

CHAPTER XIX.

DIVORCE.

The question of divorce must be regarded as purely incidental to this discussion of marriage.

The primary object, in this connection, is to state the law of attraction. It is not to discuss the negation of that law.

Modern science has accustomed us to speak of the law of "attraction and repulsion." Strictly speaking, there is no such thing as a law of repulsion between individual entities. There is but one universal law of evolution, viz., the law of attraction. The law of attraction is the one and only principle of positive, generative, formative and creative energy. When attraction ceases between any two entities, whether those entities be atoms or organisms or individuals, it is because stronger attractions draw them apart. It does not matter whether that stronger attraction is another atom or organism or individual, or whether it is simply the attraction of a more congenial environment. The action of heat even is no exception.

The chemist demonstrates this very clearly in the mineral world. For illustration, oxygen and hydrogen do not separate until Nature furnishes a substance which possesses closer vibratory affinities with the one or the other.

Repulsion, therefore, in its proper scientific sense, is simply the expression of a closer affinity or a new attraction elsewhere. The effort of the mineral atom is not to separate itself from its fellow atom. The effort is merely to unite with another atom in closer vibratory correspondence with itself.

Legal divorce represents the same general principle. Men and women seeking self-adjustment are misled into unions which

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furnish but a temporary and imperfect correspondence. The struggle for self-completion or happiness soon impels them to separation. The natural law of affinity continually operates to render the bond intolerable. Those stronger attractions which impel separation may be a place, a person, an ambition, or it may be merely the natural love of liberty for the pursuit of happiness.

Unnatural human marriage engenders strife, resentment and mutual dislike. In this particular human marriage is unique in the kingdoms of Nature. Two animals mate and divorce themselves without engendering mutual dislike and hate. This is because they instantly respond to the natural law of attraction which draws them elsewhere. They instantly obey the dictates of those lower elements which go to make up animal nature.

In human marriage, however, the responsibilities and obligations growing out of a higher element in Nature have created legal and moral barriers to unrestrained divorce. In human society the individual is not permitted to follow the dictates of new attractions. He is bound to an inharmonious mate until natural inharmony is deepened into a definite and aggressive dislike.

The phenomenon of "repulsion," like the law of attraction, is accentuated in each higher kingdom. The so-called "repulsion" which occurs between two atoms is a different thing from that which obtains between two rational beings forcibly bound in an intimate relation. Chemical atoms are continually seeking closer affinities. Chemical "repulsion" is, therefore, but an unconscious incident in the operation of the law of attraction. Even in animal life separation appears as merely a part of the process by which the animal forms a more desirable association. It is an act apparently without individual hostility or moral significance.

In human marriage "repulsion" is intensified, first, by the energies of a higher element, and next, by the legal restraint imposed after natural separation has occurred. The introduction of this highest soul element into marriage intensifies both attrac-

tion and "repulsion" and adds moral responsibility to both the act of separation and that of legal divorce.

Thus, the very element which transforms marriage into a rational and moral relation is the same element which imposes legal restraint and causes unhappiness where the marriage is inharmonious. The animal frees himself so easily from an undesired relation that he suffers nothing from his experiment. In legal marriage, however, the natural inharmony of two natures is aggravated by restraint into an active and individual hostility. While the animal is free to follow the natural law of affinity, the individual man or woman is bound to an object which directly bars the way to the pursuit of happiness in another direction.

Though the law of attraction operates in human life with increased energy, man himself has erected barriers which restrict the free and public expression of that law. Man responds to the general law of affinity as readily as the animal, but he also recognizes the responsibilities which his own higher human nature has imposed. Because of such recognition he undertakes to regulate those general laws for the best good of other rational beings like himself. In this effort he formulates laws, marks out duties and raises barriers which would seem to interfere with Nature.

It must be remembered, however, that the rational operations of the human mind are just as natural as those general laws to which the lower entities in Nature so readily yield.

For this reason legal marriage and legal divorce are just as natural as are the free selections and separations of animals. While the dissolution of marriage in lower nature is either an unconscious or an intuitional act, legal divorce in human life is a voluntary and rational act directly chargeable to the contracting parties.

It is true that both human and animal divorce are acts incidental to the same universal principle, viz., that principle which impels every entity to seek vibratory correspondence in another

like entity of opposite polarity. Nevertheless, human and animal divorce must be considered from points of view as widely different as are the controlling elements in the life of man and that of animals.

It is true that the general purpose of animal and human marriage is the same, viz., the completion of the individual. It is also true that the individual purpose is identical, viz., self-completion. At the same time, the higher intelligence and the moral nature of man furnish an element in both marriage and divorce which calls for particular laws and particular regulations and restraints. Though the general purposes of individual life, whether of man or animal, are always the same, viz., self-adjustment; the effects, however, of individual acts, are as widely different in the two kingdoms as are man and animal in physical appearance, intellectual power and moral capacity.

Legal divorce is the concession made by the general intelligence of society to individuals who are mismated. Legal divorce is admission of the fact that a natural separation has already occurred between the legally bound. The difficulties with which legal divorce is attended go to show that the law is considering the obligations of marriage rather than the desires of the individual for liberty.

Legal divorce is one of the expressions of the rational soul which has risen to the consideration and control of its own affairs. This is in conformity to Nature, for each great kingdom of Nature is directly governed by its own highest element. Human affairs, therefore, bear the impress of the soul element and must be measured and regulated and judged from the human instead of the animal plane. A man is more than an atom or a plant or an animal. He is all these and more. He combines the elements and energies of all lower entities, but in addition enjoys the potencies, powers and responsibilities of a distinctly higher element.

Man, therefore, mates and divorces in terms of this highest

nature as well as in those of the lower. Thus, human marriage and divorce produce effects which are far more varied and more important than the matings and separations of animals.

Man is a mammal and something more. He is a living soul, endowed with self-consciousness, the consciousness of other selves, with reason and memory, with an individual will and desire and the powers of their execution.

Self-consciousness, together with memory, involves the consciousness of other selves. This consciousness of others, together with memory and reason, gives rise to what we know as the sense of an *individual moral responsibility*.

Thus, Nature imposes upon man alone that knowledge of his own acts and their effects, which constitutes him a morally responsible being. Self-consciousness, consciousness of other selves, and the sense of individual responsibility, are the essential phenomena of the soul element. No living soul, normally conditioned, escapes the consequences of this highest element in himself. No normal man escapes the knowledge of his own acts, their results, and his own responsibility for them. In this one element we find the causes of differentiation between man and animal. Here are the factors which confer greater happiness and at the same time the capacity for greater suffering. Here are the higher powers which impose individual responsibility and invoke penalties when such responsibility is evaded.

Civil law is distinctly the outgrowth of these higher human capacities, and every code of laws stands for the general recognition of an individual responsibility. It is only the lowest of human beings who would be a law unto himself. The very first step man takes in the direction of law and order is a surrender of some of the things he has heretofore held as individual rights. He recognizes the fact that individual concession means the general betterment of the community. He sees himself as a part of that community, enjoying certain other privileges which compensate for his concessions.

This, in fact, is law and the intent of law, viz., to secure the

general good through individual concession and individual restraint.

The law of marriage is based upon the effort to regulate the sex relation for the best interests of society. The law of divorce is based upon exactly the same intent. It is, therefore, a law looking, not to the happiness of the individual, but to the best material and moral interests of society. Divorce, therefore, must be viewed from the point of individual responsibility to society and not from the point of an individual personal happiness.

Civil law implies that the good of society demands, primarily, the proper care and rearing of its children. It therefore assumes that the natural parents are the proper legal custodians and protectors of their own children.

Just here, in this relation of parents to children, arises that moral responsibility which must take precedence of all questions as to the happiness or unhappiness of parents. Here is involved an issue that does not obtain in animal life, but is of vast importance in human society. It may be true that the individual man and woman were impelled to union by a temporary or imperfect correspondence of impulse such as moves the animal to union. There may also arise the same "repulsion" which would immediately separate animals. This impulse for separation is as natural to humans as to animals when the natural principle of harmony is outraged.

Here, however, but not as with the animals, a higher element asserts itself, new considerations enter in and a new principle is evoked for the government of Nature's higher marriages. Animal marriage and separation represent the intuitional, and therefore irrational and irresponsible obedience to a general law of affinity. Human legal marriage may include the same intuitional, irrational and irresponsible impulses, but in addition it represents an independent, rational contract, imposing present and future obligations. This legal contract implies, not merely the mutual loyalty of the two who unite, but it also implies an obligation to the children of that union and to society in general.

It will be seen, therefore, that while animal mating and separation are purely egoistic in their nature, the intent of legal marriage and legal divorce is purely altruistic. Legal divorce is regulated for the good of society alone, and the law holds that the best good of society rests with the proper care and training of children. Because of this fact it finally comes to mean that the question of divorce must be regulated for the good of the child, and not by later impulses, passions or desires of the parents.

A human infant is something more than a digestive apparatus. A child is something more than a mammal with a better cerebral development than a horse or a dog. If a child were nothing more than a mammal with a better brain than a young puppy or monkey the law of divorce might be simplified. If human parentage did not involve other responsibilities toward offspring than nutrition and physical comfort, our complicated divorce system might well be amended. If a child were merely a mammal like any other, the question of nutrition and physical well-being would, at best, cover the obligation of parents. If such were the case men and women could mate and separate as do the animals. If such were the fact children might well be assigned to the care of public officers and "reared by the state."

A child, however, is something vastly more than a mammal with physical functions and cerebral activities. It is, instead, a living soul destined to live here and hereafter. It is a spiritual being with infinite possibilities for good or for evil, for development or for degeneracy. More than this, this human infant has been brought into this world by the self-conscious, voluntary, and therefore responsible act of its parents. It appears in response to a natural law that has been evoked by two intelligent beings fully acquainted with the consequences of the law. This fixes an obligation which does and should take precedence, in both law and conscience, of every personal desire and demand.

This recognition of moral responsibility to offspring separates human from animal intelligence and raises human life immeasurably beyond the life of the animal.

Parental responsibility is read from the book of Nature with equal clearness by science, by law and by religion. Modern physical science demonstrates physical responsibility in heredity. The proved facts of heredity show that a large proportion of children born are the victims of parental deformity and disease. The Law, which represents the rational intelligence of man, holds that parents are responsible for the physical, material and intellectual well-being of their own children. Religion, which represents the spiritual intuitions and moral principles in man, declares that parents are as responsible for the moral training of their children as for their physical and material comfort or their intellectual development.

With the several findings of science, law and religion, Natural Science and its correlated philosophy agree. Both science and Nature declare that every human infant has certain natural and inalienable rights, viz.:

- (1) A perfect physical body and a normal brain.
- (2) Material care and provision until old enough to be self-sustaining.
- (3) Intellectual and moral training under the daily, personal and loving supervision of both parents.

When the average intelligence rises to a clear perception of the moral obligation to children the demand for divorce will decrease in proportion. That is to say, when the average man and woman recognize their full moral obligation to their own children they will seek to fulfill rather than to evade that duty. This they will do irrespective of present personal desires and impulses. This moral obligation will preserve the marriage tie, in form at least, even when the relation falls short of the ideal.

It is safe to say that this mutual obligation to children, rather than mutual love, binds a majority of married pairs even at the present time. In thousands of households the physical relation of husband and wife is dissolved, while the relation of father and mother safeguards the children in their material and moral rights.