

# Marriage or Free Union; Which?

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Perhaps it would have been more definite if I had put marriage ceremony in place of the word marriage, since it is precisely that which is in question; but, after all, an explanation of marriage is essential to this discussion, since the major part of the civilized world assumes the ceremony as inevitable to the state of marriage. Indeed it is not stating it too broadly to say that the civilized world understands marriage to mean a monogamous relation which can be entered into only by means of a ceremony, at least of a legal character, and preferable of a sacramental one.

I may say that I shall try to keep my own bias in the background as much as possible, though I do not hope for as much success as if it were a matter on which I felt less strongly. Nevertheless I realize that this is a subject which as much as any other demands dispassionate discussion. It is not enough to prove that a marriage ceremony is a foolish and ineffective device, because we have before us the question involving a comparison between it and another device, called a free union.

Please believe that I am not pretending to say the last word on this subject, nor even a very wise one; but I have listened to many discussions of it between radicals, and I am now taking advantage of my position here to present the subject in my own way, rather in the hope that I shall create more discussion than that I shall come near to a settlement of it.

As we all understand very well, the marriage ceremony is only a means by which the State and Church assert their right to interfere with the liberty of the individual in the exercise of one of the most, if not the most, important of those acts to which he is impelled by very reason of being in existence. The one does it on the ground of a duty owed to an imagined being in a mythical sphere; the other interferes on the ground of a duty owed by the individual to a ruling power.

The Church from time to time gives different explanations, varying them to suit the degree of intelligence of the individual addressed. In a general way the excuse of the Church for its different explanations is that God is so considerate that he reveals only so much of the truth as man at any given time is capable of comprehending. The State, on the other hand, is reasonably consistent in contending that it has the right of interference because of its interest in the children which may result from the marriage.

It must be said for the State, however, that it grows more and more lax all the time; and it is altogether likely that if it were not for the matter of the inheritance of property, the State would

let all marriage laws fall into abeyance and disuse. But when it comes to that pass, there will probably be no State to make laws or enforce those now in existence.

As matters stand now, however, it must be admitted that the Church has no power to enforce a marriage ceremony between a man and a woman who wish to enter upon either temporary or permanent sex relations, whether with a view to having children or not. The State may have the power in some sections to punish men and women for disregarding the marriage ceremony, but there are few if any States in which, so far as the law is concerned, men and women may not dispense with any ceremony whatever.

Of course there are certain disabilities visited upon the innocent children who are born out of wedlock, but even they may be avoided by the parents with a little care. As yet this has not become a very important question because they are mostly idealists who dispense with priestly or State sanction to their marriages; and idealists are usually such unpractical persons that they accumulate very little to leave to their children.

I speak of marriages without priestly or State sanction advisedly and for the reason that the sociologist usually, if not always in this connection, is concerned only with those unions which are fruitful. Westermarck, in common with other authorities, considers all unions between the sexes as marriages when children result. This is important, since in the study of the family no thought is taken of those unions between men and women which are not fruitful of children, no matter whether a ceremony has been performed or not.

The justice of such a distinction seems to me apparent and beyond the need of demonstration. Moreover, it is a distinction which we must bear in mind in the consideration of our specific question of marriage ceremony or free union; because, by making it a factor in the discussion, we may differentiate between two distinct phases of the subject of free union. That is to say between the mere association of a man and a woman for convenience or pleasure or improvement, or what not, and with the incident of the child deliberately eliminated, and that same association for whatever other reason but with the child in view besides.

Before going further with that branch of the subject, however, it seems highly desirable to consider briefly some of the forms and effects of marriage, as found in vogue in various parts of the world, since doing so will assist us in understanding better the specific subject before us.

Without trying to be exhaustive I will say that marriage may be said to manifest itself in four distinct forms, with unimportant variations of some of them. Monogamy, polyandry, polygamy, group. Some of these forms are what may be called natural; that is, they have resulted from conditions of life and are not the product of laws made in the interests of any institution such as State or Church. Polyandry, polygamy and group marriages are of this sort, even though laws may be enacted in connection with them to fix them. Monogamy, on the other hand, is not a natural form and, so far as I know, has never actually been practised excepting where, for physical reasons, no other form was possible, as when a man and a woman were isolated on a desert island. I do not mean that individuals have not practiced monogamy, but that no community has ever been known to practice it. This, let me say parenthetically, is not intended to convey the impression that monogamy may not be the form of marriage best suited to the progress of the human animal. I mean to express no opinion as to that, now.

It is not necessary, I take it, for me to do more than state the fact that in communities practicing polyandry, polygamy or promiscuity, there will almost always be found cases of monogamous union. On the other hand, in those communities professing monogamy there is a profusion of evidence of the practice of all other forms of marriage. Not only is this shown by the laws which

have been enacted in all so-called monogamous communities against the practice of the other forms of marriage, but it is a matter of common knowledge and betrays itself constantly. If I may put the case in a phrase, monogamy is a theory, and the other forms of marriage, practice.

In a sense, even the State and Church recognize this, and provide for it with as little sacrifice of the principle underlying their contention of the correctness of monogamy as is possible. True monogamy would demand but one husband or wife in life; and in some parts of the world they are logical enough to kill the wife when the husband dies. I do not recall any logic so pitiless to the surviving husband. In what we call civilized communities, where polygamy or polyandry are illegal and punishable, the death of husband or wife carries permission to the survivor to marry again. The Church sanctions this form of polygamy or polyandry. The State sanctions this form and creates another which it calls divorce, by which a man or a woman may, under given conditions, have several wives or husbands all living. Also the State, recognizing by various statutes the existence of prostitutes, practically concedes promiscuity to men, though without providing any such thing for respectable females.

In polygamy and polyandry the ceremony of marriage is of less importance than in monogamy. Sometimes, indeed, there is no ceremony at all; sometimes it consists in the payment of a price for a bride to her parents, while in some cases all that is given is a stunning blow on the head, to the bride. In monogamy the ceremony is the most important factor, whether priest or magistrate perform it. As I have had occasion to say before, the ceremony of marriage derives its paramount importance from the fact that by it the Church or the State is enabled to keep close to the individual and to control him in the exercise of his most important function. And it may be that the reason why the more astute of priests and rulers favor monogamy is because it puts an unnatural restraint upon the individual and compels him to the commission of what the Church calls sins, and the State crimes. And it must be borne in mind that if it were not for the creation of sins by the Church, and of crimes by the State, the individual would soon arrive at the recognition of the great truth that he had no need for either institution.

Now, the sex function, being as it is imperious in impulse and the most attractive of all functions in its exercise, is the ideal one for Church and State to meddle with; hence the compulsory monogamy of priest and ruler, since experience has shown that it is impossible in practice. Students have discovered that one of the great cravings of human nature is variety. Sameness seems to pall on whatever sense is afflicted by it, whether it be that of taste or smell, or any other. It seems to be the same in sexual relationship; and I think it was Sir John Lubbock who pointed out that the stronger the legal bond in monogamous marriage, the greater the tendency to secret polygamy. In polygamy there is opportunity for legal variety, but even so there is a tendency to what is called unfaithfulness.

It is for this reason that the so-called and much discussed trial marriage does not seem to be a solution of the difficulty which confronts the believer in legal marriage. While the trial is on, both parties to the arrangement are free and, for that reason, in a frame of mind to be contented; but the instant the legal bond is tied fast, human nature asserts itself and a craving for variety for its own sake is set up. It would seem as if perfect freedom of divorce were a better device than trial marriage; for then marriage would be nothing more than an agreement to remain together as long as the parties to the agreement wished. Of course the factor of the economic situation would then enter in and govern the condition of that one of the married pair who was the economic slave. This is shown clearly in the case of the Japanese in the days before their enlightenment by us. A woman economically dependent feared to be divorced; a woman economically free did

not concern herself about it, while the less efficient man who was her husband dreaded it. So with the entire freedom from ceremony in marriage or divorce the economic situation made for happiness or unhappiness with the Japanese.

Time marriage, or union for a stated period, is another of the devices that has been tried either as a convenience or, less often, as a solution of the problem of marriage; for it must be recognized that it is conceded by conservatives, as it is insisted on by radicals, that marriage is a problem of serious import for humanity. That is why we hear so much of the unhappy home, of divorce and of free union. The difficulty in time marriage as in trial marriage, however, is that usually the factor of the child does not have to be considered; for it is almost inevitable that under the circumstances neither man nor woman would desire to have offspring, which would at once complicate the situation. And yet, it is this very problem of the child which is at the bottom of the marriage problem. If there are to be no children, then practically nobody cares whether a man and woman who live together are legally married or not. Indeed, I think I may go so far as to say that it is even expected of a man who is rich enough to do so that he will legally marry a woman to bear children for him to hand down his wealth to, while he sets up another establishment of the illegal sort, where he may enjoy himself free from the harrowing cares of a family, and especially where he may get away from the nuisance of his slave's company.

I suppose the Thaw case was not needed to make some parts of my statement clear; yet to anyone who has read the details of that case a most illuminating light will appear on this subject of sex relations, marriage and illegal association. As I see it, all of the men and women involved have shown, not the revolt of healthy natures against unnatural restrictions, but rather have held up to us the horror of that diseased condition which follows on a pretended agreement with Church and State, while responding in actuality to morbid sexual desires induced by over-indulgence in every sort of stimulant to passionnal expression.

I hope it will be seen how all that I have said leads naturally to the discussion of our particular problem of marriage ceremony or free union. It is certain, at any rate, that what I have said, and indeed much more, is properly antecedent to a consideration of the subject.

We know what the marriage ceremony is: either a sacramental or a legal affair which binds a man and a woman for life, mostly. And that is what makes it so hard to bear, so hideous in aspect, so terrible in its results. A man may be a monster in a refined way of expression, degrading his wife by cutting phrase and sneer, ignoring her when she would be recognized, insisting on attention when she would rather be in retirement, invading her wished-for privacy, refusing her in every way the rational expression of herself until in the end she either succumbs and becomes a dumbly suffering slave, as a good wife should be, or breaks the fetters of convention, while still admitting their righteousness; and descends by that path to the gutter of self-condemnation.

On his wife, she being slave in very fact, a man may even put physical suffering, forcing her to the acceptance of what she loathes till it sometimes seems to her that death were joy in comparison. A man may insult his wife with impunity, for it is no other man's business what he does or says to her. He may starve her. He may take her children from her. He may say what she shall or shall not do. Yes, there are some laws to protect her a little bit, but she knows what will happen if she appeals to them; she will be looked at askance by her fellow slaves; she will know that she is being talked about. And her world is so narrow, so confined, that the least step aside from the path of custom brings her up in fear against the walls of her prison; for life is a prison to the wife, and the husband to whom the key was given, threw it away when he had locked the door.

Does it seem an extravagant picture? Yes, to the wife who has subdued herself to her conditions, but not to the woman who is free. Free! ah, yes! that is it. Freedom is the only thing the wife lacks; such a small matter as freedom! And what is this freedom? In what does it consist? Perhaps in the answer to this question lies the solvent of our difficulty. I will not even attempt to answer it now, however.

It may justly be said that the performance of the marriage ceremony over a man and a woman does not always result as terribly as I have pictured. It is even true that very many men and women adjust themselves to each other so well that the friction between them is very slight, almost unappreciable. Of necessity, men and women being desirous of happiness, will obtain it if possible; and if they have been fairly well educated, or if they have reasonably good natures, they will strive painfully and successfully to overcome the difficulties of the situation so that they may at least be not unhappy. The man will restrain himself when a sharp word leaps to his lips, even though the woman have an unfortunate way of always hitting upon the very expression that irritates him. And the woman will repent her petulance when she sees it has caused pain. And so the two good souls will go on through life, each yielding a little here and there, each modifying this and that characteristic until at last peace comes to them and they can look at each other with soft eyes. They have become so close that the same odors, the same objects, the same words will suggest the same thoughts to both; so that they feel as one person. They no longer need to talk to each other to communicate ideas. They hardly have any ideas that are not in common. Yes, it has been noticed over and over again that man and wife after years together even come to look alike. Why not? It is not strange. They have done the same things together, they have thought the same things together, they have had nothing apart from each other. Odors, sights and sounds suggest the same ideas to them alike.

And that consummation is the beautiful flower blooming on the stem of a perfect and complete monogamous marriage. Do you like it? Is it something to rejoice in? Two individuals lost and an example left! Do you know that to me this beautiful picture of a perfect wedded life is worse than the other of the woman driven to desperation by a brutal tyrant. To me the struggle for liberty is always noble and inspiring, even when unconsciousness of the nature of the struggle is the unhappy fate of the poor wretch; while contentment in the most idyllic slavery is shocking and painful to contemplate. There is hope for the cause of freedom so long as the slave is driven to revolt, no matter what his own view of slavery and freedom may be. He will find himself on the right side some time, and very anger will put him in agreement with the foes of slavery. Reflection on freedom may follow, and then life will begin. It is better to be unhappy in freedom than contented in slavery. Let us hope that more men will be brutal tyrants as husbands. A kind master is a foe to freedom.

But is it really the marriage ceremony that is the cause of all this trouble and misery? True, the marriage ceremony is a device of the priest and the ruler, intended to keep men and women in dependence. But also there is a divine commandment against lying. Most of us believe it is a divine commandment and that God will punish the liar with hell fire. Nevertheless men and women of approved piety, yes, even priests, lie every day and often. There is a divine commandment against stealing and, like the sacrament of marriage, it is reinforced by the laws of man, yet men steal every day and are applauded for doing it successfully; applauded, if imitation be applause. We read every day of oil men and railroad men and sugar men and others who have lied and stolen and are in places of power because of it. And have we not the assurance of President Roosevelt that all men but himself are liars? Why is it that these men, so notoriously wicked, are not put in

prison or ostracized? Is it not because our attitude toward the things they have done is not one of condemnation?

On the other hand, why is it that I wear a hat when I go about the city? I dislike a hat, and I don't wear one when I am in the country. Is it not because the attitude of the people of the city is one of condemnation toward a man who does not wear a hat? That it is silly of me to care and silly of them to have that attitude is nothing. I do care because I am happier when I am not attracting too much attention. I admit it is weak of me, but it is true that I care. I argue with myself that the people are very foolish to feel as they do, but since they do, I will humor them in this, in order that I may save my energies for something more important to me. So I conform to prejudice in many things, in order that I may hold out the more successfully in the matters that seem to me of importance. I do not believe in the use of force and I think law foolish; but when a policeman tells me to go with him, I go, and when I am arraigned in court I make use of the law to get myself free.

Perhaps it is not the marriage ceremony that does the mischief, but rather the attitude of the man and the woman toward it. If they believe it essential to purity —it and all the slavery it involves—then it seems to me it is their attitude rather than the ceremony that is at fault so far as they are concerned. It is true that as a symbol of authority and of slavery in one of its worst forms, the marriage ceremony is objectionable to me; but is it not equally true that if all men and women believed it as foolish and as objectionable as I do, it would cease to have any compelling force? What if I and the woman both agree that the ceremony is to us no more than an outworn rite, perfectly hollow and meaningless? What if we say to each other that for greater freedom from some real evil we will go through the silly form, mutually agreed to accord each other entire freedom notwithstanding? What if it is clear to me and the woman that we can better work against the continuance of the institution from within it than if handicapped by the accusation from others that we hate it because we are outcasts?

I do not say that these considerations are of sufficient force to justify submission to the ceremony if I am of the opinion that as a matter of principle I should not submit. But is there a great principle involved? And what is the principle? Do you object to the marriage ceremony because it is a recognition of the slavery of woman? Then I would answer that one free woman in wedlock is a noble and a splendid object lesson; and that the evidence is most valuable that no institution can stand against one's own consciousness of freedom. The ceremony has nothing to do with my freedom or the woman's. We alone can say, each for himself, that we will be free.

If the ceremony necessarily operated to enslave, it would not be possible to treat it as a matter of little importance. But the ceremony does not so operate. If I and the woman are already enslaved, the ceremony represents our idea. If we are free, the ceremony is no more than if we had stood in the East wind. As I see it, the marriage ceremony is foolish and useless to accomplish the purpose for which it was devised; you cannot characterize it too harshly to suit me. And yet, I contend that the essential thing is freedom. If the ceremony means slavery for you, then it is you who are at fault. If you can wed as you would put on the hat you despise, retaining your liberty unimpaired, then the ceremony is only a foolish rite to be rid of, but not to make a bugaboo of.

All of this must have the seeming of a plea for the ceremony. No, it is only a preface to what I have to say on the subject of the free union. What is a free union? Is it an association of a man and a woman who despise the legal or sacramental form of marriage, and who therefore come together in perfect freedom? A free union! Can one be free in a union? I can conceive of two free persons associating together, but the word and the clear meaning of union trouble me as much

as the old marriage idea. Still, if the man and the woman are free in the union, then it does not matter what word is used. But I still insist that freedom is the thing, I don't care whether it is a union or a marriage.

Does the woman take your name, and do you go together to occupy the same house, the same room, maybe? And you say you are free? You pretend to believe she is free? Perhaps you are very good to her and give her money so that she need not work. Perhaps she takes care of your house for you in return for what you do for her. Perhaps she loves you so much that she wants to know why you did not get home at the usual time after your work. Perhaps she does you the honor to be jealous of you. Perhaps the only difference between you and Mr. and Mrs. Conservative is that they were so narrow that they had a priest make them man and wife, while you were so broad that you enslaved yourselves.

Would you of the free union frankly practice polygamy? Or do you believe in monogamy? And if you do believe in monogamy, do you believe in it for yourself alone, or for her also? It is important to know these things, for it may very well be that the free union is only a euphemism for slavery. Anyhow it must be clear that if two believers in slavery enter into a free union, they will not thereby become free.

Again, it is well to know whether or not this free union was entered into with the intention of having children. If not, and there happen to be no children, then you have no standing in this court. This is not saying that there is any obligation resting on you to bring children into the world, but at least you are incurring none of the risk which the parents of illegitimate children run, and it is not for you to point to yourselves.

Is it not a fact well enough known to all who have had the opportunity to observe, that there are persons united in holy wedlock who are yet free, while there are those joined in a free union who are unfree? It would seem to me that the free union and the conventional marriage are the same thing under slightly different aspects. In the nature of things it is inevitable that when a man and a woman come together under circumstances that involve a loss of individuality for one or both, they cannot be free no matter what their theories may be on entering into this union.

It is very difficult to be free; mainly because it is difficult for us to conceive freedom. There are those who fancy they win freedom by exchanging a king for a republic; whereas it is merely going from one sort of slavery to another. And the republic may even be worse than the kingdom. These are only names for different sorts of government. You are free only when you are free. Saying you are free does not make you so. To cry "down with the king, but long live the republic," only shows that you have put off the day of your freedom a little longer, because you are now deceiving yourself. I sometimes think the Russians are far nearer to freedom than we, for many of them have the true conception of it. All of this applies to the marriage and the free union, as I understand the case. The state which is entered into is the same in both instances. It is a union. I can understand free motherhood, but not free union.

I am not saying that I would not have a man and a woman enter into a free and beautiful companionship, but I am prepared to say that I do not think the paternity of a child is anybody's business—that is, anybody's but the mother's. And I do think it is entirely her business. It seems to me that we are all victims of a morbid and utterly unhealthy sexuality. It is the sex relations of other persons that we are concerned about. When a man and a woman are married or enter into a free union, what is it that first and instantly enters our minds? Is it not the one thing that is so absolutely not our business that there has never been made one good excuse for our concerning ourselves with it?

As I have said, I do not think it matters much whether one enters into a conventional marriage or an unconventional one under the name of free union, so that one preserve his freedom; but I am willing to go on record as saying that any calling of public attention to sex union is either a concession to prurient curiosity or the slavish following of a custom. I know a young woman who is a mother without being a wife. No one knows who the father of the child is. She says it is no one's affair. She lives alone with her child, having given her body into the keeping of neither husband nor lover, prepared to maintain full control of herself and to say when, if ever, she will become a mother again. That young woman I honor and applaud.

So my conclusion is that it is difficult, if not impossible, to be free in either marriage or free union, and that, therefore, I think there should be found a better way than either; for to me freedom is the paramount consideration. That is to say I want to be myself, and just as passionately I want the woman I love to be herself. One can be himself only in freedom.

And as the last word, now, I want to say and to ask you to believe that I mean all that is implied in the words: a woman can be a mother in freedom; she cannot be a wife in freedom.



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