

Women's Co-operative Guild.

DIVORCE LAW REFORM.

A widespread agitation is now taking place in all parts of the country with the object of persuading women that reform of the Divorce Laws would be fatal to their own, their children's, and the nation's interests. The papers that are being circulated are very misleading, and it has become necessary to ask our Branches to consider this question carefully.

REASONABLE HOPES.

Those who hold that marriage is indissoluble are apparently able to persuade themselves that they are upholding the sanctity of marriage, protecting the womanhood of the nation, preserving the happy homes of England, and saving society from disruption.

Such persons take on themselves a very heavy responsibility. In effect they say: Better that a woman should live in terror of brutality, that her body should cease to be her own to control, that she should remain with a husband who has been living on his wife's prostitution—better that disease should bring corruption to women and children, that children should be born unwelcomed, that their opening natures should be warped in a dark and joyless atmosphere—better that a loveless marriage made from ignoble motives or where the true character of a man or woman has been hidden, should be perpetuated—better that the mind and will should be enfeebled and destroyed by tyranny—better that the respect for the law should be undermined and extra-legal connections be commonly accepted—better that an endless and lonely struggle should be enforced when the opportunity is present for companionship and a happy home life—better that there should be thousands of "separated" men and women "in the un-defined and dangerous character of wives without husbands and husbands without wives"—better all these things and no chance of escape from them, than that the law should make divorce possible when mutual love is dead.

It does not follow that because failures in marriage are more numerous and in need of relief than is generally known, that we must distrust human nature as a whole, and imagine that it is only the law which is holding husbands and wives together and preventing the break-up of family life. Such a fear is unjustified, and shows a misunderstanding of the forces which really bind Society together, and places a false estimate on the strength of human ties.

There is no doubt a minority of men and women who would take advantage of Divorce in a selfish and light way. But it should be remembered that the conduct of such people is base and deceptive now, and that one of the strongest arguments for the possibility of Divorce is that it would tend to the reduction of immorality and the cleansing of hidden and poisonous conditions of life.

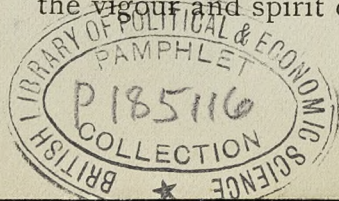
And we need not be alarmed by the increase in the number of Divorces which will undoubtedly take place when the law is changed as we propose. It would mean that the need for release which our evidence showed to exist was being met. It would mean too that women were awakening to a higher self-respect, and a courageous conviction that their children should be born and brought up in love. In this connection the difficulty of married women supporting themselves is a serious problem. But the spiritual view of marriage makes it impossible to look on marriage as nothing but a material bargain. Women are beginning to see that they must not allow the need for money to lead them to consent to degrading conditions. Feeling this, they will demand a solution of their dependent position. Meanwhile, we can at least reverence the woman who faces poverty and work outside her home rather than degrade her womanhood and sacrifice her children.

The fear that men will go off and leave their wives to support themselves has caused many people to think that any relaxation of the marriage bond must be to a woman's disadvantage. But in America it is women, not men, who apply for Divorce in by far the largest number of cases. And in our own experience, after separation orders, we find men coming to their wives' doors and desiring to be taken back.

Not only can we dismiss these fears of lessening respect for marriage, but reasons can be given for believing that the possibility of Divorce will tend to raise the moral standard of marriage. Shall we not be more truly respecting marriage by offering the possibility of undoing the formal and exterior bond when the inner spiritual reality is already dead? "Marriage is more broken by a grievous continuance than a needful Divorce." By upholding as moral and respectable "a grievous continuance," we are publicly lowering the whole ideal of marriage.

The possibility of Divorce would also act as a protection to married life. It would be a stimulus to considerate behaviour, and so tend to increase the happiness and stability of marriage. Immorality would be lessened, and the dignity and self-respect of women would be raised.

In these ways the reform of the Divorce Law will help to create conditions necessary to the higher ideal of marriage, in which mutual love, equality, and responsible freedom are the fundamental characteristics. It would give a better chance for husbands and wives to become equal and beloved companions, the joyful parents of children, and the "makers of homes where shall flourish forth the vigour and spirit of all public enterprise."



PRESENT POSITION.

A Committee, consisting of 300 members of both Houses of Parliament, has been formed, with Lord Muir McKenzie as chairman. Its object is to put an end to the serious evils of the large number of people who are living separated from their husbands or wives, and who are, therefore, neither married nor unmarried. It is estimated that there are over 1,000,000 persons in this position. The state of things created by the war accentuates the evil of the present legal situation. The Royal Commission on the whole subject recommended in 1911 that no more permanent Separation Orders should be given, describing them as an "unnatural and unsatisfactory remedy, leading to evil consequences," and favoured relief through Divorce. Yet the law still remains unaltered, and Separation Orders number some 7,000 annually.

In connection with Magistrates' Separation Orders it should be noted that they are not given for adultery unless the conditions are such that the magistrate rules it as "cruelty." This is usually confined to cases where another woman is brought into the home. Many kinds of cruelty do not come under the law, such as the use of horrible language, insistence on marital rights, and the numerous cases of mental cruelty. Most of these never could be made in themselves legal causes, but they destroy married life completely.

In actual life we find husbands and wives living apart when there is desertion, or incurable insanity, or some form of legal separation, or when they have decided to part voluntarily.

The Committee has not yet put forward any Bill, but the reforms it proposes cover the above circumstances, and are that after three years' separation the following causes should make Divorce possible: Legal Separation (*i.e.*, by a decree of the High Court, by a Magistrate's Separation Order, or by a legal Deed of Separation), Desertion, Incurable Insanity.

It is also under consideration whether the possibility of Divorce should not be extended to voluntary separation of three years or more, provided adequate safeguards are instituted.

To live apart for three years is no light matter, and would not be carried through without real and serious cause; it could not lead to Divorce in order to satisfy a sudden desire or temporary difference.

The safeguards would undoubtedly include:—

- (1) Such a definition of separation that it could not include cases where a man's occupation took him away for a number of years, such as that of sailors and soldiers.
- (2) Protection of the position of children.

- (3) Discretion given to the Court to refuse a Decree of Divorce in cases where it would work injustice.

[In addition to the Committee consisting of members of both Houses of Parliament, a small group of influential persons has been formed, with Lord Sydenham as Chairman, which suggests *five years' legal* separation and desertion as grounds for divorce.]

As regards the reforms proposed it should be remembered :—

- (1) That no compulsion is placed on any one to take advantage of the law ;
- (2) That Scottish law has for long allowed Divorce after desertion for four years ;
- (3) That all European Protestant countries, except England, have extended causes for Divorce, while English law is thoroughly medieval in character and maintains inequality between men and women, rich and poor.
- (4) That the immense number of separation orders, without power to re-marry, leads to extra-legal unions which are nevertheless based on mutual love and faithfulness, and would become marriages if the legal bar were removed.
- (5) That when President Roosevelt is quoted as expressing American opposition to the possibility of Divorce, he represents only a section of American opinion. The American Correspondent of "The Times" said in 1912: "It is conclusively shown that the bulk of American opinion is in favour of the recommendations of the Majority Report (of the Royal Commission on Divorce Law Reform)," and Mr. J. Arthur Barratt, one of the counsel of the United States Embassy in London, in evidence before the Divorce Law Reform Commission, said: "It is a remarkable fact that the countries which deny Divorce are not those in which women are held in the highest esteem. Of all countries in the world America is the one in which women have the greatest freedom, and in which the greatest respect and consideration is shown to them in married life."

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