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Before Death Do Us Part

ROAD TO DIVORCE: England 1530–1987. By Lawrence Stone. Oxford. 485 pp. \$27.95

Samuel Johnson once remarked to James Boswell that it was far from natural for men and women to live together in the state of holy matrimony. Incurable rake that he was, Boswell doubtless nodded his head in weary agreement. Yet until the 20th century, the vast majority of wedded couples did remain happily—or unhappily—united until death did them part. Even in 1900, only five percent of marriages in England ended in the divorce courts. Now, one in every three marriages ends this way. In the United States, one in two does so. How are we to account for this massive and rapid transformation in human behavior? Why has divorce, in the West at least, become almost as popular and quite as acceptable as marriage itself?

These are some of the questions that Lawrence Stone, the Dodge Professor of History at Princeton, addresses in this, his 11th book. Like his *Crisis of the Aristocracy* (1965) and *Family, Sex, and Marriage in England* (1980), *Road to Divorce* is vivid, intelligent, rich in quantification, and short on brevity. Indeed, readers with limited time or attention spans should be warned that this is only the first part of a projected trilogy. Two companion volumes, *Uncertain Unions* and *Broken Lives*, will in due course provide case studies of unhappy English marriages in the past, together with the sort of compulsively prurient details that are only hinted at in this volume's illustrations—"Adultery in the marital bed," "Adultery in the dining room," and "Adultery on the carpet." What is offered here is not the evocation of human pain and emotional drama, however, so much as a lucid and expert guide through the intricacies and idiocies of English marriage law over five centuries.

Although a Protestant nation, England long retained the Catholic rule that only death could terminate a marriage. Even that blustering tyrant, Henry VIII, did not go so far as to divorce his first wife Catherine of Aragon. Instead he had the marriage annulled. And this kind of desperate evasion of a too rigid marital law was typical. Before the Marriage Act of 1753, some couples avoided being married in church by a clergyman and simply exchanged spoken vows and ritual gifts before sleeping together. A silver coin snapped in two before an eager (or nervous) bride was a particularly popular alternative to the ecclesiastical ceremony. It was easy enough in theory to walk out of this kind of informal marriage, but very hard in fact for poor people to survive without the labor of their spouses and the shelter of the marital home. So middling- and lower-status couples stayed grimly together, whether they were miserable or not. Those few who did split up might try to lend an appearance of legitimacy to their actions by participating in a wife sale. The woman would be led from her home in a halter and sold in the village marketplace by her husband to another man, usually her lover. Once money changed hands, the marriage ended in the eyes of their neighbors.

But not in the disapproving eyes of the English state. As Stone demonstrates, Parliament had cracked down on informal marriages by the end of the 18th century, and it had become almost impossible for anyone except the very rich and the very influential to obtain a legal separation or divorce. Prosperous men and women might cross the border into Scotland (England's Reno) where divorces, like rapid marriages, were much easier to obtain. Or a couple might separate privately to avoid scandal, the wife receiving maintenance from her former husband. But if a man

wanted to divorce his wife for adultery and marry again, he had to be prepared for massive expense and a total loss of privacy. First, the husband had to bring a legal action against his wife's lover for what the courts politely termed "criminal conversation." This meant bribing servants to tell tales of stained bed linen, stolen embraces, and rapid exits down the back stairs. Or he might have recourse to a coachman, since making illicit love in a rapidly moving closed coach was a common erotic fancy in the 18th and 19th centuries: "The pretty little occasional jolts," as one magazine put it, "contribute greatly to enhance the pleasure of the critical moment." Only if he won his action for "criminal conversation," could a wronged husband go on to petition Parliament and the church courts for a divorce.

Between 1700 and 1857, 338 of these petitions for divorce were brought before Parliament. A mere eight of them were from women. Women suffered as much then from divorce being difficult to obtain as they suffer now from it being so easy. Until a new divorce law was passed in England in 1857, it was virtually impossible for a woman to instigate divorce proceedings for cruelty or for any other cause. Not until 1923 could she divorce her husband if he committed adultery, because the courts held by the double standard that a man's adultery was no more than an unfortunate peccadillo, whereas a woman's adultery was a sin that threatened the security of property and inheritance lines. Any woman found guilty of adultery ran the risk of losing financial maintenance as well as her standing in society and all access to her children. When Lady Holland



Divorcers and Divorcées. Henry VIII created a new church—the Church of England—to have his first marriage annulled in 1533. A twice-divorced woman, Mrs. Wallis Warfield Simpson, caused Edward VIII's abdication in 1936. The co-stars of Brother Rat, Ronald Reagan and Jane Wyman, married in 1940 and divorced eight years later.

left an arranged marriage with a man she hated for a handsome and aristocratic young lover in the 1790s, she pretended that her youngest baby had died so as to keep at least one child safe from her furious husband's clutches.

Changing attitudes to the rights of women were one reason why England's divorce laws were remodeled in the mid-19th century. Another was the growing conviction in Parliament that the middle classes would explode in anger unless they, as well as the upper classes, could have some access to legal divorce. Yet, as Stone points out, the paradox is that for more than 50 years after the 1857 reforms, very few men and women took advantage of them. This, indeed, is the wider value of this book: It challenges the very common notion that it is the relaxation of divorce law in itself that lowers standards of sexual

morality and marital security. Rather, as all the evidence suggests, it has been social, religious, and demographic changes that have made divorce such a common event in our private lives.

To a considerable extent, marriage has been the casualty of both longer lives and wider opportunities. Until the 1800s, mortality rates were so high that comparatively few couples could expect to live together for more than 20 years. Now that men and women live longer, they have more time to become bored and disillusioned with each other. And more alternatives await them beyond the domestic hearth. This was why divorce increased so much more rapidly in 19th-century America than in Europe, particularly in the West and Midwest. The more men and women travelled in search of employment prospects, the more access they had to different kinds of jobs, different kinds of friends, and different kinds of lives, the more willing they became to sacrifice existing partnerships for the chance of new beginnings.

War also caused strains on marriages by disrupting families and by exposing husbands and wives to loneliness, change, and new temptations. In the United States, the divorce rate rocketed upward after the Civil War, after both world wars, and again

after the conflicts in Korea and Vietnam. And in the last decades, with the declining influence of organized religion, the disintegration of a marriage has become separated in most people's minds from notions of guilt and shame. This, perhaps, is the greatest innovation of them all.

In England, Edward VIII was forced to abdicate in 1936 because he wanted to marry Mrs. Simpson, an American divorcée. After the Second World War, Princess Margaret, the present Queen's sister, had to give up her romance with a royal equerry because he too had been divorced. Later, ironically, it was Princess Margaret who helped set the trend by divorcing from her husband Lord Snowdon in 1978. Today even the most conservative Britons do not seem to care that Margaret Thatcher is Denis Thatcher's second wife. Nor apparently did Americans care when they made Ronald Reagan the first divorced president of the United States in 1980. For us not to care in this way has entailed, in Lawrence Stone's words, "a gigantic moral, religious, and legal revolution." And as is the case with most revolutions, the verdict on this one is still out.

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A Modern Hamlet?

COLERIDGE: *Early Visions*. By Richard Holmes. Viking. 409 pp. \$22.95

Something will have to be done about biographies. Not about their popularity, or the fact that biographies and novels are the only things the common reader continues to read. But about the notion of a life they purvey. "A shilling life will give you all the facts," as W. H. Auden wrote in the poem "Who's Who," but the facts available for a shilling are such as these: "how Father beat him and he ran away." Such facts are important, certainly, but in

the case of an artist, they conceal the decisive acts and sufferings that go on in the artist's mind. Biographers, even the good ones, like to assume that what happens inside one's mind is merely a transcript of what has happened outside. The artist is shown suffering but not imagining. If you write a love poem, you are expressing your love—probably unrequited—and your heart, best if broken. We still speak about the creative imagination, but we don't think it creates anything. We think it takes dictation from the shilling facts. Even a biography as fine in other respects as Rich-