Nineteenth-Century Protestant Views of Marriage: A Brief Survey

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A defender of "traditional family values" proclaimed that the United States had gotten "rid of one of her curses, slavery," and that victory, he thought, should give Americans hope regarding the nation's future. "But whether we are to be a thoroughly Christian nation," he cautioned, depended upon whether or not we would address another peril. If America did not address this menace, he feared, the country would follow ancient Rome down the path to destruction. What threat aroused such fears and who was this defender of traditional family values? The peril that apparently endangered America was the nation's rising divorce rates. And the defender of traditional family values was not Ronald Reagan, Newt Gringrich, Dinesh D'Sousa, or Rush Limbaugh but Theodore Dwight Woolsey, president of Yale University. When he published this dire warning in his 1869 *Essay on Divorce and Divorce Legislation,* the divorce rate was 1.2 per 1,000 marriages. When he revised his landmark study thirteen years later, the divorce rate had grown 55 percent to 2.2 divorces per 1,000 marriages.[1] Today, the divorce rate hovers around 50 percent.[2] To Woolsey, the nation's lax divorce laws were simply "unchristian." He called for stricter laws that would reduce the number of divorces because he thought marriages were "necessary for the well-being of the State."[3] To many postbellum Protestants, marriage was under attack—not by some outside force—but from the inside as

[1]Theodore Dwight Woolsey, *Essay on Divorce and Divorce Legislation, With Special Reference to the United States* (New York: Charles Scribner's Sons, 1869), 49. The divorce rates are for the years 1870 and 1880 respectively. Roderick Phillips, *Putting Asunder: A History of Divorce in Western Society* (New York: Cambridge University Press, 1988), 463.

[2]The 50 percent figure is based upon the fact that there were 6.8 marriages per 1,000 total population and 3.6 divorces per 1,000 total population. Marriage and Divorce, Centers for Disease Control and Prevention, last modified June 19, 2014. http://www.cdc.gov/nchs/fastats/marriage-divorce.htm.

[3]Theodore Dwight Woolsey, *Divorce and Divorce Legislation, especially in the United States,* rev. ed. (New York: Charles Scribner's, 1882), 262.

couples forsook their divine calling to lifelong monogamy and abandoned their responsibilities to preserve a bedrock institution upon which civil society rested.

This paper will briefly survey postbellum Protestant attitudes toward marriage, the dangers Protestants perceived in the nation's rising divorce rates, and their responses to it. To be sure, divorce was not the only threat to the family that worried Protestants. Before the Civil War, northern Protestants were horrified by the devastating consequences that the institution of chattel slavery had upon African-Americans, their marriages, and their families. After the Civil War, Mormons practicing polygamy, sex radicals who advocated free love and the abolition of marriage, and U.S. policies toward Native Americans also outraged many Protestants. This paper, however, will limit its focus to postbellum Protestants' attitudes toward marriage and divorce. It will only provide a broad aerial overview and will not, for instance, plunge down very deeply into nineteenth-century Protestant conceptions of gender roles within marriages or the particulars of the legal status of married women and state divorce laws.[4] Nineteenth-century Protestants viewed marriage, not as a contract between two autonomous individuals, but as an institution foundational to civil society that was rooted in the Bible and natural law. They viewed divorce as a violation of the biblical pattern of marriage, and moreover, as a threat to the well-being of American society. Protestants attempted to reverse the nation's rising divorce rates by engaging in moral reform politics. They criticized divorce, advocated lifelong monogamy, and formed anti-divorce reform organizations to lobby the state for stricter divorce laws.

Protestant Views of Marriage

Brown University president and Baptist minister Ezekiel G. Robinson described marriage

[4]On gender roles and marriage laws, see Hendrick Hartog, *Man & Wife in America: A History* (Cambridge: Harvard University Press, 2000).

as "the most sacred as well as the most beneficent of all human institutions."[5] Given its apparent importance, nineteenth-century Protestants, not surprisingly, thought and wrote a good deal about marriage. One good place to find a succinct expression of the Protestant understanding of the nature and purpose of marriage is found in the Westminster Confession of Faith. The Westminster Confession profoundly influenced many Protestants, especially Presbyterians and Congregationalists, since it was first published in 1646. Presbyterian ministers and ruling elders, for instance, vowed to uphold the system of doctrine contained in the Confession. In 1869, the influential Presbyterian theologian Archibald Alexander Hodge wrote a commentary on the Westminster Confession of Faith. His explanation of the Confession's statement on marriage and divorce offers a useful window into the nineteenth-century Protestant understanding of marriage.

According to the Westminster Confession, "Marriage is to be between one man and one woman: Neither is it lawful for any man to have more than one wife, nor for any woman to have more than one husband, at the same time."[6] Marriage, as Princeton Theological Seminary's Hodge explained, was a divine institution because "God created man male and female, and so constituted them physically and morally that they are mutually adapted to each other and are mutually helpful to each other under the law of marriage." The "law of marriage," Hodge pointed out, was "laid down in the Word of God."[7] As Hodge's comments reveal, Protestants believed that marriage was a monogamous commitment between a man and a woman divinely sanctioned in the Bible. Men and women were physically, emotionally, and spiritually designed

[5]E.G. Robinson, *Principles and Practice of Morality: Ethical Principles Discussed and Applied* (Boston: Silver, Rogers, 1888), 231.
[6]Westminster Confession of Faith, 1646, chapter 24, section 1, available at http://www.ligonier.org/learn/articles/westminster-confession-faith/. The Confession includes proof-texts for each of its proportions. Here it cites Gen. 2:24, Matt. 5:6, and Prov. 2:17 as its biblical warrant for its claims.
[7]Archibald Alexander Hodge, *The Confession of Faith: A Handbook of Christian Doctrine Expounding The Westminster Confession* (1869; repr., Carlisle PA: Banner of Truth Trust, 1958), 302. Westminster Confession of Faith, chapter 24, section 2.

to complement each other.

The purpose of marriage, the Westminster Confession declared, "was ordained for the mutual help of husband and wife; for the increase of mankind with a legitimate issue, and of the Church with an holy seed; and for the preventing of uncleanness." Hodge's explanation of the goal or end of marriage offered little more than a simple repetition of what the Confession stated. In marriage, each spouse should nurture and support his or her partner. Marriage also enabled the human race to propagate in a morally permissible manner. Marriage also meant that as Christian couples produce children, the church would increase in size. Finally, sexual intercourse within the confines of marriage was considered morally good. Sexual relations outside of marriage, as the Confession and Hodge euphemistically described, produced "uncleanness." In other words, sexual relations outside of the bounds of matrimony sullied a person spiritually, ruined his or her character, and might very well leave the person with a venereal disease.[8]

Having outlined the foundation and purpose of marriage, the Westminster Confession goes on to draw several restrictions around whom Christians may properly marry. The Confession clearly rejected the practice of polygamy. According to Hodge, experience showed "that physically, economically, and morally, polygamy defeats all the ends for which marriage was designed, and is inconsistent with human nature and the relations of the sexes." Hodge goes to great lengths to explain how the practice of polygamy in the Old Testament was sanctioned by God as a "special" case "under peculiar conditions." Through Moses, Hodge explained, God allowed "a dispensation of this law of monogamy," but Jesus Christ withdrew this special dispensation and restored "the law of marriage to its original basis." Hodge cited Matthew 19:9,

[8]Westminster Confession of Faith, chapter 24, section 2; Hodge, *Confession of Faith*, 303. On the purpose of marriage, the Confession cites Gen. 2:18, Mal. 2:15, and I Cor. 7: 2, 9.

which reads, "'And I say to you: whoever divorces his wife, except for sexual immorality, and marries another, commits adultery,'" as proof that Jesus had ended the dispensation sanctioning polygamy and had reinstituted the law of monogamy.[9]

In addition to banning polygamy, Protestants also drew several other restrictions around marriage. Only people who were able "with judgment to give their consent" should be lawfully married, the Westminster Confession asserted. More importantly, the Confession stated that Christians have a "duty . . . to marry only in the Lord." Believers, in other words, should only marry other Christians. Consequently, the Confession forbade Christians from wedding "infidels, Papists, or other idolaters" as well as those who were "notoriously wicked in their life or maintained damnable heresies." Hodge's explanation of the Confession's position on who might be lawfully married raised several important points. Hodge referred to the Apostle Paul's teaching in I Corinthians 7:12-15 to unpack the Confession's position that Christians should only marry Christians.[10] If a person was married and then came to saving faith but his or her spouse remained unconverted, Hodge noted, then the believer had a moral obligation to remain in the marriage. Likewise, unconverted people who were married still had an "unquestionably valid" marriage. While Hodge's description of Catholics as "Papists" and his classification of them with infidels, idolaters, and heretics might strike many modern readers as nativist, the Westminster Confession, like a large portion of the nineteenth-century Protestant community, simply did not

[9]Hodge, *Confession of Faith*, 303.
[10]I Cor. 7:12-15 reads: "To the rest I say (I, not the Lord) that if any brother has a wife who is an unbeliever, and she consents to live with him, he should not divorce her. If any woman has a husband who is an unbeliever, and he consents to live with her, she should not divorce him. For the unbelieving husband is made holy because of his wife, and the unbelieving wife is made holy because of her husband. Otherwise your children would be unclean, but as it is, they are holy. But if the unbelieving partner separates, let it be so. In such cases the brother or sister is not enslaved. God has called you to peace" (ESV).

consider Catholics to be genuine Christians.[11] Since Catholics were not Christians, Hodge reasoned, "true Christians owe it both to Christ and to their own souls" not to marry them. "If such a union is formed," he added, "it *must* follow, either that the sacred ordinance of marriage is desecrated by a union of bodies where there is no union of hearts, or in the intimate fellowship of soul with soul the believer will be greatly depressed in his inward spiritual life, and greatly hindered in his attempts to serve his Master in the world."[12] Believers, the Princeton theologian argued, should not marry those who did not share their faith.

Alongside prohibitions about marrying outside of the Christian faith, the Westminster Confession also excluded "incestuous marriages" as well as marriages between close relatives. Incestuous marriages, as Hodge explained, unambiguously violated Old and New Testament principles about marriage.[13] Likewise, Hodge insisted, Leviticus proscribed "intermarriages between near blood-relations." Hodge recognized, however, that Old Testament civil laws could not be invoked as a foundation for public policy without some important theological qualifications. Since the civil laws of the Old Testament were unique to the old covenant which had been abrogated by the new covenant that Jesus Christ had established, Protestants believed, one could not simply reference Old Testament civil laws about marriage as a guide for contemporary laws about marriage. Consequently, Hodge conceded that "if this law is not binding now, there is no other law of God remaining on the subject of incest except the law of nature."[14]

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[11]Westminster Confession of Faith, 1646, chapter 25, section 6. The proof-texts the Confession offers are Matt. 23:8, 9, 10, II Thes. 2:3, 4, 8, 9 and Rev. 13:6.
[12]Westminster Confession of Faith, chapter 24, section 3; Hodge, *Confession of Faith*, 305. The proof-texts the Confession offers are Heb. 13:4, I im 4:3, I Cor. 7:36-39, Gen. 24: 57-58, Gen 34:14, Ex. 34:16, Dt. 7:3-4, I Ki. 4:4, Neh. 14:25-27, Mal. 2:11-12, II Cor. 6:14.
[13]The Confession cites Lev. 23:1; I Cor. 5:1, and Amos 2:7.
[14]Hodge, *Confession of Faith*, 306.

Hodge's brief mention of the "law of nature" introduces an important idea that directly shaped how nineteenth-century Protestants understood morality. For centuries western Christians—Roman Catholic and Protestant alike—believed that God's moral will for humanity was not only revealed supernaturally in the Bible but also in the natural order. Natural law theory held that human reason could deduce rules of moral obligation by studying human nature on both an individual and corporate level. According to natural law, God had constituted the natural order and also the human conscience in such a way as to be able to discern what is morally right and wrong. Protestants, therefore, thought that the natural law put individuals under obligation to obey God. To nineteenth-century Protestants the laws of nature taught that incestuous marriages were simply immoral. As Hodge reasoned, "The obligation to avoid intermarriage between near blood-relations is a dictate of nature as well as the Word of God."[15]

According to the Westminster Confession and Protestant theologians such as Hodge, the Bible and natural law did more than just proscribe certain types of marriages, such as polygamy. It also prescribed marriage as a moral good. As the Westminster Confession put it, "It is lawful for all sorts of people to marry who are able with judgment to give their consent."[16] To Hodge, this meant that any person who has "intelligence sufficient to consent" could choose to get married if he or she so desired. This principle also excluded, for instance, young children. According to Hodge, the institution of marriage—among Christians and non-Christians—was a morally positive relationship. Hodge made this clear in his criticisms of the Roman Catholic

[15]Hodge, *Confession of Faith*, 306. In fact, the Westminster Standards make repeated mention of "the light of nature," "the law of nature," and "the law of God written in their hearts." See, for example, Westminster Confession of Faith, chapter 1, section 1, 6; chapter 4, section 2; chapter 10, section 4; chapter 20, section 4; chapter 21, section 1, 7. For a contemporary explanation of a Reformed perspective on natural law, see David VanDrunen, *Natural Law and the Two Kingdoms: A Study in the Development of Reformed Social Thought* (Grand Rapids: Eerdmans, 2010); also David VanDrunen, *Divine Covenants and Moral Order: A Biblical Theology of Natural Law* (Grand Rapids: Eerdmans, 2014).

[16]Westminster Confession of Faith, chapter 24, section 3.

practice of clerical celibacy. In the eyes of Hodge, the Catholic Church "allows that marriage is lawful for the great mass of men as a concession to the weakness of the flesh, but maintains that a life of celibacy is both meritorious and more conducive to spiritual elevation." To Hodge, the Catholic Church "imposes" on its priests the "universal and imperative obligation" to live a life of celibacy. But such a duty, Hodge argued, was predicated upon a faulty understanding of the nature of marriage. Since God had "ordained marriage in Paradise when man was innocent," he insisted, marriage "must be purely good, and a means of good in itself, except when abused by man." In other words, the Roman Catholic Church wrongly assumed that God had yielded to human weaknesses, especially sexual desires, and permitted individuals to marry so that they could fulfill their sexual desires in a morally tolerable manner. Moreover, Hodge did not think that living a life of celibacy was morally superior to marriage. To substantiate his position, Hodge claimed that the human practice of marriage was "the highest early type of the grandest heavenly fact—namely, the mystical union of the eternal Word with his Bride, the Church." As he explained, the marriage between a man and a woman paralleled the marriage between Jesus Christ and the Church. Furthermore, Hodge asserted, both "reason and experience" showed that marriage was the best "condition for bringing out and educating the noblest moral instincts and faculties of human nature." Marriage, in short, could bring out the best in men and women. He also noted that the "best and noblest men" of the Old and New Testaments were married. Hodge agreed that sometimes in God's providence men and women were called to practice celibacy. He pointed to people who served as missionaries as examples of when celibacy might help them "more efficiently" accomplish their work. But the norm, he maintained, was for people to marry and to not be burdened by false guilt for wrongly thinking that celibacy was morally superior to

marriage.[17]

In summary, nineteenth-century Protestants considered marriage a divine institution that united two people for the mutual benefit of each other and provided a morally-sanctioned context for a life of deep intimacy and for raising children. This snapshot also reveals that Protestants considered marriage, whether between Christians or non-Christians, a socially beneficial institution.

This entire description likely sounds rather familiar to many American Protestants today. But where nineteenth-century prominent Protestant interpretations of the meaning of marriage differ from many contemporary perspectives centers around the notion that marriage was not only a biblical institution but also a civil institution. The Westminster Confession does not explicitly mention the civil nature of marriage, but Archibald Alexander Hodge's explanation of the Westminster Confession does. Hodge described marriage as a "religious as well as civil" relationship. Protestants believed that the nature and purpose of marriage was not only affirmed in the Bible but also through natural law. Although Christians might have recognized that the Bible taught that marriage was a divine institution, natural law also revealed that marriage had to be a monogamous relationship of lifelong commitment. So while only Christians might have found a warrant for marriage in the Bible, all persons could see in natural law the true nature and purpose of marriage. This was also why, as noted above, the Confession and Hodge asserted that it was perfectly "lawful" for non-Christians to marry non-Christians. As a civil institution, marriage was not limited to Christians.

The state, in Hodge's estimation, did not define the nature of marriage but rather acknowledged what marriage was—a lifelong commitment. Moreover, Hodge insisted, it was "of

[17]Hodge, *Confession of Faith*, 304.

the highest importance that the laws of the State do not contravene the laws of God upon this subject." Hodge could say this because he thought that the "laws of God" were not only disclosed in the Bible but also evidenced in the natural order. In other words, the "laws" defining and regulating marriage were not only biblical but also a matter of public reason. "No State," Hodge added, "has any right to change the law of marriage, or the conditions upon which it may be lawfully constituted or dissolved, as these have been ordained by God." Because marriage was "a civil contract," Hodge explained, the state was "bound to protect the foundations upon which social order reposes, and every marriage involves many obvious civil obligations and leads to many civil consequences touching property, the custody of children, etc."[18] As a civil institution, nineteenth-century Protestants argued, the state had a public obligation to regulate the institution of marriage, including divorce, because its health was vital to the welfare of society.

The fact that Hodge claimed that the state had an obligation to defend the "foundations" upon which civil society rested provides a clue to another critical assumption that shaped nineteenth-century Protestants' understanding of the nature and purpose of marriage. Many nineteenth-century Protestants, especially in the northern and western regions of the nation, stood within the Whig-Republican tradition that rejected individualistic (or what might be described today as libertarian) understandings of the nature of civil society. Instead, the Whig-Republican tradition held to a communal or organic view of society. This was why Hodge used the plural noun "foundations" to describe the nature of the social order. Civil society, in the eyes of nineteenth-century Protestants, was not predicated upon autonomous individuals voluntarily creating social institutions, such as marriages or states. Instead, they thought that a civil society was comprised of several foundational organizations, including the family and the state. Indeed,

[18]Hodge, *Confession of Faith*, 302.

Porter and Woolsey, both presidents of Yale, rejected the Lockean contractual views of the state.

The writings of another leading late nineteenth-century Protestant minister, Noah Porter, provides a useful explanation of the nineteenth-century Protestant understanding of the nature of society. Porter, a Congregationalist minister who succeeded Theodore Dwight Woolsey as president of Yale and taught philosophy there for a generation, expressed the traditional Whig-Republican understanding of the state in his popular moral philosophy textbook, *The Elements of Moral Science*. Porter contrasted the organic view of society with both collectivist and individualistic views. To Porter, the collectivist view, with its "abstract theory of the natural supremacy of the state," saw "individual citizens as existing, exclusively or supremely for its own well-being or glory." Porter rejected such a view because it not only "belittles the individual" and "cripples private enterprise," but it also trained citizens to be helplessly dependent upon government interference to care for their own personal interests. On the other hand, individualist views of society, Porter argued, limit the activity of the state "to *the security* and defence of the *so-called natural rights of life, liberty, and property*." To Porter, such a radical libertarian view was "demonstrated to be false" because it was "impracticable." Since "*unus homo nullus homo* [a man alone is not truly a man]," Porter added, it was "inconceivable in conception and impossible in fact."[19] Porter agreed that the three cardinal rights were of prime importance. There were, however, "other interests besides the three great rights of man, which every government finds itself compelled to recognize." Porter, like other Protestants who embraced the Whig-Republican tradition, did not differentiate between public morality and personal ethics. In nineteenth-century Protestant thought, morality formed a simple whole cloth.

[19]Noah Porter, *The Elements of Moral Science, Theoretical and Practical* (New York: Scribner, 1887), 492, 490, 397.

In fact, Porter cited marriage as critically important aspect of social life that the state had a moral and political obligation to regulate.[20]

Because of their commitment to the Whig-Republican understanding of the nature of society, many nineteenth-century Protestants considered the family the first institution in civil society. According to Porter, the state was simply the family writ large. "It is almost superfluous to say that the state naturally grows out of the family, inasmuch as every family is already a state in miniature," he insisted.[21] Such a conception of the family was widely shared by Protestant theologians and philosophers. For example, Congregationalist minister and Amherst College president Julius H. Seelye called marriage "a distinct organic community" and "the most important institution in the social being of any community."[22] To prominent Protestants, the welfare of the nation was in large measure contingent upon the well-being of the family. Nathan Allen, a physician who taught at Amherst College, wrote in the pages of the *North American Review* in 1880 that the "value and permanence of the family as an institution cannot be too highly estimated." Allen's explanation of why many considered divorce such a danger to the well-being of society illustrates just how axiomatic Protestants considered this principle. According to Allen, the family was

> indispensable to all organized society. It is the nursery of the Church, and no state or nation can prosper long without it. Wherever a people have attained the greatest prosperity, or advanced to the highest civilization, there the interests of the family have

[20]Porter, *Moral Science*, 491.
[21]Porter, *Moral Science*, 397. On the organic view of society of Porter and nineteenth-century moral philosophers in general, see Louise L. Stevenson, *Scholarly Means to Evangelical Ends: The New Haven Scholars and the Transformation of Higher Learning in America, 1830-1890* (Baltimore: Johns Hopkins University Press, 1996), 129-30; Daniel Walker Howe, *The Political Culture of the American Whigs* (Chicago: University of Chicago Press, 1979), 126, 128.
[22] Julius H. Seelye, ed. *A System of Morals*, by Laurens P. Hickok (Boston: Ginn and Company, [1880], 1896), 241.

been most sacredly guarded. . . . And the stronger the safeguard surrounding it, furnished by law and custom, the more permanent and successful will it be, and the greater the prosperity of any nation."[23]

The welfare of the family, in short, was a harbinger and protector of the well-being of society.

Divorce (and Remarriage) Threatens the Family

In light of the sacred nature that nineteenth-century Protestants attributed to marriage and the crucial importance they perceived that it played in creating a civil society, they looked rather dimly upon divorce and remarriage. The Westminster Confession of Faith permitted divorce and remarriage only in highly restricted circumstances. According to the Westminster Standards, "nothing but adultery, or such willful desertion as can no way be remedied by the Church or civil magistrate, is cause sufficient of dissolving the bond of marriage." Only in "the case of adultery after marriage," the Confession stated, "it is lawful for the innocent party to sue out a divorce, and, after the divorce, to marry another, as if the offending party were dead."[24] Many nineteenth-century Protestants agreed with the Westminster Confession's position. As divorce rates rose in postbellum America, so did Protestants' insistence that divorce on any other grounds besides these two was illegitimate. Archibald Alexander Hodge, for instance, argued that fornication and desertion were the "only causes upon which it is lawful to grant a divorce." The state, he added, "has no authority to grant divorces upon any other grounds." Anyone who got divorced and remarried for any other reason, Hodge concluded, was living "in the sin of adultery."[25] Many

[23]Nathan Allen, "Divorces in New England," *North American Review* 130 (1880): 560-61.
[24]Westminster Confession of Faith, chapter 24, section 6. In section 5, the Confession asserted: "Adultery or fornication committed after a contract, being detected before marriage, giveth just occasion to the innocent party to dissolve that contract. In the case of adultery after marriage, it is lawful for the innocent party to sue out a divorce, and, after the divorce, to marry another, as if the offending party were dead."
[25]Hodge, *Confession of Faith*, 307-308.

nineteenth-century Protestants, in short, considered marriage a divinely-sanctioned institution which should not be dissolved except for these two reasons.

Rising Divorce Rates

Protestants had good reason to worry about the state of marriage because evidence indicated that divorces were increasing at an alarming rate.[26] In 1880, Amherst College's Nathan Allen reviewed divorce rates in Massachusetts, Vermont, and Connecticut, and found a troubling trend. In 1860, the ratio of divorces to marriages in Massachusetts was 1 to 51. In 1878, the ratio had fallen to 1 to 21.4. In Vermont, the ratio in 1860 was 1 to 22.9 and in 1878, 1 to 14.0. In Connecticut in 1860, it stood 1 to 14.1 and in 1878, 1 to 10.6. In language that echoed Leonard Dwight Woolsey, Allen concluded that the fate of ancient Rome provided Americans with a frightening warning: "The first indications of decline in Greece and Rome were disturbances in the family. When the interests of this institution began to suffer in various ways, divorces multiplied, which with the other evils brought on the downfall of those nations once so renowned."[27] With so much apparently at stake, it is little wonder that Protestants were scared by the nation's rising divorce rates.

Protestant Reform Efforts

A very cursory examination of Protestants' responses to the growing number of divorces identifies three major themes. First, Protestant leaders simply protested the demise of so many marriages. For example, Leonard Woolsey Bacon, a prominent Connecticut Congregationalist

[26]On the reaction of rising divorce rates among postbellum Protestants, see Nancy F. Cott, *Public Vows: A History of Marriage and the Bible* (Cambridge: Harvard University Press, 2000), 106-11.
[27]Allen, "Divorces in New England," 549-55, 563. According to Allen, these figures were likely deflated because it was "a well-known fact" that many people left Massachusetts, Vermont, and Connecticut for western states which had more lenient divorce laws than New England. The figures also ignored couples who lived separately and for all practical purposes were virtually divorced.

pastor (who was named after the Yale president), lambasted New England couples for divorcing so frequently. In an article dripping with sarcasm, Bacon asserted that New Englanders practiced polygamy almost as much as Mormons in Utah. One key difference he saw between Mormon polygamy and New England polygamy was the fact that in Utah it was practiced simultaneously, but "the Puritan polygamy [was] consecutive." In other words, in New England individuals married one person, divorced that spouse, got remarried, got divorced again, and remarried. Polygamous Mormon wives, Bacon also insisted, actually had it better than women who were trapped by New England polygamy because at least they voluntarily chose to practice polygamy, whereas New England women were usually abandoned by their polygamous husbands and left with little means to support their families. He also claimed that another critical difference between Mormon polygamy and New England polygamy was the fact that it was illegal in Utah but sanctioned by the state in New England because of weak divorce laws.[28]

Besides criticizing couples who divorced and state laws that permitted divorce for reasons other than adultery and abandonment, Protestants also redoubled their efforts to convince fellow believers that divorce was not a morally acceptable way to resolve marital difficulties. In the pages of the *Presbyterian and Reformed Review*, for instance, the conservative Presbyterian minister Samuel T. Lowrie presented a detailed argument that the Bible recognized no other "sufficient grounds for divorce besides adultery and willful desertion."[29] Some Protestant denominations, such as the Methodist Church in 1884, also passed rules that allowed ministers to conduct the wedding services of divorcées only if the person had been the innocent party of a

[28]Leonard Woolsey Bacon, "Polygamy in New England," *Princeton Review* 2 (1882): 39-57, quote on 40. See also Leonard Woolsey Bacon, "Divorce-Reform," *Princeton Review* 2 (1883): 227-46.
[29]Samuel T. Lowrie, "Willful Desertion, a Ground of Divorce," *Presbyterian and Reformed Review* 3 (1892): 312.

divorce which had occurred for reasons of adultery.[30]

This high view of marriage and contempt for divorce cut across denominational lines as well as the theological conservative–liberal division. In other words, it was not just hardline conservatives such as the Presbyterian Lowrie who looked askance upon divorce. When William E. Corey, president of the United States Steel Company, left his wife for another woman in 1906 and sued her for divorce, Lyman Abbott, a theologically progressive editor of the New York *Outlook*, accused him of being an "anarchist." Abbott argued that the church and state could be destroyed but if homes "were left pure," a new church and state would eventually arise. "If the purity and permanence of our homes were destroyed," however, he reasoned, "Church and State would fall into irretrievable ruin, and society would relapse into a condition worse than barbarism."[31] Even the *New York Times* castigated Corey for "wantonly" violating "the most sacred and binding contract a man can make." If prominent business leaders like Corey were "bankrupted in virtue, decency, self-respect," the *Times* wondered, "can they repudiate their promises, fail in their trusts, desert their wives and off-spring, and still be trusted and respected in business?"[32] The fact that the *New York Times* criticized Corey indicates just how widely accepted the sanctity of marriage was and how deeply troubling divorce was considered by many Americans.

Throughout the nineteenth century, Protestants typically established voluntary organizations to remedy social ills that they saw undermining the Christian character of American society. Abolitionist and temperance organizations manifested this Protestant impulse. Not surprisingly, Protestants organized voluntary societies to promote their views of marriage

[30]Phillips, *Putting Asunder*, 466-67.
[31]Lyman Abbott, "The Worst Anarchism," *Outlook* 11 (August 1906): 825-26.
[32]Editorial, "W.E. Corey, A 'Free' Man," *New York Times* (August 1, 1906) 8.

and to reform divorce laws. These efforts represented the third major response to rising divorce rates. The nation's most important Protestant pro-marriage voluntary association, the New England Divorce Reform League, was established in 1881. Samuel W. Dike helped found the organization after he lost his job as pastor of a Congregationalist church in Vermont for refusing to officiate at the wedding ceremony of a divorced man. The bride and groom were members of influential families in his congregation and Dike's refusal to marry them left him without a job. With support from Theodore Dwight Woolsey and other prominent New England Protestants, Dike organized the New England Divorce Reform League, which evolved into the National Divorce Reform League in 1885. From 1881 to his death in 1913, Dike devoted his attention to promoting the idea that marriage was a sacred institution and that divorce was the insidious result of rampant individualism. On the former, Dike preached the same message about the sanctity of marriage that has been summarized above. On the latter, Dike complained that for too long "Christian countries" had "been making more of the individual, and less of the family, as its organic unit." As a result, marriage had been reduced to a mere temporary agreement of convenience that could be kept or abandoned as a person saw fit. He cited Herbert Spencer, who in his *Principles of Sociology* had endorsed a policy of easy divorce laws, as illustrative of the dangers of individualism. Spencer, Dike noted, had declared that the book of Genesis, with its robust view of the sanctity of marriage, to be "antagonistic" to individual liberty.[33] Dike argued that "we must look for a remedy for individualism not in the repression of the Individual, but rather in his growth through the Family and Society into a larger, better Personality." With the memory of the Civil War still fresh in the minds of many, Dike also drew an analogy between

[33]Samuel W. Dike, "Facts as to Divorce in New England," in *Christ and Modern Thought, with a Preliminary Lecture on the Methods of Meeting Modern Unbelief, by Joseph Cook*, 199-228 (Boston: Roberts Brothers, 1881), quote on 218.

the Confederacy and its erroneous understanding of national union as a malleable contractual arrangement and advocates of weak divorce laws. Just like southern states' rights advocates mistakenly thought they could voluntarily withdraw from the Union if they wanted, radical moral libertarianism endangered the family unit and ultimately threatened the well-being of "Christian civilization" with its low views of marriage.[34]

In addition to moral persuasion, Protestant divorce reform organizations also engaged in political activism. Protestant reform societies, such as the American Anti-Slavery Society and the Women's Christian Temperance Union, always looked to the state as a critical means to advance the values they believed served the common good of society. Not surprisingly, the National Divorce Reform League also turned to legislation to help turn the tide of divorce they thought was sweeping over America.

One major problem Protestant divorce reform advocates had identified was the simple fact that divorce laws varied widely from state to state. In Virginia, for instance, the General Assembly liberalized divorce laws in 1853. Consequently, couples could sue for divorce not only for adultery and desertion but also imprisonment, impotence, conviction of an infamous offense

[34]Samuel W. Dike, "Some Aspects of the Divorce Question," *Princeton Review* 2 (1884): 169-90, quotes on 185, 190; S. W. Dike, "The Theory of the Marriage Tie," *Andover Review* 17 (1893): 676-78. Protestants were certainly not the only Christians troubled by rising divorce rates. The Roman Catholic Church was equally alarmed. Catholics and Protestants disagreed not only over the requirement of celibacy for priests but also over the sacramental nature of marriage; they nevertheless both typically affirmed that marriage was a lifelong monogamous commitment. In his 1864 *Syllabus of Errors*, Pope Pius IX identified ten errors regarding Christian marriage, including, for instance, "The Church has not the power of establishment of diriment impediments of marriage, but such a power belongs to the civil authority by which existing impediments are to be removed" and also "in force of a merely civil contract there may exist between Christians a real marriage, and it is false to say either that the marriage contract between Christians is always a sacrament, or that there is no contract if the sacrament is excluded." The Syllabus of Errors Condemned by Pius IX. http://www.papalencyclicals.net/Pius09/p9syll.htm. Sixteen years later, Pope Leo XIII in his encyclical *Arcanum* (On Christian Marriage) expanded on Pius IX's views. He defined marriage as a sacred institution between one man and one women. He identified two key goals of Christian marriage: procreation and the improvement of lives of the married couple. While acknowledging both the religious and civil nature of marriage, he criticized the popular notion that marriage is purely a civil matter which should only be governed by the state. Pope Leo XIII, *Arcanum*. http://www.vatican.va/holy_father/leo_xiii/encyclicals/documents/hf_l-xiii_enc_10021880_arcanum_en.html.

before marriage if the spouse did not know about the crime, proof that the wife had gotten pregnant by another man before marriage had taken place, or if the woman had been a prostitute before marriage. Massachusetts had also loosened divorce laws to include a stipulation that permitted divorce if a partner had been sentenced to seven years in prison or if a spouse had joined a religious sect, such as the Shakers, which considered sexual intercourse immoral. New York, in contrast, maintained remarkably strict divorce laws throughout the nineteenth century. Despite numerous efforts to liberalize its statutes to permit divorce when a spouse was given to drunkenness or engaged in cruel and inhuman treatment of their partner, New York's legislature refused to loosen the binds of holy matrimony. Indiana had the weakest divorce laws of the nation because it did not require couples to provide proof of their residency outside of the petitioners' own affidavits. Consequently, couples flocked to Indiana to get a quick divorce.[35] In the eyes of the Protestant divorce reform movement, the inconsistencies between various state laws enabled couples seeking divorce to move temporarily to states, especially Indiana, where they could obtain a quick and painless release from their matrimonial commitments. Protestant anti-divorce activists were also convinced that weak divorce laws actually encouraged couples to see divorce as a solution to their marriage problems. As Dike put it, "This increase of divorces has quickly and surely followed a relaxation in the stringency of divorce laws." Dike and others pointed to states, such as Massachusetts, which had liberalized their divorce laws and saw subsequent increases in divorce and to states with stricter divorce laws, such as Maine, that had lower divorce rates. As a result, they concluded uniform divorce laws were needed across the nation as well as tighter restrictions on what constituted legitimate grounds for divorce.[36]

[35]Phillips, *Putting Asunder*, 449, 442-43, 444-45, 453.
[36]Dike, "Some Aspects of the Divorce Question," 170-71.

The first step in securing uniform divorce laws was to ascertain unimpeachable evidence regarding the pervasiveness of divorce throughout the nation. After years of lobbying, Dike and the National Divorce Reform League persuaded Congress to commission a study of marriage and divorce. The well-respected statistician Carroll D. Wright of the U.S. Bureau of Labor oversaw the study and in 1889 published *Marriage and Divorce 1867-1887*. Wright's study confirmed the Protestants' greatest fears: Over the past twenty-five years divorce was on the rise. In 1867 alone, 9,937 couples ended their marriages. In 1886, 25,545 couples got divorced. That figure represented more than a 150 percent increase. The growth of the U.S. population explains part of this rise. Between 1870 and 1880 the population rose by 30 percent. During the same period, the annual divorce rate had increased by almost 80 percent.[37] The report also revealed that states which had loosened their divorce laws had higher divorce rates than those which had recently restricted the grounds for divorce.

Evidence also revealed that Americans were getting divorced at a higher rate than Canadians and Europeans. Between 1867 and 1907, 431 Canadian marriages ended in divorce. During the same time period, 1,274,341 American couples divorced. The central explanation for why so fewer Canadian marriages ended in divorce was fairly simple: In Canada couples could not sue for divorce in the courts but instead had to secure a divorce by a special Act of Parliament. American divorces, moreover, outpaced divorces from European countries. In England and Wales, for instance, divorces grew more than 500 percent between 1867 and 1910. In actual numbers, it rose from 119 in 1869 to 588 in 1910. In Belgium, there were 55 divorces in 1860 and 373 in 1890. Figure 1 illustrates how the American divorce rate outpaced those of

[37]Carroll D. Wright, *A Report on Marriage and Divorce in the United States, 1867 to 1886* (Washington, D.C.: Government Printing Office, 1889), 139-40; Phillips, *Putting Asunder*, 462.

several European countries between 1860 and 1910.[38]

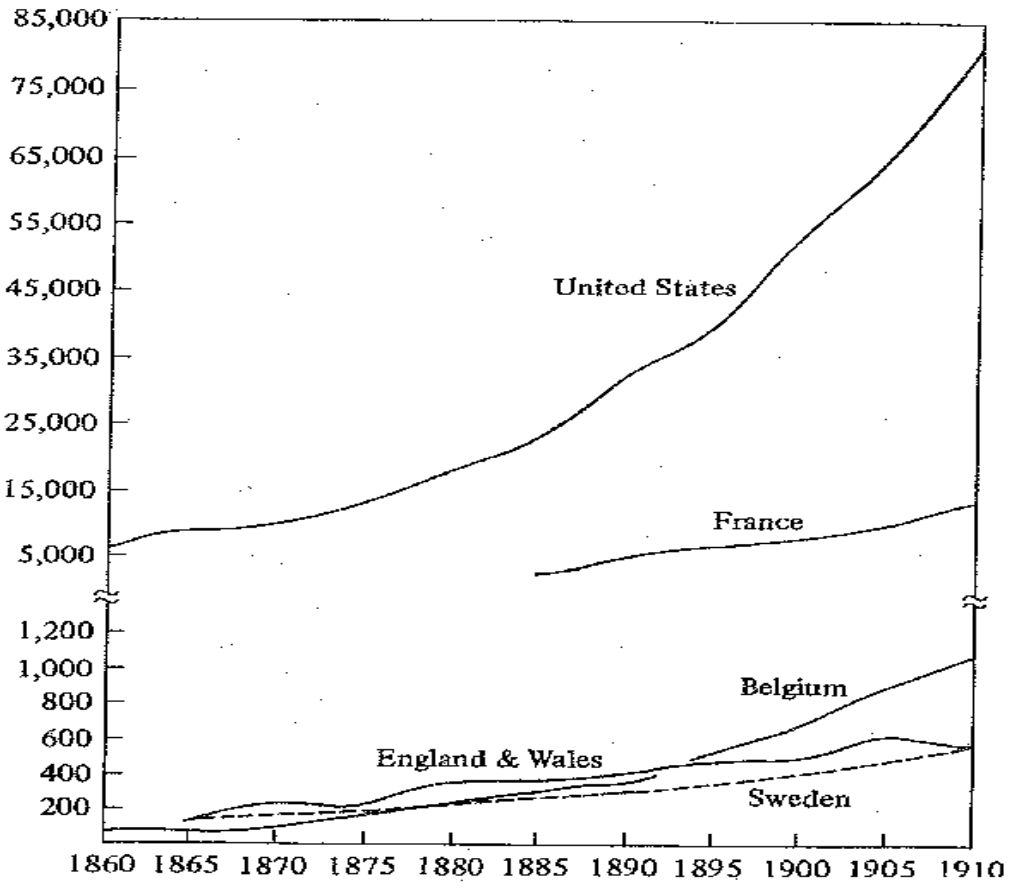

Figure 1 (Source: Roderick Phillips, *Putting Asunder: A History of Divorce in Western Society* (New York: Cambridge University Press, 1988), 463.

Outside of America, observers looked at the climbing divorce rates in the United States as illustrative of Americans' moral inferiority, and more specifically, as one critic put it, of their "general carelessness with regard to the marriage tie."[39]

As a result of this troubling evidence, Protestant reformers worked toward establishing

[38]Phillips, *Putting Asunder*, 465, 462-63.
[39]Phillips, *Putting Asunder*, 464.

uniform divorce laws across the nation. Consistent laws, they believed, would not only help eliminate migratory divorces but also reduce the total number of divorces by making it more difficult to obtain them. Reformers argued that if each state enacted laws requiring couples to wait several months between the time they applied for a divorce and then had their divorce case heard in a court, it could allow couples to rethink their decision. They also thought that creating a waiting period before a divorcée could remarry would have a similar effect. Finally, they wanted to eliminate all loosely defined causes of divorce, such as omnibus clauses which permitted divorce for "misconduct as permanently destroying the happiness of the petitioner and defeating the purpose of the marriage relation," as Connecticut's divorce statute put it. The anti-divorce reform movement also began lobbying Congress in 1884 for a constitutional amendment defining marriage. But such efforts, ironically, failed because states' rights conservatives opposed such an amendment on the grounds that it would undermine the states' legal right to regulate the marriage status of their citizens. Other critics complained that the amendment would threaten people's privacy.[40]

While efforts to pass a constitutional amendment regarding divorce floundered, the final decade of the nineteenth century and the first of the twentieth century saw several attempts to lobby state legislatures and Congress to institute uniform divorce laws. In the early 1890s, New York, Massachusetts, Pennsylvania and several other states established commissions to explore the possibility of creating uniform divorce laws. This movement led to the establishment of the National Conference of Commissioners on Uniform State Laws in 1892. The National Conference, however, failed in its objective because state representatives could not reach a

[40]*Report of the National Divorce Reform League, 1889* (Boston, 1890), 13-15, 20, quoted in Glenda Riley, *Divorce: An American Tradition* (1991; rept., Lincoln, NB: University of Nebraska Press, 1997), 111; Phillips, *Putting Asunder*, 442.

consensus about the legal grounds on which a state should grant divorce. Protestant churches also lobbied for uniform divorce laws. The Protestant Inter-Church Conference on Marriage and Divorce, which represented twenty-five denominations, lobbied Congress and President Theodore Roosevelt for uniform divorce laws in the first decade of the twentieth century. Roosevelt was an outspoken proponent of uniform divorce laws. He said that marriage was "at the very foundation of our social organization" as a nation and called divorce "one of the most unpleasant and dangerous features of American life."[41] These lobbying efforts led to yet another survey of marriage and divorce trends in the United States which again demonstrated more marriages were ending in divorce.

Between 1867 and 1906, the divorce rate increased dramatically. From 1887 to 1891, there were 157,324 divorces, which represented a 34.1% increase over the previous five years. (See Figure 2.) In the period 1902 to 1906, there were 332,642 divorces, which was 27.6% higher than the previous five years.[42] In 1906, Pennsylvania Governor Samuel W. Pennypacker helped establish a National Congress on Universal Divorce Laws. The National Congress met, but again no consensus could be reached on what constituted a legitimate ground for divorce. The same occurred in a national gathering sponsored by the National League for the Protection of the Family in 1913. In 1913, the Episcopal, Methodist, and Roman Catholic churches joined the General Federation of Women's Clubs, and the California Commission on Marriage and Divorce to lobby Congress for a constitutional amendment, but it too failed for the same reasons that early efforts collapsed.[43]

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[41]Department of Commerce and Labor, *Marriage and Divorce, 1867-1906* (Washington, D.C.: Government Printing Office, 1909), 1:4.
[42]Department of Commerce and Labor, *Marriage and Divorce, 1867-1906*, 1:9.
[43]Riley, *Divorce*, 110-20.

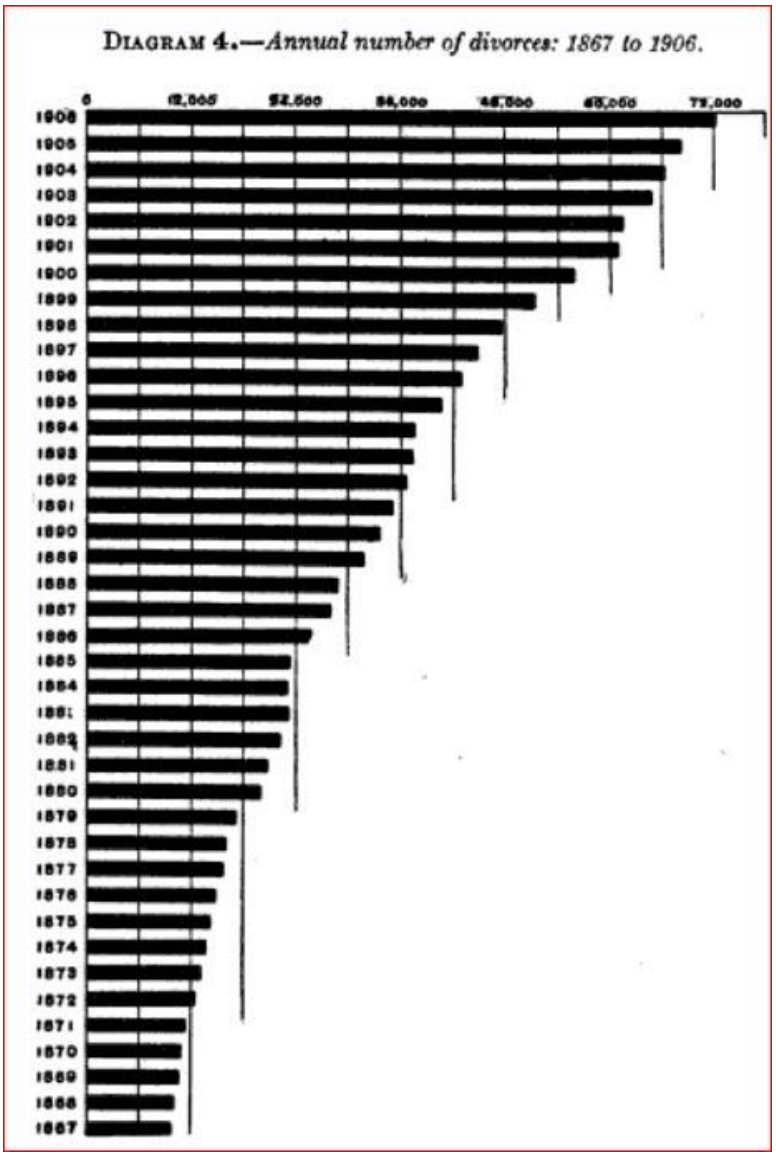

Figure 2 (Source: Department of Commerce and Labor, *Marriage and Divorce, 1867-1906* (Washington, D.C.: Government Printing Office, 1909), 1:12.

Conclusion

In 1887, Charles Franklin Thwing, president of Western Reserve University and a theologically liberal Congregationalist minister, identified adultery, desertion, drunkenness, and negligence as the primary sources that led to divorce. But the sin behind these sins, Thwing reasoned, was individualism. “Any movement,” he wrote, “to restore the family to its high place,

both for the sake of the good influences of which it is the part, and for the sake of repressing an undue and perilous individualism, is of great importance."[44] When the well-known historian and sociologist George E. Howard published a popular article advocating a relaxation of divorce laws, Dike attacked him for promoting a dangerous individualism. Howard dismissed Dike by claiming that marriage was simply a social institution "to be freely dealt with by men according to human needs."[45]

In his recent work, *To Change the World: The Irony, Tragedy, and Possibility of Christianity in the Late Modern World*, the sociologist James Davison Hunter contends that Christian activists cannot effectively change culture through evangelism, political action, and social reform because they wrongly assume that the essence of culture is found in the hearts and minds of individuals and also that political action, such as legislation, is the most effective means for altering individuals' values. Instead, Hunter contends, culture lies upstream from politics.[46] The failure of the divorce reform movement illustrates Hunter's thesis. While the divorce reform movement protested rising divorce rates and lobbied for stricter laws against divorce, they proved ineffectual. Dike seemed to admit the fact that the divorce reform movement was unable to stem the tide of individualism when he acknowledged that the "chief roots of the evil are not in our laws but in our social life."[47] Although Dike and other Protestant reformers might have momentarily identified what the source of the problem was, they proved to be unable to swim upstream against the rising tide of individualism. When Samuel W. Dike passed away in 1913,

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[44]Charles Franklin Thwing and Carrie F. Butler Thwing, *The Family: An Historical and Social Study*, rev. ed. (Boston: Lee and Shepard, 1887), 109.
[45]*Papers and Proceedings of the American Sociological Society*, 3 (Chicago, 1909), 180, quoted in William L. O'Neill, "Divorce in the Progressive Era," *American Quarterly* 17 (1965): 215.
[46]James Davison Hunter, *To Change the World: The Irony, Tragedy, and Possibility of Christianity in the Late Modern World* (New York: Oxford University Press, 2010).
[47]Samuel W. Dike, undated from draft of a letter to the editor of the *Congregationalist*, quoted in O'Neill, "Samuel W. Dike and the Hazards of Moral Reform," 164.

the National Divorce Reform League folded. A decade earlier, the novelist, historian, and agnostic H.G. Wells predicted "a considerable relaxation" in "the institution of permanent monogamous marriage" as well as decline in traditional sexual standards.[48] The fact that a hundred years later roughly half of all marriages end in divorce would have likely caused nineteenth-century Protestants to despair, although this fact probably would not have troubled Wells. Neither, however, may have been surprised by the development.

This brief survey of nineteenth-century Protestants attitudes toward marriage and divorce might raise impertinent questions for many today who are troubled by the state of the family in America. Given the prevalence of domestic abuse, some might ask if adultery and desertion are really the only legitimate moral grounds for divorce. Although this paper did not explore the issues, others might wonder how nineteenth-century Protestant conceptions of the complementary nature of gender roles, the subordination of wives to husbands in particular, as well as the inferior legal status of women also contributed to a climate that made divorce an increasingly attractive option for women mistreated by their husbands despite Protestants' insistence that marriage was a lifelong commitment. While the liberalization of divorce laws began in the nineteenth century, it was not until Ronald Reagan signed the nation's first no-fault divorce law in California in 1969 did the trend have a major impact upon the family. Although he later supposedly called no-fault divorce a mistake, some might ask if today's conservative movement criticizes individualism or promotes it. What does it say, moreover, about the "conservative movement" when so many of its leaders are divorced and remarried? The answers to these questions could provide political activists, pastors, and pundits plenty to discuss.

[48]H.G. Wells, "Anticipations: An Experiment in Prophecy–II," *North American Review* 173 (1901): 73-74; O'Neill, "Divorce in the Progressive Era," 210.