

# Theology on the Web.org.uk

*Making Biblical Scholarship Accessible*

This document was supplied for free educational purposes. Unless it is in the public domain, it may not be sold for profit or hosted on a webserver without the permission of the copyright holder.

If you find it of help to you and would like to support the ministry of Theology on the Web, please consider using the links below:



Buy me a coffee

<https://www.buymeacoffee.com/theology>



PATREON

<https://patreon.com/theologyontheweb>

[PayPal](#)

<https://paypal.me/robbradshaw>

---

A table of contents for *Bibliotheca Sacra* can be found here:

[https://biblicalstudies.org.uk/articles\\_bib-sacra\\_01.php](https://biblicalstudies.org.uk/articles_bib-sacra_01.php)

THE  
BIBLIOTHECA SACRA

ARTICLE I.

THE TEACHINGS OF CHRIST, AND THE MODERN  
FAMILY.

BY PRESIDENT CHARLES FRANKLIN THWING, D.D., LL.D.

OF all social institutions, Christ apparently judged the family to be the most important. Respecting its foundation, continuance, conditions, and possible disruption, he spoke more constantly and more directly than respecting any other institution. Either with silence or with brief speech did he treat other social institutions and movements with which society, ancient or modern, is concerned. He declined to be led into discussion regarding the duty of allegiance to the civil authority. He had nothing to say respecting the nature of government. He did not condemn the monarchical, and he did not favor the democratic, form. He spoke no word regarding the evils of human slavery, or the divisions of society, or the reciprocal rights and duties of labor and capital. Regarding education, he also was as silent as he was about the social question. If one result of his coming was the establishment of the church, yet he uttered, regarding its character and functions, purposes and relationships, only a few, even if pregnant words. Like Socrates, he wrote no book. He gave no dissertation on the ethical or intellectual value of many of the theories which concern modern society. But in respect to the family his utterances were, if few, significant; and many of the most funda-

Vol. LXI. No. 241. 1



mental and impressive of his teachings were based upon elements of domestic life and society.

The theology of Christ is interpreted to us more largely in terms of the family than of any other institution. The doctrine of God is declared to us in the word "Fatherhood," and the personality of Christ himself is likewise made known in sonship and brotherhood. Christ and his Father, he affirms, are one. From the Father he comes forth, and to the Father he returns. If he is made known as the Son of God, he is likewise made known as the Son of man. His most tender and impressive prayers are addressed to the Father. The character of children he uses to teach the nature of the Kingdom of God. The fitness of prayer receives illustration in the request of children made to their parents, and the willingness of God to answer is enforced by the nature of the desire of parents to grant the requests of their children. His suggestions regarding conversion are founded upon the figure of birth. The infinite love of God, the degradation of sin, the duty and the possibility of repentance, the fact of forgiveness, are declared in the parable of the prodigal son, which is likewise the parable of the loving Father.

The social teachings of Christ are, like the theological, based upon the figure of the family. The most intimate relations of service to him are suggested through the remark that one may become to him as a mother, a sister, a brother, by the doing of his will. Among his last utterances on the cross are the commending of his mother to his beloved disciple, and of his beloved disciple to his mother. The duty at once of truthfulness and of service, he enforces in the parable of the two sons. Among the most significant words of his last long talk with his disciples, before the crucifixion, is found the assurance that in his Father's house are many mansions or rooms,—the fam-

ily dwelling-place. If the pearl of the necklace of his parables shows the love of the Father and the redemption of the profligate son, it also shows the base and debasing effects of selfishness. The grace of humility, the duty of freedom from giving offense, the beauty of innocence, the sweetness of truthfulness, are illustrated in the character of childhood. The love which he has for man, finds its inspiration in the love which the Father has for him; and the test of the love of the disciples for him is found in their keeping his commandments, even as the test of his love lies in the keeping of the commandments of his Father. His first recorded utterance is the interrogative declaration that he is to be about his Father's business or in his Father's house. If the last word he spoke on the cross is the commending his spirit to his Father, the first of the seven utterances is a prayer to his Father to forgive those, who, in ignorance, crucify him.

It is, therefore, hardly too much to say, that the theological and the social teachings of Christ are largely and impressively embodied and set forth in terms of the family.

The reason of such a presentation is not far to seek. Christ desires to speak to the common experience. Every person is a child. Every person has a father and a mother. The home is as common as it is central. Each person is born into a home. Pathetic, as it is unusual, is the lot of one who is homeless. "Born of the Virgin Mary" was the Christ. If for three years, he was, in a sense, homeless, for thirty years he was a son in a home. He was subject to his parents. Out of his experience, Christ spoke to the experience of all.

The origin of the family is marriage. Marriage is both a status and a contract. Marriage is, says Bishop, "The civil status of one man and one woman united in law for life, for the discharge to each other and the community of the duties

legally incumbent on those whose association is founded on the distinction of sex,"<sup>1</sup> It is also defined by Perkins as the "union of one man and one woman so long as they shall both live, to the exclusion of all others, by an obligation which, during that time, the parties cannot, of their own volition and act, dissolve, but which can be dissolved only by authority of the State."<sup>2</sup> Schouler says: "The word 'marriage' signifies, in the first instance, that act by which a man and woman unite for life, with the intent to discharge toward society and one another those duties which result from the relation of husband and wife. The act of union having been once accomplished, the word comes afterward to denote the relation itself."<sup>3</sup> Marriage, therefore, is both a status and a contract; through the contract the status is created.

Marriage, as the foundation of the family, has several bases. Among them are: (1) the Historical, (2) the Biological, (3) the Psychological, (4) the Sociological, and (5) the Ethical and Religious.

1. The historical basis of the family is enveloped in an impenetrable mist of either ignorance or of conflicting tradition. Sir Henry Sumner Maine says: "I have never myself imagined that any amount of evidence of law or usage, written or observed, would by itself solve the problems which cluster round the beginnings of human society."<sup>4</sup>

One of the most important of these unsolved problems, to which Sir Henry refers, relates to the beginning of the family. Certain scholars hold that the first man and woman were communistic, and that by slow and far-reaching process the modern family has arisen out of that early society. On the other hand, such scholars as Sir Henry Sumner

<sup>1</sup> *Marriage and Divorce*, Vol. i. § 3.

<sup>2</sup> Perkins, J., 19 Ind., 57.

<sup>3</sup> *Husband and Wife*, p. 19.

<sup>4</sup> *Early Law and Custom*, p. 205.

Maine, Herbert Spencer, and Charles Darwin are not convinced that man ever existed in such a state.

It is, however, extremely difficult for a careful student of early society to believe that marriage, as we understand it, as a union for life between one man and one woman, was the social rule in primitive times. Neither is it easy to believe that polygamy, the strict union of one man with several women, or that polyandry, the strict union of one woman with several men, was the primitive condition. The nearly equal birth-rate of the sexes would shut out the presumption of the universal prevalence of either of these customs. Were it possible to reconstruct the original social status, it would probably be found to contain elements of each of these diverse conditions and practices. If primitive society was not a social chaos, it may yet have embraced domestic relations of every sort. As either passion or expediency dictated, polygamy, polyandry, and even monogamy, may have prevailed side by side. "The original communities of men may have taken," says Sir Henry Maine, "all sorts of forms."<sup>1</sup> It is, indeed, not improbable, on even the grounds of historic credibility, that a family pure and simple may have existed since the beginning of the human race. Either mutual attraction, or a community of interests, or attachment to their children, may have bound a man and a woman together, at least during the child-bearing period of the woman's life.

2. Christ also had respect to the biological basis. The phrase "twain one flesh" is significant. The Author of humanity made humanity, from the first, male and female. He made each to have fitness and attractiveness for the other. The sexual instinct and condition is primitive. Whether this instinct has grown stronger with the passing of the gener-

<sup>1</sup> *Early Law and Custom*, p. 281.

ations of men, it is impossible to indicate. But in the strength or the weakness of this instinct, is embodied one basis of marriage and of the family. From it have sprung the successive generations. Without it, humanity would, without doubt, cease to be. Its presence insures the continuance of the race. In nature is found a corresponding tendency to indefinite productiveness. Be it said that regarding this basis of marriage Christ spoke neither condemnation nor commendation. In and of itself it has no moral quality, any more than the power of the brain for thinking has moral quality. It takes on ethical relations when it connects itself with the highest part of man's being in preventing or promoting the growth of noblest character. That its exercise does minister to the highest in man is true; that its exercise may minister to the lust of flesh and to the lust of the eye must also, with sadness, be confessed. It certainly does embody, above every other basis, the individualistic element.

3. The biological basis of marriage leads up to and passes over into the psychological relation. That the twain become one flesh is as true in the spiritual as in the material sense. The two become one because of non-physical, spiritual, and intellectual affinities. Having these affinities, Christ assumes that each one chooses, and is chosen, by the other. Like-mindedness, like-heartedness, and like-willfulness are the bases of this mutual choice. If the doctrine of opposites has any value at all in the making of the marital union, this value applies to the more superficial and picturesque elements. This union which promotes unity is founded upon the comprehensive element of love. This love is at once emotional and volitional. It represents the function of both heart and will. It embodies at once delight and the choice of the good for the one loved. The love which Christ commanded in his

three great commandments is the origin and source of that love which is the spiritual foundation of marriage. Plato discusses whether marriage with or without love is preferable; but the question which he asks, refers to a love of a different content from that which Christ commands. Plato has in mind intoxicating enjoyment, affection, a passion as of madness, which is blind and deaf except to the object of which it is enamored. Christ intimates that such a love should not be made the basis of important decisions or the foundation of moral conduct. He who commands that the love of God should be of the mind as well as of the heart, must not require that reason should be excluded from the domain of conjugal affection. He who commanded that the love given to God should be of the strength would desire that the love of a husband and wife for each other should find its fountain in the will. Love as a rule of conduct is rather a principle than an emotion.

4. The biological and the psychological basis is individualistic. But marriage is not simply an individualistic institution. It relates to society. It has its basis in the social order; its continuance relates to that order. It is the purpose of Christ to regenerate humanity. He seeks to make all men's good each man's purpose. He wishes to transmute the kingdom of man into the kingdom of God; the kingdom of earth into the kingdom of heaven. Truth, purity, joyfulness, peaceableness, hopefulness, love, are the notes of the song of the Messiah. They are the constituent elements of a perfected society. These conceptions may or may not become embodied in commands. They may or may not assume the forms of large and progressive movements. But in their origin and primary relation they are personal. The kingdom of heaven comes through persons, as well as from, and to, persons. The fam-



ily, therefore, bears a most significant relation to the progress of the divine kingdom, for the family embodies a union of personalities. It is thus a social unity; it is a social group; it is a social force; it is a union and organization of social forces; it is a social condition as well as a social power; a condition of happiness or of misery; a force which acts and reacts for either of the highest welfare of humanity, or for its disintegration and destruction. It is a nucleus about which new interests and relations of humanity gather. It represents the most efficient power and most effective method of human improvement. It embodies the best means for the protection and for the nourishment of the young. The height of the position of any creature in the order of being is measured by the length of its period of infancy. Therefore, the infancy of man is longest. Man is also, of all beings, the most helpless at birth. The nourishment which the infant needs, is assured by the love which marriage represents. It may also be said that all ethical and spiritual qualities, the virtues and the graces, are best promoted through that condition which has love as its regnant force.

One may be allowed to add that love represents self-surrender. Self-surrender is the constant atmosphere of the family. Man attains his highest self only through the surrender of self. As man gives up his own personality does he attain the richest personality. The more he gives, the more he receives. Marriage is, therefore, being essentially self-surrender, the most effective way of securing the highest development of the individual, and so of society. A great interpreter of this fundamental institution has said: "By whatsoever reasoning we arrive at the conclusion that marriage is, as often expressed, a divine institution, the truth that it is such,—or, in other words, that it is a parcel of the wisdom which

entered into the creation of man,—is palpable, and is generally acknowledged. Commencing with the race, and attending man in all periods and in all countries of his existence, this institution of marriage has ever been considered the particular glory of the social system. It has shone forth, in dark countries and in dark periods of the world, a bright luminary on his horizon. And, but for it, all that is valuable, virtuous, and desirable in human existence, would long since have faded away in a general retrograde of the race, and in the perilous darkness in which its joys and hopes would have been wrecked together. And as man has gone up in the path of his improvement, and a purer light has surrounded him, still has this institution of marriage, receiving accessions of glory, remained the first among the institutions of human society. And the idea that any government could, consistently with the general well-being, permit marriage to become merely a thing of bargain between men and women, and not regulate it by its own power, is too absurd to require refutation.”<sup>1</sup> In a word, therefore, marriage, having a sociological basis, represents the progress of mankind. Through marriage the enlargement and enrichment of society are assured. No method can be imagined either so economical or so effective for human betterment.

Christ’s words also indicate that marriage has its basis in the will of God. “What, therefore, God hath joined together, let not man put asunder” (Matt. xix. 6; Mark x. 9). Marriage, having its basis in the will of God, becomes religious. Every worthiest marriage receives the Divine benediction. Marriage seems to represent, not, as is the custom in most procedures, first, the finding out the will of God, and then the doing of that will; but it does represent a process involving,

<sup>1</sup> Bishop, *Marriage and Divorce*, Vol. i. § 12.

first, the will of the two parties in relation to each other, as of primary consequence, and, secondly, the assurance that this will of the two parties themselves becomes the will of God. The will of the man and the woman for each other agreeing in holy marriage represents the will of God. God himself seems by this phrase to subject his own will to the choice of the husband and of the wife. In such an interpretation, marriage, therefore, takes on the highest relation. It becomes divine. It represents the beginning of an apparently eternal process. It is placed in a condition elemental and fundamental. Strong grounds, therefore, has the Roman Catholic Church for calling marriage a sacrament, as I shall hereafter indicate. Every Protestant may well call it sacramental.

These five bases obtain, whether marriage be interpreted as a contract or as a status. If marriage be made a contract only, the biological and the psychological, the sociological and the religious, bases, represent the causes for the husband and wife entering into a covenant. If marriage be interpreted as a status, these same four elements help to constitute the condition. If marriage be judged as both a contract and a status, it is a contract which creates a status in which these same elements are fundamental.

Though marriage has these foundations, yet it is to be observed that Christ gave no command enjoining marriage. At this point he does not fulfill, but he destroys, the Hebrew tradition. Before his coming, marriage was by the Hebrews looked upon as a duty. Among the commandments of the early Hebrew Scriptures are the commandments: "Be fruitful, and multiply, and replenish the earth"; "Be ye fruitful, and multiply; bring forth abundantly in the earth, and multiply therein" (Gen. ix. 1, 7). These early commandments seem to have continued as moving forces throughout

the history of the race. Blessings upon the marriage state and upon a multiplicity of children abound. Childlessness is the subject of lamentations. Apparently Christ favored neither the married nor the single life. No inference should be drawn from the fact that he was not married. At once, however, it may be said that he does give intimation regarding the duty of certain people not marrying: "For there are some eunuchs, which were so born from their mother's womb: and there are some eunuchs, which were made of men; and there be eunuchs, which have made themselves eunuchs, for the kingdom of heaven's sake. That those able to receive it let him receive it" (Matt. xix. 12).

Other reasons there are, which should preclude marriage. An inherited disease represents such a cause. It is said that George Combe denied marriage to himself, because he knew he was a subject of hereditary consumption. A friend of the writer does not permit himself to become a father in the fear that his children might become insane. Duties which are inconsistent with certain conditions of the family life should prevent. There are those who owe special duties to the community, the performance of which would interfere with the duties which would be owing to a family. Yet be it said that the celibate life, in Christ's interpretation, assumed no form of sacredness. The duty of living such a life is constituted by causes and conditions which would make wedlock unfitting. These causes and conditions belong to the realm of individual interpretations and choice: they are not ecclesiastical.

The principle, which, in Christ's conception, underlies the development of the family and also underlies the relations of its members to each other, is, as I have already intimated, the principle of love. No other principle is sufficiently great for making a worthy foundation. Christ commanded men to love

God supremely, to love his neighbor as himself, and also, near the close of his life, commanded that men should love each other as he loved them. He loved man into a sacrifice of himself for them. These three commandments, therefore, are embodied in the one commandment of love. The love which is thus commanded, is not simply an emotion, although it may be emotional. It is not simply a volition, although it does bear relation to the will. The love which Christ commands, is the expression of both the will and the heart. It represents the choice of the good of the object loved, and it also expresses delight in the happiness of the object loved.

The general principle of love helps to determine the relation of the members of the family to each other. These relations are: (1) of husband and wife, (2) of parents and children, and (3) of children to each other.

The relation of husband and wife is embodied in love. Under this principle, each is to consult for the other's good, and each is to find satisfaction in the other's welfare. The society into which Christ came, and of which he was a part, demanded of the husband and wife certain reciprocal rights and duties. The duties which rested upon the wife, in relation to her husband, seem largely to have been of a pecuniary nature. All property that came to her after marriage, by inheritance, did not come to her, but only through her, and was regarded as belonging to him; all gains, too, which her property secured belonged to him. These gains included the usufruct of her dowry. Be it said, also, that, in case he had the administration of her dowry, he was responsible for no loss. He also was regarded as her heir-at-law. The obligations which rested upon the husband, were of a larger variety than those which rested upon the wife. Among them are included, in case of sickness, medical treatment; in case

of death, an honorable funeral; in case of captivity, redemption therefrom, and support of her daughters and of her sons, being also his, under certain normal conditions. These provisions, on the whole, rested with heavier weight upon the wife than upon the husband; but, resting upon either husband or wife, they are consistent with methods and results easily arising from the principle of love. It may be as well said here as elsewhere, that Christ himself gave no intimation respecting any doctrine of the inferiority or superiority of either party in a marriage contract. The husband and wife are to him, so far as we are able to see, each *par inter pares*. The name given to woman at her creation, indicated that, as a wife, she was the companion and the equal of her husband. If the transgression and fall of Adam and Eve seemed to result in the inferiority of the woman to the man, it is to be remembered that this result of sin, like other results, Christ came to conquer. In the beginning God created them male and female, and one searches the Gospels in vain to find any intimation in the words or the work of Christ of subordination or of superiority.

Ancient society of every order laid heavier burdens on woman than on man. The exceptions to this interpretation are few and insignificant. The reason lies in the fact that most civilizations have been founded on physical force. Man has greater active physical force than woman, and, therefore, the husband has been regarded as primary, and the wife as subordinate. The advancement of woman has been coincident with the decline of physical force as a constant factor of civilization. Therefore, as intellectual and ethical ideals have come to prevail, the position of woman has enlarged and risen.

It may not be unfitting to say that the current discussion respecting the superiority of man or the inferiority of woman

is as absurd as it is ungracious. It is as absurd as a discussion respecting the superiority of the maple-tree to the oak, or of the oak to the maple. The oak is superior to the maple, in strength; the maple is superior to the oak in grace. In certain respects man is superior to woman, in other respects woman is superior to man. Each should be content with one's own powers, and free from jealousy of the other. The powers of each, each should use, and for the use be grateful. To make any attempt to arrogate the powers of the other to oneself is at once ridiculous and painful.

It is probable that for a long period the place which the Jewish woman held in the community was higher than that which the Greek maiden or the Roman occupied. That place is not for one instant comparable with that which she now fills. For Jewish civilization, in common with other civilizations, was based largely, although to a less degree than obtained among some other peoples, on physical force. Oriental ideas of woman's nature and functions never secured complete control of the Jewish domestic or public life. Racial integrity and autocracy saved the Hebrew from these, as from many other, perils. The list of worthies of the Eleventh of Hebrews represents men whose faith was manifest in action. Naturally the names of women would be less numerous than those of men; but appearing in every century of Hebrew history are women who have helped to maintain or to restore the high position which was originally given to themselves. No one can doubt that Sarah, Rebekah, Leah, and Rachel held a high place in the patriarchal times. Deborah is at once a deliverer and a judge in Israel. Miriam sings a song of deliverance. Huldah is a prophetess. The wisdom and bravery of Esther are declared in a book which bears her name.

Christ, therefore, came into a society in which woman was held in a certain degree of high esteem. One is therefore prepared to find that for women Christ showed a respect no less high, and a regard no less warm, than he showed to man. One of the most significant of his few conversations with a single individual was held with a woman,—the Samaritan,— at the well. The sisters of the home at Bethany were dear to him. For the woman suffering from an offense which ancient law and social judgment have united in considering most heinous, he had pity and pardon. His miracles of healing were wrought for and on women. To a nobleman's daughter and a widow's son he restored life. The woman suffering from a spirit of infirmity and a woman subject to an issue of blood, as well as the daughter of the Canaanitish woman, he healed. Evidence of the regard in which he held them is found in the affection which women had for him. They are among the last at his cross and the first at his sepulcher.

It may, therefore, be said that the first home in which husband and wife were regarded as equals was the home founded upon the principles which Christ taught. By these principles husband and wife may possess varying duties, but the duties are of equal obligation. They may possess varying rights, but these rights represent equality of opportunity and of privilege.

In passing, it may be added, that Christ's words contain no intimations of the worthiness of celibacy. Paul seems to command the single life, but the commendation is based upon his belief of the near approach of the Parousia. Christ makes no suggestion regarding the body as necessarily evil, and as therefore to be crucified. The Manichæan doctrine did not arise until the third century was well on its way, and it was more than three hundred years after Christ's ascension that the first defin-



itive rule regarding a celibate clergy was promulgated. It is certainly significant that Christ's first miracle was wrought at a wedding.

The principle of love, which constitutes the relationship of husband and wife, also constitutes the relationship of parents to children and of children to parents. The Christian rule supports the teaching of instinct. The love felt by a parent for a child, Christ could not, himself, know as he knew the love of the child for a mother. He came into a community in which parents and children were dear to each other. One need not go beyond the book of Proverbs to learn the strength of parental affection, or the joy that belonged to the filial. The career of the Jewish child was carefully marked out from its birth, and at every stage, the intellect and the heart of the parent were united to give to the child the best condition and environment. The duty of the obedience of the child to the parent is again and again pointed out in the Old Testament; and examples of obedience often occur as inspirations, and of disobedience as warnings. Christ was, therefore, prepared to present the just relation of parents and children to each other. The significance of this relation is most impressive. The relation of the Father in Heaven to his children on the earth is a type of the relation of the earthly father to his sons and daughters, and the relation of the earthly father to his sons and daughters makes vivid and real what the relation of the Father in Heaven to his children either is or should be. Sins against parents are less common in Jewish, than in any other ancient, history. The fifth commandment was among the great commandments, and any breach of it received the severest reprobation.

The love of the parent for the child manifests itself in the service of the older and abler for the younger and feebler,

while the older is in his prime, and the love of the child for the parent manifests itself also in benevolence when the parent has passed into feebleness or helplessness. One can never forget that Christ himself was subject unto his parents, and one also remembers that he asks if he should not be about his Father's business or in his Father's house.

Perhaps the best interpretation of the mutual relations of the parent and of the child is found in the chief of all the parables of Christ. The parable of the prodigal son may also be called the parable of the forgiving father, and, should one prefer the term, the unloving brother might also describe this most significant story. In this parable are seen (1) the love of the father. He follows the younger son's suggestion regarding the division of the estate; he awaits, with yearning heart and eyes, the son's return; he forgives the son's profligacy, and also the older son's hard-heartedness; he rejoices in the son's return to the home, which he ought never to have left. In the parable is also seen (2) the willingness of the father to give unto the son the opportunity of working out his own career,—although knowing that the son might abuse the opportunity,—which is simply an interpretation of the gift of freedom of individual choice. The parable also represents (3) the love of the son for the father, which shows itself chiefly in the form of repentance, on his return. By contrast, also, the parable contains evidence, not of the love of the older son for either his father or his brother,—but of his hatred for his father, and of his jealousy and contempt for his brother. It is significant, that, if "God so loved the world that he gave his only begotten Son," this Son used the domestic relation as a prevailing figure in the most impressive of his parables to teach the manifold lesson of love.

Concerning the relation of brothers and sisters to each

other, Christ has far less to say than of the relation of parents and children; but this relation, it is still evident, is a relation of love. The Jewish family was closely united, member to member. Domestic religion nourished the domestic virtues. Family relationships promoted family intimacies. The observance of the Sabbath fostered personal association: it was a family day. The family was the central unit of Jewish society, and not the individual. To the brothers and sisters were given the duty of its continuance.

The Jewish family, at the time of Christ, had lost in no small degree its sense of clanship. The tribal relationship played a part insignificant, in comparison with the part it had played in the larger share of Jewish history. The family stood distinct and integral. It is the single institution which survived the fall, and it comes forth from the old dispensation into the new, strengthened by Christ's teachings, prepared to maintain its central place.

In ancient society education was more domestic than in modern. Public education is largely a product of democratic society. In Rome the education of a boy was designed to promote his usefulness to the state. In Athens, the education of a boy was designed to promote his usefulness to society. In Jerusalem, the education of the boy was designed to promote his usefulness to religion. If in Rome education was largely forensic, in Athens, æsthetic and philosophic,—in Jerusalem, it was religious and theological; but in Jerusalem education was conducted more largely by and in the family than in the Roman or Greek capital. The first education of the Hebrew youth was that given to him by his mother and his father. The teaching, at home, began early in the life; from the age of three to six, he was trained in the Holy Scriptures, and at six he was sent to school.

This school, usually, was attached to a synagogue. In this school, he continued, usually, until about the age of fifteen. The content of his study was largely the Holy Scriptures and the comments thereon. A rabbi has mapped out the duties and attainments belonging to the youth at various ages: at five years of age, reading the Bible; at ten years, learning the Mishnah; at thirteen years, knowledge of the commandments; at fifteen years, the study of the Talmud; at eighteen years, marriage; at twenty years, active life. Throughout this period, memory was the chief tool of the child, in securing an education. Of that mental discipline which constitutes so large a share of modern education, the Hebrew child took little cognizance. The Talmud compares the student to a well-plastered cistern from which no drop escapes. Josephus boasts of his wonderful memory. The origin of the high place given to this faculty doubtless lies in the sacredness attached to the very words of the Holy Scriptures. It is probable, also, that writing was quite as commonly taught as reading.

The education was not simply mental; it included what is known to-day as manual training and moral and theological instruction. The ten commandments embodied the essence of the theological and ethical instruction. The book of Proverbs represents the character which each Jewish father and mother desired their child to know and to embody; and the Psalms of David sing the songs of a holy and intimate relation to God, which it was the endeavor of the individual as well as the family to make their constant practice.

In the giving of this intellectual, ethical, and religious training, the teacher, who not infrequently was the minister of the synagogue, had the advantage of certain favoring conditions. His compensation he received from the congregation. He

was not suffered to collect fees from pupils. His salary was usually raised by voluntary contributions. The number of hours of a day he taught was not large; and during certain seasons of heat, the lessons were given early in the morning and late in the afternoon. His classes numbered about twenty-five students; if they approached to forty he employed an assistant teacher, and if the number were fifty, there would be coördinate teachers. He was, without exception, a married man. The office of teacher was apparently held in great honor. The contrast between the respect paid to the Jewish teacher and the lack of respect paid to him in most periods of English history is significant.

In addition to the training of the head, and of the heart and of the conscience, education, at the time of Christ, was also manual. Many phrases occur in the writings of the time of Christ regarding the value of a trade. Whoever does not teach his son a trade is as if he brought him up to be a robber is a rabbinical principle. "How highly does the Maker of the world value trades!" It is said that "there were seven years of famine. It will never come to the door of the tradesman, be he one whom his teacher has brought up to a good trade." "There is none whose trade God does not adorn with beauty." The enthusiasm which is to-day found in behalf of the training of the hand, apparently prevailed in the better part of Jewish society two thousand years ago.

To-day, the Jews are a commercial people, but in the earlier times the race was largely given to following a trade. The change from the manual to the commercial relation arose largely from the dispersion of the nation. A scattered people can far more easily become a commercial people than one of carpenters and of workers in iron. Living in Palestine, subject to Rome, commerce was not so easily or largely profitable

as was a trade. In later times and under other conditions, commerce has proved more profitable.

The language in which all this tuition of every grade and of every kind was given, was probably Aramaic, a dialect of the Hebrew. Without doubt, Christ spoke Greek. The prevalence of the Greek language was one of the results of the conquests of Alexander. Latin was, undoubtedly, used in the more important governmental relations; but language was to Christ and to his contemporaries a tool and not a subject of study.

Regarding the general result and conditions of the education of the time of Christ, it may be said that it had concentration with breadth. Few of the subjects which make up the course of study of the modern child were included. Its field of vision was limited to the Jewish horizon. If the child learned Greek, it was for the purpose of conversation, and not for the sake of reading its literature. If the child learned Latin, it was for the purpose of governmental service and not for the sake of bringing him into world relations. History, philosophy, logic, mathematics beyond the simplest elements were comparatively unknown and unrecognized. The education was primarily religious and ethical. It touched the heart and the conscience. In its intellectual relations, it consisted largely of the acquisition of the facts and teachings of the Holy Books; but the intellectual relations fostered the religious and ethical needs, and the religious and ethical needs inspired the intellectual conditions and forces. Such an education is in peril of becoming vague, remote and visionary. It was saved from such a result by manual training. The whole result was embodied in a character far less philosophical and introspective than was the product of Athenian culture, and far less judicial and forensic, than was the result

of Roman training, but all in all it was more ethical and more religious, as well as thoroughly self-respecting, than could be found in the capitals of Greece and Rome.

#### THE DISSOLUTION OF THE FAMILY.

The family which has been created and developed may be dissolved. Two comprehensive methods of dissolution are evident,—death, and, what is known as, divorce.

For death, Christ intimates, is a dissolution of the marriage relation. Although marriage contains other elements than the physical, yet the physical is an element. When the body ceases to live, marriage may also be said to cease; for, in heaven, they neither marry, nor are given in marriage, but are as the angels of God. The conclusion, however, that with the death of the body dies the marital relationship should not be suffered to be made too significant. The remark does not mean that the husband and wife may not know and love each other in the realm of spiritual being. Many reasons obtain for the assurance that those who have loved each other in the body may love each other when they have passed out of the body. The conclusion, also, is consistent with the assurance that this love may be found more affectionate under wholly spiritual conditions than under conditions in part spiritual and in part physical. The teachings of Christ contain no word destructive of the hopes of an afflicted husband or wife for the continuance of that spiritual walk and conversation which on earth was the dearest form of their conjugal enjoyment. These words of Christ, however, as well as the evident facts of life, do indicate clearly that the marriage relation as it has existed in the case of a husband and wife, has forever passed away.

Upon the specific, or even general, forms of what relation

may be assumed in the spiritual realm, Christ gives no revelation. Upon this, as upon all conditions of that heavenly condition, Christ is silent; but concerning this, as also concerning every other condition touching life beyond the grave, instinct and affection are not silent. The physiological and scientific reasons which either allow or require one to believe in the deathlessness of the spirit of man, also allow him to believe that death is not a cessation of affection. One need not adopt the lines of Novalis, crying through the mouth of a sorrowing girl,—

“Oh! mother, mother, what is heaven?  
Oh! mother, what is hell?  
To be with William, that's my heaven,  
Without him, that's my hell.”

But one can yet believe, that if heaven be that condition of felicity which the heart believes it to be, one element of the felicity lies in the continuance of the higher and richer spiritual affections, which have been dominant on the earth.

In passing, it is not unfitting to say that the marriage system of the Jews contained the levirate (Latin law term *levir*, a husband's brother). The levirate represented a usage originating in the early times of the Hebrews, by which a Hebrew, whose brother had died without leaving male issue, was under certain conditions compelled to marry the widow. This usage is suggested in the early history of the people and is commanded by Moses in the following passage:—

“If brethren dwell together, and one of them die, and have no child, the wife of the dead shall not marry without unto a stranger; her husband's brother shall go in unto her and take her to him to wife, and perform the duty of a husband's brother unto her. And it shall be, that the first-born which she beareth shall succeed in the name of his brother which is dead, that his name be not put out of Israel. And if the man



like not to take his brother's wife, then let his brother's wife go up to the gate unto the elders, and say, My husband's brother refuseth to raise up unto his brother a name in Israel, he will not perform the duty of my husband's brother. Then the elders of the city shall call him, and speak unto him; and if he shall stand to it, and say, I like not to take her; then shall his brother's wife come unto him in the presence of the elders, and loose his shoe from his foot, and spit in his face, and shall answer and say, So shall it be unto that man that will not build up his brother's house. And his name shall be called in Israel, The house of him that hath his shoe loosed" (Deut. xxv. 5-10).

The reference of Christ to this custom is found in the well-known interview between himself and the Sadducees, in which the Sadducees ask to which of the seven brothers, who had married the same woman in succession, should she in the resurrection belong, as wife.

The levirate was a method, not for the dissolution of the family, but rather for its continuance. In the Anglo-Saxon view, the usage is offensive. More or less offensive, also, to the Hebrew was it. Therefore, it took upon itself various exceptions. A brother or man need not marry his brother's widow, if he had children of his own, living. If, too, he was himself opposed to the marriage, through a legal fiction he might procure his liberty; but apparently, if this liberty he did procure, he was subject to certain legal or technical disadvantages. The law, also, did not affect a brother who already was married. Such a law, subject to so many exceptions, could not have been so offensive to the Hebrew as one may naturally infer; for, in the Hebrew nation, the love of offspring and the respect for the family institution are, on the whole, stronger than obtain among occidental people.

But more serious than death, as a cause of the dissolution of the family, are certain voluntary causes. These causes are at once subjective and objective. They are found in the bosom of the family itself, and they are also found in the conditions outside of the home. These causes are technically comprehended in the term "divorce."

The world into which Christ came, and to which he addressed his words, was a world in which the family was no longer a sacred institution. Notwithstanding the peril of interpreting the social condition of another society, through its baser elements, which are always the more blatant and inconsistent, and not through its nobler elements, which are more quiet and conservative, it is undoubtedly true that, in the later period of the Roman republic, the family had fallen into a state of disintegration or of decay. After the Punic wars, and perhaps in no small degree because of them, manners decayed, and marriage ties became loosened. One never forgets that Sulla, Cæsar, Cicero, Antony, and Augustus divorced their wives. If such things were done in the green tree, what would not be done in the dry? The Roman society and the Roman family had fallen into what was at once the cause and the result of the destruction of each. In the earlier time, voluntary celibacy was regarded as worthy of censure. Laws were passed against it. In the later time, celibacy was preferred to marriage, and childlessness to parenthood. Cæsar offered rewards in the encouragement of marriage. Augustus made decrees against those who remained unmarried, but neither decree nor reward was of value. From the accession of Augustus to the close of the second century, pleasure seems to have been master and mistress of the Roman people. Sexual license and sensual debauchery overthrew the Roman family.

The condition of the Greek family was no better, but rather worse, than the condition of the Roman. In fact, one cause of the decline of the Roman family was the influx of Greek methods of life. With the advent of Greek culture, the frivolity and the morals of Greeks also came. It is probable that the respect of the Greek for the family was never so strong as the respect of the Roman. The place of the *hetaerae* was recognized and honored to a degree in Athens which woman of similar conditions never received at Rome. To the Greek, the family was an institution founded rather on custom than on law. It was also a condition which bound its members together with a tie less strong than that of friendship, and less sacred than that of country. On the part of the wife, fidelity was required; on the part of the husband, laxity was allowed.

The place which woman occupied in Athenian society, was quite unlike that place which Plato ascribed to her. To the girl he gave the same education, in music and gymnastics, as the boy. He would even go so far as to teach her the art of war. All the pursuits of man are the pursuits of woman also. Sexual differences do not necessitate, he argues, a difference of duty. The natural differences which now appear to divide the sexes,—on the one side, larger feelings and sensibilities, and on the other, larger intellect and administrative powers,—may not be ultimate and fundamental differences; but only differences occasioned by education. Another state of society and other circumstances might cause these apparently natural differences to disappear. Plato, therefore, in many respects, would elevate the wife to the rank to be the companion and equal of her husband.

But the noble conception of Plato was not the conception which prevailed in Athens and Greek society. The family was regarded as a convenience, rather than as a necessity. The

early prevalence of religious ideals and methods in the family had largely disappeared as early as the first century before Christ. If the Greek family never fell into that abject condition of absolute disruption and disgrace which seems to have been the rule at Rome in the time of Augustus, it probably for centuries existed upon an ignoble plane in the respect of the community.

The influence of Roman and Greek conceptions of life upon Jewish manners and life was not probably as great as is commonly believed. Among all nations, the Hebrew was the least susceptible to the influence of the foreigner. The Greek influence was probably greater than the Roman, but even the Greek was slight. The causes which, existing in Jerusalem and other centres in Judæa and other provinces, tended toward the disintegration of the family, were largely of native origin.

No doubt can exist that, although divorce was probably not as common among the Jews as among the Greeks and Romans of the century preceding the Christian era, it was, nevertheless very prevalent. The causes upon which divorce was allowed, were many and slight. In fact, the causes seem to have been quite akin to the lax causes which prevail in most of the divorce laws of the United States. Improprieties, such as are involved in bad manners, brawling, unfitting dress, or a bad reputation, were sufficient to secure the desired release; but although this condition prevailed, it is also evident that the practice was discouraged by many rabbis. The Jewish law, moreover, seems to have had peculiar regard for the rights of the wife.

In this condition of mixed feeling and procedure, Christ's words regarding divorce are clear. His utterances are found in three passages. Each of these passages carries distinct and definite meaning, but the relation of two of the passages to

the other passage, creates a serious problem: (1) "And I say unto you, Whosoever shall put away his wife, except it be for fornication, and shall marry another, committeth adultery; and whosoever marrieth her which is put away doth commit adultery" (Matt. xix. 9); (2) "And he saith unto them, Whosoever shall put away his wife, and marry another, committeth adultery against her. And if a woman shall put away her husband, and be married to another, she committeth adultery" (Mark x. 11, 12); and (3) "Whosoever putteth away his wife, and marrieth another, committeth adultery; and whosoever marrieth her that is put away from her husband committeth adultery" (Luke xvi. 18).

In Mark and Luke, Christ allows no cause as sufficient for divorce. In Matthew, divorce is allowed upon the ground of fornication. These passages awaken several inquiries: (1) Are these statements to be interpreted as laws, statutes, commands, or as intimations and suggestions of the will and purpose of Christ? (2) If these passages are interpreted as laws, statutes and commands, are they to be regarded as taking immediate effect, or are they to be interpreted as ideals towards which the race is to progress? (3) How can these passages, the one in Matthew, which allows divorce upon the ground of fornication, and the two other passages, which provide no permission for divorce, be understood as consistent interpretations of the will of Christ? (4) If adultery be regarded as cause sufficient for the declaration of the destruction of the family, is adultery to be regarded as the only cause, or as simply as an example of conditions which may also allow dissolution?

These questions I shall take up in order.

1. Christ laid down principles rather than laws. He gave intimations of his pleasure more often than he formed rules. He

desired to quicken the conscience, to enlarge the intellect, to strengthen the will, in order that the individual should, of his own desire, see, choose, and do that which was fitting and right. But, in the case of his remarks respecting divorce, the inference seems to be necessitated that he was not following his ordinary methods. In this instance, he was practically and positively laying down a rule and a method of procedure. The contrast between the teaching of Moses and his own teaching is made distinct and sharp. "Moses because of the hardness of your hearts suffered you to put away your wives; but from the beginning it was not so. *And I say unto you*" (Matt. xix. 8, 9). In all the utterances of Christ, it would be difficult to find a contrast more absolute. Between the suffering of Moses and his own direct and positive command is a world-wide chasm.

2. It were indeed to be desired that the command thus given should take immediate effect. Christ wished to re-establish, at once, the Jewish family as it existed in the beginning. Polygamy had already passed away. Divorce had come into the Jewish society. Divorce also should pass away. It were well for the command to have prompt application; but of course Christ knew that his command would not, and could not, result in the prompt reestablishment of the family. He also knew that the command embodied an ideal toward which the Jewish, as well as every other race, should move. Its application was like the application of one's being or becoming perfect. It was to take effect at once, so far as the ability of the individual allowed him to assume this obligation. It was also an ultimate object toward which both the individual and the race were to progress.

3. Regarding the relation of the passage in Matthew on divorce to the passages in Luke and in Mark, it is difficult to

decide which represents the primary thought of Christ. But I, for one, prefer to regard the passages in Mark and Luke as embodying the primary thought and wish. Christ forbids divorce upon any ground whatsoever. This interpretation is borne out by a significant passage in the First Epistle to the Corinthians. In treating of marriage, in the seventh chapter, Paul, writing of marriage, says: "And unto the married I command, yet not I, but the Lord, Let not the wife depart from her husband; but and if she depart, let her remain unmarried, or reconciled to her husband; and let not the husband put away his wife." The integrity of the marriage right is in these words plainly indicated. In another verse (15th), Paul indicates that there may be separation, but not a legal or a formal divorce. It is, on the whole, evident that Christ desires to maintain the absolute continuance of the family under whatever stress or strain it may be subjected to. In this principle, Christ is supported by his great apostle.

The passage in Matthew, with its exception, is to be regarded as later than the original remark found in the other two synoptics. Matthew is more inclined to insert parenthetical or exceptional clauses than is either Mark or Luke. It is also easier, as every New Testament scholar knows, for a clause to be inserted than for a clause to be omitted.

Therefore, the inference to be drawn from the few words spoken by Christ, regarding divorce, is that for no cause whatsoever is this formal disruption of the family to be suffered. He upholds the highest type and the most binding obligation of marriage. He regards marriage not as a contract, but as a status. It represents a condition into which one has entered by his own will. It is indeed a contract, but the contract has created a status. This status contains several elements, such as the actual or possible presence of children. The fam-

ily is the embodiment of the unity of the social order. This status could not, therefore, be voluntarily set aside.

This conclusion is in utter contrast with the practice which obtains in modern society. In every State of the national union, excepting one, South Carolina, divorce is allowed.

The causes existing throughout the United States may be thus summarized (South Carolina, having no divorce laws, is not included in this summary):—

*Absolute Divorce.*

1. Adultery: A cause in all the States and Territories.
2. Pregnancy of wife at time of marriage, unknown to husband: Alabama, Georgia, Iowa, Kansas, Kentucky, Mississippi, Missouri, North Carolina, Tennessee, Virginia, West Virginia, Wyoming.
3. Illicit carnal intercourse of wife, unknown to husband, before marriage: Maryland.
4. Lewd and lascivious behavior of wife: Kentucky.
5. When wife, prior to marriage, unknown to husband, had been notoriously a prostitute: Virginia, West Virginia.
6. When husband, prior to marriage, unknown to wife, had been notoriously a licentious person: West Virginia.
7. Gross misbehavior and wickedness in violation of marriage covenant: Rhode Island.
8. Crime against nature: Alabama.
9. Concealment of loathsome disease existing at time of marriage: Kentucky.
10. Contracting loathsome disease after marriage: Kentucky.
11. Impotency, physical incapacity, etc., at time of marriage: a cause in all except Arizona, California, Connecticut, Dakota, Idaho, Iowa, Louisiana, New Mexico, Texas, Vermont.



12. When either party, in consequence of immoral or criminal conduct subsequent to marriage, become impotent: Colorado.

13. Abandonment, desertion, willful absence: a cause in all except New York, North Carolina.

14. Disappearance, absence without being heard from: Connecticut, New Hampshire, Rhode Island, Vermont.

15. Living apart (voluntary separation): Kentucky, Wisconsin.

16. When either party has joined a religious sect believing marriage unlawful: Kentucky, Massachusetts, New Hampshire.

17. When either party has been indicted for felony and is a fugitive from justice: Louisiana, Virginia.

18. When a husband is indicted for felony and flees the State: North Carolina.

19. Refusal on part of wife "to remove with her husband to this State," etc.: Tennessee.

20. Cruelty, actual violence or apprehension thereof, inhuman treatment, etc.: a cause in all except Maryland, New Jersey, New York, North Carolina, Virginia, West Virginia.

21. Indignities rendering condition intolerable or life burdensome: Arkansas, Missouri, Oregon, Pennsylvania, Tennessee, Washington, Wyoming.

22. Conduct rendering it unsafe and improper for wife to cohabit with husband: Tennessee.

23. When husband shall turn wife out of doors: Tennessee.

24. Failure or neglect of husband to provide for wife: Arizona, California, Colorado, Dakota, Delaware, Idaho, Indiana, Maine, Massachusetts, Michigan, Nebraska, Nevada, New Hampshire, New Mexico, Rhode Island, Tennessee, Utah, Vermont, Washington, Wisconsin, Wyoming.

25. Habitual indulgence in violent and ungovernable temper: Florida.

26. Attempt by either party upon the life of the other: Illinois, Louisiana, Tennessee.

27. Gross neglect of duty: Kansas, Ohio.

28. Drunkenness, intemperance, intoxication (habitual): a cause in all except Maryland, New Jersey, New York, North Carolina, Pennsylvania, Texas, Vermont, Virginia, West Virginia.

29. When the wife shall be "given to intoxication": Wisconsin.

30. When the husband shall be guilty of such conduct as to constitute him a vagrant under the statutes: Missouri, Wyoming.

31. Conviction of felony or infamous crime, sentence to imprisonment, imprisonment: a cause in all except District of Columbia, Florida, Maine, Maryland, New Jersey, New Mexico, New York, North Carolina.

32. Insanity or mental incapacity at time of marriage: District of Columbia, Georgia, Mississippi.

33. Insanity (permanent and incurable) occurring subsequent to marriage: Arkansas.

34. Incurable chronic mania or dementia, having existed ten years or more: Washington.

35. Any cause rendering the marriage originally void: Maryland, Rhode Island; or voidable, Rhode Island.

36. When marriage was within prohibited degrees: Florida, Georgia, Mississippi, New Jersey, Pennsylvania.

37. When either party has a former wife or husband living: Arkansas, Colorado, District of Columbia, Florida, Illinois, Kansas, Mississippi, Missouri, Montana, New Jersey, Ohio, Pennsylvania, Washington.

38. Procurement of marriage by force, duress or fraud: Connecticut, Georgia, Kansas, Ohio, Kentucky, Pennsylvania, Washington.

39. When marriage was solemnized while either party was under the age of consent: Delaware.

40. When one of the parties has obtained a divorce in another State: Florida, Michigan, Ohio.

41. Public defamation: Louisiana.

42. Any other cause deemed by the court sufficient and when the court shall be satisfied that the parties can no longer live together: Washington.

*Limited Divorce.*

Limited divorce exists in the following States: Alabama, Arkansas, Delaware, District of Columbia, Georgia, Kentucky, Louisiana, Maryland, Michigan, Minnesota (in favor of wife only), Nebraska, New Jersey, New York, North Carolina, Pennsylvania (in favor of wife only), Virginia, West Virginia, Wisconsin.

The following is a summary of the causes existing in the States allowing limited divorces:—

1. Adultery: Alabama, Arkansas, Kentucky, Louisiana, Pennsylvania, Rhode Island.

2. Pregnancy of wife at time of marriage, and unknown to husband: Alabama, Kentucky.

3. Lewd and lascivious behavior of wife: Kentucky.

4. Gross misbehavior and wickedness in violation of the marriage covenant: Rhode Island.

5. Crime against nature: Alabama.

6. Concealment of loathsome disease existing at the time of marriage: Kentucky.

7. Contracting loathsome disease after marriage: Kentucky.

8. Excessively vicious conduct: Maryland.

9. Impotency, physical incapacity at time of marriage: Alabama, Arkansas, Kentucky, Rhode Island.

10. Abandonment, desertion, willful absence: Alabama, Arkansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Nebraska, New York, North Carolina, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, Wisconsin.

11. Disappearance (absence raising the presumption of death): Rhode Island.

12. Living apart (voluntary separation): Kentucky.

13. When either party has joined religious sect believing marriage unlawful: Kentucky.

14. Cruelty, actual violence or apprehension thereof, inhuman treatment, etc.: Alabama, Arkansas, District of Columbia, Georgia, Kentucky (to wife), Louisiana, Maryland, Michigan, Minnesota, Nebraska, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, Wisconsin.

15. Indignities rendering condition intolerable or life burdensome: Arkansas, North Carolina, Pennsylvania, Tennessee.

16. Conduct rendering it unsafe or improper for the parties to cohabit: Minnesota, New York, Tennessee, Wisconsin (to wife).

17. When one party shall turn the other out of doors: North Carolina, Pennsylvania, Tennessee.

18. Failure or neglect of husband to provide for wife: Delaware, Michigan, Minnesota, Nebraska, New York, Tennessee, Rhode Island, Wisconsin.

19. Drunkenness, intemperance, intoxication (habitual): Alabama, Arkansas, Georgia, Kentucky, Louisiana, North Carolina, Rhode Island, West Virginia, Wisconsin.

20. When the wife shall be given to intoxication: Wisconsin.

21. Conviction of felony or infamous crime, imprisonment: Alabama, Arkansas, Kentucky, Louisiana, Rhode Island.

22. Insanity (permanent and incurable), occurring subsequent to marriage: Arkansas.

23. When either party had a former husband or wife living: Arkansas.

24. Any cause rendering marriage originally void or voidable: Rhode Island.

25. Procurement of marriage by force, duress or fraud: Kentucky.

26. Procurement of marriage when either party was under age of consent: Delaware.

27. When either party has been charged with an infamous offense and shall actually have fled from justice: Louisiana.

28. Attempt by either party upon the life of the other: Louisiana.

29. Public defamation: Louisiana.

30. Such other cause as the court may deem sufficient: Kentucky.

31. Such other causes as may seem to require the same: Rhode Island.

32. Any ground which was held sufficient in the English courts prior to May 4, 1784: Georgia.<sup>1</sup>

It is also to be observed that these causes, so numerous, of so great variety, and in certain cases of so slight value, do represent forces that are actually at work in the disruption of the family. That these causes are actually at work is proved by the mere statement of certain cases in which divorce has been granted:—

1. The defendant (husband) does not come home until ten o'clock at night, and when he does return he keeps plaintiff

<sup>1</sup>Report of Commissioner of Labor, 1889, Marriage and Divorce.

(wife) awake talking. Defendant also keeps a saloon, which sorely grieves mind of plaintiff. The husband, replying, says that the "plaintiff should not be ashamed of him because temporarily in the liquor business; that he may do better some day; his father was a high state officer in Germany." But the divorce is awarded to the wife on the ground of "mental" cruelty.

2. Defendant does not speak to plaintiff for months at a time; thereby making life a burden.

3. Defendant made plaintiff climb a ladder to drive nails in the woodshed; not liking the way she drove the nails, he lassoed her on coming down from the ladder, tied her fast to the gate-post, then stuck sticks and straws in her nose and ears, gouged his knuckles in her eyes, and said he "wanted to see if she was Dutch." On untying her, he threw or shoved her into a nest of bees; all of which sorely grieved the plaintiff in body and mind.

4. Defendant sharpened an axe, saying he meant to chop off this plaintiff's head, and he did knock out two of her front teeth.

5. Plaintiff says she is subject to sick headaches, that grow worse when she smells tobacco. Defendant uses tobacco, and thus aggravates her headaches.

6. Defendant quotes verse from New Testament about wives obeying their husbands. He has even threatened to mash the plaintiff, and drew back his hand to do it. In the decree granting this divorce appears the following: "I find that, when plaintiff was sick and unable to work, defendant told her the Lord commanded her to work; that he was also in the habit of frequently quoting scriptural passages, in order to show her she was to be obedient to her husband."

7. For the last three years, defendant has been kicking plaintiff out of bed, compelling her to seek rest on the floor.

8. Plaintiff says: "We lived on the —— river, in —— It was sometimes a month before I saw a white person. The only neighbors we had were —— Indians. We lived in a wooden house of one room, furnished with a bed of wooden boughs. We did not have any chairs, nor even a stove. I did not complain of this; we had bedclothes enough to keep warm, and I would have been happy, but my husband threw into the fire a little curly dog that was my only companion, and then I broke down. The poor little thing was burned to death."

9. While the plaintiff was standing on a chair, defendant suddenly pushed the chair over backwards, and threw the plaintiff violently upon the floor; thereby so seriously bruising her that she became lame in her knee, and was compelled to walk with a crutch. Defendant refused to call a doctor, but attempted to cure the knee himself. He raised a blister on plaintiff's leg that has resulted in an ulcer, making her a cripple for life.

10. "Defendant cut off my bangs by force."

11. From plaintiff's testimony: "During my whole married life my husband has never offered to take me out riding. This has been a source of great mental suffering and injury."

12. Defendant was cruel in this: He caused a letter to be written saying he was dead. Plaintiff ordered a mourning garb, and grieved a long time, but at last learned the letter was a fraud, and that defendant was not dead.

13. Plaintiff says that defendant will not work during the week, but on Sunday he puts on his old clothes, and works hard all day; which conduct sorely grieves plaintiff.

14. Defendant pinched plaintiff's nose until it became red; thereby causing her mortification and anguish.

15. A rich girl, disliking her guardian, went to the hospital with the intention of marrying a dying man, thinking that, as

a widow, she would be freer, and have more control over her estate. She married a man seemingly at the point of death; but the man recovered, and wife brought suit for cruelty and fraud.

16. Husband says: "My wife refused to keep my clothing in repair. She even refused to cook, and never sewed on my buttons." A witness testified that he had seen plaintiff with only one button on his vest. Plaintiff further alleged that his wife would not allow him to go out to fires at night; that if he went she would keep him awake until three o'clock quarreling.

17. Defendant pulled plaintiff out of bed by his whiskers.

18. "My wife called me a good-for-nothing vagabond, and said she wished to God I would go away; that she did not love me, and did not wish to look at me."

19. Defendant took a dose of laudanum, solely to harass and vex plaintiff, causing him to expend much money in medical treatment; and often, to vex plaintiff, defendant goes to bed, and remains there days at a time. One day when plaintiff asked his wife to cook breakfast, she took all the dishes and smashed them on the ground. Defendant would refuse to eat, and pretend to be sick. Once she threw the dishes out of the window because plaintiff sowed grass in August.

20. Defendant took all the covering off the bed, leaving plaintiff to shiver until morning. On one occasion she jumped on him with her knees, and ran a knitting-needle four inches in his arm.

21. Husband testifies in his own behalf: "My wife would not get up in the morning; she wouldn't call me in the morning; she wouldn't do anything I requested of her; she had two brothers, who would come to my house and say they would thrash me and make me do anything my wife wanted me to do."

22. Husband says: "My wife would not talk with me on



Sundays. Once in a tantrum she heaved a teapot at me. She hit me on the side of the jaw because I refused to be worked into a passion; once she pulled out quite a quantity of my hair." Among the papers was a tuft of hair marked Exhibit A.

23. Defendant is a powerful woman, weighing one hundred and ninety pounds; she struck plaintiff with a stove-lid, and broke one of his ribs; on another occasion she knocked plaintiff down with a chair.<sup>1</sup>

The summaries of the laws and the great number of instances, which I have given, of the application of these laws, resulting in the granting of divorces, make evident that the American practice is utterly and absolutely at variance with that integrity of the marital relationship which Christ commanded. The present practice and Christ's command represent two opposite procedures. Christ's command indicates that the family was established for society, for humanity. The present practice indicates that the family was established for what seems to be the happiness of the individual members of the family. If society exists in order to gratify the whim or the prejudice of either the husband or wife as the heads of the family, divorces may, and should, be granted for slight causes. For nothing can be more certain than that few conditions are more productive of abject misery than the conditions embodied in a home in which husband and wife contemn or are indifferent to each other. Such a union, which is indeed not a union, creates evil in the husband and wife themselves, blasts the happiness and sound ethical training of children, who have a right to look for happiness and for the conservation of their rights in the united love of their parents. Such a condition also represents a social unity or disunity which is of pestiferous influence. On this ground it seems inevitable that divorce should

<sup>1</sup> Report of Commissioner of Labor, 1889, *Marriage and Divorce*.

be made easy, and may become, as a natural result, frequent. But, on the other hand, if the family exists, not for itself, but for humanity, the inference is equally inevitable that the overthrow of the family aids in the disintegration of the race and of its institutions. To me, the choice, although it may be difficult in many instances to make, is in itself naturally clear. The family represents an institution fundamental, essential, structural to human society. It is impossible to contemplate the higher society without the family. Therefore, to interfere with it, is to interfere with the relationship, which should be as constant and unerring as is the law of gravitation.

One of the most pregnant remarks made by one of the noblest of social philosophers of the last third of the last century, is the remark of Sir Henry Sumner Maine, to the effect that the movement of modern society is a movement from status to contract. Without doubt, this movement has touched the family relationship, but, in my judgment, this movement touching the family relationship has proceeded altogether too far. A reverse movement should begin and continue. Marriage is both a status and a contract. The contractual side has merged into undue conspicuousness; the status side should now receive emphasis.

By the placing of a stronger emphasis upon the status, which marriage embodies, a strict divorce law would obtain, or possibly it may be said that no divorce law at all would obtain. Marriage once made creates a status, which cannot be unmade. It represents relationships to children; it represents relationships to the social order, which are fundamental, structural, and of indefinite duration.

If it were to be impressed upon the community that marriage represents a condition which only death can change, at least two results would immediately follow. First, foresight

in the making of alliances. Haste, lack of knowledge, influence of emotions, tend towards the making of improper marriages. Such conditions are allowed to have a stronger influence in the choice, or the acceptance of husbands and wives, because of the knowledge that the law may easily be summoned for the correcting of mistakes. A woman once said to me, that she was, in following her profession of a stenographer, often obliged to take her little boy into court with her. Once her son remarked to her, that he was going to marry Susie Day, But the mother said, "You do not know Susie Day very well, and she does not know you, and you may not like each other." But said the little boy, who had heard many a divorce suit, "If I don't like her, I can divorce her." Under a strict divorce law, or the absence of any divorce law, the evils arising from lack of knowledge or passion would at least partially be avoided. A second result of absolute strictness in the law would be to promote mutual self-restraints and amiability. Most husbands and wives can live together if they know they are obliged to live together. Of course one should not blind oneself to the fact that in case there be permanent antagonism in the family, such antagonism tends to promote the forming of illicit alliances outside of the domestic boundaries. Such alliances are, of course, the result of evil, and the cause of evil, and such an evil one must contemplate, as inevitable.

One of the primary difficulties in looseness of the divorce law is that it tends to create the very evils which it is designed to remove. The practice grows by what it feeds upon. A lack of respect for marital obligations tends to create loose laws for the removing of these obligations, and loose laws, which remove these obligations, tend to create a loose practice. The evil is of the same sort which obtains in the case of an unredeemable paper currency. The greater the demand

for such a currency, the greater is the issue; and the greater the issue, the greater the demand. The more loose the practice touching freedom of divorce, the looser become the laws respecting divorce; and the looser become the laws regarding divorce, the looser becomes the practice.

But although Christ thus speaks forbidding divorce, he makes no remark regarding what is called, in modern procedure, "separation." It is not too much to infer that Christ allows separation. Nothing does he say against this method of a partial preservation of the family. But be it affirmed that such a method is an anomalous condition in the social order. It is a condition bad for each of the two parties separated, and also bad for society itself. Against such a separation, this divorce from bed and board, many of the best text writers are united. Of it Mr. Bishop says, "The injured party, in mockery of redress, is kept under all the burdens of matrimony, and cut off from all its benefits. This proceeding, neither dissolving the marriage, nor reconciling the parties, nor yet changing their natures; having, at least, no direct sanction from Scripture; characterized by Lord Stowell as casting them out 'in the undefined and dangerous characters of a wife without a husband, and a husband without a wife'; by Judge Swift as 'placing them in a situation where there is an irresistible temptation to the commission of adultery, unless they possess more frigidity or more virtue than usually falls to the share of human beings'; by Mr. Bancroft, as punishing 'the innocent more than the guilty'; . . . is, while destitute of justice, one of the most corrupting devices ever imposed by serious natures in blindness and credulity."

Yet it would be acknowledged by all, that relief in some form should be given a husband and wife who are in apparently irreconcilable antagonism. No obligation rests upon

two persons to live together as enemies. If they cannot live together as friends, they should live apart. Therefore I beg leave to suggest that, as a means of relief, what is legally known as separation, represents on the whole a less evil than the evil of absolute divorce. By separation, as the term is construed in most States, a husband and wife are still legally married, but they live apart. It is divorce, as the legal term is, from bed and board,—not from the essential bonds of matrimony.

One reason of this recommendation lies in the fact that separation does give relief; a second reason lies in the fact that the substitution of legal separation for divorce tends to make men and women careful in entering matrimony. If a man and woman were certain that the condition of marriage, which they had in contemplation, represented a condition in which they must remain so long as they live, far greater care would be exercised before entering into that condition. No small measure of all the suits for divorce are the resultant of causes operative before marriage, which an ordinarily unprejudiced observer would have suspected, and which through common prudence one would have recognized to be so fundamental and structural as absolutely to prevent marriage.

But, as has already been indicated, there are strong reasons against this limited form of divorce. It may be said that this separation does not give entire relief. It does not. Yet also one may say, that in marriage, as in all other forms of human activity, a husband or individual should be willing to endure the consequences of his own acts. A writer upon this phase of the question says: "We do and must stand by and suffer for our deeds forever; it is the unvarying law of the universe; and from our cradles we are conditioned by circumstances.

Why, then, in a foundation-question like this of marriage, should we imagine ourselves to be exempt from law, and free to follow our wildest fancies? If a particular marriage collapses, the victims must endure the penalty of wrong choice. I do not see that they have the right to rail against the institution in which they were born, and to which all their notions of morality, the restrained 'piety of the affections,' the sacredness of the family, and all the rest of our moral safeguards are owing."<sup>1</sup>

It is also to be acknowledged that limited divorce may permit the making of illicit connections. This evil deserves all severe and disgusting epithets. But I apprehend that this evil is far less evil than freedom of absolute divorce. Certainly the history of divorce procedure in the United States leads to the conclusion that freedom of divorce causes frequency of divorce. The desire for release from nuptial bonds produces a lax divorce law, and a lax divorce law, in turn, raises and increases the desire for freedom from the obligations of wedlock. Would it not prove advantageous if the American State were to follow the example set by South Carolina, to allow divorce for no cause whatsoever? Cannot the evils of personal antagonisms, whenever they are found existing in the family, be relieved with less peril to the family through judicial separation than through divorce?

Upon this subject it may be said in general that the individuals composing the American family, like the individuals composing the American commonwealth, are more emphatic in the expression of their desire for happiness than in the expression of their desire to do their duty and to bear their responsibilities. A mighty rage for the merely pleasant pos-

<sup>1</sup> From letter in Chapman's *Marriage Questions in Modern Fiction*, p. 153.

sesses the American people. Pain is abhorrent. From ordinary hardships people shrink. The glory of sacrifice is not sung. The agreeable is sought for. "My rights and your duties" are more emphasized than "my duties and your rights." Happiness is presented as life's supreme ideal. I would not preach the gospel of pessimism but, without any intimation of despair, it is fair to say that at the present time the American people are the devotees of pleasure hitherto unknown. In such a condition the family suffers. The family does represent pleasure, happiness, joy, but the family also represents service, sacrifice, surrender, duty. In the severer and more serious relationship of family life, the individual is often so impressed with the burdens and responsibilities of the condition that he is eager this form of life to discard. He fails to recognize the duty which one of the partners owes the other; which both owe to society; and which they also do owe to children if children are born. In the failure to recognize these most solemn responsibilities, divorce, frequent and secured upon slight grounds, is a natural and a necessary result.