

On Montaigne's View of Divorce: The Father of the French Renaissance

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Abstract

The father of the French Renaissance in the 16th century is famous for his representative work "Les Essais", and subsequently European and American scholars have conducted solid and specific studies on many topics. Why does Montaigne's view of divorce deserve attention? As we all know, one of the important themes of the 16th century literary reflection is "divorce", and it is the consensus of thinkers to pay attention to the problem of divorce. In French literature, marriage was a topic that the creators could not avoid. The novels of the aristocratic salons and the novels of the citizens are full of discussions on the issue of marriage. However, the trend of reflecting on divorce in the 16th century was first initiated by Montaigne, who devoted a considerable part of his "Les Essais" to his views on marriage and especially to his attack on the prohibition of divorce. Therefore, the purpose of this paper is to analyze the connotation and characteristics of Montaigne's view on divorce and the reasons for its creation. And also understand the unique features of Montaigne's view on divorce and to deepen the knowledge of "individualism" and "humanist morality" in Montaigne's thought on this basis.

Keywords: Montaigne, Marriage, Divorce, Individualism

1. Introduction

Montaigne has been studied in Europe and the United States in many fields, including linguistics, psychology, philosophy, and political science. In this paper, we discuss Montaigne's view of divorce, and to better explain Montaigne's view of marriage, we have reviewed the literature on Montaigne's individualism and morality. David Lewis Schaefer reveals Montaigne's political intention, as presented in the "Les Essais", to replace the traditional morality based on "beauty" with a morality that embodies "utility" (i.e., the human desire to share in the divinity of morality), an analysis of this "transformation of values" helps one understand the foundations of the "bourgeois" morality that characterizes the modern liberal regime. (Schaefer 1979, pp.139-154). And this "utility" morality then naturally gives rise to demands on the relationship between man and the society in which he lives, and those who truly possess virtue must overcome the natural tendencies that are contrary to it. Virtue should be tempered. Michael Allen Gillespie examines how Montaigne's humanistic liberalism influenced Montaigne's view of human nature and human behavior. The birth of Montaigne's idea of individualism was closely related to his time, and he sought to establish the foundation of the liberal self in friendship rather than in the degradation of private relationships (Gillespie 1985, pp.140-159). Marriage as an institution of private relations should not be an instrument of unlimited collectivism or pure egoism at the expense of individual freedom. Keith Cameron examines Montaigne's view of "freedom of conscience," emphasizing the moderate qualities of individual freedom that characterized Montaigne's political career (Cameron 1973, pp.285-294). Cecilia Wee examines the three dimensions of Montaigne's thought: "reason, morality, and faith". The Christian prohibition of divorce is not based on correct tradition and social arbitration, but on utopian truth (Wee 2011, pp.209-226). Nicola Panichi discusses the qualities of modernity that are present in Montaigne's view of humanism, which is the intellectual and moral reform of capable people (Panichi 2018, pp.149-166).

Nicole Trèves analyzes Montaigne's views on sexuality and women. Montaigne supports free love and that a good relationship can be maintained only on the basis of mutual consent and a code of honor (Trèves 1997, pp.37-48).

Although the above-mentioned studies do not consider Montaigne's view of marriage as a research topic, they certainly provide us with rich intellectual and historical resources for understanding Montaigne's view of divorce, especially the discussion of Montaigne's individualism and morality, which reveals the essence of Montaigne's thought and his works to the greatest extent. Based on the above-mentioned studies, this paper aims to take Montaigne's view on divorce as the starting point, firstly analyze Montaigne's view on marriage, then summarize its conceptual characteristics, and finally analyze the profound reasons for Montaigne's view on divorce based on the first two. Previous studies on Montaigne's thought have not dealt with his view of divorce, but Montaigne's thinking on divorce reflects the humanist spirit of the Renaissance. Therefore, the significance of this paper is to analyze Montaigne's view on divorce, to understand the uniqueness of Montaigne's view on divorce, and to explore the spiritual connotation of "individualism" and "humanist morality" embodied in Montaigne's thought on divorce.

2. Montaigne's View of Divorce: The Prohibition of Divorce Is a Corruption of Individual Desire and Social Morality

2.1. *The Distinction Between Marriage and Love*

"As for marriage, it is a transaction, the only thing that is free going in (its duration is mandatory and depends on something other than our will), and it is usually for other purposes that this transaction is made, in addition to clearing up a thousand unrelated and complicated disputes that are sufficient to cause the breakup of the relationship and disturb strong feelings." (Montaigne 1965, p.70). "Marriage is a serious and pious union. That is why the joy that marriage brings should be restrained, steady, and with a touch of plainness; it should be more deliberate and serious." (Montaigne 1965, p.82). This passage illustrates Montaigne's view of marriage, which was essentially a transaction, a contract, between a man and a woman, the purpose of which was to procreate. In 16th-century French society, marriage was a contract of personal relations, and under the dominant influence of patriarchy, women were completely dependent on their husbands for survival after marriage. The early modern family model relied on the joint maintenance of both spouses, with both the wife and the husband being responsible for the family's property situation. The husband was usually the breadwinner and the main source of the family's economy, and the law gave him sufficient property rights. They hold the lifeline of the family economy under the law and custom. After marriage, a woman entrusts her dowry to the legal authority of her partner, and a wife does not have full property rights in the legal sense, they cannot sign contracts in their own name, they cannot engage in business activities in their own name, etc. In other words, once married, a woman does not have the legal right to her own dowry, nor can she enter contracts in her own name, etc. In other words, once married, a woman does not have the legal right to her own dowry, nor can she enter contracts in her own name, etc. Thus, the husband's role as the head of the family is to provide for the family and maintain its economic stability, while the wife cooperates with her husband's work.

But the problem is that marriage in 16th-century France was seen as an indissoluble contract, equivalent to a contract with no deadline. The inability to dissolve the marriage relationship makes marriage, in Montaigne's view, like a birdcage, where those outside want to come in and those inside want to escape. Being unable to get a divorce may mean being beaten and abused by her husband for most women. Her only way to sue is to apply for separation, but the chance of success is almost zero, and even if they are separated, they cannot remarry and face the risk of not being able to survive. Separation represents a personal conflict between husband and wife, who need to live separately and manage their own property, but only if the form of marriage still exists and the parties do not have the option to remarry. Even in the century after Montaigne, separations were rare. Scholar Roderick Phillips found only four successful cases of personal separation between 1780 and 1789 were tried by the authority of the Rouen region (Phillips 1991, p.62), and Julie Hardwick found that between 1598 and 1710 the Nantes the court received 75 applications for separation proceedings. Separation was relatively easy in the ecclesiastical courts of Cambrai in the north. From 1737 to 1774, an average of 9 cases of separation were successful each year (Julie Hardwick 1998, pp.157-180). The specific reasons why women bring such lawsuits vary from region to region: severe domestic violence or abuse, attempted murder by a husband, bigamy, rare insanity, adultery, and other factors that go along with it, such as intoxication, defamation or keeping a mistress. Even in the diocese of Cambrai, where canon law determines the motive for separation petitions more broadly, four out of five wives claimed they had been abused by their husbands, including verbal abuse and domestic violence. Some customary laws require that separation be justified only when the husband's violence threatens the life of the wife. Norman customary law even stipulates that the husband's motive for attempting to assassinate his wife can only be recognized when it can be proved that the assassination was a repeated and regular act. In this situation, women are essentially regarded as a social tool, the object of marriage, facing the risk of "private dictatorship" by their husbands, and in the status of "female slaves".

Montaigne did not talk about the extremely difficult situation of separation in his works, but he discussed that for the vast majority of women in the middle and lower classes, if the marriage relationship has not broken down, even if the marriage relationship is relatively harmonious Couples and women have not been violently beaten, but secular marriage will not satisfy their individual desires, and will not allow them to choose their ideal partner outside of marriage and pursue beautiful love. A lifelong undissolved marriage relationship means that a woman's marriage is not happy, and she can only live with his legal spouse for life. Montaigne believes that if the marriage as a contract cannot be dissolved by itself, women cannot remarry, which means that they lose the right to pursue love. For aristocratic and upper-class women, the inability to divorce does not completely prevent them from pursuing their own love, and they can still experience love outside of marriage by virtue of their

own economic strength. But most women depend on their husbands for their livelihood, they don't have extra funds to pursue love, and even if the other party's conditions are good, their love affairs will end without a problem under the moral supervision of the neighbors. Therefore, in the French society where Montaigne lived, the requirements of marriage for the upper-class nobles and the middle and lower-class civilians were inconsistent. As far as the nobles were concerned, love and marriage continued the tradition of chivalry since the Middle Ages. — knights, love, and even aboveboard cohabitation. But this kind of scene was not seen in the civilian marriage in the 16th century. The shackles of marriage made most women lose the right to love freely, and their personal desires could not be satisfied. In Montaigne's view, the authoritarian nature of the marriage contract reduced the possibility of women pursuing self-realization and free love to the greatest extent.

In "Les Essais", Montaigne's distinction between marriage and love can be seen everywhere. He believes that confusing the functions of the two will suppress the true emotion of the individual and attack the power to pursue the complete desire of the individual. Love and marriage are two goals, each with its own path, and they do not blend with each other. "Those who think that by associating marriage with love they can add luster to marriage, do, I think, no different from those who, in order to exalt the value of virtue, think that nobility is virtue. Marriage and love, virtue There is a certain resemblance to nobility, but there are many differences; there is no need to mess with their names and appellations and mixing them up is bad for both. Noble birth is a strength, and it is right to use it rationally; but this virtue depends on others and may fall on a person of bad character and incapacity, so it is far less respected than virtue. If it is a virtue, it is an artificial, superficial virtue; it depends on time and fortune, and changes form from country to country; it is alive, but not immortal; it comes from birth, as the Nile comes from its source; it belongs to the whole family tree, passed down from generation to generation, and thus It is common to some people; it has continuity and similarity; it is important, but it is not very important. Knowledge, strength, kindness, beauty, wealth, etc., can enter people's intercourse and benefit others, while noble birth is only It can be used by yourself, but it is useless to others. Someone recommends two people who want to get the same position to the king, and ask the king to choose: one is a nobleman, and the other is not (Montaigne 1965, p.370). The king gave an order, don't consider whether you are a nobleman, but choose the most capable but if the two are equal in ability, they must respect the noble status, which is the so-called right and proper. A strange young man asked Antigonus to let him take over the position of his father, who was a very talented man, had just died. Antigonus replied: "My friend, in bestowing this favor, I look to the bravery of my men, not to their noble birth." (Montaigne 1965, p.370).

"A good marriage--if there is such a thing as a good marriage--refuses the companionship and ways of love and seeks to imitate the way of friendship. Marriage is a loving life together, full of fidelity, trust, and countless Beneficial and practical mutual help and responsibility. Once any woman has tasted this marriage, once any woman has been united by the candle of marriage to the man she will marry." (Montaigne 1965, p.376). She will no longer be a husband. Lover or female companion. When she occupies a certain position in the man's affection as a wife, then her position is decent and stable. If her husband is moved by other women, courting other women, and if at that time someone asked him, between his wife and his mistress, who he was not afraid of losing face, whose misfortune would make him more sad, who he hoped to get more glory and wealth, so, in a healthy marriage, these questions The answer to this question is conceivable and without doubt. The rarity of a good marriage just shows its preciousness and its value. If it is created and treated well, marriage is really the best building block of our society. We cannot do without it; However, we belittle it and trample it. It is like a bird cage: the bird outside the cage desperately wants to get in, and the bird inside the cage desperately wants to get out. Socrates was asked what is more beneficial, whether to marry or not to marry, He replied: "Whether you marry a wife or not, you will regret it. "Marriage is a contract. Correspondingly, there is the so-called "human to human, either God or a wolf". To create a good marriage, you need to gather a lot of good morals. In today's world, marriage is more suitable for the mind. The simple and the common people, for their minds are not disturbed by pleasure, curiosity, and idleness. A dissolute nature like mine, who abhors bondage and obligation of any kind, is unfit for marriage: without this yoke around my neck, I will live more happily." (Montaigne 1965, p.370).

"Be careful to guard your liberty, and once yielded to duty, you must uphold, at least as far as you can, the rules of the mutual obligations of husband and wife. There are those who enter a marriage bargain and then treat it with hatred and contempt. The practice is unjust and harmful; likewise, a "wonderful" code of conduct that wives pass on to each other as if inspired: Serve your husband as a master, beware of your husband as a traitor, (meaning: you shall Treating the husband with a forced, hostile, defensive respect) is also insulting and unacceptable to the husband, it is nothing more than a defiant cry, a war cry. My personality is too gentle to deal with such complexities in truth, I am not so cunning and cynical as to confuse justice with injustice, nor to scoff at all orders and norms that do not suit my taste. I do not at once go into anti-religion because I hate superstition Extreme. Even if the obligations cannot be consistently performed, at least those obligations should be respected and recognized. Marriage without heart and soul is also a kind of betrayal." (Montaigne 1965, pp.370-371). Montaigne also quotes Isocrates, "Love and marriage have different purposes. different, but can accommodate each other in a certain way. The advantage of marriage lies in its utility, legality, decency, and stability. The joy it gives is plain, but it is more all-encompassing. Love is only built based on love between men and women, and the pleasure it gives is indeed more ecstasy, more intense, more unforgettable, and because it is difficult to obtain, it becomes more intense. Love needs stimulation, it needs cooking. Love is not love without arrows and fire. Married women give so generously that the affections and desires of husband and wife are blunted. " (Montaigne 1965, p.371). For Montaigne, it is a dishonorable and cowardly act for someone to forget love by getting married; the meanings of marriage and love are too different. We have no problem liking two different, even contradictory things. Love is an intercourse that requires mutual exchange and cooperation; other pleasures that we have may be thanked for by rewards of a different nature. As we all know, there are not a dozen people who abide by women's ethics, because marriage

is a transaction full of thorns, and it is difficult for a woman's relationship to last forever. Although men are in a slightly favorable position, it is also difficult to do this. The touchstone and true proof of a good marriage is whether the union lasts, whether it is always sweet, faithful, and joyful (Montaigne 1965, p.319).

To sum up, the realization of a good marriage requires both husband and wife to abide by the spirit of the marriage contract, and its purpose is "loyalty, trust and mutual support". But this kind of marriage is like utopia, rare and hard to find. Montaigne also clearly realized this point, so if marriage is not as good as this, and love and marriage cannot coexist in most cases, then even if the society does not encourage the pursuit of love, it should not block the way to find love, or even use the irresolvable marital bond acts as a bondage to destroy the possibility of a good marriage. For Montaigne, marriage and love should be independent of each other and take on their respective functions, not because one sacrifices the other. The bond of marriage must never be strengthened at the expense of love, which was important to common people in the 16th century. It may seem extravagant, but Montaigne encouraged men, especially women, to pursue love, whether he was in a married relationship or not.

2.2. *Divorce Is Not a Sign of Moral Decay*

Therefore, from the Montaigne's views on marriage issues, it is not difficult to know that Montaigne opposed the reality that the law forbids divorce. He believes that the inability to dissolve a marriage is not only a blow to personal desires and destruction of love, but the most important thing is that this method is often counterproductive. On the one hand, people are afraid of marriage and are afraid of the bondage of this lifelong relationship, as if they were slaves. On the other hand, the ban on divorce means that spouses no longer need to invest in a relationship that won't dissolve. For them, marriage does not require emotional involvement. "We cling to something and cherish it more when we feel unreliable and fear losing it. Obviously, like a fire that burns hotter when it is cold, our will Hardened by obstacles. It is the same everywhere: that which is hard to get has value. The great Cato, like us, dismissed his wife when she belonged to him, and despised her when she belonged to others. Thoughts of her day and night. Our desire scorns and ignores what is at hand and pursues what it does not have: he despises what is within reach, but pursues what is out of reach." (Montaigne 1965, p.262). "Desire and possession both make We feel bad. It's hard when a woman you love shuts you out, but it's harder when you have it all at your fingertips: we feel distressed and angry because we think highly of what we want, which can Arouses our love and makes us love more passionately; but complete possession produces boredom, and love becomes sluggish, dull, exhausted, and listless." (Montaigne 1965, p.262). In Montaigne's view, the reason why good marriages do not last forever has a lot to do with to a certain extent, it is because the prohibition of divorce greatly reduces the importance of emotion in marriage, so couples often find it difficult to maintain love, and their love will eventually be eroded by irresolvable relationships.

But the love in Montaigne's view of marriage is not passionate love, but a kind of responsible, plain, and simple feeling. "Marriage is a wise transaction, in which lust is less wild, but flatter, and lessened. Love does not want man and woman to be held together by something other than it, when it is mixed with other. It becomes sluggish in relations established and maintained in the name of marriage, for example, where affinity and property weigh as much, if not more, than charm and looks. Not without reason. Whether people in words, people do not marry for themselves, but mainly for the succession of the family, for the family. The use and benefits of marriage concern our lineage far more than we do. Therefore, I think this matter is decided by the third. It is better to have the other party do it than to do it yourself, and it is more suitable to do it according to another person's will than to do it yourself. All this is very different from the norms of love! Therefore, as I have said elsewhere, the presumptuousness and absurdity of love relations. It is an act of incest when used in a sacred and honorable marriage relationship." (Montaigne 1965, p.370). "In my opinion, marriages based on appearance and lust are the most prone to failure or change. The foundation of marriage should be stronger and more permanent, and one needs to be cautious when walking on it. Hot blood and unscrupulous behavior are not good for marriage." (Montaigne 1965, p.370).

Montaigne further analyzed the intention of canon law prohibiting divorce, that is, a stable marriage relationship can shape a good social atmosphere to the greatest extent and maintain the stability of social order. But Montaigne attacked this quixotic intention by citing the fact that divorce was possible under Roman law. "We have tried to tie the cords of marriage tighter, so as to eliminate the possibility of divorce altogether; but, having tightened the cords of restraint, the cords of voluntariness and affection have been loosened. In Rome, on the contrary, marriage had long been respected and the reason for the stability is that everyone is free to dissolve the marriage contract. Since men are likely to lose their wives, they are fonder of their wives; therefore, although divorce is completely free, in a period of more than five years, there has been No one takes advantage of this liberty. What is permitted makes one indifferent, and what is forbidden makes one eager. To maintain order and good morals in society requires a different method." (Montaigne 1965, p.263). Thus, the maintenance of morality is obviously not. This can be achieved through the promulgation of the decree prohibiting divorce. The prohibition of divorce only makes the marriage relationship unbreakable on the surface, and its underlying logic is to regard the durability of the relationship as a moral fashion. But the facts show that there are many moral problems, such as the prevalence of celibacy.

In the 16th century, celibacy did not belong to the aristocratic class and the middle class but was more the choice of the lower-class poor and church people. For most of the very poor, because of economic distress, they are forced to choose celibacy instead of marriage, because marriage means a heavy financial burden, and especially for the poor in rural areas, a marriage may mean complete bankruptcy. Even heavily in debt. Therefore, most of them will choose to be single, or go to Paris or Lyon as an apprentice, and wait until they have enough money to get married. For priests, the Council of Trento in the 16th century went further and promulgated regulations, if anyone who claims to be a priest, or a monk who solemnly declares to maintain chastity, can enter into a marriage, and the marriage contracted is valid, or Those who claim that they do not feel they have the

gift of chastity, although they have taken a vow of chastity to marry, should be excommunicated. The church believes that celibacy is more valuable than married life, and it makes people more devoted to devout religious life. Therefore, celibacy should be supposed to be the life of priests, but the situation at that time was that most common people were also forced to become celibate. In Montaigne's view, this phenomenon is related to the prohibition of divorce by canon law. An irresolvable marriage makes the burden of marriage unbearable for both men and women. With lifelong commitments and mutual financial assistance, a permanent relationship is a luxury for the poor. It is worth mentioning that Marie Le Jars de Gournay, Montaigne's close friend and editor, also chose celibacy. She was influenced by Montaigne and opposed the indissolubility of marriage. I would rather not marry for life than accept the slavery of marriage. In Gournay's *Equality Between Men and Women*, she argues for gender equality from the perspective of the Bible and the Church. From the beginning of Genesis, the Bible believes that men and women are in the image of God. They all have the ability to think rationally and are subjects of the same rights and obligations (Gournay 2008, p.56). Gournay is the first woman to explicitly use the term "equality of the sexes" in defense of women (Green 2013, pp.499-515).

Montaigne pointed out the relationship between divorce freedom and social morality by going back to the provisions on divorce freedom in Roman law. Divorce can purify social morals, and Rome is the model of France, and the simple customs of Rome are based on the full possibility of divorce. Prohibition of divorce increases celibacy, which can lead to clandestine marriages. Secret marriages prevailed in France in the 16th century, and private marriages of minors were so common that they seriously disrupted social order and property relations. Secret marriage refers to a marriage that only has the consent of both parties without the consent of the parents and family members. It is mainly divided into two situations: a marriage under the active will of both parties, that is, either party's marriage is voluntary and not coerced, and the other is due to abduction, marriage due to rape. But no matter what the situation is, this "secret marriage" does not violate the provisions of canon law. The condition for establishing marriage in canon law is the consent of both parties to the marriage, and the cause of it is not considered. In this situation, marriage is only a matter between the two parties, and will eventually be recognized by canon law. But the consequence is that marriages without the consent of parents and relatives usually pose a potential threat to family order and family property. Marriages caused by abduction and rape usually happen to underage women. They fear that their reputation will be damaged and cause more disputes, and they finally choose to marry the criminals, and this kind of marriage is unseemly or even disgraceful to the families of both men and women. lead to a property crisis.

3. The Characteristics of Montaigne's View on Divorce: Attacking Excessive Patriarchy and Advocating Individualism

The distinction between marriage and love and the encouragement of freedom of divorce in Montaigne's views on marriage fully reflect the emphasis on marriage issues in the literary reflection of the Renaissance. However, his support for divorce did not emphasize the civil contract attribute of marriage, nor did he compare the jurisdiction of the royal power and the religious power in marriage affairs. Instead, think from the dimension of individual and society. First, compared with the later Enlightenment thinker Voltaire, Montaigne did not emphasize the characteristics of marriage as a legal contract, that is, the civil attribute of marriage. Voltaire effortlessly attacked this civil and religious institution of marriage and demanded it. He wrote: "Marriage is a legal contract of people, of which the Roman Catholic Church consecrates marriage. But the sacrament and the civil contract are two different things: the one attached to civil validity, the other to ecclesiastical grace." (Damas 1897, p.35). Consequently, when a contract conforms to the rights of a person, it should have civil effect, and the absence of the sacrament of marriage leads only to the deprivation of spiritual grace. In conclusion, Voltaire nowhere calls for a particular form of civil marriage, but for a secularization of marriage, a very clear distinction between contract and sacrament. Religious weddings are too strict in his opinion. He wants us not to confuse the sacraments. The church can only formulate regulations under the category of natural law and civil law. Natural law and civil law are independent of all religions no matter what period they are in. Faith is the foundation of society.

Second, Montaigne did not emphasize, as later jurists did, that marriage was the sovereign's affair; it was up to him to raise objections, assess their validity, and declare them invalid. Ferrière states the same point more precisely in his *Dictionary of Law and Proceedings*: Marriage is a sacrament, dependent on the sacrament of a civil contract. Sacraments, therefore, cannot be attached to a contract when it is void for want of lawful assent, any more than form can exist without substance. Indeed, the sacraments are a spiritual thing, entirely dependent on the power of the Church. But the sacrament of marriage presupposes the previous contract, which is a civil contract held by the state and the king. Therefore, whether in terms of marriage age, rights, guardianship, or kinship immunity, the state and the king must be carefully regulated. Marriage, as a civil contract, exists and is perfected from the laws of the king and the authority of the magistrates, which is why if we let the power and authority of the monarch depend entirely on that of the pope, then the kingship rests with the king and his rights. Authority over the holder is destroyed (Damas 1897, p.12). Pothier, in his treatise *The Marriage Contract*, affirms the right of secular powers to regulate marriage: Marriage is a contract, like all other contracts, of the political order. Hence his and all other covenants are laws of obedience to the secular powers established by God to regulate all good order belonging to government and civil society. As marriage is the one of all contracts most consistent with the good order of society, it is more governed by the laws of special rights established by God for the government of society. A secular monarch has the right to make laws for his famous marriages, either prohibiting certain people from marrying, or regulating the procedures they must follow for marriages to be validly entered. The basis of this argument is always the distinction between covenants and sacraments (Damas 1897, p.13). We can see how jurists legitimized crown interference in marriage legislation and at the same time how they justified the growing

demand for civil jurisdiction to grant themselves jurisdiction over marriage cases. Marriage as a sacrament is based on a contract, and secular power is the sole regulator and sole judge of the contract. Secular power presupposes not only the existence of marriage but also its validity. So these savvy people say that when we break a marriage, we're not exceeding our powers. We do not determine the validity of the sacrament, we only declare that the civil contract which is the subject of the sacrament is void, and therefore the sacrament of marriage does not exist.

However, Montaigne's view of divorce is based on the distinction between love and marriage in his view of marriage, in which the individual's desire to pursue an ideal partner is the most important factor in Montaigne's view that divorce should be allowed, but he does not focus on the legal and political attributes of marriage. The division of powers is defined. In addition, Montaigne also found the relationship between the prohibition of divorce and social morality from the provisions of Roman law. For Montaigne, the issue of divorce not only involves the satisfaction of individual desires, but also concerns the relationship between such measures and social morality. Therefore, Montaigne's view of divorce can fully reflect his concern for individual life and desire and social morality, rather than the analysis of power politics and legal nature. Why didn't Montaigne think about divorce from the political and legal perspective? Of course, Montaigne saw the political intention behind the prohibition of divorce, that is, to use patriarchy to achieve the purpose of stabilizing social structure and order. Therefore, he is not interested in the division of power in the jurisdiction of marriage affairs. Whether it is marriage under the scope of church power or marriage under the rule of kingship, they all inject patriarchal elements into marriage. Marriage is essentially a civil contract, which belongs to the jurisdiction of the royal power. Even though this gradually became a social consensus in France from the 16th century to the eve of the Great Revolution, for Montaigne, even if the royal power finally defeated the church power and divorced Legalization does not fundamentally change the foundation of patriarchy in marriage.

As we all know, the family is the most basic and core social organizational unit in early modern France, and family business and state building in early modern France are related through the "family-state" contract model (family-state compact). This model took shape at the beginning of the 16th century, and the construction of modern French absolute monarchy meant the integration and reshaping of French family order and family affairs. The stability of the family symbolizes the stability of the place, which is also in line with the central government's control over the local order required by the monarchy. Scholar Sarah Hanley pointed out in her article "The Making of a Nation: Family Formation and State Construction in Early Modern France" that the "family-state" contract model existed in early modern France promoted French national construction. The formation of the contract is based on the maturation of case law, that is, the major judgments of court judges become legally effective decrees through royal legislation. Jurists were able to construct the family legal system through case law to reshape the main body of society, while the monarch actively participated in the affairs of the court and the family and established the "family-state" contract model in the form of legislation. Control of the family so that the family model conforms to the principles of the French polity model, i.e. establishing parental control in the family, regulating family affairs (marriage ordinances, birth customs, rules of succession and marital separation arrangements), and establishing civil procedures and reporting to the Parliament of Paris. The legal process for filing an appeal case (Hanley 1995, p.107). The "Family-State" covenant redefines the rules of marriage through a marriage contract composed of French law that superseded canon law and regulates family affairs according to the interests of the family rather than the interests of the Church or the children.

The fact that the French royal power intervenes in marriage affairs just shows that marriage is an indispensable link for social control, consolidation of social order, and strengthening of royal power. Therefore, the prohibition of secret marriages under the influence of divorce is a great threat to the state because it shakes the foundations of patriarchy. Marriage in the 16th century was based on the condition of equal family economic status. Although the canon law did not stipulate the principle of parental consent in marriage, French families from all walks of life from the top to the bottom all regarded "matching the same family" as the marriage condition. In its nature requires a good and stable financial situation, not more based on love. Only when both parties to the marriage have stable income and property, is the marriage in line with the interests of the two families. Marriage in the 16th and 17th centuries was more oriented to the economic needs of the family, and the core of the agreement between men and women was still to comply with the requirements of family interests. However, this provision of canon law has undoubtedly made many criminals with bad intentions take advantage of the loopholes. Men use the method of abduction and seduction to force women (especially minors) to agree to marry them. Women choose to be wronged to preserve their sexual morality. marry. And women's families usually can only swallow their anger, because the corruption of a woman's reputation will even end her subsequent mate selection career. In addition, secret marriages can also cause a series of problems. Children conceived by seduced women who did not choose to marry were often delivered in secret and sometimes smothered and killed, a practice that violated the laws of nature. And this kind of birth method also violates the family birth principle required by the government. The 1666 decree linked birth and state status, pointed out that "marriage is the source of national strength and greatness", and advocated that the French (like the Romans) should compensate "Fathers who give birth to children for the country" and condemned fathers who gave birth out of wedlock (Gottlieb 1980, pp.49-83). Therefore, based on the above negative consequences, the court matrimonial lawsuits show that some families choose to fight back against this unfair marriage, hoping to punish the abductors and seducers instead of including them in the family. Such appeals continue to increase, and the secret marriage and its series of disputes are all brought to court. The task of court judges and lawyers is to resist secret marriages and reshape family order.

What Montaigne wants to reveal is the patriarchy in French marriage since the Middle Ages, how it affects and shapes secular marriage and personal destiny. Prohibition of divorce means a high degree of strengthening of patriarchy and the complete affirmation of patriarchy. And this kind of paternal authority will make marriage fearful, and thus lead to a series of

social moral crises. It is by criticizing the fact that divorce is prohibited that Montaigne appeals to marriage and family to respect the desires of individuals, especially women, instead of completely making women slaves of men, thereby strengthening patriarchy.

4. The Causes of Montaigne's Divorce View: Individualistic Moral View

It is not difficult to find that Montaigne has strong individualism and profound moral reflection on the divorce issue. First, Montaigne's appeal to individual desires is on full display in his "Les Essais", in which he paints a picture of a self-centered life in which all but duty to the self are obligations are marginal. It is not a life of withdrawal or alienation, but a life in which the self discovers itself through reflection. Montaigne taught people to see this individualism as a satisfying and attractive morality. He guides one to strike the right balance between self-interest in the lives of others and the pleasures and sensuality of ordinary people, and the pleasure of judging itself (Keohane 1977, pp.363-390). The formation of Montaigne's individualism is closely related to the religious wars in France at the end of the 16th century that he experienced. His whole life was accompanied by this civil war, and the cruel and ruthless years made him see the devastation of individual life by political power struggle. People are dying in brutal and constant wars before they even have time to start their own lives. For Montaigne, this is a life-swallowing society. In the face of social turmoil, the individual is so fragile, and the individual world is fragmented. Therefore, he wants to re-establish the connection between the individual and the experienced world, starting from the most basic marriage relationship, and then to the relationship outside the marriage world, which constitutes a complete field of the individual experience world. He wanted to reflect on the individual's place in the complex whole and the complex whole's place in the individual. Thus, what Montaigne had to deal with was not just individualism, but the tension between the free individual and the necessary constraints imposed by the social order.

The core of Montaigne's individualism lies in the cherishing of freedom, "We should keep a free space that is completely our own, like the back room of a shop, and establish our true freedom and the most important seclusion and tranquility." (Montaigne 1965, p.99). "We Our minds are vainly at the mercy of other people's ideas, enslaved and bound by them. We have a rope around our necks, and we trudge, deprived of vigor and freedom. They are forever under supervision." (Montaigne 1965, p.55). The emphasis on freedom is based on the premise of individual rational cognition. Montaigne opposed the erosion of reason by conceit, and he understood the limits of human reason. Reason can sometimes operate with clarity and dispassion and show us the best course of action; but often, it is distorted by pride, passion, and prejudice, as well as the influence of our physical condition and environment. Therefore, it is difficult for individual rationality to form a unified social consensus on this basis, and it is even more difficult to establish a public space. When human reason cannot guarantee its freedom, the social existence outside the individual will formulate rules to make up for its deficiency. For Montaigne, custom was a particularly important source of standards (Keohane 1977, pp.363-390). Custom implies a set of orders that provides remarkably stable patterns of human movement and introduces a valuable regularity and predictability into human behavior. Montaigne's concept of the individual self-defined the self by exploring the individual's place in society. He knows that only in the relationship between people can he find his true and complete self, instead of being isolated from the world and out of the whole.

From this point of view, Montaigne attaches great importance to the importance of established authority, and he never opposes order or patriarchy itself. For he asserts the need for strict obedience to existing powers and is deeply pessimistic about the expected results of any attempt to improve them, however corrupt they may become. Montaigne is by no means a Utopian visionary, which also reflects his anti-Machiavellian side. He does not believe in the ideal world promised by hypocritical power but prefers to choose a society that does not destroy all existing societies. Act in accordance with the rules under the premise of order. Instead of leaving the fate of individuals to external powers, it is better to focus on the existing social situation. The patriarchy in the family has undoubtedly been a system to strengthen the family since the Middle Ages. Montaigne did not criticize and oppose the patriarchy itself, but he respected the natural law contained in the patriarchy, especially the contribution to the maintenance of family order. He knows very well that the distribution of power in the family is unequal after all, and no order will bring absolute equality. Montaigne affirmed the legitimacy of patriarchy.

But more importantly, this affirmation of patriarchy-patriarchy does not indicate that Montaigne agrees with the excessive regulation of the individual by the social order. Instead, Montaigne argued that monarchs need to formalize customs into law and impose sanctions on them so that individuals can continue to conduct our private affairs without constant intrusion and anxiety (Keohane 1977, pp.363-390). Therefore, Montaigne's concept also involves the discussion of private space and public space. In the private sphere, individual rationality can function well, and this rationality is bound to be reflected and regulated in the public space. The first virtue of citizenship is obedience, but at the same time preserves the spirit of self-government. It is in the construction of the relationship between the individual and the whole, between the private and the public, that we can get a glimpse of individualistic morality. In his views on divorce, Montaigne especially emphasized the social moral problems caused by the prohibition of divorce. On the one hand, Montaigne's criticism of the prohibition of divorce shows his maintenance of individualism. The marriage shackles that cannot be brewed by divorce have become women's nightmares, and their desires and wills have been destroyed in the years. Undissolvable marriage is essentially a bondage and threat to individual freedom and individual rationality. On the other hand, Montaigne reveals the social moral disaster caused by the unbalanced relationship between the individual and the whole. For Montaigne, maintaining the balance of power between public and private is the basis of good morality, and good social customs are not only dependent on either individual freedom and rationality or

the law of public order, but are related to the balance and coordination of the relationship between the two. Constructing good morality means that the limit between the two should be followed, and beyond this limit, moral problems will follow.

The prohibition of divorce based on the concept of Christian pious life in Catholic regulations undoubtedly became a moral standard for French individuals in the 16th century. This patriarchal moral model is a product of Christian regulations. Natural association. Therefore, Montaigne in the Renaissance in the 16th century used the historical experience of the Romans to reflect on this model. Interestingly, in almost all chapters and chapters of the "Les Essais", Montaigne used Roman Greece as an example to express its attitude. Montaigne tried to build a social morality that was conducive to cultivating good citizens rather than slaves. The ancient Romans paid attention to the all-round development of human beings, so he envisioned a human being who had not only freedom and tolerance in the modern sense, but also all the virtues of ancient citizens.

Although Montaigne was a Catholic and a staunch supporter of the monarchy, he tried to steer a line of moderation and conciliation between the rival parties (Gillespie 1985, pp.140-159). As a humanist, Montaigne continued Aristotle's "friendship" tradition, introduced friendship into the private sphere/space, and revived the status of friendship as a bridge of human nature and sociality in marriage. Marriage relationship should abide by the norms of friendship, mutual respect and tolerance, support and appreciation are the core of friendship, and the most core and basic requirements for spouses in the marriage contract. Friendship can breed freedom and tolerance, and freedom and tolerance in private space are important qualities of civic virtue. If marriage becomes an irresolvable relationship, the spirit of friendship between individuals will be threatened, and the spirit of tolerance will not last forever in individuals, let alone develop a virtuous civil society. For Montaigne, friendship is the highest possibility of social life. It transcends all biological relationships, even marital relationships. This is largely because it is the only social relationship that is an end and not dependent on any interest or necessity outside itself. Therefore, it is the correct object of free will. Friendship is not only the highest form of living together, but also the source and fulfillment of individual existence. For Montaigne, friendship is the way in which a person can know himself and thus be himself in the truest sense of the word. Friendship completes and reveals man, because it makes him visible in another, it lifts him from the darkness of his own soul, and establishes him before himself in the form of a friend (Gillespie 1985, pp.140-159).

Therefore, Montaigne's support for divorce shows his yearning for a good and virtuous society and his appeal for individual rationality. Marriage should not be a stumbling block in the development of individualism, nor should it lead to the disintegration of civil moral society. The individualism centered on friendship can build a free and tolerant social morality, and on this basis form a truly modern civil society. The marriage relationship between two people should also abide by this principle. Individuals in marriage should take responsibility and be able to give each other freedom and tolerance like friends. Only in this way can we build a stable family relationship and further promote the formation of a good social order. A good political system should promote the balance of the relationship between the individual and society. In the greatest sense, politics is an attempt to reconcile the contradictions between the two. On the one hand, it is necessary to restrain the expansion of individualism, and on the other hand, it is necessary to protect the individualism as much as possible. free country. The result of this loss of balance is tyranny. What Montaigne objected to be the individual's unbridled desire to amplify himself at the expense of others, or the community's unlimited demands on individual obedience and obedience. In his view, marriage cannot strengthen the shackles of patriarchy at the expense of the natural desires of others, personal obedience destroys the spirit of equality in friendship, and a society that prohibits divorce is unjust and tyrannical. Although Montaigne's inherent individualism is closely related to his own experience and the particularity of his thoughts, it is undeniable that the spirit of humanism in the Renaissance in the 16th century was the external factor for the formation of Montaigne's view on divorce. Therefore, Montaigne was called the father of the French Renaissance, and his humanism also set off a deep reflection on the relationship between the individual and society in France and opposing the indissolubility of marriage became one of the reflection themes of French literature at that time.

5. Conclusion

As the father of the French Renaissance, Montaigne's views on divorce show the spirit of humanism, and its core aims to arouse French society's attention to the individual. Personal marriage is firstly about the balance and trade-off between individual rationality and desire. Marriage, as a social system, should give individuals the most basic rights and interests in private space. Prohibition of divorce obviously violates the spirit of equality between men and women, is not conducive to the formation of a good and lasting marriage relationship and inhibits the individual's need to pursue self-emotional satisfaction. Secondly, individual marriage is related to the social moral well-being, and the family, as the basic unit of society, its stability is related to the evolution of social morality. Prohibition of divorce opened a shortcut for the prevalence of celibacy and secret marriage. If things go on like this, there will be a serious moral crisis in early modern French society. Therefore, Montaigne tried to reconcile the conflict between individual and society with a gentle attitude, emphasizing the importance of balance and coordination between the two. Individuals should maintain their spirit of freedom with their rational will, and social rules and regulations serve as a defense mechanism to regulate the proliferation of solipsism. in the shackles of society. Therefore, Montaigne's view of divorce provides a rich ideological resource for us to reflect on marriage issues and individualism in modern society, even after several centuries, it still has its significance.

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