derers, then the riddle is comparatively easy. We have only to find out how the plundering is done and put a stop to it. With plundering stopped, workers would both make and meet demand for workers. Demand for workers might then exceed the supply, but the supply of workers could not exceed the demand for them while any Oliver Twist asking for "more" remained above ground.

THE MARRIAGE PROBLEM—SUCCESSIVE MARRIAGES.

Out of the conclusion that polygamous groupings and "free love" alliances lack the essentials of marriage by reason of their promiscuity (p. 437), questions naturally arise with reference to successive monogamous unions. If, for example, legitimate marriage cannot exist between one man and two or more women at the same time, how can it exist between one man and two or more women successively? Questions of this kind put upon trial the legitimacy of second marriages after death or divorce.

The issue here is in reality not the same as in questions of polygamy, polyandry, and "free love," even though it may at first seem to be so in principle. Polygamous and polyandric marriages are condemned (p. 438) because they are absolutely irreconcilable with the principle of marriage unity; but successive marriages are not necessarily irreconcilable with that principle. "Free love" is condemned (p. 439) because it ignores the essential principle of the love that makes marriage: but successive marriages may, each in its order, be cemented by essential marriage love. There is nothing of promiscuity in successive marriage relationships, if each be constituted by love abiding in its nature, and each ends before the next begins.

Obviously the crucial point regarding the legitimacy of a second marriage is whether or not the prior one still lives. If it does, then the second is subject to the objection of promiscuity. But if all prior marriages in a series of successive marriages are dead, the last one in the series must, so far as the question of plurality affects it, be as legitimate as the first.

And the life of a marriage cannot be perpetuated by making the marriage bond indissoluble. Since marriage itself and not marriage ceremonials constitutes the relationship, it is the vitality of the marriage itself and not the potency of the ceremonial bond that determines the life of a marital union.

This does not imply that marriage ceremonials are unimportant. What it implies is that their importance is to be kept within proper bounds. To give excessive importance to marriage ceremonials is to degrade marriage, not to conserve it. They must not be allowed to prevent a new marriage when the older one is dead.

I

The first consideration regarding successive marriages is the effect upon temporal marriage of bodily death. Does a marriage naturally die with the death of one of the parties to it?

On this question there is almost universal agreement.

In the sensuous view, according to which human life ends with the death of the physical body, the love that makes marriage must necessarily be regarded as ending with death. Reciprocal unifying love cannot possibly survive the existence of either of the two persons it unites. To the materialist, therefore, every marriage naturally dies with the bodily death of either party to it; from which it follows that successive marriages, separated by bodily death, are free from promiscuity.

In the spiritual view, the marriage love that constitutes a temporal marriage is abiding in its nature only for the period of bodily life. Though it may possibly be eternal in its character, not even the parties to it can know that it is so (p. 422); and at any rate, the material and the distinctly spiritual spheres of existence are so insulated from each other that personal relationships can be rationally created in the former only with reference to its own limitations. Accordingly, a temporal marriage is (as to temporal concerns) only for the life of the parties. So far, then, as it relates to what is temporal, it dissolves with the death of either party. Whether or not the same union revives in a further or continuing life, on some other level of human existence, has to do with that life and not with temporal life, with that level of existence and not with this. In the spiritual view, therefore, as well as in the sensuous, temporal marriage ends with bodily death. Successive marriages separated by death are consequently free from promiscuity.

On this point there is no confusion with reference to marriage ceremonials. The ceremonial contract being for life only, even idolatrous minds, which tend to regard as marriage itself the mere ceremonial proclaiming marriage, must acknowledge that marriage ends with life and that successive marriages are free from promiscuity if separated by death.

In every view of the question—the material, the spiritual and the ceremonial,—temporal marriage comes to an end when death intervenes; and subsequent marriages, being thus free from promiscuity, are, so far as objections to plurality have any bearing, entitled to be considered as legitimate.

II

There is no such unanimity over questions of successive marriages separated otherwise than by death. While all agree that the death of a party to a temporal marriage dissolves both the marriage itself and its ceremonial bonds, thereby justifying a succeeding marriage by the survivor, it is not so with reference to divorce. A strong if not the dominant opinion, opposes marriage by either party to a prior marriage during the lifetime of the other party, when divorce only, and not death, has intervened.

Yet the determining principle is really in each case the same.

The legitimacy of successive marriages when death intervenes, depends, in the last analysis, not upon the fact of the death of one of the parties to the prior marriage, but upon the death of that marriage itself. If, for instance, the marriage survived the death of a wife, the second marriage of the widower would be plural—as truly so as is polygamy, and as illegitimate. It is because the unifying love of temporal marriage may dissolve with bod-

Digitized by Google

ily death, that successive marriages are legitimate when death intervenes. This is the reason, at any rate, that appeals to all but mere ceremonialists. But it will hardly be denied that there are cases in which marriage love dissolves without the intervention of bodily death. In such cases why may not successive marriages be as legitimate as when death intervenes? The crucial fact with reference to successive marriages acknowledged to be legitimate, must not be forgotten. It is not the bodily death of one of the parties to the prior marriage; it is the death of the prior marriage itself.

To conclude, as we have already done (p. 405), that sexual unions unsanctified by the love that unifies character-building tendencies are not marriage, neither eternal nor temporal, is to concede that any temporal marriage from which that love departs, as we have concluded it may (p. 406), is desanctified. It thereby and thereupon ceases to be a marriage.

Questions of divorce law, therefore, have nothing to do with marriage itself. They cannot affect it one way or another. Divorce laws are as alien as a writ of replevin, to marriage itself. If the marriage continues, then it continues—divorce law or no divorce law. If it does not continue, then it does not; and there an end. So long as the unifying love that makes a marriage lives, divorce laws can no more dissolve that marriage than they can separate the children of the marriage into their original paternal and maternal elements. Whatever natural law holds together, man-made laws cannot put asunder. But, conversely, whatever natural law puts asunder, man-made laws cannot hold together. When the unifying love of a temporal marriage, though originally abiding in its nature, proves with the lapse of time to be ephemeral in fact and dies, or when a sexual relationship has begun and continued in the name of marriage and pursuant to marriage ceremonials but without the unifying love whereby marriage is essentially distinguished from concubinage, legal divorce is superfluous, so far as it concerns or can affect the question of marriage itself as distinguished from marriage ceremonials and their civil obligations. In such cases the ceremonial of divorce, like the ceremonial of marriage, is at most but a formal, though it may be a necessary, declaration of an existing fact.

The practical question regarding divorce laws is not whether they may attempt the impossible by assuming to dissolve living marriages, or the superfluous by assuming to terminate dead ones. It is whether they may with propriety annul the civil obligations of marriage ceremonials, thereby enabling parties to such ceremonials to enter into other marriage relationships without incurring the penalties of the civil law.

No question of ecclesiastical obligation is involved, unless it be contended that churches shall be allowed to rule the state in matters of marriage.

In so far as successive marriages are questions of church obligation, churches may assume toward them whatever attitude they please. They may refuse to ceremonialize marriages of persons divorced. They may expel them if they marry without their sanction. They may deny to the bodies of such persons funeral ceremonials, and burial within church enclosures. They may forbid marriage to part of their membership, as some communions do, or to all, as the Shakers have done. They may regulate the marriage relations of their members as they choose, within the limits allowed by legitimate civil regulation. For in all this there is no coercion. Those who respect church authority or fear church penalties, will conform to church requirements; those who do not will be free to follow the dictates of their own conscience. So long as the state is not called in to enforce the discipline of churches, no outsider has the right to condemn the attitude toward marriage of any church. Since none are coerced but those in voluntary membership, there is no invasion of rights.

Yet a suggestion may not be impertinent.

Even as matter of church obligation it will probably be conceded that the sole question with reference to a second marriage is whether the former marriage is dead. It is inconceivable that any religious system which approves of marriage would forbid a second marriage under circumstances in which the former marriage clearly did not subsist. This may be inferred from the fact that no church objects to successive marriages when death intervenes. True, in those cases death is supposed to terminate the marriage. But, after all, it is the termination of the marriage that really decides the matter. The death of the marriage is inferred from the death of either party. If the same thing were inferred from the fact of divorce, there would be no more objection on the part of churches to successive marriages when divorce intervenes than there is when death intervenes. All ecclesiastical objections to the marriage of divorced persons will be found upon analysis, we think, to spring from a belief that the original temporal marriage, which would not survive the death of one of the parties, does survive their divorce.

This belief, if it related to marriage itself, would admit of rational discussion. For if the unifying love which made the prior marriage did survive the divorce, a subsequent marriage would of course offend against the principle of monogamy. But if the belief in question relates only to the effect of marriage ceremonials, assuming them to be sacrosanct and their bonds indissoluble regardless of the death of the marriage they symbolize, is not this an irrational belief—irrational to the extent of idolatry?

Irrational as this possible idolatry may be, however, we must never forget that every man has a right to be even irrational and idolatrous, provided he does not impose his irrational notions and his idolatrous penalties upon others, against their will, by calling in the aid of the civil power. This right with its proviso applies as well to churches as to individuals. To paraphrase a famous saying of Daniel O'Connell's. "All the religious authority you please, within the churches; but no civil coercion at their dictation."

It is not with religious exactions unenforced by the civil law that public discussion of successive marriages with intervening

Digitized by Google

divorce has to do. The discussion raises a social and civil, not a religious question; and it is with reference to the social and civil phase of the subject that our inquiry is made. In harmony with the general theory already outlined, we shall encounter in that inquiry problems that may be summarized in these five questions:

(1) May society properly exact binding contracts of marriage, and assume for social and civil purposes that if there be no contract of marriage there is no marriage?

(2) If so, has society the right to regulate marriage contracts so far as to inhibit the making of a second marriage contract while a previous one subsists between either party and a third person?

(3) If society has this right, has it also the complementary right to annul marriage contracts?

(4) Assuming society to have this right of nullification, may the parties to the contract or declaration of a marriage which has come to an end through the dissolution of the unifying love that made it — may they themselves, or either of them, properly call upon society to annul the contract?

(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?

The first two of these questions relate to the ceremonial of marriage in its civil and social, as distinguished from its ecclesiastical aspects; the other three have to do with questions of divorce. We shall discuss them in their order.

EDITORIAL CORRESPONDENCE.

NEW YORK.

New York, Oct. 18.—The political horoscope indicates but little change in the situation in this State. There is no excitement or enthusiasm anywhere. Even the Socialists and the People's Party seem to be in about the same condition as the two old parties, while the Wall street gamblers give evidence that they care not a whit how the election goes. Within a month of the election the sales of stocks are much heavier than they were for the corresponding period of last year, with a marked advance in values. A young Chicago Board of Trade operator who has been in New York for the past three or four years told me last week that his business for the past month or two had increased several times in volume from what it had been at any corresponding period of time since he had been operating here. This would indicate that the country is exceptionally prosperous and that the Republicans would easily win.

But the stock and grain markets are not a true barometer of the general prosperity of the country, nor even of that portion of it in proximity to the stock market center. An advertisement was inserted in the New York World of Sunday, October 9, for a stenographer and typist. Before noon on Tuesday, October 11, the firm inserting the advertisement had received eight hundred and fifty (850) answers from applicants for this position. The World is running a letter from this firm in large black type as an advertisement of its columns as an advertising medium. The following extract from the letter would indicate that conditions are worse than usual.

> We scarcely anticipated such wonderful amount of replies. We have advertised many times ere this, but have never been so deluged with applications, there being those from almost every point within a distance of fifty miles.

The senior member of the firm thought the number of applicants from one short advertisement so remarkable that the World deserved a testimonal, which he has sent unsolicited, according to the published statement of that journal. It does not seem to have occurred either to the World or to the firm that the condition of the unemployed had anything to do with the wonderful success of the advertisement.

In a three-column double-leaded editorial, "Not a Government by the People," the Times of yesterday seems to have given up hope of Parker's election. The wail of the editorial is that the trusts are not dividing their contributions. If Mr. Bryan were to use some of the language in the Commoner used in this editorial, conservative society would be shocked. Here are a few extracts:

> They [Republicans] have grown used to seeing the Presidency bought with the funds of corporations, to seeing the powers of the Government farmed out to the providers of campaign funds. That is why the public is indifferent, the voters unconcerned. . . . Where do these conditions lead? How long will they be continued? Where they lead, history tells us. . . . The common people of France overthrew their government, and cut off the head of their King when they could no longer bear the merciless exactions of the nobility and the clergy, at that time the privileged class of France. Our trusts and combinations lack patents of nobility, but in what other respects do they differ from the French nobles who lived in luxury and splendor upon tax monies squeezed out of the pockets of a starving peasantry? . . . So we are already come upon the time when special privilege creates that inequality of condition which, in the history of other countries, has been cured by revolution. It will be cured by revolution here, a peaceful revolution, through the use of the ballot, but nevertheless it may be a costly one. There is no possible concealment of the magnitude or the source of the great fortunes that have been accumulated in the country through government favor and privilege. The people know about them, the people are much given to discussing them. In the orderly course of natural law and evolution, the instruments by which great social and political changes are brought about begin their work automatically and in the ripeness of time. The people of the country are coming to understand what special privilege means. . . . Mr. Roosevelt may be elected President. . . . If there be no change in the Republican administration and legislative plan, . . . then the year 1908 may prove to be one of grave political importance, it may mark an epoch in the economic development of the country. If we would picture to ourselves what it is that impends, what may be the origin and nature of the coming change, and with what forces the regime of special privilege is to be brought to an end, we need go no farther back than to the campaigns of 1896 and of 1900.

Is this not a warning to the trusts that if they elect Roosevelt the radicals will take the Democratic saddle and in all probability elect their candidate in 1908? —and on a more radical platform than in 1896 or 1900?

Congressman Robert Baker has begun a cart-tail campaign in the Sixth Congressional district. If he has the physical strength to make the same kind of campaign he did two years ago he will not be long in arousing enthusiasm throughout his district. Several incidents have occurred since Baker's nomination to indicate that deliberate, although quiet, measures are taken to prevent him from getting the fullest opportunity to speak at the meetings controlled by the Brooklyn boss, P. H. McCarren.

Baker was nominated in spite of McCarren's domination in Brooklyn, because two of the largest districts are not controlled by the Brooklyn boss. Although it is pretty generally conceded here that McCarren has exceptionally close relations with the Standard Oil Co., he is also chairman of the Democratic State executive committee. Two of the three largest halls in Brooklyn are situated in Baker's district. A large meeting has already been held in each. At the first meeting Baker was completely ignored. At the other his name was not announced as one of the speakers until after he made a vigorous protest, and then not until the night preceding the meeting, although it had been advertised several days before, and the name of the candidate for State senator, a minor office as compared with Congressman, given a prominent place on the bills, although he makes no pretensions as a public speaker. He preceded Baker, reading his speech closely from manuscript, and not finishing until after 11 o'clock. Even at this late hour the chairman made no attempt to hold the audience for Baker, but deliberately

Digitized by Google