

3 THE PROBLEM OF DIVORCE

The state as such cannot dissolve a marriage. By means of a divorce decree it can only recognize that a breakdown of a marriage has in fact taken place. Most of the “marriages” which the state today does recognize as legal were never marriages in the true sense at all. Again and again the state may give the name of marriage to a union which in its inner quality has never been a true marriage; nevertheless such legal recognition does not make the marriage any more real. By the same token a true marriage cannot be annulled by the law of the state or by social custom.

The idea of the indissolubility of a true marriage is inherent in the idea of marriage; it is based upon that irrevocable nature of the structure of existence, which is the basis of marriage, and it is implied in the marriage vows when they are taken seriously. Great confusion of thought has been caused by the fact that the contrast between free love and marriage have been conceived mainly as the difference between a marriage recognized by the state and one not so recognized. Yet it is not the recognition by the state which is the decisive sign of marriage as compared with free love, but the recognition of the obligation to fidelity. The real dissolution of the marriage community takes place whenever the obligation to mutual loyalty is abandoned. Marriage has already broken down in principle when couples argue that when love ceases it is immoral to stay married to each other. It is this apostate attitude which annuls a marriage, not the refusal of legal and conventional legitimization of marriages. Is divorce for such couples the answer?

Divorce as such only remedies one kind of happiness in order to create another kind of unhappiness. It is even possible that it causes more unhappiness than it remedies, for it has brought such a degree of instability in our matrimonial institutions that nowadays no one can feel that his domestic life is the rock upon which all the rest of his life can be based. And in addition to that, there can be no doubt that the comparative ease with which divorce is obtainable in many communities has greatly increased the number of foolish marriages and fostered in people a superficial and irresponsible attitude toward marriage ties.

The first advocates of our various modern “liberal” divorce systems believed that divorce would make no difference to marriage at all. As they saw it, the great majority of people would continue precisely as before, and the divorce machinery would be resorted to by a small, unhappy minority who found their marriages intolerable. In the main these people were lawyers and their outlook was legalistic rather than sociological. What they failed to see is the

way in which a new law, as people grow to accept it and make use of it, gradually creates a social institution. The social institution which the divorce system has created is the one which the great French sociologist Le Play describes as “unstable marriage.” By this he means not some particular marriage which happens to be unstable, but a whole new system of marriage in which all marriages tend to be relatively insecure.

In these circumstances the question arises whether our “liberal” society has not made a basic and tragic mistake in seeking “happiness” rather than “holiness” as the goal of marriage. The liberals have created legal machinery to remedy obvious unhappiness, and yet it has turned out to be the cause of an even more widespread and insidious source of unhappiness than it has succeeded in abolishing. Obviously in this fallen world of ours we cannot abolish misery and unhappiness, but we may rightly seek to minimize it.

No right-thinking person doubts that there are indeed many cases of hardship resulting from the present legal situation which refuses to legalize “divorce by consent.” There are couples “living-in-sin” who would prefer to regularize their unions. Such couples as well as the products of their passion for each other are suffering. Such are the known results of adultery.

But before society relaxes the present laws let it remember that one of the chief factors in society which produces a high divorce rate as compared with a low divorce rate is the prevailing social attitude towards marriage. As J. Richard Udry points out in *The Social Context of Marriage*:

One of the most fundamental reasons for the high divorce rate of Americans is the fact that divorce is less socially stigmatized today than ever before. In the past hundred years, Americans have redefined the nature of marriage. An increasing proportion of the population defines marriage not as a religious institution ordained by supernatural sanction and therefore indissoluble, but as an arrangement of mutual gratification. Once this redefinition is made, it becomes impossible to marshall social pressure against divorce.... .

Prevailing cultural expectations of marriage among Americans today encourage the couple in trouble to see divorce as a solution. When marriage is viewed as the most important source of personal satisfaction, and when this view is held by lawyers, judges, clergymen and most married people, it is not going to make much difference what the “legal” grounds of divorce are. Those involved in the divorce process will

find a way to facilitate it, and couples in trouble can be expected to seek divorce if their problems seem insoluble. The more people that are divorced, the more divorce becomes acceptable as a solution to marital unhappiness.³²

How then are we to lower divorce rates? Udry considers three possible methods:

- (1) To make more stringent divorce laws. Of this method he points out that divorce laws have changed little in the past hundred years, while divorce rates have multiplied many times over. . . . “It is not likely that changes in the laws would have any serious effect unless they reflected a fundamental change in the meaning of marriage as conceived by society.”³³ The business of divorce has become so profitable to a large number of communities which specialize in catering to migrants seeking divorce that the states in which such places are situated will make divorce laws easy enough to attract trade.
- (2) To institute more marriage counseling and educational programs for young people before they get married. Of this method Udry says: “Such programs cannot seriously hope to lower divorce rates. Because most such attempts are predicated on currently prevailing attitudes concerning the meaning of marriage, it is not inconceivable that educational programs might raise rather than lower divorce rates. . . . The truth of the matter is that the present divorce rate among Americans is intimately related to the kind of marriage system which they have evolved to integrate with other facets of their urbanized, secularized, industrial way of life.”³⁴
- (3) To return to a rural, religious, non industrialized way of life which is compatible with families as economic production units. Of this method Udry says: “.Nothing short of this is likely to restore the marital stability of 1870. Courts of reconciliation, waiting periods, high school and marriage courses-all of these things may help some, but none will help much. The kind of marriage Americans believe in simply has high divorce rates.”³⁵

It is significant that Udry should ascribe the high divorce rate to the current conception of marriage held by most Americans and to the fact that divorce is less socially stigmatized today than ever before.

Such an observation points the way out of the problem. The problem of divorce will not be solved legally but only by changing the contemporary climate of opinion regarding the nature and purpose of marriage. The fact that divorces are becoming more frequent in modern post-Christian society should not surprise Christian people, for they are the inevitable aspect of the

moral decay of that society. Just as the concentration camp has marked the breakdown of the rule of law in the life of the state, so the divorce court marks the breakdown of the rule of fidelity in private life. More than all else, divorce is the logical and inevitable outcome of unbelief and of a society which has turned its back on the moral and religious values it once held sacred. With the growth of secularism and religious scepticism millions have grown doubtful about the sacred character of the marriage tie-really, of course, because they have become doubtful about the sacred character of anything at all. As C. S. Lewis has warned us, "In a society where anything goes soon everything goes."

Until our Anglo-American-Canadian societies evolve a new Christian consensus about the meaning of marriage, the lawyers and the legislatures can be of little help.

Our generation is now faced with the necessity of choosing which gods it wishes to serve, and it must realize what fateful moral, social, and marital consequences hang upon that choice. Life is religion, not morality nor the pursuit of one's selfish happiness. Life is religion, and involves the service of the one true God whom Jesus Christ has revealed or of a false god and idol of man's own devising. For this reason Christians must work first to bring about a religious change in the direction of men's lives and hearts before they can hope to persuade them to adopt Christian standards regarding the sanctity of marriage ties. It is impossible to enforce such Christian standards of marriage upon people whose religious foundations have been shattered. Hence Christians must with God's help seek to rebuild the foundations of their nations upon a truly scriptural, reformational basis which alone can truly reconstruct the legal, social and marital orders.

As part of this rebuilding we may undertake the following courses of action with regard to the breakdown of marriage in our society.

(1) Make every Christian marriage and family a light upon a hill in which Christ rather than one's own selfish happiness is the guiding star. Example speaks far more than exhortation. At no point would the example of real Christian forgiveness speak more than if Christians forgave each other more for wrongs suffered in marriage, even the great wrong of adultery. Our Lord said that Moses allowed divorce only because of the hardness of sinful men's hearts. God's Word speaks unmistakably clearly on this subject of forgiveness. Adultery and sexual irregularity are by no means the worst sins in the book. The wronged partner in a Christian marriage should realize that the wrong of the other party not only can be forgiven but must be forgiven if the teachings of Christ are to be obeyed. In the early Church pagans sat up and

took note of the fact that Christians loved one another as Christ had loved them. In the modern Church let the pagans note that Christians forgive each other even as Christ has forgiven them (Matt. 6:14, 15; 18:21ff; Eph. 4:32; Col. 3:12, 13).

(2) The Christian husband must recover his God-given authority over his wife and children. The husband is to be the head of the wife just as Christ is the head of the Church (Eph. 5:14). Wives are to submit themselves to their husbands for Christ's sake. The husband does not obtain this authority over his wife from any natural fact, e.g., superior intelligence or physical strength, since in many cases women are both more intelligent and braver than men, but from Christ himself, who claims to be the source of all authority and power in the universe (Matt. 28:18). Like all authority found among men, this authority is limited by its special purpose; it is only for the duration of the marriage, and it is qualified by moral love (Eph. 5:22-23; I Cor. 11:3; Rom. 7:2). It is grounded in the voluntary surrender of the wife at the time of her engagement.

Why should there be a head at all? The need for some head follows from the biblical teaching that marriage is a life-long union of one man and one woman (Gen. 2:16-24; Matt. 19:1-12). As long as husband and wife are agreed, no question of a head need arise, and we hope that this will be the normal state of affairs. But when there is disagreement, what is to happen? Talking it over, of course, but we are assuming that the couple have done that and still failed to reach agreement. What next? They cannot decide by a majority vote. Only one of two things can happen. Either they must separate and go their own way or one of them must have the casting vote. If marriage is to be permanent then one or the other party must in the last resort have the power of deciding family policy. This structure of authority of a husband over his wife is a creation ordinance, and it is broken by any wife at the peril of her marriage. The Word of God expects husbands to exercise this authority in love, and he will be held accountable on the day of judgment for its exercise.

Modern Christian husbands can here learn from the Puritan husband for whom such rulership over his wife did not mean tyranny. The husband was to love and cherish the wife as his own flesh. In a sermon Pastor Cleaver asked, "Doth a king trample on his crown? Solomon calleth the wife the crown of her husband. If the wife were not the head, neither was she the foot, but made from a rib that she might walk jointly with her husband, under the government of her head." She was like a judge joined in commission to help her husband rule his household. She was not to be made a drudge or ordered about like a servant, but the husband was to command her "as the soul doth the body." The common law of England and America allowed the

husband to beat his wife with a rod no bigger than his thumb, but the Puritans forbade the practice. The husband was to train and direct his wife in the right way, but he had no “office to fight” his helpmeet. Pastor Smith even suggested in another sermon:

If a husband cannot reform his wife without beating, he is worthy to be beaten for choosing no better; when he hath used all means that he may, and yet she is like herself, he must take her for his cross, and say with Jeremiah, “This is my cross and I will bear it. The wife’s cheeks are made for thy lips and not for thy fists.”³⁶

Because marriage provides the opportunity for the most intimate, personal relationships in life it can, if properly experienced, become the best means for the growth of two persons into real personhood. In a happy marriage blessed by Christ’s presence two people discover with joy that they can meet each others need for love, affection, sympathy, and community and in so doing fulfill themselves as beings created in God’s image, the man becoming more of a real man and the woman more of a real woman. In learning to accept the challenges of their love for each other a Christian couple by God’s grace and help come to learn that God himself must be love and that it is love that makes the world go round. Let us take blessed Mary’s advice to the servants at the wedding of Cana, “Whatsoever [Jesus] saith unto you, do it.”

(3) Having stressed the positive Christian understanding of marriage as the norm for human marriage in general, we can then draw attention to the awful social consequences of the prevailing view of marriage as a mere contract to be broken at the whim of either party. In doing so we should not gloat over other people’s sufferings, but in a gentle spirit of Christ-like compassion point out to our neighbors and to our elected representatives at all levels of government the necessity for a true reformation of human life in its entirety. Legislators, teachers, clergy, doctors, and, above all, journalists and newspapers all bear a responsibility to God and to the nation to change the contemporary idea of marriage as existing merely for mutual self-gratification. From every pulpit, editorial desk, and classroom of America let it be proclaimed that marriage is the most important office in God’s creation to which any person may be called. Let the price for disobeying God’s law for marriage be made clear to everyone, and let us not try to brush the misery and suffering of people under the carpet of our indifference.

The price for disobeying God’s standards for marriage is writ large in the trail of wrecked homes and hopes across the land, in the general weakening of the social and domestic structure, and in the further encroachment of the state into people’s lives as government is

forced to pick up the broken pieces of people's wrecked lives. Divorce is not the easy way out, and it brings more unhappiness than happiness. The consequences of divorce are far more terrible than the obviously unhappy consequences of no divorce for some couples.³⁷

We must remember that our human choice is never the choice between the absolute good and right and the absolutely wrong. Our task is to choose the lesser rather than the greater evil.

Amongst the evils flowing from the divorce court are the following:

(1) The financial cost to the taxpayer, who is obliged to subsidize adultery and wife stealing by paying for the upkeep of the deserted wives and children of men who have run off with other women.

Society deserves to be safeguarded against designing men who steal other men's wives, or equally ruthless women who steal other women's husbands. If such spouse-stealers were guilty of such conduct in relation to other people's automobiles or property, they would be heavily fined or sent to prison.

(2) Worse than the financial cost is the human cost in suffering and in heartache. Instead of defending adulterers and their lecherous female cohorts, let the advocates of divorce by consent have some regard and pity for the hundreds of thousands of deserted wives and their miserable children. By what standard of justice can the so-called "liberal" intelligentsia in Church and state justify such conduct? Do the advocates of divorce by consent have no respect whatsoever for the divinely ordained right of every child in the land to be brought up as well as begotten by his father?

How many times is a person to be allowed to get divorced? For many libertines divorce simply means the freedom to climb out from under their previous matrimonial obligations so as to satisfy their insatiable lusts. There will always be some "other" woman of greater attraction than his previous spouses to whom to turn. And so ad infinitum. How much such polygamous unions are the reformers going to allow before they draw the legal line? Ten, twenty, or a hundred? Do they really want America, Britain, and Canada to be turned into matrimonial rabbit warrens?

On balance the degree of suffering and hardship and heartache would appear to fall heaviest upon the deserted spouse rather than upon the deserter and any new illicit unions he or she

may have made. For this one good reason alone justice and charity require that divorce, if anything, should be made more searching than it now is.

Current proposals to make divorce easier will simply provide legal backing for the man who wants to abandon one wife and move on to the next. Women are much more vulnerable because there is less chance of them re-marrying as they become older, and anyway, they are tied down with children. Why should faithful, middle-aged wives be forced by the state to abandon all their hard-earned security, both emotional and financial? If current proposals are passed, such wives, although they have committed no matrimonial offense, may be divorced after five or seven years just because their husbands want to marry the pretty young thing they met at some office party. Such proposals will simply legitimize serialized polygamy, and cause endless confusion over such matters as pensions, social security, and medical insurance care.

In Russia, after the Revolution in 1917, both marriage and divorce were obtainable by affirmation after the Communists allowed women to become “private property” again. It was open to either party to affirm divorce without even letting the other party know, thus returning to Judaistic custom.

The Jewish marriage system existing in the days of our Lord conferred on the husband rights in marriage and divorce which were totally denied to the wife. A husband could divorce his wife for the most trivial offenses, such as burning his supper. In Russia after the Revolution, not surprisingly, abortion on demand became extremely common and could be obtained legally.

Nevertheless, the Communist authorities were then forced to tighten up the law regarding divorce, which was made very much more difficult and expensive, and abortion was prohibited except on strictly medical grounds. In this way they were forced to capitulate to the “logic of the social facts.” Their theories of free love, trial marriage, and divorce by consent, in actual practice had led within one generation to a complete breakdown of Russian society. Thus they were forced by the resulting social chaos and misery to reacknowledge, at least to a certain extent, the intrinsic significance of marriage and family as creation structures, ordained by God. Here, in the midst of man’s rebellion against God’s law for human society, something of His superior righteousness and power was revealed. The living God had turned even man’s wickedness and wrath to His own praise and glory.

Marriage is ordained by God as one of the essential structures for human society. The inner nature of the matrimonial bond urges itself upon man because it is not his creation. No doubt many actual marriages may be bad. Husband and wife may break the marital bond. But it is impossible to make such behavior into a social or legal standard, as the reformers are now trying to do, because it contradicts the very nature of marriage in its truest meaning. The essence of marriage is the exchange of vows on the part of husband and wife to be faithful to each other “until death us do part.” Such solemn vows are the foundations of society. Once the marriage vow can be broken with impunity then all other promises, pledges, and loyalties will also soon go by the board. Society hinges upon people keeping their pledges and upon the state punishing violators.

It is ironic, to say the least, that at the same time Communist lands are trying to restore the stability of the family, our own AngloAmerican-Canadian “reformers” should be seeking to destroy it. Let not our legislators give in to their demands and so invite the Lord’s judgments upon our nations. Let us all take to heart the grave warning of the prophet Malachi:

I will come upon you in judgment, and I will be a swift witness against all adulterers, and against the false swearers and against those that oppress the widow and the fatherless, and fear not me, saith the Lord of hosts (Mal. 3:5).

Marriage functions in all the law-spheres. Thus marriage has the following aspects, among others: the mathematical, consisting in the unity of the family in the plurality of its members; the aspect of space, in the occupation of a house; the physical-chemical, in the necessity for food and warmth; the biological, in the mating of husband and wife; the physical, expressed in the feelings of togetherness; the lingual, in the use of words of endearment and love; the historical, since both parents must assist in the development of their children’s socialization. The children of a marriage are reared and formed to meet the cultural task of the future. In addition, a couple has the task to help each other develop culturally. Marriage is also a peculiar community of thought and feeling, where a continuous exchange of ideas and feelings between the married pair occurs. Love brings about a tuning in on the same wavelengths. In the juridical modality or law-sphere the structure of authority of marriage is expressed in the fact that it is the husband, as the head of the family, who must make the decisions, for which his wife is equally responsible even though she may not have agreed with them. Marriage is not a monarchy or a democracy, but a community *sui generis* (of its own peculiar type) with its own internal law. If necessary, the husband must administer discipline, remembering that to spare the rod is to spoil the child.

Authority in marriage is also expressed in the aesthetic sphere. When a man and his wife are compatible with each other, we speak of a harmonious marriage. This harmony is disturbed when a wife assumes the authority which rightfully belongs to her husband. Authority in marriage is also expressed in the social aspect by the manner in which a married couple appears and behaves in public.

Marriage is finally also a typical community of faith. It is either apostate or serves the living God of the Bible. Apostasy and the service of God are mutually exclusive. It is for this reason that a marriage between a Christian and a non-Christian is dangerous and inadvisable. The father of a family is the priest as well as the provider of the family, in accordance with the priesthood of all believers. Every Christian marriage points beyond time to the heavenly Father as the origin and source of all temporal relationships. Husband and wife belong first to Christ before they belong to each other. As members of Christ's Body, for whom He died upon the Cross, husband and wife eternally belong to each other, not as man and wife, but as adopted children of the Most High and Glorious God.