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NATIONAL SECULAR SOCIETY

MARRIAGE

AND

DIVORCE.

AN AGNOSTIC'S VIEW.

BY

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DURING November and December, 1889, the *North American Review* printed a number of articles by representative men on the subject of Divorce. The editor framed a series of four questions, which the various writers replied to. Colonel Ingersoll answered them seriatim and fully, without the least evasion or reserve, having a habit, not only of meaning what he says, but of saying what he means. His article is now reproduced for the benefit of English readers. It is a very important contribution to the literature of the marriage question, and it is to be hoped that those who are privileged to read it will circulate it amongst their friends and acquaintances.



MARRIAGE AND DIVORCE.

Question (1). Do you believe in the principle of divorce under any circumstances?

The world for the most part is ruled by the tomb, and the living are tyrannised over by the dead. Old ideas, long after the conditions under which they were produced have passed away, often persist in surviving. Many are disposed to worship the ancient—to follow the old paths, without inquiring where they lead, and without knowing exactly where they wish to go themselves.

Opinions on the subject of divorce have been for the most part inherited from the early Christians. They have come down to us through theological and priestly channels. The early Christians believed that the world was about to be destroyed, or that it was to be purified by fire; that all the wicked were to perish, and that the good were to be caught up in the air to meet their Lord—to remain there, in all probability, until the earth was prepared as a habitation for the blessed. With this thought or belief in their minds, the things of this world were of comparatively no importance. The man who built larger barns in which to store his grain was regarded as a foolish farmer, who had forgotten, in his greed for gain, the value of his own soul. They regarded prosperous people as the children of Mammon, and the unfortunate, the wretched, and diseased, as the favorites of God. They discouraged all worldly pursuits, except the soliciting of alms. There was no time to marry or to be given in marriage; no time to build homes and have families. All their thoughts were centred upon the heaven they expected to inherit. Business, love, all secular things, fell into disrepute.

Nothing is said in the Testament about the families of the Apostles ; nothing of family life, of the sacredness of home ; nothing about the necessity of education, the improvement and development of the mind. These things were forgotten, for the reason that nothing, in the presence of the expected event, was considered of any importance, except to be ready when the Son of Man should come. Such was the feeling, that rewards were offered by Christ himself to those who would desert their wives and children. Human love was spoken of with contempt. "Let the dead bury their dead. What is that to thee ? Follow thou me." They not only believed these things, but acted in accordance with them ; and, as a consequence, all the relations of life were denied or avoided, and their obligations disregarded. Marriage was discouraged. It was regarded as only one degree above open and unbridled vice, and was allowed only in consideration of human weakness. It was thought far better not to marry—that it was something grander for a man to love God than to love woman. The exceedingly godly, the really spiritual, believed in celibacy, and held the opposite sex in a kind of pious abhorrence. And yet, with that inconsistency so characteristic of theologians, marriage was held to be a sacrament. The priest said to the man who married : "Remember that you are caught for life. This door opens but once. Before this den of matrimony the tracks are all one way." This was in the nature of a punishment for having married. The theologian felt that the contract of marriage, if not contrary to God's command, was at least contrary to his advice, and that the married ought to suffer in some way, as a matter of justice. The fact that there could be no divorce, that a mistake could not be corrected, was held up as a warning. At every wedding-feast this skeleton stretched its fleshless finger towards bride and groom.

Nearly all intelligent people have given up the idea that the world is about to come to an end. They do not now believe that prosperity is a certain sign of wickedness, or that poverty and wretchedness are sure certificates of virtue. They are hardly convinced that Dives should have been sent to hell simply for being rich, or that

Lazarus was entitled to eternal joy on account of his poverty. We now know that prosperous people may be good, and that unfortunate people may be bad. We have reached the conclusion that the practice of virtue tends in the direction of prosperity, and that a violation of the conditions of well-being brings, with absolute certainty, wretchedness and misfortune.

There was a time when it was believed that the sin of an individual was visited upon the tribe, the community, or the nation to which he belonged. It was then thought that if a man or woman had made a vow to God, and had failed to keep the vow, God might punish the entire community; therefore it was the business of the community to see to it that the vow was kept. That idea has been abandoned. As we progress, the rights of the individual are perceived, and we are now beginning dimly to discern that there are no rights higher than the rights of the individual. There was a time when nearly all believed in the reforming power of punishment—in the beneficence of brute force. But the world is changing. It was at one time thought that the Inquisition was the savior of society; that the persecution of the philosopher was requisite to the preservation of the State; and that, no matter what happened, the State should be preserved. We have now more light. And standing upon this luminous point that we call the present, let me answer your questions.

Marriage is the most important, the most sacred, contract that human beings can make. No matter whether we call it a contract or a sacrament, or both, it remains precisely the same. And no matter whether this contract is entered into in the presence of magistrate or priest, it is exactly the same. A true marriage is a natural concord and agreement of souls, a harmony in which discord is not even imagined; it is a mingling so perfect that only one seems to exist; all other considerations are lost; the present seems to be eternal. In this supreme moment there is no shadow—or the shadow is as luminous as light. And when two beings thus love, thus unite, this is the true marriage of soul and soul. That which is said before the altar, or minister, or magistrate, or in the presence of witnesses, is only the outward evidence of that which has

already happened within; it simply testifies to a union that has already taken place—to the uniting of two mornings that hope to reach the night together. Each has found the ideal: the man has found the one woman of all the world—the impersonation of affection, purity, passion, love, beauty, and grace; and the woman has found the one man of all the world—her ideal, and all that she knows of romance, of art, courage, heroism, honesty, is realised in him. The idea of contract is lost. Duty and obligation are instantly changed into desire and joy, and two lives, like uniting streams, flow on as one. Nothing can add to the sacredness of this marriage, to the obligation and duty of each to each. There is nothing in the ceremony except the desire on the part of the man and woman that the whole world should know that they are really married, and that their souls have been united.

Every marriage, for a thousand reasons, should be public, should be recorded, should be known; but, above all, to the end that the purity of the union should appear. These ceremonies are not only for the good and for the protection of the married, but also for the protection of their children, and of society as well. But, after all, the marriage remains a contract of the highest possible character—a contract in which each gives and receives a heart.

The question then arises, Should this marriage, under any circumstances, be dissolved? It is easy to understand the position taken by the various Churches; but back of theological opinions is the question of contract.

In this contract of marriage the man agrees to protect and cherish his wife. Suppose that he refuses to protect; that he abuses, assaults, and tramples upon the woman he wed. What is her redress? Is she under any obligation to him? He has violated the contract. He has failed to protect, and, in addition, he has assaulted her like a wild beast. Is she under any obligation to him? Is she bound by the contract he has broken? If so, what is the consideration for this obligation? Must she live with him for his sake? or, if she leaves him to preserve her life, must she remain his wife for his sake? No intelligent man will answer these questions in the affirmative.

If, then, she is not bound to remain his wife for the

husband's sake, is she bound to remain his wife because the marriage was a sacrament? Is there any obligation on the part of the wife to remain with the brutal husband for the sake of God? Can her conduct affect in any way the happiness of an infinite being? Is it possible for a human being to increase or diminish the well-being of the Infinite?

The next question is as to the right of society in this matter. It must be admitted that the peace of society will be promoted by the separation of such people. Certainly society cannot insist upon a wife remaining with a husband who bruises and mangles her flesh. Even married women have a right to personal security. They do not lose, either by contract or sacrament, the right of self-preservation; this they share in common, to say the least of it, with the lowest living creatures.

This will probably be admitted by most of the enemies of divorce; but they will insist that, while the wife has the right to flee from her husband's roof and seek protection of kindred or friends, the marriage—the sacrament—must remain unbroken. Is it to the interest of society that those who despise each other should live together? Ought the world to be peopled by the children of hatred or disgust, the children of lust and loathing, or by the welcome babes of mutual love? Is it possible that an infinitely wise and compassionate God insists that a helpless woman shall remain the wife of a cruel wretch? Can this add to the joy of Paradise, or tend to keep one harp in tune? Can anything be more infamous than for a Government to compel a woman to remain the wife of a man she hates—of one whom she justly holds in abhorrence? Does any decent man wish the assistance of a constable, a sheriff, a judge, or a church, to keep his wife in his house? Is it possible to conceive of a more contemptible human being than a man who would appeal to force in such a case? It may be said that the woman is free to go, and that the courts will protect her from the brutality of the man who promised to be her protector; but where shall the woman go? She may have no friends; or they may be poor; her kindred may be dead. Has she no right to build another home? Must this woman, full of kindness, affection, health, be tied and chained to this living corpse? Is there no future for

her? Must she be an outcast for ever—deceived and betrayed for her whole life? Can she never sit by her own hearth, with the arms of her children about her neck, and with a husband who loves and protects her? Is she to become a social pariah, and is this for the benefit of society?—or is it for the sake of the wretch who destroyed her life?

The ground has been taken that woman would lose her dignity if marriage could be annulled. Is it necessary to lose your liberty in order to retain your moral character—in order to be pure and womanly? Must a woman, in order to retain her virtue, become a slave, a serf, with a beast for a master, or with society for a master, or with a phantom for a master?

If an infinite being is one of the parties to the contract, is it not the duty of this being to see to it that the contract is carried out? What consideration does the infinite being give? What consideration does he receive? If a wife owes no duty to her husband because the husband has violated the contract, and has even assaulted her life, is it possible for her to feel towards him any real thrill of affection? If she does not, what is there left of marriage? What part of this contract or sacrament remains in living force? She cannot sustain the relation of wife, because she abhors him; she cannot remain under the same roof, for fear that she may be killed. They sustain, then, only the relations of hunter and hunted—of tyrant and victim. Is it desirable that this relation should last through life, and that it should be rendered sacred by the ceremony of a church?

Again I ask, Is it desirable to have families raised under such circumstances? Are we in need of children born of such parents? Can the virtue of others be preserved only by this destruction of happiness, by this perpetual imprisonment?

A marriage without love is bad enough, and a marriage for wealth or position is low enough; but what shall we say of a marriage where the parties actually abhor each other? Is there any morality in this? any virtue in this? Is there virtue in retaining the name of wife, or husband, without the real and true relation? Will any good man say, will any good woman declare, that a true,

loving woman should be compelled to be the mother of children whose father she detests? Is there a good woman in the world who would not shrink from this herself; and is there a woman so heartless and so immoral that she would force another to bear that from which she would shudderingly and shriekingly shrink?

Marriages are made by men and women, not by society; not by the State; not by the Church; not by supernatural beings. By this time we should know that nothing is moral that does not tend to the well-being of sentient beings; that nothing is virtuous the result of which is not good. We know now, if we know anything, that all the reasons for doing right, and all the reasons against doing wrong, are here in this world. We should have imagination enough to put ourselves in the place of another. Let a man suppose himself a helpless woman beaten by a brutal husband—would he advocate divorces then?

Few people have an adequate idea of the sufferings of women and children, of the number of wives who tremble when they hear the footsteps of a returning husband, of the number of children who hide when they hear the voice of a father. Few people know the number of blows that fall on the flesh of the helpless every day, and few know the nights of terror passed by mothers who hold babes to their breasts. Compared with these, all the hardships of poverty borne by those who love each other are as nothing. Men and women truly married bear the sufferings and misfortunes of poverty together. They console each other. In the darkest night they see the radiance of a star, and their affection gives to the heart of each perpetual sunshine.

The good home is the unit of the good government. The hearth-stone is the corner-stone of civilisation. Society is not interested in the preservation of hateful homes, of homes where husbands and wives are selfish, cold, and cruel. It is not to the interest of society that good women should be enslaved, that they should live in fear, or that they should become mothers by husbands whom they hate. Homes should be filled with kind and generous fathers, with true and loving mothers; and when they are so filled the world will be civilised. Intelligence will rock the cradle; justice will sit in the courts; wisdom in the

legislative halls ; and above all and over all, like the dome of heaven, will be the spirit of liberty.

Although marriage is the most important and the most sacred contract that human beings can make, still, when that contract has been violated, courts should have the power to declare it null and void upon such conditions as may be just.

As a rule, the woman dowers the husband with her youth, her beauty, her love—with all she has ; and from this contract certainly the husband should never be released, unless the wife has broken the conditions of that contract. Divorces should be granted publicly, precisely as the marriage should be solemnised. Every marriage should be known, and there should be witnesses, to the end that the character of the contract entered into should be understood ; the record should be open and public. And the same is true of divorces. The conditions should be determined, the property should be divided by a court of equity, and the custody of the children given under regulations prescribed.

Men and women are not virtuous by law. Law does not of itself create virtue, nor is it the foundation or fountain of love. Law should protect virtue, and law should protect the wife, if she has kept her contract, and the husband, if he has fulfilled his. But the death of love is the end of marriage. Love is natural. Back of all ceremony burns and will forever burn the sacred flame. There has been no time in the world's history when that torch was extinguished. In all ages, in all climes, among all people, there has been true, pure, and unselfish love. Long before a ceremony was thought of, long before a priest existed, there were true and perfect marriages. Back of public opinion is natural modesty, the affections of the heart ; and, in spite of all law, there is and forever will be the realm of choice. Wherever love is, it is pure ; and everywhere, and at all times, the ceremony of marriage testifies to that which has happened within the temple of the human heart.

Question (2). Ought divorced people to be allowed to marry under any circumstances ?

This depends upon whether marriage is a crime. If it is not a crime, why should any penalty be attached ? Can

anyone conceive of any reason why a woman obtaining a divorce, without fault on her part, should be compelled as a punishment to remain forever single? Why should she be punished for the dishonesty or brutality of another? Why should a man who faithfully kept his contract of marriage, and who was deserted by an unfaithful wife, be punished for the benefit of society? Why should he be doomed to live without a home?

There is still another view. We must remember that human passions are the same after as before divorce. To prevent remarriage is to give excuse for vice.

Question (3). What is the effect of divorce upon the integrity of the family?

The real marriage is back of the ceremony, and the real divorce is back of the decree. When love is dead, when husband and wife abhor each other, they are divorced. The decree records in a judicial way what has really taken place, just as the ceremony of marriage attests a contract already made.

The true family is the result of the true marriage, and the institution of the family should above all things be preserved. What becomes of the sacredness of the home, if the law compels those who abhor each other to sit at the same hearth? This lowers the standard, and changes the happy haven of home into the prison-cell. If we wish to preserve the integrity of the family, we must preserve the democracy of the fireside, the republicanism of the home, the absolute and perfect equality of husband and wife. There must be no exhibition of force, no spectre of fear. The mother must not remain through an order of court, or the command of a priest, or by virtue of the tyranny of society; she must sit in absolute freedom, the queen of herself, the sovereign of her own soul and of her own body. Real homes can never be preserved through force, through slavery, or superstition. Nothing can be more sacred than a home, no altar purer than the hearth.

Question (4). Does the absolute prohibition of divorce, where it exists, contribute to the moral purity of society?

We must define our terms. What is moral purity? The intelligent of this world seek the well-being of them-

selves and others. They know that happiness is the only good ; and this they strive to attain. To live in accordance with the conditions of well-being is moral in the highest sense. To use the best instrumentalities to attain the highest ends is our highest conception of the moral. In other words, morality is the melody or the perfection of conduct. A man is not moral because he is obedient through fear or ignorance. Morality lives in the realm of perceived obligation, and where a being acts in accordance with perceived obligation, that being is moral. Morality is not the child of slavery. Ignorance is not the cornerstone of virtue.

The first duty of a human being is to himself. He must see to it that he does not become a burden upon others. To be self-respecting, he must endeavor to be self-sustaining. If by his industry and intelligence he accumulates a margin, then he is under obligation to do with that margin all the good he can. He who lives to the ideal does the best he can. In true marriage men and women give not only their bodies, but their souls. This is the ideal marriage ; this is moral. They who give their bodies, but not their souls, are not married, whatever the ceremony may be ; this is immoral.

If this be true, upon what principle can a woman continue to sustain the relation of wife after love is dead ? Is there some other consideration that can take the place of genuine affection ? Can she be bribed with money, or a home, or position, or by public opinion, and still remain a virtuous woman ? Is it for the good of society that virtue should be thus crucified between Church and State ? Can it be said that this contributes to the moral purity of the human race ?

Is there a higher standard of virtue in countries where divorce is prohibited than in those where it is granted ? Where husbands and wives who have ceased to love cannot be divorced there are mistresses and lovers.

The sacramental view of marriage is the shield of vice. The world looks at the wife who has been abused, who has been driven from the home of her husband, and the world pities ; and when this wife is loved by some other man, the world excuses. So, too, the husband who cannot live in peace, who leaves his home, is pitied and excused.

Is it possible to conceive of anything more immoral than for a husband to insist on living with a wife who has no love for him? Is not this a perpetual crime? Is the wife to lose her personality? Has she no right of choice? Is her modesty the property of another? Is the man she hates the lord of her desire? Has she no right to guard the jewels of her soul? Is there a depth below this? And is this the foundation of morality? this the corner-stone of society? this the arch that supports the dome of civilisation? Is this pathetic sacrifice on the one hand, this sacrilege on the other, pleasing in the sight of heaven?

To me, the tenderest word in our language, the most pathetic fact within our knowledge, is maternity. Around this sacred word cluster the joys and sorrows, the agonies and ecstasies, of the human race. The mother walks in the shadow of death that she may give another life. Upon the altar of love she puts her own life in pawn. When the world is civilised, no wife will become a mother against her will. Man will then know that to enslave another is to imprison himself.

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