



Written by [Jack Kerwick, Ph.D.](#) on August 7, 2012

Marriage and Divorce: a Look at Arguments Long Forgotten

As anyone who hasn't spent his existence holed up in a cave knows all too well, so-called gay "marriage" is a hot topic these days.

Just last week, the fast food chain Chick-fil-A made more money in a single day than it had ever made on any day in its history — no mean feat considering that the Christian-owned organization was already phenomenally successful. But its record breaking sales on August 1 — "Chick-fil-A Appreciation Day," as Mike Huckabee declared it — stemmed from the legions of folks from around the country who came out in a display of solidarity for Dan Cathy, CEO and owner of Chick-fil-A.



Cathy, as everyone knows, was under fire from homosexual activists and other leftist ideologues for his opposition to gay "marriage."

It is not at all uncommon these days to hear self-avowed "conservatives," particularly commentators, decry gay "marriage" as a threat to traditional marriage. Whether this assessment is correct is a point that we can leave to one side for the moment. Suffice it to say, though, that if gay "marriage" should be opposed at every turn because of its allegedly deleterious effects on the institution of marriage, then other phenomena — such as divorce, say — that is significantly more damaging to marriage should be that much more resisted.

Yet the very same "conservatives" who never tire of lambasting gay "marriage" utter nary a word about this.

Things weren't always so.

Louis de Bonald was a French conservative theorist from the eighteenth and nineteenth centuries who rejected hook, line, and sinker the French Revolution. Bonald argued forcefully against laws permitting divorce.

"Marriage," Bonald wrote, "is the commitment made by two people of different sexes to unite in order to form a society called the family." In this respect, "it differs essentially from concubinage, which is a union without a commitment to form a society, and still more from vague libertinism, which is a union with an intention not to form a society."

Note, marriage is a fundamentally different kind of relationship, for Bonald, than either mere cohabitation or what we today would describe as the casual "hook up."



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Moreover — and here Bonald really risks offending contemporary sensibilities — “if by happiness one understands an idyllic pleasure of the heart and senses,” then “the end of marriage is ... not the happiness of the spouses,” for this pleasure “the man who loves independence finds far more readily *in unions without a commitment.*” [Emphasis added.]

In contrast to many libertarians, Bonald staunchly rejects the notion of a separation, as it were, of marriage and government. If government exists for the sake of the tranquility of the citizens over whom it presides, then it must insure the education and nurturance of children. Since marriage is an invaluable social institution precisely because of its unique ability to accomplish this end, government, then, must guarantee its indissolubility.

Since “the marital commitment is really formed between three people” — man, woman, and child — and since “the third person,” the child, being but “a minor in the family, even when he has reached his majority in the State,” can never “consent to the dissolution of the society which gave him being,” *the government must protect him by prohibiting divorce.*” [Emphasis in original.]

Bonald adds: “A father and mother who divorce are thus really two strong people who conspire to rob a weak one [the child], and the State which consents to this is an accomplice in their brigandage.”

But besides divorce being detrimental to the child, it “is both a harsh and a false law” in that “it not only allows the husband the faculty of repudiating his wife, but also grants it to the wife against her husband.”

Bonald elaborates:

Marriage is therefore not an ordinary contract, since in terminating it, the two parties cannot return themselves to the same state they were in before entering into it. And if the contract is voluntary at the time it is entered into, it can no longer be voluntary, and almost never is, at the time of its termination, since the party which manifests the desire to dissolve it takes all liberty from the other party to refuse, and has only too many means to force consent.

Most importantly, divorce harms society. Bonald asks:

But when he [“man”] has made his choice against all the laws of reason, and solely on the basis of whim or interest, when he has founded his life’s happiness on what only makes for the pleasure of a few moments, when he himself has poisoned the sweetness of a reasonable union by weak or unjust conduct ... has he the right to ask society to take responsibility for his own errors and offenses? Must one dissolve the family in order to contrive new pleasures for his passions, or new opportunities for his inconstancy, and corrupt an entire people because of the corruption of a few?

In short: “Divorce,” thus, “is ... contrary to the principle of society.”

Bonald contends that laws permitting divorce actually encourage divorce.

Everything which is irritating in an indissoluble marriage becomes unbearable in a marriage subject to dissolution. Spouses then are like miserable captives who have partly opened the door of their prison and are constantly engaged in widening the gap to make a way out.

To the objection that just because the prohibition of divorce is “religious” doesn’t mean that it should be “civil,” Bonald responds:

If one views [the indissolubility of marriage] as religious because it is consecrated by religion, why not also view as religious, why recognize as civil, the prohibition of robbery and murder, which



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religion also consecrates, and indeed, consecrates even more expressly and clearly than the prohibition of divorce?

Bonald is clear that he is not advocating anything at all like a theocracy: "Government should doubtless not command everything which religion prescribes to man as personal." However, "it should allow nothing which religion forbids as fundamental in society, still less should it forbid anything which religion commands."

We need not agree with everything that Bonald says about marriage and divorce in order to recognize the value in his words and the cogency of his reasoning. But, with the issue of gay "marriage" assuming national significance, we would be well served to familiarize ourselves with his arguments as we rethink once more the nature and purpose of marriage.



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