

THE SECULARIZATION OF DOMESTIC RELATIONS

NINETEEN CENTURIES OF
CHURCH VERSUS SEX

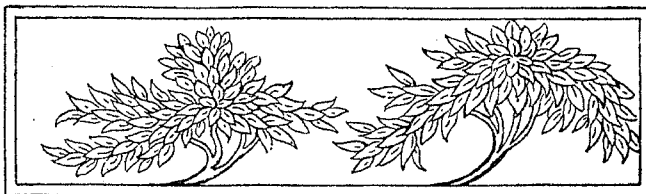
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During the past two thousand years of Western history the family has been the scene of marked shifting and tacking. These developments when analyzed seem to reduce to three or four major concerns: first, the reducing of the patriarchal *patria potestas*; second, the attempted substitution of ecclesiastical control for the old power of the patriarchate; third, the stimulation of individualism by the Protestant Reformation and the Industrial Revolution; fourth, the replacement of ecclesiasticism by secularism in domestic relations. If there is such a thing as cyclical or spiral movement in social history, no better example of it could be found than in these twenty centuries of domestic relations. The purpose of this paper is to indicate some of the reasons for this shifting of the plane of family activity and family control.

Four chief factors have conspired to promoting the secularizing of domestic relations, namely, the ineptitude of the Church, the development of the modern great State, the cumulative economic expansion of the last five centuries culminating in the Industrial Revolution, and the development of the critical spirit and modern science. I shall confine myself mainly to the first.

The Christian Church never has succeeded in handling

effectively the problems of sex life. That sturdy realist, William Graham Sumner, ordained minister though he was, always insisted that the reason lay in the fact that the Church "never was on the level of the better mores of any time"; that it was never an inspirer or leader, but rather an opportunist interpreter of mass clamors. We may disagree, but we know that the Church was colored by the world, by economics, by politics, and by its parti-colored heritage of confused religious and moral standards. To my mind the chief reason why the Church has never succeeded in offering a satisfactory solution to the problem of domestic life is that it has wobbled in its own thinking about the subject. It was torn between two allegiances, distracted by two opposing sets of ideas. On the one hand, the Kingdom of Heaven is not of this world, so sex matters are of no concern. On the other, salvation must be achieved, through or in spite of sex and of domestic responsibilities. Churchmen have never agreed whether sex is holy or vilest of the vile.

The early Church attempted to harmonize or compromise with three different social codes, the Hebrew, the Roman, and the primitive Christian as modified probably by Greek and Egyptian influences. From the Hebrew came the idea of the subordination of women, the almost scandalous toleration of divorce, and a strong prejudice against celibacy. Indeed, the whole body of Jewish thought repudiated anything savoring of asceticism or monasticism. The Essenians were perhaps the only striking exception. From the Roman came also the toleration of divorce, a certain laxity of sexual conduct, and a growing concept of the equality of the sexes before the law and in the home. In the early Christian code itself many conflicting notions appeared, resembling in some ways the antinomies in the Buddhistic and particularly the Brahministic codes. All three unite in praise of virginity as man's highest estate. Brahminism and Christianity agree in the ascetic ideal of marriage as a concession to human frailty.

Brahminism compromises with popular ideas about the blessings of fertility; for ancestor worship usually comes in as the practical argument for marriage even when celibacy is regarded as a condition of great sanctity. Christianity seems to have taken the attitude of *laissez aller*, *laissez faire* until He come.

The obvious result of this confusion was an attempt, unsuccessful in all ages, to straddle the doctrines of virginity and the inviolable sanctity of marriage. Here and there a man like Chrysostom saw clearly and used his common sense to excellent purpose. But the Church as a whole from Paul to Augustine, from Augustine to Gratian, from Gratian to Luther, never attained a coherent, straightforward body of truth on marriage and the family.

The uncertainty is traceable in part at least to Jesus' own teaching and life. He was celibate himself, but neither urged nor exalted virginity. He merely recognized that men might become and remain eunuchs for conscience's sake. Nor did he praise marriage; yet his first miracle occurred at a wedding, and he used repeatedly in his teaching the metaphor of the happy bridegroom. Neither married nor unmarried, barren nor fruitful, received special privileges in the Kingdom. Apparently the redeemed are beyond marriage. His friends included virgins, married women, and courtesans. Apparently he treated women as his equals. His own origin is strangely surrounded with myth and legend. He used many metaphors chosen from domestic circles: our Father, brethren, the prodigal son, the new birth, the Father's house with its many mansions.

But it is equally easy to show that Jesus regarded lightly or at least never acknowledged a single tie of the flesh. We have no record of his ever calling any man father. In Matt. 23:9, he directed his followers to call no man their father upon earth, for one is your father which is in heaven. In Matt. 12:48 and Mark 3:33-5 he asks, Who is my mother, or who

my brethren? and answers, Whosoever shall do the will of God, the same is my brother, and my sister and mother. Again in Matt. 10:37 he declared that he that loveth father or mother more than me is not worthy of me. In the matter of divorce we are scarcely more reassured; for in Mark and Luke Jesus prohibits divorce on any score whatever, but in Matthew allows it for fornication. On the whole he seemed to lay down the principle that marriage is or ought to be spiritual, and therefore in its very nature indissoluble. Only spiritual marriage is real marriage, just as adultery is essentially mental. Let me make that doubly clear: Jesus made adultery the sole cause for divorce; but since he looked at matters always with spiritual eyes, he proclaimed that adultery might occur in the mind without actual carnal expression.

Here are already implicit the problems over which theologians and legislators were to dispute for centuries: spiritual kinship, spiritual marriage, virginity, divorce, the position of women. The very loftiness of Jesus' teaching offered to men on a lower spiritual plane many loopholes for quibbling, inconsistency, and legitimate doubt.

The general impression one gets from the apostolic teachings on domestic affairs is a rather sour-visaged misogyny, crabbed asceticism, and a temporizing attitude in view of the speedy end of this world. Both Peter and Paul considered marriage on a lower plane than did their Master. This attitude is so patent that some modern psychologists are inclined to believe that Paul was naturally psychopathic, and that his trouble was aggravated by a study of Plato! It may well be that he represents a case of the so-called "balked instinct"; and this holds true whether we believe him to have been married or not. At best he is a contradictory figure, now honoring women and marriage (as in Eph. 5:28, 33), now disparaging them. Marriage is a concession to avoid fornication or idleness and busyboding; marry if you must, says this ascetic, but it is better to remain even as I. If anybody

is the victim of a yoke with an unbeliever, and the unbeliever wishes to depart, let him depart. Celibacy frees both man and maid for the service of the Lord. But, if one is married or not, let well enough alone, make the best of it. Divine grace is not propagated by the human process of generation; it is direct from God. Avoid fornication and second marriages. Wives, obey your husbands and keep silent in church. Such is the substance of the Pauline teaching. Peter is not quite so drastic. But he counsels the avoidance of fleshly lusts and the subordination of women to their husbands.

On the whole these two most influential apostles seem to stand for maintenance of the traditional Hebrew family in which woman was a mere dependent. Both were ascetic. And Paul was all but contemptuous. It would be easy indeed to impute to him Schopenhauer's famous cynicism to the effect that marriage is halving your rights and doubling your duties. Paul's attitude recalls the little Chinese mission boy who got his golden text twisted into "Ye cannot serve God and Madam." The chief distinction between this apostolic teaching and that of Jesus is that between marriage as carnal concession and marriage as spiritual symbolism.

This distinction continues right through the Church Fathers. They followed Paul and the letter rather than Jesus and the spirit; the rabbinical rather than the prophetic Jesus. The basic source of misunderstanding seems to have come through conceiving Jesus as a law-giver instead of a spiritual teacher. Luther indicated this error in his exegesis upon the Sermon on the Mount. "Christ," he says "(and of course Paul as well) here makes no ruling or enactment like a jurist or regent in things external, but simply as a preacher who instructs the conscience so that the law of divorce may be rightly used."

While in general the patristic writings let go the obsession of an early second advent, the end of the world, they nevertheless retain almost entirely the letter of those apostolic

teachings which were designed for a very brief temporal interregnum to be followed by an everlasting and wholly spiritual kingdom. They had a difficult job, or rather three difficult jobs: first, to work out a *modus vivendi* for a spiritual kingdom whose subjects were mortal men and women; next, to harmonize at least three well-defined social codes; again, to straddle the opposing doctrines of virginity and sacramental marriage. Perhaps we ought to add another, most difficult of all, namely, how to formulate a definite code, absolute in its prescriptions, yet elastic enough to work in a world of change.

It is clear to any student that none of these tasks was ever fully accomplished. The Church Fathers and their successors never have been united on any one of these points.

First, as to marriage and its purpose. The early Fathers, like St. Paul, depreciated marriage as an unworthy concession to the flesh, as a fleshly indulgence instead of a high type of spiritual kinship. Their guiding text was St. Paul's "It is better to marry than to burn." Or they could appeal to Rev. 14:4, where Christ's intimate associates in the Kingdom to come are 144,000 holy men: "These are they which were not defiled with women; for they are virgins." Marriage was frequently called a "defilement," and even "truly fornication." There is a tradition which charges Jerome with teaching that, "Marriage is always a vice; all we can do is to excuse and cleanse it." Bishop Eustathius of Cappadocia asserted that married people could not attain salvation, and forbade the offering of prayers in their homes. The Gnostics and other sects systematically condemned marriage as contamination and assumed the ascetic attitude, which, though officially and repeatedly proscribed by some early churchmen, nevertheless gained headway and finally dominated Christendom. From such men as Ignatius, Justin Martyr, Irenaeus, Clement of Alexandria, Tertullian, Cyprian, Lactantius, we gather the impression that though marriage may not be a positive and

mortal evil yet it is to be regarded as a concession to human frailty.

Tertullian is a typical bundle of contradictions. Although in violent language he accused Marcian of forbidding marriage and exalting virginity, he himself once wrote:

'Better it is to marry than to burn,' is to be understood in the same way as 'Better it is to lack one eye than two'. . . . The Lord Himself said, 'Whoever has seen a woman with a view to concupiscence, has already violated her in his heart.' But has he who has seen her with a view to marriage done so less or more? What if he have even married her?—which he would not do had he not desired her with a view to marriage, and seen her with a view to concupiscence; unless it is possible for a wife to be married whom you have not seen or desired. It is laws which seem to make the difference between marriage and fornication; through diversity of illicitness, not through the nature of the thing itself. Besides, what is the thing which takes place in all men and women to produce marriage and fornication? Commixture of the flesh, of course; the concupiscence whereof the Lord put on the same footing with fornication. 'Then,' says some one, 'are you by this time destroying first—that is, single—marriage too?' And not without reason (if I am), inasmuch as it, too, consists of that which is the essence of fornication. Accordingly, the best thing for a man is not to touch a woman; and accordingly the virgin's is the principal sanctity, because it is free from affinity with fornication.

Race suicide is an ultra-modern term, but its content was known and definitely taught centuries before Tolstoi approved it and Schopenhauer prescribed it as the only remedy for universal *Weltschmerz*. The Upanishads reveal its grip on the mind of ancient India. Tertullian considered it absurd for a Christian to desire children; for why should a man desire heirs or rejoice in the possession of them if he must wish their speedy removal from this dangerous world? Augustine was not daunted by the prospect: "I am aware," he says, "of some that murmur, 'What if all men should abstain from

sexual relations, whence will the human race subsist?" I answer, much more speedily would the City of God be filled and the end of the world hastened."

It is not to be wondered at, then, that the Church decided to make the best of a bad job by accepting and sanctioning the existing temporal forms of marriage. Two reasons dictated this policy. First, the general attitude of *laissez aller*, suffer it to be so now, the marriage state being only one of the numerous inscrutable disciplines by which we school ourselves for the glorious liberty of the saints. Second, a desire to placate the powers of this world, the pillars of a society based upon property and power. The chief activity of the Church directed itself toward the task of keeping marriage within bounds, hence to enforcing rules against plural and sacerdotal marriage, or relating to marriage disabilities, such as those resulting from affinity or nearness of kin; to devising restraints upon divorce and remarriage; and to administering matrimonial law. Unequal success attended these several objects.

As to the sacramental character of marriage, it is true that occasional references occur to show that many loyal Christians have sought from the earliest days the sanction and blessing of the Church. Ignatius in an epistle to Polycarp speaks of marriage being blessed by priests in the presence of the congregation. But for two reasons this never could have become general for at least a thousand years, namely, the general ascetic attitude and the varying local customs to which the Church must adapt itself. Hence, while according to medieval Christian doctrine marriage was and always had been a sacrament, and while Church leaders did not scruple to resort to forgery to reinforce their claims, still neither vows nor religious ceremonies were requisite or customary for its celebration until well into the tenth century. Betrothal of early canon law was Roman betrothal, a free, civil agreement, which constituted real marriage. The priestly benediction was

without legal significance, and, so far as the law went, corresponded to the old fertility charms of savage medicine men. Only in the sixteenth century do we find a general requirement that marriage shall be performed in the body of the Church, though from about 1164 it was regarded as one of the seven sacraments. How absurd the whole thing appears when you stop to consider that canon law held marriage to be a sacrament but not a means of grace, a sacrament but still only a remedy for fornication. How sensible people could ever have expected to work out a satisfactory practical application of such antipodal principles must remain one of the great mysteries.

The condemnation of second marriages evoked expressions scarcely less than grotesque from certain Church Fathers. Perhaps Jerome's bitter remark likening second marriage to a dog returning to its vomit was the coarsest. On another occasion he asserted that when the clean animals entered the ark by sevens, and the unclean ones by pairs, the odd number typified the celibate, and the even the married condition. Even of the unclean animals but one pair of each kind was admitted, lest they should perpetrate the enormity of second marriage. The kindest comment we can offer upon such drivel is to call it whimsical. Other writers roundly dubbed tandem marriages, particularly fourth marriages, as adulterous. But Augustine condemned such strictures as unscriptural.

In working out its prohibition of marriage between relatives within certain degrees the Church created a limbo territory within which its own pronouncements against divorce could be nullified. Marriage was forbidden between blood relatives, relatives by marriage, relatives by adoption, and spiritual relatives. We shall see how later, under canon law, these terms were bandied about to the undoing of marriage sanctity and stability.

In the matter of divorce patristic doctrine and practice

varied widely. Hermas in the second century accepted divorce for a number of causes but condemned remarriage. This was a compromise between Jewish prejudice against compulsory celibacy and the radical Christian fathers who stood against divorce altogether. But Tertullian, various bishops of the third century and councils of the fourth, Lactantius Firmianus, Epiphanius, Basil, Chrysostom, Gelasius, Theodoret, Asterius, and the Apostolic Constitutions all permitted remarriage after divorce. Jerome and Augustine accepted divorce but forbade remarriage. Origen admitted divorce but said nothing about remarriage. The general opinion favored only separation, with its possibility of penitence, pardon, and reconciliation. And in the fourth century the Councils of Elvira and of Arles made this prevailing opinion a law of the Church. But it was a law much honored in the breach. The whole Eastern Church took the less strict view and has always enjoyed extensive liberty of divorce with the right to remarry. The Western Church, on the other hand, compromised and hedged, never quite sure of its own mind, partly for reasons of expediency: first, in competing with Roman law and custom; second, with native jurisprudence which allowed divorce; third, in winning support of powerful temporal sovereigns. Centralized power in the hierarchy and missionary success were at stake. Even as late as the Council of Tours (1061) bishops were allowed to grant divorce and the right to remarry. Only with the codification of the canon law in the tenth to twelfth centuries was divorce with the right to remarry formally banished. And then only in theory; for escape was possible by circumvention, by the doctrines of nullification, voidable marriage, and the supremacy of religious over marriage vows.

In this connection it is pertinent to recall the reforms of the twelfth century whereby wives of the clergy were seized and turned over to the Church (often as slaves), and the Lateran Council's declaration in 1095 that the sacrament of

marriage was less potent than the religious vows. We might add that the Anglo-Saxon church authorities permitted divorce to those who "prefer exalted chastity to scandalous lust." In the period of temporal aggrandizement church leaders did not scruple to play favorites with the rich and powerful. Lea says, for example, that when Charlemagne "grew tired of a wife, he simply put her aside, nor would [Pope] Adrian or Leo have thanked the meddling fool who counselled interference."

Scarcely more consistent was the position of the Church with regard to the relative status of members of the family. We are told that Christianity curtailed the *patria potestas* and exalted the position of women; that it stood for equality of the sexes, there being neither male nor female in the Kingdom; that by imposing duties on the part of the husband as well as the wife it stepped distinctly in advance of paganism. Thwing says that the "first home in which husband and wife were regarded as equal was the home founded upon the principles which Christ taught." But this is hardly accurate. In the first place, long before the Christian era there were people and homes in which men and women were to all intents and purposes equal. Again the principles of Christ were not followed by the Church, even by the apostles. Official Christianity reduced the legal status of the wife to subordination to her husband even while maintaining vehemently her spiritual equality. To be sure Christian apologists like Schmidt hold that the Fathers conceived woman's submission to man as her head as a free submission in love. If they did, the concept attained little practical significance within church or family walls. The attempt to distinguish between subordination and subjection of women has always failed to convince. However good the churchman's intention the two ideas tended constantly to merge or to result in such dialectic monstrosities as a modern Jesuit's characterization of woman as the "subordinate equal of man."

Women were excluded early from all responsible offices in the Church. Label this fact conservatism, conforming to folkways, common sense, or theological dogma, the fact itself stands in boldest relief. If anyone doubts that the orthodox Christian Catholic tradition has been to subordinate women in church affairs and to exclude them from high church functions like the priesthood, let him read the debates summarized in the introductory chapter of *The Place of Women in the Church*, a symposium of twentieth-century English churchmen and women. That the Twelve Apostles were exclusively males, likewise the Seventy; that the Lord's Supper was instituted by men only; and that the evangelistic charges were delivered to men alone, led churchmen to conclude that there were functions and responsibilities which at the first our Lord assigned to men and did not assign to women. As regards spiritual privilege there was entire equality between the sexes. As regards religious vocation and public duties there was no such identity. All branches of the Church have hitherto interpreted this testimony of the Gospels to mean that the Government of the Church and the responsibility for the Ministry of the Word and the Sacraments were intrusted to men.

Paul accepted this textual "proof." So did Augustine. These theologians preferred the second chapter of Genesis to the first because it put woman in her proper place as derived from man, therefore secondary to him. Apparently only an occasional lone voice was raised in protest. One of these, Bishop Callestus of Rome, demanded equal privileges for women, but his voice was drowned out and he was denounced as a heretic. It did not avail to show that women occupied priestly offices in both pagan and heretical circles. These texts stuck and were accepted for eighteen hundred years. Even Utopists like Andreae in his *Christianopolis* perpetuate the traditions of Paul and medieval Christianity: "In the Church and in the Council Hall they have no voice, yet none the less do they mold piety and morals. . . .

Women. have no dominion except over household matters. Nor does she tire of attending to the wants of her husband."

The single standard of morals was never taken very seriously by church leaders. It is true that councils sometimes excommunicated both men and women for adultery; but savages sometimes went farther and cut to small bits both parties to adultery. The single standard of morals at Rome in Ulpian's time (ca. A.D. 200) indicates woman's equal rights. He wrote: "It would be inequitable to the last degree if a man demanded chastity from his wife when he himself in no way set her the example." Gaius, writing about A.D. 150, says: "There is no reason of any weight whatsoever why persons of the female sex who are of full age should remain under guardianship; for the commonly expressed opinion that if they are not they would by reason of their thoughtlessness be in greater danger of being cheated, and that it is therefore more equitable that they should be under the control of a guardian, would seem to be more plausible than true." And Modestinus in his *Corpus Juris* (ca. 200) gives us a definition of marriage all the more surprising in that it proceeds from an age of supposed incomparable domestic corruption; he calls marriage "a union of man and woman for the establishment of a community of their whole life, and for the conferment upon one another of all rights whatsoever whether connected with things human or divine."

The spirit of the medieval Church contradicted that of Christ; for whereas he had made woman the peer of man in the spiritual state, the Church subordinated her, and by a legal fiction declared her—once married—to have lost her own existence as a separate personality. I can scarcely imagine anything more debasing. Canon law went on the principle that marriage was a necessary evil; and that since woman brought evil into the world she ought to be the man's slave. Her husband as her head had the right to chastise and im-

prison her. She owed unquestioning obedience. She could not secure divorce for cruelty because her husband could always successfully plead that he was exercising his marital power of correction. Nor could she receive a decree of separation on the ground of her husband's adultery alone—"for the wife had no right to inquire into the conduct of her superior, whom she ought to presume to be chaste." She must regard the evil habits and ill treatment of her husband as "God's will and a cross which she must bear for the expiation of her sins," for the sin, in a word, of being a woman. By the invention of "sacramental marriage" and "restitution of conjugal rights" a celibate clergy naturally hostile to women could always compel a woman to return to the authority of her husband.

The Reformation improved the theological but scarcely the legal position of woman. She had no separate property rights, was legally a minor, without a legal personality, and without right to her own children so long as the marriage remained intact. She was her husband's property; he could bring an action for damages against her accomplice in adultery. Law was still in Latin, and she was not educated in that language. Moreover, she no longer had the cloister as a refuge from unhappy marriage.

Hence it would appear that neither theoretically nor practically did the Christianity of earlier centuries advance the recognition of woman's worth or status in the family. That the elect of the Church sitting in solemn council could engage in a puerile discussion over whether woman had a soul, or could relegate her to subordination because Eve ate an apple in a mythical garden, tends to make us discount the pretensions of the Church as church on behalf of woman. I am quite aware that apologists deny this tradition and attribute it to misinterpretation of a passage in Gregory of Tours. However, no less a personage than Augustine seems to have questioned whether woman is the image of God. Worse still,

he decides that she is not, therefore must veil her head and be denied permission to teach or have dominion over her husband. In view of such attitudes there is considerable justification for Ellen Key's outspoken declaration that "sexual slavery in matrimony, never discountenanced by the Church, intensifies in woman all the vices which man later called 'woman's nature.' "

If it be argued that the Church improved woman's position by fixing the habit of permanent monogamy and by prescribing plural marriage, it is only necessary to reply that the Church has been only one factor in a complex of conditions which tended toward monogamy, that it at times actually permitted and tolerated plural marriage, and that good Christian people in all ages have considered monogamy a mistaken policy. For rigorous monogamy meant, as things were, concubinage and prostitution. In any event, it was less a deliberate concern for woman's welfare than asceticism which dictated such a policy. Moreover, while it may be true that no Christian tomb has been discovered bearing an inscription to a concubine, it by no means proves that Christians never had concubines. Charlemagne, who was not untypical, repudiated his first two wives, and after burying the fifth introduced four concubines into his family circle. In medieval Germany concubinage was tolerated as a left-handed sort of polygamy. On the whole, then, that humanitarianism which has been leading to, among other things, the emancipation of women grew not out of the Church but out of the new fund of economic power and intelligence resulting from the world-expansion through invention, commerce, and the new learning at the end of the Middle Ages. While the modern Church espouses quite generally the cause of woman, it is because the secular mores of the last five hundred years have compelled it to do so.

It was therefore something more than mere peevishness or wilfulness which prompted that famous pronouncement of

the Fifth National Convention in the Interest of Woman's Suffrage in 1860. The Convention after a long discussion of such "textual proofs" as seemed to satisfy Paul or Augustine declared that "consulting the Bible for opinions as to woman's rights is of little importance to the majority of this Convention," and proceeded to adopt this resolution:

That while remembering and gladly acknowledging the exceptional cases which exist to the contrary, we feel it a duty to declare in regard to the sacred cause which has brought us together, that the most determined opposition it encounters is from the clergy generally, whose teachings of the Bible are intensely inimical to the equality of woman with man.

The same sentiments were expressed that same memorable year in an appeal to the women of New York issued by such leaders as Susan B. Anthony, Lydia Mott, and Elizabeth Cady Stanton. The appeal declares flatly:

The religion of our day teaches that, in the most sacred relations of the race, the woman must ever be subject to the man; that in the husband centers all power and learning; that the difference in position between the husband and wife is as vast as that between Christ and the Church; and that woman struggles to hold the noble impulses of her nature in abeyance to opinions uttered by a Jewish teacher, which, alas! the mass believe to be the will of God.

There would be little point to such outbursts if they represented attacks upon a social situation two thousand years ago. Nor can we blame church leaders of that time for accepting the relative position of the sexes or closing their eyes to such common facts as slavery or subordination of women in view of an imminent second advent. But such resentment is entirely understandable when it is fully grasped that the Church has tended to universalize and to enforce as an inspired pattern of law and practice a relationship between man and woman which was extremely local in both time and geography.

If we turn now to the matter of prostitution we find that the Church has never stood as a unit. Remember that prostitution is not purely a moral problem: it is also a function of the prevailing marriage system and of the standard of living. While nominally the Church stood against all forms of fornication it cannot be denied that practically it winked at prostitution and even commercialized vice. Augustine looked upon prostitution as a necessary moral sewer for human society. Houses of public prostitution were founded and maintained by bishops and patronized alike by clergy and laity. In one German brothel priests could enter by day but not by night! Fifteenth-century German convents are described as brothels. In Wicklif's time "the Bishop of Winchester obtained a handsome rent from the stews of Southwark." Paul Sabatier, in his *Life of St. Francis of Assisi*, says:

Pierre of Limoges feared that his monastery would be transformed into a fair ground; members of the chapters of most of the cathedrals kept wine shops literally under their shadows, and certain monasteries did not hesitate to attract custom by jugglers of all kinds and even by courtesans. To form an idea of the degradation of the greater number of the monks it is not enough to read the oratorical and often exaggerated reproofs of the preachers obliged to strike hard in order to produce an effect. We must run through the collection of bulls, where appeals to the court of Rome against assassinations, violations, incests, adulteries, recur on almost every page.

Lupanars of Southern Europe are said to have been recruited from female pilgrims to Rome or Palestine who ran short of money. And reputable authorities assure us that it was syphilis and not any moral or religious influence that put an end to these municipal or church-owned brothels. We get a glimpse of the prevalence of venereal disease from Luther's observation that even "boys in the cradle are plagued with this disease"; and from his considering it one of the "great signs of the coming of the Last Day." But remember that

Luther and other reformers, in spite of this plague, advocated both polygamy and prostitution in preference to divorce.

If we examine next the effect of the Church upon the status of children in the family, we shall find, I think, that their lot has not been measurably improved. Christianity stood strongly against infanticide, abortion, and exposure or sale of infants. But it is possible that infanticide was not so common as is popularly supposed, particularly in the Mediterranean and Germanic countries. Tacitus declared that the ancient Germans considered it infamous to limit the number of their children or to destroy them. The Christian taboo upon abortion, or rather the prevention of conception, has always been and is yet a debatable social policy. Moreover, the exposure of deformed children has only ceased, in all probability, because an increasing social surplus enables modern peoples to provide for such dead weight. Until comparatively recent times they were exposed in some poor but nominally Christian regions. In our own midst the unwelcome child may die through conscious neglect, or the defective be allowed to live according as maternal tenderness is absent or present. But maternal tenderness has little to do necessarily with religion of any sort; it is a combination of instinct and social pressure. As to the sale of children, we know the somewhat passive attitude of the Church on slavery. It may be noted that even as late as the twelfth century the English sold their children and other relatives; the Irish were the largest purchasers. In southern Italy as late as 1880 country people sold their children "by regular contract duly attested before local mayors." In general these phenomena result from hardness of life, or, in Professor Patten's phrase, from a pain economy, a régime of deficit. In any event, it is a matter of common historical knowledge that Roman decrees, before the Christian influence, had endeavored, and with some success, to encourage the preservation of children exposed in consequence of

misery of their parents, by providing that if enslaved they might claim their freedom.

It is evident, too, that the Church did not succeed in establishing ideal relations of filial piety or parental tenderness. The stern and rigorous application of the Roman *patria potestas* had become mollified long before Christianity had any appreciable effect upon Roman society; but never perhaps did the *patria potestas* exceed the harshness of parental rule in Puritan England, in Colonial New England, or in nineteenth-century Christian Germany. We need only recall the Connecticut Code of 1650 which provided the death penalty for a rebellious son of sixteen years who would not obey the voice or chastisement of his parents but lived in sundry notorious crimes. Scarcely less rigorous was the exercise of parental authority in sixteenth-century orthodox Russia. There the ancient Hebrew proverb about sparing the rod was interpreted with savage literalness almost in terms of kill or cure. "The more religious a father was," says Professor Kostomarov, "the more he was penetrated by Greek orthodoxy, the more severely he treated his children as the doctrines of his church commanded." Sylvester, one of the highest dignitaries of the Russian Church, taught the orthodox of his times:

Spare not your child from blows, for if you beat him with the rod he will not die, but be all the sounder for it; in pounding his body you save his soul from death. Out of love for your son increase his wounds, that you may have joy in him. Allow him no freedom in his youth, but break his ribs so long as he grows. Let your anger burst upon your daughter that you may preserve her body pure; she must obey and have no will of her own.

I have reserved until this point a discussion of the general ascetic background of Christian policy with its fruit in celibacy and a contumelious attitude toward marriage. Asceticism and celibacy are by-products of civilization. They are wanting in primitive society. And the mores of pre-

Christian Mediterranean times looked with suspicion upon the wilful celibate. Frequently this popular feeling precipitated itself in the form of taxes or other disabilities upon the bachelor or widow. The motives were of course mixed; an instinctive fear of the sexual free lance or of the *objet sacré*; and a feeling that the celibate failed to contribute his proportionate share to community or state. Some of the philosophical sects, notably the Epicureans, advised all wise men to abstain from marriage, not on moral grounds but because wives and children were a hindrance to the highest thinking. The early Church was never quite clear on the subject. For as we have already indicated, churchmen have always vibrated between the two poles: that sex is holy or that it is vilest of the vile. Of course sex is neither holy nor unholy. It is sacred in exactly the same sense that natural selection or government or digestion is sacred and in no other. But to the dogmatic mind the holy must be rigidly marked off from the profane.

Among other things, sex suffered from this dogmatic pigeonholing. Unfortunately, the pigeonholing followed no consistent policy. True, the doctrine of Christ's virginity and the general weight of Paul's authority were thrown on the side of celibacy for both laity and clergy. Extremists there were like Origen who mutilated himself as a tribute to virginity. And it seems that the general mass of church members in earlier ages demanded clerical celibacy, sometimes asserting their demands by riots and mob violence. On the other hand, some there were like Chrysostom who did not approve of celibacy, at least of laic celibacy, but insisted that marriage was a help rather than a hindrance to spiritual life.

Still others, and apparently they were very numerous, tried "spiritual marriage" in some form or other. Such unions were usually of the type known as *virgines subintroductae*, a nickname arising relatively late when the practice was itself condemned. This practice of dedicated virgins dwelling with

churchmen was widely prevalent throughout Christian antiquity. It was not confined to churchmen, however. Tertullian advised well-to-do Christians who had lost their first marital partner and felt the need for someone to oversee their affairs domestic, to take into their houses one or more widows, "as spiritual consorts, beautiful by faith, endowed by poverty, and sealed by age," and stated that "to have several such wives is pleasing to God." Hermits took ascetic female companions into the desert with them, though it must be admitted that these women frequently played the rôle of mere servants. Another form of spiritual marriage, more to the advantage of women, developed among the wealthy in large cities. "Rich widows and maidens disdained marriage, but in order to provide a master over their houses and estates joined themselves in spiritual marriage to priests or monks. This variation did not always lead to happy results; the woman retained both the possession of her property and the reputation of unwedded chastity." "But" says Achelis, "the clerical could not escape compromise, and his position varied all the way from steward or chaplain to spiritual paramour. This was the rôle acted by the French abbé in the seventeenth and eighteenth centuries." After clerical celibacy became the rule spiritual marriage spread. But the purity of its original motive gradually declined. "The spiritual bride became a mere housekeeper, suspected of being a mistress."

But this attempt, however sincere and ascetic, to replace normal human marriage with brotherly and sisterly love did not succeed. Both popular mores and high Church authorities condemned it as impracticable and dangerous. A modern writer in commenting upon this experiment points out just the sociological and psychological fallacies involved. "The inconsistency of the social ideal of intimate community life with another that increased the distance between man and woman resulted," he says, "in this unnatural combination of asceticism and fraternal love, with a form of cohabitation

which in its moments of spiritual enthusiasm failed to foresee its pitfalls." But in spite of stern taboos by ecclesiastical authorities and in spite of popular mores, Christian sects still occasionally try the experiment. During the nineteenth century three entirely separate religious movements became involved in it, namely, the Muckers or Ebelians in East Prussia, the Lampeter Brethren and their Abode of Love at Spaxton, England, and the followers of so-called Father Noyes of New Haven, Connecticut. Nearly all the important communistic societies that have founded communities in America, such as the Rappists, Shakers, Separatists of Zoar, Perfectionists, and the Amana and Oneida groups, have been more or less involved in the problem of spiritual marriage. Some have frankly accepted the term, free love; for at least objectively the two types of sexual relationship shade imperceptibly into one another. It is evident that the right of private interpretation of Scripture plus an economic theory of distribution can present us with problems which only secular authority can handle.

But to get back to the matter of clerical celibacy: only in the fourth century did the Church issue its first definite rule exacting perpetual celibacy from its clergy. Nevertheless, marriage of the clergy did not cease until the thirteenth century. Even then concubinage continued and even increased. Concubines were considered a legitimate but inferior order of wives whose existence was tolerated on payment of a fee. These women "came to be invested with a quasi-ecclesiastical character, and to enjoy the dearly prized immunities attached to that position." Clerical concubinage was recognized as a preventive of greater evils. Indeed in some districts it became customary to require a new parish priest to take a concubine. All ranks of the hierarchy were corrupted by this obscurantist and hypocritical sexual policy. Clerics did not cease to keep concubines until after the Council of Trent. As a matter of fact, the practice still exists sporadically on the Continent.

On the whole the evidence clearly indicates that the influence of religious celibacy and asceticism was almost unreservedly evil upon family life, particularly in the Middle Ages. Pope Alexander's bull in 1259 declared that the people were being corrupted instead of reformed by their ministers. But the main point here, as elsewhere, is that in all these twelve or fifteen centuries the Church was not consistent or clear in its policy. As Sumner remarks in answer to a Roman Catholic apologist's eulogy of the Church as the "fearless censor of public and private morality" in the Middle Ages, "the Church did do something for these interests when no great interest of the Church was at stake on the other side." President Thwing tries to straddle the difficulty by holding that, while the influence of the spirit of Christianity in the Middle Ages was good on family life, yet it had little influence; whereas the influence of the Church was evil, "and with a few exceptions, in both time, place, and practice, only evil."

It is such facts as these that led Sumner to make the caustic generalization that the Church never was on the level of the better mores. Such facts led Lecky to protest against over-rating the modifying influence of the Church. He grants to the Church its first two centuries of extremely high moral elevation. But immediately after Constantine, depression manifests itself. He declares:

The two centuries after Constantine are uniformly represented by the Fathers as a period of general and scandalous vice. The ecclesiastical civilization that followed, not without its distinctive merits, assuredly supplies no justification of the common boast about the regeneration of society by the Church. That the civilization of the last three centuries has risen in most respects to a higher level than any that had preceded it, I at least firmly believe, but theological ethics, though very important, form but one of the many and complex elements of its excellence. Mechanical inventions, the habits of industrial life, the discoveries of physical science, the improvements of government, the expansion of literature, the traditions of Pagan antiquity have all a distin-

guished place, while, the more fully its history is investigated, the more clearly the two capital truths are disclosed. The first is that the influence of theology having for centuries numbed and paralysed the whole intellect of Christian Europe, the revival, which forms the starting-point of our modern civilization, was mainly due to the fact that two spheres of intellect still remained uncontrolled by the sceptre of Catholicism. The Pagan literature of antiquity, and the Mohammedan schools of science, were the chief agencies in resuscitating the dormant energies of Christendom. The second fact . . . is that during more than three centuries the decadence of theological influence has been one of the most invariable signs and measures of our progress. In medicine, physical science, commercial interests, politics, and even ethics, the reformer has been confronted with theological affirmations which barred his way, which were all defended as of vital importance, and were all in turn compelled to yield before the secularizing influence of civilization.

To clear myself of any possible charge of bias, let me add a few words from an eminent Catholic historian, Grisar, biographer of Luther, upon the moral condition within the Church at the opening of the religious revolution of the sixteenth century. He says:

It is obvious that Ickelsamer [an Anabaptist opponent of Luther] and his party went too far when they asserted that not one man who led an honest life was to be found among the Lutheran preachers, for in reality there was no lack of well-meaning men like Willibald Pirckheimer and Albrecht Dürer, who were bent on making use of their powers in the interests of what they took to be the pure Gospel. This, however, was less frequently the case with the apostate priests and monks. The thoughts of the impartial historian revert of their own accord to the moral disorders prevalent in the older Church. We are not at liberty to ignore the fact that it was impossible for the Catholics at that time to point to any shining examples on their side which might have shamed the Lutherans. They were obliged to admit that the abuse rampant in clerical and monastic life, had, as a matter of fact, prepared the way for and facilitated the apostasy of

many of those who went over to Luther and became preachers of the new faith. At the same time the secession of so many undesirable elements was itself a reason for not despairing of recovery.

No discussion of the relation between Church and family would be complete without some reference to canon law, for in it we find both the epitome of ecclesiastical inconsistency and the seeds of secular revolt. First, it made marriage a sacrament in order that Church authorities might obtain exclusive temporal jurisdiction over it; for it was a source both of great authority and considerable revenue. Likewise the doctrine of indissolubility, while never more than a utopian dream or a legal fiction, served to keep women in subjection, and both men and women under perpetual tutelage of the Church. Moreover, by its juggling with facts and terms, canon law bred social corruption comparable with the worst Roman period, and enabled the Middle Ages down to the Council of Trent to enjoy almost perfect freedom of divorce. While in theory canon law prohibited absolute divorce and allowed only separation *a mensa et thoro*, and forbade remarriage, yet in practice the discretion of bishops and the dispensing power of popes was practically unlimited. Still further, the Church often connived at remarriage, especially when the parties were rich and powerful. When it became necessary to nullify such a marriage canon law interposed the fiction that marriage had never really taken place, even if it had been celebrated in church. Divorce for impotency, fraud, or marriage within prohibited degrees of relationship frequently came about in this way, and were naturally the sources of great abuses and venality.

But in the matter of divorce as well as in other regards canon law was always resisted by the common people, who turned as often as possible to civil law or else disregarded both Church and civil law. So-called common-law marriages made constant breaches in Church solidarity. The ecclesiastical

marriage and divorce policy undoubtedly contributed to that general fomenting of class resentments which were crystallized and precipitated in such outbreaks as the Peasants' War and other popular revolts during the Reformation period.

It is commonly assumed that the Reformers, and particularly Luther, lifted the sacramental taboo on matrimony, and broke the fatal spell of ecclesiasticism. Granted that the Reformation accomplished this, it must not be forgotten that the Reformation was primarily a secular movement in which the religious struggle was but a single eddy in the mighty river of change. Modern historians, I believe, agree that the religious questions at issue comprised a relatively small part of the whole compass of human aspirations and conduct. Professor Pollard declares that the "Reformation in England was mainly a domestic affair, a national protest against national grievances rather than part of a cosmopolitan movement toward doctrinal change." The religious aspect of the Reformation was in all probability simply the reflexion of other deeper protests. Sumner says:

It appears probable that all religious reformations have been due to changes in the mores. . . . In the fifteenth century the great inventions, the geographical discoveries, the extension of commerce, the growth of capital, the rise of the middle class, the revival of learning, the growth of great dynastic states, destroyed the ideals of poverty, obedience, and chastity. The idea of Catholicity died just as the idea of the Crusades did; it was recognized as a chimaera. The Church was not doing the work it stood for in the world.

The real trouble, Sumner should have added, was that the Church faced no particular way with consistency. All these influences shifted the direction of the mores and the way was opened for the Reformation.

But the Reformation had been preparing in these secular channels for a hundred years or more before its official discharge in the sixteenth century. "In public life," says the

writer of the very sane article, "Reformation," in the *Catholic Encyclopedia*, "a many-sided and intense activity revealed itself, foreshadowing a new era and inclining the popular mind to changes in the hitherto undivided province of religion." The rapid growth in self-consciousness of the nascent European States profited by the Great Schism (1378-1418) during which opposing popes sought the support of civil power. This bargaining power at times broke out into open hostility to the Church, and gradually interfered more and more frequently in ecclesiastical matters. The direct influence of laymen in the domestic administration of the Church rapidly increased. The calls, from the fourteenth century onward, of Church leaders for thorough reformation of head and members, "discussed in many writings and in conversation with insistence on existing and often exaggerated abuses, tended necessarily to lower the clergy still more in the eyes of the people," says the same Catholic writer. "The growing discontent of the poor people, whether in country or town, is clearly traceable in Germany during the fifteenth century, and revolutionary agitation was chronic in Southern Germany at least during the first two decades of the sixteenth." "The clergy were satirized and denounced in popular pamphlets and songs," adds James Harvey Robinson. Hence we are prepared for Lea's dictum that "the motives, both remote and proximate which led to the Lutheran revolt, were largely secular rather than spiritual."

If further confirmation were necessary it is to be found in Luther's address to the Christian Nobility of the German Nation (1520), in which he urged that since the Church had failed to reform itself, the secular government should come to the rescue. Other contemporaries were clamoring for the same secular intervention. It is largely because the medieval Church was so much more than a church, because it was State and even International State, that the Reformation had so tremendous a secularizing effect. The most momentous

change wrought by this upheaval was not a revolution in Christian dogma, but a complete reversal of the relation of Church to State, whereby the State assumed temporal jurisdiction over all lesser forms of social organization, including organized religion.

Whatever the sources of the Reformation and the motives that impelled it, there is no doubting that Luther became its spokesman and guide to a considerable section of Christendom. And inevitably in the process of secular and religious reconstruction the institution of the family was encountered. Luther must be reckoned with in this period of transition from ecclesiastical to secular control. But again in Luther himself we find the same wobbling that marked earlier churchmen in their attempts to handle domestic relations. While on no account could he be called an ascetic, and while he recognized marriage to be a universal need, yet he admitted that some, including himself, might better not marry. On the whole he conceives marriage as a normal worldly transaction concerning temporal clerks and not the Church. Yet sometimes he holds it to be a sacrament, and sometimes he rejects its sacramental character, and again he sees in marriage the true fulfilment of the seventh commandment.

He is contradictory also as to the real character and purpose of marriage, now regarding it as a divine symbol, now as a wholly physiological affair, now as a mere retaliatory measure against the Catholic Church. He once declared that "even though a man has no mind to take a wife he ought, nevertheless, to do so in order to spite and vex the devil and his doctrine." Not a very high ideal of marriage, to say the least! To strengthen, perhaps, his appeals to the clergy and "monastic religious," he says he advised those who were unable to marry openly "at least to wed their cook secretly"—advice which opened the way to manifold abuses.

Some of his pronouncements on divorce were anything but Christian. In brushing aside divorce based upon ecclesias-

tic impediments, he declares roundly that bigamy is preferable. Regarding the impediment of impotence on the man's part, he conceives the idea that the wife might, without any decision of the court, "live secretly with her husband's brother, or with some other man." In his great sermon on conjugal life we find considerable dubious chaff among some really excellent grain. Notwithstanding his protestation that marriage was to be considered sacred and indissoluble he says: "If the wife is stubborn and refuses to fulfil her duty as a wife . . . it is time for her husband to say: If you refuse, another will comply; if the wife will not, then let the maid come." If she still refuses after reprimand by the Church, the husband is at liberty to "dismiss her, seek an Esther and let Vashti go. . . . The secular power must here either coerce the woman or make away with her. Where this is not done, the husband must act as though his wife had been carried off by brigands, or killed, and look out for another." That is to say, the marriage is *ipso facto* dissolved and the man is at liberty to marry another: a revival of ancient Hebrew, not Christian, procedure.

His estimate of woman is no less thoroughly repugnant than that of the celibate priests and monks he was combating. Woman to him is at best a negative quantity, or perhaps rather a complement to certain aspects of masculine nature. Luther, of course, is by no means wholly responsible for the rabbit-theory of women; but there is no doubt that he contributed to that loathsome concept of woman which makes her merely a womb for the emperor, a maker of soldiers, and which has provoked such rebellion as we find nowadays in feminism, in a general movement toward birth control, or in such literary outbursts as *War Brides*. "If a woman becomes weary or at last dead from bearing," says Luther, "that matters not; let her only die from bearing. She is there to do that."

He was much more exercised over routing asceticism and

maintaining a certain theory of sexual morality than in the social and economic consequences of his doctrines. There must be liberal provision for sexual intercourse and no restraint upon childbirth. "Let God provide the way and means by which their children shall be nourished," declared this fatalistic optimist. He had no fear or never thought of the specter of overpopulation which worried his contemporaries, Ulrich von Hutten and Franck von Wörd. He knew nothing of natural selection and never suspected that the same God who allowed the humbler plants and animals to multiply planlessly and without restriction as a blessed example to mankind, also allowed them to slaughter and feed upon each other relentlessly. His judgment here was quite unilluminated by truth which science had not yet brought to light. But unfortunately, even after that truth was published, modern social policy has frequently been thwarted by the appeal of the orthodox conservative to Luther's teaching, which if harmful for his times becomes increasingly vicious as new social exigencies arise.

Luther's inconsistencies are reflected in the teachings of other Reformers, both in and out of Germany. Some attack polygamy; others defend it. Some mock at women and wedlock; others ardently champion them. Some permit "mixed marriages"; others proscribe them. Some cling to ecclesiastical rites; others reject them utterly. Most German Protestant leaders agreed in the main with Luther's teaching but, as Howard points out, in his reaction against celibacy and asceticism Luther went to an extreme where all could not follow him. His coarseness and tendency to throw off the fetters of decency in discussing sexual matters needlessly offended many of his friends, among them Melancthon and Erasmus, and provided unnecessary targets for the arrows of his opponents.

In spite of their lively attacks upon canon law the reformers ultimately adopted many of its characteristic legal

theories, largely no doubt because the new divorce laws were drawn up by lawyers who were so thoroughly steeped in canon law that they could not feel the pulse of popular mores or popular law. Hence in these laws marriage remained a divine institution, though not strictly sacramental. For generations in some countries clerical celibacy is retained, and in others only grudgingly wiped out. Scarcely anywhere in this body of law could be heard a clear and unambiguous voice for absolute civil control of marriage and divorce. Canon law had done its work so thoroughly that on the whole in Protestant countries scriptural or legal theories instead of the wishes and welfare of the parties involved determined the law and practice of divorce.

Perhaps the most illuminating commentary on the anarchy into which the Reformationist appeal to scriptural authority could cast domestic relations appears in the meteoric history of the Anabaptists. Polygamy, spiritual marriage, "rehabilitation of the flesh," celibacy, free love, general license were strangely compounded with exalted piety and spiritual vision. Families were broken up, husbands were pitted against wives, preachers wandered about with "spiritual sisters." Ranke says of the Münster Anabaptist group: "It was to be expected that women and especially nuns, would be easily carried away by doctrines which proclaimed the coming of a life of holy sensuality." The universal excuse was that they were "living merely in accordance with the holy scriptures." The point to this whole extravagant history is that the moral and political anarchy of Münster Anabaptism was only cleared up by invoking strong secular authority in the shape of armies, penal justice, and popular mores.

The English reformers were more phlegmatic and conservative. They wavered long about the doctrines of marriage and divorce. But by the end of the sixteenth century these became tolerably well fixed; marriage was a religious ceremony, almost a sacrament, because the Church assumed mat-

rimonial jurisdiction; divorce was to be granted within the pale of the Church for adultery only, and by Church courts. The established Church maintained, and maintains yet, an aversion to marriage as a purely civil contract; hence the puerile arguments of the English clergy in opposing for the last three centuries all attempts to introduce a rational theory and practice in the matter of divorce in Great Britain.

The Puritan *coda* to the English Reformation threw all its official weight in favor of purely civil family jurisdiction. Yet within the Puritan ranks many shades of opinion appear. Milton may be taken as a representative of certain extremists. His attempts to adjust his own tangled domestic life offer striking testimony to the fact that orthodox Christianity provided no solution to the problem of divorce. He allies himself on the one hand with canon law contempt for women and the exaltation of masculinity; on the other with Hebrew and Roman concepts of family life in their simplicity of procedure in marriage and divorce. He goes beyond most of the Puritans in denying to State as well as to Church any right to interfere in domestic matters.

The American branches of the Puritan stock may be said to occupy a position midway between Milton and the English Church. They objected to marriage celebrations by a minister as savoring of papistical sacraments. They lodged all control in the hands of civil authorities. But because popular mores did not, apparently, sympathize with entire secularization of marriage, a compromise was worked out whereby the minister by a legal fiction became a quasi-public official for marriages and burials.

We must remember that even among these reformers, Puritans as well as others, women were still conceived as daughters of Eve, and therefore relegated to subordination. Hence it is extremely difficult to agree with those who like Thwing make the idea of equality between husband and wife "the direct outgrowth of the principles of the Protestant

Reformation." The equality of women is no more the result of the Reformation than of Roman law or the Code of Hammurabi. It is rather the result of ideas cast into the stream of popular thought by a succession of secular thinkers from Sir Thomas More and Montaigne onward, of overwhelming changes in industrial life, and of the French Revolution.

I have now sketched out certain elements of weakness in Church policy, both theoretical and administrative, which brought about the gradual elimination of ecclesiastical preponderance in family affairs. Here let me point out that it makes absolutely no difference whether the pictures I have drawn of ecclesiastical ineptitude be really true or false. So long as people within and without the Church came gradually to believe them to be true, the revolt against ecclesiastical domination was bound to come.

But as I indicated at the beginning, other more positive forces co-operated in the direction of secularization. First, the force of popular superstitions and customs, which are almost incredibly resistant to change. We have noted how the Church had to tack and shift in its adaptation to local folkways. We need not blame the Church. We need only protest in the name of facts against any churchly pretension to have given a rational or final solution to domestic problems.

Second, the Renaissance, that is to say, the new humanistic learning, promoted the secular revolt. Its influence must not be exaggerated, for the humanists represented every type of religious feeling from deep, mystical piety to cynical indifference, and included very few out-and-out anticlericals. But in one respect, at least, namely, the renascence of critical judgment, it enabled men to stand up and challenge all institutions, including church and family. I agree with Dealey that the real charge brought by this criticism against the Church was not so much responsibility for the domestic corruption of medieval life, as its suppression of knowledge and intelligence, which, if allowed to come to fruition, would have made

the Church's own ideals much more real to men. This criticism resembles closely the protests which modern, clear-sighted men make against the conspiracy of silence maintained by the "moralists for hire" and the hypocritical purists. In no strained sense Anthony Comstock and what he stood for are lineal descendants of monks and canon law. It is evident that the process of secularization has not been completed here.

The growth of popular education and the democratic spirit militated also against Church control of the family, because rightly or wrongly they furthered the spirit of criticism and bred suspicion of any code of conduct whose sanctions could not be accepted simply as the rational product of average common men.

The precipitate of this criticism has little by little taken on the form of scientific method applied to the study of religious and ethical codes and their evolution. It appears also in such highly secular ideals as socialism, social solidarity, and social responsibility. Indeed, all that body of thinking and activity summarized under the two phrases "modern science" and "evolution" stands strongly and unmistakably on the side of secularization. It may be that scientific methods should not be applied to religion. It may be that religion must make positive claims, must by its very nature pretend to be absolute and supreme if it is to succeed in imposing its theory of reality upon the minds of men, must appeal to its unique triumphs in the past or challenge the present by its thunders, or utilize the uncertainty of the future to strike terror or conservatism in the heart of the present; and must therefore enlave its issues as too important, too delicate to submit to scientific scrutiny. It may be that the attempt, say, to account for religion as a by-product of the sex instinct is mere perversion. William James, you remember, denied that religious aberrations are any more sex phenomena than stomach phenomena; but none the less in speaking of St. Catherine

of Siena, he declared that much of saintly devotion is only "an endless amatory flirtation." Perhaps he was right, perhaps wrong. Perhaps Leuba and all the students of the religio-sexual problem are wrong. But the fact still remains that such close scrutiny tends to strip from traditional religion any sacrosanct veil of authority either assumed or conferred. It may be a leveling downward but it is certainly a secularizing process. Take a single illustration: Such studies as Hartland's *Primitive Paternity* or *Legend of Perseus* showing the wide prevalence of legends and myths of supernatural virgin births cannot fail to affect somewhat the prestige of the Christian tradition, in so far as it has been based upon its quality of uniqueness.

The growth of the modern secular State as an important factor in this process needs only a passing word. In its steady course of snipping off the temporal power of the Church it was altogether natural to include the family. Yet because of the archaic elements in religion it was equally natural that the State should make haste more slowly here than in other domains where the two great powers collided. One absolute fact everywhere stands out, namely, that whenever a church is permitted the slightest shadow of temporal power, there you will find steady opposition to anything savoring of secular control of the family.

This steady process of transfer to the State of functions once performed even by the family itself or by the Church has been hastened by the Industrial Revolution of the last century and a half. These tremendous economic changes have brought in their train social problems which only so powerful an institution as the modern State could cope with. The problems of free universal education, of public health, of protection of labor, guardianship of children and their protection against vicious parents and others, the protection of society against the burden of the unfit—all these are calculated to tax the resources of the broadest and strongest social insti-

tution. But it is not only the size and strength of the State that fits it for tackling these domestic problems. It is also a question of the inability to stretch old village or tribal public opinion and family mores for the control of individual aberrations to cover the enormously extended groups which mark modern industrial life. The anonymity of city life and the inability of the average person to conceive a city, let alone a great nation, illustrate the difficulty of bringing social pressure to bear except through law and its secular enforcing agencies. It is notorious that economic disabilities do not respond to preaching and diatribes. Likewise, divorce goes on in spite of the howitzers of ten thousand pulpits.

What the next step will be nobody dares prophesy. But if the popular mind seizes the eugenics idea; if the public schools assume seriously the task of teaching the essentials of family conduct; if feminism continues its conquests; if the results of scientific study of domestic institutions in evolution permeate more and more the thinking public; if the current disbelief in the magical potency of church rites continues to grow; if the Church can be brought to recognize frankly that the present somewhat chaotic condition of marriage and divorce laws is largely the heritage of an impossible attempt at harmonizing scriptural texts, and to act accordingly; if the growth of such unclerical religions as socialism and social democracy continues; if mob mind can be eliminated from discussions of the family and domestic quietism be shattered; then it is quite likely that the few shreds of authority which ecclesiastical agents now retain over marriage and the family will disappear, and domestic relations may attain somewhat more spontaneity and coherent secular regulation, if regulation be necessary.

I do not mean that this discussion should appear simply negative or destructive. I have pointed out the reasons why men have apparently turned away from the historic Church for guidance and control of sex conduct. There is no very good

reason for believing that the State is going to make a thorough job of it. As I have frequently insisted, there are so many hinterlands of savagery in all of us—and some of these jungles are sexual—that religion still has an enormous field for service. Religion can still serve to uphold moral ideals, temper the arrogance of dogmatic science, and challenge the absolutism of any governmental system which threatens to absorb all our allegiance or our social activities. The Church, if it be a real religious asset, must continue to search for new and higher rules of conduct, a demonstrable system of living which, while it does not absolutely unfit one for this world of time and space, at the same time opens new paths for the uplifting and enlarging of man's spirit.

Sooner or later, and the sooner the better for domestic relations, the Christian Church must cease looking upon the Bible, and particularly the teachings of Jesus, as a legislative code for all time, and must accept the gospel as good tidings, a demonstrable spiritual interpretation of life with no other sanction than its own intrinsic power of inspiration to right living in a world of change.

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