings points out (and it is from him that I am taking many of these facts) "To perpetuate a patrimony and a faith, the religious-proprietary family sacrificed the inclinations of individuals,"[3] the romantic family, to gratify the amatory preferences of individuals, has sacrificed, not only patrimony and tradition, but, as we are coming to see, children as well.

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[3] Franklin Henry Giddings, *The Principles of Sociology: An Analysis of the Phenomena of Association and of Social Organization,* New York: Macmillan and Co., 1896, p. 352.

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> The true ethical family is established, therefore, only by the marriage of a man and a woman, who, in all sincerity, believe that their union is justified by a concurrence of four things, namely; an unmistakable affection, compounded about equally of passion, admiration, and respect; physical fitness for parenthood; ability to maintain a respectable and pleasant home; and a high sense of the privilege and the duty of transmitting their qualities and their culture to their children.[4]

Thus I have tried to suggest something of what has been the evolution of the family in the past, and what we are developing towards today. It is from this point of view that I wish to say something about these facts of marriage and divorce.

We are, and have been legally, and so far as proper social sanction is concerned, socially, defenders of the monogamic ideal of family life for about 2500 years. As a matter of fact, we never have had a pure monogamy. There has always been some modification of the ideal among a considerable portion of the population, either in the direction of some form of polyandry, or in the direction of polygamy. The development today is not from polygamy to monogamy, but from a lower form of monogamy to a higher form. The great forces of society are at work in the

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[4] Franklin Henry Giddings, *The Principles of Sociology: An Analysis of the Phenomena of Association and of Social Organization,* New York: Macmillan and Co., 1896, p. 352.

directions that I have indicated. These divorces, and similar social phenomena, are the occasional and spectacular evidences of the change that is going on.

The rough outline of the facts which were disclosed in the statistics published by the government are these. In 1867 there were granted 9,937 divorces. In 1906 there [were] granted 72,062. This presents a rate of increase far in excess of the rate of increase in the population. The number of divorces granted in the year 1870 was 10,962; in the year 1880 it was 19,063; an increase of 79.4%. Population in the same interval increased 30.1%. The percentages of increase both for divorces and for population shows a decline for the two succeeding decades—1880 to 1890 and 1890 to 1900. But as compared with the growth of population, the increases of divorces was the greatest in the last decade, the percentage for increases of divorce (66.6%) being more than three times that for the population (20.7%), whereas in the decade from 1870 to 1880 the former percentage (79.4%) was only about 2 2/3 times the latter (30.1%). In 1867 there was one divorce for every 17 marriages, while in 1906 there was one for every 11. It has been estimated that if this rate of increase continues during the next eighty years, as it has been during the last 40, there will be one divorce to every two marriages. During the same period the rate of marriage increased only very slightly.

Now what are these facts the evidence of? It seems to me that they point clearly to their relation with several movements that are going on today. In the first place, we hear frequently of the disgraceful divorce proceedings among people whose excessive wealth, idleness, and faith that money may purchase everything, have [been] rendered moral and social degenerates. These bear witness to the disintegration of that group in society. Similar processes of disintegration have taken place in the past under similar conditions. Nature has a way of destroying those who are unfit. But these need not detain us. Then we have also many divorces, and moral infringements at the hands of those who have been taught that the sanctity of the marriage tie rests in its sacramental nature. Slipping from under the paternal arm of authority, they find that they have not developed the proper power of self-control. Seeing the sacramental sanction discredited, they find no sanctity at all in the marriage tie. From these sources I fear that we shall yet have more and more of this divorce trouble. It is related to the disintegration of the old type of the family life. One need, however, feel no fear as to the safety of the family. The family rests upon higher laws than apply here, and such forces do not threaten it.

But on the other hand, there are large numbers of divorces related to what may be properly called the constructive movements of society. The education of women, and the entry of women into industrial and commercial life, have opened up an alternative before her. She is no longer bound by economic necessity to accept the vicious conditions of married life such as many women a few years since were compelled to accept.

> In view of the fact that two-thirds of the divorces are granted to the wife, it is safe to say that 2/3 of them would not be sought but for the access of women into the industrial field.[5]

The fact also that 55% of all divorced women are alone the bread-winners indicates, that the wife who gets the divorce, intends to support herself and children if there are any. In other words, it is an assertion of economic freedom.

Then again, the divorce may, and I think does, indicate a protest against promiscuous living among men. Women are demanding a higher moral standard of life from their husbands than before the possibility of economic independence was opened to them. When we recall the fact that physicians of the most conservative type substantiate the statement made in a document issued by the state of Mass. this year to the effect that 75% of the young men have had or have disease that may be transmitted to wife and offspring, and that 50% of the disastrous troubles of motherhood, to say nothing of the sins of the fathers visited upon the children, are due to such diseases, we do not wonder that women are insisting upon a higher standard of morality among men, and that the protest against this often registers itself in the divorce court.

But to revert to the economic significance of divorce, it is noteworthy that desertion is the alleged cause for 38.9% of all divorces. This is a reflection of the unstable condition of industrial life. In fact the relation of divorce to industrial

[5] Edward Alsworth Ross, “The Significance of Increasing Divorce,” *The Century Illustrated Monthly Magazine,* Vol LXXVIII, New Series, Vol LVI, May to October, New York: Macmillan & Co., 1909, p. 150.

life and economic conditions is clearly demonstrated by the fact that in periods of depression, and panic, such as the past two years, the divorces fall off with great rapidity. But this temporary decrease makes an upward leap just as soon as prosperity returns. For example, note these figures. In 1891 there were 2,079 divorces over the previous year; 1892, 1,039; 1893, 889; 1894, 100; in 1895, 2,819; 1896, 2,550. This shows that various economic conditions exist which enter into the question. Unstable industrial conditions make the family life insecure.

Then the general intellectual development of woman, in which she earns and maintains the right to have and to hold opinions of her own, and which makes the obedience to the overbearing authority of an overlord husband unbearable, is swelling, and doubtless will continue to swell for some time to come, the number of divorces. While divorces, sought for on account of such reasons, are very much to be deplored, yet they are the evidence of a new and better ideal of the family, and indicate that many people rather disrupt a family life, from which all that makes the family life moral has departed, than to continue the farce of a legal, but essentially immoral relationship.

In the face of the facts, and these apparent causes for the facts, "What is to be done?" is asked. Frankly I confess that I do not see any particular advantage to be gained by more stringent laws, and a more rigorous enforcement of them. In fact, that kind of treatment seems to me too much in accord with most of our legislation today. These facts indicate that there are certain forces, economic and moral, that are at work swelling the proportion of divorces. To make stringent prohibitory laws is fruitless. We must go back to the fundamental root of things. One immediate cause for divorces is the breaking away of the old authority idea of marriage as a sacrament. Here the method to pursue is not to attempt to reestablish the sacramental idea. That is highly undesirable, and indeed impossible. We might as well try to have a man become a boy again. On this point we must insist ever on more freedom, and show that the sanctity of marriage rests on far more exacting grounds than the dictates of the state or the church. All men and women must come to see,, and will come to see, that all true marriages derive their sanctity from the fact that they are the result of a voluntary allegiance growing out of deep affection and a high noble purpose. No action, by either state or church, can, or ever has made, an immoral, commercial marriage into a moral holy wedlock. The action of the state or the church may make it legal, and satisfy the conditions of property and connection, but it cannot change the nature of the relation. We need therefore to develop still more the conviction of independence and freedom, so that no man or woman shall ever be compelled to enter into marriage relations, except for the cleanest, and the most noble of purposes. We must insist, therefore, that the true nature of the marriage relation is not determined by its sanction, but by its purity and its purpose.

This brings us again to the question of the influence of education. That the education of women has influenced the rate of divorce is fairly apparent. But the trouble is not that we have had too much education, but that we have had too little. We must not curb and restrain, but we must trust to the broadening of our educational influences. That is one of the most pressing demands today.

Then we have noted the fact that divorce increases as women gain certain economic freedom. But in order to limit what seems this evil result, shall we make attempts to check the movement towards economic freedom? By no means. We must also push this through to the limit, giving to women a standing in society on precisely the same plane as men. More than that, we must give her an economic freedom that shall not limit her great function of motherhood, but indeed shall free her from the grinding conditions under which, in all too many cases, she now attempts to become a bread-winner and a mother at the same time. In this aspect of the change we are, at the present moment, in a most unfortunate situation.

Recognizing the close relationship of economic conditions to the stability, the comfortableness of the family life, we must note that the entry of the woman and the child into industrial life, marks the division of the house and home against itself. The woman, leaving the home to become of assistance in winning the bread, becomes a competitor of the real bread-winner, thus dividing the house, and working tremendous havoc among families. But there is no turning back now, we must push this thing through, until woman has achieved a complete economic independence, of which there is but a suggestion in her entry into industrial life.

But really these things are not so alarming after all, for the family does not rest upon social or ecclesiastical law, or custom, but upon the very nature of things. Each step that we make is but a step towards the better family life of which I have spoken. In this family, the union will rest upon the reciprocal affection, admiration and respect of the two equal parties, joining themselves together in a solemn compact for the highest and noblest of all human endeavors, to rear a family of children and transmit to them the highest achievements of evolution in health, wisdom, and in moral purity.

Yet the central pivot of all our social development is the family. I think that the truth of the two remarks that I shall quote in closing is obvious.

> It is obvious that whatever tends to uplift marriage and promote matehood is directly in line with social progress; and any sociological change which increases women's opportunities for independence and unfoldment strengthens marriage and forms matehood.[6]

In connection with this statement, which implies at least the necessity of the equal standing of men and women in society, consider the statement of John Stuart Mill:

> The moral regeneration of mankind will only really commence when the most fundamental of the social relations is placed under the rule of equal justice.[7]

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[6] Emmet Densmore, *Sex Equality: A Solution of the Woman Problem,* New York: Funk & Wagnalls Co., 1907, p. 346.
[7] John Stuart Mill, *The Subjection of Women,* London: Longmans, Green, Reader and Dyer, Fourth edition, 1878, p. 183.