

Archæologische Zeitung.
 Perrot, G. Exploration Arch. en Bithynie, etc.
 Mariette, A. Abydos.
 Loftie, W. J. A Ride in Egypt, etc.
 Curtius, E. Preussische Jahrbücher.
 Heuze, L. Mission en Macédoine.
 " Journal des Savants.
 Place, V. Ninive et l'Assyrie.
 Botta et Flandin. Assyrie.
 Fürtwänglic. Die Bronzen zu Olympia.
 Ausgrabungen zu Olympia.
 Mittheilungen des Arch. Inst. zu Athen.
 Monuments Grecs.
 Journal of Hellenic Studies.

Maspero, G. Transactions of the Soc. of Biblical Arch.
 " Bulletin Hebdomadaire de l'Association Scientifique
 de France.
 " Journal Asiatique.
 Brunn, H. Geschichte der Griechischen Künstler.
 " Berichte der Bayr. Akad.
 Overbeck, J. Geschichte der Griechischen Plastik, III. Ed.
 Annali dell' Instituto Arch. di Roma.
 Schliemann. Mycenæ.
 " Ilios.
 Cesnola, L. P. di. Cyprus.
 Sayce, Prof., in the "Academy."
 Murray, A. S. History of Greek Sculpture.
 Newton, C. T. Disc. in Halicarnassus, etc.

[The next paper in this series will be entitled "The Phidian Age of Sculpture."]

THE INCREASE OF DIVORCE.

WHEN the Vatican Council dissolved, with a large minority of its members still refusing their assent to the dogma of papal infallibility, the writer of this article held a conversation with a near relative of one of the dissenting prelates, in which the question of the future action of these prelates was raised.

"They will all submit," was the prophecy.

"But how can that be?" was the next query. "They have proved incontestably, from Scripture and from history, that the pope is not infallible. By their arguments they must have convinced themselves. How can they now confess that he is infallible?"

"The logic that convinces them," was the answer, "is the logic of despair. They have been trained from childhood to believe that ecumenical councils are infallible. That, surely, is fundamental in the Catholic faith. An ecumenical council has now pronounced the pope infallible. To dispute this is to reject the fundamental article of Catholic faith and to become Protestants. They cannot be Protestants. It is difficult for you to understand this, but the best of them believe, *ex animo*, that the Roman Catholic Church, with all its faults, is still the true and only church of Christ; and they look with a sincere and a grave apprehension upon what seem to them to be the disorganizing and destructive influences of Protestantism. They believe, for one thing, that the morality and security of our communities depend upon the maintenance of the family relation in all its sacredness; and they believe that the Roman Catholic Church is interposing the only effective barrier at the present time to the destruction of the family in Christian lands. The Protestant sects, with their easy notions about divorce, are assisting rather than restraining the forces that are at work undermining the Christian family. This is one of the signs by which they are convinced that Protestantism is radically wrong, and one of the reasons that will surely

lead them to adhere to the Roman Catholic Church, and to submit to the Vatican decrees."

This representation of the Roman Catholic Church as the special custodian of the purity and permanence of the family had, when it was first spoken, something of the effect of a moral paradox. The claim does, indeed, appear to be somewhat exaggerated when we reflect upon the state of social morality in Roman Catholic countries as compared with those in which Protestantism prevails. In one respect, however, the Roman Catholic Church has proved itself the conservator of the family. By a consistent and stringent discipline it has always maintained the sacredness of the marriage bond. Its doctrine is that marriage is a sacrament, and it holds that the union thus consecrated can be dissolved only by death. Whether this rigid law promotes domestic or social virtue may be a question, but there can be no doubt that the Roman Catholic Church has steadily enforced its law, and that in this respect the contrast is strong between its action and that of the Protestant communions.

Whatever may be said of the present state of social morality in Protestant countries, it cannot be denied that in some of them, and especially in our own country, the permanence of the family is seriously threatened. The forces by which this mischief is wrought had been at work for several years, and had already become strongly entrenched in our laws and in the habits of the people, before any strong resistance was attempted. The General Convention of the Protestant Episcopal Church, in 1868, sounded one of the first notes of alarm, and a canon adopted by that body furnished a stringent rule to all the ministers under its authority with respect to the solemnization of marriages—a rule which it would be well if divines of other churches should feel themselves bound in conscience to obey. "No minister of this church," says the law, "shall solemnize

matrimony in any case where there is a divorced wife or husband of either party still living; but this canon shall not be held to apply to the innocent party in a divorce for the cause of adultery, nor to parties once divorced seeking to be united again." About the same time other religious bodies gave some attention to the subject, but the most powerful presentation that has yet been made to the American public was in Dr. Woolsey's temperate and scholarly treatise, published in 1869.* Since that time occasional articles have been published in newspapers and magazines, and, within the past five years, in several of the New England States systematic and earnest movements have been set on foot with the purpose of producing such changes in public sentiment, and in the legislation of the several States, as shall check this growing evil. These movements have recently culminated in the formation at Boston of a New England Divorce Reform Association, with directors in the several New England States.

On the day of the organization of this society, the Rev. Samuel W. Dike, of Royalton, Vermont, a Congregational clergyman who has given much study to this subject, read a lecture in Boston, containing the most careful and complete statement that has yet been made of the statistics of divorce in this country. With respect to New England, Mr. Dike's figures are quite full; in other parts of the country the value of statistics is not so highly appreciated, and information upon this subject is not easily obtained. Nevertheless, facts enough are within our reach to furnish food for sober thought.

The number of divorces did not begin to increase with any great rapidity until about the middle of the present century, and then only in Connecticut. Up to that time the only causes of divorce generally allowed were adultery and desertion. In 1843 the Connecticut law-makers added "habitual intemperance" and "intolerable cruelty." Six years later, three more doors were opened to the petitioners for divorce: "sentence of imprisonment for life; bestiality, or any other infamous crime involving a violation of conjugal duty, and punishable by imprisonment in the State-prison; and any such misconduct of the other party as permanently destroys the happiness of the petitioner and defeats the purposes of the marriage relation."† This last "cause" would seem to be sufficiently broad and indeterminate to meet the wants of all persons con-

templating divorce. If the law containing this provision had been entitled "An Act for the Promotion of Divorce in the State of Connecticut," the description would have been exact. Under the encouragement of such legislation, divorces multiplied with great rapidity. In 1849, there were ninety-four divorces in Connecticut; in 1850, one hundred and twenty-nine; in 1854, two hundred and sixteen; in 1859, two hundred and ninety-nine; in 1864, four hundred and twenty-six.

For the fifteen years following 1864, says Mr. Dike, "they averaged four hundred and forty-six annually, varying less from year to year than the reported births or marriages or deaths." Thus Connecticut maintains its reputation as the land of steady habits. No habit is steadier in that commonwealth than the habit of putting asunder what God has joined together. For the last fifteen years there has been not quite one divorce for every ten marriages. From 1849 to 1864 the population of Connecticut increased about fifty per cent., and the number of divorces about five hundred per cent. In the first decade of this century, President Dwight thought that things had come to a horrible pass because there was one divorce in every hundred marriages; what would that stalwart moralist have said to one in ten?

In Vermont, the ratio of divorces to marriages has increased from one in twenty-three in 1860, to one in fourteen in 1878. Owing to some changes in legislation, and to a considerable awakening of public sentiment, the number of divorces in 1879 was materially reduced.

New Hampshire is not fully reported, but the figures show the same tendencies at work. In the entire State there were one hundred and fifty-nine divorces in 1870; two hundred and forty in 1875, and two hundred and forty-one in 1878. This shows an increase in the number of divorces of fifty per cent. during eight years, while the population during the same period must have increased slightly, if at all.

In Maine, the statistics are still more imperfect. The number of divorces granted in that State, in 1880, was five hundred and ten. We do not know the number of marriages, but the ratio of divorces to the population is greater than in Connecticut. From five counties in Maine Mr. Dike has reports for 1878, and also for 1880, and in these counties the number of divorces in the former year was one hundred and sixty-six, and in the latter two hundred and twenty-three—an increase in two years of nearly thirty-five per cent.

Concerning Rhode Island, the only informa-

* Essay on Divorce and Divorce Legislation, with Special Reference to the United States. By Theodore D. Woolsey, D. D., LL. D. New York: Charles Scribner & Company.

† Essay on Divorce, p. 219.

tion within our reach is that the present ratio of divorces to marriages is about one to thirteen or fourteen. Mr. Dike gives us the former figure, and Mr. Carroll D. Wright, of the Massachusetts Bureau of Statistics, the latter.

The article on "Divorce" in Mr. Wright's Report for 1880 gives us full statistics for Massachusetts. Twenty years ago there was one divorce in this State for every fifty-one marriages; at present the rate is one to twenty-one. The population of the State has increased during this period about fifty per cent., the number of divorces nearly one hundred and fifty per cent. Twenty years ago there was about one marriage in Massachusetts annually for every one hundred and twelve persons; now there is about one to every one hundred and thirty-five. The ratio of marriages to the population is much smaller now than it was in 1860. On the other hand, the ratio of divorces to the population twenty years ago was about one in five thousand, while it is now one in three thousand. Comparing the several New England States, Mr. Dike tells us that, reckoning on the basis of the present census, there is one divorce to every thirteen hundred and fifty-seven inhabitants in Maine; one to every fourteen hundred and forty-three in New Hampshire; one to every sixteen hundred and eighty-seven in Vermont; one to every twenty-nine hundred and seventy-three in Massachusetts; one to every fifteen hundred and fifty-three in Connecticut, and one to every fourteen hundred and eleven in Rhode Island. While, therefore, the ratio of divorces to marriages is largest in Connecticut, the ratio of divorces to the population is larger in three of the other New England States, Maine being the "banner" State in this competition.

It has been the common belief that certain Western States, notably Indiana and Illinois, were sinners above all the others in this matter; but, so far as the facts have been collected, this does not appear to be true. Chicago has had the reputation of dealing in divorces more extensively than any other city in the Union; but the ratio of divorces to marriages in Chicago appears to be only one in twelve—less than either New Haven or Bangor.

The most startling figures are reported from the Western Reserve of Ohio—a region inhabited by a population almost wholly sprung from New England stock. In these counties, Mr. Dike tells us, "the ratio of divorces to marriages was 1 to 11.8 for the two years 1878 and 1879, while for the rest of the State it is 1 to 19.9. Nor is the worst of the Reserve in the cities. The ratio in Ash-

tabula County, among a farming people originally from New England, is 1 to 8.5. And in Lake County the proportion of divorce suits begun to marriages is 1 to 6.2, and of divorces granted, 1 to 7.4. Unless there be like counties in Maine, this is the worst county in divorces in the United States—except Tolland County, Connecticut, as that was for a few years."

This picture is dark enough, but another shade must be added. In at least four of the New England States, more than one-fourth of the marriages reported are those of Roman Catholics. Among these there are no divorces to speak of. The number granted should be compared, therefore, only with the number of Protestant marriages, and this would make the ratio much higher,—one to fifteen in Massachusetts; one to thirteen in Vermont; one to nine in Rhode Island, and one to less than eight in Connecticut.

How much can we learn from these figures respecting the moral condition of the communities represented? Are offenses against purity most numerous where the ratio of divorces to marriages is largest? That there is likely to be some relation between these two classes of facts no one will dispute, yet this relation is far less close than might at first be imagined. The divorce rate is twice as large in Connecticut as in Massachusetts; yet it is not credible that there is twice as much social immorality in the former State as in the latter. Divorces have never been allowed at all in South Carolina; but there is, at any rate, room for question whether the morals of South Carolina are purer in this respect than the morals of Maine. In France, also, the laws make no provision for divorce, though legal separations are allowed; but there is at present only about one legal separation for every one hundred and fifty marriages: is it to be presumed that the people of France live purer lives than the people of the Western Reserve in Ohio, where there is one divorce for every twelve marriages?

It is difficult to compare one community with another, because the statistics are scarce, and the methods of punishing and of recording crime vary so greatly. We may compare different periods of time in the same community with much more satisfactory results. What, then, do we find to be the fact with respect to the increase of social immorality in those communities where the number of divorces has been so rapidly increasing? Of the New England States, Massachusetts alone, by her admirable Bureau of Statistics, puts within our reach the answer to this question. During the past twenty years, the population of Massachusetts has increased

about fifty per cent., and the number of divorces annually granted has increased one hundred and forty-six per cent. What has been the increase during this period in offenses against purity? Combining four of the principal crimes of this character, we find the number of convictions in Massachusetts for 1860 to be two hundred and ninety-seven, and for 1879 only three hundred and twenty-nine—an increase of not quite eleven per cent. Taking the years 1860 and 1861 together, and comparing them with the years 1878 and 1879, the convictions in the latter period are only twenty-two per cent. more than in the former period. For the five years 1875-79, the convictions for these crimes are fifty-one per cent. greater than for the five years 1860-64. This indicates no relative increase in offenses of this character. Taking the shorter terms, the per cent. of increase falls considerably below the rate of increase in the population; but taking the period of five years which covers the war, and comparing it with the five years ending in 1879, the increase in this kind of crime has just kept pace with the increase of population.

Mr. Dike's conclusions differ greatly from these, but he confines his comparison to two crimes against purity. The broader comparison must yield a fairer result. It is not true, then, so far as we can gather from the statistics of crime in Massachusetts, that the multiplication of divorces is accompanied by a corresponding increase in crimes against chastity.

Mr. Dike supplements the figures of the Massachusetts Bureau of Statistics with a digest of letters received by him from intelligent men in all parts of New England, giving the impressions of the writers respecting social vice in their several neighborhoods. The sum of these judgments is that, in three-fourths of the localities thus reporting, impurity is on the increase. But Mr. Dike is quite right in saying that the opinions of men on a question of this sort are to be taken with much allowance. There has been no generation of good men since the flood whose verdict respecting the morality of their own time would not have been substantially the same as is that of Mr. Dike's correspondents. The men of fifty years ago would have said without hesitation that the standards and practices of their own time were lower than those of the generation preceding, and so on back to Noah. This is not conjecture; it can be verified by quotations from the moralists of every age. We need not enter into the explanation of this persistent pessimism; we only note the phenomenon in order that we may rightly estimate the opinions of our

contemporaries. Doubtless reactions do occur in the moral progress of Christendom; but if there is a "power not ourselves that makes for righteousness," and if the world is, on the whole, growing better instead of worse from age to age, then most of these desponding censors of their own times must have been mistaken, and perhaps those of our time are mistaken, too. Crime is dramatic, virtue is commonplace. The newspapers record the misdoings of the day; the well-doing that forms the staple of its real history they do not notice. There are many reasons why good men fail to discern the moral progress of their own times.

We will trust, therefore, that the figures we have been studying do not indicate an increase of immorality corresponding to the increase in the number of divorces. The trouble is institutional rather than ethical. It is not the vice and corruption of society that are assailing the family so much as it is certain disorganizing ideas and theories now filling the air.

That profound observation concerning the movement of progressive societies in modern times, which Mr. Dike quotes from Sir Henry Sumner Maine, explains to a considerable degree the facts we have been considering. This movement, as he declares, has hitherto been "a movement from status to contract." "Contract," according to his definition, "is the tie between man and man which replaces those forms of reciprocity and rights which have their origin in the family." The word family is used here in the patriarchal rather than in the modern sense of the word, but the statement is true in both senses. And it is one of the most comprehensive generalizations of the same distinguished writer that "the individual is steadily substituted for the family as the unit of which civil laws take account."*

This vast change in the relations of men to civil law is in many respects beneficent. It is the fruit of a purified ethical judgment. The doctrine of individual responsibility and individual rights has supplanted the old doctrine of imputed and hereditary guilt and merit, greatly to the advantage of theology and morals. But the ideal relations of men, with which ethics and religion chiefly deal, cannot always be incorporated into social institutions. The infant is responsible to God for his conduct; but it would not be well to make him, in our theories or in our laws, independent of parental control. The movement "from status to contract" has not yet wholly emancipated the infant. Until he is twenty-one years of age the law regards him as incapable of mak-

* "Ancient Law," p. 163.

ing contracts. In civil law he is not a unit, but a cipher. The family is not yet, therefore, legally or theoretically decomposed into its individual elements. Nevertheless, the movement in this direction has gone very far. The doctrine of individual rights and responsibilities has been pushed to absurd and dangerous extremes. Parental authority holds the children much less firmly now than once it did; filial reverence and obedience are fast becoming historic virtues. In the exaltation of the individual, modern society has greatly weakened the family bond. The feelings of mutual obligation and fidelity have been suppressed in the assertion of personal liberty. Men's rights, and women's rights, and children's rights have been theorized about and insisted on, with little thought of the reciprocal duties of husbands and wives, and parents and children.

This process of individuation is no doubt a reaction from the old system under which the family was everything and the individual nothing—under which neither wives nor children had any legal rights that husbands or fathers were bound to respect. The pendulum has swung now to the other extreme. The individualism of the present is not much better than the tyranny of the past. Social theories or sentiments that tend to disintegrate the family contain the germs of moral pestilence. That such theories and sentiments are abroad, no reader of the newspapers needs to be told. The agitation in behalf of woman suffrage, and even the less radical movements for the elevation of women, make continual use of arguments which have this tendency. Doubtless it was necessary to arouse the self-respect of women, and to strengthen their individuality; but if "God never made an independent man," then it is presumable that he never made an independent woman; and theories that weaken those affections by which the solitary are gathered into families need to be sharply challenged. A reform which should succeed in developing the "selfhood" of our women up to a point at which they should avoid the obligations of wifehood and maternity would not in the long run prove salutary. "Individuality" is one of those good things of which it is quite possible to have too much.

It may be said that nature will prove too strong for these extreme theories—that the great fact of sex will assert itself, as it always has done. This is true; but the great fact of sex has found many ways of asserting itself, some of which have not been conducive to the well-being of the race. It is by no means impossible that the natural affections should be stunted or distorted in their growth by bad training. And it is a question to be duly con-

sidered whether the theorizing upon the relations of men and women which has been current of late years has not tended in this direction, and whether the great increase in the number of divorces is not, in a considerable degree, the result of this theorizing. Many of the persons who have been most active in the advocacy of woman's rights have been the champions of easy divorce. Their philosophy of individualism regards marriage purely as a contract, and holds that it ought to be possible to dissolve it without difficulty. John Stuart Mill quotes a remark of Humboldt to the effect that "marriage, having the peculiarity that its objects are frustrated unless the feelings of both parties are in harmony with it, should require nothing more than the declared will of either party to dissolve it." Mr. Mill dissents from this sweeping conclusion; he holds that in the case of marriage the obligations of each party to the other and of both to the offspring of the marriage forbid that the relation should be so summarily terminated. These obligations, he says, "are a necessary element in the question; and even if, as Von Humboldt maintains, they ought to make no difference in the legal freedom of the parties to release themselves from the engagement (and I also hold that they ought not to make much difference), they necessarily make a great difference in the moral freedom."* Mr. Mill thinks that the sacred and supreme obligations of parentage ought not to make *much* difference in the legal freedom of the married to release themselves from the bonds of marriage, where "the feelings of both parties" are not "in harmony." If these obligations should not offer any serious impediment to the legal dissolution of the marriage relation, nothing else could. The conclusion is, that married people should be left by the laws *pretty nearly* free to dissolve this contract of marriage at the pleasure of either.

Some of the advocates of woman suffrage are much more positive than Mr. Mill in the expression of such opinions, and some are much more cautious; but it cannot be denied that the tendency of this agitation has been to promote the theory that marriage is nothing but a contract, and to increase the facilities for its dissolution.

As the result of the same general movement, many changes have been made in the laws of most of our States, the effect of which has been to render the husband and the wife independent of each other in the ownership of property. In some of the States marriage is no longer anything more than a sentimental partnership; in their material interests the

* "On Liberty," p. 201.

pair are not one, but twain. Either may carry on business, contract debts, bequeath property, sue and be sued without the consent of the other. This legislation has been intended, of course, to protect the property rights of women; but it may well be questioned whether the effect of it has not been injurious. The old laws which practically deprived the woman of all property rights were, indeed, unjust; but if, instead of dividing so sharply the wife's proprietorship from that of the husband, the reformed legislation, regarding the twain as one, had sought rather to identify their interests, to make the property common, and to provide for a joint ownership, the bonds that unite the family would not have been so seriously weakened. It may be difficult to frame laws which shall secure this joint ownership, but this is the direction in which all legislation should tend. When our lawmakers provide so abundantly for entire separateness of material interest between the married pair, they become the instigators of divorce.

I have referred to the changes in divorce legislation in the State of Connecticut since the middle of the present century. The changes in most of the other States have been equally radical and sweeping. Originally, in most of the States no causes of divorce were recognized except adultery and desertion. One cause after another has been added, until now the ways that lead out of wedlock are numerous and broad, and many there be that find them. In Massachusetts, which affords by no means an extreme example of the progress of this sort of legislation, the causes have been increased to nine: Adultery; impotency; sentence to imprisonment at hard labor for five years or more; desertion for three consecutive years; separation without consent, and union for three years with religious sect or society holding the relation of husband and wife unlawful; extreme cruelty; gross and confirmed habits of intoxication; cruel and abusive treatment; neglect to provide. In some of the States the doors are much wider. I have already quoted the provision known as the "omnibus clause" in Connecticut, by which divorce was made procurable for general misconduct. This clause has been repealed, but in other States provisions equally liberal are found. In Maine, a statute of 1857 allows any justice of the Supreme Court, at any term, in the county of the residence of either party to the application, to grant a full divorce "whenever, in the exercise of a sound discretion, he deems it reasonable and proper, conducive to domestic harmony, and consistent with the peace

and morality of society."* North Carolina, also, not only grants divorces for certain specified causes, but permits the courts at their discretion to dissolve the relation, "if any other just cause of divorce exists." Similar clauses are found in the statutes of Iowa, and of Rhode Island.† South Carolina, in which divorces are not allowed for any cause whatever, and New York, in which adultery is the only cause allowed, are exceptions to the general course of legislation on this subject. I have seen the suggestion that the large number of divorces in Connecticut must be explained partly by its proximity to New York, the supposition being that many citizens of the latter State become residents of the former for the purpose of availing themselves of its larger facilities for divorce. This is not improbable, and the remark may be extended to Massachusetts and Vermont.

Undoubtedly, the immediate reason of many of these changes in the divorce laws may be found in the empiricism of legislators. The great majority of the men who make our laws are without experience and ignorant of history; and they often venture upon measures of legislation for which there is the slenderest basis. Some well-meaning man is familiar with a case in his own neighborhood in which a woman has suffered many things at the hands of a drunken or cruel or improvident husband; it seems to him a grievous thing that a good woman should be tied to a worthless man; the result is a bill in the next legislature providing that divorces may be granted in cases like the one known to the legislator. A statutory induction as sweeping as this, from one or two facts, is not a rare thing in modern legislation. General laws are made for special cases; and if the cases for which they were made were the only ones affected by them the mischief would be small; the difficulty is that they open the doors to countless flagrant abuses. It is an evil thing that a good woman should be unhappily wedded to a coarse and selfish man—albeit some of the finest characters are developed in common life under such conditions; but if the law which releases this one woman from an unhappy marriage afford to a hundred others, whose sufferings are much less severe than hers, the weapon with which they may destroy the homes that might, with a little

* Woolsey's "Essay on Divorce," p. 204.

† In Indiana no discretionary clause exists, and divorce is now granted for the following causes: adultery, impotency existing at the time of marriage, cruel and inhuman treatment, habitual drunkenness, abandonment for two years, failure of husband to provide for family for two years, and conviction after marriage of infamous crime.

patience and good-will, have been preserved and hallowed, then the law causes far more misery than it cures. It is evident that our law-makers have not carefully studied the broader effects of the measures of relief that they have so freely offered.

Under the best laws, cases of hardship will occur. Natural laws produce much suffering. Gravitation kills men before our eyes continually. It does not, therefore, occur to us that the law of gravitation ought to be repealed, or that its stringency should be relaxed. If the laws of nature were made less inflexible, probably the suffering arising under them would be increased. There can be no doubt that the well-meant changes by which the grip of the old marriage laws has been gradually loosened have produced, on the whole, more domestic unhappiness than they have prevented.

Doubtless, we must regard these changes in the law as causes, to some extent, of the great increase of divorce in recent years. President Woolsey says that, in Connecticut, "after each of these advances in legislation, there was an increase of divorces." Mr. Carroll D. Wright, in his report on the subject to the Massachusetts legislature, shows how each modification of the law has resulted in the granting of a larger number of divorces during the succeeding year. Yet divorces have increased very rapidly when there have been no changes in legislation. In New Hampshire, the laws are substantially the same now as they were twenty-five years ago, but the divorces have increased as rapidly as in other parts of New England. Neither can this increase in New Hampshire be accounted for, in part, as in the cases of Connecticut, Massachusetts, and Vermont, by an overflow from New York. The New Hampshire divorces must be mainly indigenous. It is true that the laws of New Hampshire twenty-five years ago were about as liberal as the laws of the other States are now; nevertheless, divorces were not, it is probable, much more numerous then in New Hampshire than they were in the other States. This shows that the increase in divorces is not due chiefly to legislation.

The statistics of divorce in other lands exhibit the same fact. In most of the European countries, the ratio of divorces to marriages is much smaller than in this country; the difference is so vast that it ought to startle those complacent Americans who are prone to think that all the virtues belong to themselves, and all the vices to the "effete monarchies" of the old world; nevertheless, in the European countries where no changes in legislation have occurred, the divorce rate is

increasing rapidly. In England, the divorce laws have not been essentially altered since 1857. In 1860, the petitions for divorce and legal separation (both forms being recognized by English law) were one to every six hundred and twenty-eight marriages; in 1870, one to every five hundred and seventeen marriages; in 1875, one to every four hundred and forty-six marriages; in 1878, one to every three hundred marriages. These figures, let it be noted, give the number of *petitions* for divorce and separation; the number of divorces and separations actually granted would be considerably less. One to three hundred is still much less alarming than one to eight or ten; but the increase in England during these eighteen years is still very significant—if anybody can tell what it signifies!

In Belgium, in 1840, the ratio of divorces to marriages was one to five hundred and seventy-six; in 1874, it was one to two hundred.

In France, as has been said, divorces are not allowed, but legal separations are provided for. During the ten years from 1840 to 1850, there was one separation for every three hundred and seventy-one marriages; from 1850 to 1860, one to two hundred and thirty-nine; from 1860 to 1870, one to one hundred and fifty-two. During these thirty years, there has been, so far as I can learn, no change in the French laws on this subject.

These facts show that the increase of divorces is not simply due to changes in the laws. The breaks in the dike are not the cause of the high water, though they may have helped to spread its devastations. It is evident, also, that the causes which have produced the results that we deplore are operating elsewhere, though they have worked themselves out more fully in our country than in the Old World.

Such, then, are the facts relating to this subject: a recent and rapid and alarming increase in the ratio of divorces to marriages; this increase accompanied in most of the States by changes in the laws which render the husband and the wife virtually independent of each other in property matters, and which greatly multiply the facilities for divorce; yet these statutory changes are themselves demonstrably effects more than causes—results of the working of a subtle individuating force that threatens to decompose society into its ultimate atoms.

There are those, no doubt, who see in this process of individuation, in this movement "from status to contract," by which the family is dissolved, only the normal evolution of the highest social order. They foresee and are ready to welcome a still further relaxation of divorce laws. They think, with Mr. Mill,

that the state ought not to put any very strong barriers in the way of the separation of those who do not live happily in wedlock. Perhaps they think, also, that the state ought not to trouble itself greatly about marriage, and that the relations of the sexes ought to be left wholly to individual choice. Such a doctrine has sometimes been preached, but we have not hitherto been inclined to regard the people preaching it as the prophets of a high morality. Must we now confess that they are the heralds of a new dispensation?

In spite of all the formidable facts and figures here presented, we may venture to dispute their claim. There are social tendencies to be followed, and social tendencies to be resisted. Under the present economic system we find wealth rapidly accumulating in the hands of a few men, and great multitudes sinking into pauperism. That tendency does not seem to us wholesome; we point to it as evidence that there is something wrong in our economic system. Similarly, when we see divorces steadily increasing, we need not assume that the movement is in the direction of the ultimate social order; it may be a temporary reaction toward social anarchy and corruption. That this is the logic of the movement is strongly believed by many who have given to the subject some study, and who have resolved to do what they can to resist the forces that now assail the permanence of the family.

How much can be done in this direction, and how it can be done most wisely, are questions of expediency that demand careful study. It is plain, for one thing, that this evil was not produced by legislation, and that legislation cannot cure it. The attempt to reform all these abuses by stringent and sweeping laws would be worse than useless.

"A Christian," says President Woolsey, "would be glad to have * * * divorce or separation granted only on account of adultery and malicious desertion, or for the first reason alone. In the present state of Christian countries, however, this extent of reformation is altogether unlikely to be attained * * * Law-makers will say that they are not bound by the morality of the New Testament in their legislation touching rights and the common welfare; that you may as well separate two parties who hate and injure one another, rather than vainly strive to reach the inaccessible ideal by your laws, which the next legislature can alter; and that strictness in prohibiting divorce will not prevent social evil, but will only force it to pour its fiery floods by a new crater upon society. We are disposed to take the ground, therefore, on which alone the defects of the Mosaic legislation

can be justified,—that the hardness of men's hearts prevents a better system,—and to inquire, not what is the best possible law, but what are some of the features of a law that is at once desirable and feasible? It is a painful conviction that forces us into this position—a conviction, impressed by the history of divorce and divorce laws even in Christian civilization, that the strict rules of the New Testament cannot be introduced into our law, or if introduced, cannot long be enforced."* This is the result to which Christian statesmanship brings one of the wisest men of this generation. The practical suggestions which follow are in part borrowed from the same authority, though in the form in which they here appear he is not responsible for any of them.

Although, therefore, these evils connected with divorce cannot be wholly corrected by law, something may be done to improve the laws and thus to lessen the evils.

1. The distinction formerly recognized in most of the States, and now abolished in most of them, between absolute divorce and legal separation, should be restored. For the crime of adultery, for desertion (after a long term of years), and perhaps in the case of the imprisonment for life of one of the parties, absolute divorce might be granted; in some of the other cases for which divorces are now granted,—such as drunkenness, cruelty, and neglect,—separation from bed and board might be allowed, giving to neither party the right of marrying again, and leaving the way open for the reunion of the separated parties.

2. Where adultery is a crime, the granting of a divorce for adultery should be followed at once by the arrest and imprisonment of the criminal. "Provision should be made," says Dr. Woolsey, "that the penalty should follow the sentence of divorce without any other trial." This is the simplest common sense. Our laws are brought into contempt when the courts permit men whom they have judicially pronounced to be criminals to escape the consequences of their crimes.

3. If absolute divorce be allowed for other causes than adultery, the law should prescribe a limit of at least three years within which the guilty party should be forbidden to marry.

4. No indeterminate causes of divorce, such as those included in the famous "omnibus clause" of Connecticut, and in the statutes of other States, should be recognized. To recognize incompatibility of temper, general misconduct, and other vague and impalpable grounds of action, is mischievous in the extreme. It is through such clauses that the worst abuses of divorce creep in.

* "Essay on Divorce," p. 257.

5. The state's-attorney ought to appear in every uncontested divorce suit, to protect the interest not only of the absent party, but of the public. The public has an interest in every such case. It is not simply a question between the two parties, any more than theft, or the uttering of counterfeit money, or traffic in diseased meat, is merely a question between the two parties to the transaction. The state is as much interested to maintain the sacredness and permanency of the family as it is to maintain an honest currency. And the people ought not to sit by and let the institution of the family be undermined by scores of fraudulent and collusive divorces.

A few such changes in the laws would interpose a wholesome check to the present tendencies. Reforms like these would make it plainer than it now is that our States do not wish to encourage divorce; that they mean rather to do what they can to preserve the integrity of the family.

Something may also be done by law to prevent hasty and ill-assorted marriages. Easy divorce gives rise to rash marriages—since it can be so easily done for, no matter what it is begun for; rash marriages, on the other hand, furnish the soil from which many divorces spring. Stricter divorce laws would tend to keep people from rushing into wedlock; but something can be done directly by law to secure this result.

1. It is a question whether the old rule, requiring the publication of the intentions of matrimony a week or two before the marriage, ought not to be restored. The publication, if made, should now be made, of course, in the newspapers, and not in the churches.

2. Whether this is done or not, the law should require the parties contemplating matrimony to procure a license at least two weeks before the solemnization of marriage; and to place the license thus procured in the hands of the clergyman or magistrate before whom the marriage is to be solemnized, also at least two weeks before the celebration of the rite. An opportunity would thus be given the clergyman or magistrate to investigate cases with which he might not be familiar, and to assure himself that he was proceeding in accordance with the requirements of divine and human law.

3. The license should state on its face whether either of the parties has been previously divorced, and if so, where, when, and for what cause.

Such provisions should not seem irksome to well-meaning persons; and they would not only serve to prevent foolish people from rushing into a relation for which they are wholly unfitted, but would also assist clergy-

men in the intelligent performance of a difficult and delicate duty.

Another question naturally presents itself to the minds of those who study the various and dissimilar statutes by which the subject of divorce is regulated in the different States of the Union. The laws of no two States are alike, and strange complications often arise from this cause. Cases are not unknown in which women are provided by law with more than one husband each, and men are legally authorized to live in wedlock with the wives of their neighbors. Such confusion of laws is both disgusting and demoralizing: cannot some remedy be found?

The suggestion of a national divorce law, to be binding upon all the States, has often been made. Whether such a law could be enacted under the existing Constitution is a question into which this discussion will not enter. If the Constitution would not now authorize the enactment of such a law, the question of amending it, so that it would, is worth debating. It is not clear that the reasons for a uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States, for which the Constitution expressly provides, are any stronger than the reasons for a uniform rule of divorce. It is conceded by many that the widely different systems of taxation now existing in contiguous States give rise to many anomalies and hardships; and that it may be necessary before long for the nation to establish a uniform system of taxation in all the States. Are not the interests arising out of the family relation equally worthy to be guarded by uniform laws? The looseness and confusion of State legislation on this subject renders it difficult for the general government to deal with the Mormon problem. Even if there were no legal obstacle in the way, the moral power of the executive would be impaired by all these statutory anomalies. The Mormons might easily point out that polygamous relations are maintained under State laws.

There would seem to be no difficulty in the way of an inter-State commission,—to consist of two or three capable men appointed by the legislature of each State,—which should meet and consider the whole matter. Perhaps such a commission could agree upon certain uniform rules, to be recommended to the legislatures of the several States; and perhaps these recommendations would be adopted by some, if not by all, of the States. The end to be gained is surely worth much painstaking; and if it could be reached in this way, the scruples of strenuous upholders of State-rights would not be excited.

It is not, however, let us reiterate, chiefly

by means of law that the growing evil which we have now been considering will be eradicated. The changes in legislation by which divorce has been facilitated have arisen from the prevalence of false social theories. No legislative reforms will be salutary that do not register the rise of purer sentiments and a sounder philosophy. The weapons that will prevail in this warfare are not carnal, and the victory will not be won in a single engagement. A long campaign is before us. There is need of vigorous and searching discussion of the questions involved. The relations of the individual to the social order and the social organisms will bear patient investigation. We have heard much of late about the sacredness of personality. Perhaps it will turn out, by and by, that there is something besides personality that is sacred. It may appear, after fuller study, that no man or woman is an integer; that the individual completes his own life only when he stands in the right relation to the family, which is the organic unit of society; that the affections which constitute the family bond need, therefore, to be cultivated quite as much as the sentiment of "in-

dividuality"; that the mutual respect, and deference, and helpfulness required by the family relation are traits no less manly and no less womanly than "independence"; that the theorizing and the training which put so much stress on rights, and so little upon affections and duties, are pernicious in the extreme.

There is need, also, that the Protestant churches should arouse themselves to more consistent and vigorous action upon the matter of divorce. The clear provisions of the Christian law respecting the causes of divorce ought to be emphasized in the teaching and enforced in the discipline of the churches. Whatever sanctions religion can bring should be brought to the defense of the family. And ministers of the gospel may well be cautious about transgressing the express command of their Master in the marriage of persons formerly divorced for other causes than those named in the New Testament. Such explicit testimony and energetic action may avert the evils now assailing the peace and security of our homes, and should convince our Roman Catholic brethren that Protestantism is not the foe of the Christian family.

SCHUMANN'S SONATA IN A MINOR.

[MIT LEIDENSCHAFTLICHEM AUSDRUCK.]

THE brilliant room, the flowers, the perfumed
calm,

The slender crystal vase where all aflame
The scarlet poppies stand erect and tall;

Color that burns as if no frost could tame:
The shaded lamp-light glowing over all;
The summer night a dream of warmth and
balm.

Out breaks at once the golden melody
"With passionate expression"—ah, from
whence

Comes the enchantment of this mystic spell,
This charm that takes us captive soul
and sense,

The sacred power of music—who shall tell,
Who find the secret of its mastery?

Lo, in the keen vibration of the air,
Pierced by the sweetness of the violin,
Shaken by thrilling chords and searching
notes

That flood the ivory keys, the flowers begin
To tremble,—'tis as if some spirit floats,
And breathes upon their beauty unaware.

Stately and still and proud the poppies stand,
In silken splendor of superb attire;

Stricken with arrows of melodious sound
Their loosened petals fall like flakes of fire;
With waves of music overwhelmed and
drowned,

Solemnly drop their flames on either hand.

So the rare moment dies, and what is left?

Only a memory sweet to shut between
Some poem's silent leaves, to find again,
Perhaps, when winter blasts are howling
keen,

And summer's loveliness is spoiled and slain,
And all the world of light and bloom
bereft.

But winter cannot rob the music so!

Nor time nor fate its subtle power destroy
To bring again the summer's dear caress,
To fill the heart with youth's unreasoning
joy—

Sound, color, perfume, love, to warm and
bless,

And airs of balm from Paradise that blow.