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Reel	Box	Folder
150	53	273

## Holy marriage or trial marriage - which?, 1927.

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## "HOLY MARRIAGE OR TRIAL MARRIAGE--WHICH?" RABBI ABBA HILLEL SILVER. THE TEMPLE. SUNDAY MORNING, JANUARY 30, 1927. CLEVELAND.0.



Judge Ben Lindsey has recently written books and articles on the moral revolt of our age, and especially on the moral revolt of our youth, which has created a great deal of comment and criticism. Judge Lindsey is, as you undoubtedly know, the judge of the Juvenile and Morals court of Denver. He has enjoyed a rich and varied acquaintance, an intimate acquaintance, with those problems which he discusses in his books and in his articles. His opinions are therefore worthy of note and serious consideration.

He finds that our age is suffering from a moral revolt. that the old moral standards have broken down. that the men and women, and especially the young men and women of our day, are seeking new standards of morality. He finds that there is a great deal of immorality among our young people, married or unmarried, and he suggests, as a way of meeting the situation, trial or companionate marriage. with its corollary, birth control. Judge Lindsey dwells at length upon the moral delinquencies of our age. He has had ample opportunity to observe them as the wrecks of infidelity and marital failure came drifting into his court house; and, strangely enough, he attributes the condition to the institution of marriage as it exists today, and to what he calls "the Puritan born and the Puritan bred" civilization of ours -- as if similar conditions did not exist in France or Germany or other Continental countries where the Puritan born

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and Puritan bred civilization does not exist. He thinks that because of the rigid code of morality which society officially exacts it makes our youth sex conscious and drives them into illicit relationships. He also finds that the very finality which society has attached to the marriage institution makes people feel that the marriage bond is a restraint, a sort of a surrendering of independence and freedom--a prison-house, as it were, and they fret under this.

He recounts the story of two young people who came to him seeking annulment of their marriage, and when he purposely left them with the erroneous impression that the annulment had been granted, they were very anxious to resume living together. He recounts the story of another young couple who discovered hitherto unknown virtues in one another immediately after their divorce was granted.

Now because of these considerations and because of such episodes--which, to my mind, merely illustrate the old Biblical adage of stolen waters being sweet; which merely illustrate the old weakness of the <u>genus homo</u> to take pleasure without taking responsibility,--because of these instances Judge Lindsey would introduce a revolutionary departure in organized society; he would sanction a new type of marriage--trial or companionate marriage, as he calls it. Two people like each other--or they think they like each other--and they apply for a certificate of trial marriage. They live together as long as they wish, and when they lose

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interest in one another, why, they just announce that they are through perpetually.

This arrangement, Judge Lindsey thinks, would give a legitimate outlet to the sexual life of these young people, and would give them an opportunity to become acquainted with one another. Should they wish to continue and enjoy the privilege of parenthood, why, then the marriage bond would become more binding and the marriage bond would be dissolved only upon the greatest consideration. In other words, trial or companionate marriage is predicated upon the thought of birth control, and so Judge Lindsey would meet the moral shortcomings of our age practically by surrendering to it. So many people are misbehaving themselves; ergo, let's sanction their misbehavior; let's camouflage it with some legal fiction; call it trial marriage, call it companionate marriage and approve of it.

The logic seems to be one of a prevalent logic determining all of our forms of thought today. So many people like indecent plays, salacious plays; ergo, let's grant it to them, and by calling those types of plays and books art and modernism, society approves of them and society accedes. So many people are not interested in government, so few people take the trouble to vote, there is so much graft and corruption in government; ergo, democracy is undesirable. Let us scrap democracy.

The logic seems to be this: that if anything is wrong in the lives of men and women, do not blame the men

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and women but blame the institution. The men and women of our age have enjoyed freedom and economic independence and individualism more than the men and women of any preceding age, and they have not yet adjusted themselves to the responsibility which this freedom, this economic independence and this individualism must impose upon them, and because they have not yet adjusted themselves to these responsibilities, therefore encourage them in their instability rather than subject this generation of ours and the next generation to that slow and laborious process of education and selfdiscipline and self-control and self-elevation; take the short-cut out and sanction all the insipidities and the trivialities and the indecencies of the age, the age of men and women who have not learned the self-restraint and responsibility which must go with the discovery of the various types of emancipation which society has made possible today.

We ask of Judge Lindsey and of his disciples. why should one of the original and basic institutions of society--marriage--be scrapped? For trial marriages. logically followed out, imply the scrapping of the old institution of marriage. Why should that institution be destroyed because of the momentary abberation of a generation? Have we tried all other means of saving the generation, or the old standards of the old fashioned morality? If we had exerted every means at our disposal to keep men in the paths of moral rectitude, and had failed, then we

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would have to acknowledge that the old standards and the old institutions are no longer serviceable, and, much as it hurt us, they must be abandoned and new standards adopted.

But have we tried everything at our disposal? Have we called to play upon this great crisis confronting us all the agencies which ought to be concerning themselves with the problem .- - the home, the school, the church, the press, the theatre? Have they made a strong effort to combat the rising tide of the revolt of youth?-which is really no revolt at all. It is just a slackening of restraint, just a weakening of moral fiber. A revolt is for something that possesses moral quality .-- for ideals. Revolutions imply sacrifices, idealism -- self-control, selfsubordination to higher ideals. The revolt of modern youth is nothing more than a craving of privileges, of selfindulgences greater than they enjoyed in the past .-- a sanctioning of self-indulgence. Our schools practically teach no ethics and are not conducive to the building of character. Our schools limit themselves to the imparting of necessary information to our children. Probably no more than fifteen or twenty percent of the youth of America receive any formal, ethical or religious training in Sunday-schools. Eighty percent are without any such training. Parents do not find it necessary. The home, which was once upon a time the stronghold of piety and reverence, where the sanctities of life were safeguarded, where the very atmosphere was

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conducive to proper thinking, proper speaking, proper acting, -- the home has become secularized, and very few homes have a definite and intelligent program for the moral and ethical guiding and inspiration of their children.

The theater, the moving picture theater, where so many of our young boys and girls go, is very often veritable poison to our youth, and our newspapers are replete with the sensational, the sexual, the indecent, in all their details, and sear the eyes of our young people. In the midst of this environment and general laxity and moral indifference our young people are reared, and then when we have to pay the price in crime, in delinquency, we turn not to ourselves but we turn in demunciation upon our institutions, and we say the marriage institution is at fault. We have no time for our spiritual life; we are too busy wallowing in the pleasures of the moment, and so we blame the church. We say the church has failed. We have no time for the duties of citizenship, for a vital and intelligent cooperation in the administration of our political life; and so we say our government has failed.

It is so easy to point a finger of scorn at an institution, impersonal, seemingly removed from you, and so difficult to point the finger of scorn at yourself. It is so easy to ask for a remedy in institutions, outside of yourself, instead of looking for the remedy within, -- in selftransformation, in self-elevation.

This panacea for the moral shortcomings of our

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age--companionate marriage, trial marriage, and what not, has been tried. Mankind has gone through all the stages, -polygamy, polyandry, communal marriages, concubinage. Mankind has even sanctioned in the past sexual life before marriage. Mankind has gone through each one of these stages, and at the time each one of these stages was regarded as moral. It represented the cultural level of the age. But mankind has grown out of them; mankind has discarded them the same as it has discarded all archaic forms of marriage. just as it discarded slavery, which was once regarded as wholly moral. Mankind has, through the hard processes of evolution, risen from these primitive forms of union between man and woman to the higher and the highest form of union. where the natural communion is translated into a spiritual communion; where the high form of a voluntary, spiritual. compelling monogamy has taken the place of the primitive polygamy of the human race.

Man by nature is a polygamous animal with very few restraints, and it has been one of the major tasks of civilization during the last fifty thousand years to train this polygemous animal to rise to higher standards of living, to subject his natural anarchy to spiritual restraint, and any attempts at loosening the moral bonds of civilization is not progress. You may think it is <u>very</u> advanced, but it is not progress at all; it is a throwback to the primitive; it is animalism of the crudest kind to seek to supplant those standards which mankind, through experience and through

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suffering, evolved so as to produce the highest type of cultural civilization, to supplant them by a jungle code of legalized promiscuity.

It is strange that a judge feels that it is the binding character of our marriage institution which makes it so irksome for men and women, because of the "steel trap"--a rather pointless thing to say in our days, when it seems to be easier to get divorced than to get married; a rather pointless charge to make in our day when one out of every three marriages end in separation and in divorce. It is not the binding character of the marriage institution which is responsible for irreverent laxity; it is rather the absence of a sense of the binding quality of marriage. Would to God that men and women thought a little more of the binding quality of such a union; would that they realized that the ordinary standards of convenience which apply to the commonplace relationships of men cannot and ought not to be applied to this basic human relationship. Would that they realized more today, as they realized in the days gone by. that marriage is not a contract, not a secular union but a sacred union: that it is a sacrament, that it is a destiny, a destiny in which two souls unite upon one pilgrimage which is to take them to the very end of their days, yes, and into heyard eternity, a pilgrimage into the tomb. Two souls vow to face all the problems of adjustment, in temperament, in wellbeing, in intellectual attainment, in attitude, -- all the serious and perplexing problems which are inevitably involved

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in every marriage, -- two souls vow and equip themselves to face these problems, whatever those problems may be. That marriage is a destiny, a pilgrimage through life, and life is made up of joy and sorrow, and, fortunately, is made up of good and evil.

The Judge seems to have two ideas confused in his head. The first is this: he knows that there are certain young people who love each other and yet cannot get married because of economic reasons. They are unable to provide for a family. Such cases are not at all rare. So he suggests for them trial or companionate marriage. But why? Why trial marriage for such people? Why can they not be married legally, according to our present standard, and wait upon the privilege of parenthood until such time as they are connonically able to support a family? Such practices are common today and society is content not to censure it. Why trial marriage to such people?

He has in mind a second type of young people who do not happen to know their own minds. They are not sure of themselves. They think they like each other, but they are not sure. One is reminded of that trite saying of Shakespeare in the Merry Wives of Windsor: "If there be no great love in the beginning, yet Heaven may decrease it upon better acquaintance." Now these people, he thinks, ought to be given a chance to live together to find out whether they actually love one another. But why? Why trial marriage? Why cannot these people be married legally

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and given all the support of public opinion, of an organization, an institution, to help them tide over their momentary whims and indispositions? If they find, after a long or short while, that they simply cannot get along, why, surely, the divorce courts are open wide enough for any couple to seek new freedom and self-fulfillment outside of the marriage bond. Why should society cheapen and vulgarize this holy institution of marriage for the sake of facilitating the emancipation of two young people who may not happen to know their own mind, and who, under present conditions, can very easily find their freedom outside of the "steel trap" of matrimony?

I am afraid that the Judge approaches his problem from the point of view of extreme individualism which is obsessing our age. The right to happiness has become the slogan of the moral amarchy of our age, -- as if only the two are concerned in a marriage; as if society is the not concerned in each and every such union; as if, very life and well-being of a community are not dependent upon such union; as if society has not at all times regarded marriage as part of its organized system and decreed for it, because it knew how vital that institution is to the life of society. No man has a right to any happiness which is not at the same time socially desirable. Human happiness, the happiness of the individual, to be sure, is an end the social ethics, and everyone is quite ready to acknowledge it. It is an end but not the only end. There are other ends and higher ends to

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which individual happiness must be, and very often is. subjected. I have a right to my life. Surely, that is my own. Yet when my country faces danger it has a right to take me and throw me into trenches and deprive me of my life for the sake of defending the commonwealth. And we regard it as a supreme act of patriotism to offer our lives. our dearest possession, the right to live, for the sake of higher ends. our own personal ends. And so this right to happiness is a fallacy and a madness and a menace. It destroys; it is a cancer; it eats at the heart of organized society. And then again those who proclaim the right to happiness blithely assume that people always know what their happiness is, where their happiness is to be found, and at any given moment they know exactly where happiness lives. The fact of the matter is that most times we do not know what things will bring us abiding happiness; and in most instances we require, all of us, the restraint of organized institution, and of public opinion, and of sanctioned tradition to tide us over our momentary mal-adjustments. This great institution of marriage cannot be made dependent upon the whims of the momentary dispositions of people. It is too vital to the life of civilization.

Lastly, the Judge seems to be laboring under another misapprehension. He says that the only reason that society insists upon legal marriage is to protect the children,--legal marriage is intended only for the protection of children. And again he says that the possessive jealousy

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and property rights are back of our traditional attitude of chastity and fidelity. He said what the ancient Jews really meant by the Seventh Commandment--"Thou shalt not commit adultery"--was "Thou shalt not steal," and they referred to that particular kind of property--women.

Now that is naive, that is uninstructed judgment, judgment corrected by wide reading and wide acquaintance with history. The fact of the matter is that in earliest times in Israel the marriage institution had risen far above its legal definition in code; it had risen to such heights that the tribe in Israel dared to characterize the relationship between God and His people in the symbolism of marriage. "And I will betroth thee unto thee forever." said God. "And I will betroth thes unto me in kindness, in justice, in mercy. I will betroth thee unto me in truth, and thou wilt know and learn to know and understand God." Think of this daring imagry of characterizing the relationship between the spiritual being--God--and His people by means of the symbol of marriage! If marriage were that crude and coarse institution conceived of by the Judge, no prophet in Israel would have dared to have applied it to Divinity. The marriage ceremony was known in Israel as Kaddishim -sanctification -- not contract.

The Rabbis say the namefor man in Israel is esh; the name for woman in Israel is esho; the two letters, the Yad of esh and the He of esho make Yah--the name of God, and when esh is joined to esho--God--the

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Shekinah, the Holy Spirit, is with them and joins them in love, but when their relationships are purely physical and not spiritual, then the Yah departs and only the Esh remains. "Fire: fire: which consumes them and desolates them!" That was the conception of marriage among our people. The Shekinah never dwells in trial marriages and in companionate marriages; and it is not true that the only reason why society sanctions legal marraiges is for the protection of children. It is not historically true and it certainly is not morally true. Marriage is intended as much for the spiritual and the moral development of the two contracting parties, of the man and the woman, even as it was intended for the protection of children and for the safeguarding of property rights.

Marriage is the supreme opportunity for the spiritual and the moral development of human beings. There is no experience which so challenges us and the best that is in us as this searching experience of community living, of two souls. It demands the best in us and the finest in ustact and delicacy and goodness and self-sacrifice and devotion and loyalty--as no other human experience demands of us, and the man and the woman who enter such relationship, who resolve to utilize it for the expression of the best and the finest that are in them, will soon find their union one of bestitude, of blessing and romance and spiritual adventure, a glory and a sublimity. And it is these standards, friends, --old fashioned, and it is these ideals of human relationship.

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--old fashioned, which, to my humble thought, ought to be taught and preached today.

Our abberations are the abberations of a moment, of a passing phase in cur civilization. There were such times in the past. We know of other peoples in other ages whose moral life was infinitely more lax and wicked than our own. The marriage institution survived them, and they who sowed the wind repped the whirlwind. They sank into the slough of corruption; their moral fibers gave way and they were destroyed. The marriage institution survived.

And in this age of the so-called moral revolt we must not permit ourselves to become demoralized and frightened by the apparent laxity all about us, but vigorously and more firmly than before insist--not merely by words but by acts, by education, by instruction in the home, by an aroused public opinion--insist that when one approaches these intimate relationships, whether it be man or woman, that they remove the sandals from off their feet, for the ground upon which they stand is holy ground. Kadeshi kadeshi kadeshi

Any attempt to secularize marriage, any attempt to make it an institution of convenience for legitimatizing the animal passions of human beings, will prove fatal to civilization. Yah--God--must always be present when the relationship of esh and esho are spoken.

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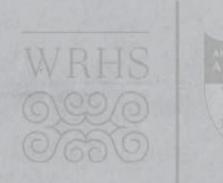
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