wings" also are to be organized, with a view to teaching the prospective voters a practical lesson in municipal cleanliness. One of the chief duties of the members will be to keep the playgrounds clean. These organizations are to serve as a medium of instructing the students in a practical way in the more important obligations which students owe to society and the rights and protection which they may demand of society.

An announcement in the daily papers of Prof. Triggs's industrial school (76 E. 20th street, Chicago) was a fine specimen of the slipshod and cynical kind of reporting that modern newspaper methods have fostered. Reference to this instance is necessary because we were misled by it (p. 476) into saying that in Prof. Triggs's school "higher mathematics will be omitted as of little value and history and geography will have no place." The same reports evoked flippant editorials in some of the daily papers. These reports were of a speech by Prof. Triggs in which he had said nothing of the kind reported. The substance of what he did say was this: "History as a record of the acts of kings and rulers, and geography as an account of the rivers in China, will have no place." The prospectus of the school declares its purpose in this respect where it says: "Geography as the history of the earth in becoming a dwelling place for man, and history as giving a record of the evolution of the human race, will be prominently considered."

A practical method of great simplicity and economy for popularizing ideas, has been successfully operated for a year and a half by E. B. Swinney, of 134 Clarkson street, Brooklyn, N. Y. Mr. Swinney's purpose is the promotion of the single tax movement, but his plan is adaptable to any other subject. Its principal feature is the placing of propaganda literature, not casually by loose distribution, but directly in the hands of those who express a desire for it. Whoever writes for literature gets it free. The expenses are paid by voluntary contributions. As an illustration of the economy of this method of work and the fact that it can be supported, Mr. Swinney's October report is significant. Since May, 1903, the expenditures have been only $647.39, of which all but $31.47 has been contributed, in amounts ranging from a dollar or less to $5 or more; yet the pieces of literature placed number 100,198—an average cost of less than 7 mills. It is difficult to think of a more economical way of putting directly into the hands of an inquirer the particular bit of printed information regarding a cause which he himself desires. Others have adopted this plan of Mr. Swinney's in connection with the same movement, notably Anton S. Rosing of Ravinia, Ill., and F. H. Bode, 1401 S. 4th St., Springfield, Ill.

The president of the Society of Chemical Industry probably did not know that, in his address before his society, reported in the October issue of the Journal of the Society of Chemical Industry, he was tearing the vitals out of the most effective argument for protection. But that is the mischief he was doing. In referring to the cost of labor, he stated, as the Journal reports him, that—

> it was his experience that it paid well to pay men well, and cited an instance where by paying certain laborers double the wages they received abroad for certain work it cost his firm rather less to turn out a ton of ore with those identical men than it did their former employers at half the wages. That was the only way in the world that the American manufacturer with high-priced labor was able to compete with the foreign manufacturer at lower cost. In other words, it was perfectly possible in his judgment for the foreign laborer to produce twice his present result if he received twice the pay.

Now, Mr. Protectionist, stand up straight and tell us why protection is needed to enable employers to pay high wages, if double wages results in double product.

Not long ago the headlines of Chicago newspapers were superlatively boastful of the putting down of "hold-ups." Criminals convicted of this crime were being sent to State prison for life and that was expected summarily to end the evil. But it didn't. "Hold-ups" have been more common since this vindictive remedy was adopted than before. And now it is proposed to go a step further. An astute grand jury recommends the death penalty, and thoughtless citizens approve. Only a little reflection is needed to see that this would be as futile as the life penalty. One "hold-up" man, now in jail, has been interviewed on the subject, and he puts more horse-sense into his brief interview than can be found in all that his "gooder" fellow citizens have said. He asserts that the penalty is without deterrent effect, no matter what it is; because the "hold-up" man never contemplates the possibility of getting caught. His remarks are worthy of consideration and we quote them in full:

> I don't think it would make any difference to the sticker-up whether they make it hanging or not. I do know that it never would have cut any ice with me. I had to have the coin and I didn't think about anything else. Yes, I'd a-gone right ahead just the same if I'd known I could be swung up if caught. We don't figure on getting pinched. I didn't want to kill anybody unless I had to. The shooting part was just a matter of protecting myself. I never knew exactly what I could get if I got pinched—of course I knew it was enough. I supposed I could be sent up for 20 or 40 years—or for life, and if I killed anybody I could be hanged. As for the law, I personally don't think it makes any difference. When you go holding anybody up you got to, take a chance of getting plunked right there, anyhow. And when you're caught right, the way I was, you don't care what happens to you.

These suggestions open a line of thought regarding the prevention of crime which our medieval penologists might wisely pursue.

THE MARRIAGE PROBLEM—MARRIAGE AFTER DIVORCE.

We now confront the crucial question regarding divorce (p. 484), the question on which the whole controversy over divorce really hinges. It is the last of the five test questions heretofore reserved (p. 452) for consideration seriatim, namely:

(5) Is either party to an annulled marriage contract properly at liberty, while the other lives, and not only as matter of naked legal right but also with reference to the just censures of public opinion, to enter into a marriage contract with a third person?

Divorce itself, considered merely as nullification of the conventional contract of marriage (p. 485), does not necessarily operate, as we have already stated, to justify a subsequent marriage by either party while the other party lives. There is, therefore, no necessary inconsistency in advocating untrammeled divorce, as we have done, and yet opposing marriage after divorce and during the life time of either party to the divorce.

This distinction may at first seem to be a distinction without a difference. Since the divorce nullifies the conventional marriage, why does not right of remarriage follow as matter of course? How can a nullified conventional marriage logically stand in the way of contracting another conventional marriage? It would not be polygamous, it would not be bigamous; upon what principle, then, can conventional divorce be distinguished from the right of subsequent conventional marriage? Does not the right of conventional marriage after divorce depend strictly upon the legitimacy of the conventional divorce?

These objections seem to be unanswerable; and so far as relates to the propriety, logical or otherwise, of forbidding remarriage, they may be so. But they do not remove the necessity for the distinction we make, as a little consideration of the subject will show.

There are persons of austere mind who would have the law forbid conventional marriage where one of the parties is afflicted, physically, mentally or morally, in such manner as possibly to injure posterity through hereditary transmission. Among these drastic reformers are some so extreme that they would have the law step in to make marriage a natural impossibility with such persons. Their propositions are advanced without regard to prior marriage or divorce, the proposed inhibition applying as well to persons who have never been married as to those who have been divorced. Repugnant as these propositions are, they show the necessity for distinguishing between divorce and remarriage, which is the point we are now trying to make.

Some divorce laws go to prove the same necessity. Divorces are not infrequently granted by court decrees which forbid the remarriage of one of the parties to the marriage so annulled. The difference between divorce and remarriage is thereby recognized.

The same difference was recently recognized by Bishop Potter, who ascribed the confusion in the popular mind regarding divorce to obtuseness on the part of those who demand rigid divorce laws. "There is," he wrote, "a profound and widespread feeling that a woman, married to a brute or a beast, though she may not be able to prove the offense which involves his marital infidelity, should be relieved from the degradation of living with such a person; that she should be allowed to remarry is an entirely different question. The two should be made distinct by the law, which could afford relief by granting divorce for cruelty or drunkenness or brutality, as well as for marital infidelity, but which should prohibit remarriage in all cases." Idolatrous reverence for conventional marriage, regardless of natural marriage, is evident in the distinguished Bishop's remarks about the degradation of living with "such a person." Is it any more degrading to live with a cruel, drunken or brutal husband than to live with one who is not cruel, drunken nor brutal, yet whose marital title is no longer sanctified by marriage love? This, however, only in passing. The Bishop's recognition of the difference we have endeavored to distinguish is the point in hand.

Notwithstanding that the right of marriage after divorce seems to follow logically from the divorce, it is evident that the police power of organized society must be reckoned with, and that under this power and upon the assumption that it is for the common good, marriages may be prohibited as well upon the ground of previous marriage, divorce or no divorce, as upon any other ground. Separate consideration of the subject of divorce, and of marriage after divorce, as independent subjects, is thereby necessitated.

The distinct question at issue, therefore, is whether conventional marriages after conventional divorces ought to be tolerated during the lifetime of either party to the divorce.

That they ought to be prohibited where there is no divorce, and the previous conventional marriage subsists, we have already urged (p. 470); the reason being that inasmuch as conventional marriage is merely symbolical of natural marriage, and as two natural marriages of the same person cannot subsist at the same time, therefore two conventional marriages cannot properly so subsist. There can consequently be no second contract of marriage, with propriety, until the prior one has been annulled.

We have further insisted, however (p. 486), that upon the dissolution of a natural marriage by the death of the marriage love that makes it, society ought to assent to a corresponding dissolution of the corresponding conventional marriage, with only so much reservation as may be necessary to conserve all the civil rights involved.

We now contend that when this dissolution has been ceremonially declared, the civil bar to subsequent marriage should be thereby and thereupon removed. The natural marriage is dead; it died with the death of its vitalizing love. The conventional marriage also is dead; it died with the conventional divorce. The parties, therefore, are now unmarried. They are unmarried both naturally and conventionally. They are as completely and truly unmarried as if one of them had physically died. Except, then, upon the abhorrent theory that society should establish a system of meddling paternalism regarding marriage, each of the divorced parties ought to be, in so far as civil coercion is in question, free to enter again into natural marriage and to proclaim it by conventional marriage.

True, back of these civil considerations there are ecclesiastical ones. But they must be left to the churches. Churches are as much entitled as any other voluntary associations to set up their own rules and regulations; and

the rules and regulations of voluntary associations are not legitimate subjects for general debate, so long as they do not assail or threaten the civil rights of outsiders. With civil regulations, however, it is different.

Extremely absurd, not to say invasive in high degree, is it for organized society to forbid the conventional marriage of any persons of "sound and disposing mind and memory," each of whom asserts their natural marriage and is at the time married to no other person either in substance or form. And what organized society cannot properly forbid in this respect, public opinion cannot justly censure.

Grant the propriety of conventional divorce, and you thereby grant the propriety of remarriage, unless you invoke the arbitrary functions of the police power and insist that society should prohibit any marriage which legislators can be influenced to regard as unfit. Prohibition of conventional second marriages while the prior ones subsist, rests upon the bedrock of marital principle; but prohibition of second marriages after divorce, rests only upon arbitrary power. This power may, indeed, be invoked; but so may governmental might against natural right in any case. It cannot be invoked, however, without tending to injure the parties, to discredit conventional marriage, to degrade natural marriage, to distort social proprieties, and to demoralize social purity. Like governmental might against natural right in all cases, arbitrary coercive rules regarding marriage after divorce are certain to react prejudicially upon every good object sought thereby to be attained.

There should be no difficulty in seeing that prohibition of marriage after divorce as a penalty for offenses prescribed as causes for divorce, is a gross perversion of the wholesome principles of the criminal law. This prohibition is in the nature of a penalty as truly as imprisonment would be. Of that there can be no doubt. But if it is a penalty, the offender should be regularly tried for his crime and punished according to the ordinary standards of punishment. Think of the absurd cruelty of adjudging that drunkenness, or brutality, or adultery, shall be punished with a sentence upon a marital offender to remain during the lifetime of the other party to the marriage, an unmarried person. Bishop Potter would go further. With hardened insensibility to its grim humor, he advocates the same sentence for both parties—the innocent with the guilty. If cruelty and drunkness and adultery are proper offenses for legal penalties, let them be punished regularly as criminal offenses; but away with this barbarism of marital outlawry.

Not only is that outlawry absurd—hard-heartedly so; it is manifestly inexpedient from every consideration of social order.

One party to every divorce—both parties, if Bishop Potter's idea were to prevail—though a marriageable member of the community, is forbidden to marry. What is the almost inevitable result but increasing indifference to marriage conventionalities? Natural law is stronger than legislation, stronger even than social institutions. Sooner or later, with a growing army of marital outlaws standing before the fortress of conventional marriage, that fortress will fall.

Consider it. Men are naturally distinguished by passion for sex rather than respect for marriage. They are not without the latter, but it is dormant until the subtle influences of natural marriage awaken it. Women, on the other hand, are naturally distinguished not by passion for sex, but by devotion to marriage. Yet in consequence of natural marriage their dormant sex consciousness awakes as does man's dormant marriage consciousness. There is a resulting complementary union, natural and sacred, of the two lives, masculine and feminine, in all their relations, through which children of legitimate natural birth come into the world, and about which a normal family group is formed. While such a natural marriage survives, the natural tendency is toward an equilibrium of impulses, those that relate to sex and those that relate to marriage. This is in accordance with obvious natural laws—the obvious laws of human nature. But what if a natural marriage prematurely dies, as genuine natural marriages may? What if, though the natural marriage dies, dissolution of the conventional marriage is forbidden, or being allowed is accompanied with a stern decree against remarriage? Sex consciousness has been awakened where once it was dormant, and where love for marriage has lost none of its fervor; love for marriage has been awakened where once it was dormant, and where sexuality is not yet impotent. Yet here are two people, in full mental and bodily vigor, in middle life or it may be in youth, forced by law, each while the other lives, either to hug the cold corpse of their former marriage love, or ruthlessly to suppress their awakened and intensified and supremely marital emotions. Their only other recourse, if they escape the degradation of concubinage, is the opprobrium of natural marriage illicitly maintained.

Does anyone suppose that under such coercion this repugnant recourse will grow more repugnant? Then his imagination is weak and his common sense at fault. It will grow less and less repugnant, not only in the minds of those who embrace the alternative, but in the minds of their friends and sympathizers, and so eventually in the common mind. If this is so, then rigidly coercive legal restraints upon conventional marriage after divorce, can have no other ultimate than the breaking down of the present conventional barriers and the creation of a new social theory of sexual ethics. The worst enemies of conventional marriage are not those speculative minds that hold it in contempt, nor those licentious minds that trifle with it; but those paganistic ones that idolize it as sacred in itself, and, forgetting it is only symbolical of natural marriage, strive to make its bonds unnaturally rigid and galling.

Make no mistake. Inhibitions upon remarriage after divorce deter no persons who believe they are in love from entering improvidently into marriage originally. They have then no expectation of divorce, and no thought of marrying again. Inhibitions upon remarriage are therefore utterly excluded from all their calculations. So far as they are influenced by them, these inhibitions might as well not exist. Their existence can

influence none but those who set deliberately about contracting false marriages. Apart from such cases, insignificant in number, they can operate only to prevent the very sensitive from marrying again when natural law urges them to, and to drive the less sensitive into unconventional forms of married life.

If conventional marriage is a useful thing, as we believe it to be, then prohibition of marriage after divorce is inexpedient. Conventional marriage where natural marriage exists is strengthened, not weakened, by liberal divorce laws.

It is, also, immoral to prohibit marriage after divorce; and for reasons akin to those that make it inexpedient. The inexpedient and the immoral are but complementary sides of the same shield. It is immoral because it tends to the prostitution of marriage functions.

When conventional expressions of natural functions are arbitrarily narrowed, the functions themselves become distorted. Marriage is not an exception. We cannot, with safety to social morals, close the door of conventional marriage to men and women whose natural love for marriage, with all that this implies, has been awakened and is in full vigor. Many of the illicit relations that might result, alienated as they would be from the guiding and fostering influences of marriage conventionality, would tend to go far astray, not only from conventional but also from natural chastity. Given a large population of marriageable people condemned indefinitely to a celibate life, and it can hardly be expected, if they formed sexual alliances at all, as many of them almost certainly would, that their tendency under those circumstances would always be in the direction of illicit natural marriage. The stronger tendency might be in other and more deplorable directions. The very illicitness of these natural marriages would have a prejudicial influence. Just as arbitrary legal prohibitions of other things not wrong in themselves invite resistance, and so promote indifference to all legal prohibitions, the legitimate as well as the arbitrary, so do arbitrary restrictions upon marriage invite resistance and thus promote indifference even to the moralities of marriage.

If marital morality is what we would cherish, careful indeed must we be about exposing conventional marriage to the kind of public opinion which a bigoted theory of this conventionality, rigidly reduced to practice in civil government, would be most apt to generate. Concubinage, promiscuity, practical polygamy, shameless prostitution in various forms —these are the progeny not of reasonably liberal, but of arbitrarily strict, conditions of divorce.

It would be unkind to accuse the advocates of enforced celibacy for divorced persons of promoting immorality; they are not intending that. But that it would be the natural effect, increasingly, of strict enforcement of their idolatrous theory of marriage, one needs but to know human nature to realize.

There is a sense much more profound, however, in which it may be said that narrow and rigid divorce laws would propagate marital immorality.

What can be more immoral with reference to marriage than the arbitrary prevention of genuine natural marriages? Yet this is what society and public opinion aim to do when they make divorce a bar to subsequent conventional marriage during the lifetime of either party. The marriages thus forbidden may be in their nature as abiding and pure and in all respects as true as the holiest marriage ever celebrated. They may even be eternal in their abidingness,—who can tell? But their conventional expression, which is to natural marriage what personal reputation is to personal character, is arbitrarily forbidden. The divorced man or woman, therefore, who is sensitive to marital reputation and shrinks from exposing a marriage of good character to the bitter ordeal of bad repute, must forego remarriage itself or cultivate a spirit of defiance or indifference toward the conventionality which is thus tyrannical over them. How is it possible to force upon anyone this cruel and demoralizing dilemma, without offending grievously against marital morality?

Marital morality is not wholly negative. It does not consist altogether of "thou-shalt-not" commands. On the contrary, it is primarily and tremendously affirmative. The command, "Thou shalt," is addressed by nature and by nature's God to every man and woman who mutually understand that they are drawn together by genuine marriage love. Of all the commands of marital morality is not this the greatest and holiest? Surely it is not too much to say, to all who in their heart of hearts believe in marriage as they believe in life, that if in the catalogue of marital immoralities any one may be called the unpardonable, it is the immorality of celibate conditions thrust by public opinion or forced by law upon individuals against their will. Itself a sin of the first magnitude, it hatches out most of the others.

In the language of a worthy and thoughtful clergyman of the Episcopal church, a man who holds marriage among the most sacred of things, "society must not condemn men and women to the degradation and debasement, the physical and moral wreckage of individuals in forced union, nor, as an alternative, to the perpetual sterility of lives that might be happy and useful and fruitful." He has further said, as wisely and strongly, that its doing so is "absurd, ridiculous, immoral and full of the most portentous and evil significance to our social and domestic life. It means that a man may drag his wife through the foulest gutters, may debase and debauch her in body and soul, may make life a perfect hell to her, and she has no remedy except separation, permanent widowhood, and prohibition of all possibility of gaining human happiness and true love while she and he live on earth."

And so we come to the end of our inquiry regarding marriage problems. But no such inquiry can with satisfaction be abandoned to its fate with a conclusion relating chiefly to the shadowy side of the subject. There is a sacredness about marriage which demands some consideration of it in a manner wholly affirmative, as if divorces were unknown or only vaguely possible; and to that demand we purpose in a concluding article to offer a response.