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Threats To American Family Life

REVEREND JOSEPH T. ALVES, D.S.W.*

Tolstoy, in opening one of his novels, states that every happy family is happy in the same way, but that every unhappy family is unhappy in a very different way. This simple, but profound truth is the reason why every disturbed family needs and deserves lengthy and unique attention. It is one of the great achievements of our community that unhappy families can come to receive this unique attention from a number of professional caseworkers in Catholic Family Counseling. But it is one of the most distressing features of our day that so many need it and that almost every third family—perhaps even despite the marriage counseling services available to them—becomes so unhappy that its life together ends in divorce. This evil, though not the sole evil threatening the existence of happy family life in America, is nevertheless a very great one. But before discussing this at any length let us first take a look at the American family and see what changes have taken place in it during the past fifty years.

The family of today is not the family of fifty years ago. Then the family was an extended family which included relatives of various degrees. Today the family is a conjugal one composed of mother and father and the children. Fifty years ago the family was a production unit, whereas today

it is a consumption unit. From a patriarchal, authoritarian society it has developed into a democratic one. From a rural society, it has become an urban society for less than 10% of the families in America now live in rural areas. There is less food raised in kind by the family. Today, the family is dependent, almost exclusively, on wages. Now there are nearly 15 million Americans who are dependent on old age and survivors insurance benefits. Also the family has shed various responsibilities which it had fifty years ago. Religious instruction, for example, is now solely the responsibility of the Church. Education is now solely the responsibility of the school. The American family has become more mobile; it has very few, if any, roots. There is a great movement today to the suburbs for residence, with the father working in another community entirely. There is no clear-cut division of labor between the sexes. Yes, there has been a great increase in the standard of living and a drop in the illiteracy level. There are 43 million families in America today. The forecast is that there will be 15% more in the next ten years. The age at which people contract marriage has decreased from 26 for the groom and 22 for the bride at the turn of the century, to 22 for the groom and 20 for the bride today. The birth rate has in-

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creased from 1935 to date about 50%. There has been a steady increase in the number of children born out of wedlock, nearly 1/4 million in 1958, but *divorce and separation seem to be one of the greatest problems threatening American family life today.* There are more than six million children today living with only one parent and there are more than one and a half million more children living with neither parent. There has been a great increase in the number of working mothers. 35% of the labor force in 1960, for example, was composed of women; and 30% of married women with husbands working; and this rate is rapidly increasing throughout the world. A children's bureau study recently revealed that nearly four hundred thousand children in the United States under twelve years old are caring for themselves without even neighbors or anyone to look after them.

Sociologists and psychologists are more and more supporting the conclusion that easy divorce and disregard of the well settled traditions of the western world have disastrous social and psychological effects. Recent empirical surveys show that, frequently divorce tends to be such a psychosomatic shock that it actually reduces life expectancy, alters personality, increases the incidence of mental disease, and promotes juvenile delinquency among the children of broken homes. In a recent study of 330 college students from homes involved in a divorce, 60% of the youths indicated that they suffered a severe emotional shock at the disruption of their family life.

Despite the widespread erosion of family stability, all too little is being done in this area by the state or by the schools. One is reminded of Edmund Burke's comment that "evil grows because good men do nothing." It is no longer sufficient for the Government to say that questions of mar-

riage and its dissolution belong to the home and the Church. Marriage in America has become, as never before, a matter of the civil law, and it is the duty of Government officials to supervise carefully the legal machinery which today grants almost automatic divorces upon trivial and even largely non-existing grounds.

Before we can understand the crisis in family law, one must have some knowledge of the background and origin of American divorce law under which there are authorized each year in the United States more divorces than are granted in all the nations of Europe, Canada, and Japan taken together. 1959 Estimate = 400,000 divorces and 60,000 separations.

Back in the year 1870, right here in our own Commonwealth a real revolution occurred in our basic law. For the first time in the two and a half centuries of the existence of the Commonwealth, divorce jurisdiction was granted to the judiciary (civil courts) and seven specific grounds for divorce were established. Previous to that time from 1630 up until 1870, that is, divorce in general was not allowed. In certain very rare instances during this period, the Legislature could grant an annulment or divorce, but the Judiciary had no jurisdiction over marriage. This state of things was inherited from England where both before the Reformation and after it, the ecclesiastical (Church) courts had jurisdiction over the formation and dissolution of the contract of marriage. The revolution which came about in Massachusetts in 1870 had already taken place in England in 1857 when Parliament had transferred jurisdiction over marriage from the ecclesiastical courts to the judiciary and had ceded its own power to grant divorces to the civil tribunal.

Why our state in 1870 altered its basic law on marriage so abruptly and

so radically is not entirely clear. Nor is it clear why jurisdiction over divorce cases in Massachusetts came to rest principally in the Probate Court. What is even *more* difficult to understand is why the ecclesiastical procedure and grounds for granting separations (without the right to remarry) were taken over to be used in proceedings in which a complete release from the bond of matrimony was to be given. The fact is that this adversary procedure, borrowed from a very different legal proceeding, never really suited the legal contest in which *two* persons seek to rescind the contract of marriage. It has now come about as a matter of fact that the adversary proceeding, originally designed to make it difficult to get a divorce, is being abused and exploited in a tidal wave of uncontested divorces.

Without recommending that the adversary procedure be discarded, one must face the fact that the law as presently constituted frequently renders the judge powerless even to attempt a reconciliation. If corroborated and uncontested evidence is submitted, the Tribunal must grant a divorce.

Many states and counties have been far more aware than Massachusetts of the inadequacies of the legal procedures borrowed from the ecclesiastical courts and applied to petitions for divorce. The District of Columbia, the City of Toledo, Los Angeles, Denver, and several other areas have adopted a family court. What can be done to modernize the structure of Massachusetts' legal machinery which seems to be inept and powerless in the face of a frontal attack on the home, the very heart of society? Or, more fundamentally, what can society do to reverse the trend of easy and needless divorce? I'll mention only a few—let us consider what can be done by the law and other social forces (1 before the marriage is celebrated, (2 during

the life of the marriage, (3 and after its dissolution.

Ever since the American states became involved in the business of permitting and dissolving contracts of marriage, they have had a strange role to play. The civil contract of marriage is tripartite—the state being the third party. The American state has been very reluctant to place restrictions on the formation of the marriage contract. Only two requirements are generally specified by law—a certain minimum age and a mandatory blood test. No investigation of probable responsibility is entered into before the state gives permission to two people to venture into the most serious relationship of life on which, in all probability, new citizens will be totally dependent. Conceding that it is a controversial idea to suggest that the public schools introduce courses on marriage, such an idea might well be considered in view of the fact that if America does not want to commit social suicide, someone, somehow has to begin to revitalize the great ideals of family solidarity which until very recently were one of the noblest and almost universally accepted values of the Judeo-Christian tradition. Perhaps, the school could teach those basic truths on which—let us hope—all Americans are still agreed—the beauty of marital fidelity, the need for the harmonization of conflicting claims between spouses, and the enormous responsibility which parents have to supply a happy home for their children. If some may feel—quite understandably—that parents and not the schools should communicate these values to their children.

Then perhaps at least some state agency could instruct parents in those basic essentials of true marriage which adolescents have a right to know.

The founders of this nation, non-Catholic as well, looked on marriage

as a life of dedication of a man and a woman to each other; for our forefathers marriage meant a solemn *vow* to love, not a rescindable promise to be in love. How can we reestablish that noble ideal? It will take an enormous effort on every level of society to check that decay and disintegration of family life which is the greatest threat to the spiritual security of the nation. It is up to the intellectual and spiritual leaders of our age of anxiety to study the new crisis that is upon us, up to all to help them to hammer out new laws, and to radiate new ideals.

I appeal to all Catholic parents to consider this their primary responsibility—forming spiritually strong and emotionally healthy parents of the next generation. This republic will be as fearlessly plundered and laid waste by barbarians in the twentieth century as the Roman Empire was in the fifth: with this difference, that the Huns and Vandals who ravaged the Roman Empire came from *without*, and that your Huns and Vandals will have been engendered *within* your own country and by your own institutions.



Conversation in Silence

Eyes are a savory blend of moods and emotions. They show trust in childhood, inspiration in youth, protection in motherhood, memories in the golden age. In business, they bargain; in anger, they defy. Their language is love, punctuated by a wink and translated by a smile. In prayer, they silently speak craving for the Almighty. In love, they are shining medallions, deflecting sorrow as they radiate trust. They are detectives by instinct, searching the soul and measuring the love. They are salesmen, mirroring the mind, selling the intangible, selling themselves. They are a factory of dreams. Tears are but summer showers with rainbows the reward for sorrow melted by the warm new sun. They are the stars that guide the destiny of the earth bound; they need no halo for they always twinkle, never age.

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