

Prologue

The sociological imagination enables us to grasp history and biography and the relations between the two within society. That is its task and its promise.

—C. WRIGHT MILLS, *The Sociological Imagination*

NINA AND JAMES WALKER WED as American Victorianism was yielding to new cultural values. Writing half a century later, historian William L. O’Neill notes that the Progressive Era from the late nineteenth through the early twentieth centuries produced “a new sense of what the family was and where it fitted into the social structure.”¹ In particular, “divorce came to be the principal issue over which the old and new sets of ideas about family clashed.”² Indeed, American cultural attitudes toward divorce changed considerably between 1880 and 1919,³ and the protracted divorce proceedings between Nina and James Walker clearly illustrate this shift. From 1909 to 1916, the two waged a bitter and public court battle that repudiated the affections that had led them to marry eagerly and hastily in February 1897.

Contemporary Americans are generally familiar with the rising divorce rates of the 1970s and 1980s, but the divorce mini-revolution of the early twentieth century is little discussed. In 1870, the United States recorded 10,962 divorces, equating to just 1.5 per 1,000 marriages, but by 1900, the absolute number had risen to 55,751 (4.0 per 1,000 marriages), and by 1920, there were 167,105 divorces (7.7 per 1,000 marriages).⁴ Although the 1920 rate was a small fraction of the 50 percent figure seen for first marriages at the end of the twentieth century,⁵ this increase during the Progressive Era was dramatic, particularly when compared to earlier periods.

Excerpt • Temple University Press

The Statistical Survey of Marriage and Divorce, published by the U.S. Census Bureau in 1909, found that the American divorce rate was increasing by 30 percent every five years and concluded that rates were headed “almost without exception upward.”⁶ Social historian Elaine Tyler May observes, “During the late 19th and early 20th centuries, American marriages began to collapse at an unprecedented rate.”⁷ Despite this, George E. Howard, a well-known early twentieth-century historian and sociologist at the University of Chicago, viewed divorce as “a remedy, not a disease.”⁸ In William Graham Sumner’s 1908 keynote address at the third annual meeting of the American Sociological Society (now the American Sociological Association), he noted that the family “had lost its position as a conservative institution and become a field for social change.”⁹ Sociologists Herbert Spencer and Lester Ward recommended reducing obstacles to divorce, and many other social scientists saw doing so as a strategy to save the institution of marriage.

Changes in the economy placed greater stress on individual urban family units, which could no longer rely on the extended family support prevalent when most families participated in an agricultural economy. This shift meant that love and understanding between marriage partners became the basis for marriage, even in the upper class, where family alliances simultaneously persisted as a rationale. This transition was not without peril. According to one legal scholar, “The greater emotional content of family relations elevated the stakes in marriage, making domestic life delightful when it succeeded and devastating when it failed, as was [then] more likely to happen.”¹⁰

Despite the greater emphasis on intimacy between husbands and wives, sexual disagreements often arose. With limited reliable birth control, conflict “often took the form of a struggle between men’s desire for sex and women’s concerns about health and maternity.”¹¹ A frequent outcome of this conflict was for men to engage in extramarital relationships, often with poor young women who were moving to the cities in large numbers, seeking work and living apart from their families for the first time in history. This trend led to an epidemic of sexually transmitted infections (then called “venereal diseases”); a Boston physician found that more than one-third of his male patients admitted to having been infected with gonorrhea,¹² and New York physician Dr. Prince Morrow claimed that at least 60 percent of the male population had contracted syphilis or gonorrhea. Unfortunately, when unfaithful men contracted these diseases, they often infected their wives. In his 1904 medical text, *Social Disease and Marriage*, Morrow claims, “There is more venereal infection among virtuous wives than among professional prostitutes.”¹³ This circumstance became a prob-

Excerpt • Temple University Press

lem in many marriages, including the Walkers', and adultery was a leading ground for divorce.

The increasing divorce rate was often associated with women's aspirations for independence, and the 1909 Bureau of the Census Report recorded that women initiated two-thirds of American divorces.¹⁴ However, fervent disagreement over the issue split the suffragist movement. Elizabeth Cady Stanton and Charlotte Perkins Gilman favored liberalizing divorce laws, but other women's rights leaders, including Susan B. Anthony and Frances Willard, strongly opposed doing so. Despite the decreasing barriers, divorce remained unavailable to those who could not afford it. Lawyers were expensive, and the 1909 census report found that alimony was awarded in just one of eleven divorces.¹⁵ In an era before women could support themselves, most women needed husbands for economic support.

Newspaper readers of the time were particularly interested in the often lurid accounts of high-society divorces. The public was extremely curious about this phenomenon that had been quite rare until the mid-nineteenth century. The Walker divorce hearings took place in Newport, Rhode Island, but newspaper reports and gossip about their marital troubles created a sensation throughout the nation, and their divorce case is an interesting example of the many private divorces that became public issues during the Progressive Era.¹⁶

An article on page seven of the December 9, 1913, *New York Herald* details recent developments in the Walker case that had "interested all New England,"¹⁷ and news elsewhere on the page provides fitting historical context. A piece titled "President Denies Women's Request for Suffrage" relays Woodrow Wilson's message to a delegation of eighty-five representatives of the National Woman Suffrage Association that he could not "use the power of the administration to bring about the organization of a special committee in the House to take up the suffrage question" because the Democratic Party (which he represented) had not endorsed the issue.¹⁸ American women were thereby informed that the federal government would not consider granting them the most fundamental democratic right.

Although their attempts to achieve justice in the public sphere were largely thwarted, many women sought change in the domestic sphere through the courts. Several other articles on that same page of the *New York Herald* illustrate women's use of the legal system to settle domestic disputes. According to one article, a Mrs. Griffin sought to divorce Dr. Edward Harrison Griffin, whose patients included famous opera stars, actors, and members of some of the wealthiest families in New York City. Mrs. Griffin claimed her husband's income to be \$80,000 a year, "greater than the President of the United States." His office was "furnished with

Excerpt • Temple University Press

costly marbles, bronzes, and tapestries,” and he owned real estate valued at \$150,000. However, Mrs. Griffin testified that, despite this wealth, after dismissing several servants, her husband had cut off her \$40 weekly allowance and refused to continue supporting her. In response, Mrs. Griffin separated from her husband and filed for divorce,¹⁹ an option that may have been unavailable to her not long before.

Another article on the same page of the December 9, 1913, *Herald* describes the case of a Mrs. Annetta Slocum, who sought to divorce her husband, Dr. William H. Slocum. She alleged that he drank to excess, neglected his practice, and permitted her just seventy-five cents per day for food. In addition, he compelled her to wash his car and to do heavy labor. Moreover, he “showed an unusual interest in Mrs. Frieda Schmidt, wife of a chauffeur.” The Slocums continued to live in the same house, but they were not on speaking terms. Her mother lived with them and was incensed that the doctor forced her to chop the wood she bought from him.²⁰

This newspaper page also presents the stories of several other women seeking to divorce their often prominent husbands on grounds of cruelty, lack of cohabitation, and physical abuse. One unfortunate woman, a Mrs. Justine Sutton Gray, “broke down and became hysterical” upon learning that, yet again, her husband had failed to appear at the New York Supreme Court, and his lawyer was requesting a sixth postponement.²¹

Prior to the advent of “no-fault” divorce laws in the mid- to late twentieth century, divorce was an even more adversarial process than it is now. Divorces could be awarded only if one spouse proved that the other was guilty of wrongdoing in breach of the marriage contract, with common grounds for divorce including adultery, desertion, failure to provide, and extreme cruelty. However, states differed as to which grounds were legally acceptable justifications. Marriage in the United States has always been a civil contract regulated by individual states, and the dissolution of marriage is controlled at the state level. That said, the “full faith and credit” provision of the U.S. Constitution (Article IV, Section 1) requires states to accept marriages and divorces granted in other states.

State legislatures, particularly in the eastern United States, attempted to reverse the rise in the divorce rate by passing more than one hundred pieces of marriage and divorce legislation between 1889 and 1906.²² By 1909, when the Walker case began, legal grounds for divorce varied widely among the states, as did residency requirements for filing. Of all the places the Walkers had lived during their marriage, Rhode Island provided the best opportunity for Nina Walker to pursue her divorce. In that state alone, a divorce could be obtained for “gross misbehavior and wickedness in either of the parties repugnant to and inconsistent with the marriage

Excerpt • Temple University Press

contract.”²³ These vague terms left room for broad interpretation, and “gross misbehavior and wickedness” became an important allegation in her case, as other legal grounds were more difficult to prove. Nina Walker cited several shocking charges that fit into this broad category.

The events leading up to and taking place throughout the Walker divorce hearings raised issues that were not solely individual matters; they signified social changes evolving in American culture at the time. Acrimonious testimony often focused on incompatible views of gender, family, and class—ideas that characterized broader cultural debates of the Progressive Era. The trials raised many questions including the following:

- Must a wife obey her husband’s orders?
- Is a wife required to submit to her husband’s sexual desires?
- Are children the property of their father?
- Should fathers provide their children with emotional as well as financial support?
- Is corporal punishment of children to be condoned?
- Must a husband be faithful to his wife?
- Must a wife remain with her husband when doing so endangers her physical or mental health?
- Is a wife obliged to be more loyal to her husband and his family than to her own?
- Should a feminist always support the woman when a husband and wife argue?
- How involved should parents be in a grown child’s marriage?
- Is it proper for a married upper-class man to befriend a single working-class woman?
- Is divorce the appropriate solution for a troubled marriage?

We continue to grapple with most of these questions in contemporary American society.

Excerpt • Temple University Press