Woman physiologically considered : as to mind, morals, marriage, matrimonial slavery, infidelity and divorce : with an appendix, containing notes and additions, edited by an American physician / by Alexander Walker.

Contributors

Walker, Alexander, 1779-1852.
National Library of Medicine (U.S.)

Publication/Creation

New York : Langley, 1840.

Persistent URL

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stature and strength, they are but one step above the monkeys of the Senegal. And this degeneracy among the Guzmans, Leons, and other great Spanish families, has been caused, almost entirely, by that weak pride which would not permit them to marry without their own circle. They preserved their noble blood as pure as water, making it as weak as that too, and spoiled their flesh in consequence. As Byron says—

> —'They bred *in-and-in*, as might be known,
> Marrying their cousins—nay, their aunts and nieces,
> Which always spoils the breed, if it increases.'

The imbecility of most of the royal families of Europe, is also to be attributed to their custom of marrying 'in-and-in.' Now, though the mass of mankind—especially in a country like ours—can never be affected to the extent of the cases we have alluded to, by imprudent marriages, yet they may to a degree which will materially injure the national character. A study of Dr. Walker's work will do much to prevent such a result. The Doctor is thorough in his knowledge of the subject upon which he has written. He has devoted his whole life to the study of the human organization, and in this work, and others of a kindred character, has done much to enlighten mankind in regard to their relations with one another. His style is forcible and clear, and can be easily comprehended by almost every reader. There is as little of pedantry about the work as in any scientific publication that we have ever seen, but it contains much information of real value. We hope that its publishers will meet with such success, as will induce them to give the author's other works to American readers, and in the same very elegant style in which they have issued 'Intermarriage.'"

FROM THE NEW-YORK AMERICAN.

"Physiology, say what we may, is a most important science,—since from it we derive all we know of the laws of life: yet it is a study approached with doubts and misgivings by many, who, in other investigations, are fearless inquirers. The volume before us, which is the reprint of an English work, takes a new and bold step in this study,—since it professes to elucidate the mode in which, and the causes why, beauty, health, and intellect, result from certain unions, and deformity, disease, and insanity, from others. In a paper like ours, designed for general readers, it is quite impossible to enter into details on these subjects, or as to the manner in which they are treated. We may say, however, that in our judgment this is a remarkable book, and worthy of extensive circulation. The great principle on which it proceeds, and which is enunciated as a newly discovered law of Nature, is this,—that 'one parent gives to progeny the forehead and organs of sense, together with the nutritive organs contained in the trunk of the body: while the other parent gives the back head and *cerebel*, or organ of the will, together with the locomotive organs composing the exterior of the trunk and the whole of

the limbs.' The consequences deduced from this law are of the deepest import to all who value the physical, as well as moral, improvement of the race; and they are traced out, delicate as they often are, in language happily and skilfully adapted to satisfy philosophical inquiry, without arousing impure feelings."

FROM THE NEW-YORK COMMERCIAL.

"This is a curious book, displaying much ingenuity in theorising, and not a little research and skill in supporting the theories advanced. The principal of these is that the physical and mental organizations are governed by definite, permanent and ascertainable principles, depending on the organization of parents; and consequently that any required organization may be effected in a child, by bringing together certain given organizations in the father and mother respectively. To use the author's language, 'One parent gives to progeny the forehead and organs of sense, together with the nutritive organs contained within the trunk of the body; while the other gives the back-head and cerebel, or organ of will, together with the locomotive organs composing the exterior of the trunk and the whole of the limbs.'

This theory—founded as it is upon the doctrine of phrenolgical developments—is carried out into a variety of corollaries and consequences, not the least remarkable of which is the notion that men and women may, and should, in contracting marriages, be governed to some extent by the duty of securing healthy and beautiful organizations for their offspring—or in other words, that every man, in choosing a wife, should be careful to select one whose organization will so harmonize with his own as to form in their children the most perfect phrenological and physical development."

FROM THE NEW-YORK EVENING POST.

"It has long been a common observation that the intermarriage of persons related by consanguinity has an unfavorable effect upon the personal appearance and mental capacity of their offspring. We once happened to live for a time in a neighborhood where marrriages between cousins were of common occurrence, and the instances of idiocy were so frequent among their offspring that we were no longer able to doubt the truth of one branch of this observation. It has been said that a mixture of different nations is favorable to personal beauty, and also to intellectual capacity in the mingled race; and the blending of emigrants from the various countries of Europe on our own soil has been looked upon as a circumstance friendly to the production of a fine race of men and women in the United States. The phrenological writers have lately attempted some investigation of this subject, and have collected many curious instances to show that the danger of ill-health, personal deformity, idiocy, or insanity, is greatest, all other circumstances being equal, among the offspring of intermarriages between blood relations.

The writer of this work has attempted to do what was never before attempted, namely, to unfold the causes from which these consequences arise; to point out and explain all the natural laws which, according to each particular choice in intermarriage, determine the precise forms and qualities of the progeny; to show why beauty, health, and intellect result from certain unions, and deformity, disease, and insanity from others, and to enable us to predict in what degree or kind either of these will follow any given intermarriage. He speaks with great confidence of the discoveries he has made, affirming that they have nothing to do with hypothesis or supposition, but are founded upon the indisputable, though hitherto unapplied, facts of anatomy and physiology.

The principal law which he supposes himself to have demonstrated is this:

'One parent gives to the progeny the forehead and organs of sense, together with the nutritive organs contained within the trunk of the body; while the other parent gives the backhead and cerebel, or organ of the will, together with the locomotive organs, comprising the exterior of the trunk, and the whole of the limbs.'

The work is taken up with the demonstration of this law and illustrations of its application. The author claims to have arrived at certainty in pointing out the various conditions under which one of those sets of organs will be derived from one parent, and those under which it will be derived from the other. Plates containing heads of families, some of which are sufficiently distinguished to be known to the public by their personal appearance, are given. Among them are Napoleon, Maria Louisa, and the Duke of Reichstadt, their son, whose forehead and face are derived from his father, and the posterior part of his head from the other parent. The heads of the Duke and and Duchess of Kent, and the present Queen of England, who resembles her mother generally in the anterior series of organs, and her father generally in the back organs of the head, are also figured in one of the plates. A considerable portion of the book is devoted to illustrations derived from the crossing of breeds in domestic animals and birds. We have read enough of the work to see that the author's speculations are exceedingly curious and of great interest to physiogical enquirers, though we cannot yet say what has been his success in demonstrating his positions."

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"The book is certainly a curious and valuable one, and will doubtless meet with a ready sale among an intelligent community, who will not be prevented, by motives of false delicacy, from studying, through this medium, 'a science which teaches us all we know of the laws of life,' and a 'knowledge of which is intimately connected with the preservation of health.'"

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"The author evinces great ability and delicacy, avoiding those technical words and phrases which too often render physiological works sealed to the general reader. He has sustained the principles he advances with great learning and wonderful research, giving them with such clearness and precision, as will enable the reader to test their truth in his own family circle. The natural law which he claims to have discovered, and on which he has constructed his work, is that 'one parent gives to progeny the forehead and organs of sense, together with the nutritive organs contained within the trunk of the body; while the other parent gives the backhead and *cerebel*, or organ of the will, together with the locomotive organs composing the exterior of the trunk and the whole of the limbs.' The work is enriched with engraved portraits of the families of Napoleon and Victoria, illustrating his theory. Victoria has the forehead and bony parts of her mother's face, with the backhead and lips of her father, while young Bonaparte has the backhead and lips of his mother, and the forehead, &c. of his father.

By this natural law he beautifully accounts for that resemblance so frequently remarked, which the child at one time bears to the father, and at another to the mother, the expression of the child's face at rest resembles that of one parent, and under excitement, that of the other. We have not space to-day for a longer notice of this valuable treatise on a most important, and hitherto obscure subject. We shall give several extracts from it in a few days. It ought to be in the possession of the head of every family."

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In this work, the author has attempted to discuss philosophically the moral relations of the sexes, as founded on physiological principles. He has, therefore, sought to establish the truth; and he has regarded as worthless and contemptible the common flatteries addressed to the female sex.

He has better, he believes, deserved that sex's thanks, by showing, that nature, for the preservation of the human species, has conferred on woman a sacred character, to which man naturally and irresistibly pays homage, to which he renders a true worship —that nature has, therefore, given to woman prompt and infallible instinct as a guide in all her gentle thoughts, her charming words, and her beneficent actions, while man has only slow and often erring reason to guide his cold and calculated conduct, and that hallucination of mental supremacy which, vain as he may be, only enables him blindly to protect and support woman, and makes him proud to promote her desires.

He believes that he has not less deserved thanks for having shown that man has erred from this natural principle, and has inflicted suffering both on himself and woman, by nearly all his laws as to the sexes, which have been dictated by selfish feeling and a slender share of erring reason, and not by this more natural, more safe, and more generous social sentiment.

Rendering, then, all the homage and worship due to woman, and participating perhaps in the hallucination which he has described, he trusts to receive her approval; and he cares not a straw for the outcry of those of his own sex whom cant and cowardice lead to oppress her.

With this work, he closes the series in which anthropology is applied to the sexes, and of which the first was that entitled BEAUTY, the second was INTERMARRIAGE, and the third is this, which regards the MORAL RELATIONS OF THE SEXES. With this, he bids farewell to the subject; and must henceforth devote himself to severer duties.

He has endeavoured, in this work, to profit by most of the good writers on the subject; and he has thought that he could not render the reader a greater service than by giving, in particular, an abridged and arranged view of Milton's doctrine of divorce.—He has no objection, however, that the general originality of his work should be tried by a comparison with any work of the day.

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1. The proving that there is a vast difference between the brain and mind of man, and the brain and

mind of woman—a sexual difference, not by a comparison of the heads of adults, in which education and accident may be supposed to have effected this, but by a comparison of those of twins soon after birth, in which the difference of sex can alone have acted;

2. The showing that the sex of mind originates more especially in the vast superiority of sensibility in woman;

3. The explanation why woman sometimes more quickly understands many reasoned statements than man does;

4. The proving that the natural inferiority of intellect in woman is compensated by a vast superiority in instinct;

5. The explanation of the nature and species of instinct, showing that there is no mystery in any of these, as mystics and impostors pretend;

6. The pointing out the relations of consciousness and volition;

7. The showing how conscious, reasoned and voluntary action becomes instinctive;

8. The pointing out the importance of the acquisition of new instinctive habits;

9. The showing that the superiority of instinct in woman is connected with the greater developement of her vital system, and essential thereto;

10. The further showing that love, impregnation, gestation, parturition, lactation, and nursing (the principal acts of woman's life,) being almost entirely instinctive, and all the other acts of woman, being in close connexion and sympathy with these (being either powerfully modified or absolutely created by her in-

stinctive vital system,)—these, as well as her whole moral system, are more or less instinctive ;

11. The pointing out that her mental system has no power to rise above the instinctive influence of her vital system, but on the contrary contributes to aid it ;

12. The further pointing out that, on this superiority of instinct, depend her tact, promptitude, &c. —as well as the strange notions about her mind, soul, future life, &c. ;

13. The showing how this superiority of instinct affects all her other mental operations ;

14. The pointing out that on the smaller cerebel of woman depends not only (as I have elsewhere shown) her feebler volition, but her feebler capability of attention and her muscular weakness.

15. The showing that from all this and the varying states of her vital system, result woman's incapability of reasoning—generalizing, forming trains of connected ideas, judging, persevering, as well as her greater tendency to insanity ;

16. The proving not merely that the power of reasoning is incompatible with the organization of woman, but that great mental exertion is injurious to her, and that a vast mental superiority would ensure her suffering and misery ;

17. The showing that woman's perception of what is fitting, her politeness, her vanity, her affections, her sentiments, her dependence on and knowledge of man, her love, her artifice, her caprice, being chiefly instinctive, reach the highest degree of perfection ; whereas her friendship, her philanthropy, her patriotism and her politics, requiring the exercise of reason, are so feeble as to be worthless ;

18. The explanation of the consequences of female representation;

19. The illustration of female sovereignty in the character of Queen Elizabeth;

20. The proving that monogamy is a natural institution as to the human race;

21. The showing that the indissolubility of marriage is not justified by any physical changes taking place in woman after marriage;

22. The further showing that even the duration of marriage for a time is justified chiefly by gestation, parturition, lactation and the cares that the child requires reducing the woman to dependence on her husband, and by the other cares it may subsequently require from both.

23. The pointing out that the duration of marriage or the expediency of divorce has been obscured by neglect of analytical examination;

24. The showing that the consideration of children in relation to divorce can affect only the cases in which they exist;

25. The suggestion that divorce or repudiation where children exist, ought not to be permitted until the children have attained such age that they cannot materially suffer by the separation of those who have produced them;

26. The more correct appreciation of the offence committed by both parties in adultery;

27. The establishment of the truth that the vitiation of offspring by the woman must not be supposed, but proved;

28. The pointing out the absurdity of divorce being

made unattainable without legal offence, and of offence setting the parties free ;

29. The pointing out the reasonableness of marriage being the great object of woman's early life ;

30. The showing how clothing becomes a natural duty of woman ;

31. The showing how cooking becomes a natural duty of woman ;

32. The proving that woman is almost every where a slave ; and that she is especially so in England ;

33. The further proving that legislation as to women in England, so far as relates to fortune, is a scheme of mean and dastardly robbery ;

34. The showing that woman, not merely in consequence of her more developed vital and reproductive system, rendering love more necessary to her than to man, and in consequence of man's infidelity and her privation, but in consequence of her subjection to a state of slavery in regard to property, person and progeny, is herself driven to extensive infidelity ;

35. The pointing out that man has no power to prevent this while his conduct is such as it is, and while woman excels him in senses and observing faculties ;

36. The showing that, in the practice of love, the chief difference among nations is its avowal among some, and its concealment among others,—dependent on their having, with a larger vital system, greater observing faculties.

37. The furnishing the test, that the degree of the developement of the glandular and secreting system, always shows among which nations sexual wants and sexual errors most prevail ;

38. The application of this to England;

39. The pointing out the origin and progress of these errors in individuals;

40. The further pointing out that such errors rarely lead to permanent attachments;

41. The showing that it is generally the jealousy of one of the parties that produces lasting estrangement, and that it is only when that passion and persecution ensue, that sexual infidelity becomes the occasion of injury to the domestic affections;

42. The further showing that sexual infidelity, though less to be blamed for irregular productiveness, than for non-productiveness and waste of life, may thereby form the remaining cause of injury to the domestic affections;

43. The pointing out that the aristocracy of love in England, and its general aristocracy, have the same origin, in expensive laws;

44. The exposition of the fact that human nature, in its tendency to sexual infidelity, is much the same in modern Russia, Poland, England, Germany, Prussia, Austria, France, Italy, Spain, and Portugal, as in ancient Sparta and Athens;

45. The showing that one great means of aristocratic despotism in general, and of that which regards divorce in particular, is the careful distinction of the rich from the poor by means of barbarous and insolent laws, and the placing justice, by its cost, quite out of the reach of the latter.

46. The more complete exposition of the injustice of polygamy;

47. The proving that parents bequeath their errors to their children, and that consequently nothing can

be more ignorant and savage than that they should also punish them.

A few of these views were published by the author in a juvenile and anonymous work: he mentions this to prevent his appearing to have derived them from another.

AMERICAN PREFACE.

Among the striking characteristics of the present age, there is none more obvious, or important, than the social elevation of woman. Her true position is found to be the centre of the domestic circle,—love, her talisman,—influence, her magic wand,—affection, her gift,—happiness, her dower. In pagan lands, it is true, she is still a slave, while in many half civilized countries, though somewhat raised in the scale of humanity, she is still degraded below the sphere in which Providence designed her to move. The tendency of Christianity has been, to exalt her virtues, to consecrate and hallow her affections, to ennoble her reason, to shed a halo of light about her path, and thus to add dignity to her nature, and influence to her sway. It is the glory of modern times, that woman is no longer the abject, dispised being, that she once was, and now is, in many parts of the earth; but exalted to a station, corresponding to her lofty aspirations, and high destiny. If true to herself, she may wield a degree of moral and social power, far more extensive, and all-controlling, than the grandest conceptions of man ever reached,—a power

more diffusive and irresistible over human character and fortune, than was ever wielded by a Cæsar or Napoleon, in their palmiest days; for while armies are necessary to conquer a world, woman's moral influence alone can civilize and save it.

If this be so, it may be asked, why do we hear the cry of injustice and oppression on the part of the other sex; of rights withheld,—privileges denied,—hardships endured,—justice refused? With these weighty charges, come a long list of grievances, civil, political, domestic;—of the cruelty of depriving woman of a seat on the judicial bench, in the senate chamber, and the legislative hall; of her being driven from the ballot box, and the arena of public life, without a voice in the representation,—obliged to submit to laws, to which she has never signified allegiance, and in the making of which she has borne no part,—"governed without consent,"—ruled by usurped authority, and compelled, through a life of drudgery and pain, to move in a subordinate sphere, and ever feel the oppressive tyranny of man. Such is the language, not only of Miss Martineau and others of her sex, but which we find reiterated in some of our respectable journals and periodicals; several of which openly maintain that our laws relating to divorce should be altered, so as to allow greater facility of separation, and that marriage does not need to be guarded by all the legal barriers, with which, at present, it is surrounded;—that woman should possess equal rights with man, as to the possession and disposal of property and children,—in short that our whole legislation on this subject is wrong, barbarous and inhuman, designedly oppressive to the weaker sex, and therefore needing reform.

We cannot here enter upon a discussion of these questions, but shall consider them somewhat at length in the Appendix, to which we would direct the attention of the reader. Suffice it now to say, that we neither subscribe to the justice or truth of such representations, which spring from a false notion of the appropriate sphere of woman, and a misapprehension of the principles, upon which our laws are founded.

A comparison of the present condition of females in our own country, with that of former ages, or with that which they now occupy, in other parts of the world, cannot but inspire us with a degree of pride and satisfaction in the institutions of our land, which so manifestly tend to exalt and ameliorate, instead of degrading and oppressing them.

In the age of chivalry it was the beauty of woman alone, that wrestled successfully against barbarism. She softened the rude manners of the warrior, and inspired the valorous knight, with courage, generosity, and honour; thus civilizing by the influence of her charms, those whose hearts could not be touched by any other human power. It was woman, that taught the combatant to defend the helpless, and to succour the oppressed;—to guard virtue and innocence, and do homage to the mild dictates of humanity;—to respect the aged, protect the young, to spare the conquered, console the wretched, and extend to all the generous rights of hospitality. It was thus that chivalry sprung from woman's influence, and became a protecting power;—repairing injuries, paving the way for laws and the arts of modern civilization. But though all this was the work of woman, guided by religion, yet was she still oppressed. She had

civilized man, but man had not honoured and exalted her. The ages of darkness and strife had not yet passed away. As the light of science and literature began to dawn, the rights and character of woman were mixed up with the scholastic follies of the day; and it became a vexed question among the grave doctors of divinity, whether she indeed possessed a rational soul, and was an accountable agent. Thus the ignorance of woman became a moral system, and the ignorance of the multitude a system of policy. Both originated in the mistaken notion that ignorance and innocence are correlative terms;—that the power of the ruled is incompatible with knowledge among the people; and that the authority of the husband, is endangered by instruction on the part of the wife. Accordingly, females were very unceremoniously deprived of souls; subjected to low and degrading habits and pursuits; treated as menials, and robbed of their just rights. It was not indeed, until the reign of Louis the Fourteenth in France, and about the same time in England, that juster views began to prevail on this subject. At that period, the Abbe de Fleury declared, that girls ought to be taught something besides their catechism, sewing, singing, dancing, how to dress, to speak civilly, and to make a good courtesy; in short, that they should also know how to read, write, and cypher,—when to ask advice in matters of business, and enough of medicine to take care of the sick. The good Fenelon went still further, and maintained that they should read ancient and modern history, should understand Latin, and peruse works of eloquence, literature and poetry; and the Archbishop justified himself, for advancing such heterodox opinions on

theological principles and by adding certain restrictions, "For" said he, "women are half of the human race, redeemed by the blood of Christ, and like us destined to eternal life."

Since that period, woman has gradually risen in the scale of humanity, till she now occupies a position loftier than which her proudest ambition need scarcely aspire,—a position, if not equal to what false flatterers may claim to be her due, yet one, if she but improve the opportunities placed within her reach, equal to the moral regeneration of the world. We yield to none in our high estimation of the dignity and mission of woman,—none are more desirous that she should have just conceptions of her own importance, and wield a controlling influence over human hearts and human destiny;—and while we do this, we believe those to be her greatest enemies, who would persuade her to exchange this influence for power, or that our social and political institutions place her in a false position. What do they offer in exchange for introducing to our homes, and within the quiet bosom of the domestic circle, the violent dissensions, and rancorous feelings of political strife? Is it not enough that man should be at variance with man, neighbour with neighbour, brother with brother? Must man and wife, brother and sister, father and daughter, mother and son, enter also the lists, and fight over again the battles of whig and tory, and discuss the merits of opposing candidates? Nay, rather let her shed her gentle, but irresistible influence over the circle of her affections, the family of her love;—let her refine, purify, exalt, ennoble, and mould the hearts and minds of all within her reach; in short, let her act as the

restorer of God's image in the human soul, and then will she accomplish her lofty mission, and fill the sphere which God and Nature appointed for her.

It is remarked by Aime Martin, that "whatever may be the customs and laws of a country, women always give the tone to morals. Whether slaves or free, they reign, because their empire is that of the affections. This influence, however, is more or less salutary, according to the degree of esteem in which they are held;—they make men what they are. It seems as though nature had made man's intellect depend upon their dignity, as she has made his happiness depend upon their virtue. This, then, is the law of eternal justice,—man cannot degrade woman without himself falling into degradation; he cannot elevate her, without at the same time elevating himself. Let us cast our eyes over the globe. Let us observe those two great divisions of the human race, the East and the West. Half the old world remains in a state of inanity, under the oppression of a rude civilization; the women there are slaves; the other advancing in equalization and intelligence; the women there are free and honoured. If we wish, then, to know the political and moral condition of a state, we must ask what rank women hold in it. Their influence embraces the whole of life. A wife,—a mother,—two magical words, comprising the sweetest sources of man's felicity. Theirs is the reign of beauty, of love, of reason. Always a reign! A man takes counsel with his wife; he obeys his mother; he obeys her long after she has ceased to live, and the ideas which he has received from her become principles stronger even than his passions. "The reality of the power is

not disputed; but it may be objected that it is confined in its operation to the family circle; as if the aggregate of families did not constitute the nation! The man carries with him to the forum the notions which the woman has discussed with him by the domestic hearth. His strength there realizes what her gentle insinuations inspired. It is sometimes urged as matter of complaint, that the business of women is confined to the domestic arrangements of the household; and it is not recollected that from the household of every citizen issue forth the errors and prejudices which govern the world."

The following work of Mr. Walker forms, as it were, a continuation of the Treatise by the same author on Intermarriage, which has met with the most flattering reception from the American public; and like that work, it will be found to contain many novel and original ideas, on a variety of moral and physiological subjects. The views of Mr. Walker are bold and striking; he says what he thinks without circumlocution or apology, even when he must be conscious that he is opposing settled modes of belief, if not orthodox systems of faith and practice. We honour him for this frankness and candor, even in cases where we cannot subscribe to the truth of his doctrines. We have taken the liberty of noting, in the Appendix, some points on which we differ with him in opinion, believing that fair discussion will tend to elicit the truth and overthrow error. It should be recollected that the work was written for a different state of society, and for those who live under a system of laws, somewhat less favourable to the rights of woman than our own. The subjects which we have thought pro-

per to treat of, in order to adapt the work to American readers, are chiefly the following, viz: *Materialism; Size of the Male and Female Brain; Physiological Peculiarities of the Sexes; Instinct; Religion of Females; Insanity of Women; Matrimony and Celibacy; Old Maids; Matrimonial Infidelity; Laws of the different States in relation to Divorce; Milton's arguments on Divorce; Education of American Females;*

New-York, Nov. 11th, 1839.

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WOMAN

PHYSIOLOGICALLY CONSIDERED

AS TO

MIND, MORALS, MARRIAGE,

ETC., ETC.

PART I.

MIND.

As all the actions of Woman are dependent on the operations of her MIND, it must be obvious that a brief philosophical and physiological consideration of these, is here a necessary preliminary to matters of lighter and more popular interest.

Mind is a general term expressing the aggregate of the acts or functions performed by the nervous organs situated chiefly in the head; just as life is a general term expressing the aggregate of the acts or functions performed by the tubular organs of which the central and greater masses occupy the trunk.

In darker ages, artful or ignorant men, not contented with soul as a principle self-existing (in rela-

tion to matter) and immortal, sought to raise mind and life to the same rank; although they must have observed that both mind and life are born, that both grow with their respective organs, that both are liable to accident and disease with the organs of which they are the functions, that both become enfeebled and decay precisely as do their organs, that both die with their organs,—in short, that action can have no existence without mechanism or organization. (Appendix p. 315.)

In times a little more enlightened, they gave up life as a self-existing principle. As all the functions that compose it—digestion, circulation, &c., are so evidently born, grow, become diseased, &c. with the stomach, intestines, heart, lungs, &c.—the organs of which they are the actions, artful or ignorant men became ashamed to insist on the self-existence of these functions, either as parts or as an aggregate. Life, moreover, as a self-existing principle, was awkwardly opposed by death; on the self-existence and immortality of which they might just as rationally have insisted.

In times still more advanced, it became obvious that mind is a term, not a thing, that it expresses not even a unity, but merely an aggregate—sensation which is a state of the organs of sense and dependent on every change in their structure, volition which is equally dependent on the cerebal, as both observation and experiments prove, and perception, combining, comparing, determining, &c., which are all acts of the cerebrum or brain properly so called—all growing with the growth and strengthening with the strength of their particular organs—the actions, in short, of

these organs, and therefore ceasing when the organs are destroyed.

We are sometimes told that all these organs are merely the material conditions of the functions. The organs, however, can no more be called the mere conditions of their acts or functions than the levers and wheels of a steam-engine can be called the conditions of its actions. In both cases, these are instruments, not conditions, which, by such persons, are confounded together.

To prevent this blunder, if possible, I may observe that mere conditions are accidental, instruments essential; a condition may vary even from presence to absence, an instrument wanting in a machine affects its identity—in the brain it constitutes monstrosity, accident, or disease. The parts, therefore, which compose the brain and are never absent but from monstrosity, accident, or disease, are essential organs —not accidental conditions.

The causes are, both in the steam-engine and in the cerebrum, simple;—in the engine the power of steam, in the brain impressions on the senses;—there is nothing in the intellect which is not first in the senses, as Locke has expressed in his aphorism, "nihil in intellectu quod non prius in sensu." These causes actuate the organization in both cases; and, in both, the mere conditions are, that the machinery is in order—in health, as we term it, in living and complex beings.

By some, it has been vaguely but truly asserted, that the size and the power of the brain, or chief organ of mind, are in general less in woman than in man. By others, it has been confidently but untruly

replied, that this difference is altogether owing to the better or greater education of the male. By none has a mode of determining this fundamental and important point been indicated.

Without such determination, however, it appeared to me to be impossible rationally to investigate the nature of the female mind; and knowing that there is always a right and practicable way of attaining every useful truth, I addressed myself to the subject. Looking, moreover, for what I wanted, in resources near at hand and open to every body, the examination of twins occurred to me.

A little reflection made it evident, that if twins, when of the same sex, were almost always of the same physiognomical character, an equally prevalent difference of such character, when they were of different sex, would indicate sex to be its cause. I felt, moreover, that this would be confirmed, if the differences thus arising were respectively well adapted to the nature and wants of each sex.

Seeking, then, first to observe, whether if, when twins are of the same sex, they present almost always the same physiognomical character, and especially the same developement of the brain, I found this to be actually the case.

I. Thus, in the heads of male twins of thirteen months, the children of James Thom, a Scottish soldier, I found the following dimensions, by means of a flexible measure applying around the surface of the head in the direction indicated, or from and to the points expressed:—

In one, Alexander—

1. Horizontally around the head, over the eye-

brows and the greatest prominence of the back head —19 inches and $\frac{7}{8}$ths.

2. From the glabella, or space between the eyebrows, over the corona, to below the spine of the back head—13 inches and $\frac{1}{2}$.

3. From the depression immediately before and above the tragus of the ear, or upon the articulation of the lower jaw, over the middle of the head, to the same point on the other side—12 inches and $\frac{1}{2}$.

In the other, Robert—

1. Over eyebrows and back head—19 inches and $\frac{1}{2}$.

2. From glabella to spine of occiput—13 inches and $\frac{1}{2}$.

3. From before one ear to before the other—12 inches and $\frac{3}{8}$ths.

Here the utmost difference between the twins is $\frac{3}{8}$ths of an inch in one dimension, and $\frac{1}{8}$th in another, making, in all, $\frac{4}{8}$ths or half an inch.

II. In the heads of female twins of 15 months, the children of Hippolite Bellenger, who very liberally permitted their examination, I found the following dimensions :—

In one, Adele—

1. Over eyebrows and back head—18 inches and $\frac{1}{4}$.

2. From glabella to spine of occiput—12 inches and $\frac{3}{4}$.

3. From before one ear to before the other—11 inches and $\frac{3}{4}$.

In the other, Clementine—

1. Over eyebrows and back head—18 inches and $\frac{1}{2}$.

2. From glabella to spine of occiput—13 inches and $\frac{1}{4}$.

3. From before one ear to before the other—11 inches and $\frac{1}{2}$.

Here the utmost difference between the twins is $\frac{4}{8}$ths of an inch in one dimension—$\frac{2}{8}$ths in a previous dimension being compensated by $\frac{2}{8}$ths in a subsequent one.

In comparing the females of the last case with the males of the first, it will be observed that the dimensions of the female heads, though their subjects were two months older, are always considerably less than those of the males. The same was the case in other examinations.

III. It is, however, by comparing a female twin with a male of the same birth, and that in various cases, that this point can be determined most satisfactorily. Having, in the preceding cases, seen how nearly twins of the same sex approach each other in dimensions, such approach appears to be a general rule as to them: when, therefore, a much greater difference is found between twins of different sex, such difference appears to be a general rule as to these.

Thus, in the heads of twins, male and female, of two months, the children of William Steele, who liberally permitted their examination, I found the following dimensions:—

In the male, Thomas—

1. Over eyebrows and back head—15 inches and $\frac{1}{2}$.
2. From glabella to spine of occiput—11 inches.
3. From before one ear to before the other—9 inches and $\frac{1}{4}$.

In the female, Elizabeth—

1. Over eyebrows and back head—15 inches.

2. From glabella to spine of occiput—10 inches.

3. From before one ear to before the other—9 inches.

Here the difference between twins of different sex is no longer so trifling as it was between twins of the same sex. There, it amounted in each case, to $\frac{4}{8}$ths of an inch; here, between twins of different sex, it amounts, in the three dimensions, to one inch and $\frac{3}{4}$; and it shows that sex operates powerfully in this respect—that there is a sex of brain and of mind.

But while, in woman, the whole brain and the intellectual functions considered generally are thus less, even at birth, than those of man, she has, even at that period, with larger organs of sense, a larger forehead and more powerful observing faculties—depending on the cerebral masses which form that part, and of this the case just stated affords satisfactory proof.

In measuring from before one ear, obliquely forward over the top of the forehead, to before the other ear, the male no longer exceeds the female, as in all the other dimensions—the female absolutely equals him, and is, therefore, in that dimension, proportionally larger—in both the measure is 8 inches. Hence the observing faculties of the female, like her organs of sense, are proportionally greater than those of the male.

IV. In the heads of twins, male and female, of five years of age, the children of James Mackintosh, who, with great liberality and intelligence, permitted their examination, I found the following dimensions:—

In the male, John—

1. Over eyebrows and back head—21 inches.

2. From glabella to spine of occiput—14 inches and $\frac{1}{2}$.

3. From before one ear to before the other—12 inches and $\frac{1}{2}$.

In the female, Martha—

1. Over eyebrows and back head—20 inches and $\frac{1}{2}$.

2. From glabella to spine of occiput—14 inches and $\frac{1}{2}$.

3. From before one ear to before the other—12 inches and $\frac{1}{4}$.

Here the difference between twins of different sex is the less because both children have the same parts from the same parent—the forehead from the mother and the backhead from the father: it amounts only to $\frac{3}{4}$ of an inch. But, as in the preceding case, in measuring from before one ear to before the other, the male no longer exceeds the female, as in two of the other dimensions—the female equals him, and is therefore, in that dimension, proportionally larger—the measure in both being 11 inches and $\frac{1}{4}$, and the observing faculties being absolutely equal in both, or relatively to other faculties larger in the female. (Appendix p. 316.)

Other cases have afforded me similar results.

In taking measurements of this kind, a source of fallacy may occur to those who have not read my work entitled INTERMARRIAGE.—In that work, it is shown that one parent always gives the forehead, and the other parent the backhead, to their common progeny. It is evident therefore that if, in one parent, the forehead be large and the backhead small, and if, in the other parent, the forehead be small and the backhead

large, their child may have the large forehead of one and the large backhead of the other, or it may have the small forehead of one and the small backhead of the other. When, accordingly, the parents give their smaller portions to the male and their larger portions to the female, that, to a hasty observer, may seem to be a contradiction of the general law of the smaller development of the female head.

It is necessary, therefore, that, in such cases, both parents should have both forehead and backhead proportionally well developed, or, which is still better, that both children should have the forehead from the same parent and the backhead from the other.

In the present case, the mother, as usual, has a smaller head than the father, and all its dimensions are strikingly similar—in every direction differing by only half an inch. Now, seeing that each parent gives half the cerebral organization of each child, it is evident that, had no new cause been brought into action, as great an equality of general dimensions should have ensued as is seen in the 1st & 2d cases, where both children are of the same sex. That this is not the case, can be ascribed only to the difference of sex—the sole new cause brought into action; and nothing I think can more clearly show that the size and the power of the brain or chief organ of mind are naturally less in woman than in man—that there is a sex of brain and of mind.

The enlargement of the forehead in the female, so clearly exemplified in this case—an enlargement always taking place while all other parts diminish in size, is quite as remarkable, and is scarcely less important as a sexual difference.

In the mental or thinking system generally considered, woman has, moreover, the organs of sense proportionally larger, and more delicately outlined, than man; and the whole nervous matter is characterized by its softness, delicacy, and mobility.

In consequence of this organization, the first to be especially dwelt upon, the SENSIBILITY of woman is excessive; she is strongly affected by many sensations, which in man are so feeble as scarcely to excite his attention; and these sensations succeed with intenseness and rapidity.

The vividness, as well as the variety of such sensations, of course oppose their depth and duration. We observe, therefore, that women are disposed to be affected by every impression, and constantly to undergo new emotions; that even inconsistent sentiments succeed in them with such rapidity that they sometimes laugh and cry alternately; and that they are guided chiefly by the impressions of the moment. (Appendix p. 319.)

Here, then, is a striking anatomical and physiological distinction between the mind of man and that of woman, even in sensibility, their first and fundamental function; and it affords the best proof that when writers on the rights of woman, like Mrs. Wolstonecraft, speak of "the prevailing notion respecting a sexual character in the mind of woman being subversive of morality," their arguments result from utter ignorance of her organization. That indeed will generally be found to be a sufficient answer to all their assertions, as will appear in the sequel.

From the consideration of sensibility in woman, I should pass briefly to that of her INTELLECT, using

that as a general term, expressing the cerebral functions.

I have, in my work on BEAUTY, shown that beauty of the mental or thinking system is less proper to woman than to man—is less feminine than beauty of the vital or nutritive system; and that it is not the mental, but the vital system, which is, and ought to be, most developed in women.—Still less is it mere cerebral or intellectual, considered apart from mere sensitive beauty, which ought to characterize her.

It is a fact, that though the organs of sense and anterior part of the brain are larger in woman than in man,* the head of woman, on an average, is much smaller than his,—owing of course to the diminished size of the middle and posterior part of the brain and of the cerebel.

Now, as energy of function is inseparable from healthy magnitude of organ, this anatomical fact also destroys the absurd speculations of the writers alluded to. Woman's sensibility and observing faculties are great; her reasoning faculties are small.

It may seem to be in contradiction to this, that woman sometimes more quickly understands many reasoned statements than man does. This has occasionally been observed as a matter of great surprise; and it has never been explained. Woman's quick understanding, however, is dependant on the great sensibility and observing faculties which she is acknowledged to possess. But, to understand reasoning the most complex, is not to reason. In such a case, her atten-

* The anterior lobes of the brain in woman are smaller, as a general rule, than in man. A comparative view of male and female cerebral organization will be found in the Appendix.

tion is fixed by the speaker; her conception is not obscured by any other powerful faculty; and the train of reasoning already performed, is merely laid before her. Thus she is here passive, as in many other things.

Deficiency, however, of intellectual faculties in woman, is compensated for by a vast increase of instinctives ones, which I here mention only in a general way, as serving purposes, to which intellect is more or less inapplicable, and as absolutely fundamental to the following view of the mind in woman.

I apply the term INSTINCT to the faculty which leads to all the acts in which reason is not engaged; but which never leads to the errors to which reason is liable.

Instinct appears to me to be of various kinds.

One species is that which is described as a propensity previous to experience, and I would add, independent of all instruction either of the individual or of the race,—a propensity as apparent in the young at a very early age, as in older animals, and extending only to what is necessaay for the preservation of the animal itself and for the reproduction of its kind.

Even this first species appears to consist of two varieties, one of which is unconscious and involuntary, and the other conscious and voluntary.

Consciousness, it should be observed, accompanies acts of the will; unconsciousness those which are involuntary,—except the latter be prompted by suffering of some kind. Thus, long inactivity causes oscitation and pandiculation—yawning and stretching, involuntary acts (the latter occurring even in paralytic limbs,) which then became conscious. Under suffer-

ing, indeed, the least voluntary acts become conscious and painful in the highest degree.

Of the first variety of this species, unconscious and involuntary instinct, we have perhaps an example in the infant's sucking for the first time. Its lips compress the nipple by means of their circular muscle (the orbicularis oris,) excited probably by a mechanical stimulus,—in the same way that the circular fibres of the intestines contract peristaltically upon their contents, without either conscious sensation, or reasoning, or voluntary motion,—the orbicular muscle of the lips being then merely the first ring of the primæ viæ.

Of the second variety of this species, conscious and voluntary instinct, we have one example in the more enlightened, though still unreasoning, duckling. With the agreeable consciousness of aqueous vapour impressing its olfactory nerves, it voluntarily travels to the pond which is its source, and casting itself on the surface, finds that it floats thereon.

Another example is afforded in the case mentioned by Galen. "On dissecting a goat great with young," he says, "I found a brisk embryon, and having detached it from the matrix, and snatched it away before it saw its dam, I brought it into a room, where there were many vessels, some filled with wine, others with oil, some with honey, others with milk or some other liquor, and in others there were grains and fruits. We first observed the young animal get upon its feet and walk ; then it shook itself, and afterwards scratched its side with one of its feet; then we saw it smelling to every one of these things that were set in the

room, and when it had smelt to them all, it drank up the milk."

There are no mysteries in instinct; though some mystics contend for them. Thus they talk of a *wonderful* instinct directing the bee to form cells of six sides—the form which admits of the greatest number of cells in a given space! Now, the fact is, that the bee is guilty of no such absurdity; it makes the cells round like the form of its body; and their common pressure makes them six-sided: the exterior walls of the outer cells remain always round, because not subjected to any pressure.

On this subject, these mystics were followed by the phrenological ones. Spurzheim, having placed his constructiveness on the side of the head, found, in the remarkable width of the bee's head, a decided proof of its possessing that faculty in the most wonderful degree—until it was pointed out to him that there was no brain at all in the insect's head! (See appendix.) Mysticism is an ignus fatuus which always leads into bogs, whence its stupid admirers, if they escape at all, always escape in a very dirty plight.

On this subject, Mr. Mayo, misled by the common cant, commits a very palpable error. "We *will*," he says, "with a general or precise anticipation of what the result will be, and in order to obtain it. A hungry person knows that the food he prepares to eat will gratify his appetite: a drowning person hopes that his cries will bring people to his assistance. But there are instances in human beings in which intelligent motives cannot be assigned for voluntary actions. The infant at the breast, or struggling when first plunged into water, employs muscular efforts for its

sustenance or preservation, no less voluntary than those which the schoolboy makes when draining his orange; or the exhausted swimmer when he calls for help. But in the infant, the motive which leads to the voluntary effort, is not the anticipation of pleasure or advantage, but a spontaneous tendency; a blind inclination, an instinct."

"Now, though reasoning is absent in all instinct, it is not true that there is any blind inclination in these cases. The infant, from the moment that sucking becomes a conscious and voluntary act (a condition here supposed by Mr. Mayo,) derives from it actual pleasure, as from struggling in water he derives actual pain. These, being matters of feeling, become motives sufficiently intelligent; and it is mere nonsense to call them "blind inclinations, spontaneous tendencies," &c.

So in the case of Galen's kid, he says, "What is this but an instance of sensation occasioning a blind impulse to a determinate course of voluntary action?" —Why "a *blind* impulse?" To every supply of the vital system, actual pleasure is the most intelligent excitement; and so exclusively essential is it, that if it did not attend, we should neglect such supply, and death would overtake us without warning. If either Galen or Mr. Mayo, seduced by the agreeable odour of the milk, had dipped his own nose in it, and then, tasting it, had lapped it up, he could not have acted more intelligently; and the senses of smell and taste *continue* to be our sole guides when new food or drink, and new dishes are placed before us. It is when these best guides are obeyed, that health is insured; it is when they are neglected, that we dip and dye our noses in

wine, and become the fit companions of the degraded monsters which the religion of Greece made the companions of Bacchus.

The *second species* of instinct is that which is subsequent to individual experience and dependent on individual instruction; which then becomes habit, and which, by suitably altering the organization, gradually acquires the generic character of excluding all process of reasoning. This is acquired when the acts which results from it either naturally are, or are artificially rendered, essential to the preservation of life, or the exercise of its economy.

I have elsewhere shown that a greater number of the actions even of man *become* instinctive than is commonly imagined. When, in leaving the house to walk, for instance, two persons step down stairs or turn into the street, every step is conscious, reasoned (however brief the process) and voluntary; but when, proceeding in a long street, they engage in interesting conversation, their steps become more and more unconscious and involuntary, and they continue so until a crossing, a new turn, or an obstacle, requires a momentary exertion of consciousness, reason and volition, after which they resume their previous instinctive condition.

On this head, Mr. Mayo commits a very strange error. He asserts that many of our voluntary actions are unconsciously performed.—"There are," he says, "many voluntary actions, which leave no recollection *the instant afterwards* [which implies want of consciousness] of an effort of the will having preceded them. [Of this no shadow of proof can be given.] I allude to those, which from frequent repetition have

become habits. [But, as just shown, these have also become unreasoned and instinctive.] Metaphysicians are generally agreed, that such actions continue to be voluntary, even when the influence of the will in their production eludes observation. [They must indeed be metaphysicians, not physiologists—such men as have written on what they call "the philosophy of the human mind," without the slightest knowledge of the structure of the brain! and who have written just as sensibly as any man might on the philosophy of the steam-engine without knowing its mechanism.]

But the law of nature on this subject is perfectly plain. All voluntary acts are conscious acts; because there can be no volition without previous desire or aversion, and no desire or aversion without previous understanding of the relations in which the object of desire or aversion stands to our wants, and a corresponding expectation of pleasure and pain; and such an operation cannot be unconsciously performed or "leave no recollection the instant afterwards."

The *third species* of instinct arises out of the last, and no longer affects individuals but progeny or the race, because organization and function have, by instruction and constraint, been first modified and afterwards propagated. This is that which has been observed by Mr. Knight and Sir J. Sebright.

"Domestic animals," says the latter, "will be found not only to have lost many of the propensities, that seem to be characteristic of their species, but to have acquired others, that are never seen in the same species in its natural state . . . . Very different propensities are found in the various breeds of domestic dogs; and they are always such as are particularly

suited to the purposes to which each of these breeds has long been, and is still applied."

Such propensities are to be found only in the progeny of man and other animals which, with altered organization and function, have acquired altered habits, which become hereditary, and assume the character of instinct.

The value of this species of instinct is very great. It abridges education in progeny, who do naturally that which instruction and habit could alone acquire in the parent. The progeny are thus placed in a higher rank; and they may devote themselves to the acquirement of yet more valuable habits, which, similarly communicated to *their progeny*, may raise *them* yet higher in the scale of being. It is only in this way that education can permanently influence a race —a view which hitherto has, I believe, been entirely overlooked. To this, certainly, the present advancement of the human race has been greatly owing.

As the instinctive faculties now described, are connected chiefly with the purposes of life, its preservation and reproduction, it appears to be a law of nature that, in all animals in which the organs of sense and the vital system (which generally go together, as I have shown in my work on Intermarriage) are proportionally more developed than the brain and cerebel,—it appears, I say, to be a law of nature, that, in such beings, these faculties predominate over those of intellect and volition.

It will of course follow that a vast number of the mental acts of the female sex generally, and of woman in particular, in whom the vital system is so greatly developed, are instinctive, not rational.

These instinctive actions, then, primarily and especially regard her vital and reproductive system, all the functions and relations of which require instant decision and unerring precision. It is so evident as scarcely to require mention, that love, impregnation, gestation, parturition, lactation, and nursing, have little or nothing to do with reason, and are almost entirely instinctive.

But it will be seen, in the sequel, that all the other actions of woman are in the closest connection or sympathy with these—that her relations to every thing around her, and consequently her morals—her politeness, her vanity, her affection, her sentiment, her dependence on and knowledge of man, her love, her artifice, her mobility and caprice, are all either absolutely created, or powerfully modified, by her instinctive vital system. And it is evident that they can neither be created nor modified by that instinctive system, without either wholly or partially receiving its essential character.

It will, moreover, appear that the fundamental and essential character of the mental and locomotive systems of woman are, owing to their slighter developement, utterly incapable of rising above this instinctive influence of her vital system. Extreme sensibility is the great characteristic of her mental system; but it is at the same time the very basis of all instinctive action. Feebleness equally characterizes her locomotive system (except the very parts connected with vitality—those about the pelvis;) and it as conspicuously marks all her instinctive acts. Indeed, all the modes of action last named—politeness, vanity, artifice, &c. are little more than combinations of sensibi-

lity and feebleness, added to the necessity of self-preservation and reproduction, which have been already described as the great objects of instinct.

Hence it follows, that all the actions of woman are more or less instinctive; and this—this alone, accounts for her rapid tact, her instantaneous feeling of the proprieties, her promptitude in deciding the little matters that naturally fall under her cognizance, &c., which have been such sources of surprise to observers.

Owing to the facility with which unconscious sensations and involuntary actions can be excited in women, they readily become the subjects of the perturbed sleep which constitutes somnambulism; and, even in common sleep, they can, far more easily than man, be induced unconsciously, and involuntarily, to obey the slightest impulses.

Hence, when Mrs. Wolstonecraft says, "I may be allowed to infer that reason is absolutely necessary to enable a woman to perform any duty properly," she infers nonsense. Where her duty is instinctive, it requires no reason; and even where it does, the portion of reason necessary for its performance, is the less, that it is aided by instinct and limited in application. Instinct is itself unimproveable and independent of reason.

The preceding distinction between the character of the male and female mind, and the observation as to the predominance of instinctive faculties in the latter, have not, I believe, been hitherto made; but it has been as vaguely as universally felt that such distinction exist; and man has, not more readily perhaps than unjustly, claimed for himself a superiority on that account. The Mohamedan nations at once di-

vest woman of soul and of future life; and it would appear that some Christians follow their example.

It appears, says Meunier, "amongst all the savage nations, as if women were considered profane even from the nature of their sex. They are not allowed to assist in religious ceremonies, and there are, in the churches of Laponia, doors through which they are not allowed to pass."

And in a similar spirit, Mr. Moore says:—

> "O woman! your heart is a pitiful treasure;
> And Mahomet's doctrine was not too severe,
> When he thought you were only materials of pleasure,
> And reason and thinking were out of your sphere."

Recurring, however, in all seriousness, to instinct as the great characteristic of the female mind, as reason is that of the male, many will exclaim that woman is thus degraded. But I am disposed to question whether instinct, as a mental quality, be really less valuable than reason. Certain it is, that more fundamental and more essential duties are confided to it.

Having thus described instinct in woman, as more or less a substitute for intellect, used as a general term expressing the cerebral functions, I proceed briefly to notice some of the INTELLECTUAL FACULTIES which she presents; after which the degree in which instinct enters into her more complex mental operations will be better understood.

The first of these faculties are perceiving, remembering and associating, which need not, however, here be dwelt on; nor indeed need I dwell on any faculties which present not some peculiarity in woman.

The attention of woman to physical impressions, and the difficulty of escaping from the dominant

power of her sensations, naturally blind her with the lustre of things chiefly external. By this means, her IDEAS, or the combinations of her various impressions, are necessarily modified, and they are consequently more quick and dazzling than solid.

Intensity of sensibility and quickness of ideas in woman naturally render more multipled and more vivid the pleasurable or painful EMOTIONS, which, when referred to her wants, they contribute to form.

The emotions of modesty, timidity, fear, pity, &c. chiefly predominate in her, because they are the natural results of her weakness and mobility. Hence she rather enjoys the present than reflects on the past or calculates as to the future.

Such sensations, ideas and emotions naturally induce desires of corresponding intensity; and accordingly women rather yield to their PASSIONS than follow the calmer dictates of reason. Happily, the gentler passions—filial affection, maternal tenderness, and other domestic regards, are those most generally and most powerfully felt by them.

Passion having no necessary connection with reason, and vanity or caprice dominating, it sometimes happens that to forbid any thing to women, is sufficient to make them desire it; that love, jealousy, superstition, &c. are sometimes carried by them to an excess that men never feel; that hatred is in them nearer akin to love than to indifference; and that they never pardon wounds inflicted on vanity or injuries in love.

In conformity with these elementary circumstances, the IMAGINATION, a peculiarly and strongly marked function in woman, is highly susceptible of excitement, and yields easily to every excess.

These circumstances, moreover, being added to her weakness and timidity, lead her to seek support in superstition, and to prefer the most enthusiastic and extravagant theological doctrines.

In all this, the particular and instinctive influence of the matrix has great effects. Plutarch accordingly informs us, that the Pythoness of Delphi ascended the tripod to prophesy only once a month; and perhaps at no other periods, could even she have imagined "that she felt a presentiment of the approach of the god, and amidst wild agitations, tearing of hair, and foaming of the mouth, have exclaimed, "I feel—I feel the god! Lo, he appears!—Behold the god!"—and have repeated his discourse and his oracles correctly.

In modern times, it is chiefly through the enthusiasm of woman that religious creeds have been promulgated. (Appendix.) "The nun in the cloister," says Diderot, "feels herself elevated to the skies; her soul pours itself forth in the bosom of the divinity; her essence mingles with the divine essence. She faints; she swoons; her breast rises and falls with rapidity; her companions flock round, and cut the laces of her vestments. Night comes on; she hears the celestial choirs; her voice joins theirs in concert. Again she returns to earth; she speaks of joys ineffable; she is listened to; she is convinced, and she persuades others."

So natural is all this to woman, that St. Lambert says, "There are even some superstitions that I would leave to the majority of men, and still more to that of women. I would not prohibit their worship of some inferior divinities, which might present to them examples, and promise them protection. The personifying

and making divinities of the virtues, talents, and amiable qualities amongst the ancients, was a fine idea: that superstition well might have a very happy influence over the morals. Women being very susceptible of imitation, ought to imitate these models."

Consistently with this disposition, women believe in ghosts and apparitions, in dreams, magic, conjuring, divination, and fortune-telling, and they comply with all superstitious customs. They readily yield assent also to mesmerism or animal magnetism, the visions of somnambulism, &c., and hence the charlatans who live by such means, have chiefly women for their patients; and they find no difficulty in inducing them to believe the most absurd assertions.

It is to the influence of this ill-regulated imagination, that must be ascribed the fact of a greater number of insane women than men being confined in lunatic asylums; and such is the power of this faculty, that even, "those who possess most reason and strength of mind, frequently give way under a certain state of body, as at the approach of the catamenia, or during the first months of pregnancy."

It has, moreover, been remarked that, amongst insane women, delirium increases and suicide occurs most frequently, at the catamenial period.

From the intensity, rapidity and variability of all the preceding mental operations, it is to be expected that imagination should be superficial and restless rather than profound, energetic and sustained. Rosseau, accordingly, observes that "that celestial fire which excites and inflames the soul, that genius which consumes and devours, that burning eloquence, those sublime transports that penetrate to the bottom

of our hearts, will ever be wanting in the writings of our women. . . The writings of women are always cold and pretty like themselves. There is as much wit as you would desire, but never any soul. They are almost always a hundred times more sensible than passionate; women know not how either to feel or to describe even love."

Sappho may indeed be cited as the author of lyric strains not excelled in any age. But her masculine—her unwomanly character, procured her from Horace the name of "mascula Sappho," and this was doubtless the outward sign of that temperament, which caused her to be accused of vicious practices, and probably made her an object of horror to Phaon,—women of that kind being generally more passionate than others, as well as ugly and violent in disposition.

I should here next notice woman's reasoning powers; but as these are feeble, and as that is owing partly to feeble volition, and its consequence feeble attention, it is these which require our next notice in this sketch of the mind of woman.

Consistently with her smaller cerebel, VOLITION is feebler in woman than in man. Every thing indeed indicates the passive character in woman—mentally and bodily.

The *power of attention* is the first reactive effort of the organ of the will—the cerebel, upon the observing portion of the brain, executed, as I have shown, in my work on The Nervous System, by means of the lateral portion of that organ and the cerebellic ring or tuber annulare. Both the power and the organ are feeble in woman: her attention is at once weak and incapable of being sustained without assistance: even the in-

tensity, rapidity and variety of her sensations ensure this.

The *muscular power* of woman, executed by means of the central portion of that organ, is naturally feebler than that of man. The width of her pelvis and the consequent separation of her haunches and of the heads of her thigh-bones render even walking difficult. Her muscles are generally less voluminous and always of a looser and feebler texture than those of man.—These facts have lead Mrs. Wolstonecraft to acknowledge that "the female, in point of strength, is, in general, inferior to the male: this is the law of nature."

That no education or exercise will remedy these defects, or rather change these organic differences, has been proved in the case of the Spartan women; and we find that, though stronger exercises increase the strength of woman, she cannot, in this respect, be approximated to man. It is evidently incompatible with her organization as woman.

Women are so conscious of this, that "far from feeling ashamed of their weakness," as Rosseau observes, "they glory in it; their tender muscles are powerless; they pretend they cannot raise the lightest burdens; they would blush to be thought strong."

So universal a characteristic of woman is her extreme flexibility and mobility, naturally connected with her weakness, that not merely the voluntary muscles of her limbs and her features, but the involuntary fibres of her heart, arteries and all the moving parts of her vital system, are strongly marked by it; and hence the convulsive disposition of woman under many circumstances.

Even the female writer I have quoted, accordingly, says, "A degree of physical superiority cannot, therefore, be denied to man—and it is a noble prerogative! . . . It must render women, in some degree, dependent on men in the various relations of life."

At an early age, girls try also the art of conversation, dependent on the same muscular system, which they soon after practise incessantly. "They speak earlier," says Rousseau, "more easily and more agreeably than men. They are accused also of speaking more; this is what should be, and I willingly change the reproach into eulogy." The mouth and the eyes have in them the same activity, and for the same reason. Man says what he knows, woman what she pleases; one, in order to speak, requires knowledge, and the other taste; one ought to have for the principal object useful things, the other agreeable ones. Their conversation ought not to have any other common forms than those of truth.

We now arrive, in this sketch, at the power of REASONING, into which most of the preceding faculties enter.

Woman seizes the details and shades of objects, dependent on the senses, more than their remoter connection or their relations, dependant on reason. Madame Necker accordingly says, "Women think their minds cultivated when they have attended to literature without having connected any thing. They are in error: the mind is cultivated first by habits of order and correctness, and secondly by reflection." And Mrs. Wolstonecraft (for it is important here to have the testimony of observing women) says, "To do every thing in an orderly manner, is a most important

precept, which women, who, generally speaking, receive only a disorderly kind of education, seldom attend to."

This prevents their *generalizing* matters of fact, or their extracting, from many scattered ideas, a greater idea that embraces the whole. And therefore Rousseau observes that "The research for abstract and speculative truths, for principles, for axioms in the sciences, for all that tends to generalize ideas, is not the province of women; their studies ought all to refer to practice."

Yet Mrs. Wolstonecraft says, "The power of generalizing ideas, of drawing comprehensive conclusions from individual observations, is the only acquirement, for an immortal being, that really deserves the name of knowledge.—This power has not only been denied to women; but writers have insisted that it is inconsistent, with a few exceptions, with their sexual character. Let men prove this, and I shall grant that woman exists only for man."—This has been already proved by the smallness in women of the middle and posterior part of the brain—the seats of the highest faculties;* by that of the cerebel and cerebellic ring—the organs of will, attention, &c.; and by their incapacity to distinguish relations, to think in an orderly manner, to generalize; and as to woman existing only for man, there can be no more doubt of it, than that man exists only for woman.

Woman, by the intensity, rapidity and variety of her sensations, as well as by the causes just named, is

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* The posterior lobes are wanting in lower animals—a fact sadly opposed to the dreams of Phrenology. (Appendix.)

of course incapable of thought separated from all external things, of *trains of connected ideas*, and of *connected modes of reasoning*.

Under such physiological conditions, we see why her *judgment* is often perverted by the prejudices of the senses. Instead, therefore, of producing any persisting determination, it leads to crowds of petty determinations every instant destroyed one by another.

Instead, then, of judgment, woman has rather a quick perception of what is fitting, owing to the predominance of her instinctive faculties. This quick perception, indeed, bears the stamp of instinct in that promptness and precipitancy which spring from its very nature, and from its embracing only limited objects. Hence alone it is that women, in certain circumstances, possess a presence of mind superior to that of the cleverest man, and in a moment seem to attain better combined determinations than result from laborious calculation.

That this has little to do with reason, is proved by its being the affair only of emergency and of the moment. Woman has little foresight. The girl in a moment tells her lover's proposal to all her female friends, and is then compelled to spend days, weeks, months, in mystifying them.

In perfect consistency with all this, Madame Necker says, "Want of *perseverance* is the great fault of woman in every thing, morals, attention to health, friendship, &c.—It cannot be too often repeated, that women never reach the end of any thing through want of perseverance."

There are, moreover, additional and perpetually recurring obstacles to the attainment of reasoning

powers by women; in the remarkable variations continually affecting their vital system. The periodical returns of the catamenia produce in many women indispositions more or less severe: their stomach performs its functions badly, and they are subject to very varied nervous affections: their sensibility becomes more exquisite; they are more susceptible of emotions and more disposed to love; they easily resign themselves to unfounded griefs and fears; they are liable to singular caprices, to spasmodic affections, and even to mental derangement; they are more sensible to cold; their whole organization is more or less disordered.

The necessity of love which, in my work on Intermarriage, I have shown to be more essential to woman than to man, and the conditions of pregnancy, delivery and suckling, produce similar derangements.

Connected with all this is woman's weakness and mobility, her ever-varying fancies and caprices, and her disinclination to every thing requiring attention, to the observation of relations, to order and method, to generalization, trains of connected ideas, modes of reasoning, &c.

We cannot wonder, then, that the reasoning faculties are easily deranged in woman, and that consequently the number of insane women always greatly exceeds that of men.

Moreover, it is well known that, when women are capable of some degree of mental exertion, this, by directing the blood towards the brain, makes it a centre of activity at the expense of the vital organs which are much more important to them; and, if the latter suffer from the activity of the former, their chief value

as women is destroyed. Science can never form a compensation to them for the deterioration of their vital system and their natural attractions.

Hence, says Cabanis, "woman is justly afraid of those labours of mind which cannot be executed without long and deep meditation: she chooses those which require more of tact than of science; more vivacity of conception than of force, more of imagination than of reasoning, those in which it is sufficient that an easy ability lightly raise the surface of objects." And accordingly, all the productions of women display only delicacy, spirit and grace.

Much, however, have we heard of learned, great and illustrious women—of women's capabilities to reason, philosophize and legislate.

Their learning may be sufficiently illustrated by an anecdote from one of our periodicals.—"Of course," say they, "no one can have a higher opinion of the fair sex than ourselves, and nobody can be more unwilling than we to doubt the genuineness of those numerous and various excellencies which they exhibit; but, we confess, it has often occasioned us to open the eyes of surprise, and lift up the hands of astonishment, to see the familiarity evinced by them with the dead languages (we say nothing of their aptness at the unknown tongues,) and the facility with which they will turn an ode of Horace or a scene of Menander into English (rather blank) verse. A certain reverend canon lately deceased, has 'let the cat out of the bag.' In a letter lately published in the Gentleman's Magazine, he thus writes:—'Yours is a just portrait of Miss Seward, of Litchfield—her exact character. I was conducted the other day to her blue region, as

André calls it. She was rather busy translating, or rather transposing, an ode of Horace, without understanding a word of the original. She had three different translations before her—Francis's, Smart's and Bromick's—out of which she compounds her own.' "

Moreover, no one, by her learning, ever compensated for that total abandonment of female character which is inseparable from the assumption of such attainments.

Neither have they sufficient attention and accuracy to attain any success in the exact sciences, as Cabanis has well shown.—"If they wish to astonish by feats of strength and to join the triumph of science to victories sweet and more sure, then almost all their charm vanishes; they cease to be that which they are, in making vain efforts to become that they wish to appear; and, losing the attractions without which the empire of beauty itself is uncertain and brief, they in general acquire only the pedantry and the absurdities of science. In general, learned women know nothing profoundly; they perplex and confound all objects, all ideas. Their vivid conception seizes some parts: they imagine that they understand all. Difficulties repel them: their impatience bounds over these. Incapable of fixing long enough their attention on a single object, they cannot experience the intense and deep enjoyments of strong meditation: they are even incapable of it. They pass rapidly from one object to another, and they obtain by this means only some notions partial and incomplete, which form almost always in their heads the most whimsical combinations."

The chief object of female existence being such

as it is, woman's devotion to sense and to imagination, her weakness and her artifice, were inseparable from her nature; and therefore depth of reasoning and strength of judgment are at utter variance with her physical and moral structure.

As to works of genius, they exceed the capacity of woman. She has never, therefore, by any cultivation of her mind, attained even one of those conceptions which form the highest triumphs of the mind. Cabanis, indeed, observes, that "it is perhaps worse still for the small number of those in whom a somewhat masculine organization may obtain some success in those pursuits altogether foreign to the faculties of their mind. In youth, at maturity, in old age, what shall be the place of those uncertain beings, who are not properly speaking of any sex? By what attraction can they fix the young man who seeks for a companion? What assistance can aged or infirm relatives expect of them? What pleasure can they diffuse over the life of a husband? Shall we see them descend from the height of their genius to watch over their children and their domestic affairs? All those relations so delicate, which form the charm and which ensure the happiness of woman, exist no longer then: in wishing to extend her empire, she destroys it. In a word, the nature of things and experience equally prove, that, if the feebleness of the muscles in woman forbid her to descend into the gymnasium and the hippodrome, the qualities of her mind and the part which she ought to play in life, forbid her, perhaps more imperiously still, to make a spectacle of herself in the lyceum and the portico."

A learned and philosophical lady is indeed not less out of character, nor less ridiculous, than are those beings originally of opposite sex who lose the characteristics of men to grace an Italian stage. Those are alike monstrous who possess more or less, either physically or morally, than nature prescribes.

It is, indeed, as fortunate as it is true, that women are incapable of such pretended attainments.

How much more beautiful and attractive it is to behold a woman excelling in those languages which are of easy attainment, in the general knowledge which these present, in drawing, in music, and in the dance, in scrupulous attention to personal propriety, in simple elegance of costume, and in all the lighter domestic arts. Their most charming study is the modest, the winning display of those accomplishments that increase the magic of their charms; their dearest employment is gracefully to flirt through all the mazes of the labyrinth of love; and the noblest aim of their existence is to tread the footsteps of their mothers, and like them, become mothers in their turn.

In short, the employment of the mind in investigations remote from life,—from procreation, gestation, delivery, nursing and care of children, cooking and clothing appears to be but limitedly allowed to woman.

So natural are these, and so unnatural are mental pursuits to woman, that Mrs. Wolstonecraft does not hesitate to say, that "If we revert to history, we shall find that the women who have distinguished themselves have neither been the most beautiful nor the most gentle of their sex." When a woman, indeed, is notorious for her mind, she is in general frightfully

ugly; and it is certain that great fecundity of the brain in women usually accompanies sterility or disorder of the matrix.

The reader is now able to appreciate Mrs. Wolstonecraft's assertion that "In tracing the causes that have degraded woman . . . it appears clear that they all spring from want of understanding. Whether this arises from a physical or accidental weakness of faculties, time alone can determine. [It has long since done so.] Denying her genius and judgment, it is scarcely possible to divine what remains to characterize intellect." The reader has seen that, in woman, the sensitive faculties are great and the reasoning ones small; that instinct moreover takes sometimes the place of both; and that on these depend the characteristics of the female mind—its acuteness, its mobility, the quickness and facility of its operations, its tact, its fickleness, its lightness, its graces. &c.

We are boldly told, however, that these are the mere results of education—of the education which men bestow upon them. This is already answered in the surest and best way, by showing that they spring from organization. I add, however, Rousseau's admirable reply.—"Women cease not to cry out that we bring them up to be vain and coquets, that we amuse them perpetually with puerilities in order to remain more easily their masters: they tax us with their faults. What folly! Since when is it that men have interfered with the education of girls? What prevents mothers from bringing them up as they please? —There are no colleges for them: great misfortune! Oh! Would to God that there were none for boys!

they would be more sensibly and more honestly brought up. Do we force your daughters to waste their time in sillinesses? Do we compel them, in spite of themselves, to pass half their lives at their toilet after your example? Do we prevent you from instructing them and causing them to be instructed according to your own will? Is it our fault if they please us when they are beautiful, if their affectations seduce us, if the art which they learn from you attracts and flatters us, if we love to see them dressed with taste, if we permit them at leisure to sharpen the arms with which they subjugate us?—Well, adopt the plan of bringing them up like men; they will consent to it with all their hearts. But the more they would resemble them, the less they will govern them.

"To cultivate, then, in woman, the qualities of men, and to neglect those which are proper to them, is evidently to labour to their disadvantage. The cunning ones see this too well to be its dupes; in trying to usurp our advantages, they do not abandon their own; but thence arises that, not being able to manage both, because they are incompatible, they remain below their own capacity, without reaching ours, and lose half their value. Trust to me, judicious mother, do not make of your daughter an honest man, as if to give the lie to nature; make her an honest woman; and be assured that she will be of more worth both to herself and to us."

And it is after all this, that Mrs. Wolstonecraft says, "I still insist, that not only the virtue, but the knowledge of the two sexes should be the same in nature, if not in degree!"

Other qualities, indeed, contribute as much to wo-

man's happiness as wisdom; and, therefore, I do not dislike the following answer of the beautiful, accomplished and unfortunate Queen Mary to the agent of the ugly, malignant and vicious Elizabeth.—When one of the Cecil family, a minister from England to Scotland in Mary's reign, was speaking of the wisdom of his sovereign, Elizabeth, Mary stopped him short, by saying "Seigneur Chevalier, ne me parlez jamais de la sagesse d'une femme; je connois bien mon sexe, la plus sage de nous toutes n'est qu'un peu moins sotte que les autras."*

Nay, we may venture to assert, that a high degree of intellect would ensure the misery of woman. It would be easy to show, says Dr. Brigham, "that efforts to make females excel in certain qualities of mind, which in men are considered most desirable, to make them as capable as men of long-continued attention to abstract truths, would be to act contrary to the dictates of nature, as manifested in their organization, and would tend to suppress all those finer sensibilities, which render them, in every thing that relates to sentiment and affection, far superior to men." Such education is, indeed, incompatible with the due exercise of their vital, and most important system; and it requires a developement of the head which is often fatal in parturition.

There is, however, a view on this subject, which seems never to have been taken, and which may perhaps constitutes an addition to the philosophy of Epicurus.

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* "Sir Chevalier, talk not to me of the wisdom of woman—I know my sex well, the wisest of us all, are but little less foolish than the rest."

The toil in advancing knowledge is for man; enjoyment of all it brings, for woman. It should be asked—In how many men out of all that live, is the mind employed for any other direct purpose than vital enjoyment? And, in those who employ mind directly to obtain truth, freedom, justice, how many deem these only the means of procuring peace, plenty, &c.—in short, of supplying vital wants just as those do who take a directer course.

It would appear, that he who labours with his head has the same ultimate object as he who labours with his hands. The object of both is life or vitality. It follows, then, that woman who has the largest vital system, is in the largest enjoyment of that for which man struggles so variously,—that nature has secured her the quiet possession of all this without labour or study, on account of the paramount importance of her vital system, and has only cast a glory over mental pursuits to seduce man into struggles which were useful to the security and enjoyment of her favourite, woman.—Is not mind a means only?

Does an immortality of any useful kind to the philosopher attach to his labours?—What know we of the mother and the grandmother of Grecian genius and art—of Egypt and of India? Were prospective objects to be named at the same time with the substantial benefits which the men of those times and countries enjoyed? Were any of the benefits they earned of equal importance with shelter, clothing, food, and all that was necessary to life.

"But see," I shall be told, "what mind achieves: see the difference between the savage and the civilized being!" That, however, does not alter their common

object: with slight modifications, it is chiefly the same enjoyments: how easy to dispense with all others—how impossible with these!—"But the mental pursuit is itself delightful!" True, it has its moments, its days of delight. Yet is it not unfair to ask—what means of permanent happiness does it provide for the pursuer? What has been the fate of the majority of those who have laboured for the happiness of mankind?

I suspect that, after all, women have the best of life. It looks as if woman were in possession of most enjoyment, and as if man had only an illusion held out to make him labour for her!

PART II.

MORALS.

The natural sensibility, feebleness and timidity of woman lead her instinctively, and with little aid from reasoning, to observe the circumstances which prompt mankind to act, inspire her with a SENSE OF WHAT IS FITTING, induce her imperceptibly to measure her procedure and graduate her language, and imbue her with the spirit of society.

Women are accordingly peculiarly sensible to ridicule, and attach great importance to little faults. They are less influenced by the great qualities that more than atone for these. Nay, they often laugh at them; and it is very probable, as St. Lambert observes, that Xantippe made fun of Socrates, and that the patrician women of Rome told very amusing tales of Cato.

The further necessity of woman's placing her weakness in safety—a necessity perpetually felt, and therefore requiring little to be reasoned, leads her instinctively to regulate her language and actions more

particularly for the purpose of pleasing, and renders her an adept in the art of POLITENESS.*

It is natural, therefore, that, while the politeness of men is more officious, that of women should be more caressing, better calculated to soften even the most rugged character.—As to their politeness to each other, that is altogether a different affair.

As the faculties of woman thus lead her instinctively to please, there arises in her a sentiment which induces her to seek approbation even by the influence of external appearances, to pay attention to her person and her dress, and to direct all the powers she can derive from these, to the purposes of combat and conquest. This sentiment is VANITY.

Even at an early age, girls become evidently interested about the impressions which they make on those around them. Not contented, says Rousseau, "with being pretty, they wish to be thought so; we see by their little airs that this care already occupies them; and scarcely are they capable of understanding what is said, when they may be governed by telling them what is thought of them. The same motive very indiscreetly proposed to little boys, has no such influence over them. Provided they are independent, and have their pleasure, they care very little about what may be thought of them. It is only time and suffering that subject them to the same law."

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* It is the instinctive faculties of women, as well as the other qualities already described, that "fit them better for passing from the lowest to the highest ranks: this explains to us, why an almost uneducated girl becomes quickly a very charming wife when fortunes smiles upon her, and how it is that a female suddenly raised to rank imbibes without effort the sentiments of her new condition, and has rarely the awkwardness and rude manners that distinguish those men whom chance has placed in a similar position."

A more striking illustration of the power of vanity in woman, can scarcely be given than that when a collection of three hundred and fifty pounds was made for the celebrated Cuzzona, to save her from absolute want, she no sooner got the money into her possession, than she laid out two hundred pounds of it in the purchase of a shell cap, which was just then in fashion!

So powerful is vanity in woman, that it is chiefly when her self-love is offended that her obstinacy becomes excessive, and this obstinacy yields the moment such offence is removed by deference and homage.

As Madame de Stael has discussed the subject of vanity in woman with knowledge to which no man, nor any woman but a French one, can pretend, I here follow her.

"When women strive to form connections more extended or more brilliant than those which arise from the tender feelings they naturally create in all that surround them, they seek to derive approbation from vanity. Those struggles by which men sometimes gain honour and power, never gain for women more than an ephemeral applause, and a reputation for intrigue—a species of triumph resulting from vanity.

"There are women who are vain of advantages not connected with their persons, such as birth, rank and fortune: it is difficult to feel less the dignity of the sex. The origin of all women may be called celestial, for their power is the offspring of the gifts of nature: by yielding to pride and ambition, they soon destroy the magic of their charms. The credit they then obtain is fleeting and limited; it never equals in value the consideration derived from extended power; and the approvals they gain are mere triumphs of vanity:

they never pre-suppose either esteem or respect for the object to which they are accorded. Women thus excite against themselves the passions of those who wished only to love them. Ridicule attaches to them. Whenever they oppose themselves to the projects and ambition of men, they excite that lively resentment which is produced by an unexpected obstacle: if in their youth they meddle with political intrigues, their modesty must suffer; and if they are old, the disgust which they excite as women is destructive of their pretension as men. A woman's face, whatever may be the vigor or extent of her intellect, whatever the importance of the objects that occupy her, is always, in the history of her life, an obstacle or a reason: men have so decreed. And the more decided they are in judging a woman according to the advantages or defects of her sex, the more disgusting it is to them to see her pursue a destiny opposed to her nature.

"It will be readily supposed that these reflections are not intended to deter women from every serious occupation, but from the misfortune of taking themselves for the objects of their efforts. When the part they take in public affairs arises from their attachment to him who directs them, when sentiment alone dictates their opinions and inspires their conduct, they are not departing from the line that nature has traced for them—they love, they are women; but when they give themselves up to an active personal interference, when they wish to refer all events to themselves, and look at them in connection with their own influence and their individual interest, then are they scarcely deserving even of those ephemeral praises which are the sole reward of successful vanity. Women are

never honoured by any kind of pretension: even wit, which seems to offer a more extended career, obtains for them only a momentary elevation to the height of vanity. The reason of this judgment, whether just or unjust, is that men see no kind of general utility in encouraging the success of women in this career, and that every commendation that is not founded on the basis of utility is neither profound, durable, nor universal. Chance affords some exceptions: where there are minds carried away either by their talent or character, they will perchance break through the common rule, and applause may occasionally be bestowed upon them; but they cannot escape their destiny.

"Women's happiness suffers by every kind of personal ambition. When they strive to please solely that they may be loved, when this sweet hope is the only motive of their actions, they are employed more in perfecting than in exhibiting themselves, more in forming their minds for the happiness of one than the admiration of all: but when they aim at celebrity, their attempts as well as their successes destroy that sentiment which under different names must always be the destiny of their lives. Woman cannot exist alone; fame itself would be insufficient as a support; the insurmountable weakness of her nature and of her position in social order, has placed her in a state of daily dependence from which nothing can free her. Besides, nothing effaces in women that which particularly distinguishes their character. A woman who should devote herself to solving the problems of Euclid, would sigh also for the happiness of those sentiments that women inspire and feel; and when they follow a pursuit that leads them away from it, their

melancholy regrets or ridiculous pretensions prove that nothing can supersede that destiny for which they were created. It may be thought that the self-love of the husband of a celebrated woman, may be flattered by the approbation she obtains; but the applause produced by her success is perhaps more short-lived than the charm derived from the most frivolous advantages.

"Criticisms, which necessarily follow praise, destroy the sort of illusion through the medium of which all women require to be seen. Imagination can create and embellish an unknown object by flights of fancy; but whatever has been judged by the world, receives no lustre from it. The intrinsic value remains; yet love is more delighted with that which it bestows than with that which it funds; man revels in the superiority of his nature, and like Pygmalion, bows only before his own creation. Again, if a woman's celebrity attracts homage, it is probably by a sentiment at variance with love: it assumes the forms; but it is only as a means of access to a new kind of influence that each desires to flatter. We approach a distinguished woman as we do a man in office; the language is different, but the motive the same. Sometimes, amidst the extravagance of the honours paid to the woman with whom they are occupied, her adorers mutually inspire each other; but in this sentiment they depend upon each other. The first that depart easily detach those that remain; and she who appears the object of every one's thoughts soon perceives that each is guided by the example of the whole.

"To what sentiments of jealousy and hatred does the triumphant vanity of a woman give rise? What pain does she suffer from the numerous methods that

envy adopts to persecute her? The majority of women are against her, either from rivalry, stupidity, or principle. Women's talents, whatever they may be, always bring disturbance into their sentiments. Those to whom the distinctions of mind are for ever interdicted, find a thousand manners of attacking them, when it is women who possess them. A pretty woman, in making light of these distinctions, hopes to draw attention to her own advantages. Another who deems herself a woman of a singularly prudent and correct understanding, and who wishes, though she has never had two ideas in her head, to be understood to have repudiated what she never comprehended, such a one throws off for a moment her usual insipidity, and finds a thousand subjects of ridicule in the woman whose wit is the life and soul of the conversation. Whilst mothers of families, thinking, and with some reason, that even the approbation gained by wit is not suited to the destiny of women, are secretly pleased to see those attacked who have obtained it.

"Besides, the woman who, attaining a real superiority, may believe herself above the reach of malevolence, and might, by her thoughts, raise herself to the rank of the most celebrated men, yet would never possess the calmness and strength of mind which characterize them. Imagination will always be the chief of her faculties. Her talent may gain by it; but her mind will always be violently agitated, her sentiments troubled by her fancies, and her actions dependant on her illusions. In looking back to the small number of women who have had just claims to fame, we shall find that this effort of their nature was always made at the expense of their happiness.

Sappho, after pouring forth the sweetest lessons of morality and philosophy, flung herself into the sea from the summit of the Leucadian rock . . . Before entering upon this career of fame, women should reflect that, even for fame itself, they must renounce the happiness and repose destined for their sex, and that in this career there are few situations that can compare with the obscure life of an adored wife and happy mother.

"I have supposed the excess of vanity to reach the eclat of a brilliant reputation. But what shall we say of all those pretensions to a miserable literary success for which so many women neglect their sentiments and duty? Absorbed in this interest, they forget the distinguishing characteristic of their sex more than ever did the female warriors of the times of chivalry: for it is more praiseworthy to share with a lover the dangers that threaten him in the battle field, than to crawl along in the struggles of self-love, to demand sentiment and homage to vanity, and to draw thus from an eternal source in order to satisfy a desire the object of which is extremely confined. The passion that makes women feel the necessity of pleasing by the charms of their persons, presents also a most striking picture of the torments of vanity.

"Observe a woman in the middle of an assembly, who wishes to be thought the handsomest, and who fears that she shall not succeed. The pleasures for which they have all met, exist not for her; she does not enjoy them for a moment; for there is none of them which is not absorbed in the dominant thought and in the efforts she makes to conceal it. She watches the looks, and the slightest evidences of

opinion in others, with the scrutiny of a moralist and the anxiety of an ambitious man, and in striving to conceal the torments of her spirit from the eyes of all, she discloses her trouble by an affectation of gaiety during the triumph of her rival, by the loudness of conversation which she strives to keep up when that rival is applauded, and by the overstrained solicitude which she testifies in regard to her. Grace, the supreme charm of beauty, developes itself only in the repose of temper and of confidence; inquietudes and constraint destroy even those advantages which are your own: the face is changed by the contraction of self-love. This is quickly felt by the female herself, and the chagrin caused by such a discovery still adds to the mischief she desired to remedy. Trouble is added to trouble, and the object in view is further removed by every attempt; and, in this picture, which might be thought merely to represent the history of a child, may be found the sufferings of a man, the movements which conduct to despair and hatred of life; so much do interests increase by the depth of attention bestowed upon them."

Having now seen in what manner woman courts approbation, we may consider the affections which the same instinctive feelings, more promptly than reasoning, lead her to bestow in return.

It is doubtless from the sympathy instinctively excited by the sense of her weakness that woman derives her gentle AFFECTIONS, benevolence, pity, &c.; and these her organization is well calculated to express. Every one, as Roussel observes, feels that a mouth made to smile, that eyes full of tenderness or sparkling with gaiety, that arms more beautiful than

formidable, that a voice conveying to the mind only soft impressions, were not made to ally themselves with violent and hateful passions.

How entirely it is instinctive sympathy that produces these affections, is illustrated by the well-known fact, that the poor and miserable are ever relieved by those who are but a little less poor and miserable: beggars swarm on the evening when the poor man gets his wages; and if the poor woman's hand is still opener than her husband's it certainly is not because she reasons better, but because her instinctive sympathies are greater.

Woman's pity is more tender, more indulgent, and even more constant than man's; and the acts which spring from it under the guidance of instinct, are almost instantaneous. So powerfully opposed is this feeling to cruelty, that, as Voltaire observes, "you will see one hundred hostile brothers for one Clytemnestra. Out of a thousand assassins who are executed, you will scarcely find four women.

The same weakness, however, which, by sympathy, produces benevolence and pity, sometimes, by fear, produces revenge; and every body knows—

——— "Furens quid fœmina possit."*

The SENTIMENTS of woman result from the union of these powerful instinctive affections with her feebler intellectual operations. These sentiments have accordingly been observed to be less connected with the operations of the mind of woman than with the impressions made on it by those who have suggested

* "What an enraged female can do."

these operations. St. Lambert, therefore, makes Ninon say, "we must always appear to feel rather than to think . . . A sentimental air is the most powerful of all our charms."

It is this which renders women unjust, and which leads the same writer to say, that "a just man is very rare, but a just woman still more so . . . Your pity and benevolence often interfere with your justice. When your own interest does not make you unjust, the interest of others makes you so. When you take part in any affair, you take the side, not of him who is right, but of him who pleases you most."

In illustration of this, it is well observed, that Phryne thought Lycurgus and his laws had produced only a nation of boobies, because the young Spartans she met at Corinth did not appear to be struck with her beauty; and Ninon de l'Enclos, in spite of her talents, denied to Richelieu common sense, because he preferred Marion de l'Orme to her.—In this, the prevalence of instinct is obvious.

In our own country, an example of a more serious character shows that, when women attend to reason, this is coloured with sense and sentiment, if not with passion.

Mrs. Maucauley, for instance,—that boast of female genius in England, in her observations on Lord Bacon, commits what I cannot help considering as one of the most flagrant instances of a violation of female propriety and decency of language that is upon record.

"Thus ignominious," says she, "was the fall of the famous Bacon, despicable in all the active parts of life! and only glorious in the contemplative. Him the rays of knowledge served but to embellish, not en-

lighten!! and philosophy itself was degraded by a conjunction with his mean soul!!!"

And who is the being who dares thus, I may say sacrilegiously, to asperse the greatest and one of the best men the earth has produced? A woman, forsooth, who having, in what she called a "History of England," degraded the dignity of that species of writing, by relating trivial and domestic events in the most vulgar language, and having gratified a zeal which dishonours the cause of liberty by employing, in the blindest and most indiscriminate way, the abusive epithets of villain, slave, &c., is restrained by no modesty or sense of shame on any subject she considers. She hesitates not to write of Essex's insufficiency; she unhesitatingly tells us, that the king's letters to Villiers were indecent, and contained many unusual expressions of love and fondness; and, though even some male historians have delicately waived the subject, she very plainly says, that the connection between the king and Buckingham was not mere friendship but vice.

Never was there a better proof than this of the danger of women abandoning their proper province in life. In Mrs. Macauley's case, those emotions which nature implanted to excite her to domestic happiness and the social virtues, are converted into rage and malignity, or at the best are perverted to pursuits of which woman is incapable, and burst out in unbecoming, and, for a lady, indecent language, respecting one person worthy of her profoundest veneration, and others unworthy even of her notice. Such language ever indicates that fury of perverted female passion which is liable to still worse and more degrading displays.

Of the FRIENDSHIP of woman, little that is favourable, I believe can be said. Let us first understand its nature.

Love, we know, implies difference of sex; friendship, I believe, implies, or supposes, its absence. Love is a vital passion; friendship, an intellectual one. Friendship, therefore, is little suited to the unintellectual and instinctive faculties of woman.

Love, therefore, exists towards man alone; friendship toward man chiefly—in the highest degree toward man solely, because his mind renders him its suitable object. It indeed appears to me that when friendship exists toward woman, it is generally toward the least loveable—toward those who "have neither been the most beautiful nor the most gentle of their sex."

I frankly confess that the only kind of women with whom I ever formed any thing like friendship, were ugly and clever old maids, women whom it was impossible to love, women who more resembled men, because the absence of all passion had enabled them to employ what brain they had in a masculine way. I never could have dreamt of choosing, as a mere friend, a being with great sensitive and small reasoning faculties, and still less with vastly developed vital organs.

It appears to me, therefore, that a truly loveable woman is thereby unfitted for friendship; and that the woman fitted for friendship, is but little fitted for love.

But it may be said—what then is the bond between the husband and wife in whom the period of love has passed?—Habits endeared by all the recollections of past love; the wants, inseparable from existence, that spring out of these; and where there are also children,

ties as powerful, perhaps, as those between parent and child.

It is in a spirit perfectly philosophical that Moore says :—

"When time, who steals our years away,
Shall steal our pleasures too,
The memory of the past will stay,
And half our joys renew."

Rousseau adds, "When love hath lasted as long as possible, a pleasing habitude supplies its place, and the attachment of a mutual confidence succeeds to the transports of passion. Children often form a more agreeable and permanent connection between married people, than even love itself."

Between women themselves, there is little or no friendship, because they have but one object. It is well observed, that the only bonds sufficiently strong to retain them are love secrets, which each is fearful the other may disclose; and that their friendships never go the length of sacrificing a passion to each other.

"The first necessity of a friendship amongst women," says Madame de Stael, "is habitually the desire of reposing confidence; and that is then only a consequence of love. A similar passion must occupy both of them; and their conversation is frequently only a sacrifice alternately made by her who listens, in the hope of speaking in our turn. The confidence made to each other of sentiments of a less exclusive nature, has the same character, and whatever refers solely to one is alternately tedious to each.

"As all women have the same destiny, they all tend to the same point; and this kind of jealousy, which is a compound of sentiment and self-love, is the

most difficult to conquer. There is, in the greater number of them, an art which is not exactly falsehood, but a certain arrangement of truth, the secret of which they all know, though they hate its being discovered. The generality of women cannot bear endeavouring to please a man in the presence of another woman: there is also a fortune common to all the sex in agreeableness, wit and beauty, and every woman persuades herself she gains something by the ruin of another."

Montaigne regards woman as incapable of true friendship; deems her mind too weak and too much inflamed by trifling jealousies of other women; and thinks that it is only in men and children that that feeling rises to heroism.

PHILANTHROPY, PATRIOTISM, and POLITICS, not being matters of instinct, but of reason, are unsuited to the mind of woman, conducted as it best is by particular ideas, and incapable as it is of generalizing. It is by that faculty alone that man can pass from individuals to nations, and from nations to the human race, both at the present time and during the future. The mind of woman, on the contrary, rejects such extended views; and it has been truly said, that to her one man is more than a nation, and the day present than twenty future ages.

The public relations which arise out of this mental difference in the sexes, are noticed by Kaimes, when he says, "The master of a family is immediately connected with his country: his wife, his children, his servants, are immediately connected with him, and with their country through him only. Women ac-

cordingly have less patriotism than men; and less bitterness against the enemies of their country."

The imprudent advocates of the rights of woman nevertheless contend for her right to legislate, &c.— "I really think," says Mrs. Wolstonecraft, "that women ought to have representatives, instead of being arbitrarily governed without having any share allowed them in the deliberations of government."

On this subject I have *elsewhere* observed that, as to those who actually desire to make representatives and senators of women, they surely forget that though, in such assemblies, an ugly woman might be harmless, a pretty one would certainly corrupt the whole legislation! To a certainty, the prettiest women would always be sent in as representatives, instead of the most intelligent ones; because, if they *would* but obey instructions, and *could* but understand them sufficiently to state them, their constituents might certainly, through them, command whatever they desired. The handsomest women, then, would infallibly be in requisition from all quarters as members; and, in consequence of the furtive glances and the whisperings of love, &c. &c., the house would soon merit a character still worse, if possible, than its present one.

This system would, moreover, be rendered very inconvenient by the little indescribable accidents which at all times attend the health of women, and more especially by some of the symptoms of pregnancy, by some of the slight diseases of gestation, or even occasionally perhaps by premature parturition, which might easily be occasioned by a variety of accidents. Were, moreover, a tendency to the latter to spread rapidly among the congregated female senators, as it

does sometimes among the females of inferior animals, what a scene would ensue! A few midwives, to be sure, might be added to the officers of the house. Thus a man might have the glory, not merely of having died, like Lord Chatham, in the senate, but of having been born there! (Appendix.)

The advocates of this system may mean, indeed, that no woman who is not ugly, and more than fifty, should be returned; but then one is at a loss to see what would be gained by that, for the honourable house has always been, to a vast extent, composed in that very way.

There have been vaunted, indeed, several women who have been illustrious as queens; but that "men govern when women reign," is the reason which has been rightly given for this, and which we know to be true in every instance. Let us examine this in relation to the most celebrated of these women, the daughter of good Harry the Eighth, which I have also noticed *elsewhere*.

We must here distinguish between the personal character of Elizabeth and that of her ministers—between the folly of the queen and the wisdom of her government.

On the subject of Elizabeth's character, Hume relates circumstances, which prove her to have been irascible and vulgar, avaricious, lustful, deceitful, lying, malignant, treacherous, and a murderer; and then he unblushingly sums up all as constituting a very excellent queen! Such general and vague language as this constitutes the basest flattery to princes, their memory, their succession, and their office; and reminds us that there is no prince who is not a hero,

and almost a god, among his flatterers, however vicious, incapable and contemptible he may be.

Displeasure with the conduct of the preceding reign, and compassion for Elizabeth, rendered her accession popular.

That Elizabeth, however, was at heart a papist, there are many reasons to suppose.

At one period, she is said by Camden, to have conformed to the popish church. "The Lady Elizabeth," he says, "guiding herself as a ship in tempestuous weather, both heard divine service after the Romish manner, and was frequently confessed; and at the pressing instances and menaces of Cardinal Pole, through fear of death professed herself a Roman Catholic." She also kept a crucifix, images, and lighted candles, in her closet, to aid her devotions. She likewise prohibited her chaplain from preaching against the sign of the cross. The surplice, the cope, and other vestments, rejected by Edward, were moreover, restored by her. Finally, she insulted the married clergy.

The dissenters, on one hand, blame her for making the liturgy of King Edward less decidedly protestant, and more palatable to the Romanist. The papists, on the other, describe her as probably indifferent to all religions, but as inclined by taste to the Roman Catholic, and by interest to the protestant.

When these testimonies are added to that of Camden, and to all the facts and circumstances of the case, there is little room for doubt on this subject.

The accession of Elizabeth, however, was, on the ground of illegitimacy, &c. opposed by the pope. Compelled, therefore, by interest, and in direct op-

position to her religious sentiments, she attached herself to the leading persons of the protestant party, and necessarily re-established that form of faith—a matter, as has been observed, of no difficulty, when the English were contented to change their religion with every new sovereign, and when many of the most powerful persons were well disposed to it.

Among those leading protestants, Sir William Cecil had obtained her confidence by assiduous attention during her sister's reign, when it was dangerous to appear her friend. The protestant Sir William Cecil, afterwards Lord Burleigh, became, therefore, her principal minister: he was unquestionably the first statesman of the age, and the policy of that reign was indisputably his.

Now, though his authority with her was never entirely absolute, yet it seems chiefly to have failed when she was influenced by her worthless lovers.

For Leicester, her passion made her risk at once her crown and the liberties of England when she entrusted to so incapable and worthless a man the command of her new-raised armies, in opposition to 50,000 veteran Spaniards, led by experienced officers, and commanded by the Duke of Parma, the greatest general of the age. Even Hume allows, that, at the time, all men of reflection entertained the most dismal apprehensions on this account; and he thinks her partiality might have proved fatal to her, had Parma and his troops been able to land.—Essex, another of those lovers, daily acquired an ascendancy over the minister; and, by exerting a little prudence, would ultimately have subverted Burleigh's authority.—These facts are undeniable; and many more of the same

kind might be quoted.—And we talk of Messalina and of Catherine!

It as undeniably follows, then, that to Burleigh's early attentions to her, and to his talents, England owed all the happiness of the reign: and to her natural disposition, the disasters with which it was threatened, and which by him were averted. Let us not, then, speak of the happiness of her reign—but of his administration, which continued during the whole of that reign, except the last four years and a half.

That these plain truths should not have afforded this obvious induction to so dispassionate an historian as Hume, is amazing; and not less so is it, that he should record of this queen such consummate vice and abandonment, and yet struggle to ally all her actions with moral or political virtue.

He tells us she was so passionate and vulgar as to beat her maids of honour.

Her avarice, in some measure, he allows, induced her to take £100,000 from the booty of Raleigh, and to countenance Drake's pillaging the Spaniards even during peace; and the same passion prevented her love for Leicester going further than the grave,—for she ordered his goods to be disposed of at a public sale to reimburse herself of some money which he owed her.

But violent as this propensity was, it was still weaker, as Hume observes, than her passions; for it is computed by Lord Burleigh, that, not to mention Leicester, Hatton, Mountjoy, and other paramours, the value of her gifts to Essex alone amounted to £300,000.

Hume also informs us, that "her politics were usually full of duplicity and artifice," and that they "never

triumphed so much in any contrivances as in those which were conjoined with her coquetry."

He furthers shows us, that she had an utter disregard for truth, by stating, that, after promising to support the Scottish malcontents, she secretly seduced the leaders of them to declare, before the ambassadors of France and Spain, that she had not incited them; and, the instant she had extorted this confession, she chased them from her presence, called them unworthy traitors, and so forth.

Hume also tells us, that malignity made an ingredient in her character.

Her conduct to Mary proves her capable of the basest treachery, and of deliberate murder.

Now, with such an avowed accumulation of vice—with vulgarity, avarice, lust, duplicity, lying, malignity, treachery, and murder, no excellence is compatible. Mr. Hume and others may, if they please, applaud in her that force of character which is indeed necessary to virtue as well as to vice, but which in her, as it led only to the perpetration of crimes, is infinitely more deserving of blame than of applause.

A very brief examination of her conduct to Mary will confirm the previous conclusions, if (directly drawn, as they are, from facts, which are in themselves undeniable) they admit of no further confirmation.

Her jealousy of Mary's title to the English crown made her encourage religious dissensions in Scotland, and commence a train of persecution, the malignity of which no historian can deny.*

* With equal malignity, we are told, she persecuted the lady Catherine Grey, and her husband Lord Herbert, who were also heirs to the crown. As her desire of dominion made her renounce all prospect of progeny, so she resolved that none who pretended to the succession should ever have it in heir.

She next recommended, as a husband for Mary, her own paramour, the Earl of Leicester; and then receded from her offer.

When afterwards she had induced her to marry Darnley, and heard that all measures were fixed for the espousal, she exclaimed against it, and with great cruelty persecuted the family of that man.

Without the shadow of justice, she, at a subsequent period, made Mary her prisoner, refusing to liberate her unless she resigned to her her crown, and basely kept her a prisoner during eighteen years.

By her cruelty, she indirectly aided in exciting conspiracies in favour of that princess; and when, as all natural law entitled her, Mary acceded to one (we shall suppose this to be true—there is no proof of it) which in liberating her must have destroyed her oppressor, that oppressor became her executioner.

Hence Mr. Southey says, "It is a disgraceful part of English history . . . Elizabeth's conduct was marked by duplicity which has left upon her memory a lasting stain. Nor is the act itself to be excused or palliated."

Nor did her persecution cease here.—She not only avoided to acknowledge Mary's son as her successor, though an unaspiring and peaceable prince; but she kept him in dependence, by bribing his ministers, and fomenting discontents in Scotland; and she appears to have excited the conspiracy of Gowrie, for seizing his person, if not for taking away his life.—Such and so inveterate was Elizabeth's criminality, notwithstanding the cruelties she had inflicted upon his mother.

We may conclude this view of her character by the relation, nearly in the words of Mr. Hume, of her

conduct as to Mary's execution, in which such a concentration of wickedness is exhibited as history perhaps nowhere else presents. The worst of the Roman emperors, whom we hold up as models of crime, scarcely showed more deliberation in cruelty than this queen.

Elizabeth was observed to sit much alone, pensive and silent, and sometimes to mutter to herself half sentences, importing the difficulty and distress to which she was reduced. She at last called Davison, a man easy to be imposed on, and who had lately, for that very reason, been made secretary; and she ordered him to draw out secretly a warrant for the execution of the Queen Mary of Scots, which she afterwards said she intended to keep by her.—She commanded him, of her own accord, to deliver her the warrant for the execution of that princess.—She signed it readily, and ordered it to be sealed with the great seal of England; and she appeared in such good humour on the occasion, that she made to him some jocular remarks.—She added, that though she had so long delayed the execution, lest she should seem to be actuated by malice or cruelty, she was all along sensible of the necessity of it.—Davison was aware of his danger, and remembered that the queen, after having ordered the execution of the Duke of Norfolk, had endeavoured, in like manner, to throw the whole blame and odium of that action upon Lord Burleigh. The whole council, however, exhorted him to send off the warrant.—The murder was perpetrated. —When the queen heard of Mary's execution, she affected the utmost surprise and indignation! Her countenance changed; her speech faltered and failed her;—and, for a long time, her sorrow was

so deep that she could not express it, but stood fixed, like a statue, in silence and mute astonishment! After her grief was able to vent, it burst out in loud wailings and lamentations; she put herself into deep mourning for this deplorable event; and she was seen perpetually bathed in tears, and surrounded only by her maids and women. None of her ministers or counsellors dared to approach her; or, if any assumed such temerity, she chased them from her, with the most violent expressions of rage and resentment; they had all of them been guilty of an unpardonable crime, in putting to death her dear sister and kinswoman, contrary to her fixed purpose and intention, of which they were sufficiently apprised and acquainted. In writing to James on this subject, she appealed to the supreme judge of heaven and earth for her innocence. Her dissimulation, adds Hume, was so gross, that it could deceive nobody, who was not previously resolved to be blinded.*

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* On the trial of Babington, Ballard, and twelve officers, as conspirators, it was made to appear that the Queen of Scots, having corresponded with Babington, had encouraged his crime; and it was resolved to bring her to a public trial, as accessary to the conspiracy.

Mary, however, solemnly protested that she had never countenanced any attempt against the life of Elizabeth. "Ever since my arrival in this kingdom," she said, "I have been confined as a prisoner. Its laws never afforded me protection. Let them not now be perverted in order to take my life."

The chief evidence against Mary, we are told, was the declaration of her secretaries, for no others could be produced, that Babington's letters were delivered to her, or that any answer was returned by her.

Such testimony, however, was worthless; because these men were exposed to imprisonment, or even death, if they refused to give the evidence required of them; because they might, to screen themselves, perhaps the only criminals, throw the blame on her; because they could discover nothing to her prejudice, without violating the oath of fidelity which they had taken to her; and because this positive perjury in one instance, rendered them utterly unworthy of credit in another.

This view receives confirmation from the circumstance, that they were

Such is the relation of this horrible transaction given by Hume, who is nevertheless the apologist of this queen, and tells us of her extraordinary wisdom.

The boasted speech, in the camp of Tilbury, contains but one thought and expression so good that it is not likely to have been her's: in point of reasoning, however, it bears no comparison with Mary's to Throckmorton, and has no trait of nature about it, but is full of that cant which shows neither a feeling disposition, nor goodness of heart.

Elizabeth was indeed a daughter worthy of Harry the Eighth; a sister worthy of the "bloody Mary," who preceded her. The fortune of her reign was owing solely to the wisdom of Burleigh; her posthumous fame, to Camden, Bacon, and other historians; her own actions were one tissue of iniquity; and her miserable death was the proper sequel of such a life.

"Few and miserable," says the historian, "were the (latter) days of Elizabeth. Her spirit left her; and existence itself seemed a burden. She rejected all consolation: she would scarcely taste food, and refused every kind of medicine, declaring that she wished to die, and would live no longer. She could

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not confronted with her, though she desired that they might be, and affirmed, that they would never, to her face, persist in their evidence.

"I am bound to own," adds the writer of the History of Modern Europe, "that it appears, from a passage in her letters to Thomas Morgan, dated the 27th July, 1586, that she had accepted Babington's offer to assassinate the English queen."—But this conclusion is most unwarranted, since it is founded only on this sentence—'As to Babington, he hath kindly and honestly offered himself and all his means to be employed any way I would. Whereupon, I hope to have satisfied him by two of my letters since I had his.'—There is no sort of proof, however, that Babington's 'offer' to Mary, here alluded to, was one to assassinate Elizabeth!"—"But," says the same writer, "the condemnation of the Queen of Scots, not justice, was the object of this unprecedented trial."

not even be prevailed on to go to bed; but threw herself on the carpet, where she remained, pensive and silent, during ten days and nights, leaning on cushions and holding her fingers almost continually in her mouth, with her eyes open, and fixed on the ground. Her sighs, her groans, were all expressive of some inward grief, which she cared not to utter, and which preyed upon her life."*

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* Sir Walter Scott gives nearly a similar account of this bad woman:—

"With all the prejudices of her subjects in her own favour, Elizabeth would fain have had Mary's death take place in such a way as that she herself should not appear to have any hand in it. Her ministers were employed to write letters to Mary's keepers, insinuating what a good service they would do to Elizabeth and the Protestant religion, if Mary could be privately assassinated. But these stern guardians, though strict and severe in their conduct towards the queen, would not listen to such persuasions; and well was it for them that they did not, for Elizabeth would certainly have thrown the whole blame of the deed upon their shoulders, and left them to answer it with their lives and fortunes. She was angry with them, nevertheless, for their refusal, and called Paulet a precise fellow, loud in boasting of his fidelity, but slack in giving proof of it.

"As, however, it was necessary, from the scruples of Paulet and Drury, to proceed in all form, Elizabeth signed a warrant for the execution of the sentence pronounced on Queen Mary, and gave it to Davison her secretary of state, commanding that it should be sealed with the great seal of England. Davison laid the warrant, signed by Elizabeth, before the privy council, and next day the great seal was placed upon it. Elizabeth, upon hearing this, affected some displeasure that the warrant had been so speedily prepared, and told the secretary that it was the opinion of wise men, that some other course might be taken with Queen Mary. Davison, in this pretended change of mind, saw some danger that his mistress might throw the fault of the execution upon him, after it had taken place. He, therefore, informed the keeper of the seals what the queen had said, protesting he would not venture further in the matter. The privy council having met together, and conceiving themselves certain what were the queen's real wishes, determined to save her the pain of expressing them more broadly, and (resolving that the blame, if any might arise, should be common to all,) sent off the warrant for execution with their clerk, Beal. The Earls of Kent and Shrewsbury, with the high sheriff of the county, were empowered and commanded to see the fatal mandate carried into effect without delay.

"Queen Elizabeth, in the same spirit of hypocrisy which had characterized all her proceedings towards Mary, no sooner knew that the deed was done,

In concluding, then, as to this point, I may observe, that it would be just as rational to contend for man's right to bear children, as it is to argue for woman's participation in philosophy or legislation.

Abandoning, therefore, all further consideration of subjects so remote from the nature of woman, as friendship, philanthropy, patriotism, and politics, (into which I have been led by their relation to friendship,) and passing to such as are more connected with those acts of the mind which were previously noticed, (politeness, vanity, affection and sentiment, which do naturally characterize her,) we are first led to her DEPENDENCE ON AND KNOWLEDGE OF MAN, as preliminary to love, and her morals as related either to it or to its consequences.

Here again woman's sense of weakness and inability to act upon the objects around her by force, instinctively lead her to seek for means which are in-

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than she hastened to deny her own share in it. She pretended, that Davison had acted positively against her command in laying the warrant before the privy council; and that she might seem more serious in her charge, she caused him to be fined in a large sum of money, and deprived him of his offices and of her favour for ever. She sent a special ambassador to King James, to apologize for 'this unhappy accident,' as she chose to term the execution of Queen Mary.

"She was now old, her health broken, and her feelings painfully agitated by the death of Essex, her principal favourite. After his execution, she could scarcely ever be said to enjoy either health or reason. She sat on a pile of cushions, with her fingers in her mouth, attending as it seemed to no thing, saving to the prayers which were from time to time read in her chamber."—What a picture for the infernal regions! where no doubt the ancients would have placed her, in this very attitude, and similarly listening.

On the whole of this statement I must observe, that Scott certainly errs in supposing, that such men as Burleigh and Walsingham had not far higher motives than gratification of their mistress's malignity. They doubtless had in view the interest of Protestantism; and at that time it was worth something.

direct, and to strengthen herself by the aid of man. Wants always felt, and acts almost unconsciously performed, preclude reason. To man, moreover, she discovers that she has other motives of attachment, for instinctive feelings also tell her, that she is destined for reproduction.

Rousseau, therefore, observes that, "all the reflections of women, in that which does not immediately belong to their duties, ought to tend to the study of men, or to the agreeable acquirements which have only taste for their object. Woman, who is feeble and who sees nothing without, appreciates and judges the powers which she can bring into action to compensate for her weakness; and these powers are the passions of man. Her mechanics are for her more powerful than ours; all her levers tend to shake the human heart. All that her sex cannot do of itself, and which is necessary or agreeable to it, it must have the art to make us desire; it is necessary, then, for her to study profoundly the mind of men, not abstractly the mind of man in general, but the minds of the men who are around her, the minds of the men to whom she is subjected, either by law or by opinion. It is necessary that she learn to penetrate their sentiments by their conversation, actions, looks and gestures. It is necessary that by her conversation, actions, looks and gestures, she know how to give them the sentiments which please her, without seeming to think of it. They will philosophize better than she respecting the human heart; but she will read better than they the hearts of men. . . Presence of mind, penetration, fine observation, are the sciences of wo-

men; ability to avail themselves of these, is their talent.

So powerful are these means that Cabanis adds, "Vainly would the art of the world cover individuals and their passions with its uniform veil: the sagacity of women easily distinguishes each trait, and each shade. Her continual interest is to observe men and her rivals; and that practice again gives to this species of instinct a quickness and a certainty which the reasoning of the profoundest philosopher could never attain. Her eye, if we may so express it, hears every word; her ear sees every motion; and, with the very consummation of art, she always knows how to hide this continual observation under the appearance of timid embarrassment, or even of stupidity."

And St. Lambert makes Ninon say, "From our infancy, we study your inclinations, your characters, your passions, your tastes. We learn to guess what is passing in the centre of your hearts by your looks, your gestures, and the tone of your voice. Your sentiments are exposed to us in a thousand ways; your slightest movements are a language that betrays to us your secrets."

The prevalence of the instinctive faculties in woman, is the reason why, as has truly been observed, "LOVE commences in her more promptly, more sympathetically, and with less apparently of any rational motive;" and the great development of her vital system is the reason why "love, which is said to be only an episode in the life of man, becomes in that of woman the whole romance"—why, "when young, she fondles her doll; at maturity, attaches herself to her

husband and children; in old age, when she can no longer hope to please men by her beauty, devotes herself to God, and heals one love by another, without being entirely cured of it."

It certainly is not wonderful that, in what they know so well, women should possess a thousand shades and delicacies, of which men are incapable.

Love, then, is the empire of woman. She governs man by the seduction of her manners, by captivating his imagination, and by engaging his affections. She ensures the assumption and some of the terms of power by reserving to herself the right of yielding.

For this purpose, some ARTIFICE is required. Dissimulation, indeed, is inherent in the nature not only of woman, but of all the feebler and gentler animals: and this illustrates its instinctive character.

Artifice, says Rousseau, "is a talent natural to woman . . . Let little girls be in this respect compared with little boys of the same age; and if these appear not dull, blundering, stupid in comparison, I shall be incontestably wrong. [She has all the advantage of instinct on her side!] Let me adduce a single example taken in all its puerile simplicity.

"It is a very common thing to forbid children to ask anything at table; for it is believed that we cannot succeed better in their education than by loading it with useless precepts, as if a little of this or that were not soon granted or refused, without making the child suffer by desire sharpened by hope. Every body knows the device of a boy subjected to this law, who, having been forgotten at table, took it into his head to ask for some salt. I do not say that he could have been quarrelled with for asking for salt directly

and meat indirectly; the omission was so cruel, that if he had openly broken the law, and without any evasion said that he was hungry, I cannot believe that he would have been punished for it. But the following is the method which, in my presence, a little girl of six years of age made choice of in a case much more difficult; for, besides being rigorously forbidden ever to ask for any thing, either directly or indirectly, disobedience would have been inexcusable, because she had eaten of every dish except one of which they had forgotten to give her any, and which she coveted much . . . Now, to obtain reparation of this neglect without its being possible to accuse her of disobedience, she made, in pointing with her finger, a review of all the dishes, saying aloud, as she pointed at each, 'I have eaten of that, I have eaten of that;' but she affected so evidently to pass over that of which she had not eaten without saying any thing of it, that some one, observing this, said to her, 'And of that have you eaten?' 'Oh! no,' softly replied the little epicure, casting down her eyes. I will add nothing; compare. This trick was the device of a girl; the other is that of a boy."

The consciousness of weakness in woman, then, leads her instinctively to her dissimulation, her finesse, her little contrivances, her manners, her graces—her coquetry.

By these means she at once endeavours to create love, and not to show what she feels; while by means of modesty she feigns to refuse what she wishes to grant.

How sweetly has this native diffidence been described by Milton!

——————"She heard me thus:
Yet innocence and virgin modesty,
Her virtue, and the conscience of her worth,
That would be woo'd and not unsought be won,
Not obvious, not obtrusive, but retired,
The more desirable—or, to say all,
Nature herself, though pure of sinful thought,
Wrought in her so, that, seeing me, she turn'd
I followed her; she what was honour knew,
And with obsequious majesty approved
My pleased reason. To the nuptial bower
I led her, blushing like the morn."

This view of the meaning and use of these demonstrations in love, derives the most decided confirmation from the observation of the manners of animals, which at the same time show these demonstrations to be instinctive.

It was wrongly, therefore, that the Cynics regarded modesty as a dangerous allurement, and made it a duty to do every thing that could possibly be done, to banish it from society.

After all this, it is curious that Mrs. Wolstonecraft should say, "A man, when he undertakes a journey, has, in general, the end in view; a woman thinks more of the incidental occurrences, the strange things that may possibly occur on the road, the impression that she may make on her fellow-travellers, and above all, she is anxiously intent on the care of the finery that she carries with her, which is more than ever a part of herself, when going to figure on a new scene, when, to use an apt French turn of expression, she is going to produce a sensation.—Can dignity of mind exist with such trivial cares?"—On which no other comment need be made than that women instinctively, or if you please, wisely, seek security, for the main-

tenance of the progeny to which they are destined to give birth.

That this faculty may be abused is true. Hence Diogenes said, *Γυναιξὶ μηπὶ στευε, μήδ' ἂν ἀποθανῇ* :— Trust not to a woman, not even if she were dying.

To the artifice of woman, her CAPRICE suggests many resources. It is nevertheless perfectly natural: extreme delicacy of organization is inseparable from fickleness of affections, and the inconsistency of conduct which it induces.

Hence Virgil says,

> ———Varium et mutabile semper
> Fœmina.*—Hn. iv. 569.

And Terence,

> ———Nosti mulierum ingenium?
> Nolunt ubi velis: ubis nolis, cupiunt ultro.†

This fickleness and inconsistency, physiologists rightly explain by means of the numerous communications both between the various branches of the great sympathetic nerve, and between these and the branches of the cerebro-spinal system. Hence the sympathy of the lips, the nipples, and the mammæ, with the clitoris, the ovaries, and the matrix. And hence, at critical periods especially, woman passes suddenly from tears to laughter, and from bursts of passion to transports of love.—This dependence on the vital system is a striking proof of the instinctive character of female caprice.

Women, accordingly, feel the need of frequent lively

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* Woman is always inconstant and fickle.

† Knowest thou the disposition of woman?
They *will* when you will—when you *will*, they will.

impressions, or even of serious agitation; and a French writer says that, among his countrywomen, he has known individuals, who, unconsciously actuated by this thirst for emotion, provoked very lively scenes with their lovers, solely to obtain for themselves the pleasure of tears, reproaches and reconciliation: they go even so far as to derive a secret delight from their remorse and repentance.

But, as already said, caprice suggests resources to artifice, and is of great value in love. It represses desires only to render them more vivid, to make opportunity more valuable, to cause it to be profited by when it occurs. It delays the purpose only the better to attain it.

With all this is connected the adoption of those pleasant, playful and sometimes infantile airs, which accompany courtship.

Thus it appears that all the faculties in which woman excels are those which depend chiefly upon instinct: and all those in which she is deficient require the exercise of reason.

PART III.

MARRIAGE.

Among animals, there are species which never marry, and others which do.

Those male animals of which the young are easily fed, as the horse, the bull, and the dog, never approach the females except when under the influence of the œstrum, never cohabit with one exclusively; rarely if ever repeat the reproductive act with the same individual, and commit the care of the offspring entirely to their temporary mates.

Those males of which the young are more difficultly provided for, as the fox, martin, wild cat, and mole, the eagle, sparrow-hawk, pigeon, stork, blackbird, swallow, &c., at the first period of the œstrum, select one from amongst several females, remain attached even when the time of propagation is passed, journey together, and, if in flocks, side by side, provide mutually for their offspring till the latter can provide for themselves, and at each succeeding period of

œstrum, again yield to love, nor seek a new mate till the former is dead.

Marriage for life is, therefore, as natural to the latter as it is unnatural to the former.

We may now better judge of marriage among mankind.

As marriage, says Hume, "is an engagement entered into by mutual consent, and has for its end the propagation of the species, it is evident, that it must be susceptible of all the variety of conditions which consent establishes, provided they be not contrary to this end.

"A man, in conjoining himself to a woman, is bound to her according to the terms of his engagement. In begetting children, he is bound, by all the ties of nature and humanity, to provide for their subsistence and education. When he has performed these two parts of duty, no one can reproach him with injustice or injury. And as the terms of his engagement, as well as the methods of subsisting his offspring, may be various, it is mere superstition to imagine, that marriage can be entirely uniform, and will admit only of one mode or form. Did not human laws restrain the natural liberty of men, every particular marriage would be as different as contracts or bargains of any other kind or species.

"As circumstances vary, and the laws propose different advantages, we find that, in different times and places, they impose different conditions on this important contract. In Tonquin, it is usual for the sailors, when the ship comes into the harbour, to marry for the season; and, notwithstanding this precarious engagement, they are assured, it is said, of the strictest

fidelity to their bed, as well as in the whole management of their affairs, from those temporary spouses.

"I cannot, at present, recollect my authorities; but I have somewhere read, that the republic of Athens, having lost many of its citizens by war and pestilence, allowed every man two wives, in order the sooner to repair the waste which had been made by these calamities. The poet Euripides happened to be coupled to two noisy vixens, who so plagued him with their jealousies and quarrels, that he became ever after a professed woman-hater, and is the only theatrical writer, perhaps the only poet, that ever entertained an aversion to the sex.

"In that agreeable romance called the History of the Sevarambians, where a great many men and a few women are supposed to be shipwrecked on a desert coast, the captain of the troop, in order to obviate those endless quarrels which arose, regulates their marriages after the following manner: He takes a handsome female to himself alone; assigns one to every couple of inferior officers; and to five of the lowest rank he gives one wife in common.

"The ancient Britons had a singular kind of marriage, to be met among no other people. Any number of them, as ten or a dozen, joined in a society together, which was perhaps requisite for mutual defence in those barbarous times. In order to link this society the closer, they took an equal number of wives in common; and whatever children were born, were reputed to belong to all of them, and were accordingly provided for by the whole community.

"Among the inferior creatures, nature herself, being the supreme legislator, prescribes all the laws which

regulate their marriages, and varies those laws according to the different circumstances of the creature.

"But nature having endowed man with reason, has not so exactly regulated every article of his marriage-contract, but has left him to adjust them by his own prudence, according, to his particular circumstances and situation.

"Municipal laws are a supply to the wisdom of each individual; and, at the same time, by restraining the natural liberty of men, make private interest submit to the interest of the public. All regulations, therefore, on this head, are equally lawful, and equally conformable to the principles of nature; though they are not all equally convenient, or equally useful to society."

That Hume is wrong in all this, and that monogamy is not merely a social, but a natural institution, I shall now endeavour to show.

The wants which an individual feels at the age of puberty, are ever attended by a sense of corresponding duties, which a brief explanation will show.

The advantages resulting from the state of marriage are, that the two sexes may reciprocally satisfy the natural desires which are felt equally by each, and of which (as I have, in my work on Intermarriage, proved) the gratification is even more necessary to woman than to man; that they may both equally submit the exercise of the reproductive organs to a healthful regularity; that they may equally perpetuate their common species; that they may equally, by respective duties, provide for the children proceeding from their mutual union; that they may equally assist each other throughout life by reciprocal affection and cares; that

they may in old age receive the cares and succours of their common progeny; and that they may, in health and well being, reach that age which all these circumstances generally enable married pairs to attain.

Now these reciprocities, and especially the equal satisfaction of the natural desires of which the gratification is most essential to woman, clearly prove that monogamy is the most natural state for man, or that man and woman should in equal number share in the production of progeny.

This law is further illustrated "by the example of apes, which approximate most to our own species, and have only one female at a time, and still more by the example of the great majority of husbands in polygamous countries, who confine themselves to one wife, though they have the opportunity of taking several."

As to the influence of marriage on the social state, it follows, from what has been said as to sexual gratification being more necessary to woman than to man, that the highest degree of domestic peace and social happiness can result only from monogamy, and that a wife will be most chaste where the numerical equality of the sexes requires that institution.

In our climates, the near equality of the sexes admits of no dispute. Indeed, the number of women as regards births, instead of exceeding that of men, is a few less. In England, there are born eighteen boys to seventeen girls, or seventeen boys to sixteen girls; in France, one hundred boys to ninety-six girls; in Europe generally, fourteen boys to thirteen girls; in North America, fifteen boys to fourteen girls; in New Spain, one hundred boys to ninety-seven girls; and in the East Indies, as has been vaguely stated, one

hundred and twenty-nine boys to one hundred and twenty-four girls.

The number of men, however, is rendered equal to, or a little less than, that of women, by destructive trades, navigation, wars, and various accidents. Women also live longer than men.

Every argument, then, proves that for mankind monogamy is a natural law.

Without marriage, it is evident, that there could be no ascertained family, no patrimonial inheritance, no individual property, no labour, no civilization springing therefrom.

History proves that marriage is essential to the well-being of human society, and that celibacy brings ruin upon states. Marriages and population increase in young and vigorous nations: both diminish in nations which are falling into decay. As to ancient times, Greece and Rome afforded well-known examples of this; and, as to modern times, we need only compare Spain, Portugal and Italy, nations of monks and bachelors, with England, Switzerland, Holland, Sweden, and the great representative republic of the United States.

For analagous reasons, births are much more numerous in the country than in cities, and even in the suburbs of cities than in their centres.

Everywhere, the rich and voluptuous, eager for enjoyment, plunge into excess, perpetually exceed their pecuniary means, are compelled to look in marriage for nothing but fortune, and must regard children only as a burden.

Celibacy then gradually predominates, and becomes the parent of increased libertinism; gallantry engenders luxury: satiety and disgust render men still

more averse to marriage, and create a taste for irregular and criminal indulgencies, which at once enervate the body and debase the mind. Hence, it is under these circumstances, that great political revolutions occur.

In all ages, therefore, and all nations, laws have encouraged marriage.

"Some of the states of Greece affixed marks of disgrace and severe penalties upon the citizens who deferred marriage beyond a limited time; and at Athens, a man could not fill a public office of any trust, unless he was married and the father of children.

"The Romans, adopting the principle of the Grecian lawgivers, gave the utmost encouragement to early marriages. Those fathers who would not suffer their children to marry, or who refused to give their daughters a portion, were obliged to do it by the magistrates. All persons who led a life of celibacy were incapable of receiving any legacy, except from near relations; and if they were married, and had no children, they could enjoy only half of any estate that might be left them. Women under forty-five years of age, who had neither husband nor children, were forbidden to wear jewels, or to ride in litters.

"Matters of mere ceromony were made useful in this respect.—Married men had the privilege of taking precedence of bachelors, whatever might be their property or connexions; and candidates for public offices, in consequence of having a more numerous family, were frequently chosen in preference to their opponents. The consul who had the most numerous offspring was the first who received the fasces: the senator who had most children had his name written

first in the list of senators, and was first in delivering an opinion in the senate.—If an inhabitant of Rome had three children, he was exempt from all troublesome offices."

As princes have derived their revenue from the public acts of mankind, priests have too often sought to derive theirs from the private acts of mankind, and from marriage among the rest. This has not, however, been always tolerated. Many nations, and among the rest, the Tshercassians, use no other ceremony, than the promise before witnesses to be faithful; and the man engages not to take another wife so long as the first lives, unless compelled by some weighty motive. From this, the law of Scotland does not materially differ in spirit, as will be seen in the sequel: marriage is in that country a civil ceremony. Nowhere, indeed, do the Christian Scriptures warrant marriage as a religious one.

Formerly, in many parts of Europe, people of distinction, as well as the commonalty, were married at the church door, it being then an indecency unthought of, to use the church itself as a place for the marriage ceremony. In 1559, accordingly, Elizabeth, daughter of Henry II. of France, was married to Philip II. King of Spain, by the bishop of Paris, at the door of the church of Notre Dame.

Gradually, however, custom sanctioned the practice.

From the nature and the necessity of marriage the question of its duration is inseparable.

Love, says Shelley, "is inevitably consequent upon the perception of loveliness. Love withers under constraint: its very essence is liberty: it is compatible neither with obedience, jealousy, nor fear: it is there

most pure, perfect and unlimited, where its votaries live in confidence, equality and unreserve." In the same spirit, Madame de Stael says, "Indissoluble bonds are opposed to the free union of hearts."

Of these, as general truths, there can be no doubt; but circumstances of great importance occur during married life, and complicate the question. Before considering these, it may be right to hear some of the principal arguments in behalf of unqualified freedom, and of absolute restraint in this respect. The former may be quoted from Shelley; the latter from Hume.

How long, then, says Shelley, "ought the marriage connexion to last? What law ought to specify the extent of the grievances which should limit its duration? A husband and wife ought to continue so long united as they love each other: any law which should bind them to cohabitation for one moment after the decay of their affection, would be a most intolerable tyranny, and the most unworthy of toleration. How odious an usurpation of the right of private judgment would that law be considered, which should make the ties of friendship indissoluble, in spite of the caprices, the inconstancy, the fallibility and the capacity for improvement of the human mind. And by so much must the fetters of love be heavier and more unendurable than those of friendship, as love is more vehement and capricious, more dependent on those delicate peculiarities of imagination, and less capable of reduction to the ostensible merits of the object.

"But if happiness be the object of morality, of all unions and disunions,—if the worthiness of every action is to be estimated by the quantity of pleasurable sensation it is calculated to produce, then the con-

nection of the sexes is so long sacred as it contributes to the comfort of the parties, and it is naturally dissolved when its evils are greater than its benefits. There is nothing immoral in this separation: constancy has nothing virtuous in itself, independently of the pleasure it confers, and it partakes of the temporizing spirit of vice in proportion as it endures tamely moral defects of magnitude in the object of its indiscreet choice. Love is free: to promise for ever to love the same woman, is not less absurd than the promise to believe the same creed: such a vow, in both cases, excludes from all enquiry. The language of the votarist is this: the woman I now love may be infinitely inferior to many others; the creed I now profess may be a mass of errors and absurdities; but I exclude myself from all future information as to the amiabity of the one and the truth of the other, resolving blindly, and in spite of conviction to adhere to them. Is this the language of delicacy and reason? Is the love of such a frigid heart of more worth than its belief?

"I by no means assert that the intercourse would be promiscuous: on the contrary, it appears from the relation of parent to child, that this union is generally of long duration, and marked above all others with generosity and self-devotion."

Now, in all this, we have only general truths; and the important circumstances occurring during married life, those namely that regard progeny, are entirely overlooked.

"If it be true, on one hand," says Hume, "that the heart of man naturally delights in liberty, and hates every thing to which it is confined, it is also true, on

the other, that the heart of man naturally submits to necessity, and soon loses an inclination, when there appears an absolute impossibility of gratifying it. [The same argument may be employed in favour of slavery of every description; and its weakness is immediately shown by the confusion into which the writer runs.] These principles of human nature, you'll say, are contradictory. But what is man but a heap of contradictions! Though it is remarkable, that where principles are, after this manner, contrary in their operation, they do not always destroy each other; but one or the other may predominate on any particular occasion, according as circumstances are more or less favourable to it. For instance, love is a restless and impatient passion, full of caprices and variations, arising in a moment from a feature, from an air, from nothing, and suddenly extinguished after the same manner. Such a passion requires liberty above all things; and therefore Eloisa had reason, when, in order to preserve this passion, she refused to marry her beloved Abelard:

> 'How oft, when pressed to marriage, have I said,
> Curse on all laws but those which love has made:
> Love, free as air, at sight of human ties,
> Spreads his light wings, and in a moment flies.'

But friendship is a calm and sedate affection, conducted by reason and cemented by habit, springing from long acquaintance and mutual obligations, without jealousies or fears, and without those feverish fits of heat and cold, which cause such an agreeable torment in the amorous passion. So sober an affection, therefore, as friendship, rather thrives under constraint, and never rises to such a height, as when any strong

interest or necessity binds two persons together, and and gives them some common object. We need not, therefore, be afraid of drawing the marriage-knot, which chiefly subsists by friendship, the closest possible. The amity between the persons, where it is solid and sincere, will rather gain by it; and where it is wavering and uncertain, this is the best expedient for fixing it. How many frivolous quarrels and disgusts are there, which people of common prudence endeavour to forget, when they lie under a necessity of passing their lives together, but which would soon be inflamed into the most deadly hatred, were they pursued to the utmost under the prospect of an easy separation? [I have already shown that friendship and love have little or nothing to do with each other. Friendship exists between men: it is love which exists between the two sexes. This argument therefore is worthless.]

"We must consider that nothing is more dangerous than to unite two persons so *closely* in all their interests and concerns, as man and wife, without rendering the union *entire* and total. The least possibility of a separate interest must be the source of endless quarrels and suspicions. The wife, not secure of her establishment, will still be driving some separate end or project; and the husband's selfishness, being accompanied with more power, may be still more dangerous." [The amount of this argument is that, because a *close* union is the most *dangerous* of all things, a *closer* one is *safe*—which is altogether absurd; for if the union and its closeness be the sole *cause* of the danger, the *effect* must increase with every degree of its cause. Mr. Hume, indeed, is

pleased to consider a certain degree of union as entire and total, and to suppose that thereby the greatest degree of danger becomes no danger at all! Hume was a sophist—not a profound metaphysician. There never was any "entire and total union" between the sexes; and every day proves it.]

In all this, Hume, no more than Shelley, notices the circumstances of progeny, without which no final conclusion can be attained on the subject. Excepting, however, the error of this great over-sight, and the consequences it involves, there is much truth in the following view which Shelley gives us of indissoluble marriage.

"The present system of constraint does no more, in the majority of instances, than make hypocrites or open enemies. Persons of delicacy and virtue, unhappily united to those whom they find it impossible to love, spend the loveliest season of their life in unproductive efforts to appear otherwise than they are, for the sake of the feelings of their partner or the welfare of their mutual offspring: those of less generosity and refinement openly avow their disappointment, and linger out the remnant of that union, which only death can dissolve, in a state of incurable bickering and hostility. The early education of children takes its colour from the squabbles of their parents: they are nursed in a systematic school of ill-humour, violence and falsehood. Had they been suffered to part at the moment when indifference rendered their union irksome, they would have been spared many years of misery: they would have connected themselves more suitably, and would have found that happiness in the society of more congenial partners which

is for ever denied them by the despotism of marriage. They would have been separately useful and happy members of society, who, whilst united, were miserable, and rendered misanthropical by misery. The conviction that wedlock is indissoluble holds out the strongest of all temptation to the perverse: they indulge without restraint in acrimony, and all the little tyrannies of domestic life, when they know that their victim is without appeal. If this connection were put on a rational basis, each would be assured that habitual ill temper would terminate in separation, and would check this vicious and dangerous propensity. . . A system could not well have been devised more studiously hostile to human happiness than marriage."

Nothing, assuredly, "can be more cruel than to preserve, by violence, an union which, at first, was made by mutual love, and is now, in effect, dissolved by mutual hatred," especially if it be unembarrassed by children, and when both parties may find partners for whom they are better fitted.—But let us proceed systematically, and first *historically*.

Among the ancients, it was not unusual to dissolve the marriage-tie by consent of both parties. Voluntary divorces were customary among the Greeks and Romans. They were then at liberty to dispose of themselves as they pleased in a second match.

In Athens, the archon had a summary power of divorce, which was exercised often for very trifling reasons; and voluntary sexual separation, either permanent or temporary, was recognised by the laws.

Plutarch tells us that when Pericles and his wife could not agree, and became weary of one another's

company, he parted with her, willing and consenting, to another man.

Cato similarly parted with his wife Martia to Hortensius, which, Strabo says, was agreeable to the practice of the old Romans, and that of the inhabitants of some other countries.

No objection to this can be drawn from the circumstance that, "*during the corruptions of the empire*, Augustus was obliged, by penal laws, to force men of fashion into the married state." It was not facility of divorce, but general corruption, which led to this. Montesquieu accordingly observes that, "The frightful dissolution of manners in Rome obliged the emperors to enact laws to put some stop to lewdness; but it was not their intention to establish an absolute reformation. Of this, the positive facts related by historians are a much stronger proof than all those laws can be of the contrary." The senate having desired Augustus to give them some regulations in respect to women's morals, he evaded their petition by telling them, that they should chastise their wives in the same manner as he did his! Notwithstanding the severity of the laws, when Septimius Severus mounted the throne, he found no less than three thousand accusations of adultery on the roll, and was obliged to lay aside his plan of reformation.

As to the assertion of Dionysius Halycarnassæus, that under the more ancient laws of Rome "Wonderful was the harmony which this inseparable union of interest produced between married persons, while each considered the inevitable necessity by which they were linked together, and abandoned all prospect of

other choice or establishment," it is at variance both with the statement of Strabo and with the reasoning already employed as to constraint.

In our own times, every person in the great canton of Berne, and in the canton de Vaud, is permitted to obtain four divorces on the score of "incompatibilité des mœurs;"* and it is so common for married couples to avail themselves of this law, that the former husband and wife of respectable condition not unfrequently meet at parties, united to different mates; yet we hear no more of the immorality of the modern Swiss than of that of the "Old Romans" mentioned by Strabo.

In France, we are told, it was to avoid an infinity of trials, not only scandalous but obscene and disgusting (accusations and proofs of impotence, &c.,) that the constituent assembly instituted divorce in 1790, without requiring the parties to assign any other reason than incompatibility of temper.

Let us now see the consequence of the abrogation of that law.

A French peer, the Marquis d' Herbouville, said in the tribune, "Que depuis l'abolition du divorce, les crimes des maris envers leurs épouses et ceux des épouses envers leurs maris furent si fréquents, que le poison semblait faire partie du festin des noces, et le poignard figurer parmis les joyaux du marriage."†

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* Incompatibility of manners.

† "That since the abolition of divorce, the crimes of husbands against their wives, and of wives against their husbands, had become so frequent, that poison seemed to form a part of the marriage festival, and the poignard figured among the joys of marriage."

Let us see that consequence also as stated by Mr. Bulwer in his sketch of manners in France, which exhibits a state in which every check is set at defiance, and which is therefore much less moral than that of legal and public divorce.

"In a country where fortunes are small, marriages, though far more frequent than with us, have still their limits, and take place only between persons who can together make up a sufficient income. A vast variety of single ladies, therefore, without fortune, still remain, who are usually guilty of the indiscretion of a lover, even though they have no husband to deceive. They take unto themselves an affection, to which they remain tolerably faithful, as long as it is understood that the liaison continues. The quiet young banker, stockbroker, lawyer, live until they are rich enough to marry, in some connexion of this description.

"Sanctioned by custom, these left-handed marriages are to be found with a certain respectability appertaining to them in all walks of life. The working classes have their somewhat famous 'marriages de St. Jacques,' which among themselves are highly respectable. The working man, and the lady who takes in washing, or who makes linen, find it cheaper and more comfortable (for the French have their idea of comfort) to take a room together. They take a room; put in their joint furniture (one bed answers for both;) the lady cooks; a common ménage and a common purse are established; and the couple's affection usually endures at least as long as their lease. People so living, though the one calls himself Mr. Thomas, and the other Mademoiselle Clare, are married à la St.

Jacques, and their union is considered in every way reputable by their friends and neighbours during the time of its continuance.

"The proportion of illegitimate to legitimate children in the department of the Seine, as given by M. Cabrol, is one to two:* add to this proportion the children born in marriage and illegitimately begotten! [Such is the evil caused by the prevention of divorce!]

"The hospitals of the 'Enfans Trouvés,' which, under their present regulations, are nothing else than a human sacrifice to sensual indulgence, remove the only check that in a country without religion [and, he should have added, where divorce is refused,] can exist to illicit intercourse. There is, then, far more libertinage in France than in any civilized country in Europe; but *it leads less than in other countries to further depravity.* Not being considered a crime, incontinence does not bring down the mind to the level of crime. It is looked upon, in fact, as merely a matter of taste; and very few people, in forming their opinion of the character of a woman, would even take her virtue into consideration. Great, indeed, are the evils of this, but *it also has its advantages: in England, where honour, probity and charity are nothing to the woman in whom chasity is not found,—to her who has committed one error, there is no hope,—and six months frequently separate the honest girl, of respectable parents and good prospects, from the abandoned prostitute, associated with thieves, and whipped in Bridewell for her disorders.*

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* Naissances par mois—Department de la Seine.

In marriage . . .	20,782.
Out of marriage . .	10,139.

"But the quasi legitimate domesticity consecrated by the name of St. Jacques, is French gallantry in its sober, modern and republican form: it dates, probably, from the revolution of '89; while the more light and courtly style of gallantry, which you find not less at the Elysée Belleville and the Chaumière than in the stately Hôtels of the Faubourg St. Germain and the Chaussée D'Antin, mingles with the ancient history of France, and has long taken that root among the manners which might be expected from the character of the nation."

Thus the great evil caused by the refusal of divorce in France, is the frightful proportion of illegitimate children.

Now, let us look at the practical effects of a more liberal system even among the savages of the South-Sea Islands.

"Mr. Mariner thinks that about two-thirds of the women are married; and of this number full half remain with their husbands till death separates them; that is to say, full one third of the female population remain till either themselves or their husbands die. The remaining two-thirds are married and are soon divorced, and are married again, perhaps three, four, or five times in their lives; with the exception of a few who, from whim or some accidental cause, are never married: so that about one-third of the whole female population, as before stated, are at any given point of time unmarried.

"With such opportunities of knowing the habits of the natives relative to the subject in question, Mr. Mariner is decidedly of opinion that *infidelity among the married women is comparatively very rare.*

"If a man divorces his wife, which is attended with no other ceremony than just telling her that she may go, she becomes perfect mistress of her own conduct, and may marry again; which is often done a few days afterwards, without the least disparagement to her character.

"In case of a divorce, the children of any age (requiring parental care) go with the mother, it being considered her province to superintend their welfare till they grow up; and there is never any dispute upon this subject. *Both sexes appear contented and happy in their relations to each other.*

"As to those women who are not actually married, they may bestow those favours upon whomsoever they please without any opprobrium. It must not, however, be supposed that even these women are always easily won; the greatest attention and most fervent solicitations are sometimes requisite, even though there be no other lover in the way. This happens sometimes from a spirit of coquetry, at other times from a dislike to the party, &c. It is thought shameful for a woman frequently to change her lover. Great presents are by no means certain methods of gaining her favours, and consequently they are more frequently made afterwards than before. *Gross prostitution is not known among them.*

"When all things are taken into consideration regarding the connubial system of these people, their notions of chastity, and their habits in respect to it, we shall have no reason to say but what *they keep tolerably well within those bounds which honour and decency dictate;* and if it be asked what effect this system has upon the welfare and happiness of society, it

may be safely answered, that *there is not the least appearance of any bad effect.*

"The women are very tender, kind mothers, and the children are taken exceeding good care of."

Among the savages of North America, marriage is an agreement for a time, not a lasting engagement. The reply of an Indian to a missionary on the subject of separation is well known—"My wife and I could not live together; my neighbour was no happier with his; we have changed wives, and are both satisfied." —Their children may perhaps be taken as "good care of" as those of the South Sea Islanders.

All this reminds us of the curious fact, that when, during the emancipation of our North-American colonies, all law was suspended, and lawyers were unemployed, fewest crimes were committed!

On what, then, let us now enquire, is founded the indissolubility of marriage? Is it in any measure justified by the physical changes which take place in woman in consequence of it? By this, and still more by parturition, it may be asserted, that some trifling physical changes are produced; that beauty begins to wane; and that as Montesquieu says, "It is always a great misfortune for a woman to go in search of a second husband, when she has lost the most part of her attractions with another; one of the advantages attending the charms of youth in the female sex being, that in advanced age, the husband is led to complacency and love by the remembrance of past pleasures." But to all this we may reply that the trifling local changes are unattended with any injury in effect; that beauty is often improved by marriage—always, indeed, in well-organized women; and that if a wo-

man go in search of a second husband, it will, in general, be of an older one, and older husbands do not look for—do not desire, the *same* attractions with young ones. A beautiful widow, indeed, is not less disposable than a maiden.

If, moreover, it generally be maturity of age which confers experience on woman, it will be evident why to men of similar experience, the association of very young women offers only a promise of ignorance, caprice and trouble. Thus, within moderate limits, it may truly be said, that woman is not the worse of age. At maturity, it is especially to be observed, that the love of pleasure, the knowledge of all its means, the consciousness of all its modifications, and the power of exquisitely enjoying it, are all of them incomparably greater; no jealousy—no irritation intervenes; and even when the forms of beauty lose their purity, and its colours their brilliance, the lover's poetical spirit recreates them, and he may be said to enjoy pleasures which are not less real, because they are imaginary.

The strongest argument for the duration of marriage, is that gestation, parturition, lactation and the numerous cares that the infant requires, reduce the woman to dependence upon her husband.

As Montesquieu observes, "The natural obligation of the father to provide for his children has established marriage, which makes known the person who ought to fulfil this obligation. The people mentioned by Pomponius Mela, had no other way of discovering him but by resemblance.

"Among civilized nations, the father is that person on whom the laws, by the ceremony of marriage, have

fixed this duty; because they find in him the man they want.

"Amongst brutes, this is an obligation which the mother can generally perform; but it is much more extensive amongst men. Their children, indeed, have reason; but this comes only by slow degrees. It is not sufficient to nourish them; we must also direct them: they can already live; but they cannot govern themselves.

"Illicit conjunctions contribute but little to the propagation of the species. The father who is under a natural obligation to nourish and educate his children, is not then fixed; and the mother, with whom the obligation remains, finds a thousand obstacles from shame, remorse, the constraint of her sex, and the rigour of laws; and besides, she generally wants the means.

"Women who submit to public prostitution cannot have the convenience of educating their children; the trouble of education is incompatible with their station; and they are so corrupt, that they can have no protection from the law."

To the same purport, says Hume, "What must become of the children upon the separation of the parents? Must they be committed to the care of a stepmother, and instead of the fond attention and concern of a parent, feel all the indifference or hatred of a stranger, or an enemy? These inconveniences are sufficiently felt, where nature has made the divorce by the doom inevitable to all mortals; and shall we seek to multiply those inconveniences by multiplying divorces, and putting it in the power of parents, upon every caprice, to render their posterity miserable?"

And Madame de Stael thus laments the consequences of the dependence of woman.—"The more nature has formed man for conquest, the more obstacles he wishes to find: women, on the contrary, distrust an empire without real foundation, seek for a protector, and fondly put themselves in his power; it is thus almost a consequence of this fatal order that women displease by yielding, and lose the object beloved by the very excess of their devotedness.

"If beauty assure them success, beauty never having a certain superiority, the attraction of fresh charms may dissolve the dearest ties of the heart.

"Unfortunate and sensitive beings! you expose yourselves with ungarded bosoms to combat with men armed in triple mail; remain in the path of virtue, remain under its noble safeguard; there you will find laws to protect you; there your destiny will meet with invincible support; but if you yield yourselves to the desire of being beloved, men are the masters of opinions; they have command over themselves, and they will overthrow your existence in order to enjoy a few moments of their own.

"Doubtless, if a woman meet with a man, whose energy has not destroyed his sensibility, a man who cannot endure the thought of another's misery, and who makes honour consist in goodness; a man faithful to oaths though public opinion guarantee them not, and who feels constancy necessary to enable him to enjoy the true happiness of loving; she who is the sole beloved of such a man, may triumph in the bosom of felicity over all the systems of reason."

Considering, then, that marriage is the foundation of all the closest relations of life, or those of parent

and child, brother and sister, and friendly connections, between the relatives of the parties, it is evident that the tie ought not either to be lightly contracted or with facility broken. Accordingly, the main point of the canon and English law is that the collateral effects of marriage on other persons than those who marry, ought not to be disturbed.

The argument that, "where there is facility for divorce, there is often an inclination for it," is not better than the opposite one, that "the very notion of constraint, of indissoluble bonds, and of a perpetual burden, however slight, renders many miserable who otherwise would not merely be contented, but would fear to lose partners who had become necessary, if not dear, from habit and association."

It is a less equivocal argument which urges that "persons who have thought proper to contract so important an obligation as marriage ought to set before them the necessity of submitting to much abridgment of their natural liberty; that men, to live in society, give up a portion of natural freedom; and that this is more particularly the case in marriage." But this argument is vague, as will now be shown.

The general question of the duration of marriage, or of the justice or expediency of divorce, and of its various degrees of facility or of difficulty, has been greatly complicated and obscured by the neglect of a discriminating and analytical examination.

The consideration of children, in particular, has been introduced as affecting the whole question; whereas it can affect only one of its cases. Assuredly no consideration of children ought to enhance the difficulty of divorce in cases where they do not exist.

It is right, therefore, in the first instance, to discuss the subject of divorce, without reference to children, because such an event may easily precede their procreation. Supposing, then, the non-existence of children, let us examine divorce as unembarrassed by such a consideration.

Divorce, then, seems naturally to be divided into divorce properly so called, and repudiation.

Divorce properly so called, implies the separation of husband and wife by mutual consent. Now, as, in such case, children being absent, there is no third party, nor any degree of that abandoned and unprotected helplessness which might call for the interference of society, it is evident that the whole affair belongs to two independent beings, whose free and full consent can alone, with any justice, be required in the act of divorce. As in such a case, society have no reasonable claim of interference, so it is fortunate, that they are spared the detail of incompatibilities, of weaknesses, of errors, or of crimes, the habitual relation of which can tend only to familiarize vice, and to corrupt public morals.

Repudiation implies the separation of husband and wife, with the consent of one, and in opposition to the will of the other party. Now, children being absent in this case also, it is, at most, necessary that the accused party should be fairly defended, and that justice should be attained. The satisfactory evidence, therefore, of two or more witnesses may here be required, and it is all that can be required, to substantiate the truth of the accusations adduced, and to vindicate the accuser's claim of repudiation; and if, in this case, it is to be regretted, that the incompatibilities, the weaknesses, the errors, or the crimes of an individual, are

rendered the means of public demoralization, it is, at least, satisfactory, that there is, in the interests of that individual, a pledge that this will not be wantonly permitted. But on this point, the reader must refer to the decisive arguments of Milton in Part VI.

Neither divorce nor repudiation ought to be permitted until after a temporary separation of such duration as shall prove that no progeny is the result of the marriage. And it is to be remembered that childless marriages of long duration are not the interest either of individuals or of society.

The existence of children greatly modifies divorce and repudiation, and ought, unquestionably, to enhance their difficulty. Children constitute a third party, to which the first and second have voluntarily surrendered some portion of their independence—a party which, as it is helpless, demands the interference of a fourth party in society. The new relations thus produced, indicate the mode of procedure required: the new interests must be satisfied.

Hence it seems evident, that divorce and repudiation, where children exist, ought not to be permitted, until the children have attained such age that they cannot materially suffer by the separation of those who have produced them, or by the desertion of either of them. Such is the indication of justice which nature affords. The precise age which children must attain, in order to permit divorce between the parents, is a subject for due consideration.—That the child must be able to provide for itself, will give, to the parent desiring to separate, a great motive properly to educate it.

It may be objected, that the refusal of divorce dur-

ing any period so long as to answer this purpose, would be a severe infliction on the parents. But this is the natural consequence of their own conduct; it will ensure deliberation in the most important act of life, and it will guarantee society against the offence thrown upon it by levity, folly, and I may almost say crime, in an act so important.

In whatever has now been said, the supposition of all crime or offence on either side, of which laws can take cognizance, is excluded. Offences there are, however, as infidelity to the marriage contract, which facilitate divorce.

A philosophical friend says, "My opinion on the subject is, that there ought to be a full divorce for adultery alone, and that for adultery only on the part of the woman. The reason in which I found this idea, is that it is adultery only on the part of the woman that vitiates the offspring, and consequently defeats the end of marriage, which is the creation of the ties of blood-relationship."

Here, any moral error of licentious intercourse in relation to the immediate and personal feelings of the married parties, and independent of its effects on offspring, is cast out of consideration; and I will, therefore, only remark on this, that, wherever such error is supposed to exist, it is obviously equal on both sides; and the offence of the woman can in no way be shown to be greater than that of the man in an act in which their participation is equal.

Here, too, if we regard the effects on offspring generally or in relation to society, and not to one only of the particular male parents deceived as to the children, the offence of both parties is equal; for if the woman

deceive her own husband, he deceives equally the husband of another woman. There is no difference therefore of moral blame.

When, however, a limited view is taken of the question—when the offence of each member of one couple is considered in relation to the other member, and not to the other family or to society, adultery on the part of the woman has its offensive relation only to her own husband, and it is to him only that its punishment falls, if punishment be justified, precisely as his punishment falls to the husband of the woman with whom he may have committed a similar offence.

But here the actual vitiation of offspring is *supposed*, as enhancing the offence of adultery on the part of the woman. Obviously, therefore, where there is no offspring, there is no enhancement of offence: it is perfectly equal on both sides, as observed in the third paragraph preceding.

It may be replied, "Yes; but there may be progeny, and it may be impossible to say who is its father." —But I have shown, in my work on Intermarriage, that there can be no difficulty in this, except what arises from wilful ignorance, and that there never was a child which did not strikingly resemble both its parents. It is the interest of fathers to learn where to look for such resemblance: he whom a child does not resemble is not its father.

For this aggravation of offence, then, the woman cannot be justly punished, until its commission is proved; and I shall show, in the sequel, that progeny rarely results from temporary amours.

But nothing can more clearly show the flagrant absurdity of all laws which make divorce difficult or un-

attainable in common cases, than that the commission of legal offence should render it easy. Here, for a mere error in choice, two persons are doomed while they live to perpetual suffering; and if they will only add to this a crime, they are rewarded by being set free.

Nor is the principle of such savage legislation more absurd than its consequences are deplorable. In cases where divorce is desirable, they hold out encouragement to the commission of such offence as will dissolve the contract; and it is well known that those who otherwise in vain seek for divorce, commit the offence in order to ensure it. Here is a premium offered for the commission of crime.

Such, then, as I previously described, seem to be the whole of the just and natural impediments which ought to be thrown in the way of divorce; and while the removal of the unjust and unnatural restraints of a blind and barbarous legislation would greatly diminish the sum of human misery, the just and natural restraints here proposed would guard against the vice of loose connections and licentious separations.

Having thus examined marriage as it should be, I may next consider briefly the RELATION OF HUSBAND AND WIFE.

It is evident that the man, possessing reasoning faculties, muscular power, and courage to employ it, is qualified for being a protector: the woman, being little capable of reasoning, feeble, and timid, requires protection. Under such circumstances, the man naturally governs; the woman as naturally obeys.

The qualities of sensibility, feebleness, flexibility and affection enable woman to accommodate herself

to the taste of man, and to yield without constraint, even to the caprice of the moment. Rousseau beautifully says, "The first and most important quality of a woman is gentleness. Made to obey a being so imperfect as man, often full of vices, and always full of faults, she ought early to learn to suffer even injustice, and to bear wrongs from a husband without complaining. It is not for his sake, it is for her own, that she ought to be gentle. The ill-temper and obstinacy of women never do any thing else than augment their ills and the bad conduct of husbands: they feel that it is not with these arms that they ought to be overcome. Heaven did not make women insinuating and persuasive that they might be peevish; it did not make them feeble that they might be imperious; it did not give them a voice so soft that they might rail; it did not give them features so delicate that they might disfigure them by rage. When they are angry, they forget themselves: they have often reason to complain, but they are always wrong in scolding. Each ought to maintain the character of the respective sex: a husband too mild may render a woman impertinent; but at least, if a man be not a monster, the gentleness of a woman will pacify him, and triumph over him sooner or later."

There is, perhaps, no error in the education of women which is so absurd, or which tends so greatly to the misfortunes we have described, as the lesson which vanity and flattery so often inculcate—that beautiful women are destined to command lovers prostrate and adoring, and husbands respectful and obedient. Or rather, it is perhaps the direct and literal sense in which they apprehend this flattering tale, which is so

fatal to their happiness. A beautiful and amiable woman is indeed destined to command; but it is not because her slightest wish has controlled the lover, that when that wish is re-expressed to the husband, it is to extract an instant and servile obedience: the beautiful and amiable woman stoops to conquer: by gentleness—by obedience, she irresistibly wins her husband to every reasonable desire: and there is none, who is either manly or generous, who would not blush to refuse the boon due to that graceful solicitation or charming seduction, which has gladdened a moment of life.

Some French writer says, "L'empire de la femme est un empire de douceur, d'addresse, et de complaisance; ses ordres sont des caresses, ses menaces sont des pleurs."—"The empire of woman is an empire of softness, of address, of compliance; her commands are caresses, her menaces are tears." And is it, I may ask with Rousseau—"Is it so difficult to love in order to be loved, to be amiable in order to be happy, to be estimable in order to be obeyed, to honour one's self, in order to be honoured?"

The immortal religion of the Greeks presents to us Venus as wedded to Vulcan—beauty as wedded to art. And truly it is the art of a beautiful woman that enables her to seize the time, when observations, made as it were accidentally, may produce all the effect which she desires. Rousseau has so philosophically, so truly, and so eloquently described many things on this subject, that his expressions are a portion of moral science never to be omitted.—"This particular address given to woman is a very equitable compensation for her inferior strength; and, without this, woman

would not be the companion of man but his slave : it is by this superiority of talent that she maintains her equality, and that she governs in obeying him. Woman has every thing against her, her faults, her timidity, her weakness ; she has for her only her art and her beauty. Is it not reasonable that she should cultivate both ? But beauty is not general ; it is destroyed by a thousand accidents ; it passes away with years ; habit destroys its effects. The spirit of the sex is its true resource . . . the spirit of her condition, the art of deriving benefit from ours, and of profiting even by our advantages. We know not how much this address of women is useful to ourselves, how much it adds a charm to the society of the two sexes, how much it serves to repress the petulance of children, how much it restrains brutal husbands, how much it maintains domestic management, which discord would otherwise trouble . . . The woman who is at once virtuous, amiable and prudent, who compels those about her to respect her, and who is reserved and modest, she, in a word, who maintains love by esteem, may cause them to perform the greatest actions, or to submit to the greatest sacrifices. This empire is beautiful, and worth the trouble of being purchased."

Applying this to absurd claims on behalf of woman, Rousseau adds, "All the faculties common to the two sexes are not equally distributed to them ; but, taken as a whole, they form a compensation . . . To leave woman above us, therefore, in the qualities proper to her sex, and to render her our equal in all the rest, is nothing else than to transfer to woman the pre-eminence which nature has conferred on man.

It is impossible, however, that there should not occasionally be an approach to feminine mind in men, and to masculine mind in women. Such deviations, indeed, are monstrous and most unfortunate for their subjects. The man with feminine mind is unfit for masculine duties; the woman with masculine mind is unfit for feminine duties.

In spite of these natural facts and rational views, Mrs. Wolstonecraft says, "Why do they not discover, when 'in the noon of beauty's power,' that they are treated like queens only to be deluded by hollow respect, till they are led to resign, or not assume their natural prerogatives? Confined then in cages like the feathered race, they have nothing to do but to plume themselves, and stalk with mock majesty from perch to perch. It is true, they are provided with food and raiment, for which they neither toil nor spin; but health, liberty and virtue, are given in exchange."

From this one would imagine, that men had entered into a conspiracy to enslave women by the language of admiration and the homage of passion. Now, the very nature of admiration and passion proves the folly of such suppositions: they engross the mind far too completely to admit of the far distant project of ultimate subjugation. They exist, then, and the good or ill they do, exists independently of this: they spring spontaneously from the mind under the influence of beauty: they are as instinctive and irresistible in man as love of her offspring in woman. Moreover, they are excited and cherished by all the art of woman herself. Hence they exist in every nation under the sun, and may be regarded as a general law.

The passionate and unreasoning writers about the

rights of woman do not consult her interest when they demand of man what nature herself denies to woman. The error of such reasoners is the notion that this relation of the sexes belongs to pure reason, whereas the mental functions are here throughout modified by the vital ones. This is dependent on their organization. The vital system is larger in woman and more employed—almost incessantly employed; and this requires her larger organs of sense and smaller brain. Hence her character.

It would be as wild to think of woman competing in the race of intellect with man, as of her superiority in a race achieved by the exercise of her locomotive organs.

If writers of this kind had but observed that the best years of woman's life must be sexually employed in thought, word and deed, they would have seen that mind must have a powerfully marked sexual character.

Madame Roland far more rationally says, "I am frequently sorry to see women contest with your sex privileges so ill-suited to them: there is not one even down to the title of author, in however slight a degree it may be, that does not appear to me ridiculous in them. However truly we may speak of their facility in some points, it is never for the public that they should possess talents or acquirements . . . I can imagine no state more glorious for a woman than to form the happiness of one, and the bond of union of many, by all the charms of friendship and decency."

The relations of women to CHILDREN must be noticed.

Even when at play in infancy, children prefer that

kind of it which has the greatest relation to their future life. While the boy seeks for vigorous exertion, movement and noise, the girl finds her special amusement in a doll. The day is passed in getting it up, dressing it, giving it nourishment, teaching it to speak, putting it to bed, and governing it in all respects.—"We see her," says Rousseau, "change unceasingly its adjustment, dress and undress it a hundred and a hundred times, seek continually new combinations of ornaments, well or ill assorted it matters not. The fingers want address; the taste is unformed; but already the disposition is manifested. In this eternal occupation, time flows on without her thinking of it; hours pass, and she knows nothing of them; she forgets her repasts even, she thirsts more for ornament than for food. It may be objected that she dresses her doll, not her own person. Undoubtedly, she sees her doll, and she sees not herself; she is all in her doll, she bestows upon it all her coquetry. She will never leave the matter there; she waits the moment of being her own doll herself."

Progressing a little forward, we find that young women, even before they are evidently marriageable, are intensely and irresistibly attracted toward children, and are delighted to be entrusted with them. At the time of nubility, this passion for children becomes greatly increased.—The real destiny of woman is indicated by these circumstances; and thus again are those answered who would confer on woman the same kind of intellect and occupation with man.

Even the feebleness of woman, which these writers deplore, is an essential element of her relations to children, in conception, pregnacy, delivery, lactation

and all the cares they subsequently require. Woman herself, therefore, remains almost always a child in regard to her organization, which, yields easily to every impulse.

In adult woman, maternal love possesses a force and depth which the corresponding passion in man never approaches. "The senses of the infant," says Cabanis, "do not furnish it with any precise judgment as to external bodies, and its feeble muscles cannot aid it to protect itself from dangerous shocks, nor even to find the breast which should suckle it . . . Its long infancy, so favourable in other respects to the culture of all its faculties, exacts cares so continual and so delicate that they render almost marvellous the existence of the human species. Shall it then be the father who shall every moment subject himself to this vigilance, and who shall divine a language or signs of which the sense is not yet determined even by the being which employs them? shall he, by a fine and sure instinct, be able to anticipate not only the first necessities unceasingly renewed, but also all the little wants of detail of which the life of the infant is composed? Undoubtedly not. In man, the impressions are not in general sufficiently vivid; the determinations are too slow. The nursling would have long to suffer, before the paternal hand came to solace it; assistance would arrive too late. Observe, besides, the awkwardness and the clumsiness with which a man handles feeble and suffering beings. They run always some risk with him; he hurts them by the rudeness of his movements, or he soils them by the negligent manner in which he gives them food and drink. And when he lifts them up and carries them, we may

almost always fear that, occupied with some other object, he may let them escape from his arms, or may hurt them inadvertently against surrounding objects. Add also, that man is incapable of the minute and varied attention to enable him to think of every thing like a mother and a nurse, and of the patience which overcomes the disgusts inseparable from these employments." In short, the little duties which woman owes to children, are utterly incompatible with masculine faculties of mind. "If, on the contrary, a woman is here in place of man, she seems to feel with the infant; she seems to understand the slightest cry, the slightest gesture, the slightest movement of the countenance or the eyes; she runs, she flies, she is every where, she thinks of every thing; she anticipates even the most fugitive fantasy; and nothing repels her, neither the disgusting character of her duties, nor their number, nor their duration."

Yet Mrs. Wolstonecraft complains that, "In the middle rank of life, men, in their youth, are prepared for professions, and marriage is not considered as the grand feature in their lives; whilst women, on the contrary, have no other scheme to sharpen their faculties." Well, indeed, may this be the case, when the consequences of marriage must necessarily, and almost incessantly, employ every faculty they possess.

I may now add a few words on the proper OCCUPATIONS of woman, as springing from dispositions immediately dependent on her organization.

I need say nothing of her perpetual readiness to treat her husband with kindness.

As man, naturally stronger, is fitted for field exercise, severe labour, and civil and political employ-

ments, so the consciousness of muscular weakness renders woman timid and sedentary.

Even as to males with soft fibres and much cellular tissue, it is observed that they require little movement in order to preserve their health, and that when they employ much, their strength is speedily exhausted, and they become prematurely old.

Woman, therefore, is fit only for sedentary occupations, and necessarily remains much in the interior of the house, in which alone her chief duties can be performed.

One of her natural duties which is soonest indicated, is the making of clothes. From the earliest age, indeed, the little girl seeks earnestly a knowledge of the art of dressing and ornamenting her doll. Hence, says Rousseau, "the reason of the first lessons which are given to her. These are not tasks prescribed, but kindnesses conferred upon her. Almost all little girls learn with repugnance to read and to write; but as to holding a needle, that is what they willingly learn. They anticipate in imagination the being grown up, and they think with pleasure that these talents may one day serve to adorn them . . . This first path being opened, it is easy to follow: sewing, embroidering, lace-making come of themselves . . . This voluntary progress easily extends itself to drawing, for that art is related to dressing with taste. But it is not desirable that they should apply it to landscape, and still less to the figure. Foliage, fruit, flowers, drapery, all that can serve to bestow an elegant form upon dress, and to make for themselves a pattern of embroidery, is sufficient.

Thus the first dressing the doll and afterwards the

infant, is the natural origin of woman's duty to prepare the clothing of her family.

As to herself, it is not less her duty to give the same attention to the neatness of her person after as before marriage: we know that ill consequences perpetually result from the neglect of this.

On this subject, Mrs. Wolstonecraft says, "the shameful indolence of many married women, and others a little advanced in life, frequently leads them to sin against delicacy. For, though convinced that the person is the band of union between the sexes, yet how often do they, from sheer indolence, or to enjoy some trifling indulgence, disgust!!!

"If men and women took half as much pains to dress habitually neat as they do to ornament, or rather to disfigure their persons, much would be done towards the attainment of purity of mind. But women only dress to gratify men of gallantry; for the lover is always best pleased with the simple garb that sits close to the shape."

Perhaps the most important of her natural duties, though first indicated after that of clothing, is the preparation of food for her family. I call this a natural duty, not merely because it belongs to the domestic occupations which are naturally those of woman, but because it originates in the strictly personal circumstance of suckling her infant. She first nourishes it with milk from her breast. As more abundant or different nutriment is required, she gradually substitutes the milk of the cow. Repeating this for an increasing family, she is naturally and inevitably led to prepare the food of the whole.

Such is evidently the natural origin of the mother

being the sole or chief cook of her family. She who escapes from all these duties is an unnatural being, not a woman; and, that deformity, if not disease, is the punishment of their neglect, is demonstrated in the beautiful forms of the arms in the pictures of our grandmothers, compared with the shapeless, flaccid and skinny members of the young women of our own times. If any further proof of the truth of this is wanting, it is afforded by the extraordinary and rapid improvement produced by the Indian exercise introduced by Donald Walker in his EXERCISES FOR LADIES.—It would be easy, however, to show that disease as well as deformity is an inevitable result of the neglect of active duties.

Happily, woman, wherever she is incorrupted by artificial habits, always derives real pleasure from the performance of this duty; and, however she may sometimes be pleased to subdue its expression, a penetrating observer will always discover this. Happily too the fine form of the arms, shoulders and chest, which the natural and good mother thus acquires, she gives to her sons with all the increased development which belongs to the difference of sex.

So important a duty is the nourishment of the infant, that, where the mother was wanting, nature has sometimes enabled man to perform it. Dr. M. Good observes, that "Occasionally the lacteal glands in man, or the minute tubes which emerge from them, are more than ordinarily irritable, and throw forth some portion of their proper fluid. And if this irritation be encouraged and supported, there is no reason why such persons may not become wet-nurses as well as females. And hence Dr. Parr inquires, with some

degree of quaintness, whether this organization is allotted to both sexes, in order, that, 'in cases of necessity, men should be able to supply the office of the women.

"The following, from Captain Franklin's Narrative of his Journey to the shores of the Polar Sea, is a beautiful exemplification of what Dr. Parr refers to; and I will not alter the forcible and seaman-like simplicity of the style in which the story is told: 'A young Chipewyan had separated from the rest of his band for the purpose of trenching beaver, when his wife, who was his sole companion, and in her first pregnancy, was seized with the pains of labour. She died on the third day, after she had given birth to a boy. The husband was inconsolable, and vowed, in his anguish, never to take another woman to wife; but his grief was soon in some degree absorbed in anxiety for the fate of his infant son. To preserve its life, he descended to the office of a nurse, so degrading in the eyes of a Chipewyan, as partaking of the duties of a woman. He swaddled it in soft moss, fed it with broth made from the flesh of the deer; and, to still its cries, applied it to his breast, praying to the Great Master of Life to assist his endeavours. The force of the powerful passion, by which he was actuated, produced the same effect in his case as it has done in some others which are recorded: a flow of milk actually took place from his breast. He succeeded in rearing his child, taught him to be a hunter, and, when he attained the age of manhood, chose him a wife from the tribe. The old man kept his vow in never taking a wife for himself, but he delighted in tending his son's children; and when his daugh-

ter-in-law used to interfere, saying, that it was not the occupation of a man, he was wont to reply, that he had promised to the Great Master of Life, if his child was spared, never to be proud, like the other Indians. —Our informant (Mr. Wenkel, one of the association) added, that he had often seen this Indian in his old age, and that his left breast, even then, retained the unusual size it had acquired in his occupation of nurse.'"

Instead of going into details respecting these or other duties, I need only observe that women soon and easily excel in all domestic occupations, because these chiefly require address, and because that quality depends on a rapid succession of ideas and of movements which have been already described as peculiarly characteristic of woman.

In all ages, this has been more or less perfectly felt. Hence Homer makes Hector say to Andromache :—

——————— Εἰς οἶκον ἰοῦσα, τὰ σαυτῆς ἔργα κόμιζε,
Ἰστόν τ', ἠλακάτην τε, καὶ ἀμφικόλοισι κέλευε
Ἔργον ἐποίχεσθαι. Il. Z. 490.

Go home and pursue your own employments, the web and the distaff, and order your handmaids to busy themselves about their work.

PART IV.

MATRIMONIAL SLAVERY.

The physical relation of women to men—their beauty, ensures their being beloved; while their feebleness seems to ensure their being oppressed. The fate of women is, indeed, different, in different countries; but in all, they are more or less slaves.

In some countries, savage man has not merely made women a slave, but has converted her into a beast of burden. She not only does all domestic drudgery, but carries the savage's weapons to the chase, and returns loaded with his prey.

In other countries, half civilized man has performed the operation which he calls legislating, for woman; and, accustomed to feel the foot of the princely or priestly despot upon his own neck, he has planted his foot upon the neck of woman. Difference of intellect is no better a reason for this than it is for the enslavement of the negro.

In these countries, moreover, after having created all

the errors of women, men have subjected them to the censorship of opinion, which governs them impeririously—injuring them by suspicion, converting even appearance into crime, and punishing them by dishonour.

Everywhere the forms of government and laws powerfully influence the condition of the sex.

In despotic countries, such as Palestine and Syria, Mr. Emerson tells us that the situation of women is in no degree removed from the classification originally made, by which a man's "wife, and his slave, his maid-servant, his ox and his ass," are equally defended from the covetousness of his neighbour.

Is it better in England, where the commentator on Blackstone tells, "that husband and wife, in the language of the law, are styled baron and feme; the word baron or lord attributing to the husband no very courteous superiority?" And that we may not regard these as mere unmeaning technical terms, he reminds us, that "if the baron kills his feme, it is the same as if he had killed a stranger, i. e. simply murder, but if the feme kills her baron, it a species of treason subjecting her to the same punishment as if she had killed the king."—By the common law, women were moreover denied the benefit of clergy and executed for the first offence; whilst a man who could read, was, for the same crime, subject only to burning in the hand and a few months imprisonment, until 3 and 4 W. & M. c. 9.

In republics, on the contrary, says Montesquieu, "women are free by law, and subject only to morals. Luxury is banished, and with it corruption and vice. Good legislators have banished even that commerce of

gallantry which produces idleness, and makes women the agents of corruption even before they are themselves corrupted, which confers value upon trifles, and detracts from things of importance."

This is illustrated by Segur's sketch of their condition in Switzerland. "In that country, the small degree of luxury which prevails, and the ignorance of the arts which attend it, present to women, as pleasures, only those which nature offers, and, as occupations, only their duties. The young women living together, enjoy from an early age great liberty, and preserve the purity of their manners in the midst of their independence. The certainty of being united only with those whom they love, is opposed to all gallantry for the present, and to all coquetry for the future. When, after some years, the young woman has tried the affections of her lover, she has before her only her marriage, and no other perspective than love of her husband and children, and assiduity in household affairs. This is her principal business. There are no intrigues for places nor for rank. Pleasures are less vivid and more simple: riches are less brilliant and more solid. There is in this less the idea of pleasure, than of happiness."

England, being an aristocracy, is perhaps less favourable to women than countries which present the despotism of one. For me, I confess, it is difficult to imagine anything more unfavourable.—Others may think, on the contrary, that England affords a fair specimen of the treatment of women in Europe, in so far as they are affected by the laws. In default of more extended knowledge of the laws of other countries, I have no objection to its being so regarded.

Following then, implicitly, the admitted statements as to the condition of married women in England, it will appear that it is quite as disadvantageous as slavery itself, and that wives have no property, either in their fortunes, their persons, or their children.

It is principally upon the greater or smaller portion of independent fortune which women enjoy, that their mode of existence everywhere depends. Let us see how this is managed in England—beginning at the beginning, and implicitly following legal writers on the subject.

Any man, in order to obtain a wife with fortune, may, by a friend, be put in temporary possession of money, secretly contracting to repay it as soon as he has possessed himself of her property; or he may actually buy an heiress of those having the disposal of her, and afterwards pay the purchase-money out of her estate. This is practicable, in consequence of the law which gives the sole property of the wife's fortune to the husband.

It is true that a woman also may impose upon a man, by pretending to have a fortune; and, if the man is credulous, she may by such representation induce him to marry her. But she cannot, on being married, put her husband in possession of borrowed money as her fortune, and afterwards repay it secretly, out of his estate. This must deter her from either concealing or misrepresenting her circumstances, as such conduct would expose her to the resentment of her husband.

Even as to debts previous to marriage, men may, in many ways, conceal and misrepresent their circumstances. Those in trade have their affairs so compli-

cated, that it is difficult to discover what their obligations are. These, however, they can secretly discharge out of their wife's fortune, even to her utter ruin. On the contrary, the laws obliging men to pay their wives' debts, rarely injure the husband, because women's debts are easily known.

By the ancient Roman or civil law, a woman is not constrained to bring her whole fortune as a portion to her husband, but may retain part of it, then called paraphernalia, in which the husband has no interest: these she may dispose of without his consent, and she may bring actions in her own name for their recovery. —But by the laws of England, the paraphernalia are held to be merely the woman's wearing apparel, ornaments and jewels, which she wears, not as her's, and for her own sake, but as her husband's, or as it is expressed, suitably to his quality, and to do him honour! Even the presents he makes before marriage revert to him as soon as the solemnity is over. When the husband dies intestate, or does not by will dispose of the jewels, his wife, in case there be no debts, may claim such as are suitable to her quality, to be worn as ornaments or as her paraphernalia; yet if the husband by will devise away these jewels, it holds good against this claim of the wife. She retains no property, not even in that pledge which he had given her as a token that he would faithfully perform every article stipulated in the covenant between them.

Again, though by the civil law, the husband during the marriage, receives the profits accruing from the wife's portion, yet the property of the portion is not transferred from the wife by the marriage, and if he become reduced in fortune, she may legally seize

her portion, or security for it, or she may bring her action against him, and lodge it out of his reach.—The laws of England allow a wife no such privilege; for if a man having no real estate, marry a woman, possessing only personal estate, however great the amount may be, and covenant to leave her a certain part of it at his death, although she should afterwards perceive that he designs to spend the whole in his life-time, she cannot by law take any method to prevent it.

Even in the case of heiresses to real estate, where the wife retains her property, the husband, if he has a child born alive, has the disposal of the whole income of her lands, for his and her life; and if a deed be executed, and, before a judge or commissioner appointed for that purpose, a simple declaration be made by the wife, that she freely and voluntarily consents to the alienation of her property, the husband alone has power afterwards to mortgage, and may employ the money so raised as he pleases, which, perhaps, may be so as to injure his wife yet more for her generosity; and, if he become bankrupt, his interest may be sold, so that the wife can have no further enjoyment thereof, unless she survive her husband.

The wife may, before marriage, put her fortune into trustees' hands, and so secure it for her own use, provided this be done with the consent of her intended husband;—but young women are very ignorant of points in law, and their inability to use means to guard against falsehood on their husband's part, and confidence in the man they love, prevent their employing that precaution. It has, moreover, seldom been of service to those employing it, because the husband has

so entirely the disposal of the wife's person, that he can easily influence her. Hence it was a saying of an English judge, "that he had hardly known an instance, where the wife had not been kissed or kicked out of any such previous settlement."

It may be said, that a wife is not divested of all property, since she retains a property in her jointure, which the husband cannot alienate.—But she has no jointure, unless she stipulate for it and have it secured to her before marriage, and she is not always suffered to retain it, owing to the same authority of the husband.

If under all these devices for robbing a wife, she does contrive to retain any property, she suffers difficulty in disposing of it by will.

In a case of this kind, a woman, while a widow, made a will; soon after, she married again; in some further time, she again became a widow, without any children by either husband; and the will which she made in her first widowhood being found after her death, the question arose whether it was a good will or not? The counsel for the will cited many authorities from the civil law, and showed that though among the Romans, a man who made his will, was afterward taken captive, yet the will became again in force, by the testator's repossessing his liberty; and he thence inferred, that as marriage was a state of captivity, wills made by women who became free by survivorship, ought to revive with their freedom. But the court found the distinction, that while captivity is the effect of compulsion, marriage is a voluntary act, and the judges determined the will to be void.

Here, then, the arguments of the counsel make the

state of wives equal to slavery; and the distinction of the court makes it worse than slavery!

Amends, we are told, is made for all this, by woman's exemption from imprisonment in civil causes.

Having no property, it certainly is necessary that they should be so exempted; and it is accordingly decreed, that the husband, who possesses the wife's property, shall be answerable for her debts. But this makes no amends for the thefts described. It is well observed, that "to divest a man of all property, and then exempt him from imprisonment in consequence of debts, is just such a privilege in his civil capacity, as it would be in his natural one, to divest him of all pleasure, and in return to exempt him from pain. As such exemption from pleasure and pain would in effect strike him out of being as a man; so such divesting him of all property, with exemption from payment of debts, is, in effect, to cut him off from being a member of civil society. As a man would choose to retain his natural pleasures, and run the hazard of natural pains —as he would prefer life to death, so he would choose to retain his civil rights, and run the hazard of civil inconveniences.—Till it shall appear that these are not parallel cases, we may conclude, that exemption from debts is not a recompense for divesting of property."

Let us now look at the relative treatment of husband and wife under the commission of offence.

Adultery on the part of a wife forfeits all right to maintenance and to dower at common law.—Not satisfied even with this, a lawyer, in a weekly journal, has lately proposed that the penalties for this offence on the part of a wife should be greatly increased.

It is apprehended, he says, "that one great cause of

the increase of adultery in the higher ranks is the practice, in marriage settlements, of securing to the wife absolutely an unqualified right to a large jointure quite independently of her husband and of the propriety of her conduct, and that the law has settled that such jointure is not, like dower, forfeited by her adultery. It is submitted to all members of the legal profession, and still more to intended husbands, that jointure or pin-money should always be made payable only to the *dum caste se gesserit*, or to that effect. Such a stipulation would remove one powerful temptation to profligate pennyless seducers, of whom there are too many prowling in the higher circles; whilst the unqualified right to pin-money or large jointure is calculated to render women too self-sufficient and independent of their moral duties towards their husbands, and the certain ability to support the seducer too frequently leads to the completion of crime, which but for temptation might be prevented by mere prudential considerations. The intended husband himself might not venture to suggest such a qualification, which might suppose his suspicion of the character of his intended, but his professional adviser might insist upon the propriety of the stipulation, and no part of the lady's family could well take umbrage, for women, as well as men, may be perfectly virtuous and wholly averse to vice at one period of their lives, when by circumstances they may at another become more prone to err, and may require protection even against themselves. It is suggested that all marriage settlements should be so framed as to contain express stipulations guarding against future indiscretions. Adultery forfeits all right to maintenance and all right to dower at common law, and

there is no reason or principle why jointure should not also be forfeited. As, however, upon a divorce in the Lords on account of adultery of the wife, the husband is always required to make provision for her maintenance, lest by total destitution she should be driven to continue in a course of vice, it would be expedient to provide in the settlement in any event for a very small allowance for that purpose. And if the right to any jointure be reserved by the intervention of trustees, they should indemnify the husband thereout against the consequences of such hardships as these cast upon him according to the above decision. Surely attention to these suggestions would tend to remove one of the strong temptations to vice."

Now, notwithstanding all the devices for robbing and enslaving women already described, one would imagine that, in the case of offence committed by either party—an offence which is equal on both sides, —the punishment would be equally severe. But so far is this from being the case, that if the husband commit adultery, instead of being punished as the wife would be by being divested of all property, the wife is actually punished in lieu of him.

If a wife impatient of her husband's incontinence, which is allowed to be a virtual dissolution of marriage, appeal to the laws for divorce, she may perhaps obtain it, and with it a pittance, to keep her from want. If she brought the whole that the husband possesses, she may be assigned a fourth or fifth part of it, and he will be indulged with the remained.

"In the late horrible case of Tomlinson v. Tomlinson," observes a weekly journal, "the miscreant had married a widow with an income, and debauched her

juvenile daughter by a former husband, leaving her pregnant. The afflicted mother applied to the Court for a divorce and a separate maintenance. The Ecclesiastical Judge declared that the records of the court presented no case of equal atrocity, and that he, in the course of his professional experience, had never met with any thing so revolting. What was the sentence? The miscreant was, even in this case, dismissed upon his being compelled to restore to the wife half her property. Can the world produce anything half so unjust as the Ecclesiastical Laws of England? This man, according to national justice, ought to have restored to the woman every fraction of her property; he ought to have been severely fined for the injuries he had done her; he ought to have been taxed for the support of his unnatural offspring; and he ought to have received the heaviest punishment, short of the gallows, as a protection to society; but so far from any thing of this sort being inflicted, the wretch is rewarded for his crime by getting rid of his wife, and by having settled upon him half the income which she had derived from her first husband!"

Now, nothing can show more distinctly than this, that the whole scheme of robbing, which has been described, is founded in base covetousness and flagrant injustice; and I submit to intended wives and still more to parents, that the husband's infidelity should be visited in the same way in which it has been proposed to visit the wife's—that her jointure should be increased thereby, and that the wife's fortune at least should always be restored to her, when the husband "*non caste se gesserit*," or to that effect; and the

lady's professional adviser "might well insist upon the propriety of the stipulation."

To proceed.—Wives have no property either in their mental abilities or personal industry.

A young woman may bring to her husband a fortune; in a few years he may, by extravagance, folly and vice, dissipate the whole of it; and he may then enlist as a common soldier. She is thus ruined utterly. If, by the kindness of friends, she should be enabled to engage in business to maintain herself and children, such is the law, that this would be only giving her husband an opportunity to plunder her at will. She might indeed transact her business in another's name; but few would be disposed to involve themselves in the affairs of a feeble and dependent woman, who may be driven from the place and employment, at the will of her husband, against which she cannot appeal. If, in order to provide for their children, she even ask his permission to serve a lady, he may refuse it, except on condition that he be allowed to visit her when he pleases; and if the wages which she may earn be not paid to him, he may sue the person who employs her; all which must effectually exclude her from acting as a servant. Her wretched condition will then be such that all her friends can do, will be by stealth to afford her a pittance in the nature of alms, unless indeed they be in condition to settle an estate in trustees' hands for her use; and even this, owing to the power of the husband over her person, he may soon convert to his own use.

Passing now from the property to the person of wives, it is a fact that they may be made prisoners for life, at the discretion of their husbands.

A young lady possessing fortune in land and money, may marry a man, in whom her confidence is so great, that she makes no reserve to herself, but, with her person, places her whole fortune in his power; this, by extravagance, he may dissipate; then, finding frugality or penury necessary, he may confine her in a country house, with only the bare supports of life, and the attendance of a servant who is at the same time her jailer; and, in this confinement, she may be compelled to live till her existence terminates.

Cruelty may be added to imprisonment.

A wife may be so cruelly treated by her husband, that life may be a burthen to her; she may at last ask shelter from and be received into the house of his nearest relative, with her spirit broken, and in the worst state of health; that relative may, in the mildest terms, represent to her husband the sad effects of his treatment, and may, by all possible arguments, endeavour to awaken in him humanity towards her, adding, that, with his leave, she may reside at his house, till she has recovered health, of which he will be at the sole expense; the husband may order him to send her home again, or keep her at his peril; ill success may fling her into a lingering fever, during which her husband may come in person and demand her; her relative must deliver her up; and she may be again carried home, where her husband, exasperated by her complaint, may treat her with a degree of harshness which terminates her life; nor can she find any redress, if he have never beaten her, nor threatened her life, though he may have taken all other methods to break her heart.

The cruelty of a husband may be even more afflictive than a violent death.

In a trial at the Old Bailey, it was proved that a man had confined his wife for some years in a garret, without fire, proper clothing, or any of the comforts of life; that, in addition to this, he had frequently horsewhipped her; and that her sufferings were so great and intolerable, that she terminated her wretched life by flinging herself out at the window. As, however, there was found in the room bread which, though hard and mouldy, was supposed sufficient to sustain life, and as it was not thought that he pushed her out at the window himself, he was acquitted.

It is true that, by law, a woman who has been beat and abused by her husband, may swear a breach of the peace against him, and if he cannot find security for good behaviour, may send him to prison. But sometimes this relief, if it may be so called, cannot be obtained, because the husband has it in his power to lock up his wife, and so prevent her complaint. Even, however, if it be obtained, its consequences bring great hardships upon the wife. If he be a tradesman or a labourer, she and her family depend upon him for subsistence, and the consequence of his lying in prison is that they must starve. Moreover, at his return home, it exposes her to the resentment of her husband, without abating his power, which enables him to revenge himself in many ways not cognizable by law.

We may next consider the unreasonableness of those laws which divest a woman of all property in her children; either during the life, or after the death, of her husband.

From the late debate in the House of Peers, on the Custody of Infants' Bill, it appears that, as the law now stands, the father of a child born in lawful wedlock, is entitled to the entire and absolute control and custody of such child, and to exclude from any share in that control and custody the mother of the child; that the mother may be the most virtuous woman that ever lived, amiable in her manners, and fond and attached to her children; that the father, on the other hand, may be a profligate in character, brutal in manner, living in adultery; and that yet he will have the right under the existing law to the custody of the children of his marriage, to the exclusion even of access to them of his wife, their mother.*

A case adduced in illustration of this was that of Mrs. Skinner. In that case the husband and wife were separated in consequence of the barbarous conduct of the former, who was then living in adultery with a woman of the name of Delaval. The child, only six years of age, had previously been left, and properly left, with the mother; the husband, however, got possession of the child; and on the question being agitated in court (the child having in the mean time been delivered to the mistress of its father, who was then confined in Horsemonger-lane Gaol, whither the child was carried to him day by day,) the Court said that it had no power to interfere: thus the child was wholly separated from its mother. That mother was of irreproachable character; her conduct had received no stigma of any kind; she was fondly attached to

* It will be seen in the Appendix that this is not the law in this country.

her child; and, on this occasion, Lord Lyndhurst left it to the house to conceive what must have been her sufferings, and to say whether, in contrasting her character and conduct with that of the husband, the law in that case was not harsh, cruel and unjust.

Further, it appeared, that if the father choose to avail himself of the law as it now stands, he may apply it to the extortion of personal, pecuniary, or other unjust concessions from the mother, and may still have the right to bar her from all access to her children.

The case of Mrs. Emanuel, who had married a French emigrant, was cited in illustration of pecuniary extortion.—The lady, before her marriage, was in possession of about 700*l.* a year, which on the marriage was settled to her own use, with certain contingencies. The husband, however, had received 2000*l.*; but not being satisfied with this settlement of the property, he persecuted his wife to make her will in his favour. She had the firmness to refuse: he then threatened to take her out of the kingdom, but this was barred by a covenant of the settlement. He next threatened to take her child, an infant scarcely five or six months old, out of the kingdom; and he succeeded in tearing the child away from its mother, and placing it in the custody and care of a hireling nurse. Application was, therefore, made to the court on behalf of the wife for access to the child; and though the Court admitted that nothing could be more base or infamous than the motives by which the father had been actuated, still, as the mother had no legal right to interfere, as the father had hired a nurse as a substitute for

the mother, and as the child was not suffering in health, the Court could not interfere and afford the redress sought.

The case of Mrs. Greenhill illustrated another mode of marital despotism and cruelty, and was of this description.—She had three daughters, the eldest about six, and the youngest about two years of age, and was living with her children at Weymouth for the benefit of her health, when she received information that her husband had been living in adultery with a female of the name of Graham for upwards of a year. She was astonished at the intelligence, and on consultation with her mother and her friends, was advised by them to apply to the Ecclesiastical Court for a divorce. The husband then sent his attorney to her, and threatened that if she went on with the ecclesiastical suit, he would take the children from her. Erroneously supposing that she had a right to retain possession of her children, she went on with the suit for a divorce. Subsequently, however, proceedings took place in the Courts of Chancery and King's Bench, and there it was ultimately decided that the wife must not only deliver up the children, but that the husband had a right to debar the wife of all access to them.

The harshness and severity of the law, it was observed, were increased by the fact, that with the mother of an illegitimate child no person, not even the father, could interfere as to her possession of her offspring; and yet the mother of legitimate offspring, the woman of irreproachable conduct and character, was by the law stripped of all control, and even access to her child.

The rational remedy for this evidently is, to take

the custody of the children entirely from the guilty father, and transfer them to the care of the mother, or to such other person as, under the circumstances of the case, it may seem proper to name for that purpose.

As nature gives the husband the supreme command in his family, it is inevitable that he should have the disposal of his children so long as he lives: but at his death, that power seems to devolve upon the wife, who then becomes the only natural guardian and governor of her children. Our laws, however, give the husband the power to deprive the child of its mother, by ordering into other hands, where her affection and care can be of no service to it.—Thus a man may have only one daughter to whom he bequeaths his whole fortune under this restriction, that she shall forfeit it, if, after his death, she, upon any occasion whatever, knowingly converse with, or visit his widow, the young woman's own mother; in case of his daughter's disobedience to his will, in this respect, he may leave his fortune to an ill-natured relative of his own, who may always have hated his wife, who may have been the occasion of his using her ill, and who would therefore be sure to take advantage of the forfeiture; and the unhappy mother may consequently be constrained to give up all interest in, and conversation with, her child for ever—her jointure being too small to support them both.

In answer to remonstrances of this kind, we are told that the law supposes the father to be the best judge whether the mother is capable of educating their children.—Certainly, however, no such power as this should be tolerated, except upon condition that the

husband has adduced legal proof of his wife's unfitness to have the care of his children.

It may also be said, that this power is a security to the children, in case the mother should marry again, and put herself and children in the power of another master.—But this should be limited and duly defined by law.

Thus, wives in England are in all respects, as to property, person and progeny, in the condition of slaves. Thus has man made woman a slave, and himself at once a tyrant, and his slave's companion, not less degraded than she is. Exercising jealousy, surveillance and sometimes cruel severity, for errors which he hourly commits with impunity, he has had dissimulation, deceit and ridicule for his reward. There can be no other relation between tyrant and slave.

It was shown, in my work on Intermarriage, that woman, owing to the great development of her vital and reproductive system, has actually greater need of love than man. It is known that man, notwithstanding his less need of love, is almost universally guilty of infidelity. It is evident, then, that woman, even if she had none of the love of variety which actuates man, is thus subjected to an unjust privation; and for this, many will think that she has a *natural* right to seek compensation elsewhere. That it is a frequent cause of infidelity, there can be no doubt.

But we now see that man, moreover, subjects woman to a slate of slavery in regard to property, person and progeny; and it is impossible that this should not lead to far more extensive infidelity.

Those who know that the laws of nature are simple

and uniform, applicable alike to what are called physics, and what are morals, need only recollect that action and reaction are equal.

It is absurd to suppose that woman will avoid seeking relief from any given oppression, in every other direction that may be free to her. She will either passively profit by opportunities offered her, or she will liberate herself by the incessant employment of her senses and her observing faculties, which I have elsewhere shown are relatively greater than man's, and are conferred by nature chiefly for the guidance of that large vital and reproductive system, which they always accompany, and the exercise of which is the main object of her existence.

The development of the organs of sense, so closely accompanying the development of the vital and reproductive system, ensures the pleasures attending its acts; and the development of the observing faculties accompanying the development of that system, provides for and ensures these pleasures, in spite of him who would cheat and prevent them, and who, in the unequal contest between brute force and intelligence, becomes an object of ridicule and contempt.

How completely ludicrous, then, is man's infliction of encreased robberies and oppressions, in order to remedy what his robberies and oppressions have caused.—In the next Part, we shall see the consequences of all this.

PART V.

INFIDELITY.

It must to us appear strange that it was a frequent practice, in some parts of Greece, for men to borrow one another's wives. It was, indeed, a bad substitute for dissoluble marriage.

We have, however, the following account of this practice among the Spartans, from Plutarch.—"Lycurgus, the Spartan lawgiver, thought the best expedient against jealousy, was to allow men the freedom of imparting the use of their wives to whom they should think fit, so that they might have children by them; and this he made a very commendable act of liberality, laughing at those who thought the violation of their bed such an intolerable affront, as to revenge it by murders and cruel wars. He had a good opinion of the man, who, being grown old, and having a young wife, should recommend some virtuous and agreeable young man, (that she might have a child by him to inherit the good qualities of such a father, and

should love this child as tenderly as if begotten by himself.) On the other side, an honourable man, who had love for a married woman, on account of her modesty, and the well-favouredness of her children, might with good grace beg of her husband his wife's conversation, that he might have a scion of so good a tree to transplant into his garden; for Lycurgus was persuaded that children were not so much the property of their parents as of the whole commonwealth, and therefore, would not have them begotten by the first comers, but by the best men that could be found. Thus much is certain, that *so long as these ordinances were observed, the women were far from that scandalous liberty, which hath since been objected to them.*"

One of the principal punishments at Sparta, says Montesquieu, "was to deprive a person of the power of lending his wife, or of receiving the wife of another man, and to oblige him to have no company at home but that of virgins."

Lycurgus warred against the selfish principle of humanity. That, however, is a fundamental principle—the *first spring* of human action: it may be regulated: it cannot be proscribed. In harmony with this, and not less erroneous, was the still higher effort of the Stoics to be independent of things extrinsic, to regard only virtue.—What a glorious people were the Greeks!—their very errors more admirable than the truths attained by other nations!

It is evident that Lycurgus thought that men's minds were more directed to the general weal of the Republic by being severed from peculiar ties. In Sparta, the children were accordingly brought up at the public expense; they were ordered to consider

themselves the children of the people; and they were grateful to their country. A Spartan boy owed no gratitude to his parents: he was literally *filius populi.*

While, also, the virgins of Athens were guarded attentively, and almost condemned to similar confinement with those of Asia, the married women enjoyed perfect liberty, as we are informed by Xenophon. "*Provided,*" says he, "*that peace and friendship continue to reign in houses, every indulgence is discovered for mothers, by sympathising with all their natural defects; and even when they yield to the irresistible tyranny of their passions, it is usual to pardon the first act of weakness, and to forget the second.*"

Socrates accordingly obliged his friend and pupil Alcibiades, with the conversation for a limited period of Xantippe, a lady as remarkable for personal attractions as for impracticable temper. The laws, I may add, of that city permitted heiresses to apply to their husband's nearest relation, in case of his impotence.

It would certainly be difficult to mention higher authorities than Lycurgus, Socrates and Xenophon, or more flourishing states than Sparta and Athens, in their times. But I hold not this as an excuse for the errors here involved.

Among the Romans, similarly, if a woman had borne her husband three or four children, a young man might borrow her for a few years of her husband, to live with him till she had brought him the number of children that he desired.

We are told by Plutarch, in his Life of Cato, that Quintus Hortensius, a man of signal worth and approved virtue, was not content to live in friendship and familiarity with Cato, but desired also to be

united to his family by some alliance in marriage; that therefore, waiting upon Cato, he began to make a proposal about taking Cato's daughter, Portia, from her husband, Bibulus, to whom she had already borne three children, and offered to restore her after she had borne him a child, if Bibulus was not willing to part with her; that Cato approved very much of uniting their houses, when Hortensius, turning the discourse, did not scruple to acknowledge that it was Cato's own wife that he really desired; that Cato, perceiving his earnest inclination, did not deny his request, but said that Philip, the father of his wife Martia, ought also to be consulted; that the father being sent for, came; and he, finding they were well agreed, gave his daughter Martia to Hortensius, in the presence of Cato, who himself also assisted at the marriage.

Yet, Montesquieu says—"So many are the imperfections which attend the loss of chastity in women, and so greatly are their minds depraved, when this principal guard is removed, that, in a popular state, public incontinence may be considered as the last of miseries, and as a certain forerunner of a change in the constitution.—Hence it is that *the sage legislators of republican states* have always required of woman a particular gravity of manners!"—The facts are before the reader.

Even in more modern times, this subject was much debated. Tertullian, one of the Christian Fathers, in his defence of Christianity, notices the practice:—"All things," says he, "are common among us, except our wives; in that one thing, we admit no partnership—that in which other men are more professedly partners." St. Austin also was one of those who

wrote on this subject, and, though he seems fearful of positively countenancing it, he does not condemn it. And a recent writer says, "Though this to a modern may seem a very strange custom, it would doubtless be less injurious to the purchaser, than his associating with a variety of women would have been, according to the practice of the youth of these kingdoms."—If there existed only this dilemma, our condition would indeed be an unhappy one.

With or without permission, however, we know that infidelity of all kinds exists also in our times.—Its foundation, therefore, in nature, perfect or imperfect, and bad as may be its consequences, is obvious.

All women, indeed, are pleased with admiration and homage; and few perhaps are displeased at disobedience induced by excess of passion. Few, moreover, are capable of resisting continual opportunities, unwearied perseverance and flattering seductions, when they coincide with natural feelings; and she who yields the slightest favour, too often finds herself compelled to pardon more than she ever dreamed of granting. This it was that made Montaigne exclaim "Oh le furieux avantage que l'opportunité!" and that made Pope say, "Every woman is at heart a rake."

Certain it is, that, once subdued, woman seems to be so for ever.

But whatever the offence or crime in this (and I am not disposed to palliate it,) man has an equal share. Let others tell the truth—"La foi conjugale est sans cesse violée dans les grandes socciétés policèes. Il est peu de maris qui soient fidèles à leurs femmes; il est peu de femmes qui soient fidèles à leurs maris. L'homme, étant le plus fort, a fait décider par l'opinion que

cette action de sa part ne méritoit presque pas de blâme."

Heartily do I agree with Mr. Thomson in his detestation of the system of sexual pretended morals referred to in the last sentence—the making the very same actions indifferent or meritorious, and always unpunished, in the stronger party, which are called vicious, sinful and always cruelly punished, in the weaker party. The infamy of that system has been well shown by Madame de Stael.—"Love is the history of woman's life; it is an episode in man's. Reputation, honour, esteem, all depend upon a woman's conduct in that point; whilst, in the opinion of an unjust world, even the laws of morality seem suspended for ever in their intercourse with women. They may pass for good men, and yet have caused the most poignant sorrow, that human power can create in the breast of another; they may pass for honest men, and yet have deceived women; and they may have received services from a woman, and marks of devotion that would bind together two friends, two comrades, and attach eternal dishonour to him who should ever forget them; these they may have received from a woman, and yet free themselves from all, and attribute all to love, as though that sentiment, which is an additional gift, could diminish the value of the others. Some men there doubtless are, whose character forms an honourable exception; but so general is the opinion on this point, that there are very few who dare announce without fear of ridicule, that delicacy of principle in affairs of the heart that a woman feels herself compelled to affect even when she does not feel it."

Byron has well availed himself of this thought:

> Man's love is of man's life a thing apart,
> 'Tis woman's whole existence; man may range
> The court, camp, church, the vessel, and the mart;
> Sword, gown, gain, glory, offer in exchange
> Pride, fame, ambition, to fill up his heart,
> And few there are whom these cannot estrange;
> Men have all these resources, we but one,
> To love again, and be again undone.

All this is more base, because the vital system is larger, and the necessities of love greater, in woman than in man—a philosophical truth which is well implied in the words of Madame de Stael just quoted, "Love is the history of woman's life: it is an episode in man's." And to the baseness is added stupidity and falsehood, when we are told that the consequences to society are not the same from a violation of chastity by one sex as by the other.

It is all this, that almost always and everywhere makes man an object of laughter when he is out-witted by the feebler being whom he struggles to subject to an unequal compact. This, the ancient mythology has not overlooked in the mishap of Vulcan in entrapping his wife Venus, and his being subjected to the derision of all the gods.

The conduct, then, of a vast number, especially of the higher classes in France, England and elsewhere, greatly resembles that of the Athenians, as described by Xenophon. Many, of course, will reprobate such licence: some, perhaps, will vindicate it. My opinion has been already expressed; and my business now is, first to inquire into those circumstances or motives which lead to that licence. With the varying practices of both ancient and modern nations before him, the curious inquirer will go into this discussion, quite

unfettered by the creeds, laws, or opinions, of any one people. The question belongs to human nature, and not to any age or tribe.—It is necessary to discuss the matter philosophically, and to begin *ab initio*.

An intelligent French writer says—"Of all social institutions, marriage is that of which the laws are the most difficult to determine, because they are in opposition to those of nature. Society says to two newly married persons—'You shall love each other while you live: you shall pass together the remainder of your days.' But the laws of nature more powerful than those of society, say—'Every sentiment weakens: satiety supervenes: when we seek to vary pleasure in every other affection, in order to banish that uniformity which always induces ennui, why demand in this one a constancy of which man is so little capable?'"

It is certainly undeniable that novelty is essential to the highest enjoyment of every sensual pleasure. The reason, therefore, is evident, why in this respect love differs from friendship; and we have hence the foundation of the French phrase, "jeune maitresse et vieux amis!" But let us not lay the burthen of this immorality upon our neighbours. The following old English anecdote is well known: "A gentlewoman comming to one that stood at a window reading a booke, Sir (sayd she,) I would I were your booke (because she loved the gentleman.) So would I (quoth he,) I wish you were. But what booke would you have me bee (sayd the other) if I were to be so? Marry, an Almanacke (quoth the gentleman,) because I would change every yeare;" and Mr. Moore says:

"'Tis not that I expect to find
A more devoted, fond and true one,

With rosier cheek or sweeter mind,—
Enough for me that she's a new one."

That variety is essential to the high enjoyment of every sensual pleasure, is indeed easily proved, by considering the various senses.—The varied surface of the sphere in which (in popular language we may say) no one point lies in the same plane with another, is most agreeable to the sense of Touch.—The Indian anana, or the honey Hymettus, or any one of the most exquisite viands which the vegetable or animal world presents, if perpetually used, would pall upon the appetite, and, after nauseating and disgusting, would at best terminate in a happier insensibility; while the due succession and blending of a few such viands would gratify the most luxurious taste.—The perfume of the rose, if long and continually inhaled, would cease to be distinguishable; but, if varied with those of the lily, the violet, and the honeysuckle, the most delightful odour impresses the sense of smell.—One continuous sound, eternally vibrating on the ear, would tease, or torture, or stupify the sense; while a succession of varied compound or even simple sounds, charm the ear, and agitate and control every passion of the mind.—A vast and unbroken expanse of one colour, on all sides surrounding us, seems at first to oppress, and than to benumb both the organ of vision and the brain; while a variety of resplendent colours delights the eye, and excites feelings of gaiety in the mind.—If, then, variety be thus essential to the high enjoyment, nay even to the existence, of every sensual pleasure, it is evidently impossible, that it should not be more necessary to that sensual pleasure which is a combination of all these. It would, indeed, be an

absurdity to assert, that less variety belongs to a compound operation, than belongs to each of the simpler elements of which it is composed.

Now, it cannot be denied, that this natural love of variety in pleasure has some relation (I attach not much weight to this) to certain circumstances and dispositions of the sexes, namely, the impetuous passion, the disposition to attack, which nature has implanted in man,—the disposition of woman to defend, —and the frequent periods in which woman may not indulge in love.

All this, it may be said, tends to prove that variety is natural to man only, and not to woman; but the reflection, that variety on one part necessarily implies variety on the other, shows the erroneousness of this conclusion, and that, more passive though she be, the love of variety must be quite as natural to woman as to man.—And this is independent of the greater magnitude of the vital system of woman, and her greater necessity for love!

In conformity with these facts appears to be, the actual practice of nations, the chief difference seeming to be, that a disposition to voluptuousness, or to levity, renders the practice open, avowed and tolerated among the Italians, Spaniards, French, &c. where the cicisbeo, the cortejo, or the bon ami, is the indispensable, and sometimes mutable, appendage of every fashionable woman; while a disposition to secrecy, or to circumspection, renders the practice more or less private or concealed among the Germans, English, &c. who, with a larger vital system, have the forehead more developed, and consequently greater observing faculties, and greater power of concealment.

He who, on this subject, is above national and vulgar prejudice, and desires calmly and dispassionately to know among which of the nations now mentioned, errors of this kind most prevail, has only to observe in which of them the vital and especially the glandular and secreting system is most developed.

Thus, the practice of love is every where prevalent, and is only modified and regulated by the other points of national character. Even in England, we find a vast number of men, who, vaunting the chastity of their own wives, have the vanity to hint at their irresistibility and their success with all other women; as if it were possible, that, of any two such men, thus fondly confiding in his own, and too successful with his neighbour's wife, each should not be wrong. There, also, the consequence, which it would be idiotcy to deny, is, that for one faux pas detected, thousands must be concealed; while, even among the cases detected, for one action of crim. con. thousands pass unnoticed.

In these affairs, certainly, a vast difference exists between the conduct of the young and the more experienced woman. In early life, woman shrinks from an indelicate word or thought. She conceives, that to shun these, is commanded by taste as well as by modesty. But taste becomes duller; modesty, less rigid. As life advances, the duties of a wife render the indulgence of such tastes more difficult: those of a mother, render them most so. The mature woman often concludes, by considering the tastes and the delicacies of the young one, as so many fantasies and affectations.

When modesty is thus overcome by the natural

progress of life, it is certainly a less infelicitous circumstance than when it is crushed and destroyed by abrupt and necessitous events: for it is a truth too well known, that many a woman, neither weak nor worthless, but cast upon the world, and unable to provide for herself, has owed maintenance, and even the the preservation of life, to the scarcely evitable surrender of the delicacy and the modesty which education and sentiment had inspired. Nature has not so sternly commanded the sacrifice of life, rather than the yielding to her own most powerful seductions, as not to be sometimes disobeyed by the loveliest, the gentlest, and the most contrite; and it is also a well-known fact that many a generous and manly heart (careless of the affectation, the hypocrisy, the successful concealment, and the satire of others) has triumphed in snatching from perdition those virtues, which, "like precious odours, smell the sweetest when crushed."

Such, indeed, is the liberality or laxness of the higher classes, combined, perhaps, with the consciousness of their own fallibility, that in whatever belongs to the sexes, their chief demand is respect for public opinion: declare nothing; and they enquire nothing. How many cousins, nephews, and neices, do we find in the same circles, of whom these fictitious appellations offer to society, which is thereby respected, an apology which is neither blamed nor investigated! How many husbands and wives in England can, owing to peculiar and unfortunate circumstances, offer to the world no other pledge of their being married, than that solemn assurance of being so, which alone suffices as a form of marriage in other countries, and is itself a pledge

of mutual honour, the slightest violation of which would justly expel them from social life.

Universal as are these events, and right or wrong as they may be deemed, all must agree in blaming the fashionable practice of frequenting the parties of ladies, who, by bearing other names, not only declare themselves not to be the wives of those with whom they are notoriously connected, but display contempt for every decency. In such cases, it must, nevertheless, be allowed, that illustrious association, immense fortune, luxurious profusion, and voluptuous indulgence, find ready apologists. Nay, we seem not so far behind, even the Spartan practice of virtue, as some moralists would have us believe; for even in borrowing and lending of wives, we have Lycurguses in the very highest rank of society; and the legislator of Lacedæmon was lately rivalled, even in England—"high-moral-feeling" England, by the sexual reciprocity between the prince and the courtier.

That sexual love, however, which, in its notoriety, disrespects society, is, even independent of other and more substantial consequences, at least as blameable as the epicure's gross and obtrusive description of the indulgence of his appetite, or any other description of sensual pleasure, at which all persons of sense or sentiment revolt.

We have hitherto spoken of these things without relation to moral and political consequences; or we have illustrated them by the actual practices of society. We shall see, that, if these consequences be not regarded, their causes are innocent. In short, the morality that has regard to aught but consequences, is fit only for a conventicle or a lunatic asylum.

Now, all the consequences of sexual infidelity have a relation either to its influence on the domestic affections, or on irregular progeny.—Let us examine these two great heads in succession.

I. On the subject of domestic affections, we have only to enquire, whether, and how far, they are diminished by sexual infidelity.

Domestic infelicity, resulting from sexual infidelity, undoubtedly occurs in greatest excess to young people whose want of experience, ignorance of the world, and sanguine expectations, are very often, in themselves, sources of misery. The wants of physical love, which actuate them powerfully, though unseen and undefined, and the attractions of beauty, which may be more or less partial, completely blind them to almost every circumstance in the character of the person with whom they accidentally associate. The imagination, rendered active by the excitement of love, associates the peculiar form of the person beloved with the gratification of the passion itself;—the former is felt to be a necessary condition of the latter;—and so complete does the unity of the passion and its object become, that the privation of the latter is felt as threatening the very existence of the former.

Where the imagination has been so active, and has decorated its object with so many ideal charms, it generally happens, that a period of possession and indulgence, short in proportion to the previous allusion as to character, dispels the charm. A period of satiety ensues, during which the disposition to love becomes imperceptibly less ardent, and the occasions of love become gradually less frequent. Periods of apathy, or of irritation, afterwards succeed; in the former of

which both parties feel somewhat ashamed of the puerile and extravagant ardour of their former passion; and in the latter of which, the asperity of their remarks is in proportion to their former illusion. Each, then, begins to think that an error has been committed; and each, to suspect the other of regretting it.

Moreover, before marriage, the parties are always endeavouring to appear amiable to one another; and their real character and disposition are almost universally cloaked under a refined and, in woman, an instinctive dissimulation. Differences of feeling, temper and aspiration are consequently now discovered. Most pairs, accordingly, soon seem to resemble a couple of hounds, tied together by the neck, and generally dragging in different directions.

When, now, the hours of recrimination or of gloom are relieved by the accidental call of a youthful, and perhaps attractive, male or female visitor, the features of the young wife or husband are lighted with a smile to receive them, partly from gratitude for the relief they bring, partly from contrariety. The lightened features and glad welcome, are instantly observed by that individual of the married couple, whose sex resembles that of the visitor, who is consequently, in imagination, transmuted into a rival. The other member of the married couple, now probably coquets with a fourth person by way of retaliation; and that which began in capricious spite or sport, sometimes ends in dangerous attachment.

The first objects of this coquetry may not be the successful lovers; these objects may vary with the pe-

riods of dissension and distaste ; and years of mutual jealousy and surveillance may precede the detection of that overt act which society considers *the* crime.

If, at last, the husband be the criminal, he generally escapes with little injury either to fame or fortune. If the wife be the criminal, the persecution of the world, and incapacity to make honourable provision for herself, very often compel her to recruit the rank of concubines or courtezans. She becomes the sport of society ; and her innocent and helpless children are often spoken of, as deeply tainted with their mother's disgrace. It is in vain, that their presence, for a period, constitutes a powerful appeal to the heart of their father ; the ridicule of the world often compels him to punish, with eternal perdition, the error of a moment ; and so tremendous sometimes is the struggle, even in the most generous breast, between the sentiments which the maxims of the world have produced, and the kindlier yearnings of the heart, that this struggle has become a theme in the Stranger of Kotzebue, who has been compelled to let the curtain fall over the conclusion of the heart-rending scene,—a conclusion which would be too happy for the wretched, unforgiving and malignant gloom, so necessary to the honour, virtue and happiness of society !

It sometimes, indeed, happens, that the seducer, or the favourite, is generous or grateful, and espouses or protects through life the woman he has loved ; while, on his part, the husband forms a new and maturer association ; and then is also sometimes seen the phenomenon of persons who had lived unhappily together, now living happily with mates who are perhaps neither

more attractive, nor more virtuous associates. Increased experience, benevolence and liberality, are perhaps, sometimes the basis of this late-attained felicity.

Here, however, we certainly have the attestation of "the good and moral Plutarch," as already quoted, that when a certain degree of natural liberty was allowed to the Grecian women, they were less licentions than in after times, when that liberty was taken away. We must also admit, that, in modern times, and in our own country, there appear to be many instances in which men and women have indulged in temporary and evanescent loves, blameable as these are, without having utterly or fatally neglected their wives, husbands or families. There are, perhaps, few men, and fewer women than is commonly imagined, who have not indulged irregular pleasures; and, if the number of abandoned, ruined or neglected families were as great as the number of husbands or wives who have sinned in this respect, this sin would, perhaps, be the most extensive, and this calamity the heaviest, that England ever had to endure.

It is, in truth, a fact which must not be denied, that temporary indulgences and passing amours rarely lead to permanent attachment to one party, or lasting estrangement from another. The very facility of indulgence, or indulgence however obtained, annihilates the passion, and defeats that association, intimacy and friendship, which would be the essence of a new domestic affection. If, indeed, variety be the very soul of such indulgence, it would be as absurd to fear from that indulgence any lasting effects, as it would be to fear the permanence or the invaribleness of variety.

It is, moreover, well known, that the jealousy of

one party so powerfully tends to the estrangement of the other, that it is almost always the jealousy of that party and the persecution consequent to it, which drive the other from home. And it sometimes is not without a long continued course of these that that end is effected. Nay, it is astonishing with what difficulty people detach themselves, even from bad mates; for that evanescent love which depends on variety, and which is absolutely abhorrent of permanence, opposes not even an obstacle to the lasting sentiment which is founded on ancient association, long-continued love, the knowledge that the world has thought them one, and expects to find them so, the fear of disgrace and obloquy, &c.

Justice, then, demands our acknowledgment, that conjugal infidelity injures domestic affections in the greatest degree, when jealousy and persecution ensue.

Now, although this jealousy and persecution are not the act of the individual in whom the infidelity occurs, and although jealousy, far from being a proof only of love, is, to a great extent, a proof of selfishness and injured pride (for love, if free from these passions, would, within certain limits, rejoice in every pleasure of the object beloved,) yet as infidelity may excite jealousy and persecution, its influence on both parties is at least so far to be deplored.

If to this excitement of jealousy and persecution, be added, certainly *not necessarily*, low and degrading or improper association, indecent exposure of sensual indulgence, and great waste of either time or fortune; then, if I mistake not, we see the sum of injury to the domestic affections which the worst species of sexual infidelity may produce.

Martinelli, in his History of Civil Life, relates the following story—the scene of it Florence while he was a resident there: "A person of rank, having married a lady of virtue and beauty, happened to cast his eye upon a girl, who being poor was easily induced to comply with his desires. The lady, sensible of some abatement in her husband's love, soon discovered the true cause; and finding, on closer examination, that her rival's apartments were very meanly furnished, she gave directions for fitting them up with an elegance suitable to her husband's condition. At his next visit, the husband was not a little surprised at so agreeable an alteration, and commended the good use she had made of his liberality. His charmer told him, that they were of his own sending, at least they were brought by men in his livery. This led him to understand whence this new furniture must come; and, upon his returning home and questioning his lady about it, she answered, that such was her affection for him, that she loved him in all places, and was desirous of doing any thing for his convenience, credit and comfort. This behaviour effectually broke off the new intrigue, and occasioned him to confine his love entirely to his deserving lady, who had the generosity to settle an annuity on the forsaken girl."

We are also told of "a lady, who, on her husband's first intimating that he apprehended she liked some other man better than himself, pretended to fall into a violent fit of laughter, and then taking him round the neck, said to him—'Take care, my dear, that you do not make me vain. I now think myself both happy and honoured in being your wife; but if you are jealous of me, I shall imagine there is something extraor-

dinary in me.'—By this method, which she constantly pursued whenever she perceived in him any indications of jealousy, she not only cured him entirely of that passion, but became more endeared to him by her wit and good humour."

And commenting on this, a recent writer says "How much more commendable was the behaviour of these women than that of those who rail at their imprudent or incontinent husbands, and by their conduct render that home which before was undesirable, quite hateful and insupportable! . . And though some may imagine that this kind of generous treatment is more than can be expected at the hands of an injured and insulted wife, there are many instances on record of women who have gone much greater lengths. Sarah, Leah, and Rachel, gave the most beautiful of their maids to their husbands. Livia preferred the passion of Augustus to her own interest; and the wife of King Dejaturus of Stratonica not only gave up a fair young maiden that served her to her husband's embraces, but carefully brought up the children he had by her, and assisted them in the succession to their father's crown . . . In my opinion, where there is any positive impediment on the part of the woman, it is much better for the wife to consent voluntarily and cheerfully to his choosing a concubine, than for him to become the victim of promiscuous intercourse."

II. On the second head, of irregular progeny, we have only to enquire how far sexual infidelity is productive of this.

Now, every person conversant in the physical nature of man, is well aware, that temporary amours are scarcely ever productive, and that it is chiefly con-

tinued ones which give origin to children. This cannot better be illustrated than by the case of courtezans, who, during a long career of licentious love, scarcely ever become mothers, but who, if afterwards married, are sometimes as productive as women who have lived the most secluded and abstemious lives. It is also well known, that the commonest women, who for petty crimes are banished from the streets of London to Australia, generally become mothers, on forming any regular connection in that new world.

Instead, then, of blaming infidelity on account of its irregular productiveness, it would in general be more just to blame it on account of its non-productiveness—on account of its useless waste of life and of its energies.

It must, however, be observed, that if the periods of association for sexual infidelity be of longer continuance, and occur between parties who are mutually capable of reproduction, and who mutually abandon themselves to that pleasure without which no reproduction can exist, then, irregular progeny may be called into life, and the crime of producing it, may be consummated.

Thus, in the *worst cases*, both jealousy and persecution on one hand, and irregular progeny on the other, may be the consequences of infidelity—evils assuredly sufficiently great, and sufficiently alarming to every reflecting mind—without the calling up of chimeras or the imposition of dogmas, which succeed only at the cost of destroying the reasoning powers.

Having now seen the degree of injury to the domestic affections which infidelity may produce, as well as that in which it is likely to contribute to irre-

gular progeny, let us examine to what extent it prevails in various nations—bearing always in mind, that, as has been already shown, both infidelity and its consequences result mainly from ill-assorted and unhappy marriages.* In doing this, far from apologizing for infidelity, I decidedly reprobate it: but I have here no other task to perform than that of succinctly relating the statements of the most philosophical observers of its practice in various nations. This being done, due reflection will follow.

Of the women of Russia, we are told, that they are in general pretty, and, though little instructed, are capable of learning with facility. Being generally, in consequence of ignorance, credulous and superstitious, they love whatever addresses their imagination, are charmed with the marvellous, and often pass whole evenings in listening to the tales told by their women, which amuse and attach them like children. Luxury and magnificence, naturally high objects in the esteem of such persons, are indispensable to them; and, as naturally, much of their life is passed in gambling, to which they are devoted.

Being of a grave disposition, their forms of society receive a sort of hardness when contrasted with the graces of the Polish women. If, however, in this respect they are distinguished from the latter, almost all of them resign themselves to the same eastern indolence, which seems to be a characteristic of the Sclavonic race. This is naturally associated with volup-

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* The evils of this indissoluble contract are enormously enhanced, when a young and innocent girl, the wretched victim of parental ambition, is forced into the embraces of a man whom she cannot love—perhaps of an ugly or decrepid old man.

tuous habits. Although, therefore, the prudery of the Russian women makes them judge severely of the Polish, and they call levity that pleasurable impulse which the latter give to society, we are assured by Segur, that "*Gallantry is as prevalent at Petersburg as at Warsaw. The first attraction, however, is concealed with more calculation; attentions are bestowed with more mystery; and pleasure is covered with a thicker veil.*"

It will further appear in the sequel, that as to infidelity, this thicker veil cast over it forms the chief difference between the women of more northern and those of more southern countries. As, moreover, this concealment requires a corresponding affectation of chastity in the northern women, it is often by an appeal to organization alone, that their functions in this respect can be judged of. Now, we find that the organization of the vital and glandular system is far more developed in the northern than in the southern races, and consequently that, among them, the necessities of love are greater. The northern races are accordingly more prolific than the southern. If the English and French are compared in this respect, it will be found that the former far excel the latter both in the development of vital organization and in productiveness: they are accordingly more loving, legitimately or illegitimately—a very different matter from the gallantry of their neighbours.

Of the women of POLAND, we are told, that they carry everywhere the desire to please, attractive charms, and a mixture of dignity with voluptuous graces; and that much of their time is spent in indo-

lently reclining on their divans, in as great a variety of attitudes as of costumes.

In these women, it appears, are found all the levity and coquetry of the French; and their manners and taste for society remarkably correspond. Their conversation, however, is more piquant from its originality; and there is not in their saloons, as in those of France, that monotony of rule which tyrannizes over conversation, and which formally prescribes nearly the same words, like the same usages, when once they have been adopted.

An anonymous but acute observer says, "*The sentiment which the Polish women inspire resembles love, but is, perhaps, rather voluptuousness or love of pleasure; and in their devotion to this, all agree.*" They possess, however, in general, grace and imagination. "They know," says the same writer, "how to embellish every thing by that magic which has in it something vague and indeterminate. They love nature without being natural, but their art becomes almost simple by its perfection; they cause themselves to be loved by the recollections which they leave and by the hopes which they inspire."

As to the women of ENGLAND, impartiality will, perhaps, be best ensured by quoting the observations of Segur, who was at once highly enlightened and unprejudiced.

Perhaps in no country are the condition and the character of women so much influenced by manners and the government. As the latter is an extensive aristocracy under the guise of a monarchy, personal objects as well as a love of country more extended than in monarchies, interest a greater number of men

in public affairs; and the importance of the women is consequently more confined to domestic matters.

English women, consigned to their true destination, says Segur, "contribute more to happiness than to pleasure. It would appear, however, that for some years past, a change has taken place in the manner of living; more time is passed in London; and *gallantry seems insensibly to establish itself.* A longer abode in the capital must necessarily lead to the relaxation of morals.

"English women live nearly in the same way with Turkish women, excepting only bolts and eunuchs. Without being so much under surveillance, *they are not the less under constraint.* Whatever superiority they may feel over their husbands, they are obliged to respect and to fear them; and they cannot attain to command them but by obeying. For their privations, their compensation is the high consideration which they enjoy. But *as soon as they commit the slightest apparent fault, and are less respected in the world, they commit it completely.*

"Nothing is so rare as those intrigues long kept secret, and which cease before they are discovered. According to English manners, it might be thought that this would often occur, and yet there are few examples of it: constraint speedily exposes these things. A woman does all she can to resist; she knows that the happiness of her life depends on her rejecting the pleasure of a moment; but *when all her efforts have been useless, she abandons herself to the sentiment without which she can no longer live, and renounces the world which she can no longer conciliate.*

"It is seldom, when love has caused such a proce-

dure, that the man who has made her commit this error is not anxious to repair it, and to espouse the woman whom he has seduced, and who without him would be for ever wretched. *They go to live together in the country, and to become every thing to each other.*" The French have no notion of such conclusion; and accordingly Segur makes upon it the following observations, which are best repeated in French. "C'est ce qui arriva à M. de Biron. Une personne à laquelle il avait cherehé à plaire lui avona, après quelque temps, qu' elle ne pouvait plus lui résister, et lui fit la proposition de s'enfuir dans un village d'Ecosse pour y vivre heureux le reste de leurs jours. Il eut toutes les peines du monde à éviter cet excès de bonheur."

Mr. Bulwer describes a less agreeable feature—the aristocracy of love—a branch, as I shall afterwards show, of the general aristocracy, which is the real character of the government—an aristocracy which, moreover, subsists by infusing (limitedly and safely) its own spirit into the people, by the simple but ingenious contrivance of expensive laws. These enable the man with the longest purse to trample upon all those who have shorter ones, and leave to these the rational and delightful compensation of trampling upon all who are still poorer than themselves. This is the real secret, unobserved by the people, of each grade in England despising that which is below it—as the barrister does the attorney, the attorney the bailiff, the bailiff the shopkeeper, whose throat he occasionally grasps, the shopkeeper the journeyman he employs, the journeyman the shoeblack, or the sweep, &c. &c. &c. In this they forget that each is on a level with the base menial who, being perpetually insulted by his master,

endeavours by way of compensation, to insult every person who knocks at his master's door. What else is the characteristic of a degraded slave? The freeman assuredly scorns equally to insult, and to be insulted.

"A poet on the banks of the Rhine," says Mr. Bulwer, "is irresistible—a lord on the banks of the Thames is the same. The lord indeed is a kind of poet—a hallowed and mystic being to people who are always dreaming of lords, and scheming to be ladies. The world of fancy to British dames and damsels is the world of fashion: Almack's and Devonshire House are the "fata morgana" of the proudest and the highest—but every village has "its set," round which is drawn a magic circle; and dear and seductive are the secret and indefinable, and frequently unattainable, charms of those within the circle to those without it.

You never hear in England of a clergyman's daughter seduced by a baker's son—of a baker's daughter seduced by a chimney-sweeper's boy. The gay attorney seduces the baker's daughter; the clergyman's only child runs away with the Honourable Augustus ————, who is heir, or younger brother to the heir, of the great house, where the races are given to the neigbourhood.

"When the Italian woman takes a lover, she indulges a desperate passion; when the English woman takes a lover, it is frequently to gratify a restless longing after rank; when a French woman takes a lover, it is most commonly to get an agreeable and interesting companion. As Italy is the land of turbulent emotion—as England is the land of aristocratic pretension—so France is the land of conversation; and

an assiduous courtship is very frequently a series of bon mots. You hear of none of the fatal effects of jealous indignation—of the husband or the lover poignarded in the dim-lit street; you hear of no damages and no elopements; the honour of the marriage-bed is never brought before your eyes in the clear, and comprehensive, and unmistakeable shape of £20,000.

In justice to the women of England, let us also consider the sources, as to sex and rank, whence, in some measure, these immoralities spring. We find that men, and those of the highest ranks, have not only so legislated as to afford what many will deem a *natural* justification of infidelity in women, but, with all the advantages arrogated by their sex, have set them the most flagrant example.

That Englishmen and English women were at no period exempt from strictures of this kind, history proves. Henry, in his History, says, "From a letter, now extant, that was written by Boniface, Archbishop of Mentz, to Cuthbert, Archbishop of Canterbury, so early as the year 745, it would seem that England had always been famous for the production of courtezans. In exhorting him to prevent so many English nuns from going on pilgrimages to Rome, he gives this reason for it: 'Because so many of them lose their virtue before they return, that there is hardly a city or town in Lombardy, France or Gaul, in which there are not some English women who live by prostitution, to the great reproach of your church.'"

Latimer, also, in one of his sermons, says, "Here is marriage for pleasure and voluptuousnesse and for goods. And that is the cause of so much breach of wedlocke in the noblemen and in the gentlemen, and

so much divorcing. And it is not in the noblemen onely, but it is come now to the inferior sort." Again, "There is such w———m in England as never was seen the like."

That the same may be said of all nations having a greatly developed vital system, we see in the Chinese. Du Halde says, "One of the Chinese classic authors considers the man as a prodigy of virtue, who, finding a woman alone in a distant apartment, can forbear abusing her." Montesquieu informs us that "the climate of China is surprisingly favourable to the propagation of the human species; that the women are the most prolific in the whole world; and that the most barbarous tyranny can put no stop to the progress of propagation." And a writer in Rees' Cyclopædia states that, "in that country, parents will make a contract with the future husbands of their daughters to allow them the gratification of a gallant."

The women of GERMANY, although their common country is divided into several states which are often at war, have yet great resemblance in condition and character, because they are all more or less formed by the same writings, and by a similar education.

The German women have generally less sensibility than the French. The first impression which has so much power over the vivid imagination of the Italian and Polish women, is of little consequence with them: habit attaches them more than figure or external qualities. Cold on being first addressed, they are attracted and attached in proportion as they discover in their lover the real and solid qualities which they themselves possess.

They have more sagacity in discovering the qualities of the heart than address in discerning those of the mind; and they may often be pleased as much by good actions as by beautiful ones. *They have often*, says Segur, whom I here chiefly follow, *a simple manner of loving which causes them to be seduced by nature and simplicity.*

They are, in some respects, intermediate between the English women and the French. Less reserved than the former, and less attached to their domestic duties, they have also less levity than the latter, and are less vain: they are more unimpassioned and less coquettish.

The women of PRUSSIA afford a proof of the facility with which the female sex assume all the various styles which manners, usages and the tendency of opinion present to them. The mind of Fredreric II. has left, in that kingdom, that philosophy which, as well as a warlike tendency, was a distinctive character of his government. The women, always in accord with the spirit of the time, have cultivated the sciences and literature. The generality, accordingly, have information, perhaps a little pedantry: they are not sufficiently aware that the spirit of the universities cannot form a substitute for elegance, delicacy, gaiety and grace, which are the real ornaments of their sex.

In a warlike country, where the men are always in camps or in garrisons, where the first object of existence is to be military, there remains little time for gallantry. However, without comparing it to that of Spain and of Italy, it exists at Berlin. *Love subjects the Prussian prude*, says Segur, *as it inflames the Italian*

voluptuary. Everywhere the end is the same: the differences exist only in the ways, the means and the times.

The women of AUSTRIA, those of Vienna in particular, are extensively devoted to the pursuit of pleasure; and it is notorious that *cicisbeism prevails among them nearly as much as among those of Italy.*

To understand the women of FRANCE, it is necessary to know their domestic relations; and of this the following picture by the able anonymous writer I formerly quoted, is far from flattering.

"In France, the lighter character of the men leads them to reflect almost aloud on their projects, even in the presence of those who depend upon them; and a husband, from the perpetual want to communicate his ideas, to receive others, and to make an exchange of them, identifies his wife, without wishing it, with all that he thinks. *His aim is indeed to command, to be the master; but he has placed the slave in his confidence.* Whether she is of the same opinion, or is opposed to it, she is in his secret. If they love each other, the union of their minds, of their thoughts, is perfect. If they love not each other—there is at least a communication of ideas which resembles confidence!

"The Frenchman informs his companion of his power, and discusses it with her: by this means he may alter it undoubtedly, at least it is established with more form. It is the same as to opinions of all kinds. There exists between the two sexes an habitual communication. The women accordingly speak, reflect, decide on every thing, things the most frivolous as well as the most important. They are more associated with the thoughts of the men. *The men finish always by making the laws of their houses . . . It is only by*

the recollection of force that they succeed in this . . . The renewed struggle is unceasingly established between the two sexes."

Moreau acknowledges that "*The principal trait in the character of French women is an exaggerated coquetry, carried to so great an extent that it can never be conciliated with true love; it is associated necessarily with vanity; and it gives the appearance of an exclusive and devouring ambition to the desire of pleasing.* Frivolous habits, a taste for luxury, and a host of little passions, which never produce happiness, are also mixed up in this disposition, and concurring with it in perverting that sensibility which forms the chief attribute of woman, they end by *developing a temperament the baneful effects of which can with difficulty be stayed by moral and medical treatment.*

"It has also been observed that *women whom this portrait resembles are very cold; that being continually amused with the worship which is paid them, they are less inclined to yield to the transports of pleasure, or even eventually acquire a horror at the conjugal duty.*"

These anthropological and philosophical views are necessary to the correction and qualification of the following more superficial statements of Mr. Bulwer.

"In France, *there is not even a shocking or humiliating idea attached to these sexual improprieties.* The woman, says la Bruyère, who has only one lover, says she is not a coquette. The woman who has more than one lover, says she is only a coquette. To have a lover is the natural and simple thing—nor is it necessary that you should have a violent passion [nor any passion but vanity] to excuse the frailty. Mademoiselle de l' Enclos, whose opinions have descended

in all their force and simplicity to the present generation, says, 'What attaches you to your lover is not always love—a conformity of ideas, of tastes, the habit of seeing him, the desire to escape yourself—la nécessité d'avoir quelque galanterie. "Gallantry"—that is the word which, in spite of all our social refinement, we have hardly yet a right understanding of.' [And never can have, without the devouring and morbid vanity described by Moreau.]

"There is nothing of passion in it—never expect a folly! Not one lady in a hundred would quit the husband she deceives for the lover whom (soi-disant) she adores. As to the gentlemen, I remember a case the other day: Madame de ——, hating her husband, rather more than it is usual to hate a husband, or liking her lover rather better than it is usual to like a lover, proposed an elopement. The lover, when able to recover from the astonishment into which he was thrown by so startling and singular a proposition, having, moreover, satisfied himself that his mistress was really in earnest—put on a more serious aspect than usual.—'Your husband is, as you know, ma chère,' said he, 'my best friend. I will live with you and love you as long as you like, under his roof—that is no breach of friendship; but I cannot do M. de —— so cruel and unfriendly a thing as to run away with you.'

"You see a very well-dressed gentleman particularly civil and attentive to a very well-dressed lady. If you call of a morning, you find him sitting by her work-table; if she stay at home of an evening for the 'migraine,' you find him seated by her sofa; if you meet her in the world, you find him talking with her

husband; a stranger, or a provincial, says, 'Pray, what relation is Monsieur —— to Madame ——?' He is told quietly, 'Monsieur —— is Madame ——'s lover.' This gallantry, which is nothing more or less than a great sociability, a great love of company and conversation [great vanity,] pervades every class of persons, and produces consequences, no doubt, which a love of conversation can hardly justify.

"I forget the cardinal's name, whom the conclave ought to have elected in order to suit the tablets of the mother of the great Condé, and of the beautiful Duchesse de Longueville. Is it not Madame de Motteville, who says that this great lady, sitting one day with Anne of Austria and the ladies of her court, was informed that the cardinal had been unsuccessful in his candidature for the papal chair.—'Ah!' said the good princess, 'j'en suis fâchée: il ne me manquait qu' un pape, pour dire j'avais eu des amans—pape, roi, ministres, guerriers, et simples gentilshommes!'

"I saw such a scene yesterday evening in the church of St. Roch," says Lady Morgan, "the rendezvous, as you know, of all the fashion of Paris. It was after vespers. I know not what tempted me to turn in; but, returning from a visit to a friend, who lodges opposite, I did so. I had scarcely sauntered up the nave, which was occupied only by two or three old women, rocking and praying in their chairs, when, to my surprise, I perceived the beautiful Duchesse de ——— moving along the lateral aisle. She had a lovely child by the hand. She looked so pious, and yet so pretty—there was such a veil of devotion over her habitual coquetry, that she had the air of a Magdalen, by anticipation, doing penance for the pecca-

dillo which she had not yet committed. She knelt before a priedieu, and drew forth her 'heures' from a reticule, casting down her dove-like eyes, and moving her beautiful lips. The child knelt and yawned beside her. While I gazed in admiration, another votarist appeared. It was our handsome Spaniard, que voilà! The duchess raised her eyes at the sound of his step, and dropped her prayer-book. The young count, of course, picked it up, but not before a billet was dropped from its leaves, and was picked up too, though not returned. He proceeded to the high altar, and the duchess continued to pray. They arose simultaneously from their devotions; and at the moment when she stepped into her carriage, the count, who was descending the steps, hurried to assist her. I should have done so too, but he was before me. She bowed with undistinguishing coldness to both, and drove off. The whole was a scene of Spanish romance; and as my acquaintance related it, it had all the colouring of one."

"We are great fools," said a Turkish ambassader in France, "to support a seraglio at a great expense: you Christians avoid both the expense and the trouble—*your seraglio is in your friends' houses.*"

In the women of ITALY, we observe every kind of agreeable sensation become the sole pursuit of a sex which there unceasingly seeks only to enjoy and to inspire pleasure. The amusement derived from the fine arts and the theatres, an indolent and voluptuous existence, and the enjoyments of love, there constitute the employment of the life of women.

In Italy, they hold early marriages so much in

esteem, that, says Misson, "in many churches and fraternities, there are annual funds established to raise portions and procure comfortable matches for poor maidens. And generally, all over Italy, care is taken, by such charitable foundations, to provide for the necessities of the sex."

To give, however, an authentic and indisputable view of the relation which indissoluble marriage has produced between the sexes in Italy, I make the following extracts from the *Istoria Critica dei Cavalieri Serventi.*

"Among the ancient Romans, a custom nearly analagous to that now to be described, existed in the borrowing and lending of wives.

"Among us, marriage, which, in conformity with the canon law, is indissoluble,* is merely an illusory contract, drawn up by a notary and ratified by a priest, between two persons who are united—generally not to live together.

"Under a law which would enslave both parties for life, if its operation were not counteracted, men know not how to esteem their wives; and esteem is the first bond for a being who has any noble sentiments. Honesty in women is therefore discouraged very speedily, because it finds itself without object or recompence. We may say, that if the husband deprives marriage of the sweetest and most consoling joys which love bestows upon it, it is neither unnatural nor painful for a lady to revenge herself, with the appearance, at least of happiness, on the careless despot who deprives her of the reality. She is

* As it is in England, owing to the adoption of our ecclesiastical law.

entitled to all the felicity of that state; and she is not unlikely to think it her own fault if she does not enjoy it.

"Example, moreover, bestows courage: it is generally first given by the husband, and then followed by the wife; and thenceforward they are too apt to prefer even the disorder of pleasures to that affectation of morality without object, which, even with those who mistake means for ends and words for things, serves no other purpose than that of tranquillizing conscientious prejudices. Hence springs disorder of conduct. A first choice is made; repentance follows it; a second takes place; repentance recurs; and finally there is, perhaps, less even of scrupulous selection.

"To render life regular in this country, however, this has been improved and reduced to a system, in which *cicisbeato*, a term of which the sound was probably meant to imitate the whispering of voices which murmur softly, expresses the state of courtship or love-making now to be noticed; *cicisbeare* (the verb) expresses its exercise; and *cicisbeo*, the person who exercises it.

"Now, as this practice originated with men, it is evident that husbands, serving themselves as cicisbei to other ladies, could not enjoy such a privilege except upon reciprocal conditions: they consequently made no scruple to exchange their own happiness for that of others. It cannot be doubted that men act in this manner, since we every where hear arrangements of this kind spoken of.

"Thus, the practice of the cicisbeato has become a law, not written, but of tacit agreement, sanctioned by fashion, and corroborated by time. *Nothing indeed*

proves better the tacit consent of husbands to the early gallantry of women, than the crowd of cicisbei devoted to their commands; and indeed we know that *it is often the husbands themselves who choose the cicsisbei during the first year of their marriage.*

"The cicisbeato, then, designates amongst us the state of a cavaliere chosen by a lady to serve her, to accompany her in her carriage to the promenade,—to entertain her, to amuse her,—in short to render time lighter to her. He is a free and voluntary servant, distinct from the mercenary one, a person now become one of absolue necessity, because the laws of the gallant world oblige a young married woman to have always similar servants at her command.

"Among the women, the fashion commenced with ladies of the highest rank and quality. Gradually those also of the second order have all adopted it. The women of the lower class alone live according to their ancient customs. Poor women indeed, being in general the most prolific, abounding in children and in misery, find neither the time nor the means for adorning themselves so as to captivate. Besides, jealousy, which was formerly one of the characters mostly given to the country, may still be found among the people.

"The circumstance that marriages are generally ill-sorted and always indissoluble, has been justly stated to be the first cause of this system. To understand also the origin of the strange consumption of time which attends it, it will be sufficient to observe that, in our country, the nobility and gentry have no desire to mix themselves in political affairs, that they would be ashamed of commerce, that they cannot

procure a military appointment either by land or sea, and that, in their large palaces, they neither divert nor occupy themselves with any thing except music and the reading of the journals.

"Under such miserable circumstances, if a man who is rich does not indulge either in gaming or wine, what shall he do? He has no other resource against ennui except the society of a lady. Those, accordingly, who for a long time have had recourse to such an expedient, have found themselves happy, however strange this may appear to him who does not understand it. According to them, nothing can soften the disgusts, and dissipate the bitterness of life so efficaciously, as the society of an amiable and agreeable woman.

"Supposing, that the more intimate relations which subsist with this lady, do not pass the limits of simple friendship, there is something more sweet and delightful in this conversation than in that of men. The heart of woman is more sincere, less interested, and more constant in its inclinations; and in general they have more sensibility and delicacy.

"'Very well, very well,' I hear some one whisper: 'all this may be true: but may not a man enjoy all these advantages in the same degree of perfection, though he have no other intimacy and friendship than that of his wife, and though he do not pay court to the wife of his neighbour? And may not a lady pay the same regard to her husband?' 'No, Signore, not at all,' replied a bello spirito, of whom I asked that question the other day. 'And why not?' 'Because that is not the custom.' This reply to a question so simple will not perhaps seem too satisfactory. Cus-

tom is secondary in its influence to the great cause, ill-assorted and indissoluble marriage: but it is still influential.

"Accordingly, nothwithstanding the most perfect harmony and the most constant union, which in families we observe to reign between the husband and the wife, such is the new or additional influence introduced by custom, that they must separate every evening to go to the conversazione or to the theatre—at least, if they desire to avoid ridicule and not to become the talk of every body. Notwithstanding this, married people thus circumstanced, are certainly happier than those whom, not custom and etiquette, but their own bad temper, or their aversion for each other, obliges to separate.

"It sometimes occurs, which is however very rare, that a young husband pretends to exempt his wife from this custom, and becomes very speedily the talk of the town; but that afterwards, becoming more experienced, and leaving his wife at liberty, he enters into the service of another lady.

"It is therefore established that a cavalier servente is a species of ornament which a married woman absolutely cannot dispense with.

"In our times, the cavalier servente has attained the highest degree of perfection and elegance. He is ordinarily a young but poor gentleman, whose means do not permit him to keep a carriage, and who thinks himself very fortunate to be admitted, under favourable auspices, into the most brilliant society, and to be carried to the theatre as the companion of his lady.

"It is not, however, always an easy thing to find a cavalier servente who pleases equally the husband and

the wife. There are cavalieri of whom the figure and the spirit must certainly suit much better the taste of the ladies whom they serve, than that of their husbands. Sometimes, again, the husband is poor, and the cavaliere is rich; and in this case they perhaps combine together more easily.

"At present, custom prescribes that the cavalier servente make a visit to his lady when at her toilet, where together they arrange the plan of their evening. He takes leave before dinner; and he returns soon after, to conduct the lady to the promenade, to the conversazione, to the theatre, and wherever she desires to go: he assists her in stepping up or down stairs, he shuffles the cards, he stirs her *scaldino*, and he afterwards reconducts her home, and restores her to her husband, who then re-enters upon his functions.

"Among the laws which are observed in the cicisbeato must be noticed this, that a lady cannot enter or make use of the carriage of the cavalier, her friend: it would be presumed that she was in the service of the cavalier, and this would be an offence to the laws of conventional etiquette. There are but few ladies who, not having carriages, venture to dispense with this law.

"It must be observed that a cavalier servente devoted to the service of a foolish, capricious and extravagant woman, of whom there are some in the world, must put in practice a degree of patience more easy to be admired than to be imitated.

"There are some ladies who have two, or more cavalieri serventi; and when there are several, the woman of fashion assigns to each of them his hour of service. There is nothing so whimsical as to see two

of these servants out of livery, of whom one enters at the moment the other comes out, salute as coldly as if they had never seen each other before.

"That which seems strange and even marvellous, is to observe that men, and men of spirit too, can consume so great a portion of their time in the minute and trifling service of a lady.

"I have, indeed, often heard it said, that the women of this country have the singular art of rendering slaves even for life of their lovers. That art, whatever it may be, does not seem to depend entirely on the attractions and the graces of the person, seeing that there are not a few of them who, even when their beauty is past, and they are no longer in the age of the passions, preserve the greatest ascendancy over their lovers. A young and rich man, for instance, may be seen to espouse a very beautiful lady, and not to cease on that account to render the same attentions to his friend now grown old.

"Many of these gallant engagements, accordingly, maintain themselves during a great number of years. There are some of them which may boast of ten, twenty, and even forty years' duration. We must therefore suppose that they are founded on reciprocal esteem, on the virtue and the merit without which the most intimate union infallibly languishes and is broken.

"It must be confessed that the condition of cavalier servente includes of itself some advantages to the cavaliere.—As it is a circumstance little honourable to a married lady, if in presenting herself in the world, she has to beg for a cavalier servente; so a young man who, in this country, should be unconnected with

any lady, would be suspected of bad character, of being a libertine, or at least of having the intention to become one. The cicisbeato gives a kind of occupation to young cadets of family, destined to celibacy by the mediocrity of their fortune, or by an absurd system (that of primogeniture) which has hitherto prevailed; and it saves them from the pernicious disorders to which unbridled youth, forming only bad acquaintance, is liable.

"A wild youth, be it understood, who gives himself up to libertinism, can with difficulty connect himself in friendship with a prudent and respectable lady, unless he has previously given unequivocal proofs of penitence and of change.

"The cicisbeato has also public advantages.—In our days, jealousy is not known, and finds no access, especially among the higher classes. There is scarcely any vestige of it even among the lowest class, where, as already said, the fashion is not yet followed. Our country is certainly indebted to this revolution in gallantry, for a safety and a quiet which have put an end to so many sad accidents, to so many tragical adventures, treacheries and violences of every kind, of which our histories are full. Duels especially, in which the rights of a man over a woman are decided by bloodshed, are no longer known. The character of the nation is changed; and perhaps the ladies alone have not all the advantage of this.

"Its influence extends even to foreigners. In numerous and brilliant conversazioni, all those composing them are disposed in couples; each cavaliere conversing with his lady, and at least affecting to speak of mysterious and important affairs. Unhappy

would he be who should attend one of these, without himself having some gallant engagement. He would be obliged to play the part of a tired spectator, or to depart without disturbing the well-occupied company with a useless taking leave. Strangers, therefore, soon seek to follow our example.

"I must add a few words to those foreigners who, in their books of Travels, affect to abuse this Italian custom. This is particularly the case with the English.

"Now, it is not a little curious, that, in effect, the English greatly resemble us in the preceding respects. It is a law of nature that similar causes produce similar effects; and it happens that the English marriage-law differs from that of other northern nations [even from the more enlightened and liberal law of Scotland] in being strictly founded upon our canon law, and that marriage is consequently among them quite indissoluble—the aristocracy of that country alone being favoured by being enabled by wealth to escape from its operation in paying for an act of parliament in their especial favour.—Marriage being thus indissoluble both in Italy and in England, second marriage, while the parties to the first are alive, is in both a crime. This is a crime which we shun, and which the English perpetrate—when they can pay for it. And these are the heretics who have raved against us about the sale of indulgences, &c.!

"But, as already said, similar causes naturally produce similar effects; and the whole difference in this respect between the English and ourselves, is, that their illicit love engagements are concealed, and ours (if illicit they really be, for that is much questioned) are

avowed—they add extensive fraud to the other evils inseparable from ill-assorted and indissoluble marriages. This concealment is adopted for two reasons,—partly to avoid the loss of the money, called damages, which must be paid to the husband by the lover for his wife (in England money buys everything,)—and partly to withhold all bad example. But this arrangement is rendered worse than vain by their notorious actions for crim. con., in which details of indecency are published of so disgusting a nature, that they would not be tolerated here, or indeed in any other civilized country.

"If it should be denied that, as stated above, the whole difference in this respect between the English and ourselves, is, that their illicit love engagements are concealed, and ours (if illicit they be) are avowed —that they add extensive fraud to the other evils inseparable from ill-assorted and indissoluble marriages, —we know that the moral life of the very highest class of English who visit this country is in no respect more praiseworthy than our own under the same indissoluble law,—we also know that their journals are filled with actions for crim. con.,—we know that where one action for crim. con. takes place, the love still remaining for the erring wife, or the public shame, or the want of money to defray their expensive law-processes, causes thousands to be hushed up and carefully concealed,—we know that for one case that is even thus hushed up, there must be hundreds of thousands which can never be suspected,—in fine, we know that human nature, whatever national pretensions may say, is everywhere the same.

"It is signally, therefore, to the honour of our coun-

try that, though ill-assorted marriages are formed (often contrary to the wishes of the contracting parties,) though an indissoluble contract cruelly prevents all escape from these, and though the worst that is said of the cicisbeato were really true, we at least, do not, like the English, add to our misfortunes the crime, equally voluntary and unnecessary, of deliberate fraud, but by a public, universal and honourable understanding, adopt the cicisbeato—often perhaps the real and respected marriage in Italy—the only means, perhaps, as their conduct would indicate, which are left to us, under existing ecclesiastical laws, to make amends for the otherwise inevitable miseries arising from this tyranny."

On all this, I will at present make the only comment, that if, with reference to our own system, we look around us to the state of married couples of our acquaintance, it certainly is astonishing to what an extent domestic unhappiness prevails.

On the subject of the effects of the cicisbeato as to irregular progeny, Bonstetten says, "The gallantry of women is the least inconvenience of ciscisbeism. The great evil which results from it, is, that of there no longer being any family. As the legitimate husband has never any but illegitimate children, he can have no regard for them.

He thinks fit, however, to qualify these assertions, by adding, "There are, however, women in Italy who will have children only by their own husbands. In speaking to an ecclesiastic respecting a very gay lady who had a husband of rather weak mind, I said, 'At least his children may have some talent.'—'I do not

believe it,' he replied, 'perchè non pianta mai che col marito.'"

Bonstetten ridicules this; but the priest understood the matter, and the traveller was ignorant of it.

Of the women of SPAIN, an American traveller (to whom, to Sir. A. Broke, and especially to Segur, I am chiefly indebted for the following notes) says "With all the foibles of these fair Spaniards, they are indeed not merely interesting, but in many things good and praiseworthy. Their easy, artless, unstudied manners, their graceful utterance of their native tongue, their lively conversation full of tact and pointed with espièglerie, their sweet persuasion, their attention to the courtesies of life—to whatever soothes pain or imparts pleasure, but especially their unaffected amiability, their tenderness and truth, render them at once attractive and admirable."

In Spain, until the instant when young women are married, they live in the convents or in the interior of their families. Before marriage, indeed, girls are scarcely seen or heard of, and the most innocent intercourse between the sexes is unusual and considered improper. We are assured, however, that even the convents are not exempt from love intrigues.

Matches, in Spain, are determined not by the inclination of the parties most concerned, but by the ideas of parents as to their suitability and convenience. As, moreover, the odds are twenty to one against either party caring more than a fig for the other before they are married, so the chances are not rendered more probable of their falling in love afterwards—at least with each other. The lady finds herself united to a man who in six months time cares much less for

her than for his cigar, and spends his days at the café and his nights in intrigue.

As, however, the marriage was entered into for convenience sake, so, because it is most convenient, *they live together without separating, and soon come to a tacit understanding not to interfere in each other's private arrangements, like the fashionable couples of the day.* Though conflicting loves and connubial jealousies often lead to deadly strife among the common people, very frequently to the destruction of the female, yet in the cities husbands have become more gentle, and the duels, so common a century or two since, are now entirely unknown. Than the modern Spaniard, there is, perhaps, no being upon earth who is less troubled with feelings of jealousy.

To please the Mahomedan taste of the Spaniard, his wife leads a sedentary life and grows plump; and in conformity with his gratification, we are told she consents to be frail.

Some years after her marriage, then, a young Spanish woman, commonly ignorant enough, requires to go into the world, to attend bull fights and assemblies; she desires, as a companion, a man who is agreeable to her, and frequently without loving him much at first, she attaches herself to him for fear he should attach himself to another: such is the cortejo. He differs from the cicisbeo in this, that the latter is sometimes the man devoted only to attentions, and not destined to favours, *while the cortejo is truly a favoured lover. While he reigns, no other intrudes, and if he is discarded, his place is seldom long vacant.*

This man, sometimes the friend of the husband, being less liable to disturb the order of the house, is

more convenient for the woman, and is preferred to a stranger, or to another, who should not have the same advantages. He is almost always an officer or a monk, owing to the facility which both have of introducing themselves into the house, and because equally indolent, they are more at home, and can be disposed of more easily. The monks have, however, lost much of their influence, and no longer succeed but with elderly women.

Attachments in Spain continue during a long time, and immediately assume an authentic and respected character. When two lovers quarrel, the relatives, the friends, hasten to reconcile them: every body is interested in this. It appears that this new union, which they have seen commence, is a contract to which they have been witnesses, and which they desire to maintain much more than the marriage in which they have not been consulted. A man accordingly who conducts himself wrongly towards a too faithless woman, or who renders her unhappy, finds it difficult to place himself in the same situation in regard to another. It is the same with the women, who are not esteemed except in regard to their conduct in love.

Nothing is more rare in Spain than a coquette; she may deceive a man, but she will deceive only one; she will excite general indignation.

In Spain, the mantilla borrowed from the Saracens as an appendage of oriental jealousy, instead of concealing the face, now lends a new charm to loveliness. The aunt and the mother still totter at the heels of the virgin with watchful eyes; but *the wife has no longer occasion to hoodwink her duenna, ere she receive the caresses of her cortejo.*

The women of Spanish America appear to resemble very closely their cousins of Europe.

The author of "Three Years in the Pacific" says, "It is very generally acknowledged that the Limanas exercise an almost unlimited sway over the gentlemen, whether husbands or 'cortejos.' Yet there is a most remarkable inconsistency in the habits of the people—where ladies are concerned. An unmarried lady is never permitted to go out without being attended by the mother, an old aunt, a married sister, or some chaperone; nor is she ever left alone with a gentleman, unless he be an admitted suitor. Now, it has often puzzled me to divine how young ladies, thus closely watched, can possibly find an opportunity to listen to the secret communications of their lovers. But it is this very watching which makes them such adepts in intrigue: the saya y manto is the talisman which saves them from every difficulty. In that dress, neither husbands nor brothers can easily recognise them; and to make the mask still more complete, they sometimes substitute a servant's torn saya, which precludes all possibility of discovery: their only danger is in being missed from home.

"This strict surveillance is at once removed by matrimony. *The married lady enjoys perfect liberty, and seldom fails to make use of her privilege.* Intrigues are carried on to a great extent in the fashionable circles."

The morals of Lima society may be gathered from the fact, that females, married or single, who are known to have yielded to amatory intrigues, are received in the fashionable circles.

The women of PORTUGAL, are, in this respect, sketched by Segur.

In Portugal, the husbands, at home, have an absolute power over their wives. Every thing in society evinces the dependent condition of women, and in some families, not at Lisbon, but in the Provinces, who maintain all the strictness of ancient usages, a stranger cannot address the wife without the permission of the husband. They are even almost forced to leave the apartment when a man enters it, who has not been brought thither by the master of the house.

Notwithstanding these precautions, love intrigues are as common in Portugal as elsewhere; and we are told that the women of that country "would think their charms slighted, if, when left alone with a man, he did not make love to them. At a certain time of the year, accordingly, a woman comes to confess her weakness to her spiritual director; and the result of this is a holy reprimand, and the order to break with her lover. She quits him for eight days, receives absolution, approaches the altar, and a few days after she goes to meet her lover again. Thus, then, loving and beloved, she passes her life in burning sacred incense and in intoxicating herself with profane: only the time which is devoted to the creature is much longer than that which is given to the Creator.

The women of the PORTUGUESE COLONIES resemble those of the mother country.

A lady living in one of the most populous villages near Funchal, told a friend of the author of Rambles in Madeira, that "she believed that *not a single woman, meaning of the peasantry in her parish, lived with her husband.* If this statement be any thing near

true, it presents a strange picture of manners,—and such as one would hardly think the existence of it compatible with the fulfilment of the general purposes of society. With *us*, there is no doubt such corruption would lead to the most frightful disorders—whereas *here* things seem to go on much as elsewhere; external decency is always consulted—more uniformly perhaps than in countries of stricter practice; and what is more inexplicable, *the domestic affections do not seem to suffer essentially* from a perversion which one would think must have poisoned the sentiment in its source."

From all, then, that we have said, infidelity appears pretty much the same among the Russians, Poles, English, Germans, Prussians, Austrians, French, Italians, Spaniards and Portuguese, as among the Spartans, according to Plutarch, and the Athenians, according to Xenophon; and no where can any other artificial cause be assigned for this than indissoluble marriage and its attendant evils.

PART VI.

DIVORCE.

Few, perhaps, are ignorant that "It is not enough that a woman is lawfully contracted and led home to the house of her husband, for these circumstances are only the signs of a marriage, but do not constitute one: the man and woman must both be capable of the first duty of marriage. Hence Justinian in his Institutes has decreed, that if such a woman loses her husband before she is properly viripotens, she was never lawfully a wife."—The law of England adopts this principle in effect.

It is impossible too strongly to condemn "the practice of men marrying young and healthy women, when they know that they have incapacitated themselves by their debaucheries . . . It is the duty of women to expose men who put a cheat upon the unsuspecting of the female sex; for in the Spiritual Court, *impossibilitas officii*, by a received maxim, ***solvit vinculum conjugii.***"

It matters not that a mere state of mind is the cause of this. "In the affair of the Earl of Essex and the Lady Frances Howard, in the reign of James the First, it was evidently, as Archbishop Abbot told the king, *vitium animi, non corporis.*"

In treating of Marriage, in Part III, I was obliged to sketch the general principles of Divorce, because no correct notion of the former can be formed without referring to the modifications and limits which it undergoes from the latter.

Dividing divorce into divorce properly so called, and repudiation, I there showed that, where children do not exist, all consideration of the propriety of divorce belongs to two independent beings, whose free and full consent can alone, with any justice, be required in that act; and that, in repudiation or separation with the consent of one party and without that of the other, if children be still absent, it is at most necessary that the repudiated party be fairly defended, and that justice be attained.

I appended the observation that neither divorce nor repudiation ought to be permitted until after a temporary separation of such duration, as shall prove that no progeny is likely to be the result of the marriage; and that it should be remembered that childless marriages of long duration are not the interest either of individuals or of society.

I next showed that the existence of children greatly modifies divorce and repudiation, and ought unquestionably to enhance their difficulty; that children constitute a third party to which the first and second have voluntarily surrendered some portion of their independence,—a party which, as it is helpless, demands

the interference of a fourth party in society; and that the new relations thus produced, indicate the mode of procedure required—the new interests to be satisfied.

I observed that, from this, it seems evident that divorce and repudiation where children exist, ought not to be permitted until the children have attained such age that they cannot materially suffer by the separation of those who have produced them, or by the desertion of either of them; that such is the indication of justice which nature affords; that the precise age which children must attain, in order to permit divorce between their parents must be a subject for due consideration; and that the child's being able to provide for itself being an essential condition, will give a greater motive to the parent desiring to separate properly to educate it.

In reply also, to the objection, that the refusal of divorce during any period so long as to answer this purpose, would be a severe infliction on the parents, I observed that this was the natural consequence of their own act, that it would ensure deliberation in the most important act of life, and that it would guarantee society against the offence thrown upon it by levity, folly, and we may almost say crime, in an act so important.

Passing then from the simpler case in which there is, on neither side, any supposition of crime or offence of which the laws take cognizance, to that in which infidelity to the marriage contract exists, I showed that, if children do not exist, any moral error of licentious intercourse is obviously equal on both sides—the offence of the woman being in no way greater than

that of the man in an act in which their participation is equal; that, even if children exist, and we regard the effects of licence on offspring generally or in relation to society, and not to the one only of the particular male parents deceived as to the children, the offence of both parties is equal,—there being no difference of moral blame; but that when a limited view is taken of the question—when the offence of each member of one couple is considered in relation to the other member, and not to the other family or to society, adultery, where there is progeny, has its offensive relation especially to the husband, and it is to him that its punishment falls, if punishment be justified—precisely as his punishment falls to the husband of the woman with whom he may have committed a similar offence.

It may be fairly urged, however, that, even in the last case, when the offence of each member of one couple is considered in relation to the other member, the difference of respective offence is not so considerable as might at first be supposed; for, if on one hand the husband be injured by the wife's introduction of illegitimate progeny, on the other hand the wife is injured by her husband withdrawing his affections from her and her children to those of another family.

I further observed that, in these latter views, the actual vitiation of offspring is *supposed*, as enhancing the offence of adultery on the part of the women; but that obviously, where there is no offspring, there is no enhancement of offence, and it is perfectly equal on both sides. In reply to the further supposition, that there may be progeny, and it may be impossible to say

who is the father, I referred to my work on Intermarriage for proofs, that there can be no difficulty in this, except what arises from wilful ignorance, that there never was a child which did not strikingly resemble both the parents, and that he whom a child does not resemble is not its father.

I concluded, therefore, as to this aggravation of offence, that the wife cannot be justly punished, until its commission is proved; and it has been seen that progeny rarely result from temporary amours.

I observed that nothing can more clearly show the flagrant absurdity of all laws which make divorce difficult or unattainable in common cases, than that the commission of legal offence should render it easy—two persons being thus, for a mere error in choice, doomed, while they live, to perpetual suffering, and being, if they will only add a crime to this, rewarded by being set free; and that the principle of such savage legislation is not more absurd than its consequences are deplorable, because, in cases where divorce is desirable, it holds out encouragement to the commission of such offence as will dissolve the contract, and those who otherwise in vain seek for divorce, have only to commit the offence in order to ensure it.

Such, as there observed, seem to be the whole of the just and natural impediments which ought to be thrown in the way of divorce; and, while the removal of the unjust and unnatural restraints of a blind and barbarous legislation, would greatly diminish the sum of human misery, the just and natural restraints here proposed would guard against the vice of loose connexions and licentious separations.

That other causes besides infidelity should operate

divorce, Milton has clearly and powerfully shown; and if authority were of any avail in this case, none can be higher.

"My mind," says Coleridge, "is not capable of forming a more august conception, than arises from the contemplation of this great man in his latter days; poor, sick, old, blind, slandered, persecuted,

'Darkness before, and Danger's voice behind,'

in an age in which he was as little understood by the party for whom, as by that against whom, he had contended; and among men before whom he strode so far as to dwarf himself by the distance; yet still listening to the music of his own thoughts, or if additionally cheered, yet cheered only by the prophetic faith of two or three individuals, he did nevertheless

'Argue not
Against heaven's hand or will, nor bate a jot
Of heart or hope; but still bore up and steer'd
Right onward.'

"From others only do we derive our knowledge that Milton in his latter day had his scorners and detractors; and even in his day of youth and hope, that he had enemies would have been unknown to us, had they not been likewise the enemies of his country."

As, of all the reformed churches, the Anglican alone has adhered to the Romish canon law on this subject, not only Milton but Bucer and Erasmus have laboured to remove the erroneous notions respecting divorce which have so remarkably distinguished England. On this subject, Milton himself says, "This is a providence not to be slighted, that as Bucer wrote this tractate of divorce in England and for England, so Erasmus professes he began here among us the same

subject, especially out of compassion for the need he saw this nation had of some charitable redress herein, and he seriously exhorts others to use their best industry in the clearing of this point, wherein custom hath a greater sway than verity."

As Milton's arguments are spread through several works, in which they are repeated, varied and amended, I shall here select, abridge and arrange such extracts from these as to me appear to be most conclusive.

Of the STATE OR CONDITION of marriage, Milton says, "If any two be but once handed in the church, and have tasted in any sort the nuptial bed, let them find themselves never so mistaken in their dispositions through any error, concealment, or misadventure, that through their different tempers, thoughts and constitutions, they can neither be to one another a remedy against loneliness, nor live in any union or contentment all their days; yet they shall, so they be but found suited to the least possibility of sensual enjoyment, be made, spite of antipathy, to fadge together, and combine as they may, to their unspeakable wearisomeness and despair of all social delight."

Reprobating the preference of the meaner ends of marriage which this implies, he says, "This I amaze me at, that though all the superior and nobler ends both of marriage and of the married persons be absolutely frustrate, the matrimony stirs not, looses no hold, remains as rooted as the centre: but if the body bring but in a complaint of frigidity, by that cold application only this adamantine Alp of wedlock has leave to dissolve; which else all the machinations of religious or civil reason at the suit of a distressed

mind, either for divine worship or human conversation violated, cannot unfasten. What courts of concupiscence are these, wherein fleshly appetite is heard before right reason, lust before love or devotion? . . They can neither serve God together, nor one be at peace with the other, nor be good in the family one to another, but live as they were dead, or live as they were deadly enemies in a cage together: it is all one, they can couple, they shall not divorce till death, no though this sentence be their death.

"What is this besides tyranny, but to turn nature upside down, to make both religion and the mind of man wait upon the slavish errands of the body, and not the body to follow either the sanctity or the sovereignty of the mind, unspeakably wronged, and with all equity complaining? What is this but to abuse the sacred and mysterious bed of marriage, to be the compulsive stye of an ungrateful and malignant lust, stirred up only from a carnal acrimony, without either love or peace, or regard to any other thing holy or human?"

How slight may be the error that incurs this condition, he shows.—"If we do but err in our choice, the most unblamable error that can be, err but one minute, one moment after those might syllables pronounced, which take upon them to join heaven and hell together unpardonably till death pardon; this divine blessing that looked but now with such a humane smile upon us, and spoke such gentle reason, straight vanishes like a fair sky, and brings on such a scene of cloud and tempest, as turns all to shipwreck without haven or shore, but to a ransomless captivity."

As to the CAUSE of this state of things, Milton ob-

serves, "It was for many ages that marriage lay in disgrace with most of the ancient doctors, as a work of the flesh, almost a defilement, wholly denied to priests, and the second time dissuaded to all, as he that reads Tertullian or Jerome may see at large. Afterwards it was thought so sacramental, that no adultery or desertion could dissolve it; and this is the sense of our canon courts in England to this day, but in no other reformed church else.

"The popes of Rome, perceiving the great revenue and high authority it would give them even over princes, to have the judging and deciding of such a main consequence in the life of man as was divorce; wrought so upon the superstition of those ages, as to divest them of that right, which God from the beginning had entrusted to the husband; by which means they subjected that ancient and naturally domestic prerogative to an external and unbefitting judicature."*

He denominates this "A canonical tyranny of stupid and malicious monks, who having rashly vowed themselves to a single life, which they could not undergo, invented new fetters to throw on matrimony . . . that what with men not daring to venture upon wedlock, and what with men wearied out of it, all inordinate licence might abound . . . that the world thereby waxing more dissolute, they also in a general

* Bucer similarly says, "The Antichrist of Rome, to get the imperial power into their own hands, first by fraudulent persuasion, afterwards by force, drew to themselves the whole authority of determining and judging as well in matrimonial causes as in most matters. Therefore it has been long believed, that the care and government thereof doth not belong to the civil magistrate."

looseness might sin with more favour . . . And indeed the papists, who are the strictest forbidders of divorce, are the easiest libertines to admit of grossest uncleanness.

Of the INJUSTICE of this state of marriage, Milton says, "For all sense and equity reclaim, that any law or covenant, how solemn or straight soever, either between God and man, or man and man, though of God's joining, should bind against a prime and principal scope of its own institution, and of both or either party covenanting.

"He who marries, intends as little to conspire his own ruin, as he that swears allegiance; and as a whole people is in proportion to an ill government, so is one man to an ill marriage. If they, against any authority, covenant, or statute, may, by the sovereign edict of charity, save not only their lives, but honest liberties from unworthy bondage, as well may he against any private covenant, which he never entered to his mischief, redeem himself from unsupportable disturbances to honest peace, and just contentment.

"For no effect of tyranny can sit more heavy on the commonwealth, than this household unhappiness on the family. And farewell all hope of true reformation in the state, while such an evil as this lies undiscerned or unregarded in the house; on the redress whereof depends not only the spiritual and orderly life of our grown men, but the willing and careful education of our children.

"Let this therefore be new examined, this tenure and freehold of mankind, this native and domestic

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* See Appendix.

charter given us by a greater lord than that Saxon king the Confessor."

Of the EFFECTS of this state, Milton says, "There follows upon this a worse temptation: for if he be such as hath spent his youth unblamably, and laid up his chiefest earthly comforts in the enjoyments of a contented marriage,—when he shall find himself bound fast to an uncomplying discord of nature, or, as it often happens, to an image of earth and phlegm, with whom he looked to be the co-partner of a sweet and gladsome society, and sees withal that his bondage is now inevitable; though he be almost the strongest christian, he will be ready to despair in virtue, and mutiny against divine providence; and this doubtless is the reason of those lapses, and that melancholy despair, which we see in many wedded persons, though they understand it not, or pretended other causes, because they know no remedy, and is of extreme danger.

"It is next to be feared, if he must be still bound without reason by a deaf rigour, that when he perceives the just expectance of his mind defeated, he will begin even against law to cast about where he may find his satisfaction more complete, unless he be a thing heroically virtuous; and that are not the common lump of men, for whom chiefly the laws ought to be made."

Proceeding to consider the REMEDY of this state, he says, "Not that licence, and levity, and unconsented breach of faith should herein be countenanced, but that some conscionable and tender pity might be had of those who have unwarily, in a thing they never practised before, made themselves the bondmen of a luckless and helpless matrimony.

This position shall be laid down . . . 'That indisposition, unfitness, or contrariety of mind, arising from a cause in nature unchangeable, hindering, and ever likely to hinder, the main benefits of conjugal society, which are solace and peace, is a greater reason of divorce than natural frigidity, especially if there be no children, and that there be mutual consent.' "

Showing the greater importance of MIND, he says, "It is indeed a greater blessing from God, more worthy so excellent a creature as man is, and a higher end to honour and sanctify the league of marriage, when as the solace and satisfaction of the mind is regarded and provided for before the sensitive pleasing of the body.

"If the noisomeness or disfigurement of body can soon destroy the sympathy of mind to wedlock duties, much more will the annoyance and trouble of mind infuse itself into all the faculties and acts of the body, to render them invalid, unkindly, and even unholy against the fundamental law book of nature.

"And with all generous persons married thus it is, that where the mind and person please aptly, there some unaccomplishment of the body's delight may be better borne with, than when the mind hangs off in an unclosing disproportion, though the body be as it ought, for there all corporeal delight will soon become unsavoury and contemptible.

"And although the union of the sexes be considered among the ends of marriage, yet the acts thereof in a right esteem can no longer be matrimonial, than they are effects of conjugal love. When love finds itself utterly unmatched, and justly vanishes, nay rather cannot but vanish, the fleshy act indeed may continue,

but not holy, not pure, not beseeming the sacred bond of marriage; being at best but an animal excretion, but more truly worse and more ignoble than that mute kindliness among the herds and flocks, in that, preceding as it ought from intellective principles, it participates of nothing rational, but that which the field and the fold equals. For in human actions the soul is the agent, the body in a manner passive. If then the body do, out of sensitive force, what the soul complies not with, how can man, and not rather something beneath man, be thought the doer?

"How vain therefore is it, and how preposterous in the canon law, to have made such careful provision against the impediment of carnal performance, and to have had no care about the unconversing inabilities of mind so defective to the purest and most sacred end of matrimony; and that the vessel of voluptuous enjoyment must be made good to him that has taken it upon trust, without any caution; when as the mind, from whence must flow the acts of peace and love, a far more precious mixture than the quintessence of an excrement, though it be found never so deficient and unable to perform the best duty of marriage in a cheerful and agreeable conversation, shall be thought good enough, however flat and melancholious it be, and must serve, though to the eternal disturbance and languishing of him that complains!

"It is read to us in the Liturgy, that we must not marry 'to satisfy the fleshly appetite, like brute beasts, that have no understanding:' but the canon so runs, as if it dreamed of no other matter than such an appetite to be satisfied; for if it happen that nature hath stopped or extinguished the veins of sensuality,

that marriage is annulled." . . . On the contrary, "though all the faculties of the understanding and conversing part after trial appear to be so ill and so aversely met through nature's unalterable working, as that neither peace nor any sociable contentment can follow, it is as nothing; the contract shall stand as firm as ever, betide what will.

"What is this but secretly to instruct us, that however many grave reasons are pretended to the married life, yet that nothing indeed is thought worth regard therein, but the prescribed satisfaction of an irrational heat? which cannot be but ignominious to the state of marriage, dishonourable to the undervalued soul of man, and even to christian doctrine itself: while it seems more moved at the disappointing of an impetuous nerve, than at the ingenious grievance of a mind unreasonably yoked; and to place more of marriage in the channel of concupiscence, than in the pure influence of peace and love whereof the soul's lawful contentment is the only fountain.

"No wise man but would sooner pardon the act of adultery once and again committed by a person worth pity and forgiveness, than to lead a wearisome life of unloving and unquiet conversation with one who neither affects nor is affected, much less with one who exercises all bitterness, and would commit adultery too, but for envy lest the persecuted should thereby get the benefit of his freedom.

"Marriage is a covenant, the very being whereof consists not in a forced cohabitation, and counterfeit performance of duties, but in unfeigned love and peace. And of matrimonial love, no doubt but that was chiefly meant, which by the ancient sages was

thus parabled: that love, if he be not twin-born yet hath a brother wondrous like him, called Anteros: whom while he seeks all about, his chance is to meet with many false and feigning desires, that wander singly up and down in his likeness; by them in their borrowed garb, Love, though not wholly blind, as poets wrong him, yet having but one eye, as being born an archer aiming, and that eye not the quickest in this dark region here below, which is not Love's proper sphere, partly out of the simplicity and credulity which is native to him, often deceived, embraces and consorts him with these obvious and suborned striplings, as if they were his mother's own sons; for so he thinks them, while they subtilly keep themselves most on his blind side: but after a while, as his manner, when soaring up into the high tower of his Apogœum, above the shadow of the earth, he darts out of the direct rays of his then most piercing eyesight upon the impostures and trim disguises, that were used with him, and discerns that this is not his genuine brother, as he imagined; he has no longer the power to hold fellowship with such a personated mate; for straight his arrows lose their golden heads, and shed their purple feathers, his silken braids untwine, and slip their knots, and that original and fiery virtue given him by fate all on a sudden goes out, and leaves him undeified and despoiled of all his force; till finding Anteros at last, he kindles and repairs the almost faded ammunition of his deity by the reflection of a co-equal and homogenial fire. Thus mine author sung it to me: and by the leave of those who would be counted the only grave ones, this is no mere amatorious novel (though to be wise and skilful in these

matters, men heretofore of greatest name in virtue have esteemed it one of the highest arcs that human contemplation circling upwards can make from the globy sea whereon she stands,) but this is a deep and serious verity, showing us that love in marriage cannot live or subsist unless it be mutual; and where love cannot be, there can be left of wedlock nothing but the empty husk of an outside matrimony, as undelightful and unpleasing to God as any other kind of hypocrisy. So far is his command from tying men to the observance of duties which there is no help for, but they must be dissembled.

"I suppose it will be allowed us that marriage is a human society, and that all human society must proceed from the mind rather than the body, else it would be but a kind of animal or beastish meeting: if the mind therefore cannot have that due company by marriage that it may reasonably and humanly deserve, that marriage can be no human society, but a certain formality, or gilding over of little better than a brutish congress, and so in very wisdom and pureness to be dissolved."

These truths Milton repeats in Paradise Lost, where no one has yet dared to blame them:

> "Neither her outside form'd so fair, nor aught
> In procreation common to all kinds,
> So much delights me, as those graceful acts,
> Those thousand decencies that daily flow
> From all her words and actions, mix'd with love
> And sweet compliance, which declare unfeign'd
> Union of mind, or in us both one soul."

Enforcing his principle from certain DICTATES OF NATURE, he says, "There is a hidden efficacy of love and hatred in man, as well as in other kinds, not moral but natural, which though not always in the choice,

yet in the success of marriage will ever be most predominant. Besides daily experience, the author of Ecclesiasticus, whose wisdom hath set him next the bible, saith "A man will cleave to his like." But what might be the cause, whether each one's allotted genius or proper star, or whether the supernal influence of schemes and angular aspects, or this elemental crasis here below; whether all these jointly or singly meeting, friendly or unfriendly in either party, I dare not, with the men I am like to clash, appear so much a philosopher as to conjecture. The ancient proverb in Homer, less abstruse, entitles this work of leading each person to his like, peculiarly to God himself; which is plain enough also by his naming of a meet or like help in the first espousal instituted; and that every woman is meet for every man, none so absurd as to affirm.

"Seeing then there is a two-fold seminary, or stock in nature, from whence are derived the issues of love and hatred, distinctly flowing through the whole mass of created things, and that God's doing ever is to bring the due likeness and harmonies of his works together, except when out of two contraries met to their own destruction, he moulds a third existence; and that it is error, or some evil angel which either blindly or maliciously hath drawn together, in two persons ill embarked in wedlock, the sleeping discords and enmities of nature, lulled on purpose with some false bait, that they may wake to agony and strife, later than prevention could have wished, if from the bent of just and honest intentions beginning what was begun and so continuing, all that is equal, all that is fair and possible hath been tried, and no accommoda-

tion likely to succeed; what folly is it still to stand combating and battering against invincible causes and effects, with evil upon evil, till either the best of our days be lingered out, or ended with some speeding sorrow?"

Showing that the consideration of natural dictates takes precedence of every other, he says, "If marriage be but an ordained relation, as it seems not more, it cannot take place above the prime dictates of nature; and if it be of natural right, yet it must yield to that which is more natural, and before it by eldership and precedence in nature. Now it is not natural, that Hugh marries Beatrice, or Thomas Rebecca, being only a civil contract, and full of many chances; but that these men seek them meet helps, that only is natural; and that they espouse them such, that only is marriage.

"But if they find them neither fit helps nor tolerable society, what thing more natural, more original, and first in nature, than to depart from that which is irksome, grievous, actively hateful, and injurious even to hostility, especially in a conjugal respect, wherein antipathies are invincible, and where the forced abiding of the one can be no true good, no real comfort to the other? For if he find no contentment from the other, how can he return it from himself? or no acceptance, how can he mutually accept? What more equal, more pious, than to untie a civil knot for a natural enmity held by violence from parting, to dissolve an accidental conjunction of this or that man and woman, for the most natural and most necessary disagreement of meet from unmeet, guilty from guiltless, contrary from contrary? It being certain, that the mystical

and blessed unity of marriage can be no way more unhallowed and profaned, than by the forcible uniting of such disunions and separations. Which if we see oftimes they cannot join or piece up a common friendship, or to a willing conversation in the same house, how should they possibly agree to the most familiar and united amity of wedlock?

"Can any thing be more absurd and barbarous, than that they whom only error, casualty, art, or plot, hath joined, should be compelled, not against a sudden passion, but against the permanent and radical discords of nature, to the most intimate and incorporating duties of love and embracement, therein only rational and human, as they are free and voluntary; being else an abject and servile yoke, scarce not brutish? and that there is in man such a peculiar sway of liking or disliking in the affairs of matrimony, is evidently seen before marriage among those who can be friendly, can respect each other, yet to marry each other would not for any persuasion. If, then, this unfitness and disparity be not till after marriage discovered, through many causes, and colours, and concealments, that may overshadow; undoubtedly it will produce the same effects, and perhaps with more vehemence, that such a mistaken pair would give the world to be unmarried again.

"What can be a fouler incongruity, a greater violence to the reverend secret of nature, than to force a mixture of minds that cannot unite, and to sow the furrow of man's nativity with seed of two incoherent and uncombining dispositions? which act, being kindly and voluntary, as it ought, the apostle, in the language he wrote, called eunoia, and the Latins,

benevolence, intimating the original thereof to be in the understanding and the will: if not, surely there is nothing which might more properly be called a malevolence rather; and is the most injurious and unnatural tribute that can be extorted from a person endued with reason, to be made pay out the best substance of his body, and of his soul too, as some think, when either for just and powerful causes he cannot like, or from unequal causes finds not recompence."

Showing that, in violating this principle, the END OF THE ORDINANCE is missing, he says, "It is unjust that any ordinance, ordained to the good and comfort of man, where that end is missing, without his fault, should be forced upon him to an unsufferable misery and discomfort; if not commonly ruin. All ordinances are established in their end; the end of law is the virtue, is the righteousness of law: and, therefore, him we count an ill-expounder, who urges law against the intention thereof. The general end of every ordinance, of every severest, every divinist, is the good of man; yea, his temporal good not excluded. But marriage is one of the benignest ordinances of God to man, whereof both the general and particular end is the peace and contentment of man's mind, as the institution declares. Contentment of body they grant, which if it be defrauded, the plea of frigidity shall divorce: but here lies the fathomless absurdity, that granting this for bodily defects, they will not grant it for any defect of the mind, any violation of religious or civil society.

"Yet wisdom and charity, weighing God's own institution, would think that the pining of a sad spirit wedded to loneliness should deserve to be freed, as

well as the impatience of a sensual desire so providently relieved . . . a sublunary and bestial burning, which frugal diet, without marriage, would easily chasten.

"No ordinance given particularly to the good both spiritual and temporal of man, can be urged upon him to his mischief.

"He, therefore, who lacking of his due in the most native and humane end of marriage, thinks it better to part than to live sadly and injuriously to that cheerful covenant (for not to be beloved, and yet retained, is the greatest injury to a gentle spirit,) he, I say, who therefore seeks to part, is one who highly honours the married life, and would not stain it: and the reasons which now move him to divorce, are equal to the best of those that could first warrant him to marry; for, as was plainly shown, both the hate which now diverts him, and the loneliness which leads him still powerfully to seek a fit help, hath not the least grain of sin in it, if he be worthy to understand himself."

Showing that, in violating this principle, EVIL INSTEAD OF GOOD is produced, he says, "As no ordinance, so no covenant, no not between God and man, much less between man and man, being, as all are, intended to the good of both parties, can hold to the deluding or making miserable of them both. For equity is understood in every covenant, even between enemies, though the terms be not expressed. If equity therefore made it, extremity may dissolve it.

"But faith, they say, must be kept in covenant, though to our damage. I answer, that only holds true, where the other side performs; which failing, he is no longer bound. Again, this is true, when the

keeping of faith can be of any use or benefit to the other. But in marriage, a league of love and willingness, if faith be not willingly kept, it scarce is worth the keeping; nor can be any delight to a generous mind with whom it is forcibly kept: and the question still supposes the one brought to an impossibility of keeping it as he ought by the other's default; and to keep it formally, not only with a thousand shifts and dissimulations, but with open anguish, perpetual sadness and disturbance, no willingness, no cheerfulness, no contentment, cannot be any good to a mind not basely poor and shallow, with whom the contract of love is so kept. A covenant, therefore, brought to that pass, is on the unfaulty side without injury dissolved.

"The canon law and divines consent that if either party be found contriving against another's life, they may be severed by divorce: for a sin against the life of marriage, is greater than a sin against the bed; the one destroys, the other but defiles. The same may be said, touching those persons, who, being of a pensive nature and course of life, have summed up all their solace in that free and lightsome conversation which God and man intended in marriage; whereof when they see themselves deprived by meeting an unsociable consort, they ofttimes resent one another's mistake so deeply, that long it is not ere grief end one of them. When therefore this danger is foreseen, that the life is in peril by living together, what matter is it whether helpless grief or wilful practice be the cause?

"This is certain, that the preservation of life is more worth than the compulsatory keeping of mar-

riage ; and it is no less than cruelty to force a man to remain in that state as the solace of his life, which he and his friends know will be either the undoing or the disheartening of his life. And what is life without the vigor and spiritual exercise of life ? How can it be useful either to private or public employment ? Shall it therefore be quite dejected, though never so valuable, and left to moulder away in heaviness, for the superstitions and impossible performance of an ill-driven bargain ?

" Lest, therefore, so noble a creature as man should be shut up incurably under a worse evil by an easy mistake in that ordinance which God gave him to remedy a less evil, reaping to himself sorrow while he went to rid away solitariness, it cannot avoid to be concluded, that if the woman be naturally so of disposition, as will not help to remove, but help to increase that same God-forbidden loneliness which will in time draw on with it a general discomfort and dejection of mind, not beseeming either christian profession or moral conversation, unprofitable and dangerous to the commonwealth, when the household estate, out of which must flourish forth the vigour and spirit of all public enterprises, is so ill-contented and procured at home, and cannot be supported ; such a marriage can be no marriage, whereof the most honest end is wanting : and the aggrieved person shall do more manly, to be extraordinary and singular in claiming the due right whereof he is frustrated, than to piece up his lost contentment by visiting the stews, or stepping to his neighbour's bed, which is the common shift in this misfortune ; or else by suffering his useful life

to waste away, and be lost under a secret affliction of an unconscionable size to human strength.

"I cannot therefore be so diffident, as not securely to conclude, that he who can receive nothing of the most important helps in marriage, being thereby disenabled to return that duty which is his, with a clear and hearty countenance, and thus continues to grieve whom he would not, and is no less grieved; that man ought even for love's sake and peace to move divorce upon good and liberal conditions to the divorced.

"And it is less a breach of wedlock to part with wise and quiet consent betimes, than still to foil and prophane that mystery of joy and union with a polluting sadness and perpetual distemper: for it is not the outward continuing of marriage that keeps whole that covenant, but whatsoever does most according to peace and love, whether in marriage or in divorce, he it is that breaks marriage least; it being so often written that 'Love only is the fulfilling of every commandment.'"

Enforcing the principle by considering OTHER CAUSES OF DIVORCE, he says, "The law of marriage gives place to the power of parents: for we hold, that consent of parents not had may break the wedlock, though else accomplished." . . . "The papists," says Bucer, "grant their kind of divorce for other causes besides adultery, as for ill usage, and the not performing of conjugal duty; and separate from bed and board for these causes, which is as much divorce as they grant for adultery". . . . "Carvilius," continues Milton, "the first recorder in Rome to have sought divorce, had it granted him for the barrenness of his

wife, upon his oath that he married to the end he might have children; as Dionysius and Gellius are authors. . . . In some the desire of children is so great, and so just—yea, sometime so necessary, that to condemn such a one to a childless age, the fault apparently not being in him, might seem perhaps more strict than needed. Sometimes inheritances, crowns and dignities are so interested and annexed in their common peace and good to such lineal descent, that it may prove of great moment both in the affairs of men and of religion, to consider thoroughly what might be done herein, notwithstanding the waywardness of our school doctors." [By the Scottish law, this is at present a ground of divorce.] "If marriage be dissolved by so many exterior powers, not superior, as we think, why may not the power of marriage itself, for its own peace and honour, dissolve itself, where the persons wedded be free persons? Why may not a greater and more natural power complaining dissolve marriage? For the ends why matrimony was ordained, are certainly and by all logic above the ordinance itself; why may not that dissolve marriage, without which that institution hath no force at all? For the prime ends of marriage are the whole strength and validity thereof, without which matrimony is an idol, nothing in the world."

Still inforcing the principle, by showing that the PROHIBITION is both *useless and mischievous*, he says, "The final prohibition of divorce avails to no good end, causing only the endless aggravation of evil, and therefore this permission of divorce was given to the Jews by the wisdom and fatherly providence of God; who knew that law cannot command love, without

which matrimony hath no true being, no good, no solace, nothing of God's instituting, nothing but so sordid and so low, as to be disdained of any generous person. Law cannot enable natural inability either of body or mind, which gives the grievance; it cannot make equal those inequalities, it cannot make fit those unfitnesses; and where there is malice more than defect of nature, it cannot hinder ten thousand injuries, and bitter actions of despight, too subtile and too unapparent for law to deal with.

"And while it seeks to remedy more outward wrongs, it exposes the injured person to other more inward and more cutting. All these evils unavoidably will redound upon the children, if any be, and upon the whole family. It degenerates and disorders the best spirits, leaves them to unsettled imaginations and degraded hopes, careless of themselves, their households, and their friends, unactive to all public service, dead to the commonwealth; wherein they are by one mishap, and no willing trespass of theirs, outlawed from all the benefits and comforts of married life and posterity. It confers as little to the honour and inviolable keeping of matrimony, but sooner stirs up temptations and occasions to secrect adulteries and unchaste roving . . . it drives many to transgress the conjugal bed, while the soul wanders after that satisfaction which it had hope to find at home, but hath missed.

"To banish for ever into a local hell whether in the air or in the centre, or in that uttermost and bottomless gulf of chaos, deeper from holy bliss than the world's diameter multiplied; the ancients thought not of punishing so proper and proportionate for God to

inflict, as to punish sin with sin. Thus were the common sort of Gentiles wont to think, without any wry thoughts cast upon divine governance. And therefore Cicero, not in his Tusculan or Campanian retirements among the learned wits of that age, but even in the senate to a mixed auditory (though he were sparing otherwise to broach his philosophy among statists and lawyers,) yet as to this point, both in his oration against Piso, and in that which is about the answers of the soothsayers against Clodius, he declares it publicly as no paradox to common ears that God cannot punish man more, nor make him more miserable, than still by making him more sinful. Thus we see how in this controversy the justice of God stood upright even among heathen disputers.

"But it maintains public honesty. Public folly rather; who shall judge of public honesty? The law of God and of ancientest christians, and all civil nations; or the illegitimate law of monks and canonists, the most malevolent, most unexperienced, most incompetent judges of matrimony?

"The law is not to neglect men under greatest sufferance, but to see covenants of greatest moment faithfullest performed. And what injury comparable to that sustained in a frustrate and false-dealing marriage, to lose for another's fault against him, the best portion of his temporal comforts, and of his spiritual too, as it may fall out? It was the law that, for man's good and quiet, reduced things to propriety, which were at first in common; how much more law-like were it to assist nature in disappropriating that evil, which by continuing proper becomes destructive?— But he might have bewared. So he might in any

other covenant, wherein the law does not constrain error to so dear a forfeit. And yet in these matters wherein the wisest are apt to err, all the warnings that can be ofttimes nothing avail.—But the law compels the offending party to be more duteous. Yes, if all these kinds of offences were fit in public to be complained of, or being compelled were any satisfaction to a mate not sottish, or malicious.—And these injuries work so vehemently, that if the law remedy them not, by separating the cause when no way else will pacify, the person not relieved betakes him either to such disorderly courses, or to such a dull dejection, as renders him either infamous, or useless to the service of God and his country. Which the law ought to prevent as a thing pernicious to the commonwealth; and what better prevention than this which Moses used?

"The law is to tender the liberty and the human dignity of them that live under the law, whether it be the man's right above the woman, or the woman's just appeal against wrong and servitude. But the duties of marriage contain in them a duty of benevolence, which to do by compulsion against the soul, where there can be neither peace, nor joy, nor love, but an enthralment to one who either cannot, or will not be mutual in the godliness and the civilest ends of that society, is the ignoblest and the lowest slavery that a human shape can be put to. This law, therefore, justly and piously provides against such an unmanly task of bondage as this."

Milton next replies to OBJECTIONS.

"Marriage is a solemn thing, some say a holy.—That wherein it differs from personal duties, if they

be not truly done, the fault is in ourselves; but marriage, to be a true and pious marriage, is not in the single power of any person; the essence whereof, as of all other covenants, is in relation to another; the making and maintaining causes thereof are all mutual, and must be a communion of spiritual and temporal comforts.

"If, then, either of them cannot, or obstinately will not, be answerable in these duties, so as that the other can have no peaceful living, or endure the want of what he justly seeks, and sees no hope, then straight from that dwelling, love, which is the soul of wedlock, takes his flight, leaving only some cold performances of civil and common respects; but the true bond of marriage, if there were ever any there, is already burst like a rotten thread. Then follow dissimulation, suspicion, false colours, false pretences, and worse than these, disturbances, annoyance, vexation, sorrow, temptation even in the faultless person, weary of himself, and of all actions public or domestic; then come disorder, neglect, hatred and perpetual strife,—all these the enemies of holiness and christianity, and every one persisted in, a remediless violation of matrimony.

"Therefore God, who hates all feigning formality, where there should be all faith and sincereness, and abhors the inevitable discord, where there should be greater concord; when through another's default faith and concord cannot be, counts it neither just to punish the innocent with the transgressor, nor holy, nor honourable for the sanctity of marriage, that should be the union of peace and love, to be made the commitment and close fight of enmity and hate. And

therefore doth in this law what best agrees with his goodness, loosening a sacred thing to peace and charity rather than binding it to hatred and contention; loosening only the outward and formal tie of that which is already broken, or else was really never joined.

"But marriage, they use to say, is the covenant of God. Undoubted: and so is any covenant frequently called in Scripture, wherein God is called to witness . . . So that this denomination adds nothing to the covenant of marriage, above any other civil and solemn contract: nor is it more indissoluble for this reason than any other against the end of its own ordination; nor is any vow or oath to God exacted with such a rigour, where superstition reigns not. For look how much divine the covenant is, so much the more equal, so much the more to be expected that every article thereof should be fairly made good; no false dealing or unperforming should be thrust upon men without redress, if the covenant be so divine."

Replying to the imputation of error, he says, "Some are ready to object, that the disposition ought seriously to be considered before. But let them know again, that for all the wariness can be used, it may yet befall a discreet man to be mistaken in his choice, and we have plenty of examples. The soberest and best governed men are least practised in these affairs; and who knows not that the bashful muteness of a virgin may ofttimes hide all the unliveliness and natural sloth which is really unfit for conversation; nor is there that freedom of access granted or presumed, as may suffice to a perfect discerning till too late; and where any indisposition is suspected, what more usual than

the persuasion of friends, that acquaintance, as it increases, will amend all?

"And lastly, it is not strange though many, who have spent their youth chastely, are in some things not so quick-sighted, while they haste too eagerly to light the nuptial torch; nor is it therefore that for a modest error a man should forfeit so great a happiness, and no charitable means to release him; since they who have lived most loosely, by reason of their bold accustoming, prove most successful in their matches, because their wild affections unsettling at will, have been as so many divorces to teach them experience. When as the sober man honouring the appearance of modesty, and hoping well of every social virtue under that veil, may easily chance to meet, with a mind to all other due conversation inaccessible, and to all the more estimable and superior purposes of matrimony useless and almost lifeless; and what a solace, what a fit help such a consort would be through the whole life of a man, is less pain to conjecture than to have experience."

Shewing that not even error can be imputed, he says, "It is most sure that some even of those who are not plainly defective in body, yet are destitute of all other marriageable gifts, and consequently have not the calling to marry, unless nothing be requisite thereto but a mere instrumental body, which to affirm, is to that unanimous covenant a reproach: yet it is as sure that many such, not of their own desire, but by the persuasion of friends, or not knowing themselves, do often enter into wedlock, where finding the difference at length between the duties of a married life, and the gifts of a single life, what unfitness of mind, what

wearisomeness, scruples and doubts to an incredible offence and displeasure are like to follow between, may be soon imagined; whom thus to shut up, and immure, and shut up together, the one with a mischosen mate, the other in a mistaken calling, is not a course that christian wisdom and tenderness ought to use.

"As for the custom that some parents and guardians have of forcing marriages, it will be better to say nothing of such a savage inhumanity, but only thus; that the law which gives not all freedom of divorce to any creature endued with reason so assassinated, is next in cruelty."

Shewing that even for error punishment should not be disproportionate, he says, "Suppose it should be imputed to a man, that he was too rash in his choice, and why he took not better heed, let him now smart, and bear his folly as he may; although the law of God, that terrible law, do not thus upbraid the infirmities and unwilling mistakes of man in his integrity: but suppose these and the like proud aggravations of some stern hypocrite, more merciless in his mercies than any literal law in the rigour of severity, must be patiently heard; yet all law, and God's law especially, grants every where to error easy remitments, even where the utmost penalty exacted were no undoing.

"With great reason, therefore, and mercy, doth it here not torment an error, if it be so, with the endurance of a whole life lost to all household comfort and society, a punishment of too vast and huge dimension for an error, and the more unreasonable for that the like objection may be opposed against the plea of divorcing for adultery: he might have looked better

before to her breeding under religious parents: why did he not more diligently enquire into her manners, into what company she kept? every glance of her eye, every step of her gait, would have prophesied adultery, if the quick scent of these discerners had been took along; they had the divination to have foretold you all this, as they have now the divinity to punish an error inhumanly. As good reason to be content, and forced to be content with your adultress; if these objectors might be the judges of human frailty.

"But God more mild and good to man than man to his brother, in all this liberty given to divorcement, mentions not a word of our past errors and mistakes, if any were; which these men objecting from their own inventions prosecute with all violence and iniquity. For if the one be to look so narrowly what he takes, at the peril of ever keeping, why should not the other be made as wary what is promised, by the peril of losing? for without those promises the treaty of marriage had not proceeded. Why should his own error bind him, rather than the other's fraud acquit him?

"Let the buyer beware, saith the old law-beaten termer. Belike then there is no more honesty, nor ingenuity in the bargain of a wedlock, than in the buying of a colt; we must, it seems, drive it on as craftily with those whose affinity we seek, as if they were a pack of salemen and com-plotters.—But the deceiver deceives himself in the unprosperous marriage, and therein is sufficiently punished. I answer, that the most of those who deceive are such as either understand not, or value not, the true purposes of marriage; they have the prey they seek, not the punishment: yet say it prove to them some cross, it is not

equal that error and fraud should be linked in the same degree of forfeiture, but rather that error should be acquitted, and fraud bereaved his morsel, if the mistake were not on both sides; for then on both sides the acquitment would be reasonable, if the bondage be intolerable.

"Notwithstanding all this, there is a loud exception against this law of God, nor can the holy author save his law from this exception, that it opens a door to all licence and confusion.

"No man denies, that best things may be abused: but it is a rule resulting from many pregnant experiences, that what does most harm in the abusing, used rightly doth most good. And such a good to take away from honest men, for being abused by such as abuse all things, is the greatest abuse of all.

"The very permission, which Christ gave to divorce for adultery, may be foully abused, by any whose hardness of heart can either feign adultery or dares commit, that he may divorce. And for this cause the pope, and hitherto the church of England, forbid all divorce from the bond of marriage, though for openest adultery.

"If this law, therefore, have many good reasons for which God gave it, and no intention of giving scope to lewdness, but as abuse by accident comes in with every good law, and every good thing; it cannot be wisdom in us, while we can content us with God's wisdom, nor can be purity, if his purity will suffice us, to except against this law, as if it fostered licence.

"But it will breed confusion. What confusion it would breed God himself took the care to prevent in this, that the divorced, being married to another,

might not return to her former husband. And Justinian's law counsels the same in his title Nuptials. And what confusion else can there be in separation, to separate upon extreme urgency the religious from the irreligious, the fit from the unfit, the willing from the wilful, the abused from the abuser? Such a separation is quite contrary to confusion.

"But to bind and mix together holy with atheist, heavenly with hellish, fitness with unfitness, light with darkness, antipathy with antipathy, the injured with the injurer, and force them into the most inward nearness of a detested union; this doubtless is the most horrid, the most unnatural mixture, the greatest confusion that can be confused.

"Divorce being in itself no unjust or evil thing, but only as it is joined with injury or lust; injury it cannot be at law, if consent be, and Aristotle err not. And lust it may as frequently not be while charity hath the judging of so many private grievances in a misfortuned wedlock, which may pardonably seek a redemption.

"But whether it be or not, the law cannot discern or examine lust, so long as it walks from one lawful term to another, from divorce to marriage, both in themselves indifferent. For if the law cannot take hold to punish many actions apparently covetous, ambitious, ungrateful, proud, how can it forbid and punish that for lust, which is but only surmised so, and can no more be certainly proved in the divorcing now, than before in the marrying? Whence, if divorce be no unjust thing but through lust, a cause not discernible by law, as law is wont to discern in other cases, and can be no injury, where consent is; there can be

nothing in the equity of law, why divorce by consent may not be lawful."

Shewing that the POWER OF DIVORCE should rest *with the husband*, Milton says, "Another act of papal encroachment it was, to pluck the power and arbitrement of divorce from the master of the family, into whose hands God and the law of all nations had put it . . . not authorizing a judicial court to toss about and divulge the unaccountable and secret reason of disaffection between man and wife, as a thing most improperly answerable to any such kind of trial.

"For although differences in divorce about dowries, jointures, and the like, besides the punishing of adultery, ought not to pass without referring, if need be, to the magistrate; yet that the absolute and final hindering of divorce cannot belong to any civil or earthly power against the will and consent of both parties, or of the husband alone, some reasons will be here urged as shall not need to decline the touch.

"First, because ofttimes the causes of seeking divorce reside so deeply in the radical and innocent affections of nature, as is not within the diocese of law to temper with. Other relations may aptly enough be held together by a civil and virtuous love: but the duties of man and wife are such as are chiefly conversant in that love which is most ancient and merely natural, whose two prime statutes are, to join itself to that which is good, and acceptable, and friendly, and to turn aside and depart from what is disagreeable, displeasing, and unlike: of the two this latter is the strongest, and most equal to be regarded: for although a man may often be unjust in seeking that which he loves, yet he can never be unjust or

blameable in retiring from his endless trouble and distaste, when as his tarrying can redound to no true content on either side.

"Hate is of all things the mightiest divider, nay is division itself. To couple hatred, therefore, though wedlock try all her golden links, and borrow to her aid all the iron manacles and fetters of law, it does but to seek to twist a rope of sand, which was a task they say that posed the devil: and that sluggest fiend in hell, Ocnus, whom the poems talk of, brought his idle cordage to as good effect, which never served to bind with, but to feed the ass that stood at his elbow. And that the restrictive law against divorce attains as little to bind any thing truly in a disjointed marriage, or to keep it bound, but serves only to feed the ignorance and definitive impertinence of a doltish canon, were no absurd allusion.

"To hinder, therefore, those deep and serious regresses of nature in a reasonable soul, parting from that mistaken help, which he justly seeks in a person created for him, recollecting himself from an unmeet help which was never meant, and to detain him by compulsion in such an unpredestined misery as this, is in diameter against both nature and institution: but to interpose a jurisdictive power over the inward and irremediable disposition of man, to command love and sympathy, to forbid dislike against the guiltless instinct of nature, is not within the province of any law to reach; and were indeed an uncommodious rudeness, not a just power: for that law may bandy with nature, and traverse her sage motions, was an error in Callicles the rhetorician, whom Socrates from high principles confutes in Plato's Gordias. If, therefore, divorce

may be so natural, and that law and nature are not to go contrary; then to forbid divorce compulsively, is not only against nature but against law.

"Next, it must be remembered, that all law is for some good, that may be frequently attained without the admixture of a worse inconvenience; and, therefore, many gross faults, as ingratitude and the like, which are too far within the soul to be cured by constraint of law, are left only to be wrought on by conscience and persuasion. Which made Aristotle, in the 10th of his Ethics to Nicomachus, aim at a kind of division of law into private or persuasive, and public or compulsive. Hence it is, that the law forbidding divorce never attains to any good end of such prohibition, but rather multiplies evil. For if nature's resistless sway in love or hate be once compelled, it grows careless of itself, vicious, useless to friends, unserviceable and spiritless to the commonwealth. Which Moses rightly foresaw, and all wise lawgivers that ever knew man, what kind of creature he was."

In relation to the woman, he considers it "also an unseemly affront to the sequestered and veiled modesty of that sex, to have her unpleasingness and other concealments bandied up and down, and aggravated in open court by those hired masters of tongue-fence.

"It is true, an adulteress cannot be ashamed enough by any public proceding; but the woman whose honour is not appeached is less injured by a silent dismission, being otherwise not illiberally dealt with, than to endure a clamouring debate of utterless things, in a business of that civil secrecy and difficult discerning, as not to be over much questioned by nearest friends. Which drew that answer from the greatest and

worthiest Roman of his time, Paulus Emilius, being demanded why he would put away his wife for no visible reason? 'This shoe,' said he, and held it out on his foot, 'is a neat shoe, and yet none of you know where it wrings me:' much less by the unfamiliar cognizance of a feed gamester can such a private difference be examined, neither ought it.

"Again, if law aim at the firm establishment and preservation of matrimonial faith, we know that cannot thrive under violent means, but is the more violated. It is not when two unfortunately met are by the canon forced to draw in that yoke an unmerciful day's work of sorrow till death unharness them, that then the law keeps marriage most unviolated and unbroken; but when the law takes order that marriage be accountant and responsible to perform that society, whether it be religious, civil or corporal, which may be conscionably required and claimed therein, or else to be dissolved if it cannot be undergone. This is to make marriage most indissoluble, by making it a just and useful dealer, a performer of these due helps, which instituted the covenant; being otherwise a most unjust contract, and no more to be maintained under tuition of law, than the vilest fraud, or cheat, or theft that may be committed. But because this is such a secret kind of fraud or theft as cannot be discerned by law, but only by the plaintiff himself; therefore to divorce was never counted a political or civil offence neither to Jew nor Gentile.

"The law can only appoint the just and equal conditions of divorce, and is to look how it is an injury to the divorced, which in truth it can be none, as a mere separation; for if she consent, wherein has the law to

right her? or consent not, then is it either just, and so deserved; or if unjust, such in all likelihood was the divorcer: and to part from an unjust man is a happiness, and no injury to be lamented. But suppose it to be an injury, the law is not able to amend it, unless she think it other than a miserable redress to return back from whence she was expelled, or but intreated to be gone, or else to live apart still married without marriage, a married widow. Last, if it be to chasten the divorcer, what law punishes a deed which is not moral but natural, a deed which cannot certainly be found to be an injury? or how can it be punished by prohibiting the divorce, but that the innocent must equally partake both in the shame and in the smart? So that, which way soever we look, the law can to no rational purpose forbid divorce, it can only take care that the conditions of divorce be not injurious. Thus then we see the trial of law, how impertinent it is to this question of divorce, how helpless next, and then how hurtful.

"But what shall then the disposal of that power return again to the master of a family? Wherefore not, since God there put it, and the presumptuous canon thence bereft it? This only must be provided, that the ancient manner be observed in the presence of the minister and other grave selected elders."*

I may now observe how much Milton has been misrepresented on this important subject, and may take as an example what is said by a liberal writer, the

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* "Among the Jews," says a late writer, "a man might sue out a divorce against his wife, merely because 'she did not find favour in his eyes,' and I never heard of any serious inconveniences that resulted from the practice."

author of "Plea for an Alteration of the Divorce Laws."

"Milton," he says, "held that indisposition, unfitness, or contrariety of mind, rendering the spouses incapable of affectionate attachment, was a sufficient ground for a dissolution of the marriage; and he argued with ingenuity in defence of his opinions. But he has forgotten throughout that the law cannot punish a crime unless it can define it [Milton seeks to punish no crime!;] and that it cannot pretend to pronounce against incompatibility of temper, and want of similarity of feeling [Milton makes the father of a family the judge of this!.] He has forgotten, likewise, that in whatever degree a want of harmony and affection is destructive of the objects of marriage, adultery must be so in a far greater, because it must inevitably destroy all the kindlier sympathies and the confidence, which are essential to domestic peace. [Milton, with Origen and others, asserts that this is not true.] And he has besides lost sight of the circumstance, that adultery is an offence against the laws of God and society, which can on no plea be palliated or justified [but Milton shows that there are greater offences;] whereas excuses may oftentimes be found for any deficiencies in temper, habits, or manners" [Milton shows that the husband can best judge of his power to endure these!]

It is remarkable that, under the present state of English law, even this writer himself elsewhere says, "It is, in nine cases out of ten, well known, that had adultery been the only evil complained of, the injured woman would have lived with a faithless partner, degraded as she might feel herself, rather than submit to

the inconveniences of divorce."—Thus, in that state, there *are* greater offences or injures than adultery, even according to this writer's own declaration.

Perhaps Milton's only error in these detailed grounds of divorce, is that he assigns not to the wife the same right or power as to the husband.

I now proceed very briefly to consider some other circumstances as to the state of English law on this subject;—considering this as a mere appendix, not meant to obliterate from the mind the greater argument of Milton, which is in philosophical sequence with my general doctrine, but regarding it as a narrower, more local, more technical view, exhibiting the oppression to which the middling and poorer classes are subjected in England.

The spirit of the canon law, from which our English marriage law is derived, is, as already said, that marriage is absolutely indissoluble for any cause whatever. The general law of England, therefore, in this respect, is that even adultery will not dissolve a marriage.

If, indeed, either party can be proved to have committed adultery, and the other complaining, cannot be convicted either of that offence or of collusion, the ecclesiastical courts grant a divorce à mensâ et thoro. The 107th canon of the English church, however, declares that, in all cases of divorce and separation—divorce à mensâ et thoro, security must, previously to the sentence, be given, that the parties will live chastely and continently, and will not, during each other's life, contract marriage with any other persons: so that this law does not permit a second marriage after such divorce.

Under the sway of popery, nothing but a dispensation from Rome could dissolve a marriage; and since the reformation, no power exists in England, but that of parliament, which can enable a party to contract a second marriage whilst both the parties to the first are living. As an indulgence and matter of usage, not of legal right, parliament, on a husband's proving the adultery of his wife, always declares the marriage to be dissolved, and permits the party to re-marry; thus not only acting against the law of the land, but encouraging the husband, both to pledge himself in the ecclesiastical court not to re-marry, and to marry again as soon as set free.

This clumsy and barbarous process is carefully calculated, by its great expense, to exclude all but the rich from its benefits. The only relief, therefore, that the poor man has in such a case, is that, by a mere divorce *à mensâ et thoro*, he is relieved from the responsibility of supporting his wife: he cannot marry again, on pain of prosecution for bigamy. Nor do his sufferings end here. Whilst a husband is not liable even for necessary provisions supplied to a wife after a divorce à mensâ et thoro, she yet may subject him to make compensation for libels, verbal slander, trespasses, or any other malicious act committed by her, though living with her paramour.—The distinction of the poor from the rich in England is as artfully as effectively made, by the cost of justice placing it, as in this case, quite out of the reach of the poor.

In all reformed churches, but that of England, divorce for adultery or desertion not only separates, but nullifies and extinguishes the relation itself of matrimony, so that they are no more man and wife.

In Scotland, in particular, great facility exists both for marriage and for divorce. A divorce may even be pronounced by the Scottish commissary court dissolving an English marriage: but such divorce is not recognised in England.

In contracting marriage, then, the parties pledge themselves to fidelity to each other; and it is therefore evident that, in equity, when one party violates the contract, the other is not bound by it. The English law recognises this principle, and declares the marriage to be in effect null and void; yet it unjustly refuses to dissolve the marriage, and prevents the parties from forming other unions!

The ill effects of this procedure are evident. Divorce à mensâ et thoro, in cases of ill usage, may be a relief to the woman; but, in this state of separation, she is exposed to manifold and severe temptations; and the husband, being prevented from marrying again, finds this an excuse for a profligate life.

How easily this cause of evil might be removed is proved by the example of Scotland. In that country, absolute dissolution of marriage is practised on the ground of adultery, as expressly recognized in scripture,—on the ground of wilful or continued desertion (if for four years,) as conceived to be there permitted, —on that of cruelty or sævitia, and on some others. That remedy is recognized by the people as their undeniable right; and the substitution of the inferior redress of separation à mensâ et thoro (which is a mere separation) for such conjugal injury, would, according to the national habits of thinking, be most unsatisfactory.

"The conjugal relation," says Ferguson, "has stood

infinitely more safe and secure in Scotland since the religion has become protestant, and since separations à mensâ et thoro for adultery, which were extremely common under the popish jurisdiction, have fallen into disuse." It is indeed generally acknowledged, that in all countries where the municipal law grants a complete divorce, the bond of marriage is less violated than where divorce is only partial.

It is not, however, only the poor man who is oppressed by this lordly legislation: the female sex has been equally crushed by it. Although the House of Lords, on the husband's having proved the guilt of his wife, and having recovered damages in a court of law from her seducer, declares the marriage to be dissolved, and enables him to get rid of her, this privilege is denied to the woman who proves the guilt of her husband!—As the marriage contract places both parties on the same footing, and as the offence is the same, by whichever party committed, such a difference is a gross, daring, and flagrant injustice.

Even this injustice is but a portion of a system of procedure in regard to woman which is equally dastardly and mean.—If the husband divorce the wife, she forfeits all right to maintainance and to dower at common law, and, in all cases, he retains nearly the whole of her property. Even, moreover, if she (so far as is allowed her) divorce him, he is still permitted to retain the greater part of her fortune, nor can she obtain more than a pittance to keep her from want and disease!

Again.—By the nature of the marriage contract, the husband and wife acquire a property in each other's person; but though English law gives the hus-

band the entire disposal of the wife's person, she does not appear to retain any property in his. He may recover damages from any man who shall invade his property in her; but she cannot recover damages from a woman who shall invade her property in him. A wife may, indeed, carry her complaint to the spiritual court, and obtain a sentence and costs against the woman who shall injure her; but it is afterwards in the husband's power to release these costs, which he certainly will do, in favour of a woman whom he preferred to his wife.

Hence, as observed by the author of the Plea for an Alteration in the Divorce Laws, "cases are exceeding rare in which a wife seeks a divorce on account of her husband's adultery, unless the crime of infidelity is accompanied by gross neglect or cruel and brutal treatment, a glaring imperfection in our law."—And why is it a glaring imperfection? Because, contrary to this writer's hasty remarks on Milton, it gives the strongest proof, that, under our law at least, there are, as Milton says, greater injuries than adultery—injuries which law does not punish!

It is objected, that if, in case of adultery, a complete divorce were granted, adultery would become common.

On this subject, the author of the "Plea" says, "If the party who is injured by the adultery of the other has a right to be liberated from the matrimonial union, and if, in consequence of this right being established, it were to become common for one of the spouses to be guilty of the crime, in order to give the other a ground of accusation,—would it not be more equitable at once to grant the right, and to determine to punish

such profligacy, should it appear, than to refuse redress to the innocent, and to let the guilty escape?

"But I contend, that adultery would not be more common; and further, would not be so common, as it is at present. The adultery of the husband is not now exposed and punished as it deserves to be, because the divorce which is granted to the prayer of the woman, in case she complains of her husband's infidelity, generally speaking, is an evil more intolerable than his faithlessness; condemning her as it does to premature widowhood, and casting her out of the situation in society which she has occupied with pleasure and credit.

"We may appeal to experience and history. In Scotland, from a very distant period, adultery has been held to entitle the injured party to seek a dissolution of the marriage; and relief has invariably been granted, in absence of all proof of guilty negligence, connivance and collusion. And this system, it may be confidently asserted, has led to no dangerous consequences. Scotland is not the place where we read of constant infidelity among married persons, or of any gross neglect of the connubial contract; nor do we hear of divorces being daily sought for, or of continual disputes with regard to the legal heirs of property: but, on the contrary, it is there that the moral feeling of the whole population is of the highest cast; that parents are most devoted to their children; that education is best attended to; and that the matrimonial vow is observed with the most scrupulous reverence;—and that, too, notwithstanding the facility with which marriages are completed, might naturally be expected to lead to a very different result. We know that in Scotland parties are married with little

ceremony, and the impediments are much fewer than either in England or abroad. We might therefore imagine that engagements made in haste might soon be repented of, and eventually disregarded, and that, if liberty were given, numerous cases would occur. The very contrary, however, is the fact. It is universally allowed that there is no kingdom where married persons appear so fully to value domestic happiness, and to cling to each other with such undeviating affection, and where family attachments are so strong.

"Another argument which has been repeatedly advanced by those who object to any change in the present system, is this,—that if a complete divorce be granted in case one of the parties is convicted of adultery, a boon is granted to the adulterer. It is said, the individual who is guilty of adultery must be wearied of the existing union, and must be anxious for a new one, and therefore will delight in the prospect of freedom.

"To this I answer [he might have said—that the adulterer does not need this boon, for he already has it, whilst the injured wife is neglected] that it may probably happen, that in many cases the guilty party will desire the dissolution of the marriage; but I contend that neither the wishes nor antipathies of the guilty party are to be regarded. The legislature does not interfere in compliance with the caprice of the guilty, but on the plea of the innocent. Should the adulterer be thus benefitted, the advantage he obtains is only incidental to the relief granted to the other. Surely, the Legislature is not to be prevented from granting justice and relief to those who have a

right to it, through a fear lest in so doing it should meet the wishes of the undeserving.

"By declaring divorce for adultery to be a complete dissolution of the marriage, and not merely a ground of separation, the Legislature has an opportunity of doing an act of justice to those who are now aggrieved by being bound by the marriage tie after the sentence of divorce has been pronounced.

On the general worthlessness of English law on this great subject, an excellent article in "The Dispatch" makes the following observations.

"From a regulation of the intercourse of the sexes proceeds all the happiness or all the miseries of human life. How, then, stands the case in our country?

"A man with a very large sum of money may get a divorce from the houses of parliament, and may marry again. A man with a smaller, but considerable sum of money, may get, from the ecclesiastical courts, a half divorce, which relieves him merely from his wife's debts, but does not enable him to enter into another matrimonial connexion. A man with no money, or an insufficient sum, can have no divorce at all. In short, in this most enlightened country, the whole subject of divorce is divested by the clergy [strange to tell!] of all religion and virtue, and made simply a question of capacity to pay.

"Of course, the majority of the people must be poor; an immense majority must be too destitute to afford such enormous expenses; and hence the bulk of society, in these kingdoms, are out of the pale of the law . . . On such an important subject as marriage, the law ought solely to consult the greatest good of the greatest number. Here, we find the directly

opposite principle: the law is made for the convenience of the few, whilst it entirely excludes the necessities of the many.

"Divorce, by act of parliament, is perhaps, the worst stain upon our national character. Is divorce good or bad? If the former, give it to all whose case requires it: if the latter, bestow it upon none. At present, it is but a mere sale of a licence for vice . . . A divorce bill is simply a form, in which, for the sake of money, our legislators set aside—what they declare to be the law of God [whenever it is asked for by the poor man who cannot pay, or by the helpless woman!] A divorce bill is merely a question of rank and money. In any honest and sensible mind, the mention of such a bill raises only ideas of the villany of law.

"Our ecclesiastical courts are the object of ridicule throughout Europe . . . Government would alter the law; but the moment they wish to reform an ecclesiastical court, they are overwhelmed with the cry of 'The Church in danger!'"

The consequence of this is, that there have, of late years been many instances of married people who had agreed to part, going from England to reside in Scotland, that they might be considered as inhabitants of that country, and therefore entitled to divorce in the same manner as if they had been natives.

During the past year, the tribunals of Prussia have pronounced three thousand two hundred and ninety-one divorces. As the suits amounted to three thousand eight hundred and eighty-eight, only five hundred and ninety-seven (scarcely one sixth) were unsuccessful. In France, the average is one divorce out of one hundred and eighty-four marriages. In England, the

annual average of parliamentary divorces is about two and a half!—Those who know that human nature is every where nearly the same, and who at the same time know aught of England, are aware that in this case the apparent differences are equalized by undivorced but miserable couples, and by an extensive system of infidelity, concubinage and prostitution, which are ten thousand times more injurious to human happiness than reasonable divorce.

Certain classes have, moreover, their sale of wives, of which the following is an example, from the Lancaster Herald.

"Sale of a wife at Carlisle.—The inhabitants of this city lately witnessed the sale of a wife by her husband, Joseph Thompson, who resides in a small village about three miles distant, and rents a farm of about forty-two or forty-four acres. She was a spruce, lively, buxom damsel, apparently not exceeding twenty-two years of age, and appeared to feel a pleasure at the exchange she was about to make. They had no children during their union, and that, with some family disputes, caused them by mutual agreement to come to the resolution of finally parting. Accordingly, the bellman was sent round to give public notice of the sale, which was to take place at twelve o'clock; and this announcement attracted the notice of thousands. She appeared above the crowd, standing on a large oak chair, surrounded by many of her friends, with a rope or halter, made of straw, round her neck, being dressed in rather a fashionable country style, and appearing to some advantage. The husband, who was also standing in an elevated position near her, proceeded to put her up for sale, and spoke nearly as

follows:—'Gentlemen, I have to offer to your notice my wife, Mary Anne Thompson, otherwise Williamson, whom I mean to sell to the highest and fairest bidder. It is her wish as well as mine to part for ever. I took her for my comfort, and the good of my house, but she has become my tormentor and a domestic curse, &c. &c. &c. Now I have shown you her faults and failings, I will explain her qualifications and goodness. She can read fashionable novels and milk cows; she can laugh and weep with the same ease that you could take a glass of ale; she can make butter, and scold the maid; she can sing Moore's melodies, and plait her frills and caps; she cannot make rum, gin, or whisky, but she is a good judge of their quality from long experience in tasting them, I therefore offer her, with all her perfections and imperfections, for the sum of fifty shillings.'—After an hour or two, she was purchased by Henry Mears, a pensioner, for the sum of twenty shillings and a Newfoundland dog. The happy pair immediately left town together, amidst the shouts and huzzas of the multitude, in which they were joined by Thompson, who, with the greatest good-humour imaginable, proceeded to put the halter, which his wife had taken off, round the neck of his Newfoundland dog, and then proceeded to the first public house, where he spent the remainder of the day."

"These," says a London Paper, commenting upon them, "are usually entitled disgraceful occurrences—and disgraceful they certainly are to the state of our law, which affords redress for the grievances of an unfortunate match, only to the rich, who can purchase relief by means of an act of parliament or a suit at

law for a divorce. Why should two people, who are proved to be totally and hopelessly unfitted to live with each other happily, not be allowed to separate upon a mutual arrangement, sanctioned by a magistrate? The present state of the law does not prevent separations amongst the poorer classes: it occasions them to be made in such modes as are injurious to the public morals, and create fearful misery, and often fatal crimes. In some instances, the separation is effected by desertion, when all sorts of collateral obligations are broken; in others, the parties defy all shame and live in open adultery. In two cases, which occurred during the last assizes, a separation was effected by murder, when, if the parties had been rich, the circumstances which formed the motive to the murder would have obtained for them a divorce from the superior courts. It is a vulgar belief that such public sales are legal and valid as a divorce. Their frequency only shows most forcibly the intensity of the evil, which impels them to brave public shame and ridicule for the sake of that redress which ought to be given by the law, if in this country it were rational, cheap and available to the many."

Wise laws as to the relations of the sexes must be founded on a better knowledge of their respective organization.

PART VII.

CONCUBINAGE AND COURTEZANISM.

The consequence of all these oppressions is a very extensive system of concubinage and courtezanism.

Previous, however, to describing these effects of this unjust contract, let us briefly examine Polygamy, another form of marriage, of which the general injustice has been already shown, but of which the effects must now be seen, in order to be the more closely compared with those of indissoluble monogamy.

Polygamy is almost universally extended among mankind, while monogamy is known only in Europe and its colonies.

In Turkey, it is limited to four. No man can take a greater number of wives; but he is allowed the society of as many slaves as he can purchase; and the children by such slaves are equally legitimate with those born in wedlock, upon performing a public act

of manumission before the Cadi. Marriage is there a civil institution, effected by the suitor, with the next male relative of the bride, appearing before the magistrate, avowing his affection for a woman he never saw, and making a settlement on her according to his circumstances. Having thus owned her for his lawful wife, the match is registered.

The woman, in Turkey, can only have one plea for demanding a divorce; the man has several; and he finds, says Mr. Madden, little difficulty in separating from a loathed or injured wife.—When, in the East, a dowry has been given with the wife, the husband, in case of divorce, does not play the thief as in Europe: her portion is always given up.

Lady Mary Wortley Montague, in her Letters from Constantinople, says, that "when a man has divorced his wife in the most solemn manner, he can take her again upon no other terms than permitting another man to pass a night with her; and there are examples of those who have submitted to this law, rather than not have back their beloved." "This condition," says Rycaut, "the law requires as a punishment of the husband's lightness and inconstancy, and as an evidence that, though the Turkish law is very indulgent in the free choice and enjoyment of women, yet that it punishes such as unadvisedly frustrate its intentions."

The injustice of polygamy has been already so clearly shown, in establishing the justice of rational monogamy, that repetition is unnecessary. I will only reply to a few arguments specially adduced in its favour.

We are told, that polygamy is a natural conse-

quence of the warm temperatures of the East, and of the constitution of the Orientals; that, in hot climates, love commences early, is violent during its existence, and is speedily exhausted; that there women also fade quickly and lose their fruitfulness early; and that their early sterility must be compensated by their number.

The answer to this is easy. There appears to be even less difference, as to the duration of reproductive power, between man and woman in the East, than there is in Europe. If an Indian girl be marriageable at nine, appear old and worn out at five and twenty, the youth, capable of reproduction at thirteen, is worn out at thirty. The duration of reproductive power is therefore nearly equal in the two sexes; and consequently no argument for polygamy can be founded on its longer continuance in the male. As, moreover, the wants of love in any one woman are as great and as frequent as in any one man, it becomes obvious that polygamy is only a gross abuse.

Allowing, however, that man could everywhere reproduce later than woman, it may be observed that nature, while in advanced life she permits the mere pleasures of love to both sexes, would seem to have beneficently rendered them unproductive, by the earlier sterility of the female; for assuredly there can be no greater misfortune than to bring into the world beings for whom the old age of the parents renders it impossible for them to provide.

It is also argued that, in the East, women are much more numerous than men; and that from this, it would appear as if polygamy had been pointed out by nature itself; for, were they obliged to confine them-

selves to one wife, the rest would be useless, and this superabundance would be an exception to a very true axiom, that nature has produced nothing in vain.

It is indeed true, that among polygamous animals, there are more females than males,—more ewes, does, and heifers, than bulls, bucks and rams, and that when men enervate themselves by polygamous marriages, the female must predominate, and bring forth more girls than boys. Forster cites examples of this amongst the polygamous nations he visited; and the same occurs wherever the husband is relatively feebler than the wife.

But what are the effects of this?—That both man and his progeny are enervated; that it is the less powerful and laborious sex that is in some degree rendered superabundant; and that this superabundance does not even compensate for the greater number of both sexes which monogamy produces—as is clearly proved by the fact, that in those countries where polygamy is established by law, a smaller number of inhabitants are produced on an equal space of ground than in countries where monogamy prevails. "It is generally observed," says Chardin, "both in Persia and throughout the East, that the increase of women does not augment the number of inhabitants, and that families are in general less numerous in Persia than in France."

Moreover, it is acknowledged that in countries where polygamy is permitted, it never becomes general except amongst the rich; and that the mass of the people are monogamists, and do not take a second wife till the first has grown old. "Arguing," says Sir A. Brooke, "from the circumstance that the num-

ber of persons who possess two, three, or four wives, form a very inconsiderable portion of the population, the males and females in Morocco would seem to be more evenly balanced than in Europe."

The near equality in numbers of the sexes seems, then, to indicate the natural law in favour of monogamy—there not being a sufficient number of prolific women in the world for general polygamy.

Polygamy, moreover, is very generally accompanied by female slavery. In Turkey, though marriages are contracted in various ways, and though there is a distinction between the women, they are in general all slaves. Through a great part of the East, the husband generally pays the dowry to the parents, of whom he purchases the daughter; and she has no equality with him, who regards her chiefly as the means of enjoyment.

"Women," says Burckhardt, "being considered in the East as inferior creatures, to whom some learned commentators on the Koran deny even the entrance into Paradise, their husbands care little about their strict observance of religious rites, and many of them even dislike it, because it raises them to a nearer level with themselves; and it is remarked, that the woman makes a bad wife, who can once claim the respect to which she is entitled by the regular reading of prayers."

Nor is this without strong sanction from their religious creed. The Koran, dispensing altogether with woman of the human race, says, "But all these glories will be eclipsed by the resplendent and ravishing girls of paradise, called, from their black eyes, 'Hur al oyun,' the enjoyment of whose company will be a

principal felicity of the faithful." These, they say, are created not of clay, as mortal women are, but of pure musk.

Several causes are stated as concurring to promote this degradation. Montesquieu in particular says, "Women in warm climates are marriageable at the age of eight, nine, or ten. Infancy and marriage, therefore, go almost always together: and women become old at twenty. Reason, then, and beauty, are in them never found together; when beauty wishes for sway, reason refuses it; and when reason might obtain it, beauty is no more. Women ought to be dependent: for reason cannot procure them in old age a power that beauty did not give them even in youth."

Montesquieu was very expert at writing a sort of pretty hypothetical nonsense.—"Beauty wishes for sway," and "reason refuses it!"—Whose reason, I pray? The reason of the thirteen year-old husband? Or that of the old ass who marries a child?—There is no reason for slavery at any time.

In proof of its existence, however, Montesquieu says, "Wives are changed so often in the East, that they cannot have the power of domestic government. The care is therefore committed to the eunuchs, whom they intrust with all their keys, and the management of all their household affairs."

But, by the apologists of polygamy, we are told, that the condition of the women in Turkey has little resemblance to slavery, and the pity given to it by Europeans has its source more in imagination than reality; that from their naturally retired and indolent habits, they care less about exercise in open air than ourselves; that the government of an English wife

over her own household does not equal that of the Turkish, which is absolute, the husband scarcely ever interfering in the domestic arrangements; that the women can, if they choose, exclude their husbands from their apartments; that they actually walk out whenever they please; that they are very fond of the bath, where large parties of them frequently meet and spend the greater part of the day, displaying their rich dresses to each other, conversing and taking refreshments; that they sometimes walk disguised through the streets of the city, without observation; that they walk veiled to the favourite promenades near the cemetery, or in the gardens of Dolma Batcke, with their attendants; that arobas full of laughing young Turkish ladies may be met driving outside of Constantinople, unattended by a guardian—going perhaps to enjoy a party of pleasure on the banks of the Bosphorus, or merely taking exercise; they often sail in their pleasure-boats to various parts of the Bosphorus, &c.

Mrs. Elwood even says, "I suspect the Turkish ladies are under no greater restraint than princesses and ladies of rank in our country, and the homage that is paid them seems infinitely greater. The seclusion of the Harem appears to be no more than the natural wish of an adoring husband, to guard his beloved from even the knowledge of the ills and woes that mortal man betide"!!!

In the preceding statements, referring chiefly to Constantinople, there may, as to mere physical restraint, be some truth; and there can be no doubt that, with the advance of civilization, much greater relaxation will take place; but that even such freedom is far from being general in polygamous coun-

tries, is proved by nearly every work of Travels in the East. Such statements, however, as those above quoted, even if they were more extensively true, prove little on the great point in question. In no inmate of a harem can the sentiments of love and the sweetest affections of the heart be satisfied. Polygamy gives to women their rivals as perpetual companions; and the only active feelings that can agitate them are painful ones. In all other respects, they are shut out from every variety of sensation, every useful or applauded occupation, every means of acquiring mind and intelligence, and they become in every sense of the word grown-up children.

To render this worse, one wife generally dominates over the rest.—"The first wife in India," says Mirza Abou-Taleb-Khan, "especially holds a very distinguished rank; she has her house, preserves almost the sole authority over the children, and becomes their protector and support; the servants are obedient to her in particular, and the whole household is under her exclusive direction. With how many whims and caprices, does she torment the wretched husband, who never dares to see his inferior wives or mistresses except by stealth and in secret? Out of one thousand Asiatics there are scarcely fifty who have several wives, and not above ten who keep a great number; for to satisfy the wishes of so many mistresses would be both expensive and embarrassing. The ladies know too well how to increase the desire of their charms by a thousand coquettish caprices, by protracting the siege, affecting to refuse, counterfeiting disdain and coolness, and fixing a very exorbitant price on their caresses, &c. Of a truth, the subjugated hus-

band, in the midst of these whimsical and jealous beings, who sell their freshness and their charms so dearly, lives neither a life of freedom nor happiness. The wife, who is the veriest slave, is easily able to gain her independence : if she is dissatisfied, the law in the East grants her permission to return to her father's house with her dowry and her children, without, however, divorcing her."

Now, we cannot suppose women quite so constant in those countries where the husband has a variety of wives, as in other countries, where he is confined to one. Indeed, where polygamy exists, the superabundance of women, however trifling, must ever render them more depraved ; for as both sexes have by nature the same wants, that which is the most numerous must seek the other for the gratification of these.

In all polygamous countries, accordingly, women have the art of getting free from the most severe restraint ; and the difficulty and unfrequency of opportunity, the dread of not finding it again, only render them more anxious to make the most of it. We are accordingly assured that, in many parts of the East, the wife is allowed to visit her parents, to sleep there, and to pass several weeks with them ; and that she takes care to do so especially when she can give lessons in the Zenana of her female friends, to great youths of fifteen, cousins and relations, that are passed off as so many children.

"An Egyptian Casheff," says Mr. Madden, "took me to see one of his wives, who was dying of dropsy. He had a large harem ; and, while I was examining the patient, the young ladies, who had probably never seen a Frank before, at least in their apartments, whis-

pered with one another, and tittered in my face; they all wanted to have their pulses felt; some of them had pains in the head, some in the elbows, and one roguish-looking girl, with laughing eyes, put her hand to her left side, complaining of pain, by telling me her 'heart was very hot,' 'elb sukne kitir.' I had no doubt of her malady; but before I had time to prescribe for her, she was in a roar of laughter. Even the women of a more advanced age were exceedingly merry, considering their situation.

"On the stairs, as I followed my conductor, a hideous old black woman tapped me on the shoulder, and thrust an embroidered handkerchief into my hand. It was impossible to avoid looking back: on the top of the staircase, I encountered the laughing eyes of the lady who complained of the pain in the region of the heart; I had just time to catch a gentle smile, and to see the yellow tips of her tapering fingers pressed to her eyelids. On opening the handkerchief, I found a bit of charcoal and a clove tied with a piece of red silk, and both enclosed in a scrap of paper: there was no writing, and none was requisite: the charcoal and the clove were eloquent."

"A Turkish husband," says Lady Craven, "who sees a pair of slippers at the door of his harem must not enter; his respect for the sex prevents him from intruding when a stranger is there upon a visit: how easy, then, is it for men to visit and pass for women! The large loose robe, which covers them from head to foot, favours this concealment."

Women being thus prone, in warm climates, to be the ready possessions of all men, jealousy becomes

there endemical. On this subject, Hume's observations are excellent.

"This sovereignty of the male is a real usurpation, and destroys that nearness of rank, not to say equality, which nature has established between the sexes. We are, by nature, their lovers, their friends, their patrons: would we willingly exchange such endearing appellations for the barbarous title of master and tyrant?

"In what capacity shall we gain by this inhuman proceeding? As lovers, or as husbands? The *lover* is totally annihilated; and courtship, the most agreeable scene in life, can no longer have place where women have not the free disposal of themselves, but are bought and sold, like the meanest animal. The *husband* is as little a gainer, having found the admirable secret of extinguishing every part of love except its jealousy. No rose without its thorn; but he must be a foolish wretch indeed, that throws away the rose and preserves only the thorn.

"But the Asiatic manners are as destructive to friendship as to love. Jealousy excludes men from all intimacies and familiarities with each other. No one dares bring his friend to his house or table, lest he bring a lover to his numerous wives. Hence, all over the East, each family is as much separate from one another as if they were so many distinct kingdoms. Destroy love and friendship, what remains in the world worth accepting?

"To render polygamy more odious, I need not recount the frightful effects of jealousy, and the constraint in which it holds the fair sex all over the East.

In these countries, men are not allowed to have any commerce with the females, not even physicians, when sickness may be supposed to have extinguished all wanton passions in the bosoms of the fair, and, at the same time, has rendered them unfit objects of desire. Tournefort tells us, that when he was brought into the Grand Seignior's seraglio as a physician, he was not a little surprised, in looking along a gallery, to see a great number of naked arms standing out from the sides of the room. He could not imagine what this could mean; till he was told that those arms belonged to bodies, which he must cure, without knowing any more about them than what he could learn from the arms. He was not allowed to ask a question of the patient, or even of her attendants, lest he might find it necessary to inquire concerning circumstances which the delicacy of the seraglio allowed not to be revealed. Hence physicians in the East pretend to know all diseases from the pulse."

Let us now look at the relation of this system to children.

As the beauty of the women of harems is the sole source of their power, they sometimes cause abortion in order the longer to preserve their attractions; and when children are produced, they are often deficient in natural vigour, because the offspring of fathers exhausted by indulgence; and in this way the race continues to degenerate. Moreover, these children afford their mothers but a moment's consolation: the daughters, before they reach the age of puberty, are shut up in other harems; and the sons are removed still earlier.

Hume justly observes that "the bad education of

children, especially children of condition, is another unavoidable consequence of these eastern institutions. Those who pass the early part of life among slaves, are only qualified to be themselves slaves and tyrants; and in every future intercourse, either with their inferiors or superiors, are apt to forget the natural equality of mankind. What attention, too, can it be supposed a parent, whose seraglio affords him fifty sons, will give to instilling principles of morality or science into a progeny, with whom he himself is scarcely acquainted, and whom he loves with so divided an affection? Barbarism, therefore, appears, from reason as well as experience, to be the inseparable attendant of polygamy."

The effects of polygamy on the parents are in some respects, no less injurious.

"The possession of many wives," says Montesquieu, "does not always prevent their entertaining desires for the wives of others. It is with lust as with avarice, whose thirst increases by the acquisition of treasures. This is the reason why women in the East are so carefully concealed." This was also observed in ancient times. In the reign of Justinian, many philosophers travelled into Persia. What struck them most was, that men could not abstain from adultery, even in a country where polygamy was permitted."

Even, however, when men are free from vices of this description, an excess of natural indulgence soon breaks up the strongest constitutions, and their moral character becomes vile and despicable from impotence, cowardice, falsehood and duplicity.

Even in society at large, where women are not as free as men, there is always a proportionate want of

civilization. Moreover, the despotism which thus exists in every house, always extends to political government; the state resembles the family; and they act reciprocally as cause and effect in relation to each other.

From all, then, that has been said, it is evident that love of hypothesis alone led Montesquieu to say, "Thus the law which permits only one wife is physically conformable to the climate of Europe, and not to that of Asia: this is the reason why Mahomedanism was established with such facility in Asia, and so difficultly extended in Europe; why Christianity is maintained in Europe, and has been destroyed in Asia; and in fine, why the Mahomedans have made such progress in China, and the Christians so little."

We may now consider the effects of indissoluble monogomy; and we shall find that, whatever may be the difference of forms, the actual practice of Europe differs less from that of Asia than might be imagined. In countries which are freer and richer, inheritance renders marriage and monogamy necessary. But it does not alter the passions of the human heart under the influence of indissoluble monogamy, nor does it change the nature of humanity.—The concubines and courtezans of the West are not less numerous than the wives of the East.—Do they contribute more to morality!

The truth is, that, while women form one class in the East, they form three in the West; while in Asia the distinction of one wife from the rest depends on the will of the husband, in Europe it depends on those

laws which property and inheritance create; and, while in the former, other women are degraded by the will of the husband, they are here degraded by that of society, into the two subordinate classes of concubines and courtezans.

All of these classes, then exist—all contribute to the fabric of Western society! The rigid will say that society disclaims them: the philosopher must observe, that society creates and maintains them. It is of facts, not of creeds, that we speak.

Some of the causes of concubinage and courtezanism, as already shown, are natural ones; and I believe the chief of these to be the natural love of variety, a subject which I discussed in treating of infidelity.

The periods also are frequent in which woman is physically unable to indulge in love, even if at such times she were morally so disposed. It is not, therefore, difficult to see how natural it is, that man should either maintain a combat with his passions, or should find, in concubinage, a compensation for the defects of monogamy.

When, then, we consider, the frequency of these periods of indisposition on the part of woman, and when we add to this, that she is more frequently subject to sterility than he is, we cannot wonder that concubinage and courtezanism in the West are employed to compensate for polygamy in the East.

We know that true love for a woman will make man not not merely submit to inconveniences, but that these will only encrease his regard; and we cannot doubt that much true love exists in society, and produces all its chaste, peaceful and beneficent effects. But when matrimonial slavery and the other miseries

of incongruous marriage are enhanced (and enhanced they will always most surely be in persons of the greatest sensibility) then the most powerful and the surest cause of concubinage and courtezanism must be called into activity.

What, then, does history tell us as to the universality of these vicious practices, in countries where monogamy has prevailed?

The Greeks appear to have had a favourable opinion of concubinage; it being permitted every where, and without scandal to keep as many concubines as they pleased. These were called παλλακίδες; consisted usually of women either taken captives, or bought with money; and were always deemed inferior to the lawful wives, whose dowry, or parentage, or some other quality, gave them pre-eminence. There is frequent mention of them in Homer: Achilles had his Briseis, and in her absence Diomede; Patroclus, his Iphis; Menelaus and Agamemnon, and even Phœnix and Nestor, had their women. Nor, says a respectable writer, "is it to be wondered that heathens should run out into such excesses, when the Hebrews, and those the most renowned for piety, such as Abraham and David allowed themselves the same liberty."

In modern times, the conduct of the English and French is too notorious to require a comment.

In France, we know, that, from the time of Francis the First to the time of Louis the Fifteenth, its kings expended immense sums upon their concubines; and that the nobles almost universally followed their example.

"The name of Henry IV," says Mr. Bulwer, "is hardly more historical than that of the fair Gabrielle;

nor has it ever been stated, in diminution of the respect still paid to this wise and beloved king, that his paramour accompanied him in the council, kissed him publicly before his court, and publicly received his caresses. No: the French saw nothing in this but that which was *tout Français;* and the only point which they considered of importance was, that the belle Gabrielle was really belle. On this point, considering their monarch's mistress as their own, they are inexorable; and nothing tended so much to depopularize Louis XIV as his matrimonial intrigue with the ugly old widow of Scarron.

"The use of concubines is so generally received at Venice," says Misson, "that the greater part of the wives live in good correspondence with their rivals."

It is undeniable, that concubinage, is too apt to produce evil consequences. It may render home indifferent; it may require secrecy, deceit and fraud; it may lead to low and degrading associations, because women of delicacy will shrink from such association; it may excite the jealous rage of the wife, &c. &c.

It would be curious to inquire why all this was not the case in ancient times, and in those nations among whom concubinage prevailed. Was this not the case, because concubinage was then lawful,—because the wife and the concubine inhabited the same house, which could not therefore be rendered in one sense indifferent,—because secrecy, deceit and fraud, could never, in such case, be called into action,—because such associations were accordingly never low and degrading,—because the concubine was the inferior of the wife only in the absence of those pretensions which belong to an undisputed rank in society,—be-

cause the want of modesty and humility in such case, became want of public as well as private decency,—because jealousy on the part of the wife, was thus deprived of the causes of excitement?—But, no doubt, some of the same ill effects existed.

I have thus further illustrated the nature of sexual love—I doubt whether polygamy and concubinage ever ministered sufficiently to all the variety which it licentiously demands.

That courtezanism, which does so minister, is both unsatisfactory and vicious, however inevitable under indissoluble marriage, will now appear.

In Grecian times, Asia, then deemed the mother of voluptuousness, produced the courtezans whose arts and occupations met with no check or restraint from the laxity of Ionian morals, and were even promoted and encouraged by the corruptions of the ancient religion. In most of the Greek colonies of Asia, temples were erected to the earthly Venus; where courtezans were not merely tolerated, but honoured, as priestesses of that divinity.

The wealthy and commercial city of Corinth first imported that practice from the East; and, as there was in it a temple of Venus, where the readiest method of gaining the goddess's favour, was to present her with beautiful damsels, who from that time were maintained in the temple and prostituted themselves for hire, Corinth became remarkable for being a nursery of courtezans; more than a thousand being at one time consecrated to the goddess.

The inhabitants of Corinth are indeed said to have attached great importance to this kind of celebrity, and purchased, in the neighbouring countries, and es-

pecially in the islands of the Archipelago, young girls, whom they brought up to be consecrated to the worship of Venus, when they had attained the proper age. The handsomest of all the hetairai or hetairides were accordingly those of Corinth; and we are told by Strabo, that there were no less than a thousand there in his time. Hence *κορινθιάζειν*, to act to Corinthian, is *ἑταιρεύειν*, to commit fornication.

The Corinthians were a genteeler sort of courtezans, and accepted no lovers but such as were able to deposit a considerable sum, as we learn from Aristophanes. This gave occasion to the proverb *Οὐ παντὸς ἀνδρὸς ἐς Κόρινθον ἔθ' ὁ πλοῦς*, which Horace has translated, Non cuivis hominum contingit adire Corinthum.

Their occupation, indeed, was very gainful, insomuch, that those whom beauty and talents recommended, frequently acquired great estates. A remarkable instance of this is recorded in Phryne, who offered the Thebans to rebuild the walls of their city when demolished by Alexander, on condition they would engrave on them this inscription—*ΑΛΕΞΑΝΔΡΟΣ ΑΝΕΣΚΑΨΕΝ ΑΝΕΣΤΗΣΕ ΔΕ ΦΡΥΝΗ Η ΕΤΑΙΡΑ*, i. e. These walls were demolished by Alexander, but raised by Phryne, the courtezan.

Aspasia, born at Miletus, the chief town of Ionia, was, we are told, the first who introduced Asiatic elegance into Europe; but Athenæus declares, that her disciples were few among the noble dames, and that the courtezans alone were eager in copying her dress and manners.

Wieland has remarked that, in Athens, where the domestic police was very severe, there were more he-

tairai than in the other towns of Greece. They were divided into four classes: 1st, the philosophical and poetical, as Aspasia, Leontion, &c.; 2ndly, the mistresses of kings; 3rdly, those called familiar; and 4thly, the Dicteriades. Auletrides or flute-players, with the female dancers, corresponding to the Bayaderes of India and the Almè of Egypt, may be regarded as a separate class.

"Every one knows," says Thomas, "how enthusiastic the Greeks were of beauty. They adored it in the temples; they admired it in the principal works of art; they studied it in the exercises and the games; they sought to perfect it by their marriages, and they offered rewards to it at public festivals.

"In Greece, the courtezans were in some measure connected with the religion of their country. The goddess of beauty had her altars; and she was supposed to protect prostitution, which was to her a species of worship.

"The courtezans were likewise connected with religion by means of the arts. Their persons afforded models for statues, which were afterwards adored in the temples.

"We are told that Phryne served as a model to Praxiteles for his Venus of Cnidos. It has also been said that Apelles, having seen the same courtezan on the sea-shore without any other veil than her loose and flowing hair, was so much struck with her appearance, that he borrowed from it the idea of his Venus rising from the waves.

"These women, moreover, appeared with distinction in all the fetes of love and pleasure.

"The greater part of them were skilled in music; and as that art was attended with higher effects in Greece than it has ever been in any other country, it must have possessed in their hands an irresistible charm.

"The modest women were confined to their own apartments, and were visited only by their husbands and nearest relations . . . The courtezans of Athens, by living in public, and conversing freely with all ranks of people, upon all manner of subjects, acquired by degrees a knowledge of history, of philosophy, of policy, and a taste in the whole circle of the arts. Their ideas were more extensive and various, and their conversation was more sprightly and entertaining, than any thing that was to be found among the virtuous part of the sex. Hence their houses became the schools of elegance; that of Aspasia was the resort of Socrates and Pericles; and, as Greece was governed by eloquent men over whom the courtezans had an influence, the latter also influenced public affairs."

Those of the first class, like Aspasia, Theodota, Hipparete and Leontion, were skilled in uniting mental to personal graces, and to all the means of coquetry and seduction; and Plato, in one of his dialogues, makes Socrates advise Theodota respecting the means of embellishing her profession.

These women accordingly exercised a sort of influence that modern courtezans have never possessed. Hence it was, that whenever a beautiful woman appeared in Greece, her name was in every mouth, from the extremity of Peleponesus to the confines of Mace-

donia. Husbands, we are told, could no longer be restrained by the caresses of the most tender wives, nor sons by the threats of imperious mothers.

It is said that the cynics of Greece practised at times a species of policy very extraordinary in its nature. When speaking publicly at Athens or Corinth against the corruption of morals, they frequently entered into such vehement declamations against the courtezans, that the greatest beauties were forced to appease those ferocious animals with caresses. It is very probable, that the person who accused the courtezan Phryne, had received a refusal, for which he sought to avenge himself by an accusation of impiety. —It was the orator Hyperides who then undertook the defence of Phryne.

Solon permitted the courtezans to exercise their profession. Nor was this thought repugnant to morals.

Cato, the Roman censor, was of the same opinion with the Greeks; and Cicero, moreover, challenges all persons to name any time wherein *men were either reproved for this practice, or not countenanced in it.*

What a contrast to the opinion of modern philosophers, which I believe to be perfectly just! In modern times, indeed, and since the discovery of America in particular, the use of courtezans has become much more immoral.

But let us look at its prevalence in modern times; and in a nation commonly deemed one of the most civilized.

The mode in which the higher courtezans or mistresses have been regarded in France, may be gathered from Lady Morgan's account of Ninon de l'Enclos, which I now quote.

"The interval of a century is reckoned necessary to precede the canonization of a saint: more than a century has passed over the frailties of this too charming sinner. Time has invested with its own interest the errors, it could not give to oblivion; philosophy has seen them through the medium of the age to which they belonged; charity has absolved what it cannot excuse; and while recalling the virtues which accompanied them, it bids those who are without sin 'to cast the first stone.' Ninon de l'Enclos was an extraordinary woman. Her frailty was shared by many of the highest rank and station of her age and country: her virtues were her own. They combined to form that bewitching but imperfect picture, which St. Evremont has left her, and which every incident of her life illustrated:—

'L' indulgente et sage nature
A formé l'ame de Ninon,
De la volupté d' Epicure,
Et de la vertu de Caton.'*

"An intellect of the very highest order; acquirements of the most extraordinary fascination;† a probity beyond all example; a spirit of independence which neither love nor friendship could tame to submission; a sobriety which (strange to say) was a

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* Ninon from bounteous nature doth inherit
A soul, endowed with ev'ry blended merit;
Where Epicurus' love of ease combines
With all the virtue which in Cato shines.

† She was one of the best linguists, the most charming narrator, musician and dancer, of her time. She had but one affectation, which was, that she required much pressing to be prevailed on to sing or to play on the lute. On the subject of these accomplishments, she observed "Une liaison de cœur est celle de toutes les pièces, où les entr'actes soient les plus longs, et les actes les plus courts: de quoi remplir ces intermèdes sinon par les talens."

virtue shared by few of her royal and noble contemporaries of her own sex; a love of truth, order and economy; a moral courage, to which every great writer of her time has borne testimony, and which waited not upon circumstances to serve the oppressed, or to defend the calumniated;* and a disinterestedness that rejected every offer of splendid dependence, even from royal power and devoted friendship;†—such were the qualities which elicited the observation that 'If Ninon had been a man, the world could not have refused her the praise of having been the honestest and most gallant gentleman that ever existed.' It is necessary to recall all these rare and noble qualities, to excuse an expression of the intense pleasure I felt as I crossed the threshold of this modern Aspasia, and ascended the stairs, which love and genius, in their highest and most impressive impersonations, had trod with feathery steps and bounding hearts. For, to those who, 'content to dwell in decencies for ever,' have never reached 'one great or generous thought,' an excuse may be deemed necessary, for visiting, with some enthusiasm, the dwelling of the frail, but high-

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*The disgrace and exile of her philosophical friend, St. Evremont, called forth all the generous activity of her nature. She assisted him with her purse, while she laboured successfully with her ministerial friends to promote his recall. When, at last, she obtained it, St. Evremont had formed new ties in England, which induced him to decline availing himself of the permission.

†Madame de Maintenon, the queen of France de facto, and Christina, the queen de jure of Sweden, made repeated offers of liberal provision, which she declined. Christina paid her a visit, on the description given by the Marechal D'Albret and other Parisian wits, of the charm of her conversation, which she said far surpassed its reputation. The queen, unable to part from her, offered 'l'illustre Ninon,' as she always called her, to carry her to Rome, and to give her a residence in her palace: but Ninon preferred her own little home in the Rue des Tournelles, and declined the invitation.

minded Ninon, rather than that sumptuous hermitage, where, to the last act of an eventful life, the great actress, her false friend and hypocritical rival, Mad. de Maintenon, practised stage effect for her imperial spectator the Czar, the ostentatious St. Frances of her own servile community of St. Cyr.

"Ninon de l'Enclos was the only child of a gentleman of Touraine. A gallant officer in the army of Louis the Thirteenth, a professed philosopher of the Epicurean school, he educated his gifted daughter in the same principles which he had made the rule of his own life. His last words were, 'Be more scrupulous in the choice than the number of your pleasures.' The example influenced but too much all that was least laudable in her conduct. Left an orphan, in the bloom of her youth and beauty, with an income of eight or ten thousand livres per annum, she purchased that house, which, in spite of the frailties of its mistress, became the resort of the most distinguished of both sexes; 'the only house,' says a contemporary writer, 'where the guests dared depend on their talents and acquirements, and where whole days could be passed without gambling and without ennui!' There she lived through the spring, summer and winter of her days; and there, at the advanced age of ninety, she died, after having through life preserved her independence by a rigid economy, which not only enabled her to entertain the first persons in France at her table, but permitted her the higher gratification of assisting improvident friends and relieving indigent merit; for which purpose she had always a year's revenue in advance.

"'At the age of seventy,' says the Marquis de la

Fare, 'she had lovers who adored her, and the most respectable persons in France for her friends. I never knew a woman more estimable, or more worthy of being regretted.'

"Madame de Sévigné, the only writer of her age that speaks of Ninon de l'Enclos with bitterness and aversion (justified by her own unblemished virtue and by her fears for her son,) bears witness to the good *ton* of her society, and to the respectability of the persons who composed her circle. In one of her charming letters to her cousin, de Coulanges, she writes:— "Corbinelli me mande des merveilles de la bonne campagnie d' hommes qu' il trouve chez Mademoiselle de l'Enclos; ainsi, quoique dise M. de Coulanges, elle ressemble tout sur ses vieux jours, et les hommes et les femmes."*

"But her *vieux jours* were still far off,† when she gave, in her favourite apartment, her *petits soupers* to the Sévignés, and 'à tous les Despreaux et tous les Racines,'‡ when Molière read to her his 'Tartuffe,' to which she listened with transport; and De Tourville, his 'Demosthenes,' which she heard with an ill-concealed ennui. This imprudence converted the most ardent of her lovers into the bitterest of her enemies: for wounded vanity knows no ties; and love and

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* Corbinelli writes me marvels of the good men who assemble at Mademoiselle de Enclos'; and notwithstanding what M. de Coulanges may say, she collects every thing, male and female, around her in her old days."

† Ninon was fifty-six when she inspired the Marquis de Sévigné with that romantic passion which his mother has so humourously immortalized. At seventy, she made the conquest of the Baron de Benier, of the royal family of Sweden; and at eighty, she achieved the better-known victory over the heart of the Abbé Gédoyn, a young Jesuit.

‡ "To all the Boileaus and all the Racines"—Madame de Sévigné.

friendship fall alike victims to the vengeance of mortified pretension. Genius alone can pardon the wound which judgment inflicts.

"It was in this apartment (on the second floor,) which consists of four rooms en suite, hanging over the garden, and commanding a view of the hotels Soubise and la Moignon, the Bastile, &c., that we lingered the longest, and with the most recollections to excuse the delay. In her cabinet, the spot is still traditionally pointed out where Molière read to her the finest of his compositions; as is that place, in the garden under her windows, where the unfortunate and accomplished Chevalier de Villiers fell upon his sword, on discovering that the object of his fatal passion was his mother.*

"Here [speaking of Ninon's apartment,] she was found at her toilet by the noblest of her lovers, curling her beautiful hair with the contract of marriage, and bond for four thousand louis he had given her the night before. Here she restored to de Gourville the deposit of half his fortune, which he had left with her when driven into exile—the other half, confided to the Grand Pènitencier, the mirror of priestly austerity and devotion, who affected to have forgotten the transaction, and threatened his credulous friend with the consequences of his persisting in the demand. Thus de-

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* This tragical event is, by some, supposed to have happened at her villa at Picpus, near Paris, where she had invited her son for the purpose of declaring to him the secret of his birth, as the only means of curing him of his ill-fated attachment. She was, at this time, upwards of sixty. "This event," says her biographer, "made the most profound impression on her; and it is from this time, we may say, that Mademoiselle de l' Enclos, estimable, solid and attached, succeeded to the dissipated and inconstant Ninon; and from this time till death, she was only known by the former name."

ceived by the churchman, he did not even think of applying to Ninon, whom he imagined to be so much more likely to have spent his money. She sent for him, however, and said—'I have to reproach myself deeply on your account: a great misfortune has happened to me in your absence, for which I have to solicit your pardon.' Gourville thought, at once, that this misfortune related to his deposit; but she continued—'I have lost the inclination I had for you; but I have not lost my memory. Here are the twenty thousand crowns you trusted to my care. Take the casket in which they still are; and let us live, for the future, as friends.'"

"The excellent Ninon," says Mr. Bulwer, "has left us, in her farewell letter to Monsieur Sévigné, a charming description of that French gallantry which existed in her day, and survives in ours. 'It is over, Marquis; I must open my heart to you without reserve; sincerity, you know, was always the predominant quality of my character. Here is a new proof of it. When we swore, by all that lovers hold most sacred, that death alone could disunite us—that our passion should endure for ever—our vows, on my side, at all events, were sincere. Admire the strangeness of this heart, and the multitude of contradictions of which, alas! it is capable. I now write in the same sincerity that breathed in my former oaths, to assure you that the love I felt—I feel no longer. Instead of endeavouring to deceive myself, and to deceive you, I have thought it more worthy of both to speak frankly. When the thing is true, why not say, I love you no more with the same sincerity with which one said, I love you?" Nor was this levity in love the lady's pe-

culiar characteristic. A little history in Madame de Sévigné describes a scene in which the gentlemen acts perfectly à la Ninon. 'The Chevalier de Lorraine called the other day upon the F——: she wished to play La Désespérée. The chevalier, with that beautiful air which you recollect, endeavoured to do away at once with her embarrassment. 'What is the matter, Mademoiselle?' said he; 'why are you out of spirits? What is there extraordinary in the accident that has happened to us? We loved one another—we love one another no longer. Constancy is not the virtue of our age. We had much better forget the past, and assume the ordinary manners of the world. —What a pretty little dog you have got! And thus,' says Madame de Sévigné, 'ended this belle passion.'

"How many modern anecdotes do I remember of the same description! It was but the other day that a lady called upon a friend whom she found in despair at the fickleness of men. Surprised at this extraordinary display of affliction,—'Be comforted,' said the lady to her friend; 'be comforted, for heaven's sake; after all, these misfortunes are soon replaced and forgotten. You remember Monsieur C——; he treated me in the same way; for the first week I was disconsolate, it is true;—but now—mon Dieu!—I have almost forgotten that he ever existed.'—'Ah! my dear,' said the lady, who was in the wane of her beauty, and whom these soothing words failed to console, 'there is, alas! this great difference between us—Monsieur C—— was your first lover—Monsieur R—— is my last!' Love, that cordial, heart-in-heart kind of love which our English poets have sometimes so beautifully depicted, is not to be found in France. In every step

of a French amour, you are overpowered by words, you are adored, idolized; but in all the graceful positions [Mr. Bulwer has too much of French feeling, to say 'grimaces'] into which gallantry throws itself, as amidst all the phrases it pours forth, there wants that quiet and simple air, that deep, and tender, and touching, and thrilling tone which tell, beyond denial, that the heart your own yearns to is really and truly yours. The love which you find in France is the love made for society—not for solitude: it is that love which befits the dazzling saloon, the satined boudoir; it is that love which mixes with intrigue, with action, with politics, and affairs; it is that love which pleases, and never absorbs; which builds no fairy palace of its own, but which scatters over the trodden paths of life more flowers than a severer people find there."

Of courtezans in England, Colquhoun says that "In point of numbers they certainly exceed credibility; but although there are many exceptions, the great mass (whatever their exterior may be) are mostly composed of women who have been in a state of menial servitude, and of whom not a few, from the love of idleness and dress, with the misfortune of good looks, have, partly from inclination, not seldom from previous seduction and loss of character, resorted to prostitution as a livelihood.

"From the multitudes of these unhappy females that assemble in all parts of the town, it is that the morals of our youth are corrupted.

"These lures for the seduction of youth passing the streets in the course of their ordinary business, might be prevented by a police applicable to this object, without either infringing upon the feelings of

humanity, or insulting distress; and still more is it practicable to remove the noxious irregularities which are occasioned by the indiscreet conduct, and the shocking behaviour of women of the town and their still more blamable paramours, in openly insulting public morals, and rendering the situation of modest women at once irksome and unsafe, either in places of public entertainment, or while passing along the most public streets of the metropolis, particularly in the evening.

"To the disgrace, however, of the police, the evil has been suffered to increase, and the boxes in the theatres often exhibit scenes which are certainly extremely offensive to modesty, and contrary to that decorum which ought to be maintained, and that protection to which the respectable part of the community are entitled against indecency and indecorum; when their families, often composed of young females, visit places of public resort.

"To familiarize the eyes and ears of the innocent part of the sex to the scenes which are often exhibited in the theatres, is tantamount to carrying them to a school of vice and debauchery."

It is evident that with such reasonable freedom of divorce as I have proposed—in other words, with well-assorted marriages, or the means of ensuring the society of the beings who are dearest to each other in the world, there could exist no motive for such extensive and demoralizing courtezanism.

The facility of prostitution in Africa and in some of the South Sea Islands, is evidently the result of another cause—the mere barbarism of the people, and the despotism of the men.

The negresses are, generally speaking, lively, gentle, and amorous; and very universally the husbands make no opposition to their fancy for strangers, though jealous of men of their own colour.

The English missionaries to the South Seas state that, although it was night, two women swam off to them to be admitted on board, and when they found that the missionaries would not admit them, kept swimming round the vessel for more than half an hour, crying in a suppliant tone of voice, "Waheini, Waheini!" We are women, we are women! At last, they became tired, and swam to shore. Two Indians who were with the missionaries followed them, after having in vain begged of the captain to let them sleep on board: he was fearful of the consequences.

The following morning, visits were paid to the missionaries very early. Seven young girls, remarkable for their beauty, swam from the shore and passed three whole hours in swimming and playing about the vessel, crying out continually, "Waheini." During this time, some of the inhabitants of the island came on board, amongst others, a chief who requested the captain to let his sister, who was one of the swimmers, come in, which was granted. The complexion of this girl was very good, though somewhat yellowish, but it was a healthy colour, with a rosy tinge on the cheeks. She was tall and rather strongly made, but the symmetry of her features and the proportion of all her limbs were such that she would have formed a model for a sculptor. A little Otaheitan girl, who was with the missionaries, and who was very pretty, was completely eclipsed, and seemed to feel so; but she had the advantage by her mildness, gentleness and particu-

larly by her modesty. Shocked to see a female naked in the midst of men, she made haste to cover her with an Otaheitan garment that became her very well. When the other swimmers saw this dress, they became still more importunate for admission. Their number kept continually increasing, and when the missionaries saw that they were determined not to return to the shore, they took pity upon them and brought them on board. The only clothing these women had was a girdle of leaves: they expected to obtain dresses like the first, but it was not possible to give to all; and even the goats that were thirsting for green leaves, despoiled these poor Indians as if on purpose.

Upon their arrival at one of the Marquesas, Tenaè, a chief, brought five young and pretty girls on board the English vessel for the Europeans, and seemed surprised and hurt the next morning, when he found that none of them had suited.

He also, to entertain his hosts, invited them to pass two or three days in a valley in the island. Mr. Cook willingly consented, but Mr. Harris, not wishing to make one of the party, Tenaè left him his wife, desiring him to treat her as his own. It was useless to protest against the arrangement; the chief's wife reckoned upon Mr. Harris's gallantry. When she found that he paid her no attention, she denounced him to the other women in the neighbourhood; and while Mr. Harris was asleep, they came in a body to see if there was not some mistake about his sex. He was so alarmed at the free manners of these women when he awoke amongst them, that he resolved to quit a country where such morality existed.

The French of Bougainville's expedition were simi-

larly treated; the Otaheiteans being eager to supply them with the youngest and prettiest of their wives.

"The favours accorded to Europeans, we are informed, were always renumerated by presents, and the coarest hardware of Europe was as valuable as jewels on these distant shores, and easily gained the favours of the most distinguished beauties. Even the chiefs could not withstand their temptation . . . The islanders themselves appear to purchase the favours of the women, for the poorest of them are generally unmarried . . The same custom seems to exist in almost all the islands inhabited by the Malay race. In New Holland, wives sell themselves even to their husbands, and the wife of Ben-nil-long, who visited England in 1795, came to him when he returned, for a pair of European stays and a rose-coloured bonnet."

"If," says Kotzebue, "the modesty which conceals the mysteries of love among civilized nations, be the offspring only of their intellectual culture, it is not surprising that a wholly uninstructed people should be insensible to such a feeling, and, in its unconsciousness, should even have established public solemnities which it would strike us as excessively indelicate."

"The women, however, who distributed their favours indiscriminately, were almost always of the lowest class.

"Among the higher classes, a most licentious association called Ehriori, including both sexes, existed. [This consisted of about a hundred males and a hundred females, who formed one promiscuous marriage.] Renouncing the hopes of progeny, its members rambled about the island, leading the most dissolute lives; and if a child was born among them, the laws

of the society compelled its murder, or the expulsion of the mother. The men were all warriors, and stood in high estimation among the people. The Ehriori themselves were proud of the title, and even the King O Tu belonged to this profligate institution." It is of this that Darwin says :—

> "Thus, where pleased Venus, in the southern main,
> Sheds all her smiles on Otaheite's plain,
> Wide o'er the isle her silken net she draws,
> And the loves laugh at all but Nature's laws."

We here see the result of individual despotism, as, in the indissoluble marriages of Europe, we see that of the despotism of society and their governments.

Man thinks that his wife belongs to him like his domesticated animals ; and he keeps her therefore in slavery. There are few, however, who wear their shackles without feeling their weight, and not a few who resent it.—"When you talk as masters," says Madame Roland, "you teach us to think of resistance, and perhaps even of more, however strong you may be. Achilles was not invulnerable in every point."

Thus it is despotism generally, and that species of it which leads to late and indissoluble marriages in particular, which causes courtezanism.

The writer, therefore, is egregiously wrong who omits all consideration of this cause, who looks at prevalent courtezanism merely as an ultimate fact, and who treats it as a natural and necessary law. This writer, in the Monthly Magazine for August, 1810, states that "about nine-tenths of all the adult males between the age of eighteen and twenty-five practice promiscuous love, and this in all countries, whatever the climate or the religion ;" and he con-

cludes that "if, from the average conduct of the species, may most securely be inferred the law of nature and of God, that is the moral duty."—This only proves that early marriages, though prevented by an artificial and bad state of society, are natural and wise.

That promiscuous love and courtezanism are unwise and destructive, is very certain. Dr. Priestly, however, uses a faulty argument on the subject. He says, "as no man ever began the practice of illicit love with thinking it to be a crime, so neither can he continue it without some sense of shame, at least with respect to the more decent and worthy persons of his acquaintance, whose character he most reveres. Now, a man who has something to conceal, has always something to fear, and a detection would make him ashamed and confused; and the state of mind which these suspicions and contrivances necessarily superinduce is debasing, and inconsistent with a perfect enjoyment of life."—There can be no doubt that the shame and concealment in this case are, in some measure, the result of the natural modesty which attends all sexual affairs, and in some measure the result of mere conventional or arbitrary rules.

It is doubtless an evil, from whatever cause it spring, that men form illicit connexions, who yet would not on any account have the circumstance transpire in the world; they are perpetually subject to the operation of accidents which may expose them; and even the woman herself may be the means of the exposure.

It is another evil of courtezanism that, as young men seldom have the opportunity of illicit commerce with any but poor women or those of the town, temp-

tation to expense is thus held out, and has often driven thoughtless youths to acts of dishonesty, which have brought them to shame or to ruin.

An evil of courtezanism which is perhaps generally productive of more lasting injury is this, that it begets disinclination towards any honourable female connexion. "No man," says Priestly, "who has not been married, can have a just idea of the proper satisfaction of the conjugal state, because it depends upon feelings and habits of mind acquired after entering into that state, and in consequence of it: so neither can the man who has indulged himself with a variety of women before or after marriage, have any idea of the unalloyed satisfaction with which that man views his wife and children, who is conscious that he has lived to them only . . . Every act of indulgence before marriage is a deduction from this most valuable stock of happiness."

It is at least a more obvious evil of courtezanism, that, when frequent, it soon injures the digestive powers, and impairs the constitution in such a degree, that its victims are absolutely afraid of entering into the marriage-state.

Fonseca remarks, that "if a body weakened by such excesses be attacked by an acute distemper, there is no remedy."

Of a young man who had been under the care of Dr. Tissot, that physician writes thus: "At the end of a month his cure was complete, except in this, that he had not, nor perhaps ever will have, the strength it is probable he would have had, but for his misconduct. The check which the machine receives in its growing season has consequences which are irreparable." And

again, "The reproductive organs are always those that recover their vigour the slowest. Often, too, they never regain it, even though the rest of the body appeer to have recovered its natural strength."

Peculiar diseases, moreover, are the effects of prostitution,—diseases the most loathsome, which taints every fibre of the body, and embitter the remainder of life,—diseases, too, which one single act of imprudence may originate, and from which no rank or station affords an exemption. This last circumstance is sufficiently exemplified in the case of the Duchess of Portsmouth, the first article of accusation against whom was, "That the said duchess hath, and still doth cohabit and keep company with the king, having had foul, nauseous and contagious distempers, which once possessing her blood, can never admit of a perfect cure, to the manifest danger and hazard of the king's person, in whose preservation is bound up the weal and happiness of the Protestant religion, our lives, liberties and properties, and those of our posterity for ever!"

Perhaps the greatest crime in courtezanism is the injury it leads men to inflict upon women. Some young men, without imagining that they are doing any real harm, thus engage in a practice which may quickly render them criminals of the worst description, preying upon unsuspecting females and robbing them of that innocence, that respectability, and those prospects in life, for the loss of which they can never afford them any recompense! Indeed, "when we consider the artifice, fraud and perjury resorted to in these cases, the ruin of the unfortunate female, and the poignant wound thereby inflicted upon parents, it

may be doubted whether this is not the most vile and heinous crime that an individual can be guilty of."

Prostitution, then, is the legitimate offspring of indissoluble marriage; and yet severely does man punish it in his slave.—"Those unfortunate females," says Mrs. Wolstonecraft, "are broken off from society, and by one error torn from all those affections and relationships that improve the heart and mind. It does not frequently deserve the name of error; for many innocent girls become the dupe of a sincere, affectionate heart, and still more are, as it may emphatically be termed, ruined before they know the difference between virtue and vice: and, thus prepared by their education for infamy, they become infamous. Asylums and Magdalens are not the proper remedies for these abuses. It is justice, not charity, that is wanting in the world.

"A woman who has lost her honour, imagines that she cannot fall lower; and as for recovering her former station, it is impossible: no exertion can wash this stain away. Losing thus every spur, and having no other means of support, prostitution becomes her only refuge, and the character is quickly depraved by circumstances over which the poor wretch has little power, unless she possess an uncommon portion of sense and loftiness of spirit."

"Women," says Shelley, "for having once erred, are driven with fury from the comforts and sympathies of society. It is less venial than murder; and the punishment which is inflicted on her who destroys her child to escape reproach, is lighter than the life of agony and disease to which the prostitute is irrecoverably doomed. Has a woman yielded to the impulse

of love,—society declares war against her, pitiless and eternal war: she must be the tame slave, she must make no reprisals; theirs is the right of persecution, hers the duty of endurance. She lives a life of infamy: the loud and bitter laugh of scorn scares her from all return. She dies of long and lingering disease: yet she is in fault, she is the criminal, she the froward and untameable child—and society forsooth, the pure and virtuous matron, who casts her as an abortion from her undefiled bosom! Society avenges herself on the criminals of her own creation; she is employed in anathematizing the vice to-day, which yesterday she was the most zealous to teach. Thus is formed one-tenth of the population of London: meanwhile the evil is two-fold. Young men, excluded from the society of modest and accomplished women, associate with these vicious and miserable beings, destroying thereby all those exquisite and delicate sensibilities whose existence cold-hearted worldings have denied; annihilating all genuine passion, and debasing that to a selfish feeling which is the excess of generosity and devotedness. Thus body and mind alike crumble into a hideous wreck of humanity; idiotcy and disease become perpetuated in their miserable offspring; and distant generations suffer for the bigoted morality of their forefathers."

The share which parents have in punishing their child, has never been considered.

In my work on Intermarriage, I have shown that organization is nearly indestructible—that it passes, with little or no alteration, from parents to progeny; and that function is equally unchanged in descending. The conduct of progeny, accordingly, will always be

found to resemble that of parents at the same period of life.

Let any intelligent and candid father and mother, at the time they are contemplating the punishment of a child, look back to their own conduct, at the same period and under similar circumstances; and they will be astonished to trace a resemblance so minute and circumstantial. They may hesitate to acknowledge this; but that only proves their dispositions to be much worse than they imagine; and the consequence of this want of honourable candour will be displayed in injustice to the child.

Strongly impressed with this identity of organization and conduct in parents and progeny, a friend of mine very philosophically terms his children his "future states." Can anything, then, be more ignorant and savage than parents punishing the errors they have not only themselves committed, but have bequeathed to their children; for, giving their organization, their actions were inevitable—similar causes have similar effects.

No doubt the conduct of children will be modified as may be the organization; but this produces little change in their essential character; nor will this surprise us when we consider how strictly certain faculties are connected with the anterior series of organs, and other faculties with the posterior series. Difference of sex will cause greater modifications; but the limits of these are easily traced by any one who observes what faculties are increased, and what diminished, in woman, as pointed out in Part I.

Even however, if the conduct of children were more extensively modified than I have yet observed it to be,

by the combination of the posterior series of organs with the anterior ones, the sole responsibility for that conduct would rest with the parents. Their progeny, in that respect, are implicitly dependent on the mutual choice which they are pleased to make. Nowhere, therefore, can blame rest but with themselves.

I say nothing of education, though that too would rest entirely with the parents; because education in any one individual has little power to change the passions.—Nothing, therefore, I repeat, can be more ignorant and savage than parents punishing the errors they have not only themselves committed, but have bequeathed to their children.

Next to parents, in the infliction of so much misery, are the female sex—as they themselves declare.

"There is a trite observation," says Mrs. Macauley, "that the first fault against chastity in women has a radical power to deprave the character. But surely no such frail beings come out of the hands of nature. The human mind is built of nobler materials than to be so easily corrupted; and with all their disadvantages of situation and education, women seldom become entirely abandoned till they are thrown into a state of desperation by the *venomous rancour* of their *own sex*."

To this, I need only add Mrs. Wolstonecraft's observation that, "That woman has little claim to respect on the score of modesty, though her reputation may be white as the driven snow, who smiles on the libertine, while she spurns the victims of his lawless appetites."

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APPENDIX.

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APPENDIX.

MATERIALISM.

The remarks of Mr. Walker concerning the nature of mind are not sufficiently explicit, nor altogether satisfactory. To say that "both mind and life are born, that both grow with their respective organs, that both are liable to accident and disease with the organs of which they are the functions, that both become enfeebled and decay precisely as do their organs," and that "both *die* with their organs," is travelling "beyond the record," and unphilosophical, to say the least. All must acknowledge the intimate connection between the mind and the body, and admit that during the present life, the mind depends for its manifestation on material instruments; but this does not prove that the mind itself is material. It may be, and doubtless is, a spiritual principle, superadded to matter—dependent, during life, upon the brain for manifesting itself; but it by no means follows, that it therefore depends on the brain for *its existence*. This is a different question altogether, though often confounded with the first. There is indeed the greatest danger of doing this; for when we perceive that in this world, no faculty manifests itself without a material condition, that even our mental faculties act by means of matter, and that their actions are perceived only through the agency of material organs, we are almost ready to

conclude that mind and matter are the same, or at least that the former is the result of some peculiar, and perhaps etherialized modification of matter, and that both tend to the same fate. But while we believe that the faculties and dispositions of the soul are innate, and that their exercise depends on material organs, we may at the same time hold that there is another principle distinct from that of matter, and which may exist independently of it. The negative of this proposition can never be established, and in attempting it even, the materialist transgresses the bounds of just philosophizing. It is a question entirely beyond the scope of our faculties, for it is evident that all our knowledge is derived either from consciousness or observation, and that neither of these teaches us any thing concerning the nature or essence of the thinking principle—the soul. Consciousness gives no information—the scalpel reveals no discoveries. In short, as Dr. Spurzheim well remarks, "Nature has given man faculties fitted to observe phenomena, as they at present exist, and the relations subsisting between them; but has denied to him powers fitted to discover, as a matter of direct perception, either the beginning or the end, or the essence of any thing under the sun; we may amuse our imagination with conjectures, but will never arrive at truth, when we stray into these interdicted regions."

To determine this question then, we have but one resource—but that is ample—divine revelation. This teaches so clearly the spirituality and immortality of the thinking being, and this doctrine is so consistent with right reason, that the true philosopher will seek for no other authority.

SIZE OF MALE AND FEMALE BRAIN.

With respect to the comparative size of the male and female brain, Mr. Walker is evidently in error. He remarks that "while in woman, the whole brain and the intellectual functions considered generally are thus less even at birth, than those of man, she has even at that period, with larger organs of sense, a larger forehead, and more powerful observing faculties, depending on the cerebral masses which form that part, &c." To prove this

statement, he gives the cerebral measurement of two pair of twins, male and female. In the first, the distance, in the male, from before one ear obliquely forward over the top of the forehead, to before the other ear, is 9 inches and ¼, while in the female, the same measures but 9 inches. In the case of the other twins, the same space in the male, measures 12 inches and ½, and in the female 12 inches and ¼, showing that in both instances, the anterior lobes of the brain are more largely developed in the male than in the female. Notwithstanding which, Mr. Walker maintains directly the reverse to be the fact. The truth is, that as a general rule, the head of the male is broader and rounder than that of the female, while that of the latter is longer and narrower. Though the brain of woman is smaller than that of man as a whole, yet that portion which is placed in the upper and back part of the head is larger. This is very manifest in the heads of boys and girls. Dr. Gall states that he has examined very minutely the skulls of birds, from the smallest up to the greatest, and of mammiferous animals, from the shrew mouse to the elephant, and has found that the back part of the head, where he locates the organs of philoprogenitiveness and attachment, is larger than in the males. He adds, that if there had been presented to him in water, the fresh brains of two adult animals of any species, one male and the other female, he could have distinguished the two sexes. "In the male," says Mr. Geo. Combe, "the cerebellum is larger, and the posterior lobes of the brain are smaller. In the female on the contrary, the cerebellum is smaller, and the posterior lobes, or the convolutions connected with this function are larger and longer. When two organs are distinctly marked in the cranium, the two sexes may be distinguished by the simple inspection of the skull." Spurzheim's remarks on this point are well worthy of our notice. "The body and face" says he, "vary in the two sexes; do their brains differ likewise? The talents and feelings in the male and female are commonly considered as dissimilar; indeed it is proverbially said that women feel and men think. This difference has been attempted to be accounted for in various ways. Mallebranch thought that the female cerebral fibre was softer than that of the male. The majority of modern authors, however, have attributed the phenomena to the modified education which the

sexes receive. I here confine myself to observation, and this shows that in general the female head is smaller than that of the male; it is often somewhat longer from the forehead to the occiput, but it is commonly narrower laterally. The basilar region of the female head is also smaller, the occipital more elongated, *and the frontal developed in a minor degree*, the organs of the perceptive faculties being commonly larger than those of the reflective powers. The female cerebral fibre is slender, and long rather than thick. Lastly, and in particular, the organs of philoprogenitiveness, of attachment, love of approbation, circumspection, secretiveness, ideality, and benevolence, are for the most part proportionately larger in the female, while in the male those of amativeness, combativeness, destructiveness, constructiveness, self-esteem, and firmness, predominate.

"Some may, perhaps, object to the apparent contradiction in this announcement of the differences between the heads of the sexes, and say that the heads of men are wider than those of women, and then I state that I consider circumspection and secretiveness, whose organs lie laterally, as more generally active in the female than in the male. They who make this objection, do not understand the phrenological principle, according to which the organs, which are the most largely developed in every individual display the greatest energy, and take the lead of all the other powers. Now, although the female head be so commonly narrower than the male, the organs of secretiveness and circumspection are still the most prominent, and thus contribute essentially to the formation of the female character. Phrenologists, therefore, in examining the physiognomical signs of the innate dispositions, never compare the heads of the sexes together, nor even of those of two individuals of the same sex: they judge of every head individually, and form conclusions in regard to the dispositions generally, according as the organs of the respective faculties are developed.

"In my comparison of the heads of the sexes, I have only stated the general result of observation. I do not mean to deny that the intelligence of some women is superior to that of many men, nor that men sometimes feel as women commonly do; on the contrary, there are individual exceptions from the general rule; and in them the cerebral organization also differs from the

ordinary state. I grant that both sexes do not receive the same education; but surely no one will maintain, that in all points girls are less attended to than boys. Indeed, there can be no doubt but that girls are more commonly instructed in drawing, painting, and music than boys, and that females often spend a great deal of time on these occupations. Further, emulation, or the love of approbation, is ever a more active principle in the female than in the male sex; nevertheless, no woman has hitherto produced such works as those of Handel, Mozart, Haydn, Titian, Rubens, Raphael, Paul Veronese, Canova, and so many others.

"The female sex appears to greater advantage in actions which result from feeling. History records numerous instances of women distinguishing themselves by great disinterestedness, friendship, resignation, and exemplary probity. It is quite evident that nature has destined the two sexes to particular and dissimilar situations, and that she has endowed the various dispositions of each with different degrees of activity."

HYSIOLOGICAL PECULIARITIES.

Besides the difference in the size of the head in the male and female, the latter has a narrower chest, a broader pelvis, limbs more delicately formed, and more rounded, while the gait is peculiar on account of the width of the pelvis. The male is not only taller than the female, but possesses larger *lungs*, *heart*, and *organs of voice*, while the *liver* only is comparatively the largest, in the female. Notwithstanding these facts, which are acknowledged by most physiologists, Mr. Walker, constantly takes for granted, not only in the present work, but in that on Intermarriage, that the "vital system" which embraces these organs, *is larger in the female than the male.* It is true, that in the female, the stomach is more oblong, and in the male rounder, and that the vital organs in the former, like her limbs and general contour, are rounder than in the male, where the outline is sharper and more angular; but these organs are not comparatively larger than in man. In the female, we find the skin softer, the hair of the head finer and longer, the muscular system less developed, the voice an octave higher than that of

the male, and the nervous system predominating. In consequence of these peculiarities, their sensibility is greater than that of the other sex. The rounded form and brilliant whiteness which characterize females, are owing to the peculiarity of their lymphatic and cellular systems, and their sanguineous system being less vigorous than in man, they are less liable to acute inflammations. The essential character of woman, like that of man, is derived from organization. Education may shape and mould it, but cannot change it. In every country, and in every age, she is born to feel and to inspire the kind and tender affections, and, for the most part, she is exempt from the gloomy and fierce passions which characterize man, especially when endowed with the bilious temperament; and love, jealousy, and maternal affection are the deepest springs of emotion in the female heart. We see the influence of organization in every movement and in every trait; in the diseases to which she is subject, as well as those from which she is exempt.

There are some writers, however, who maintain that the peculiarities in the female character are not so much owing to organization, as to the modes of education and habits of life. Dr. Alexander, who belongs to this class, in his "History of Women," thus remarks on this subject. "In highly civilized countries, the women, in general, are weak and delicate; but these qualities are only the results of art, otherwise they would uniformly mark the sex, however circumstanced; but as this is not the case, we may attribute them to a sedentary life, a low abstemious diet, and exclusion from the fresh air; nor do these causes stop here; their influence reaches farther, and is productive of that laxity of the female fibres, and sensibility of nerves; which, while it gives birth to half their foibles, is the source also of many of the finer and more delicate feelings, for which we value and admire them; and of which, bodies of a firmer texture, and stronger nerves are entirely destitute. However paradoxical this may appear to those who have not attended to the subject, we scruple not to affirm that want of exercise, confined air, and low diet, will soon reduce, not only the most robust body, but the most resolute mind to a set of weaknesses and feelings similar to those of the most delicate and timorous female. This being the case, we lay it down as a general rule, that the difference of edu-

cation, and of the mode of living, are the principal causes of the corporeal and mental differences, which distinguish the sexes from each other; and we persuade ourselves, that nature, in forming the bodies and the minds of both sexes, has been nearly alike liberal to each; and that any apparent difference in the exertions of the strength of the one, or the reasonings of the other, are much more the work of art than of nature . . . We know it is a generally established opinion, that in strength of mind, as well as of body, men are greatly superior to women; an opinion into which we have been led, by not duly considering the proper propensities and paths chalked out to each by the Author of their nature. Men are endowed with courage and boldness, women are not; the reason is plain, these are beauties in our character, in theirs they would be blemishes. Our genius often leads us to the great and the arduous; theirs to the soft and the pleasing. We bend our thoughts to make life convenient; they turn theirs to make it easy and agreeable. Would it be difficult for women to acquire the endowments allotted to us by nature? It would be as much for us to acquire those peculiarly allotted to them. Are we superior to them in what belongs to the male character? They are no less so to us in what belongs to the female. But whether are male or female endowments most useful in life? This we shall not pretend to determine; and, till it be determined, we cannot decide the claims which men or women have to superior excellence. But to pursue this idea a little further: Would it not be highly ridiculous to find fault with the snail, because she is not as swift as the hare, or with the lamb, because he is not so bold as the lion? Would it not be requiring from each an exertion of powers that nature had not given, and deciding of their excellence by comparing them to a wrong standard? Would it not appear rather ludicrous to say, that a man was endowed only with inferior abilities, because he was not expert in the nursing of children, and practising the various effeminacies which we reckon lovely in a woman? Would it be reasonable to condemn him on these accounts? Just as reasonable is it, to reckon women inferior to men, because their talents are in general not adapted to tread the horrid path of war, nor to trace the mazes and intricacies of science. Horace, who is by all allowed to have been an adept in the knowledge of mankind,

says, 'In vain do we endeavour to expel what nature has implanted;' and, we may add, in vain do we endeavour to instil what she has not planted. Equally absurd is it to compare women to men, and to pronounce them inferior, because they have not the same qualities in the same perfection.

"We shall finish this subject by observing, that if women are really inferior to men, they are the most so in nations the most highly polished and refined; there, in point of bodily strength, for the reasons already assigned, they are certainly inferior; and such is the influence of body upon mind, that to their laxity of body we may fairly trace many, if not all the weaknesses of mind, which we are apt to reckon blemishes in the female character. Those who have been constantly blessed with a robust constitution, and a mind not delicately susceptible, may laugh at this assertion as ridiculous; while those, in whom accidental weaknesses of body has given birth to nervous feelings, with which they were never before acquainted, will view it in another light. But there is a further reason for the greater difference between the sexes in civil than in savage life, which is, the difference of education; while the intellectual powers of males are gradually opened and expanded by culture in a variety of forms, those of females are commonly either left to nature, or, which is worse, warped and biassed by fantastical instruction, dignified by the name of education. To this reason we may add another; men, every where the legislators, have every where prescribed to woman, rules which, instead of weaker natures, and less governable passions, require natures more perfect, and passions more under subjection; and because women have not always observed these rules, the men have reckoned them weak, wicked, and irrestrainable in their pursuit of sensual gratifications . . . The opinion, that women are a sort of mechanical beings, created only for the pleasures of the men, whatever votaries it may have had in the East, has had but few in Europe; a few, however, have even here maintained it, and assigned various and sometimes laughable reasons for so doing; among these, a story we have heard of a Scotch clergyman is not the least particular. This peaceable son of Levi, whose wife was a descendant of the famous Xantippe, in going through a course of lectures on the Revelations of St. John, from that abstruse

writer imbibed an opinion that the sex had no souls, and were incapable of future rewards and punishments. It was no sooner known in the country that he maintained such a doctrine, than he was summoned before a presbytery of his brethren, to be dealt with according to his delinquency. When he appeared at this bar, they asked him if he really held so heretical an opinion. He told them plainly that he did. On desiring to be informed of his reasons for so doing, 'In the Revelations of St. John the Divine,' said he, you will find this passage, 'And there was silence in heaven for about the space of half an hour.' Now, I appeal to all of you, whether that could possibly have happened had there been any women there. And since there are none there, charity forbids us to imagine that they are all in a worse place; therefore it follows, that they have no immortal part; and happy is it for them, as they are thereby exempted from being accountable for all the noise and disturbance they have raised in this world.'

Such is a fair specimen of the reasoning, to prove that the intellectual faculties of woman are equal to those of man, but it is far from being conclusive. It is not denied that some women have been superior to most men, but we are now speaking of the general rule. Thus the history of every period, and of every people furnishes examples of some extraordinary women, who have soared above all disadvantages, and shone in all the different characters which render men eminent and conspicuous.—Assyria furnished a Semiramis, Palmyra a Zenobia, Egypt a Cleopatra, and all of them famous for their heroism and skill in government. Many are embalmed in the pages of Grecian and Roman history, who set public examples of courage and fortitude; Germany and England have exhibited queens, whose talents in the field or in the cabinet, would have done honour to either sex; and our own country, at this moment can boast of females, whose achievements in literature have gained them a reputation, equal almost to the most distinguished writers of the other sex; and whose works will be handed down, to instruct and delight remote generations. But nature has in general assigned to the female intellect a different sphere, and to herself a different calling. Endowed with the milder virtues, and those graces which are calculated to cheer, and soften and humanize

the rougher sex, she is eminently fitted by her organization to fulfil her destiny, and shed the light of love and happiness over a degenerate race.—A higher destiny she could not seek; a loftier sphere she could not fill! may woman ever feel, that herein lies her highest glory,—that this constitutes her noblest aim!

CELLS AND BRAIN OF THE BEE.

The naturalist will perceive at once that Mr. Walker errs, in stating that the "bee makes its cells *round* like the form of its body, and that their common pressure makes them six sided!" This is the first time we ever heard of the bee moulding the shape of its cells by means of its body, or that there could be any pressure in the light cells of the bee, suspended, as they are from the roof of the hive. The cells of the comb compose two opposite ranges of horizontal hexagons, with pyramidal bases. The regal or *maternal* cells, as they have been called, are however *round* or cylindrical, and vary from 2 to 40 in number. Mr. Walker also errs in saying that the bee possesses no brain. It has a brain, which, like that of most insects, is situated a little above the esophagus; it divides into two branches, which surround the esophagus, and unite again under it; from which junction a whitish nervous cord proceeds, corresponding to the spinal marrow of the superior animals, which extends the whole length of the body, forming in its course 12 or 13 knots or ganglions, from each of which small nerves proceed to different parts of the body. The bee certainly possesses vision, hearing, smell and touch, if not taste; how such faculties can exist without a brain, we cannot readily conceive!

INSTINCT.

Our author's remarks on instinct, as applicable to the character and actions of woman, are in the main, just and satisfactory. There is no subject, about which more nonsense has been written than this; and none which is less understood. Instinct has been defined to be that impulse, produced by the peculiar nature

of an animal, which prompts it to do certain things without being directed by reason or reflection. Thus the new-born duck hastens to the water, the infant sucks, without being taught to do so; all animals eat when they feel hungry, and drink when they are thirsty by instinct. Numerous hypotheses have been invented to explain this principle, but they may all be resolved into three, viz: 1st. that which ascribes the whole to the operation of body alone; 2d. that which ascribes it to mind alone; 3d. that which ascribes it to a substance of a mediate nature between the two, or attributes it partly to one and partly to the other. Des Cartes believed that brutes are mere mechanical machines; that they have neither ideas nor sensations; neither pain nor pleasure; and that their outcries under punishment, and their alacrity in pursuing an enemy or devouring a meal are produced by the very same sort of force, which exerted upon the different keys of an organ compels its respective pipes to give forth different sounds. Mr. Smellie and Dr. Darwin, on the other hand contend that instinct is altogether a mental principle, the brute tribes possessing an intelligent faculty of the very same nature as mankind, though more limited in its range. Cudworth believed that instincts are of a mixed kind, either originating in a power which holds an intermediate nature between matter and mind; or else are in some instances simply material and in others simply mental. Cuvier held that instinct consists of ideas which do not originate from sensation, but flow immediately from the brain and are truly innate. Addison maintained that instinct "is an immediate impression from the first mover, and the divine energy acting in the creatures;" in short that "God is the soul of brutes." Kirby in his late Bridgewater Treatise maintains very strangely, that the "Cherubim and Seraphim of the Scriptures, are the intermediate agents, which by their actions on plants and animals produce every physical development and instinctive operation, unless where God himself decrees a departure that circumstances may render necessary from any law that he has established." Dr. Good's hypothesis is, that "the law of instinct is the law of the living principle; instinctive actions are the actions of the living principle, and applies equally to plants and animals."—Dr. Gall has however,

treated the subject of instinct in a far more lucid and satisfactory manner than any other modern writer.*

Dr. Gall defines instinct to be a sentiment, an inward movement, independent of affection and volition—an impulse that impels a living being to certain actions, without its having a distinct idea of the means or end. He maintains that it is not a universal power, that explains all the actions of brutes, but varies as much as the fundamental qualities and faculties, and produces only the manifestation of these qualities and faculties. In proof of this he urges that if instinct were a universal power, every animal would do precisely like the rest, and no one would be unprovided with it; the species that makes a web, or constructs hexagonal cells for the reception of its honey, would also sing, or manifest attachment to its master. The spider by means of its web, preys upon flies; the working-bee constructs cells, but kills no flies for food. The beaver constructs its cabin but neither sings nor hunts; the dog hunts, but does not build; the speckled magpie sings, builds and hunts; the quail prefers concubinage to marriage, but tends its young, and migrates; the partridge marries and takes care of its young, but does not migrate. The ferocious wolf, and the cunning, timid hare, make no burrows, like the courageous rabbit and crafty fox. The rabbits live in a kind of republic, and place sentinels, but not so do the fox and hare. Dr. Gall then inquires how these instincts can exist in one species of animal and not in another? How they can be so differently combined? The conclusion is that instinct is not a single, general power, but applies to all the fundamental powers, and it has as many organs, as there are fundamental powers. In this way we can understand how an animal may be endowed with one instinct and not another. It moreover appears that animals do not obey a blind impulse, else their actions would be always uniform. Experience and external influences would never be able to make them deviate one hair's breadth from their ordinary routine. But we see that the wolf, when he scents the flock enclosed in the fold, thinks of the shepherd and the dog, and governs himself accordingly. The fox will steal the bait from the trap, double upon his track when

*Gall's works translated by Winslow Lewis, Vol. 1. p. 265.

closely pursued, and perform many other feats which imply intelligence. Dr. Darwin tells of his seeing a wasp endeavour to carry off a large fly, but the wind acting upon the wings of the fly turned round the wasp with its burden, and impeding its progress, the wasp alighted with the fly and deliberately sawed off its wings, and then flew off with its booty. An anecdote is told of Col. O'Kelly's parrot, which, when asked to sing, answered, without having been taught "I cant"—another time he left off in the middle of a tune and said "I have forgot."—The same parrot once took up the bottom of a lady's petticoat and said "what a pretty foot?" Mr. Jesse, the naturalist, relates an ancedote of a gentleman, a good shot, who lent his favourite pointer to a friend, who was very unsuccessful in hitting his game, after firing several times without killing any birds, the dog turned away in apparent disgust, went home and never could be persuaded to accompany the same person afterwards. Numerous anecdotes could be related to show that animals possess intelligence, that they compare, reflect, and judge, and in emergencies take measures well adapted to the circumstances. Though animals are guided therefore by instinct mainly, there is a portion of understanding peculiar to each species, to direct it.

Dr. Gall maintains also that man is not guided solely by the dictates of reason, but acts from instinctive impulses, in short that he is subject to the same laws which govern the animal kingdom. For example, when man is controlled by physical love, and seeks a companion; when he loves his children, and takes care of them; when he defends himself and family against his enemies; when he is proud, vain, benevolent, cruel, avaricious, cunning, and circumspect, in all this, reason has little participation,—these sentiments are movements, dispositions independent of reflection. They are instincts, and not the result of attention, of deliberate thought, of premeditation and volitions. Even our intellectual faculties are often exerted instinctively, especially when excited by some unusual stimulus. Dr. Gall thinks that this instinctive action continues in most men, more or less exclusively, during their whole lives, and that but few persons can obtain a clear knowledge of their propensities and faculties. The more violent the action of the organ is, the more imperious is the passion; the more brilliant the genius, the more

instinctive the activity of the organ. Thus Voltaire in one of his letters to Diderot says "all the philosophers together could not have written the *Armedi* of Quinault, nor *les animaux malades de la peste* of la Fontaine, who was unconscious of what he had done. It must be granted that in the performances of genius, all is the work of instinct. Corneille conceived and wrote the scene between Horace and Cornelius as a bird builds its nest, with this exception, that a bird always does its work well, which is not the case with us."

"It is only," says Gall, "when man turns his attention to his innate internal powers, compares them with the powers of others, learns their use, and how to employ them under change of circumstances, and reflects upon himself, that his instincts gradually acquire the character of intellect or understanding. To be endowed with intellect, or possess intelligence, is, in other words, to have a clear knowledge of one's propensities and faculties,—to feel and exercise them with attention. There are, therefore, as many different kinds of intellect as there are distinct qualities and faculties. One individual may have considerable intellect relative to one fundamental power, but a very narrow one in reference to every other. Man, by reason of more and nobler organs, is much more capable than the brute of acquiring a clear knowledge of his propensities and faculties; and in consequence of this prerogative, he is endowed with intellect, not exclusively, but in a higher degree than any other animal. To concede to the brutes what God has given them, is surely not to degrade our own species."

If this view of instinct be correct, Mr. Walker errs in confining its influence to woman, since man also is, to an equal extent, governed by its impulse; its mode of operation, depending in each, on the peculiar organization of the different sexes.

RELIGION OF FEMALES.—p. 51.

"In modern times it is chiefly through the enthusiasm of woman that religious creeds have been promulgated."

It would, perhaps, be nearer the truth to say, that it is chiefly

owing to the superior religious susceptibilities of woman, that religion has, in modern times, shed its benign influence over the human family. Women have rarely been the "promulgators" of religious creeds; this has been chiefly left to enthusiasts of the other sex, such as Priscillian, Borri, Hoffman, Swedenborg, Lorenzo Dow, Matthias, Smith, (the Mormon leader) and others; who, it must be confessed, have found converts and followers among the softer sex, in greater number than among the men. It must be acknowledged that there is some foundation for Mr. Walker's remark; for besides Joanna Southcote, and Anne Lee, the mother of the Shakers, there are not wanting in our own time and country, of females who aspire to the character of prophetesses, and who would deem their pretensions exceedingly undervalued, if they were not allowed to be under the influence of divine inspiration at least. Such were most of those females, who, during the late *reign* of that arch religious impostor Matthias, set themselves up for perfectionists, and forming themselves into a pharasaical coterie, which they called "*The Holy Club*," undertook the entire conversion of the city of New York. Claiming to receive direct revelations from Heaven,—to have the power of working miracles,—of healing the sick,—raising the dead,—and casting out devils;—they indulged in all censoriousness and slander, if not the most odious vices, until they were dispersed by the exposure of Matthias, and the death or derangement of some of their number.

"The doctrine of supernatural or divine influence," says Col. Stone in his life of Matthias, "acting upon the body as well as the mind, is as old as the history of man. The religious history of the Greeks and Romans, of Britain under the priesthood of the Druids, of India, and, in general, of all savage tribes, is full of its fruits. The convulsions of the Pythian priestess,—the contortions of the sybil,—the vast variety of convulsive and cataleptic phenomena among the devotees in India, and also among the spinning dervises of the Mahommedans, may be adduced as illustrations. But as the Christian religion makes the deepest and strongest impressions upon the mind and feelings, it, of course, furnishes one of the most effectual of those conditions, under which the principles of sympathy, imitation, nervous sensibility, and imagination are excited to the production of such phenom-

ena." It is not at all surprising, therefore, that those who are endowed with the greatest sensibility, females, should be more powerfully influenced by such causes.

The religious character of woman in this country has been modified by various incidental, controlling circumstances, and if fully exhibited, would form a curious chapter in the history of the human mind. In every country, indeed, female religion has vastly preponderated from the dawning of Christianity, when, during our Saviour's abode upon earth, women were "last at his cross, and earliest at his grave," down to the present day, when they constitute the chief supporters of all our religious and benevolent operations.* The reason is, that women are *constitutionally* prone to religion and religious observances more than men. Their quick and delicate susceptibilities are more open to every holy and and tender impression, and, perhaps, even their physical weaknesses, and the need which they feel of protection and support, render them more disposed to lean upon that aid which is Almighty and Divine. Whether this be so or not, the *fact* is as we have stated, and there are other reasons no less operative. Women have more leisure and fewer distractions than men. The latter seem to have monopolized *this* world, and left the *other* to their sisters in the creation. Females see less of the worst parts of human nature, though it must be confessed, that through the aid of that grand moral machine of modern days, "The Female Moral Reform Society," they are in a fair way of becoming initiated into the ways of the world, and especially the iniquities of cities, and thus tasting again of the "tree of knowledge of good and evil." Look, for example, at the unmarried female. She has no domestic ties to engage her affections,—no concerns of this bustling theatre of action to command her thoughts. She has no part to play in the grand drama of life, and the pulsations of her soul grow faint and feeble, unless quickened by religious hopes and contemplations. With a heart to love, and a soul to

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"This," said Matthias, "is but acting over the part of the Philistines, in sending back the ark of the covenant to the land of Israel, in a cart drawn by *cows* instead of oxen. So it is now," says he, "the ark of the Lord is held up and carried by nothing but *cows*."—*Col. Stone's Life of Matthias.*

meditate, there is nothing to fill the one, or employ the other, except that awful Being who "rolls the spheres in their orbits," and yet condescends to hold converse with his creatures. Is it strange, then, that woman, in her weakness, in her loneliness,—to fill that empty, aching void, which eats away the spirits, and renders her sometimes an object of pity, should have recourse to devotion, and meditate upon the image of God, and the glory of the divine love? We see, then, that as fulness of employment carries man away from religion, a want of employment leads women to it.

It has been well observed that "the religion of woman has a depth and fervour which the religion of man wants. But oftentimes on the other hand, it is a thing of impulse, rather than reflection. It has its truth and dwelling place in the senses, the imagination and the feelings, it is a pious instinct, an enthusiastic sentiment. The education too of women, rarely leads them to religion as a science; there is a glowing attachment rather than a systematic study; and while the misfortune of men is to have theology without devotion, the misfortune of women is to have devotion without theology. They have, in general, little relish for abstract and argumentative deductions, or for any form of religion, which at most, is coldly and soberly didactic. They require something immediate and individual; something to which the fancy and the affections may cling. Neither Socinianism, therefore, nor rationalism, has any strong hold upon their minds. But popery may have a charm for them, because they are captivated with a creed, which addresses itself to the heart through the eye and ear, with pictorial and gorgeous accompaniments of piety, with painting and images, and floating odours, and the harmonies of sacred music, they are attracted likewise by that other extreme which in several points, however, touches more nearly upon Romanism, than many persons are willing to admit,—with the warm and breathing shapes of (so called) evangelical Protestantism, where faith becomes a passion, and religion itself is embodied and personified in the human form of a sympathizing Redeemer."

And this brings us to the point, to which we have been tending, viz. the character and tendency of female piety in this country.

With all due deference to our fair readers, and none are fairer, we fear that religion has degenerated in their keeping since it was transplanted to these shores, by the time-honoured, self-sacrificing Puritans. Then religion shone with a mild but steady lustre; now it flares up occasionally like a rocket, or comes blazing along like a comet with its fiery tail—and soon all is dark again, yea tenfold darker than before. Then each fair damsel, or pious mother, kept her own conscience, and acknowledged her responsibility to God alone, now each one has a conscience-keeper and father confessor, in the shape of a sly, smooth-tongued, itinerant "evangelist," or a whining, intermeddling, gossiping parson, whose chief glory lies, in seeing how many females he can throw into hysterics, lead to the anxious seat, or boast of as *his converts!* If females have really souls of their own, it is high time they should claim them, and not deposit them, with the clergy, as in a spiritual saving's bank, for they may to their sorrow find, on "removing the deposits," that the "fine gold has become dim" during the process. Let them no longer fancy that every thought relating to religion, or that ever comes into their mind, is the result of divine influence, or judge others by the narrow standard of orthodoxy, which their spiritual fathers teach as the only true doctrine. While going through the scorching ordeal of what is called a "revival," or religious *row* (we can think of no better term) let them no longer listen to the terms spouse, husband, lover, and many others employed to designate the Saviour, as degrading to his sacred character. Let them remember that females will be suspected of having more of a natural than supernatural and religious feeling, when they listen with sobs and tears to the impassioned language of human love; for the transition from divine to human, is, in such a case, easier perhaps, than they imagine. The passion of love is fed most commonly by the fancy, and sometimes by a merely ideal form. And whether the person be male or female,—when they talk about mystical marriage, divine intoxication, the ravishing delights of heavenly pleasure, celestial languishing, the super-mystical union of the divine with the human soul, amorous elations, ravishments, &c. and all which we have repeatedly heard employed, in religious harangues, they may be deemed inspired perhaps, but whether the inspiration proceeds from heaven, demands a doubt. Who are the

great revival men of the age, those who have turned the heads of ten thousand silly women and children, and been run after by hundreds of weak and foolish men? Who but those who incessantly use these terms, and softly whisper in the ears of susceptible females, "dear Jesus," "precious Jesus." Of such scenes, and such excitements we may well say with the poet,

> "There none the cool and prudent teacher prize—
> On him they dote, who wakes their ecstasies;
> With passions ready prim'd such guide they meet,
> And warm and kindle with th' imparted heat;
> 'Tis he who wakes the nameless strong desire,
> The melting rapture, and the glowing fire;
> 'Tis he who pierces deep the tortured breast,
> And stirs the terrors never more to rest."
>
> *Crabbe's Borough.*

We by no means intend, by these remarks, to accuse all our fair country-women of these extravagancies, but only to guard them against certain prevalent dangers and tendencies, which form no essential part of religion, but are excrescences and blemishes upon its fair form. We wish to caution them against making religion a mere tendency of the heart, in which the understanding has no share; a kind of more exalted love, and more sublimated affection, which is apt, to degenerate into delusion and enthusiasm, when not sufficiently based upon the investigation of the intellect. We would guard them against resting too much on the earthly personality of the Saviour, instead of his ineffable, invisible, and impalpable divinity, and against listening to, or using language addressed to him, which is alike offensive to genuine religion, and correct taste. We would say to them, weep no more over the fictitious pages of Bulwer, of Richardson, or of Fielding,—painted scenes of imaginary woe,—but hunt out the sick and the destitute, carry comfort and consolation to the poor wounded heart, and cheer the disconsolate with your sympathy and your prayers. This will be far more meritorious in the eye of heaven, than forsaking the excitements of the theatre and ball room, to spend your time in catching, in their stead, the excitements of the "conference room" and "the prayer-meeting;" hurrying from one popular preacher to another, from the Tabernacle to the Chapel, and the Chapel back to the Taber-

nacle, from the "Female Holy Club"* to the moral reform meeting, and from the moral reform to the "anxious meeting" and winding up the year by attending all "the anniversaries." In these matters, we must confess, that the *black stocking* ladies, are far less to our taste than the *blue stocking* ones. We look upon a woman, disputing as to the merits of Finney or Burchard, or setting in judgment on the claims of high and low church, as an instrument horribly out of tune, and we inwardly ejaculate, from all such "Good Lord deliver us." If in our turn, we be allowed to preach, we would remind our fair friends, in the language of scripture that they should not "*usurp authority*," that they should "*learn in silence with all subjection*," for "*God is the author not of confusion but of peace*," that they "*should keep silence in the churches, for it is not permitted them to speak, but they are commanded to be under obedience as also saith the law*,—and if they will learn any thing *let them ask their husbands* AT HOME, *for it is a shame for women to speak in the church.*" We grant you that a community can never be secure or prosperous, or at peace, unless the women of it are religious, and the religion of a country must depend in a great measure on its female inhabitants; but pardon us for saying that we do not think *that* land is likely to be the wisest and happiest, where the women give the tone to its religion, and where piety is rather a female than a male characteristic. We would have you solidly grounded in the elements of christian theology, so that you may not be the dupes of every itinerant Burchard, or Maffit, and led away by that extravagance of doctrine which always fixes its strongest hold upon ignorance combined with warmth of feeling. As well may you bow your understandings before the ravings of Joanna Southcote, or the rhapsodies of the female disciples of Irvingism, as to yield your assent to the irrational dogmas of the modern perfectionist, or the high pressure revivalist. Remember also that it is not your province to dictate in theological mysteries, or usurp the chair of authority, or put on the airs of divinity professors, but to practice in your daily walk, the christian duties of your station, in meekness, and in charity.

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* See Col. Stone's Life of Matthias.

—So shall the "daily beauty of your lives" shed a grateful perfume around you, and when called from this to a higher sphere, your memory shall not perish, but thousands shall rise up and call you blessed. Amen.

INSANITY OF WOMEN.—See p. 52.

It is a fact, as Mr. Walker states, that women are more susceptible to the manipulations of animal magnetism than men, and this doubtless may be accounted for, from the greater sensibility of their nervous systems. But it is not so generally known that more females than males are subject to insanity. Thus from authentic tables in our possession, it appears that in the yea.

			Men.		Women.
	1756 at Marseilles	were	50		49
	1786 " Paris	"	500		509
1786 to	1794 " Bedlam	"	4992		4882
	1807 " St. Lukes	"	110		153
	1802 " Paris	"	1	to	2
	—— " Berlin	"	1	"	2
	—— " Vienna	"	117	"	94
	—— " Pennsylvania	"	2	"	1
1807 to	1812 various madhouses in France,		488	"	700
1802 "	1814 M. Esquirol's establishment,		191	"	144
	Total Insane.		6452		6536

It appears from a large number of public and private documents collected by M. Esquirol, that in the cities in the south of France the number of male is somewhat more considerable than that of female lunatics; while in the northern departments the number of females predominates in a greater degree; but that in all France the number of insane women is to that of insane men very nearly in the proportion of 14 to 11. In Spain, so far as returns can be procured, the number of female lunatics exceeds the male by one-fifth. In Italy however, it appears from public documents that there are more insane men than women, particularly in the kingdom of Naples. In all Italy 5718 male lunatics

were reckoned, and 5067 females. In the German lunatic asylums, the proportion of females to that of males, is as 34 to 29. In Great Britain and Ireland, the proportion of male to female lunatics is as 13 to 12. In England the number of men insane compared to that of women is more considerable than in Scotland and Ireland, and this excess is greater in the higher than in the lower classes of society. From reports of lunatic asylums in various parts of Germany, Denmark, Norway, and Russia, it appears that the proportion of male to female lunatics is as 3 to 2. In the Prussian provinces on the Rhine, in the year 1824, the lunatic asylums contained 1180 males and 835 females. In this country the proportion of male to female lunatics is nearly as 2 to 1.

On summoning up the results of his inquires, M. Esquirol has shown that in a sum total of 76,526 lunatics, confined, though not all at the same period, at asylums or hospitals in various parts of the civilized world, there were 37,825 males, and 38,701 females. Thus the proportion of males to that of females is nearly 37 to 38. This difference is so much the less considerable, as in the general population the number of males somewhat excedes that of females.

It is not at all strange that women should be more exposed to insanity than men, for besides being exposed to the same connate and occasional causes as men are, they have others connected with their sexual peculiarities and functions; menstruation, pregnancy, purturition, and lactation are frequently the exciting causes of insanity in females, and besides, on account of the manners of society, they are exposed to more disappointments, and have fewer resources; they become oftener the victims of circumstances, while men are more favoured by nature and society to chose their situation.—When to all this, we add that the female sensibilities are quicker and more acute than those of men, that their feelings are consequently stronger, in proportion to their intellectual faculties, we shall indeed wonder that the number of female lunatics is not much greater than it actually is.

Dr. Spurzheim states that when religious fanaticism is the exciting cause of insanity, the proportion of females to that of males is as 5 to 1. "This is not an estimate predicated upon a few examples, but upon the experience and observation of years.

It is a fact that women should know and understand, as it will lead them to mistrust those appeals of men, which originate in the passions, and are addressed to the passions. In such cases reason has but little participation." In this country, since religious excitements have become the order of the day, nothing is more common than to see females become deranged under an impression that they have committed the unpardonable sin, or that they are possessed with the devil, which may be called *dæmonomania*, and, for all we know, may be an actual reality in some cases. We have often seen females thrown into the most violent agitation, and even hysterical paroxysms attended with involuntary shrieks, particularly at camp-meetings, by exciting modes of preaching. We have also known the principal of one of our fashionable boarding-schools in the interior of this State, *put it to vote* among her scholars, during one of these "revivals," whether they would attend to their studies, or listen to the ravings of an itinerant evangelist, and on their voting to throw by their books, the vagabond, with his associates, was invited to "hold forth" to the girls, a large number of whom were thrown into the most violent nervous paroxysms, accompanied by sobs and cries, &c. These scenes were daily witnessed for more than three weeks, during which time the entire studies of more than sixty scholars were suspended, and their feelings were tortured and their fears excited, till it became a serious question, whether the institution did not better deserve the name of *bedlam* than of a boarding-school. When we say that such a proceeding was witnessed and approved by many of the citizens, it need not be wondered that new lunatic asylums are needed all over the country, and that one out of every 250 of our population is insane; a ratio more than twice as great as is found in any other part of the known world. "Were I," says the learned Dr. Burrows, "to allege one cause which I thought was operating with more force than another to increase the victims of insanity, I should pronounce that it was the overweaning zeal with which it is attempted to impress on youth the subtile distinctions of theology, and an unrelenting devotion to a dubious doctrine. I have seen so many melancholy cases of young and excellently disposed persons of respectable families, deranged from either ill-suited or ill-timed religious communciation, that I cannot avoid impugning

such conduct as an infatuation, which, as long as persevered in, will be a fruitful source of moral evil." Pritchard remarks that cases of dæmonomania are more common amongst women than men. Their greater susceptibility to nervous affections, their warmth of imagination, and strong passions, which habit and education compel them to restrain, produce a state of concentration, that must cause increased excitement, and render them more liable to those terrific impressions that constitute the disease. Their terrors, from false notions of the Deity, make them anticipate in this world the sufferings denounced in the next. One woman has been known to become dæmonomaniac after an intense perusal of the Apocalypse, and another by the constant reading of the works of Thomas a Kempis. Women, moreover, at certain critical periods, are subject to great mental depression which they have not the power to relieve by exciting pursuits, like men. Melancholy succeeds a dull sameness. Religion, viewed in a false light, becomes her refuge; more especially at a more advanced period of life, when loss of youth and beauty is bitterly felt, as galled vanity compares the present with the past. Hysteric symptoms are now developed; the passions, which are too frequently increased even to intensity, rather than cooled by years, prompt her to rebellious thoughts, that religion and virtuous feelings strive to restrain; and these powerful agents, acting upon a predisposition morbidly impressionable from ignorance or the errors of education, accelerate the invasion of this cruel malady. Pliny tells us that women are the best subjects for magical experiments: Quintillian is of the same opinion: Saul consulted a witch: Bodin, in his calculations, estimates the proportion between wizards and witches as 1 to 50. Many old writers deny woman a soul, as not belonging to mankind. Towards the close of the 16th century, a very learned work was published to prove that women are not rational creatures, and therefore cannot be saved. A Lutheran divine, however, by the name of Simon Geddicus, wrote a serious confutation of this libel in 1595, and promises the ladies an expectation of salvation on good behaviour. The Mahomedans exclude women from Paradise. Doctor Almaricus, a learned divine of the 12th century, wrote a work to show, that had it not been for the original sin, every individual of our species, would have come into exist-

ence a complete man, and that God would have created them by himself, as he created Adam. "A woman," says one of the the primitive fathers, "went to the play, and came back with the devil in her, whereupon, when the unclean spirit was urged and threatened, in the office of exorcising, for having dared to attack one of the faithful, 'I have done nothing,' replied he, 'but what is very fair; I found her on my own grounds, and I took possession of her.'"

"I do not allow," says Dr. Cullen, "that there is any true dæmonomania, because few people, now-a-days, believe that dæmons have any power over our bodies or our minds; and, in my opinion, the species recorded are either a species of melancholy or mania,—diseases falsely referred by the spectators to the power of dæmons,—feigned diseases,—or diseases partly feigned and partly real."

Burton tells us that the devil is so cunning that he is able to deceive the very elect; and to compel them the more to stand in awe of him, he sends and cures diseases, disquiets their minds, torments and terrifies their souls to make them adore him; and all his study, all his endeavour is, to divert them from true religion to superstition; and because he is damned himself, and is in error, he would have all the world participate of his errors, and be damned with him. "All diseases," says Mrs. Folger, in Stone's Life of Matthias, "were termed *devils* by Matthias. A blind man was possessed by a blind devil,—a lame one by a limping devil, and so on; those who were afflicted with deafness, toothache, headache, &c., and all these he professed to have the power to cast out."

Owing, then, to their organization and erroneous religious view, females are peculiarly exposed to religious mania, in cases of which our lunatic asylums every where abound. The constant inculcation of peculiar dogmas and doctrines from the pulpit, no doubt, has had great influence in increasing insanity; for as Gall well observes, "preach up maceration, abstinence, fanaticism, mortifications, mysteries, &c., the crowd will follow you; but exact a severe morality in action, and you will be abandoned. It costs much more to be virtuous, than to be devout."

MATRIMONY AND CELIBACY.

The remarks of Mr. Walker on Marriage are, in the main, interesting; but on many points, his opinions and reasonings are not to be received without some caution and allowance. In connection with this subject, we commend to the reader's attention the following essay on "Matrimony and Celibacy," taken from a late English work "On Happiness,"* as it is better than any other we could hope to offer him on the same subject.

"Marriage has been almost universal in every country. The first pair were united by the Almighty in Paradise, when the infant world was the temple, and the heavens were the witnesses; and the successors of Adam and Eve are influenced by the same principle, which induces them to leave parents and guardians for the purpose of forming a separate establishment and a companionship for life. No event is more important, and none is conducted, on many occasions, with less prudence. Providence has allowed the passions to exercise a powerful influence in this matter, otherwise the cares and anxieties with which it is attended would deter most persons from launching their bark of earthly happiness on the great ocean of matrimony. But too frequently the passions are the only guide, and these stimulate to bewilder: they exhibit pleasing and attractive imagery, and then the possession destroys the bliss.

"In most countries a great encouragement has been given to matrimony; but this has arisen partly from political motives—from the desire of increasing the population, that the nation might be more powerful, and more capable of engaging in war. It is rather degrading to human nature that men should be thus levelled with brutes, and deemed no more dignified than dogs or bulls, the increase of which, for the purpose of combat, would afford profit or amusement to the proprietors. Another reason for the encouragement of matrimony is the influence which it has on morality; and this is certainly a powerful motive with respect to the majority of mankind, but it is not of universal ap-

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* "A Treatise on Happiness; consisting of observations on health, property, the mind, and the passions; with the virtues and vices, the defects and excellencies, of human life."

plication. A difference of opinion existed as to the moral effects of matrimony among the early Christians; the Abelians, for instance, suffered no member of their sect to remain single, while the Novatians condemned marriage under every circumstance. A third argument is the increase of human happiness; and this will be the natural result, if virtue be increased and the evils of life be lessened. To this subject I shall hereafter refer.

"The fashion or custom of marriage has varied in different countries. In the eastern parts of the globe polygamy has prevailed; and thus we find in the sacred Scriptures an account of Ashur, Elkanah of Mount Ephraim, Lamech, and several others, who had two wives each. We also discover many allusions to this practice, not condemnatory but favourable to it. In Deuteronomy, for instance, it is said, 'If a man have two wives, one beloved,' &c. In Leviticus it is commanded that no one shall take two sisters for his wives at the same time, because thereby envy and contention may be produced. In the same volume we find an account of Abijah king of Judah, who had fourteen wives; of Rehoboam, who had eighteen wives, and eighty concubines; of David, who had a great number of both; and of Solomon, who possessed 700 wives and 300 concubines. It has been usual in Eastern countries, from the earliest ages, to estimate the wealth and grandeur of a king by the number of his wives; and as there has existed no divine or human law to limit that number, no one has acted illegally in maintaining a large household. It is the same with riches in the present day: wealth beyond a certain amount is useless, except for the gratification of pride and the indulgence of luxury; but a king is not considered criminal in possessing a more splendid residence, and more costly furniture than his subjects could boast of. Polygamy seems only to be adapted for the eastern and southern parts of the globe; for in these countries the number of girls which are brought into existence is greater than that of boys; whereas in Europe the males are to the females as twenty-one to twenty. It has been asserted that, at Bantam, in the island of Java, there are twice as many girls born as boys. In that country, as well as in many others, the women perform all the labour, and a company of athletic females serves as the body-guard of the king. There is another reason why polygamy may have been natural,

and almost necessary, in some countries: wars were so prevalent and sanguinary, that men were not sufficiently numerous to allow of the proportion of one husband to one wife. It was customary in the taking of cities to destroy the men and spare the women. In the northern parts of the globe, then, monogamy is proper, because it seems to be required by the New Testament, and the proportion of males to females demands it. In the southern and eastern parts of the globe polygamy was proper, because the laws allowed it, and the superfluous number of women required it. But it is questionable whether the influence of true religion, even in Eastern countries, will not, at no distant period, introduce those customs which will more equalise the sexes; and when monogamy is introduced, it will be probable, for physiological reasons, that the number of births of both sexes will be nearly equal. Polygamy is not the most favourable condition for happiness; but in countries where this custom prevails, and where it is deemed honourable, there is much more harmony than would exist in this land, where the practice is disgraceful. The disputes in one case arise between the husband and wife, in the other case between one wife and another. A Mahomedan who would beat his wife would be deemed an unprincipled fellow: there seems to be no reason why the same judgment should not be passed on those who practise this vice in our own country.

The laws of the Romans did not prohibit polygamy; but it was never practised until Marc Antony set the example. It was introduced and allowed in the early ages of the Christian church, but it was soon prohibited. There have been some particular cases in latter times where a plurality of wives has been suffered. Luther allowed Philip, Landgrave of Hesse, to have two wives; and one of the popes granted a dispensation of a similar kind to count Gleichen of Germany. The story is related by Bayle. The count was taken prisoner and carried into Turkey, where he was kept in a state of slavery. One day the daughter of his master, a beautiful woman, met him in one of the gardens, and asked him several questions. She was so much pleased with his answers, that she visited him again; and novelty threw around both its fascinations, so that they became delighted with each other. She told him that she would procure his liberty, and go

with him to his native land, for she was tired of her present abode, on one condition,—which was rather implied than expressed,—that he would marry her. But he was unfortunately obliged to answer that he had a wife and several children. That is no objection, she replied, for we allow a man to have several wives. The count resolved to make the agreement, and to run every risk for the result. He became free; and he conducted the Turkish lady to his home. His former wife treated the foreigner with much kindness, because she had restored her husband: they agreed to live peaceably together; and the pope granted a special dispensation for the second marriage.

"In some countries there have been several husbands for one wife. And really, as men and women are equal in many respects,—in intellect, if it be improved; in corporeal strength, if the muscular power be brought into early action; in disposition and in virtue; and as females are superior in the gift of tongues, there seems to be no reason why there should not be a superiority of privilege on the side of the wife in some countries, as there is on that of the husband in others. It is said that, in the northern part of China, a woman may have several husbands at the same time. And the Nairs, or noble ladies among the Malabars, are allowed to have from one to twelve husbands. Every husband resides in a separate dwelling, at a small distance from the lady; and on one particular day in the week the whole family dine together.

"Without doubt, the most favourable custom for human happiness is the union of one husband with one wife; and this law, as it relates more particularly to ourselves, "is," as Montesquieu observes, "physically conformable to the climate of Europe." Very severe penalties have been inflicted on those men who have broken down the rules of custom and decency in this part of the globe, by taking a plurality of wives. In Sweden, and some other countries, it has been punished with death.

"The period for marriage has varied very much in different parts of the world. Among the Agows of Abyssinia (says Bruce) the women are married at the early age of eleven. In America, marriages are frequently contracted at fourteen. In the East, it is not unusual for a woman to be inducted into the bonds of matrimony, or concubinage, at twelve or thirteen. But

among the Gauls it was reckoned disgraceful to be married early. The Germans possessed a feeling of a similar kind. In Europe generally, among the more respectable classes, marriage is rather late. Aristotle thought the proper period for matrimony among men was thirty-seven; and among women eighteen. Plato recommended thirty for males, and twenty for females. The latter is preferable, both with regard to the period and the proportion.

"A similar variation has existed with respect to the object of a matrimonial choice. In some countries almost all relatives have been allowed to intermarry; and in other parts, only the more distant have been suffered to be joined in matrimony. The ancient Persians were accustomed sometimes to marry their own mothers, and the Tartars to marry their daughters; but these practices are disgusting to a modern and civilized taste. The Romish religion, on the other hand, prevents even cousins from marrying, although a dispensation from the pope has sometimes joined together those who were much more nearly connected.

"Among the Samnites a matrimonial contract was regulated by merit. All the boys and girls, of a particular district, were examined as to their conduct, and the best lad was allowed to choose what lass he pleased; the second best was allowed to come next, and so on. Plato observes, in his Republic, that if it were possible to join males and females together, with reference to their mutual adaptation, rather than their own inclination,—which, in early life particularly, is frequently unreasonable and erroneous,—it would contribute very much to the comfort and harmony of society. Socrates advised, that as matrimonial contracts are generally made by choice, they should be entered into with a great deal of caution. Love produces a feeling of happiness, and happiness produces love. If an union be so appropriate as to contribute to the enjoyment of the persons concerned, it will generate affection; but it is more natural for love to take the lead; and if prudence be allowed to exercise its influence, all other virtues will follow in their proper order.

"In some cases a feeling of affection has been preceded by sensations of a very different kind. The founders of Rome wanted wives, but the neighbouring nations would enter into no connection with them; the Romans, therefore, instituted a

splendid festival in honour of the gods, and invited the Sabines to attend it. When the strangers were in the midst of their revelry, a certain number of armed Romans burst in upon them, and carried off a great many of their women. The female strangers were, without doubt, as much incensed as the men at this flagrant treachery; but they soon became reconciled to their husbands: and when the Sabine army came to punish the Romans the Sabine women went out to meet them, and to plead the cause of their husbands. By the intercession of these faithful females the city was preserved. But, in any case, even if the husband and wife should not agree, it would be dangerous to intermeddle with them; for, as soon as their anger is over, the feeling of love arises so powerfully, that they will support each other even against those who had been persuaded to advocate one side.

"Love is a pleasing but exciting passion. The eye is delighted by form, manners, and the expression of the features, the ear by musical language, while the imagination paints future joys; all of which contribute to one great principle, that of receiving happiness from those we love, and evincing love for those from whom we derive our happiness. As the crystal streams are absorbed by the sun, and distributed as brilliant clouds in the heavens, and then fall and run in their accustomed channels, and thus the rivers supply the clouds, and the vapours the rivers, so is the interchange between love and happiness. This will agree with the opinion that love may be occasioned suddenly, because enjoyment is expected; or it may arise gradually, because the unattractiveness which first existed may be succeeded by attraction.

"There was no appointment by nature of particular persons for each other; but we may expect among a great variety of occurrences to meet with some singular and astonishing coincidences. Human beings appear to be left in this repect, as in many others, to their own judgment. If they act discreetly they enjoy the comfort of it; but if otherwise, they bring upon themselves a disadvantage. If marriage were regulated by the Supreme Being, we should have fewer unhappy matches; each person would be exactly appropriate for his companion. If there could be (as Plato has observed,) among the human family, some regulation which would appoint kindred minds for each other,

and regulate property and comforts, love would soon spring up, and blossom, and bring forth much enjoyment. If a person possess a discreet mind and be not ruled by passion, he may make a prudent choice; but how small is the number of prizes in the great lottery of matrimony! People enter into it rashly: one man is besotted with wine, and another with music, and another knows not what spirit he is of; one man drinks deeply of avarice, and another of passion, and another sensuality. Too frequently the amiable and the open-hearted are made the dupes of deception and villany; and thus they are led to the altar as lambs to the slaughter: happiness throws its beautiful lustre around them, but it is encircled by the shadows of misery.

"Sometimes a matrimonial connection is formed of the most heterogenous materials;—an old man with a girl; an aged woman with a boy; a gigantic person with a dwarf; a corpulent person with the mere apology for a human being—an animated walking-stick; the blind and the lame with the sound and healthy. All this will show the great variety of causes which occasion love—sometimes by bodily qualities, and, in the absence of corporeal beauty, by mental accomplishments; sometimes by a defect rather than an excellence; but this defect has been accidentally connected with pleasing feelings; and, on some occasions, when there is scarcely any attraction in another, a person is pleased with his companion because he is pleased with himself. Thomas Roberts of Lincolnshire was born with his arms terminating at the elbows, and his legs at the knees, and yet he was married three times! It is not unusual to behold an ugly, forbidding, and vicious husband, accompanied by a beautiful, fascinating, and virtuous wife. In this case, there must have been a small degree of love on the part of the female, unless the marriage were compulsory; and if the husband be kind to his wife, there may be, probably, pretty much affection.

"In many countries, the preparations for a wedding have been very splendid and expensive. Days and sometimes weeks of feasting have been the introduction to this important ceremony. In Persia, the expense was so great, that many were prevented from marrying. The weddings among the Hebrews were very magnificent: the married persons were adorned with handsome garments, precious stones, and crowns of silver or gold. The

streets through which the bride and bridegroom passed, if they were persons of property, were strewed with flowers, and perfumed with costly odours. In many Eastern countries, silver or gilded pots containing myrrh, aloes, and cassia, were placed in the windows of the houses near which the procession moved. Sometimes the train consisted of the family, at other times it was formed of the bride and bridegroom, accompanied by forty or fifty virgins in white, who walked in pairs. In the East Indies, in the present day, the married couple are carried on a gilded palanquin, attended by their kindred and acquaintance: they are lighted by flambeaux, and preceded by youths and maidens dancing, with trumpets, drums, and other musical instruments. In most countries, the dwelling of the husband becomes the residence of the wife; but in Formosa the husband is received into the house and family of the female.

"The happiness arising from an union depends chiefly on the character of the persons who are concerned in it. If men and women were as consistent and virtuous as they should be, the connubial bond would be soft and pleasant; but as these effects do not always arise, where is the fault? Which is better, or more worthy, the male or the female sex? This is rather a difficult question; and let the palm of superior merit be awarded to either, the imputation of prejudice would be connected with the decision. But fortunately there is little difference: one varies from the other in particular qualities: but if the aggregate of merit be taken in each, the amount will not differ much. Education forms the principal variation: men are instructed in the more active and laborious employments, women in the more sedentary and domestic. Dr. Southey says, that "if women are not formed of finer clay, there has been more of the dew of heaven to temper it." Richard Flecknoe, a contemporary with Dryden, observes of the female sex,—"I have always been conversant with the best and worthiest in all places where I came; and among the rest with ladies, in whose conversation, as in an academy of virtue, I learnt nothing but goodness, and saw nothing but nobleness." It must be granted, that women in general possess more of the sweetness and softness of human nature, while men are endowed with more vigorous virtues; women are gifted with more fortitude, and men with more valour. There

have been some eminent examples of worthy women. It was said of Isabella de Gonzaga, wife to the Duke of Urbino, that "she was a woman, for her goodness, integrity, and nobleness, more divine than human." Plutarch records, that of all the female inhabitants of Chios, not one of them, in the space of seven hundred years, disgraced her sex. And yet, in one of the ancient councils, it was proposed as a question of doubt, "Whether women were human creatures or not?" and, after a long debate, the question was decided in favour of their humanity. One of the volumes that John Knox published, was entitled, "The First Blast of the Trumpet against the monstrous Regiment of Women." There have been some who, having been ignorant and degraded themselves, have endeavoured to lower the character and acquirements of females. Francis Duke of Britany said, that a woman would be sufficiently skilful and learned if she were capable of distinguishing her husband's shirt from his doublet. The Lacedemonians considered their wives as an inferior order of beings. In all barbarous countries, females have been badly treated; which shows very clearly that women are under great obligations to civilization for the comforts which they enjoy; and that, in the same proportion as men are ruled by reason rather than brutality, the female character will engage their esteem. What women, then, would be an opposer of mental improvement? and what female is there who would not employ her influence for the further dissemination of useful knowledge? Useful knowledge benefits mankind; but trash, such as wild romances, immoral and atheistical publications, are the curse of domestic and civil enjoyment. Some men have possessed a mortal hatred to the female sex; but these have been hateful themselves, or they have been unfortunately connected only with some of the worst specimens of the sex; or they have been disappointed in their expectations; or they have been so much engaged in the rougher and more brutalizing engagements of this life, that they have had no susceptibility for finer feelings. Of the latter kind were Marshal de Turenne and Marshal de Gassion, who were violent haters of women. Father Spiga, a Jesuit, was so much averse to the sex, that he would never look on a woman, nor continue in a house with a female, except there were other company present. Although he was confessor to his

nieces and several others, he scarcely knew them from strangers. St. Augustine would hold no conversation with a woman, and would suffer none to enter his house. Lucretia Marinella, as Bayle observes, advocated the cause of her sex in an ingenious work, entitled "The Excellency and Nobleness of Women, with the Defects and Faults of the Men." There was a work published in Paris in 1643, entitled "The generous Woman, who proves that her Sex is more noble, more politic, more valiant, more learned, more virtuous, and more frugal than the Men." But this is saying rather too much. One extreme, however, frequently occasions another. When men have been exalted, and women have been degraded by some authors, it is not unnatural that the balance should be turned in the opposite direction by others. Madame de Gournay did better: she wrote a work on the "Equality of Men and Women." Females have sometimes been spoilt in education, and sometimes in marriage; and thus many among them have been foolish and inconstant in their youth, and in middle life they have made themselves unhappy, while they have changed worthy men into bad husbands. A similar accusation may be brought against the male sex, with respect to their conduct towards females. This brings us now to consider the character and advantages of a married state.

"Dr. Jeremy Taylor has said,—'Marriage hath in it the labour of love, and the delicacies of friendship; the blessings of society, and the union of hands and hearts.' Cowper has also alluded to the advantages of a matrimonial settlement,—

> 'O friendly to the best pursuits of man,
> Friendly to thought, to virtue, and to peace,
> Domestic life in rural leisure pass'd.'

"Marriage is frequently an union of interest: the happiness of one is made a source of enjoyment to the other. It is for life, because it is most agreeable with the inclination of mankind that friendship, esteem, and love should be permanent. In this instance, a continuance of the union constitutes no small part of the bliss. The expectation of a durable connection makes men careful, otherwise they would marry and unmarry every week. There is, by the arrangement of the Almighty, a comparative

power or influence vested in the man, because, agreeably with all good government,—

'Some are, and must be, greater than the rest;'

but then, as Dr. Beattie observes, 'the superiority vested by law in the man is compensated to the woman by that superior complaisance which is paid them by every man who aspires to elegance of manners.' And besides this, the husband has frequently the nominal, while the wife has the actual power:—

'Like as the helme doth rule the shippe,'

so she regulates all the household affairs. This is proper, when the husband allows it; and he ought to do so, when his wife is capable of managing these things: but when the inclinations of his Eve run perversely, when he is conscious that he has reason on his side, and she only folly, and yet he is vacillating and yielding, he is unmanly and inconsistent; he sacrifices future happiness to present peace. Every woman, it must be granted, is not a sensible one; and 'there is nothing,' as Lord Burleigh observed to his son, 'more fulsome than a she foole.' If Socrates had properly controlled his Xantippe before her disorder had increased beyond cure, it would have contributed to her happiness and his own. Prince Eugene observed, on one occasion, rather satirically, that love was a mere amusement, and calculated for nothing more than to enlarge the influence of the woman, and abridge the power of the man. Goldsmith's Hermit said to his lovely visiter,—

'And love is still an emptier sound,
The modern fair one's jest;
On earth unseen, or only found
To warm the turtle's nest.'

But love is an actual, a powerful, and a beneficial principle, if it be properly regulated. Among married persons there ought to be as much love as would induce either to yield in trifling matters; and there ought to be as much reason as would enable both to act correctly. Matrimony should be something like the union of the ivy and the oak: the latter is firm, and capable of supporting its more tender companion; the ivy, however, must follow in some measure the humours and windings of the oak; but they

grow together, and the longer they continue the more closely they are united. There have been many instances of great attachment. Porcia, the wife of Brutus, when she heard of her husband's death swallowed burning coals, that she might go with him. Alceste, wife of Admetus king of Thessaly, sacrificed herself for the safety of her husband. This monarch was ill; and when the oracle was consulted, it was declared that he would not recover except some friend would die for him; and as no one else would do so, the wife heroically drank a cup of poison. Paulina the wife of Seneca in his old age, was young, beautiful, and accomplished; and she was so much attached to her husband, that when the veins of Seneca were opened by the command of Nero, she caused her own to be cut, that she also might bleed to death. When Conrad III. had taken the town of Winsberg in Bavaria, he allowed only the women to go out; but they had leave to carry with them as much as they pleased. They loaded themselves, therefore, with their husbands and children, and brought them all out on their shoulders! When love is genuine; when professions are sincere, and the practice agreeable therewith; when health is enjoyed, and as many comforts as are necessary for this life; when children grow up in vigour, good behaviour, and mental improvement; when old age is solaced by the company of each other, and the kind attention of daughters and sons; then matrimony is a cause of happiness.

"But if all these enjoyments were the lot of every married person, men would become too much contented with the present life, and they would scarcely think, as they sail on smoothly, of the haven, for which they are bound. Besides, the fascinations of domestic life would attract them from many duties which they owe to their fellow-creatures. There are then many disadvantages connected with matrimony. There is so much ignorance, perverseness, undue inclination for power, disposition to contradict, anger, jealousy, hatred, and versatility among human beings, that many unpleasant occurrences will necessarily arise, and especially in the marriage state, because here most of these feelings are brought into action, and are most sensibly felt by those who are subject to their influence. He that paints the experience of human life in brilliant colours only gives a flattering and deceptive representation,—he may just as well pretend that

the heavens are always cloudless. People soon discover that there are sorrows in the world as well as joys, unpleasant as well as pleasant events; hence arises the advantage of examining, of pointing out, and endeavouring to avoid 'the ills which flesh is heir to.' The perpetuity of marriage, under pleasing circumstances, is its most lovely character; but the same peculiarity, under a different aspect, is its principal source of misery. It is too frequently a state of bondage, 'which thousands once fast chained to quit no more.' But what exists, and cannot be removed, should always be borne as patiently as possible; and thus we may keep a cheerful heart, when another, less prudent, would be gloomy. Besides, an ill temper makes every condition of life unhappy; a cheerful disposition will throw a gleam of sunshine over the scenery of a November day. Some people, very foolishly, make themselves uneasy because they are bound. Sir Jonah Barrington seems to think it a natural propensity. He says,—'The moment any two animals, however fond before, are fastened together by a chain they cannot break, they begin to quarrel without any apparent reason, and peck each other solely because they cannot get loose again.' But it must be remembered that people enter into marriage with a knowledge of the permanency of the union, and perhaps they seldom repent, except they had been deceived; and this we may hope would not occur frequently. After the Romans had introduced a law of divorce, no respectable person, for the space of forty years, availed himself of it. Divorcement was much practised among the Jews, and was productive of great evil. One of the Jewish doctors asserted, that if a man beheld a women who was handsomer than his wife, he might put away his wife and marry her; and thus all the wives in Judea, except the handsomest, might have been divorced. Josephus observes, on one occasion, very coolly,—'About this time I put away my wife, who had borne me three children, not being pleased with her manners.'

"One cause of unhappiness in a married state, is too little affection; and in other instances, although affection may be possessed, it is not shown. Montesquieu observes, 'that women commonly reserve their love for their husbands until their husbands are dead.' Sometimes a mortal hatred springs up, which induces a man, like Henry VIII., to cause the murder of those

whom he has sworn to love and preserve; or a woman, like Livia, to poison her husband. Not only is a great dissimilarity of rank and condition a cause of dislike, but a great variation in age is frequently the cause of distrust and unhappiness. The proportion which Aristotle suggests may be appropriate in one respect, but it is objectionable in others. The life of the female is just as long as that of the male; and the union of middle age and youth, where the one is twice as old as the other, will not often allow an uniformity of feelings and disposition. The case of Seneca (to which I have alluded,) and that of Sir Matthew Hale, are exceptions. Youth is generally gay, thoughtless, and frivolous; but life, in more advanced periods, is sober, thoughtful, and dignified. A husband should not be deemed a teacher or guardian for the wife so much as a companion; and the wife should not be considered as guardian for the husband: there ought to be a mutual sympathy, and in most respects an equality of influence.

"Jealousy is a passion which allows the hapless possessor to enjoy neither rest nor confidence. It is frequently the companion of love. Shakspeare says,—

> 'For where love reigns, disturbing jealousy
> Doth call himself affection's sentinel.'

When this principle obtains possession of the breast, it destroys the health and spirits; the streams which gladden the heart become corrupted, and productive of rage or melancholy. Jealousy is like the snake which insidiously entwines itself around its victim; or like the bohun upas of Java, which diffuses death. The bright beams of hope, which cheered the possessor, and carried his vision to distant days and distant scenes of enjoyment, are all eclipsed by this pillar of darkness. Moliere the poet was endowed with an eminent genius—he was esteemed as the first wit in Europe; but his wife was faithless, and no enjoyment, or success, or honour could tranquillize his mind, and make him happy. The attractions of youth and beauty will sometimes excite an illicit passion, but the indulgence of this feeling is the path to anxiety and degradation. The female may be less faulty, but she will be the greater sufferer; for, with regard to her lawful companion, confidence is changed to timidity, love to hypocrisy,

and a continual fear torments her, lest accident or malice should discover her imprudence. How dearly is the pleasure of a moment procured, when it is purchased by years of unhappiness! On the other hand, it is extremely unreasonable for some persons to indulge as they do, their natural disposition of suspicion, and thus make others uneasy. Where virtue only exists, it is a most grievous hardship that the possessor should be subject to the penalty of vice. Nothing should be made with more caution than a decision in which the innocent may receive the odium which belongs to the guilty.

"Sometimes the worst sort of accomplishments are brought by a lady into the marriage state. She may be capable of singing admirably, of dancing, of painting, of performing skilfully on the harp or piano, of making ingenious trinkets and ornaments; all this may be well enough for an unmarried lady, but of what use are they in a state of matrimony? It is true, that if she be favoured with a handsome fortune, she may indulge herself agreeably with her inclination, and employ others to manage her household affairs; but not many are thus situated: and, even in this case, there are duties which belong to the wife, in regard to her husband and children, which would occupy pretty much of her time. It is still worse if she be fond of dissipation,—of routs, balls, and masquerading; if she fly abroad in pursuit of a phantom, while domestic enjoyment is neglected. A good wife will endeavour to make herself happy at home, and she will try to make all at home happy. She should endeavour to make the pathway of life cheerful by her smiles and attention, so that her husband may be delighted with his dwelling, and find it his happiest place; and that the children may be regulated with all necessary care.

"A good temper is essential for matrimonial happiness. An habitually irritable or gloomy disposition is a source of misery to the possessor and to others. A dark and murky cave could as well throw out a cheerful lustre, as a surly person communicate happiness to those around him. Obstinacy must not be indulged by either party; for, as the bond of union cannot be easily broken, if one be perverse the other must bend. If two trees be bound tightly together, and both be stiff, the cords will probably break; if not immediately, they will when the cords become weaker:

and thus with regard to matrimony, what God has joined together, the perversity of human beings will put asunder. Obstinacy in trifling matters in the marriage state is an evidence of little love and a bad heart; but if trifling matters appear important, and the gaining of every point be as the taking of a citadel, the person is wrong in his judgment; he is insane, or partially so. Many worthy women have been cursed with worthless husbands; but, unfortunately, the grievances of the female sex have been less frequently known than those of the men; for women are not often authors, and men are frequently so; consequently, in all estimates of the comparative merit of the sexes, it must be remembered that more has been said on the one side than on the other. Home, however, is the castle of the wife, if she be a good one; here she keeps her permanent abode, agreeably with the injunction of St. Paul. The husband is absent the principal part of his time, may there not therefore, on some occasions, be too great an inclination in the lady to consider herself as the governor of the establishment, while the husband may be deemed a visiter, rather than the master? This would not arise in the breast of an amiable and affectionate wife, but it has sometimes arisen; for, unfortunately, all wives have not been good ones. Jerome Cardan was so unfortunate as to have a wife who was proverbial for her ill temper and arbitrary conduct. John Knox said of Lord Erskine, "He has a very Jezebel to his wife." Salmasius, the opponent of Milton, was made perpetually uneasy by a similar thorn. The unfortunate husband was a Frenchman, and Milton said (as Dr. Johnson observes,) "Tu es Gallus, et, ut aiunt, nimium gallinaceus." Milton himself seems to have suffered from a similar cause, for he evinces so much hostility to the female sex, that no other reason would so naturally account for it. He exclaims,

> 'O why did God,
> Creator wise, that peopled highest Heaven
> With spirits masculine, create at last
> This novelty on earth, this fair defect
> Of nature, and not fill the world at once
> With men as angels without feminine?'

Milton adds a great deal more, which, if he had a high opinion

of woman, even his anxiety to make his character of Adam consistent would not have demanded. An amiable temper on the part of a wife, with her own natural softness, and an inclination to yield in unimportant matters, will not only increase love, but power; for in this respect, agreeably to the opinion of Prince Eugene, love is power.

"Marriage is sometimes made a matter of mere convenience; people enter into it with as much indifference as they would into any other speculation, and when one companion dies they take another. In the book of Tobit we have an account of Sara, the daughter of Raguel, who had been favoured with seven husbands, whom "Asmodeus the evil spirit had killed." Love must be exceedingly pliable, it must be love to man, and not to a man, that would suffer a woman to transfer her affections seven times. It would be a ludicrous occurrence, if, upon any particular occasion, a man's three or four wives, or a woman's three or four husbands, should "burst their cerements," and visit their former dwelling. What astonishment! What uplifted hands and distended eyeballs! What speechlessness and violent speeches,—reproaches and animosities! When the Duke of Rutland was Viceroy of Ireland, Sir John Hamilton attended one of his Grace's levees. "This is timely rain," said the Duke, "it will bring every thing above ground."—"I hope not, my Lord," replied Sir John, "for I have three wives there." Marriage may be well extended to two wives or two husbands in succession; this, in some cases, is necessary; but when it goes to three or four it is objectionable. The man who moves from place to place, sometimes living here and sometimes there, will never gain a pure and ardent love of home; by the same rule, a succession of wives will only induce an habitual or mechanical regard to the wife for the time being; in the same way as loyalty may be transferred from one sovereign to another. Besides, a family with different degrees of relationship and with different interests is formed, and this contributes nothing towards domestic tranquillity. There may be some particular cases in which the evils to which I have alluded may not arise; these may be deemed exceptions.

"There are some sorrows peculiar to matrimony; and some which, though they fall on other conditions of life, are felt more

heavily when they intrude themselves within the boundary of connubial love. Poverty and sickness are more grievous evils under circumstances of this sort; because a man feels not only for himself, but for others. How dreadful must it be when the husband beholds his wife in squalid misery! What are the feelings of a mother when she sees her innocent children suffering from hunger? And when the iron hand of affliction presses upon the brow of a husband or a wife, and the sharp arrows of pain occasion groans, is there not an almost equal anguish in the breast of an affectionate partner? And when the heavy clouds of sorrow gather around at the anticipated separation of those who had lived in the bonds of harmony—when the chilly arms of death are held out to clasp him, or her, who had been used to a more tender embrace, how dreadful is that period! Is not the woe of separating generally in the same proportion as the bliss of uniting? And is it not a valuable loan to be paid by a mighty sacrifice?

"Unhappiness may be occasioned by indulging an undue degree of love. Sentimental bliss is generally followed by sentimental sorrow; consequently, people may love one another too ardently, so as to make the thought of parting a source of misery. If two plants grow up together, imparting to each other shelter and fragrance, it may contribute to their mutual advantage; but if they become so closely united as to grow from the same stalk, and depend on the same nutriment, then take away one, and both will perish. Connubial love should, therefore, be regulated by reason. Extremes are seldom durable. Violent love in the marriage state may change to hatred; and an unusual quantity expended on the husband or wife, may occasion a lesser degree of regard towards others. It is not an uncommon event for external enemies to occasion harmony at home; and harmony at home, or the yielding to the foolish notions of each other, may occasion enemies without. So difficult is it to act consistently, and to live in peace with all men! But the Scripture demands it, and we have a long period for studying our lesson.

"In matrimony it is necessary that many things should contribute to a permanency of enjoyment. A good temper on both sides; property enough to supply the wants of a family; good health; children—not too many, nor too few, nor all of one sex;

a continuance in each other's society, till both pass away gradually as the twilight into darkness: but, if chilly poverty exert its influence; if the husband or the wife be ill-tempered; if he or she be unfaithful or jealous; if love be followed by hatred; if one be taken, and the other be left in solitude; if children be imperfect in birth, or habitually sickly, or drop off in early years as unripe fruit; if sons prove vicious, and daughters bring disgrace on themselves and their families; if the extravagance of children bring their aged parents in sorrow to the grave; where, then, will be the pleasure of matrimony? The cares of a family, when the family is large and unruly, are more perplexing than the cares of a state. Cardan confessed, that out of four great troubles which he had experienced, two arose from his children. When Thales was asked why he did not marry, he replied, 'Because I want no children.' One of the ancient sages was so much impressed with the disappointments and anxieties of matrimony, that when he was asked, at what time, a man should marry? replied, 'If he be young, not yet; if older, not at all.'

"From a consideration of matrimony, it will be natural to pass to celibacy. Love is a natural feeling; Milton makes it a virtue: and the state of marriage is consistent with the arrangements of the Most High; most people, therefore, will enter the circle of matrimony. Those who continue in a single condition, are regulated by necessity or reason. Marriage is optional. Under some circumstances those who marry do well; and under others, those who marry not, do better. If reason be the guide, a state of celibacy may be a happy one—agreeably to the opinion of some, who derive celibacy from the words cæli beatitudo, the blessedness of heaven; but if disappointment tear away the affections from a beloved object, and leave the feelings mangled—'the sport of winds and waves'—no happiness can be expected. If unavoidable circumstances prevent the occurrence of marriage, a person will probably long for it the more; if there be no obstacle, and he chooses his condition, he will probably be content. In Europe and in Asia monasteries and nunneries have proved an important check to marriage. These establishments contain two descriptions of persons: those who are displeased with the customs of society, with men, or the female sex—and those who are influenced by feelings of duty; the former

will frequently be unhappy, though the latter may be contented.

"Marriage is better for those who are engaged throughout a certain portion of the day, while the rest (a considerable part) is unoccupied by any interesting pursuit. Such persons are liable to run into dissipation and vice. Nothing is better for men who have idle time than domestic engagements; they form a part of the most pleasing, most dignified, and most natural pursuits of human life. The company of a wife, the smiles and playfulness of children, are a source of pleasing relaxation. A man of business, or a professional man, not particularly engaged in scientific or literary pursuits, and a person disengaged from business, are two classes that ought to marry. The mechanic and the labourer, if they can by any means maintain a family, will do well to be married; by this means they may avoid much loneliness, gloominess, irregularity, and vice. In this case he that hath a wife (to use Solomon's words without any qualification as to the goodness of a wife) possesses a good thing.

"But if a person be capable of employing all his leisure time in useful and interesting pursuits, and pursuits which are unfailing, he has not the same occasion to be anxious about marrying. Indeed, when a taste for knowledge runs to an excess, he ought to remain single. In general, however, when the pursuits of science become a man's daily engagement, and in some respects his labour, he ought to be married; for he needs a relaxation, and none is better than the pleasures of a family. If science be his relaxation, he will, perhaps, have little leisure or inclination for another. As there is, in some persons, a powerful disposition for marriage, which ought to be gratified, so there is in others such an ardent love of liberty, such a disposition to remain unfettered and unvowed, that those who feel it may consistently continue single. Bishop Kenn used to make a vow every morning that he would not be married that day; and this he continued to do till the end of his life. It is stated in the biography of Bayle, that this singular man might have married a young and beautiful lady, who possessed a large forune, with an amiable disposition and winning manners; and Bayle himself was almost fascinated by her; but he magnanimously broke through every trammel, and devoted himself to learning and celibacy. Joseph

Scaglier evinced a disposition of a similar kind. If these men had married, perhaps like Budæus and Turnebus—who scarcely suffered the wedding-day to abridge their accustomed studies—they would have thought more about their learning than their wives. But those who are married ought not, in general, to be like those who are unmarried; they should pay a constant and marked attention to their fair companions. Unmarried men have more leisure than those who are married. 'Wife and children,' observes Lord Bacon, 'are a great impediment to great enterprises.' Among the ancient Gauls it was reckoned disgraceful for a warrior to marry. The origin of celibacy among priests, and many who held learned offices, was well intended; and was, perhaps, agreeable with the duties of their important stations. Among the fathers of the early Christian church, even before the law of celibacy was introduced, almost all the most eminent were unmarried men; among these were Clement, Irenæus, Justin Martyr, Ignatius, Polycarp, Origen and a host of others. One half of the most eminent persons that have ever lived in the world of science and literature have remained unmarried. 'The best works,' remarks Lord Bacon, 'and of greatest merit for the public, have proceeded from unmarried or childless men.' A feeling of independence has sometimes gone so far as to make a man completely undecided. The celebrated Allatius would neither marry nor enter into the priestly office; when Pope Alexander VII. asked him the reason, he replied, 'I refuse orders, because I may be at liberty to marry; and I refuse marriage, because I may be at liberty to become a priest.'

"In the connubial state, too frequently, the sympathies are concentrated within the family circle; while there is little generosity or philanthropy beyond. Some of the worthiest men, in regard to benevolence and good feeling, have led a single life. 'Unmarried men,' observes Lord Bacon, 'are best friends, best masters, and best servants.' They possess many natural excellencies, which, if not engrossed by a family, will be directed towards their fellow-creatures. Dr. Jeremy Taylor says:—'Celibacy, like a fly in the heart of an apple, dwells in perpetual sweetness;' but the same eloquent writer observes: 'it sits alone, and is confined.' This, however, is not so correct, for a man need not be alone, when he can have the whole world for his

company. But, it will be said, we hear continual complaints of the evils of celibacy from those who have felt them; but we hear nothing of the disadvantage of marriage from those who have tried the matrimonial state. This is true; but there is a sufficient reason for it. If a man be married, and if he be a prudent man, he will not often complain, for he cannot easily alter his condition; but if he be foolish, and lament his fate, and blame his companion, he will be despised. For it will be said, the man was a fool, he had no sagacity, he could not see where he was going; or, he is a poor chicken-hearted dupe to be ruled by a woman. And if he happen to be deceived, if his wife be unfaithful, there is almost as much contempt for the man as there is odium for the woman. Men, therefore, if they have any sense, will not complain. But if a man be single he may complain; for he may generally alter his condition; consequently, he is not deemed so unfortunate, and he is not treated with contempt; for the fact is, that people will not only avoid unhappiness, but they will shun those who are unhappy, especially if they cannot be relieved. A married man, therefore, feels more than he expresses; a single man, in many instances, expresses more than he feels. It is said that Shenstone and Thomson lamented the solitude of celibacy, but they were crossed in love, not by the objects of their attachment, but by death. A palace would be a prison if a man were confined in it against his will. Dr. Johnson said, in his later days,—'I want every comfort; my life is very solitary and very cheerless.' But that is rather an argument against matrimony; the Doctor had been accustomed to a different state; and, besides this, he was almost always in pain, and he never was a contented man. From the great multitude of single persons, we must take those who have been compelled to endure that condition; and then compare others who have chosen it, with those who have chosen matrimony; and we shall discover, whether the quantity of happiness in the former, in proportion to the number, be not equal to that in the latter.

"Marriage may be productive of great enjoyment or great sorrow, and so may celibacy. Matrimony is better for some persons and some conditions, celibacy is better for others. But happiness, in all cases, depends greatly on ourselves. There is, however, a great deal of querulousness among human beings; they

find themselves uneasy, and as they must attribute it to something, they cast the blame on their state rather than their conduct; therefore, when Socrates was asked, whether it were better for a man to be married or single, he replied,—'Let him do either, he will repent of it.'"

A SHORT ESSAY ON OLD MAIDS.

It becomes our duty as Editor, not only to correct the errors of Mr. Walker, but also to supply his deficiencies; and certainly it must be regarded as a deficiency that he has said nothing on the subject of *old maids*. He has attempted to describe "Woman" *physiologically*, and yet has scarcely deigned to notice that large class, that remains in "single blessedness,"—perhaps, because he considers them to belong to a different genus, for it is not long since all women were so degraded; or, perhaps, because they are comparatively rare in England; or, it may be, he thought them beneath his notice,—whatever the cause may have been, we consider they have just ground of complaint, and we therefore step in to do justice in the premises.

As we are great lovers of system, we shall discuss the character of the sisterhood in a very orderly manner, and according to our plan of proceeding, we shall first attempt to find out the exact meaning of the terms "old maid" and "old maidism."—The author of an "Essay on Old Maids," published in 3 vols. during the last century, seems to have been in a strange quandary on this point, for, on enquiring among his female acquaintances, he found their notions extremely vague and unsettled. The misses of 20 considered all their unmarried friends who had passed their 30th year as absolute old maids; those of 30 supposed the era to commence at about 45, and ladies of 50 showed very clearly what they thought on the subject by calling others about three or four years younger than themselves *girls;* from whence, it would be presumed, they would advance the era to 60 at least. Finding that he could ascertain nothing definite from the ladies, who may, in such a question, be called an interested party, he had recourse to the most profound philosophers of his acquaintance. The first one consulted, denied the existence of

any such beings as old maids, and called them *non-entities;* the second was a physician, who had lately married a lady of 43, and just become the father of a promising boy. Of course he denied the propriety of giving the name old of maid to ladies of 43; indeed, he maintained that every female should be regarded (physiologically?) as in a juvenile state, who could confer such substantial blessings on their families as he had lately received. The replies received from others, were no less satisfactory, so that eventually he had to give up ascertaining the exact age, when the epithet of old maid would apply, and to address those of 40, not as actually old maids, but in danger, if they should live long enough, of becoming so, in short, as *novitiates.* We find ourselves labouring under the same difficulty, and we shall, therefore, adopt the same plan; and, presuming that there are such beings, shall proceed to point out some characteristic traits which are believed to belong to them as a *class*, though, as in all similar cases, there are numerous exceptions.

A learned Dutch author has endeavoured to prove that it was the intention of Heaven that Eve herself should die an old maid, and that original sin was introduced, not by literally eating an apple, but tasting a different kind of fruit. This opinion was evidently borrowed from some of the Jewish Rabbis, or the early Christian fathers, of whom Gibbon says,—"it was their favourite opinion, that if Adam had preserved his obedience to the Creator, he would have lived and died in a state of virgin purity, and that some harmless mode of vegetation might have peopled Paradise with a race of innocent and immortal beings." Such was the learned opinion of Justin, Gregory, Augustin, &c. The author already quoted, after a very diligent enquiry, comes to the conclusion that there never existed such a being as an antcdeluvian old maid, and his researches throughout the Old Testament history, and the annals of Greece and Rome seem to have been equally unsuccessful. After the Christian era, however, he finds "an infinite increase of old maids," which he ascribes to two causes; first, the advice of St. Paul, who strongly dissuades them from marriage; and, secondly, to the eloquent exhortations of the early fathers of the church to the same effect. However the language of the apostle may be twisted to serve an end, there it stands, "IT IS BETTER NOT TO MARRY," and no ingenuity can ex-

plain it away. Accordingly, we find St. Cyprian, Tertullian, St. Chrysostom, and others, discoursing most eloquently of virginity, and recommending its preservation as highly acceptable to the Creator. The good bishop of Carthage declaims against ear-rings, paint, and false hair, as inventions of the devil, inconsistent with that simplicity of habit by which virgins should be distinguished. He exhorts them to avoid public baths and nuptial feasts; he felicitates them on their escaping the curse of child-birth; and encourages them to persevere in their chastity, by an assurance, that their rank is glorious, and that the purity of a virgin approaches very near to the perseverance of a martyr. St. Chrysostom is very severe in his invective against the class of *canonical* virgins, so called, who, it appears, bore the same equivocal relation to some father confessor, that the unfortunate Stella did to Swift. The writer above-mentioned, very profanely remarks, that "a spirit of pious gallantry so inflamed the first writers of the church, that their pens were incessantly employed in the praise of consecrated virgins." The first nunnery was erected in Verona, by Zeno, the bishop of that city, about the close of the 4th century; from which time, down to the present, there have not been wanting multitudes of old maids, *from choice*, who have retired from the world, and consecrated themselves to the cause of religion.

But to come down to our own times and our own country; the fact is admitted,—old maids do exist; *old maidism* is a term in common use, and, it cannot be denied, that there is a degree of opprobium attached to both. Is it deserved? This is a most important question, involving no less than the good name of some thousands of our fellow beings.

Have old maids, *as a class*, any traits of character which ought justly to subject them to reproach? Have they, indeed, any peculiar marks, which justify a separate classification; making them a *variety* of the *species mulier*, of the *genus homo*?—Let us see. It is charged that old maids possess an inordinate degree of *curiosity*, and we fear that this is not far from the truth. The human mind is made of such stuff that it will not lie idle; if its faculties are not called into active exercise by the interesting cares of domestic life, it will send out its feelers, perhaps perplex itself in the most idle pursuits, and frivolous enqui-

ries. Especially will this be the case, where, from want of education, the mind has no resources in itself, and where the pleasing occupations of needle-work, drawing, or music, have no charms; then, we see the wretched female actually obliged to send her thoughts abroad, and not unfrequently herself also, to seek for that employment which she ought to find at home. Very often we see her becoming a spy upon her neighbours, and not a movement happens, but what she is apprized of it. So true is this of unmarried females of a "certain age," that the curiosity of an old maid has become proverbial. She is often looked upon as a restless, unhappy being, whose insatiate thirst for information is an incessant plague both to herself and her acquaintance, and whose soul is continually flying to her eyes, ears, and tongue, in a giddy circuit,—she seems to be inflamed with a sort of frantic desire to see all that can be seen, hear all that can be heard, and to ask more questions than mortal tongue can answer. And these questions are not always innocent, but sometimes involve grave charges affecting moral character, where the note of suspicion never before was breathed. This often renders the old maid an object of fear and dread, as much to be avoided as a rattle-snake, or a grisly bear. An incident, illustrating this trait, will serve better to show how inveterate it may become, than any remarks which could be offered. A gentleman in New England, residing in a village, had for his neighbours, directly opposite, two maidenly gentlewomen, of a very inquisitive turn, who were constantly employed in peeping and prying into his domestic concerns. His whole establishment was watched incessantly by one of the sisters, till at length, his patience being fairly exhausted by their impertinence, he determined to revenge himself by bothering them in his turn. Accordingly he set himself to work to excite their curiosity in every possible manner, and in such a way as to baffle it likewise. One of the plans he adopted was to muffle himself up in a strange manner, and, immediately as the town clock struck 12 at night, to rap loudly at his own door. No sooner was the sound heard across the way, than the old maids were on the alert; up went the window, and out went both heads, for such was their eager curiosity, that one would not trust the other to tell what she had seen. Sometimes the gentleman would accost his wife, or whoever came to

the door, in a strange and boisterous manner, and immediately run up the street; at another time, he would loudly demand admittance, and proceed, if the door was not quickly opened, to get in at the window; then he would rap and walk slowly away without waiting for the door to open: in short he varied his manœvres in every possible manner to excite curiosity, but the ladies could not get a clew to the matter. At first, they thought the nocturnal visitant was the chamber-maid's beau, and then again they were completely non-plused. The gentleman amused himself for some time at this game, which he called "fishing for old maids," till one night, in a severe snow-storm, the most elderly and infirm of the ladies continued so long at the window, in an undress, that she caught a cold, that threw her into a consumption, while the other survived but a few months, and then died of absolute chagrin and vexation that she could not unravel the history of the mysterious night-visitant.

Credulity is said to be another trait in the character of old maids. "An old maid" says Addison, "that is troubled with the vapours, produces infinite disturbances of this kind among her friends and neighbours. I know a maiden aunt, of a great family, who is one of those antiquated sibyls, that foretels and prophecies from one end of the year to the other. She is always seeing apparitions and hearing death-watches; and was the other day almost frighted out of her wits by the great house-dog that howled in the stable, at a time when she lay ill of a toothache." Such characters are now, fortunately rare; though the same credulity exists it is turned into a different channel. It busies itself no more with spirit, but attaches itself to the more substantial living bodies of the earth we inhabit. The credulous old maid of the present day is one, who, instead of beholding apparitions in the dark, sees a lover in every man, by whom she is civilly accosted, and instead of hearing death-watches, hears a hint at least, if not an offer of marriage, in every common compliment that is casually addressed to her. It is fortunate indeed that she is seldom much effected by the loss of one imaginary lover; for as fast as one castle in the air tumbles to pieces, she builds another, so also as one amorous illusion is demolished, she erects another in its place. Her life is thus a scene of perpetual and ever varying hope; and as hope is one of the most lively

passions, her temper is naturally gay. "Her head" says the author of the Essay "may be compared to one of those raree-show-boxes, which are filled with splendid and successive pictures of one magnificent object; at the first peep you may discern the temple of Hymen; the structure presently vanishes, but disappears only to make room for a more captivating view, either of the temple itself, or of some delightful avenue, which is terminated by the same noble edifice. The credulous old maid has a memory completely stored with histories of love at first sight; she can recollect a thousand instances in real life, as well as romance, of ladies who have made the most sudden and fortunate conquests, by the simple and natural circumstance of looking out of a window, and she therefore devotes herself with particular assiduity to this favourite amusement. I know a sprightly ancient virgin of this description, who, as constantly as my lord mayor's day returns, continues to plant herself in some conspicuous window of the city, and as the festive procession advances in her sight, she is animated with the hope of wounding an alderman or a sheriff, she looks indeed, on these occasions, as if she was thoroughly convinced, that the incessant fire of her eyes did prodigious execution upon the passing crowd; yet, I believe, if we except her intention, she is as perfectly innocent of metaphorical manslaughter, as the honest man in arms, who forms a part of the cavalcade, is innocent of blood." It must be acknowledged however that this foible, though highly absurd, is yet more deserving of tenderness and pity, than of contempt and derision. Instead of being the offspring of arrogance and vanity, it frequently springs from benevolence and simplicity, from one of the most amiable of human wishes—that of being beloved. So frequently do we find credulity free from every other blemish, that we cannot but lament the raillery to which it is exposed.

There is another trait in the character of old maids, still more absurd than the last, and that is AFFECTATION. We do not pretend to say that no females are affected but old maids, but we mean to say, that they have a fourfold proportion of this foible. And how does this happen? We know not, unless that the old maid, having found that her natural charms have not, in the period of their bloom, been so fortunate as she wished, she now is tempted to affect, either such graces as she retains no longer, or such new

attractions as she thinks may become her maturer season of life. There are three kinds of affectation which we have noticed in such females, viz.: an affectation of youth—an affectation of a certain censorial importance—and an affectation of extreme sensibility.

The first is the most common, and the most ridiculous. Age is a jealous tyrant, and every effort to proclaim herself free from its influence, only tends to make woman feel the severity of its dominion. Many indeed continue by means of false teeth, false hair, rouge, and pink ribands, to repair its ravages, and bring back the appearance of juvenility; but, like artificial flowers, it is only a false display, a mock illusion,—if there can indeed be said to be any illusion at all: flaring ribands, can only be considered as *signals of distress*, inviting every bold adventurer to hasten to her relief; but no sensible female will exchange her natural charms, few though they be, for the artificial attractions, which others are so eager to acquire.

We pass by the affectation of censoriousness, which is a hateful trait in the character of any female, and one quite too common now-a-days, especially among our single female, moral reform ladies, who look upon the whole world as a vast brothel, just ready to sink into the bottomless pit, and every man and woman as a "rake at heart." We will suggest a few thoughts on affectation of sensibility—"I know a tender virgin," says an able writer, "of about 46, who, having read in divers poems and romances, that woman is irrisistible in tears, has somehow contrived to form an inexhaustible reservoir of water in the neighbourhood of her eyes; and to captivate every new acquaintance, she plays off those two radiant fountains as readily as the master of a French garden entertains every foreign visitant by an occasional shower from his favourite *jet d'eau*. This effected sensibility manifests itself in the perusal of novels and romances, when tears involuntarily flow at imaginary scenes of distress; whereas an actual object of wretchedness and suffering, would only excite contempt and disgust. Often this affected tenderness is lavished upon a lap-dog, parrot, monkey, or canary-bird; and an ancient single lady of the writer's acquaintance has a complete menagerie of animals, and employs a favourite physician to attend them by the year. A few days since, he was summoned in haste, to re-

duce the fractured leg of a canary-bird. Sometimes it manifests itself in an apparent debility of nerves, which causes her to affect the timidity of a fawn, or a fairy. No ghost could start with greater trepidation at the crowing of a cock, she is thrown into convulsions at the sudden slaming of a door, or the beat of a drum, and the crying of children she cannot away with. Again this kind of affectation is often seen both in sentiments and language. This was manifested lately in Boston, where the excessive sensibility of some single ladies was so shocked by the exhibition of Greenough's beautiful little naked cherubs, that it was found necessary to invest them in drapery, reminding one of Sir Charles Grandison's remark "Wottest thou not my dear, how much *in*-delicacy there is in thy delicacy?" and of Swift's coarse maxim, that "nice persons are full of nasty ideas." We have, in some place, seen the head of the over-delicate old maid, compared to a foul cask in which the purest infusion immediately turns sour. We have heard of an old maid who threatened to prosecute her physician for libel, for intimating that females had *legs*, and Capt. Maryatt tells of another who enveloped the legs of her piano in ruffled pantaletts. We have heard of other similar cases, such as furnishing a little marble greyhound with a paper apron, and writing a note to a clergyman, reprimanding him for using some terms in his sermon, admitting of a double construction.

The following epigram from the work already quoted, is very applicable to such a character.

"That prim Delia Dainty must die an old maid,
Is declar'd in the book, where our lots are display'd;
Nor could Hymen himself, had he hold of her hand,
Contrive this decree of the Fates should not stand;
For had she accepted an offer of marriage,
So nice is her ear, and so modest her carriage,
That when to the altar she went as a bride,
Before the chaste knot of the church could be tied,
The pure words of the rite she would censure most keenly,
And cry, Hold wicked priest! you are talking obscenely."—

The only other unfavourable traits in the character of old maids particularly conspicuous are ENVY and ILL-NATURE. And we do not feel disposed to dwell upon these not only because

they are more serious in their nature, but because we have already prolonged our remarks on this subject too far.

Envy is a disease most prevalent in vain, narrow, and uncultivated minds. Noble and generous natures breathe a higher and purer atmosphere. The most ill-natured old maids we ever met with, were those whose education had been very limited, and who had amused themselves in youth, with the most extravagant expectations, either in consequence of beauty real or imaginary; or, more often, in consequence of some pecuniary advantages. When we look upon these superannuated beauties, we cannot but compare them to spoiled Burgundy; which, though one of the finest wines in the world, makes also the best vinegar; so, do these unfortunate females, from very fine young ladies, turn into the sharpest and most acrimonious old maids, from whom, as we said before, "Good Lord, deliver us." There is no situation, where a being of this unhappy, restless nature, may not exert, with a very mischievous effect, her malignant activity: but a *country town* is the grand theatre for her operations. Is there a match on the tapis? If detraction, malicious insinuations, or even anonymous letters, can break it off, it will be done. Are there any families united by bonds of more than common friendship? If malevolence, or busy intermeddling, can break those bonds, then will they be severed. Even the pleasures of social intercourse are poisoned by her pestiferous breath. Indeed, she may be reckoned a real *sorceress*, who surpasses, in malicious power, the most terrific of all fabulous enchanters. No wonder that our forefathers regarded old women as *witches*, and hung or burnt them for practising the black art of detraction. They cause all those evils which the ignorance of the dark ages imputed to witchcraft.

We shall not attempt to seek for the causes of this failing, whether it arises from disappointment, slighted charms, or a spirit of retaliation, it is enough that it exists, and we mention it only to put our fair readers on their guard, that they may avoid it, as a most dangerous enemy.

"The love of scandal arises generally from a consciousness of personal or mental defects; from envy and malice; from cruelty and vice. It is exactly the opposite of that golden rule—'Do unto others as ye would they should do unto you.' There is a

humorous and well-told incident by Sterne :—'There are people,' continued the corporal, 'who can't even breathe without slandering a neighbour.'—'You judge too severely,' replied my aunt Prudy, 'no one is slandered who does not deserve it.'—'That may be,' retorted the corporal, 'but I have heard very light things said of *you*.' The face of my aunt kindled with anger. '*Me !*' she exclaimed, '*me !* slight things of *me !* what can any body say of *me ?*' The same persons who mangle their neighbours so barbarously are themselves susceptible of the slightest touch. They are also, in most cases, more frail and more liable to immoral conduct. A great deal of what is retailed among the gossips is exaggerated, but much is invented! 'When scandal is true,' observes Sir Jonah Barrington, 'it is (as some ladies have assured me) considered by the whole sex as scarcely worth listening to ; and actually requiring a very considerable exaggeration to render it at all amusing !' But Sir Jonah is rather unfair in alluding to the female sex, as the only retailers of scandal : a great deal is invented and published by men ; this may be seen in the political world. But one reason why the softer sex may be harder in their censures arises from the superior facility of the ladies in the use of language : they can hit more closely than men, in general, are capable of doing : and the reason why females scandalize more frequently than the other sex, is because they talk more ; and this loquacity arises from the nature of their engagements. Females sit and employ themselves with needlework ; but the fingers and the tongue may be engaged at the same moment. Men are employed in reading, in writing, and other avocations, in which conversation is necessarily checked. And besides this, with regard to the ladies, they have few matters of importance to think of ; they have no mercantile or professional business to converse about, and no politics or science, except on a small scale ; consequently, having much leisure and much ability, with no variety of other subjects for conversation, they frequently turn their attention to scandal —for this is interesting and never-failing. *There is a good reason why maiden ladies should be greater sinners, in regard to evil speaking, than other females are, especially if they be not obliged to obtain their maintenance ; for, having few domestic matters to occupy their time, and few necessary engagements,*

they would find nothing to amuse themselves with, agreeably with their inclination, except they could fall upon and mangle some of their neighbours' characters! Persons with large families, or with young children, are not such gossipers and scandalizers; and people of good sense and honour (and many of these there are among the ladies) avoid low scurrility and backbiting; because the former have something else to do, and the latter have a natural aversion to it. How much better would it be, if all, who have much leisure, would employ it in deeds of benevolence, in pleasing accomplishments, in the fine arts, in literature and science! for these would not only produce no evil, but they would be positively beneficial.

"There is scarcely a more despicable thing in creation than a human female, old and shrivelled, whose countenance denotes envy, malice, and cruelty; whose words are like a two-edged sword, wielded by a madman; whose breath resembles the pestiferous vapour arising from poisonous volatile spirits; whose smile is a deadly blight; what a curse is such a wretch to society! What a disgrace to her own sex! How much mischief and disquietude does she make! How much friendship and social comfort does she mar! Cowper has described such a wretch,—

> 'In faithful memory she records the crimes
> Or real, or fictitious, of the times;
> Laughs at the reputations she has torn,
> And holds them dangling at arm's length in scorn.'

These pests, however, are happily scarce; they are desecrated as much by the worthier part of their own sex as they are by men."

Have old maids then, you ask, no good qualities? no counteracting excellencies? Unquestionably: numerous and exalted ones. But as dwelling on them might tend to the increase of vanity, with which their characters are already sufficiently spiced, and as no good ever comes from praising people to their faces, we choose to leave them to the suggestion of our readers. If it be supposed that our remarks have nothing to do with the "physiology" of woman, we humbly protest that this is a mistake, for even the failings which we have felt it our duty, very reluctantly, to expose, grow out of the female organization, modified, as it is, by various accidental circumstances, such as celibacy gen-

erally is. The practical moral which we would deduce from the whole, is, that greater care should be bestowed on the education of females, and to training their minds and physical powers, that they may possess abundant resources of happiness in themselves, and not be obliged to go out of themselves, so to speak, to gratify any "instincts," as Mr. Walker has it, with which they may be endowed. Let them remember that a female must either have *beauty*, or *knowledge*, to commend her to the favourable notice or regard of the other sex. If she lacks both, she must expect to be neglected, if not despised. The famous John Wilkes was as remarkable for his ugliness, as for being universally a favourite with the fair sex. On being asked the secret of this, he replied, that it "took him but five minutes to talk away his face." Let, then, the most ordinary female take courage, and so cultivate her mind, and her conversational powers, that she may also be able to talk away her looks, not in scandal, censoriousness, and ill-nature, but in communicating useful information, and sound sense. So shall old maids cease to be a reproach, —and old maidism shall only exist among the things that were, —in short, shall pass to the "receptacle of things lost upon earth."

SPHERE OF WOMAN.

Mr. Walker has offered some physiological reasons why women cannot conveniently be legislators, judges, and generals; but as there is a growing class of females in this country, who do not subscribe to the justice of Mr. Walker's views and reasonings, we deem it proper to suggest some additional thoughts on the subject.

We believe it was Miss Martineau, who, treading in the footsteps of Fanny Wright, first infected American women, to any extent, with this absurd notion in relation to the equality of the sexes. The echo was then taken up by Mrs Angelica Grimke Weld, and her feminine associate, Miss Garrison, Editor of the Boston Liberator, who have kept the ball in motion, whilome repeating to each other the old nursery song,—

"Robin's alive, and 'live like to be,
If he dies in *my* hands, you may back-saddle me!"

But what, it may be asked, do these female brawlers want? What are they aiming at? Let us enquire.

I. *Miss Martineau's views.*

This somewhat distinguished authoress, in her work on America, uses the following language:—"One of the fundamental principles announced in the Declaration of Independence is, that governments derive their just powers from the consent of the governed. How can the political condition of women be reconciled with this?

"Governments in the United States have power to tax women who hold property; to divorce them from their husbands; to fine, imprison, and execute them for certain offences. Whence do these governments derive their powers? They are not 'just,' as they are not derived from the consent of the women thus governed."

Again she says, "The democratic principle requires the equal political representation of all human beings. Children, idiots, and criminals, during the season of sequestration, are the only fair exceptions." "How can obedience to the laws be required of woman, when no woman, has either actually, or virtually, given any assent to any law."

This will serve as a sample of Miss Martineau's reasoning. Let us look at it. "Governments derive their *just* powers from the consent of the governed."—True in the abstract as a general principle, but not when applied to all cases.

Why are children, idiots, and criminals exempted, and the latter *only* "*during sequestration*," or imprisonment? Have governments no right to enact laws, declaring the commission of particular crimes, equivalent to disfranchisement of civil rights? Should aliens be allowed to vote as soon as they place foot on our shores? According to Miss Martineau's reasoning they ought to enjoy equal civil privileges with others, for they are among the "governed." There may be exceptions then to this general principle.

Secondly, It is remarkable that Miss Martineau should always place the two sexes in a belligerent attitude towards each other, always pulling in different directions like two dogs quarrelling for a bone. This does not augur well as to the consequences of

admitting females into halls of legislation, or courts of justice; but on this ground, we acknowledge we should have no fears, for the simple reason, that we do not consider Miss Martineau a *fair type* of her sex. Were she a fair representative, we would as soon think of packing fire and gunpowder together, as bringing men and women together to pass laws in relation to their respective rights and duties. It has been laid down as a principle, by Mills in his Essay on Government, that "all those individuals, whose interests are involved in those of other individuals may be struck off without inconvenience,"—and that "women may be regarded in this light, the interest of almost all of whom is involved, either in that of their fathers, or in that of their husbands."—This very just, and common sense argument, Miss Martineau gets over, by saying, that the "true democratic principle is, that *no person's interests can be, or can be ascertained to be, identical with those of any other person.*" Indeed! then are we reduced to a worse condition than the descendants of Ishmael where each one is "against every man, and every man's hand against him." But the actual fact is, that though men make the laws, men are ruled by women, so that women are the real law-makers, the "*vainqueurs des vainqueurs de la terre.*" It is said that females acquiesce in the justice of the laws in relation to their rights and duties, and that this gives them force. Miss Martineau cuts this Gordian knot by saying, *she does not acquiesce* —very well,—her sex generally do—that is enough for the argument.

Again it is pleaded, that by "enjoying the protection of some laws, women give their assent to all." Miss Martineau replies by saying that "any protection thus conferred, is, under woman's circumstances, a boon bestowed at the pleasure of those in whose power she is." Does that render it less valuable? But she goes on; "a boon of any sort is no compensation for the privation of something else; nor can the enjoyment of it bind to the performance of any thing to which it bares no relation."—What is this "something else" of which Miss Martineau speaks as wrong to be deprived of? Is it severe manual labour, the toils of the field, the dangers of war, the mechanic arts, the cares and burdens of mercantile business, the exposures and perils of absence from home, the duties of the learned professions, the labour

of legislation, and judiciary proceedings? What Miss Martineau would consider a "boon," or privilege, the rest of the sex would be very likely to regard as a *burden* of no little weight. Miss Martineau's shoulders may be broad enough, and her frame stout enough, for all we know to the contrary, to sustain the frame work of civil society, but we opine that her fair sisters would faint and succumb under the burden. Besides, none thought of being dissatisfied with the portion of civil rights allotted them, till Miss Martineau and Fanny Wright began their ominous croaking. All this twaddle arises from ignorance of the physiological differences of the sexes. If woman had man's physical constitution—in short if she was *man*, then there would be some sense in talking of her equality of rights and condition; but till that time comes, legislation and civil society must go on under the antiquated notion, that *man is man*, and *woman is woman;* if there are exceptions to this rule, as we believe has happened in Miss Martineau, why, we can only say, "*exceptio probat regulam.*"

II. *Mrs. Child's opinion.*

This gifted female writer, remarks in her late work, "On the conditions of Woman:" "Many silly things have been written, and are now written about the equality of the sexes; but that true and perfect companionship, which gives both man and woman complete freedom in their places, without a restless desire to go out of them, is, as yet imperfectly understood. The time will come, when it will be seen that the *moral and intellectual condition of woman must be*, and *ought to be, in exact correspondence with that of man*, not only in its general aspect, but in its individual manifestations; and then it will be perceived that all this discussion about relative superiority, is as idle as a controversy to determine which is most important to the world, the light of the sun, or the warmth of the sun." Here we discover the same fundamental error again, viz.: claiming for woman the same moral and intellectual condition as for man: when, as we have shown in our note on the physiological peculiarities of woman, that she is not and never can be the same in these respects. Her organization, her instincts, her propensities, her faculties are different, and always must remain so while she is

woman. As long as the little girl prefers her doll, and the boy his top, it is useless to talk of the "same moral and intellectual condition" of the sexes. They are cast in a different mould, and when the time has arrived for the fulfilment of Mrs. Child's prediction, the mould must be broken, and a new one cast, then, and not till then, may we look for a new impression.

III. *Miss Sedgwick's opinion.*

In her late excellent work called "Means and Ends, or, Self Training," Miss Sedgwick has made some very sensible remarks upon this subject. "As you come into life," says she, addressing young ladies, "and mingle in society, you will hear much talk of the '*rights of women*;' you will hear some persons maintain that they have been defrauded of their rights,—that men, taking advantage of their physical superiority, have made the laws such as to deprive women of the exercise of their natural and equal rights, and to keep them in a condition of perpetual subordination and inferiority. You will even hear it asserted, by some of the bold advocates of your own sex, that women ought to have an equal participation in making laws, and forming constitutions; and that, while deprived of this right, they do not owe obedience to existing laws, or fealty to established constitutions." After proceeding to relate, at some length, what is said by Miss Martineau, and others, without expressing any opinion of her own, she thus remarks,—"Nothing is farther from my intentions than to make you the bold assertors of your own rights, and the noisy proclaimers of your own powers. I believe there is but one way by which you will ever attain your own rights, and the firm and independent position for which Providence destined you. Your *might must make your right*. By this, I mean that you must qualify yourselves for the exercise of higher powers than women have yet possessed, before they can be entrusted to you; and that when you are thus qualified, they cannot long be withheld from you." Miss Sedgwick does not condescend to inform us what these "higher powers" are, which are to be entrusted to women when better educated; perhaps, had she explained her meaning, we should have found nothing to object to; but, at present, some suppose she sympathizes rather with Miss Martineau in sentiment on this subject. Whether she can do so,

and use such language as the following, we leave for the reader to judge. "I am far from wishing you to encroach on man's sphere. It has been well and truly said, that when a woman claims the rights of a man, she surrenders her own rights.' Unless she is wiser than Providence she will not gain by the exchange. It is as evident that men and women are destined to different departments of duty, as that they have different physical powers, and is it not also evident, that a harmony may arise from this very difference, like the fine accord of different instruments. I cannot believe it was ever intended that women should lead armies, harangue in halls of legislation, bustle up to the ballot-boxes, or sit on judicial tribunals. But what then? The work that is done quietly, and in seclusion, is as important as that which is manifested by collision and noise. Without secret, underground processes, would the sap mount into the tree, and give growth to the boughs that wave in the wind, and to the leaves that rustle in the breeze? By an unobtrusive and unseen process, are the characters of men formed, at home, by the first teacher. There the moral basis is fixed. It is the mother's great duty to infuse the generosity and the self-sacrifice that makes the patriot warrior. She can form those habits of intellectual investigation that qualify a man for judicial authority; and she must train the boy to that love of justice, that strict regard for truth, and that generous sympathy which will fit him for all his social duties. What, then, does it signify, if you are shut out from halls of legislation, and from political tumults, if the wisdom and virtue manifested there is the result, in some good part, of *women's work?*" It is clear, then, that Miss Sedgwick is no advocate for that equality of civil rights so much harped upon by others, and that the "powers" she insists upon advancing, are such as are derived from education, and which are exerted in the quiet bosom of the family circle.

When Miss Martineau, with Mrs. Wolstonecraft, insists that women shall bear a part in the making of the laws, her grand error is, that she wishes to rule, and bear sway by *power* instead of *influence*. She would first unsex her sex, set the two sexes in opposition,—like pitting two cocks at each other, and then fight it out, and see which is the strongest. Such women forget that,

"Power o'er the will exerts its iron sway,
While Influence gently lures us on our way."

They are not aware that *power* is principally exerted in the shape of authority, and is limited in the sphere of its operation; while *influence* has its source in human sympathies, and is as boundless in its operation. Power may regulate men's actions; it cannot reach their opinions. It can neither modify dispositions, nor implant sentiments, nor alter character. All these things are the work of influence. Men often resist power, while to influence they yield an unconscious acquiescence.

Miss Martineau's starting point is wrong; she expects moral results from the amendment of political institutions, and conferring equal civil rights on the sexes; whereas such improvements are the effect, not the cause, of the moral progress of the governed. Men must have virtue enough to desire good institutions, before they will exert themselves to attain them. And this virtue is imparted to the young by maternal influence. "The fate of a child," said Napoleon, "is always the work of its mother." The moral destinies of the world, then, depend upon moral influence, yea, upon maternal influence; for it is this which forms the mind, the prejudices, the virtues of nations, as it unquestionably does of families, of which nations are composed. Could even the plan of these female political economists be carried into effect, without placing the two sexes in the position of rivals, instead of coadjutors, and leaving the important duties of woman in the hands of that part of the sex least able to perform them efficiently, still it would be entirely unnecessary, and females would gain nothing by it, but ridicule, vexation, and care. Men make the laws, women educate the men, women, in fact, are responsible for a nation's laws. "How," asks a late female writer, "are women to interfere in politics? As moral agents; as representatives of the moral principle; as champions of the right in preference to the expedient; by their endeavours to instil into their relations of the other sex the uncompromising sense of duty and self-devotion, which ought to be *their* ruling principles! The immense influence which women possess will be most beneficial, if allowed to flow in its natural channels, viz., domestic ones,—because it is of the utmost importance to the existence of influence, that purity of motive be unquestioned. It is by no

means affirmed that women's political feelings are always guided by the abstract principles of right and wrong; but they are surely more likely to do so, if they themselves are restrained from the public expression of them. Participation in scenes of popular emotion has a natural tendency to warp conscience and overcome charity. Now conscience and charity (or love) are the very essence of woman's beneficial influence, therefore every thing tending to blunt the one or sour the other, is sedulously to be avoided by her. It is of the utmost importance to men to feel, in consulting a wife, a mother, or a sister, that they are appealing *from* their passions and prejudices, and not *to* them as embodied in a second self; nothing tends to give opinion such weight as the certainty that the utterer of them is free from all petty or personal motives. The beneficial influence of woman is nullified if once her motives, or her personal character, are to be the subject of attack; and this fact alone ought to induce her patiently to acquiesce in the plan of seclusion from public affairs." (This is a thought worthy to be considered, supposing the licentiousness of the press to continue the same, and females were candidates for office; quere, how much character and reputation would they have left, after coming out of a warmly contested election?) "It supposes, indeed, some magnanimity in the possessors of great powers and widely-extended influence, to be willing to exercise them with silent, unostentatious vigilance. There must be a deeper principle than usually lies at the root of female education, to induce women to acquiesce in the plan, which, assigning to them the responsibility, has denied them the *eclat* of being reformers of society. Yet it is, probably, exactly in proportion to their reception of this truth, and their adoption of it into their hearts, that they will fulfil their own high and lofty mission; precisely because the manifestation of such a spirit is the one thing needful for the regeneration of society. It is from her being the depository and the disseminator of such a spirit, that woman's influence is principally derived. It appears to be for this end, that Providence has so lavishly endowed her with moral qualities, and, above all, with that of love,—the antagonist spirit of selfish wordliness,—that spirit, which, as it is vanquished or victorious, bears with it the moral destinies of the world! Now, it is proverbially, as well as scripturally true, that love 'seeketh not its

own' interest, but the good of others, and finds its highest honour, its highest happiness, in so doing. This is precisely the spirit which can never be too much cultivated by women, because it is the spirit by which their highest triumphs are to be achieved; it is they who are called upon to show forth its beauty, and to prove its power; every thing in their education should tend to develope self-devotion and self renunciation."

Were these noble sentiments universally received and acted upon by American females, then might we say, addressing each one of them, in the language of Wordsworth:

"And now I see with eye serene
The very pulse of the machine;
A being breathing thoughtful breath,
A traveller betwixt life and death;
The reason fair, the temperate will,
Endurance, foresight, strength, and skill,
A perfect woman, nobly planned,
To warm, to comfort, and command;
And yet a spirit still, and bright
With something of an angel light."

We cannot conclude this note better then by quoting the following remarks from a late work of the Rev. Mr. Winslow of Boston.

"When females undertake to assume the place of public teachers, whether to both sexes or only to their own; when they form societies for the purpose of sitting in judgment and acting upon the affairs of the church and state; when they travel about from place to place as lecturers, teachers, and guides to public sentiment; when they assemble in conventions to discuss questions, pass resolutions, make speeches, and vote upon civil, political, moral, and religious matters; when they begin to send up their names to gentlemen holding official stations, gravely declaring their own judgment in regard to what they ought to do, and informing them, with solemn menace, what they have themselves determined to do if they do not yield to their wishes—even to repeat the expression of their sentiments until they *do* yield; when they attempt the reformation of morals by engaging in free conversation and discussion upon those things of which the apostle says "it is a shame even to speak;" when they encourage meetings and measures like the above, either by their

presence, countenance, or service;—in short, when the distinguishing graces of modesty, deference, delicacy, and sweet charity are in any way displaced by the opposite qualities of boldness, arrogance, rudeness, indelicacy, and the spirit of denunciation of men and measures, so that they give any just occasion for being denominated, by way of distinction, "the female brethren"—it is then no longer a question whether they have stretched themselves beyond their measure and violated the inspired injunction which saith, "Let the woman learn in silence with all subjection; but I suffer not a woman to teach, nor to usurp authority over the man, but to be in silence."

"And why should any woman thus sacrifice herself? Does duty demand it? Must she do it for conscience' sake? However good the object, it cannot be duty to seek its promotion by such means as these. The end can never justify the means, in the estimation of any whose conscience is not perverted. Does she do it for the sake of the suffering or the oppressed, or to correct moral evils and exterminate vice? There is 'a more excellent way' to do this, and also at the same time to promote and elevate her own character; a way clearly indicated, as we have seen, in the word of God. It can never be the duty of any one to attempt to benefit others at the sacrifice of her own character. Is her object personal distinction? Let her contemplate such characters as Hannah More and Isabella Graham, than which lovelier and brighter never shone upon earth, in contrast with those who have acquired an unenviable distinction in these unchristian ways—the Royals and the Darusmonts of our day—and she may see that the surest way to true glory is the one ordained for her by God. The world has had enough of Fanny Wrights; whether they appear in the name of avowed infidelity, or of civil and human rights, or of political economy, or of morals and religion, their tendency is ultimately the same—the alienation of the sexes, the subversion of the distinguishing excellence and benign influence of woman in society, the destruction of the domestic constitution, the prostration of all decency and order, the reign of wild anarchy and shameless vice. Thomas Paine could not desire better disciples; nor would it much concern him in what name or cause they might profess to appear, since the ultimate effect is one and the same."

DIVORCE.

Mr. Walker's views on the subject of divorce coincide, in general, with those of Milton. He believes it ought to be allowed, when desired by both parties. 1st. When there are no children. 2nd. When the children have attained such age that they cannot materially suffer by a separation of the parents, or the desertion of one of them. "Such," he declares, "is the indication of justice which nature affords. The precise age which children must attain, in order to permit divorce between the parents, is a subject for due consideration." Dr. Spurzheim, in his Catechism, has the following question: "Is divorce permitted by natural morality?" Answer, "Yes. The couples which have no family, or which can provide for the children they may have, as far as justice requires, do well to separate rather than to live in perpetual warfare."

Mr. George Combe maintains that "the dictates of the natural laws and those of revelation, coincide in all matters relating to practical duties in temporal affairs." And still Mr. Combe, in his "Lectures on Moral Philosophy," delivered at Edinburgh in 1836, holds the following language:—

"The law of England is at variance with the law of nature in prohibiting divorce in all circumstances whatever. An act of Parliament is requisite for the purpose, the expense of which the wealthy alone can defray. The law of Scotland permits divorce for connubial infidelity, and also when the husband wilfully deserts his wife for four successive years. The law of Moses permitted the husband to put away his wife. Under Napoleon, the French law permitted married persons to dissolve their marriage of consent, after giving one year's judicial notice of their intention and providing for their children. The New Testament confines divorce to the single case of infidelity in the wife. The question now occurs, What does the law of nature, written on our constitution enact? Among persons of well constituted minds, Nature not only institutes marriage, but makes it indissoluble except by death: even those lower animals which live in pairs exemplify permanent connection. In the human race, wherever the domestic and moral affections are strong, and the understanding solid and enlightened, there is the utmost repug-

nance against the termination of marriage. When entered into by persons well suited to each other, marriage requires no human enactments to render it indissoluble; endurance for life is stamped upon it by the sweetness of its continuance, and the pain of its termination. It is only where the minds of both or one of the parties are ill-constituted, or where the union is otherwise unfortunate, that any desire for separation exists. Now, the law compelling an amiable and moral person to live in the society of a worthless husband or wife, and to be the unwilling medium of transmitting immoral dispositions to children, appears contrary to benevolence and justice. Paley's argument against permitting divorce at the will of the husband is, that he would certainly exercise his power to a hurtful extent through love of novelty, against the invitations of which there is no other security than the known impossibility of obtaining his object. This argument is good when applied to men of licentious and inferior minds, but to no other class; and the question is, whether it is desirable to deny absolutely, as the law of England does, all available means of dissolving the connexion with such beings. It appears not desirable: and the French law seems more reasonable, which permitted the parties to dissolve the marriage when both of them, after twelve month's deliberation, and after suitably providing for their children, desired to bring it to a close. Paley, in considering the sufficiency of mere dislike, or discordance of taste,—also coldness, neglect, severity, peevishness, and jealousy,—as reasons for dissolving marriage, argues, that even if complaints of these could be ascertained to be well founded, to admit them as grounds of divorce would lead to all the licentiousness of arbitrary separation. Though such an arrangement, says he, might benefit parties irreconcileably discordant, it would produce dissension and libertinism among many couples who, in the present state of the law, are contented, virtuous, and mutually indulgent, because that they know that their union is indissoluble. This argument, however, is a grand fallacy. Actual and irreconcileable discord arises only from want of harmony in the natural dispositions of the parties, and agreement solely from the existence of such harmony. The natures of the parties in the one case differ irreconcileably; but to maintain that if two persons of such discordant minds were permitted to

separate, thousands of accordant minds would instantly fly off from each other in a like state of discord, is equally illogical as to assert that if the humane spectators of a street-fight were to separate the combatants, they would forthwith be seized with the mania of fighting themselves. Married persons may be divided into three classes,—1. The accordant and happy; 2. Those in whom there is some accordance, but much discordance, of mind, and who are therefore between happiness and misery; and, 3. The irreconcilably discordant and unhappy. Paley's argument applies to the second class, but not to the other two. In the first, no civil enactment is required to prevent the dissolution of marriage; and in the third, the impossibility of separation does not induce the parties to exercise mutual forbearance and kindness. The waverers alone, therefore, being benefitted by the law, and this at the expense of their unhappy neighbors, it would be better to abolish it altogether; leaving the waverers to be swayed by the penalties which nature has attached to the dissolution of the marriage-tie, and throwing a sufficient number of legal impediments in the way of indulgence of their caprices. Such a conclusion is greatly strengthened by the consideration that the dispositions of children are determined, in an important degree, by the predominant dispositions of the parents; and that to prevent the separation of wretched couples is to entail misery on the offspring, not only by the influence of example, but by the transmission to them of ill-constituted brains—the natural result of the organs of the lower feelings being maintained in a state of constant activity in their parents by dissension. It is absurd to argue that an indissoluble marriage-tie presents motives to the exercise of grave reflection before forming it; for the law permits marriage at ages when the parties are destitute of foresight, (in Scotland at 14 in males, and at 12 in females;) and education is so defective that it furnishes very little information by which the judgment can be guided in its choice. So long as the present source of matrimonial error continues, escape from the pit into which the parties have chanced to fall ought not to be denied. Divorce, under proper restrictions, ought to be allowed where both consent to it after due deliberation."

This reasoning would seem to be very rational and conclusive at first view, but a little reflection will show that it is quite as

fallacious as Mr. Combe considers Dr. Paley's to be. Mr. Combe divides married persons into three classes. 1. The accordant and happy. 2. Those in whom there is some accordance, but much discordance of minds, and who are therefore between happiness and misery. 3. The irreconcilably discordant and unhappy.

Now, as the first will require no civil enactment to prevent their separation, Mr. Combe proposes that the separation of the second class, "in whom there is much discordance," should be prevented, or at least obstructed, "by a sufficient number of legal impediments in the way of indulgence of their caprices," while the third class, who are still more discordant and unhappy, should be allowed to separate without any impediment whatever: in short, that the law, in relation to divorce, ought to be abolished, as the "waverers only are benefitted by it," at the expense of their unhappy neighbours.

Now, it strikes us, that if such a law, as Mr. Combe proposes, should be enacted, it would be found entirely deficient in meeting the difficulties of the case. Would not those married persons, between whom "there is much discordance" avail themselves of it, as well as those "irreconcilably discordant?" Would they not equally be "unhappy," and would the prospect of being able to obtain a divorce as soon as their discordance became "irreconcilable," tend to soften their asperities, and render them more conciliating to each other? Or rather, would it not hasten such a result, by holding out the prospect of a happier union, when the bonds of the present, productive as they are of "misery," can be shaken off? Would not even the happiness of the first class be rendered insecure and uncertain, from removing the obstacles in the way of divorce? Mr. Combe does not tell us what proportion these different classes bear to each other or to the whole; but, if we are to believe the representations of practical writers and observers, those who have seen much of the world, we shall be led to conclude that the "accordant and happy" bear but a small ratio to the whole number of married persons, (and we must rank the 2nd and 3rd classes, of Mr. Combe, together, for the very good reason, that they would so rank themselves.) In relation to the extent of matrimonial infelicity, we beg leave to

quote the following remarks from Mrs. Jameson's "Winter Studies and Summer Rambles in Canada," (1839.)

"In conversing with Bishop McCoskry and the missionaries on the spiritual and moral condition of his diocese, and these newly settled regions in general, I learned many things which interested me very much; and there was one thing discussed which especially surprised me. It was said that two-thirds of the misery which came under the immediate notice of a popular clergyman, and to which he was called to minister, arose from the infelicity of the conjugal relations; there was no question here of open immorality and discord, but simply of infelicity and unfitness. The same thing has been brought before me in every country, every society in which I have been a sojourner and an observer; but I did not look to find it so broadly placed before me here in America, where the state of morals, as regards the two sexes, is comparatively pure; where the marriages are early, where conditions are equal, where the means of subsistence are abundant, where the women are much petted and considered by the men—too much so.

"For a result then so universal, there must be a cause or causes as universal, not depending on any particular customs, manners, or religion, or political institutions. And what are these causes? Many things do puzzle me in this strange world of ours—many things in which the new world and the old world are equally incomprehensible. I cannot understand why an evil every where acknowledged and felt is not remedied somewhere, or discussed by some one, with a view to a remedy; but no—it is like putting one's hand into the fire, only to touch upon it; it is the universal bruise, the putrefying sore, on which you must not lay a finger, or your patient (that is, society) cries out and resists, and, like a sick baby, scratches and kicks its physician.

"Strange, and passing strange, that the relation between the two sexes, the passion of love in short, should not be taken into deeper consideration by our teachers and our legislators. People educate and legislate as if there was no such thing in the world; but ask the priest, ask the physician, let *them* reveal the amount of moral and physical results from this one cause. Must love be always discussed in blank verse, as if it were a thing to be played

in tragedies or sung in songs—a subject for pretty poems and wicked novels, and had nothing to do with the prosaic current of our every-day existence, our moral welfare, and eternal salvation? Must love be ever treated with profaneness, as a mere illusion? or with coarseness, as a mere impulse? or with a fear, as a mere disease? or with shame, as a mere weakness? or with levity, as a mere accident? Whereas, it is a great mystery and a great necessity, lying at the foundation of human existence, morality, and happiness; mysterious, universal, inevitable as death. Why then should love be treated less seriously than death? It is as serious a thing. Love and death, the alpha and omega of human life, the author and finisher of existence, the two points on which God's universe turns; which He, our Father and Creator, has placed beyond our arbitration—beyond the reach of that election and free will which He has left us in all other things! Death must come, and love must come—but the state in which they find us, whether blinded, astonished, and frightened, and ignorant, or, like reasonable creatures, guarded, prepared, and fit to manage our own feelings?—*this*, I suppose, depends on ourselves; and for want of such self-management and self-knowledge, look at the evils that ensue!—hasty, improvident, unsuitable marriages; repining, diseased, or vicious celibacy; irretrievable infamy; cureless insanity."

In opposition, however, to Mrs. Jameson's opinion, we would call the attention of the reader to the following remarks of the late Dr. Dwight, of Yale College, a man of as much natural sagacity, and extensive observation, as this country has produced. "I have lived," he says, "in very many families; and these, often in plain, as well as polished life. With very many more, extensively diversified in character and circumstances, I have been intimately acquainted. By the evidence arising from these facts, I am convinced that the great body of married persons are rendered more happy by this union; and are as happy as their character, and their circumstances could permit us to expect. Poverty cannot, whether in the married or single state, enjoy the pleasures of wealth; avarice, those of generosity; ambition, those of moderation; ignorance, those of knowledge; vulgarity, those of refinement; passion, those of gentleness; nor vice, in whatever form, those of virtue. The evils here specified, mar-

riage, it is true, cannot remove, nor are they removable by celibacy; and where these evils exist, neither celibacy nor marriage can confer the contrary blessings. Grapes, here, will not grow upon thorns, nor figs upon thistles, Nothing but folly can lead us to expect that this institution can change the whole nature of those who enter into it; and like a magical spell, confer knowledge, virtue, and loveliness, upon beings who have neither."

But, notwithstanding this very favourable account of Dr. Dwight in relation to this subject, every one knows that domestic infelicity is by no means an unfrequent occurrence; in some countries, it is true, vastly more prevalent than in others, but in all, more or less abounding. But still, this fact does not militate against the wisdom of the marriage institution, neither does it prove, as Milton, Shelley, Spurzheim, Combe, and Mr. Walker maintain, that it should be dissoluble at the caprice and whim of the married couple. To maintain such a doctrine, is virtually to arraign the wisdom, and deny the benefits of it, and to charge upon it evils which it does not produce. Instead, therefore, of throwing the blame upon the *law*, as Mr. Combe does, and saying that because it prohibits divorce, "it is at variance with the law of nature," we would go further back, and say to the unhappy couple, the fault lies at your own door; "you have contracted a marriage in violation of the law of your nature, and of Scripture, which says, 'be not unequally yoked together;' your dispositions, your tastes, your views are wholly incompatible with each other; your passions are too violent, your tempers too sordid, to permit you to be happy in any situation; you were not happy before marriage, you cannot expect to be after marriage. *Scripture*, as well as the *natural laws*, teach us, that this union is to be formed only on the ground of affection, regulated by prudence; you have violated both; *the public good demands that you should submit to the fate which you have voluntarily chosen*, and not seek in the laws a dissolution of those bonds, which God and nature designed should be indissoluble." Instead, therefore, of saying that "the law of England and the law of nature are at variance" in relation to divorce, we should say that they strictly coincide, and that the fault lies further back. Suppose, for example, as often happens, a man marries for the purpose of allying himself to a family of distinction; of acquiring a fortune;

of obtaining rank; of gratifying, in any manner, ambition, avarice, or sensuality, and immediately finds himself unhappy. Shall it be said, that the law, which prevents his divorce, is "at variance with the law of nature?" He did not marry for the sake of obtaining a companion in the person of his wife; but for distinction, fortune, or a title. He has obtained what he married for; why should he complain? Shall recourse be had to the law, to obtain those advantages which he never sought? And shall the law itself be arraigned, because it does not afford him facilities to accomplish his selfish purposes? Nay, rather let the law coincide with the laws of nature, and of Scripture, which teach us that the blessings of marriage can only be obtained by obeying the dictates of both. We suppose, then, it will be admitted, that marriage is not only a civil contract, but an institution of *divine ordinance;* that it was originally instituted as a religious, political, civil, and moral contract, designed to be the origin of society; the law or the continuance of the human race; a contract for the transmission of property; and a guarantee for obligations the most interesting to mankind. "It is," as Jeremy Taylor says, "the mother of the world, and preserves kingdoms, and fills cities, churches, and even heaven itself." It is the primitive source of morals and of society, and offers incalculable securities to governments. Now such an institution is not to be abrogated on slight grounds. Let us see what the *natural* and *moral* laws both teach in relation to its permanence and inviolability. As it is a Divine institution, we might expect, *a priori*, to find the benefits flowing from it both great and numerous, and accordingly they are so, and have been justly described by Dr. Dwight, as follows: 1. Marriage is extensively the means of comfort to the married pair. 2. It tends to the preservation and comfort of children. 3. It is the source of all the natural relations of mankind. 4. It is the source of all the gentle and useful natural affections. 5. It is the source of all industry and economy. 6. It is the source of all education, and useful knowledge; of civility, and sweetness of manners; of all subordination, government, and religion, and consequently, of all order, peace, and safety in the world. To these considerations we may add, that the most natural state of man is monogamy; for the equality in the number of the sexes, and the mutual co-operation

so necessary for the physical education, and rearing of children, require that man should have but one wife, and that marriage should be indissoluble, except for crime, and that of adultery only. Moreover, the manifest design of nature is to increase the human species in the most rapid ratio consistent with the conditions of our being; and observation and experience prove, that where individuals are exclusively united to each other, the increase of population will be more rapid than under any other circumstances.

That the marriage union should be for life, appears from the following reasons:—

1. In order to possess domestic happiness, it is necessary that both parties should cultivate a spirit of conciliation and forbearance,* and mutually endeavour to perform their individual peculiarities to each other. Unless this be done, instead of a community of interests, there will arise incessant collision; and nothing tends more directly to the cultivation of a proper temper than the consideration that the union is indissoluble.

2. If the union be not for life, there is no other limit to be fixed to its continuance, than the will of either party. This would speedily lead to promiscuous concubinage, and all the evils resulting from it.

3. Children require the care of both parents until they have attained to years of maturity; and, as they are the joint property of both parents, if the matrimonial connection be dissolved, they belong to one no more than to the other; that is, they have no protector, but are cast out defenceless upon the world.

4. Parents themselves, in advanced years, need the care of their children, and become, in a great measure, dependent upon them for their happiness. But all this source of happiness is dried up by any system which holds out facilities for the dissolution of the marriage contract.

We find, then, that marriage is an institution of God, and accordingly we may infer, that it is subject *to his laws alone*, and not to the laws of man. If this be so, the civil law is binding upon the conscience only so far as it corresponds to the law

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* Dr. Wayland's Moral Science.

of God. This appears from *Matthew* xix. 3—9 :—"Then came some of the Pharisees to him, and tempting him, asked, saying, can a man, upon every pretence, divorce his wife? He answered, have ye not read, that at the beginning, when the Creator made man, he formed a male and female; and said, for this cause shall a man leave father and mother, and adhere to his wife; and they two shall be one flesh. What then God hath conjoined, let not man separate. Wherefore, I say unto you, whosoever divorceth his wife, except for whoredome, and marrieth another, committeth adultery."* No reasonings can weaken the force, or destroy the meaning of this language, and it stands in bold opposition to the views and arguments of Mr Walker, and the other advocates for divorce, on the ground of matrimonial unhappiness. The moral law goes still further, and prohibits *adultery*, *polygamy*, or a plurality of wives or of husbands; *concubinage*, or the temporary cohabitation of individuals with each other; *fornication*, and lastly, *unchaste desire;* in short, it coincides with the natural laws in confining individuals exclusively to each other, and that for life.

A community of women was advocated by Plato, and latterly by the St. Simonians, in France, and by Robert Owen and Fanny Wright in this country: but as Ryan, in his "Philosophy of Marriage" well remarks, "It is easy to adduce many valid reasons to prove that this community of women, and promiscuous intercourse of the sexes, can never be tolerated in any enlightened country. It must be obvious to the commonest understanding, that without marriage, neither paternity, nor family, nor patrimonial possession, nor division of landed property, nor legitimacy, could be accurately determined; and thence it would follow that all would belong to all, every one would be benefitted in common, no one would exert himself for all his race, and the result would be a state of barbarism, as in savage nations, and all the laws of society would be overturned. This perfect community of women and property, if it could take place, could only exist among people living as savages, and among a very small number on a vast territory."

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* New Translation.

LEGAL RIGHTS OF WOMEN.

(*Matrimonial Slavery.*)

We have seen that the primary and most important of the domestic relations is that of husband and wife; that it has its foundation in nature, and is the only lawful relation by which Providence permits the continuance of the human race; that it exerts a propitious influence on the moral improvement and happiness of mankind; that it is the chief foundation of social order; and that it is the grand source of those numerous blessings which flow from refinement of manners, the education of children, the sense of justice, and the cultivation of the liberal arts.

Mr. Walker has undertaken, in his chapter on "Matrimonial Slavery," to show that married women are more or less *slaves* in every country, and especially under the laws of England; but while he has portrayed in sufficiently dark colours the hardships which they, in some cases, appear to suffer, he has neglected to set forth the advantages and immunities conferred on them, under this relation, by the same laws. Now, it appears to us, that he has overlooked the acknowledged fact, that the legal effects of marriage are deducible from the principle of the common law, which regards the husband and wife as one person, and her legal existence and authority as lost, or suspended, during the continuance of the matrimonial union. Keeping this principle in view, we shall be able to solve many difficulties in the case, which would otherwise perplex us. We shall see why, for example, no contract can be made between husband and wife, except by the intervention of trustees; why, except in special cases, contracts, which subsisted between them, prior to marriage, are dissolved; why the wife cannot convey lands to her husband, though she may release her dower to his grantee; and why the husband cannot convey lands directly to the wife; why the husband becomes entitled, upon marriage, to all the goods and chattels of the wife, and to the rents and profits of her lands; and why, also, he becomes liable to pay her debts, and perform her contracts; why they cannot be witnesses for or against each other; and why, also, the husband is bound to maintain, cherish and defend his wife. Mr. Walker, we say, has apparently over-

looked this great principle which aims to blend, and render one and the same, the interests of both husband and wife, in order to a happy and permanent union. That there are hardships and abuses existing under the English law in respect to the rights of married females, we have no doubt; and there are some which Mr. Walker has not alluded to, such as the exposure of female virtue by the common law to the slanders of malignity and falsehood, without redress, thus leaving female honour to the sport of every calumniator; but there are valuable immunities conferred by the same relation, which, in order to a due appreciation of the merits of the question must be taken into account.

In the first place, then, by the laws of England, and this country also, women cannot be deprived, except for criminal offences, of their personal liberty; while men of all ranks, unmarried females, and widows, may be deprived of this privilege, by debts contracted by themselves, or by others, for whom they have given security.

In the next place, no married woman is liable to pay any debt, even though contracted without the knowledge, or against the consent, of her husband; and what is stranger yet, whatever debts she may have contracted while single, devolve the moment of her marriage upon the husband; who, like the scape goat, under the Levitical law, is loaded by the priest with all the sins and extravagancies of his wife.

The husband, moreover, is bound by the laws to provide his wife with food, drink, clothing, and all other necessaries suitable to her rank and his circumstances, even though he received no fortune with her. If he leave her, or force her to leave him, he is also liable to maintain her in the same manner, though in such a case he is not liable to pay any of her debts

It is true that there seems to be a hardship in the husband's taking possession of all the lands in fee, the life estate, and personal property of his wife; but then it is to be considered that he runs the hazard of being liable to debts far beyond the estate which his wife may have brought, besides incurring the other responsibilities above-mentioned. A case occurred in England a few years since, which was regarded as an instance of great injustice; where a female, worth £10,000, and owing £1000, married, and shortly after dying, the husband appropriated the

£10,000 to his own use, and paid nothing of the debt.* It was in a similar case, in which the wife brought a large estate to her husband, and died, leaving the husband in possession of the goods, and refusing to pay the very debt contracted by the wife for the goods, that Lord Nottingham declared he would alter the law. But now suppose the case reversed; and that instead of the wife being worth £10,000, and owing £1,000, she owed £10,000, and had but £1,000; here it is evident the husband would have to "pocket a loss" of £9,000, and so in other cases; so that the risk, as a general rule, is as great on one side as the other, and comes as near to justice and equity as the circumstances will allow.

The laws of England also, make full provision for the personal security and safety of the wife. If a husband threatens or abuses his wife by any act of violence, she may demand security for his future good behaviour; and on application to any justice of the peace, the husband is bound to give such security, and if he attempts to prevent a redress of these evils, she can obtain an order from the Court of King's Bench, which delivers her from his jurisdiction; and she can reside where she pleases, while the husband is bound to support her. If the husband leave the wife without sufficient cause, the wife may enter a suit against him for the restitution of the rights of marriage; and the spiritual court compels him to return, to live with her, and to restore them. If a wife commit fraud or felony in the company of her husband, the law supposes she did it by his compulsion, and he alone is liable, while she is exempted from punishment. If a wife take away the goods of her husband without his knowledge, and sell them, neither the wife who stole them, nor the person who bought them, are considered as guilty of felony. A wife may receive and conceal her husband if he is guilty of felony or any other crime; for this act of concealment is only considered in her as self preservation, an instinct, which no law can take away or destroy. If a wife receive stolen goods into her house, and secrete them from her husband, the law will, nevertheless, impute the crime to the husband, unless he either divulge the matter to a magistrate, or leave his house as soon as he discovers

* Kent's Commentaries, Vol. II. p. 145.

the crime. No woman can lose any rank in England which she derived from her birth, by marrying the meanest plebeian; but though descended from the very lowest rank, she may by marriage, be raised to any rank beneath the sovereignty. No woman can by marriage confer a settlement in any parish on her husband; while every man, who has a legal settlement himself, confers the same by marriage to his wife.

Besides these advantages, which are enjoyed by married women both in England and in this country, Mr. Walker has omitted to mention that it is no uncommon thing for a contract to be made before marriage, by which the wife retains the sole and absolute power of enjoying and disposing of her own fortune, in the same manner as if she was not married, and that every female can, if she chooses, make such a bargain before marriage. Here, the husband is liable for all debts, as well as the support of his wife, although he receive nothing; and if he dies before her, she is entitled to one-third of his real estate, and a certain portion of his personal property besides. If she dies before him, he receives nothing from her estate, unless she has devised it to him by will. Whether such a contract does not destroy that authority, which nature and the laws would seem to give a man over his wife, as well as that obedience and subjection which the rules of the gospel prescribe in the deportment of the wife, we leave to the judgment of the reader.

After the husband is dead, the law steps in for the protection and support of the widow, who in all cases, except that of divorce, has a right to what is called her dower, which cannot be seized by the creditors of her husband. In some parts of England, particular customs set aside the operations of the law in the districts where they prevail, so that the widow either enjoys the whole, or half of her husband's lands, instead of one-third. The most common method of settling the dower of the wife in former times was, by publicly endowing her at the church door, in the presence of all the company who were assembled at the marriage; hence the form was afterwards adopted in the marriage ritual in the words which are still employed,—"With all my worldly goods I thee endow." Besides, the right to a life-rent of one-third of the husband's real estate, which is allowed by the laws of England, if there is money remaining over and above

paying lawful debts, the widow is entitled to it. As a general rule, however, at present, we believe it is a more general practice in England, for the parties to stipulate and agree between themselves, before marriage, on a specific quantity of land or money, which is settled upon the wife by way of jointure, and which effectually takes away all her right to any dower; and this jointure is inviolable, and cannot be touched by the creditors of the husband. If this jointure was made after marriage, she may refuse it, and claim a dower, because she is considered as having been obliged to give her consent by the *coercion of her husband!*

If a husband settle upon a wife a jointure that shall be of a certain yearly value, and it fall short of it, it has been decided that she may commit waste, so far as to make up the deficiency, though prohibited from so doing in the deed of settlement! By the English laws, it is felony to abduct an heiress, even if her consent to matrimony is obtained after forcible abduction. He who compels a woman to marry by threats, is subject to a very heavy fine, and two year's imprisonment. If any girl is forced, or persuaded to marry before she is twelve years old, the ceremony can be declared null and void. Where there is no will, property is equally divided between sons and daughters.

When to all this, we add that women have it in their power to compel the performance of a promise of marriage, under heavy penalties, even though that promise may never have been expressed, except by particular marks of attention, and that women are held to be competent and sufficient witnesses, as to violence committed against their chastity, and can thus deprive the aggressor of life, though the case be one of a common prostitute; we think it must be conceded, that if women are subjected to some hardships, they nevertheless enjoy numerous immunities and privileges which more than counterbalance the former. The laws of England and the United States do not differ materially in respect to the rights of married persons, except in a few cases, where they have been ameliorated by State enactments. No person can justly deny that the laws of all Christian nations confer a dignity, if not an equality, upon woman, of which in all former ages, and all other countries, she has been deprived; but in no country is woman regarded with so much favour, or her rights so strictly guarded by the law, as in our own. In proof

of this, we desire to call the attention of the reader to a late decision in two of the courts of this state, in relation to the disposal of children, in cases where the wife refuses to live with her husband, on the ground of neglect and unkind treatment; which decision, as it is at variance with those of the English courts in similar cases, we deem worthy of being placed on permanent record.

THE PEOPLE EX RELAT. JOHN A. BARRY VS. THOMAS R. MERCEIN.

Chancellor's opinion, delivered August 26, 1839

"The object of the habeas corpus in this case is to enable the relator to obtain the custody of his wife and of his infant child, now twenty-one months of age, both of whom, as alleged in the petition, are illegally restrained and kept from him, in violation of his marital and paternal rights, by T. R. Mercein, the father of his wife. So far as relates to the wife, the return of the defendant states that she is under no restraint whatever; but on the contrary, that she is now, and at all times has been, at perfect liberty to go whithersoever she pleased. No attempt has been made on the part of the relator to contradict this part of the return. I am also satisfied, by a private examination of the lady herself, that no coercion whatever has been used on the part of her father or any of her friends, to induce her to remain under the paternal roof.

"If she remain separated from her husband, therefore, in violation of her marriage vows, and of her duty as a wife, it is her own voluntary act. And as neither this court nor any other court in this state, has any jurisdiction or authority, upon habeas corpus or otherwise, to compel a wife to return to the bed and board of her husband, and to the performance of her conjugal duties, where she voluntarily absents herself from him, either with or without justifiable cause, it only remains for me to decree and declare, as to her, that she is under no restraint whatever. She is therefore at perfect liberty, so far as the power of this court is concerned, to return to her husband, or seek the protection of her father's house, or the protection of any other relative or friend, who may think proper to assume the legal responsibility

of affording her a shelter in opposition to what the relator claims to be his marital rights.

"If any third party violates the rights of the husband in this respect, by harboring a wife who separates herself from him without any sufficient cause, the common law has provided him a remedy against such person, by an action on the case for damages. But so far as regards the wife herself, the laws of this state, whether wisely or unwisely it is not for me to say, have left her only responsible to her own conscience and to her God, for such a violation of her conjugal duties. I will therefore only say here, as I have before said upon another occasion, that a Christian wife and mother should suffer long and much before she can be justified in resorting to the doubtful and dangerous expedient of separating herself permanently from him whom she has once chosen for the partner of her bed and bosom, thereby placing both herself and him in the 'undefined and dangerous situations of a husband without a wife, and a wife without a husband.'

"The decision of the case, so far as respects the infant daughter of the relator depends upon different principles, as from her tender years she is wholly incapable, at this time, of exercising any volition whatever, in regard to her future residence. The Court therefore must, for the present, decide that question for her, with reference not only to her own immediate safety, but also with a due regard for her future welfare. In such a case as this, it is not material, perhaps, to inquire whether the Chancellor, in allowing the writ of *habeas corpus*, acts as a mere commissioner under the statute, or as a court proceeding by virtue of an inherent power derived from the common law, but regulated in the exercise of that power by the special provisions of the Revised Statutes on the subject. Were it necessary, however, I think there would be no difficulty in showing that the power of the Chancellor to issue a *habeas corpus* is not claimed solely from the statute, but is also an inherent power in the Court, derived from the common law, although the authority of this Court, as well as of the Supreme Court, to award the writ, and to proceed thereon, is to be exercised in conformity to the several provisions of the revised statutes. (2 R. S. 573, sec. 73.)

"A writ of habeas corpus ad subjiciendum, however, is not, either by the common law or under the provisions of the Revised

Statutes, the proper mode of instituting a proceeding to try the legal right of a party to the guardianship of an infant. This Court, therefore, upon such a writ, will exercise its discretion in disposing of the custody of the infant, upon the same principles which regulate the exercise of a similar discretion by other courts and officers who are authorized to allow the writ in similar cases; and such was the decision of Chancellor Kent in the case of Wolstonecraft, (4 John. Ch. Rep. 80,) referred to by the counsel on the argument. In the exercise of such a discretion, however, the natural rights of parents to the custody of their infant children are not wholly to be lost sight of by the court or officer before whom the writ is returnable. And where, as in this case, it unfortunately happens that the parents are living separate from each other, either with or without a legal decree authorizing a suspension of matrimonial cohabitation, a summary inquiry as to the relative merits or demerits of each may frequently become necessary to enable the court to make a proper disposition of their infant children who are brought up on habeas corpus. It was for this reason that the relator and the defendant in the present case were permitted to occupy the court for so many days in the investigation of the causes which have led to the separation between the relator and his wife; which causes the defendant insists are sufficient to justify the wife in her refusal to return to matrimonial cohabitation, and to authorize him, by the laws of this state, to give to her infant daughter shelter and protection.

"But before I proceed to state the conclusions at which my own mind has arrived on that subject, it may be proper to state that it is contrary to public policy to allow the husband or the wife to withdraw from the duty of matrimonial cohabitation for any slight causes which do not endanger the personal safety of the party; as such withdrawal is wholly repugnant to good morals and to the injunctions of the divine lawgiver. This Court, therefore, is bound to set its face against every attempt on the part of married persons either by agreement or otherwise, to throw off the duties or the responsibilities which the marriage contract has imposed upon them. To use the language of a late distinguished judge, who certainly was well qualified to speak on this subject, and from experience too, if his biographer is correct in supposing that his own matrimonial sky was not always clear,

'it is not difficult to show that the law in this respect is in accordance with its usual wisdom and humanity; with that true wisdom and real humanity which regard the general interests of mankind.'

"Though in particular cases the repugnance of the law to dissolve the obligations of matrimonial cohabitation may operate with great severity upon individuals, yet it must be remembered that the general happiness of the married life is secured by its indissolubility. When married people understand that they must live together, except for a very few reasons known to the law, they have to soften by mutual accommodation that yoke which they know they cannot shake off. They become good husbands and good wives from the necessity of remaining husbands and wives; for necessity is a powerful master in teaching the duties it imposes. Were it once understood that upon mutual disgust married persons might legally separate themselves from each other, many couples who now pass through the world with mutual comfort, with attention to their common offspring and to the moral order of civil society, might have been at this moment living in a state of mutual unkindness; in a state of estrangement from their common offspring; and perhaps in a state of the most licentious and unreserved immorality. In this case, as in many others, therefore, the happiness of some individuals must be sacrificed to the greater and more general good. (See Evans v. Evans, 1 Hagg. Consist. Rep., 36.)

The relator and his wife were married in the spring of 1835; he then being a widower with five children, the two youngest of whom were about ten years of age, and she having arrived at the mature age of twenty-five or six. The husband residing at Liverpool, in Nova Scotia, and his intended wife at New York, it was made a condition of her consent to the marriage, and upon which condition also the consent of her parents was obtained, that at the expiration of one year from the time of the marriage he should close his business at his then place of residence, and return with his wife to New York, to live for the future. This agreement, although it is not such a one as could be legally enforced, is important to be kept in view, as I think it has been one of the principal causes which, it is much to be feared, have forever destroyed the domestic peace and happi-

ness of these parties. That Mrs. Barry's attachment to her paternal home was uncommonly strong, and perhaps so much so as almost to amount to a mental disease, I think is fully established by the proofs, and by her correspondence both before and after the marriage. And that fact alone is sufficient to satisfy me that the relator either greatly erred in entering into such an agreement originally, or in afterward urging her to return and reside with him in Nova Scotia, or at least in attempting to coerce such return by taking her children from her, while such uncontrollable attachment to the home of her youth continued in its undiminished strength.

"That she once loved her husband also as few have ever loved before, I think no one who reads the correspondence in this case can for a moment doubt. It is equally evident, to my mind, that the relator loved his wife with a strength of attachment which was not inferior to hers; although he has at times, under the influence of passion, aggravated probably by the situation of his pecuniary affairs, indulged himself in conduct toward her which certainly appears like great injustice; especially since the commencement of his commercial difficulties after his removal to New York.

"The sister testifies that during the first six months after the marriage, while she was with them at Liverpool, she saw, as she supposed, an occasional harshness of expression on the part of Mr. Barry; and that his wife was frequently low spirited and in tears. And Miss Mercein very naturally was led to suspect that this depression of spirits, &c. in her sister, arose from dissatisfaction with the conduct of her husband toward her. There was nothing, however, in the appearances testified to by this witness, which cannot reasonably be accounted for from the established fact of her strong attachment to the home of her childhood, and to her absent parents; she being at that time in a land of strangers, or where she had comparatively few acquaintances. If these parties entered into the marriage contract with the extravagant expectation that all were to be halcyon days, 'the husband supposing that all was to be authority with him, and the wife that all was to be accommodation with her,' there can be no reason to doubt that both were soon disappointed, and were led to the irresistible conclusion that there is no perfection short

of Heaven. But that the relator had done nothing before Miss Mercein left Liverpool to diminish in any degree the strong affection his wife once had for him, is placed beyond all question by the persusal of her letters to him down to that period, and especially the letters to her husband and to Miss Imogene Mercein, a few days after that sister left her to return to New York.

"To show that I cannot be mistaken on this subject, unless Mrs. Barry penned a deliberate falsehood, which I am sure she is incapable of doing, it is only necessary to refer to the extract from her letter to the sister written four days after that sister left for New York. That extract is contained in a letter to the relator, who was then at Halifax, couched in terms of the most devoted tenderness and affection, and is as follows :—'And now, dear Imogene, for your own letter. If the weight of anxiety and fear you feel would vanish by my calm written assurance that I am happy, let it be entirely dispelled. I might be silent were it otherwise, but for worlds I would not dare in so many words to deceive you. Apart from my present and anticipated separation from home, I would not exchange my lot with mortal. There are few such hearts as Barry's, and his, I feel, is truly and wholly mine. My love for him is not only warm, it is deep, intense, and though it has not entirely conquered the pride and selfishness fostered for nearly thirty years, it will certainly triumph. I know it has not appeared to you as deep as it really is, but remember it has been most severely tried. I attempt no apology for my waywardness—it deserves none. But you know my family affection is uncommonly strong, and the thought of a final separation has *embittered my married life*. Even now, for his dear sake, I can resign, without a sigh, things I once thought impossible—station, influence, and other adventitious circumstances ; they are as the dust of the balance compared to him.'

"After a most affecting allusion to the strength of her filial affection, which continued to 'distract her mind and agonize her heart,' and the horror of the thought of being sick among strangers, she thus concludes this part of her letter: 'But to return ; I earnestly implore you not to let the shadow of blame, the slightest imputation even of rashness, rest upon dear Barry. One word to that effect and I shall find alienation from home no hard trial, and would cling to him at the expense of every thing

and every one I have ever loved. Tell my parents that he is my earthly all—deservedly my heart's elected.' This is not the language of waning affection, or of a heart which already begins to feel that it has been deceived in its fondest anticipations. No; it is the strong and convincing language of nature and of truth—the natural language of a heart which must have been perfectly satisfied, and have most deeply felt that its best affections had not been fixed upon an unworthy object—a capricious and tyrannical husband, wholly incapable of appreciating, as well as of returning, the love of an amiable and devoted wife. No subsequent events, therefore, can satisfy me that he at that time deserved the character which has been attributed to him by the counsel of the defendant. That he was a man of a hasty temper is admitted by his counsel, and it is also established by the evidence in the case. But that would not necessarily render him a less kind and affectionate husband, though it naturally required more prudence and circumspection on the part of the wife.

"The first occurrence which deserves any notice after Miss Mercein left Liverpool is the difficulty in relation to the taking of the medicine, in the latter part of January or the beginning of February, 1836.—There is no reason to doubt that Mrs. Barry really supposed the conduct of her husband on that occasion was very harsh and unkind; and that it arose from an unworthy desire to enforce implicit obedience to an unreasonable command, with the view of triumphing over her. Taking, however, her own statement of the affair in connection with his sworn explanation and the evidence of other witnesses, I am satisfied she is labouring under an entire mistake as to the real motive of his apparent unkindness on that occasion.

"Mrs. B. had inadvertently swallowed a peach pit, which, as the husband believed, actually endangered her life; though it is pretty evident from all the circumstances, she did not believe her life was in such imminent danger as he believed it was after he had privately consulted with a physician. The physician was finally called in, and prescribed cream of tartar and sulphur mixed with honey, as the husband swears in his petition; though she understood the prescription to be cream of tartar or sulphur. She therefore remonstrated against taking the medicine, which the husband had procured from the shop of the physician, on

the ground that she had a strong and uncontrollable aversion to sulphur.

"The husband undoubtedly supposing this to be a mere whim, and believing her safety required that the unpalatable dose should be continued from time to time until she obtained relief, urged the medicine strenuously upon her. The feelings of both at length became too much excited, and it finally resulted in his indiscreetly declaring that she should take the medicine, and in her equally positive refusal to do so. This fatal issue having been formed, it necessarily became a matter of much feeling on the part of both, and perhaps a matter of principle on the part of one of them, as to which should give way. For the husband does not appear then to have learned that the relinquishment of his legal right to enforce obedience on the part of a most devoted and affectionate wife, could not have detracted in the least from his true dignity, under the circumstances in which she was placed, even if he was fully satisfied that her refusal was the result of mere caprice. He did not, however, resort to any harsh measures to compel her to give way, and take the medicine. But he made another indiscreet declaration, which I think his subsequent conduct shows he soon heartily repented of, that he would leave her room and not return to it again until she complied with his wishes. He accordingly left her, and lay that night upon the sofa in another room, to the manifest danger of his own health, for she says it *was bitter cold weather*. And he continued to absent himself from her until the afternoon of the next day, when she made up her mind to submit and take the medicine; upon which he immediately took her in his arms and kissed her—said she was a good girl, and carried her to her room.

"That she had yet to learn 'that the true dignity of a wife cannot be violated by submission to her husband,' is evident, however, from the fact, that at the very moment of that submission she accompanied it with the indiscreet declaration that his and her happiness was at an end forever; and that too in the presence of Dolly, the servant. Although the husband at the time was so happy to be relieved from the unpleasant situation in which he had placed himself by his rash threat, as not to notice this declaration of the wife, it was unquestionably remem-

bered by both. And I fear that it was not without its influence in producing or in aggravating some of the difficulties which occurred between the parties after they left Nova Scotia and removed to New York, in May, 1836, in pursuance of the ante-nuptial agreement.—I do not think, however, that any thing occurred before the removal to New York, which ought to have produced any alienation of the affection of either; certainly nothing which could excuse either even for a serious thought of discontinuing matrimonial intercourse.

"After their removal to New York, two difficulties occurred, in which, according to the statement of Mrs. Barry, the husband was clearly wrong. The first occurred in November, about a fortnight after the birth of her first child; when her nurse had left her, and when the mother, who was to have supplied the place of the nurse for a few days, had been called home to attend the sick bed of Miss Imogene Mercein. The relator had promised that himself and his daughter should supply the place of a nurse to his wife, who had not yet left her room, though she was able to sit up. Under those circumstances, no provocation, however great, could justify him in treating her with unkindness, much less in leaving her alone with her infant all night, even if she had unreasonably declined the assistance of his daughter whom he had called and sent to her room. The alleged fault of his wife—if fault it was to have bought a cot of the value of two dollars for the use of her nurse—could not reasonably have excited the angry feelings which he exhibited at such a time. There must, therefore, have been some other cause of offence, either real or imaginary, to have produced this rupture between the husband and the wife, or his conduct was not only very unfeeling, but is wholly inexplicable. I think Mrs. Barry is under a mistake in supposing that he overheard the conversation between her and Celia, and must therefore have known that she was entirely alone with her infant child. The circumstances detailed by her have led my mind to a different conclusion. Still, however, I must be permitted to say, his conduct on that occasion, whatever extenuating facts may have existed which are not disclosed was wholly inexcusable.

"The second difficulty occurred in April or May 1837, when the servant gave notice she was going to leave them. Mrs.

Barry admits that they had sometimes differed in opinion as to the merits of Dolly; the husband maintaining the position that this black girl was the best servant that ever lived, and the wife insisting that Dolly was a pretty good servant but not the best. From the testimony of Mrs. Barry, I am satisfied a violent quarrel took place between the parties; and if she recollects the circumstances correctly, the fault of beginning it without cause rests wholly with him. In this I have reason to believe she is probably right. Dolly was called as a witness, and if Mrs. Barry had been the cause of her leaving he would have attempted to prove it by her. Whatever may have been the merits or demerits of either in the original quarrel, when after ten days of mental suffering, the wife went to him and sued for peace, beseeching him with tears to be reconciled to her, nothing can excuse him for repulsing her with taunting language and rudeness. About a week after this attempt at reconciliation, she took advantage of the anniversary of their wedding to appease his anger, and finally succeeded in obtaining his forgiveness for whatever had occurred on her part. Making every allowance for the necessary colouring which a party to such a contest would be likely to give to it, I am irresistibly led to the conclusion that the conduct of the relator toward his wife on that occasion was overbearing and cruel.

"Even this was not sufficient to sever the strong chord of affection which still bound her to him; and in the true spirit of a Christian wife she forgave him all. It is evident, however, that these acts of unkindness had created a vague suspicion in her mind that his affection for her had ceased. This very naturally led her afterward, from very slight circumstances, to entertain the horrible idea that he was unfaithful as well as unkind; as the only rational way of accounting for his conduct. It is but justice to the relator, however, to say that all the circumstances mentioned in the return do not afford any foundation even for a rational suspicion that he has ever erred in that way. And it is the duty of the wife to banish that idea at once from her mind, if she has not already done so. To this horrible suspicion I attribute the mental anguish which was discovered so frequently by Dr. Reese, the family physician; and from which he very naturally concluded that her disease was not corporeal

but mental. The occasional sallies of passion that occurred, which are spoken of by some of the witnesses, in connection with all that had previously taken place, would not of themselves, I think, have rendered the continuance of life entirely indifferent to her, while her first-born child, then but a few months old, stood so much in need of a mother's care. But the distracting thought that one whom she had loved with such deep devotion was wholly worthless and degraded, would indeed be madness; and might render even life itself a burden.

"The failure of Mr. Barry, and the subsequent closing up of his business in New York in the winter following, rendered it necessary that he should seek the means of providing for his family by some other employment. And after various attempts to get into business in or about New York, it was finally arranged between him and his wife, in the spring of 1838, that she and her two infant children should remain with her father, while he with his four elder daughters returned to Nova Scotia for the purpose of seeing what could be done there. Although much had occurred previous to this time to render it extremely doubtful whether Mrs. Barry would ever willingly go back to Liverpool to reside, it is evident from all that occurred at that parting, that neither the relator nor his wife then entertained the idea of a final separation. Probably he was not aware at that time of the strong aversion she entertained to a return to Nova Scotia; or of the half formed resolution which then existed in her mind that she would not again leave the immediate neighbourhood of her father's residence. This she undoubtedly thought she had a right to insist on, in conformity with their ante-nuptial agreement. That may account for his surprise upon his return to New York, a few weeks afterward, in finding she did not very readily enter into his plans of permanently establishing himself in business at Liverpool, and therefore was not willing to use her influence with her father to induce him to lend them his countenance and assistance.

"Irritated that she did not at once enter fully into his plan for establishing himself in business in Nova Scotia, and that he could not obtain from her a promise to return there to reside at a future day, he left her in anger and removed his baggage to a boarding house, notwithstanding her entreaties that he would re-

main with her at her father's during his stay in New-York. Two days afterward she wrote him the letter of the 14th of May, 1838, which is set out in the relator's petition. Considering what had previously occurred between these parties, the fact of the ante-nuptial agreement that their residence, after the first year, should be near her father's, and the knowledge of her unconquerable attachment to the place of her birth and the home of her parents, I do not see that this letter can properly be considered as evidence of coldness and indifference. She could not, indeed, bring herself to pen a deliberate falsehood, by saying that she wished, or was even willing to go to Nova Scotia to reside, when in fact she was not. Neither would she consent to deceive her parents by telling them she wished to go, to induce her father to enter into her husband's plan of establishing himself there, however flattering his prospects of success might have been under other circumstances.

"If the relator had always treated his wife with kindness, I am not prepared to say that it would not have been her duty, notwithstanding the ante-nuptial agreement, and her strong filial attachments, to have followed him to any part of the world where he had a reasonable prospect of bettering his condition. But, under all the circumstances of this case, I think he had no right to insist upon her consent to his establishing himself in business at Liverpool, with the view of taking her there to reside, even at a future day. I do not believe that, at the time this occurred, she either wished or desired a final separation; but she was waiting in the hope that something might occur which would enable them again to unite their fortunes at a future time. And no one who reads the last paragraph of her letter can justly say she was destitute of feeling, though it contains no evidence of that devoted attachment to her husband which existed during the first six months of their residence in Nova Scotia.

"The husband, however, misled by his feelings, I trust, and not by the unworthy motives attributed to him by the defendant's counsel, understood this letter otherwise. He therefore deliberately penned the fatal answer, renouncing forever the wife who had once loved him so dearly, and declaring his unalterable determination never to be re-united to her on this side of the boundless ocean of eternity; since which time he has had full occasion

to feel the full force of that expressive sentiment of the rabbi Eleazer—'Tears shall bedew the altar of him who hastily or harshly repudiates the wife of his bosom.' Harsh as this proceeding was on his part, I am satisfied from the evidence before me that the affection of his wife for him still continued, although her heart must have been severely tried; especially by the calmly expressed determination of her husband to deprive her of the care and nurture of her first born child, then but nineteen months old. And when he so readily retracted his rash declaration, and gave such evidence of deep contrition for what had occurred, I do not see any thing which could legally justify a final separation between these parties, though I am satisfied it was not then the duty of his wife to go with him to a foreign land to reside. I do not, therefore, consider the subsequent agreement for a permanent separation at the option of the wife, and providing for the future custody of the children, as necessarily valid and legally binding, so as to give any new rights to either party.

"In the language of the late Lord Eldon, 'the marriage contract, whether it be considered as a civil contract only, or one which is both civil and religious, is a contract of a very peculiar nature. It is one which the parties cannot dissolve; one by which they impose duties upon themselves, and by which they engage to perform duties with respect to their offspring; duties which are imposed as much for the sake of public policy as of private happiness.' The circumstance that the complaint against the legality of an instrument on the grounds of public policy is made by one who is a party to it, is of no consequence; for the relief in such a case is given in regard to the interests of the public, and not on account of the individual. In Marshall v. Rutton, (8 Durn and East, 547,) Lord Kenyon emphatically asks, 'how can it be in the power of any persons by their private agreement to alter the character and condition which by law results from the state of marriage while it subsists, and from thence to infer rights of action and legal responsibilities as consequences following from such alteration of character and condition?' [See also Prater's law of husband and wife, 60; 2 Hagg. Consist. Rep. 318; 2 Hagg. Eccl. Rep. Suppl. 115.]

"This is also in accordance with the law of France on the same subject; for the 1388 article of the Napoleon code expressly

declares that 'married persons cannot derogate from the rights resulting from the power of the husband over the person of his wife and of his children, or which belong to the husband as head.' The agreement of the 7th of June, 1838, is also void, upon the principle that it is not a contract for a present separation, on the ground of the existence of difficulties between them, which render an immediate separation necessary, for the peace and happiness of both, or either of them. On the contrary it recites that neither party then wishes a final separation; and provides for the relinquishment of his parental rights over his daughter at a future day, if his wife then thinks proper finally to separate herself from him. An agreement having in view a future separation, merely at the election of the wife, was held to be void in the case of the Marquis and Marchioness of Westmeath, in the House of Lords, (1 Dow & Clark's Parl. Rep. 519; see also Hendley v. Westmeath, 6 Barn. & Cress. Rep. 200.)

'The result of this examination is that nothing had occurred between these parties, at the time the husband left New York, in the summer of 1838, which was legally sufficient to authorize a degree of separation from matrimonial cohabitation, according to the laws of this state, or by the laws of the country where the husband is now domiciled; but that sufficient had occurred to justify the wife, both legally and morally, in refusing for the present to place herself under his entire control, in a land of strangers. I concur also in the opinion so strongly expressed by the counsel for the defendant, that the act of tearing his infant son from the arms of a mother, in the vain hope of inducing her thereby to follow him to Nova Scotia, was more likely to produce an irrevocable separation between them than any thing which had previously occurred.

"I also believe that all hopes of a reconciliation are at an end, unless he returns that child to her instead of persisting in his determination of depriving her of the infant daughter also. Much allowance undoubtedly must be made for the excited feelings of a husband and a father, who probably feels that his worldly property has been sacrificed to the wish of his wife to live in New York, in accordance to the ante-nuptial agreement. He ought, however, to have recollected that there was great danger of losing his former high standing in society, both as a gentleman

and a Christian, by an indiscreet attempt to enforce what he believed to be his marital and paternal rights. For, under the circumstances of this case, the natural feelings of one-half of the community at least would almost necessarily be against him—and there was but little chance of his finding much sympathy with the other half, whatever they might think of his legal rights, unless he was able to satisfy them beyond a reasonable doubt that his wife and her parents were wholly in the wrong.

"Having arrived at the conclusion that Mrs. Barry at least for the present, is justified in her refusal to accompany her husband to Nova Scotia as her future residence, and that she is not therefore living in a state of separation from him which can be properly considered as illegal and immoral, it remains to be seen what effect that conclusion is to have upon the residence of the child. I have before said this Court, upon *habeas corpus* merely, does not attempt to settle definitively the legal question of guardianship. And the prayer of the petition, on which this writ is sued, is not framed in such a manner as to constitute it an application to the Court of Chancery, as *parens patria*, having the general care and guardianship of infants to settle a question of conflicting rights or claims of right. It is also admitted, by the counsel of both parties, that the true interest of the child is alone to be consulted in deciding the question now before me.

"If the child should be delivered to its father, I have no apprehension that it would be treated with any unkindness. And I have no doubt that his elder daughters, to whose good characters and amiable dispositions Mrs. Barry herself bears full and ample testimony, would endeavour faithfully to discharge the duties of a mother to their infant sister, as far as they were able to do so; as they have already done to the brother. But as the infant has no property, its guardianship for the present must be a guardianship for *nurture* merely. And the mother, all other things being equal, is the most proper person to be entrusted with such a charge, in relation to an infant of this tender age. The law of nature has given to her an attachment for her infant offspring which no other relative will be likely to possess in an equal degree. And where no sufficient reasons exist for depriving her of the care and nurture of her child, it would not be a proper exercise of discretion in any court to violate the law of nature in

this respect, I am therefore bound to declare in this case that the infant daughter of the relator is not improperly restrained of her liberty by the defendant, and that no good reason now exists for taking the child from its mother, and from the care and protection of the defendant with whom the mother now voluntarily resides."

MATRIMONIAL INFIDELITY.

"Most pairs, soon seem to resemble a couple of hounds, tied together by the neck, and generally dragging in different directions," (p. 179.) The account which Mr. Walker gives of married life in England, is not, on the whole, very flattering, or likely to induce many "waverers" to enter into the matrimonial state. His extensive opportunities of observation, doubtless entitle his opinion to great weight; but still we cannot but believe, that he has thrown too much colouring upon his canvass, and overcharged his picture. It is far from logical to infer, that because matrimonial infidelity exists, it is therefore "founded in nature;" as well might we say that theft, murder, arson and many other crimes are founded in nature, because they are frequently committed. We believe that when man obeys the natural laws in choosing a wife, he will seek in future no other sexual alliance, and will pass through life happy and contented with those silken chains, which bind him to the object of his love. But when other considerations induce him to enter the marriage state, he will be strongly tempted, and too often persuaded to violate his nuptial vow. But instead of being founded in nature, we see that this infidelity, springs from a violation of the natural laws, and therefore cannot be excused or palliated by such arguments. The views of Mr. Walker on this subject will seem to American readers rather lax, and if adopted, we fear, will inevitably lead to licentious conduct. Such is the tendency of his remark, that "the seducer or favourite, is sometimes generous or grateful, and espouses, or protects through life the woman he has loved; while on his part, the husband forms a new and maturer association." "Increased experience, benevolence and liberality, are perhaps, sometimes the basis of this late-attained felicity."—"When a cer-

tain degree of *natural* liberty was allowed to the Grecian women, they were less licentious than in after times, when that liberty was taken away." Because families are not always "abandoned, ruined, and neglected," in consequence of the sin of infidelity, and because it "rarely leads to permanent attachment," Mr. Walker very strangely infers, that the evils connected with it are accidental, and only exist "when jealousy and persecution ensue."

Now it is impossible in the very nature of things, that there should be domestic happiness, when either of the married couple is unfaithful. Their union was for the sake of each other, and each other only; and affection cannot be strong, if any portion of it may be successively withdrawn and bestowed elsewhere. Such infidelity shows that the union was either void of affection, at first, or that it is now on the decline; and where this is the case domestic happiness is out of the question.

If the objects of man's attachment be still more numerous, of course, the regard bestowed on each must be proportionally smaller, as the affections are diminished according to the multiplicity of their objects. Thus we find that even in countries, that recognize polygamy, love centres ultimately upon one; so that the laws allow women to complain of the unequal distribution of the regard of their husbands. The mind of man indeed, is so constituted, that his happiness depends on a union with one only; his heart, his sympathies, his affection are not capacious enough to grasp all creation. We have already seen, that this was doubtless the divine purpose in so equalizing the number of the sexes, and in denying the participation of genuine love. Domestic infelicity leads to congugal infidelity; to prevent the latter, we must therefore find a remedy for the former. This is not an easy matter, where matches are so often suddenly brought about, and that too between persons of an immature age, controlled in their choice by external qualities alone. Mental attractions which alone can gain a lasting empire, as they have never been disclosed, of course can exert no influence. The consequence is, that as the object loses its novelty, and becomes common, its beauties fade away, and the imagination, and the eyes which complacently and admiringly, rested upon them, begin to wander after something, whereon they may again repose.

In a short time, reciprocal incongruities are betrayed; peculiarities formerly unseen begin to disclose themselves, and restlessness and discontent possess the mind. Love, if it ever existed, rapidly abates; one or both regret precipitation; both see that they have been deceived by yielding to its vehemence, and glaring defects stand out in bold relief, in place of the perfections, which the imagination had painted. The mutual dissatisfaction increases,—it is too late to retract; trifling annoyances beget fretful impatience, which, aggravated by reproachful remonstrances, become intolerable in repetition;—forbearance is abandoned; crimination and recrimination follow, shame prevents exposure of this unhappy condition to the public gaze, and the laws put a negative on separation. Thus, domestic peace is gradually broken; the married couple are alienated from each other; affection falling into indifference, has been converted into hatred, and every hour renders their compulsory union more and more disgusting. Hence the cause of congugal infidelity. In such an unhappy predicament, we deem it far more conducive to the morals as well as the happiness of the married pair, that they should voluntarily separate; for as they consented to union, in the belief of bettering their condition, and have been deceived; as they have been plunged into an ocean of misery, instead of bathing in a sea of happiness, it would seem an intolerable hardship, if they should not be allowed to fly from it. This, indeed, is a sad alternative, but the only one which promises peace. So true is it that "incompliance of manners, small and frequent distastes, though not discerned by the world, produce the most incurable aversions in a married life."

"So many qualifications" says Sir Humphrey Davy, "are essential to the felicity of an indissoluble union, that we should rather consider their concurrence remarkable, than be disappointed at their deficiency. The affection which attracts the sexes being liable to decay, if it does not subside into friendship there is evident danger of disquiet. Without awaiting this issue, however, in some countries it is chilled before it glows. A union is sought from motives of convenience; courtships are carried on as a kind of traffic; a father's wealth consists in the number of his daughters, or he negociates at a certain price for a partner who has never been seen by his son, or betroths his daughter in

infancy. Actually, it is wonderful that so much comfort prevails." On reperusing Mr. Walker's remarks on matrimonial iufidelity, we are convinced that if they are not founded on a vicious moral principle, they will tend, if adopted, to beget such, in the mind of the reader. His aim seems to be, to show, that such unfaithfulness *does not essentially injure the domestic affections*, while at the same time it *springs from indissoluble marriage.*

Now, we deny both these assertions. We are not willing to go to Spain, Portugal, France, and Italy, for examples to prove that the licentious conduct of the married does not destroy matrimonial happiness, for such scarcely exists in those countries, except by name. Happiness is there sought for, not within the precincts of the domestic circle, but abroad, among the giddy votaries of the dance, at the theatre, the gaming-table, the horse-race, &c. The consequence is, that connubial bliss is no where to be found.

The effect of licentious conduct upon the moral principle, has been well described by Dr. Paley. "However it be accounted for," says he, "the criminal commerce of the sexes corrupts and depraves the mind and moral character, more than any single species of vice whatsoever. That ready perception of guilt, that prompt and decisive resolution against it, which constitutes a virtuous character, is seldom found in persons addicted to these indulgences. They prepare an easy admission for every sin, that seeks it; are in low life, usually the first stage in men's progress to the most desperate villanies; and in high life, to that lamented dissoluteness of principle, which manifests itself in a profligacy of public conduct, and a contempt of the obligations of religion and moral probity."

Let us see what course of conduct such unfaithfulness involves. In the first place, those who are guilty of it must endeavour to conceal the offence. Secrecy, is in fact, indispensable to safety. Some persons are generally privy to it, who must be induced, by some means or other to conceal what they know. To do this, it is often necessary to practise deception, or to employ the grossest corruption, and the most profligate measures. Agents are necessary, in many cases, to the successful accomplishment of the crimes themselves. None but abandoned men, or women,

can become such agents; this brings about an intimacy with such characters, who perhaps become the only companions, while all respectable persons shun their society. The inevitable consequence is, that the mind becomes debased and corrupted, and the individual soon ranks among profligates. Indeed, such unfaithfulness cannot be practised among the married, without frequent recourse to innumerable vile expedients, treacherous plans, briberies, falsehoods, and perjuries, and these cannot be practised without involving the consequences pointed out by Dr. Paley.

We need not dwell upon the moral guilt of a violation of the marriage covenant; but the injuries which it inflicts on the parties concerned, can scarcely be conceived. "This injury," says Dr. Dwight, "is formed of a vast combination of sufferings reaching every important interest in this world always; and, often, in the world to come; exquisitely keen and poignant, piercing the very seat of thought, and sense, and feeling, and awakening in long succession throes of agony and despair. The husband, for example, is forced to behold his wife, once and always beloved beyond expression, not less affectionate than beloved, and hitherto untarnished even with suspicion, corrupted by fraud, circumvention, and villany; seduced from truth, virtue, and hope; and voluntarily consigned to irretrievable ruin. His prospects of enjoyment, and even of comfort, in the present world, are overcast with the blackness of darkness. Life, to him, is changed into a lingering death. His house is turned into an empty, dreary cavern. Himself is widowed. His children are orphans; not by the righteous providence of God; but by the murderous villany of man. Clouded with wo, and hung round with despair, his soul becomes a charhel-house, where life, and peace, and comfort, have expired; a tomb dark and hollow, covering the remains of departed enjoyment, and opening no more to the entrance of the living.

"It involves injuries to the children, which numbers cannot calculate, and which the tongue cannot describe. The hand of villany has robbed them of all their peculiar blessings; the blessings of maternal care and tenderness; the rich blessings of maternal instruction and government; the delightful and most persuasive blessings of maternal example; the exalted privilege of united parental prayers; and the exquisite enjoyments of a peace-

ful, harmonious, and happy fireside; once exquisitely happy, but now to be happy no more."

The consequences to the injured wife of the faithless husband are scarcely less disastrous. "Woman's whole life," says Irving, "is a history of the affections. The heart is her world; it is there her ambition seeks for hidden treasures. She embarks her whole soul in the traffic of affection; and if shipwrecked, her case is hopeless, for it is a bankruptcy of the heart."

OF THE LAWS CONCERNING DIVORCE.

Mr. Walker's chapter on divorce is nearly all made up of quotations from Milton's essay on this subject; and it is rather singular that the advocate of the "rights of women" should have copied with approbation the remarks of an author, who supports such a disorganizing doctrine, and maintains that *the power of divorce should rest with the husband.* If this would not render woman more "the slave of man" than she is at present, then we know not what civil regulations would. The fact is, that Mr. Walker's whole reasoning on this subject is fallacious and unsound. We have already offered some objections to his positions, but there are numerous others, which will not fail to be suggested to the mind of the intelligent reader. Our limits will not permit a more extended discussion of the matter.

Divorce is a separation, by law, of husband and wife, and is either a divorce *a vinculo matrimonii*, that is, a complete dissolution of the marriage bonds, whereby the parties become as entirely disconnected as those who have not been joined in wedlock, or a divorce *a mensa et thoro* (from bed and board,) whereby the parties are legally separated, but not unmarried. The causes which are admitted as just grounds, for each of these kind of divorces, by different codes of laws, are various.

According to the law of Moses, (Deut. xxiv. 1.) "When a man hath taken a wife, and married her, and it come to pass that she find no favour in his eyes, because he hath found some uncleanness with her; then let him write her a bill of divorcement, and give in it her hand, and send her out of his house." This was a very summary mode of proceeding, and was only a concession

to the "hardness of heart" of the Jews, who were not prepared to receive a better doctrine. The Mahommedan law of divorce founded on some passages in the Koran, allows of a separation by mutual consent, giving the wife the right of retaining her marriage portion, unless she agrees to relinquish a part of it as the price of the separation. The Hindoo laws pay still less respect to women, who are considered in the light of slaves. According to a maxim of these laws, "prudent husbands instantly forsake a wife who speaks unkindly." Barrenness, the bearing of daughters only, eating in her husband's presence, any incurable disease, or quarrelsomeness, is each a sufficient cause of divorce. The Chinese laws are very similar to the Hindoo, but add some other sufficient causes, such as disregard to the husband's parents, *loquaciousness*, and jealousy of temper. The facilities of divorce in ancient Greece and Rome were very great; and it was not until the modern nations of Europe emerged from the ruins of the Roman empire, that they adopted the doctrine of the New Testament, "what God hath joined together, let not man put asunder."

Marriage, under the Roman church, instead of a civil contract, came to be considered as a sacrament of the church, and subject to the ecclesiastical jurisdiction; and so it remains to this day in England; and the canonists founded upon this text the doctrine of the unlawfulness of dissolving this contract, the dissolution of which they considered to be a violation of a sacred institution. If parties were once married, they could not be unmarried, though they might be separated.

By the ecclesiastical laws of England, marriage may be dissolved for canonical causes of impediment, existing prior to marriage; and Lord Coke has declared that *a previous marriage*, *compulsion through fear*, *impotence* and *sterility*, *affinity* and *consanguinity*, are all valid reasons for rendering void the marriage contract. But these canonical disabilities do not entirely annul the marriage, which is valid for all civil purposes. But civil disabilities, such as a prior marriage, want of age, or idiotcy, make the contract void from the beginning.

It has been decided, by the courts in the State of New York, that corporeal impotence is not a cause of divorce, *a vinculo*, but the *Revised Statutes* authorize the Chancellor to declare

void the marriage contract under the following circumstances. 1. If either of the parties, at the time of the marriage, had not obtained the age of legal consent. 2. If the former husband or wife of the party was living, and the marriage in force. 3. If one of the parties was an idiot or a lunatic. 4. If the consent of one of the parties was obtained by force or fraud. 5. If one of the parties was physically incapable of entering into the married state.

In Massachusetts, marriage between a white person and a negro, Indian, or mulatto, is declared absolutely void, without a decree of divorce, or other legal process; and the issue of any such marriage is deemed illegitimate.

It is a remarkable fact, that not a single case of divorce took place in the colony of New York, for more than one hundred years preceding the revolution; and for many years after New York became an independent state, there was no way of dissolving a marriage except by a special act of the Legislature. In the year 1787 the Legislature authorized the Court of Chancery to grant a bill of divorce for adultery, committed by either party, but in three cases only, viz: 1. Where the married persons are inhabitants of the State at the time the offence was committed. 2. Where the marriage took place in the State, and the injured party be an actual resident at the time of the offence, and the filing of the bill. 3. Where the crime was committed in the State, and the injured party, at the time of filing the bill, be an actual inhabitant of the State. In all cases, the fact must be proved by testimony, independent of the confession of the party; for Chancellor Kent remarks, that he "has had occasion to believe, in the exercise of a judicial cognizance over numerous cases of divorce, that the sin of adultery was sometimes committed on the part of the husband, for the very purpose of procuring a divorce."*

The policy of this state, is well known, to be against granting divorces, except for adultery alone. The laws in the different states, vary on this subject. In Georgia, Mississippi and Alabama, divorces are restrained, even by constitutional provisions, which require to every valid divorce, the assent of two-thirds of each

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*Kent's Commentaries, Vol. II. p. 105.

branch of the legislature, founded on a previous judicial investigation and decision. In New Jersey, Maryland, Virginia, South Carolina and Louisiana, no divorce is granted, but by a special act of the legislature, according to the English practice; but in several of these states divorces are very common. In Missouri divorces are granted by the circuit courts, in cases of extreme cruelty, or on conviction of an infamous crime. In Tennessee and North Carolina, the legislature cannot grant divorces, but they may confer the power on the courts of justice. So scrupulous has been the policy of South Carolina, that there is no instance in that state, since the revolution, of a divorce of any kind, either by the sentence of a court of justice, or by act of the legislature. In all the other states, divorces are granted judicially for adultery. In New York and Illinois, the jurisdiction of the courts as to absolute divorces, for causes subsequent to the marriage, is confined to this offence alone; but in all the other states, intolerable ill usage, wilful desertion, or unheard of absence, or some of them, will authorize a decree for a divorce, under different modifications and restrictions.

In the year 1814, the legislature of North Carolina, authorized the courts of that state, to use an unlimited discretion, and grant divorces, whenever they should be satisfied that justice required it. But the exercise of this vast power and discretion, is said to have proved exceedingly painful and embarrassing. In that state, and Alabama, parties living in adultery or fornication are indictable. In New Hampshire, joining the religious society of the Shakers, and continuing in that society for three years is a sufficient cause for divorce. In Connecticut the legislature frequently passes special acts of divorce, although the legal causes are, adultery, fraudulent contract, wilful desertion for three years, or seven years unheard of absence. Habitual drunkenness is also a cause of divorce in some of the states. Chancellor Kent remarks that "the question of divorce involves investigations which are properly of a judicial nature, and *the jurisdiction over divorces ought to be confined exclusively to the judicial tribunals*, under the limitations to be prescribed by law. It is very questionable whether the facility with which divorces can be procured in some of the states, be not productive of more evil than good. It is doubtful whether even divorces for adultery do

not lead to much fraud and corruption. Some of the jurists are of opinion that the adultery of the husband ought not to be noticed, or made subject to the same animadversion as that of the wife; because it is not evidence of such entire depravity, nor equally injurious in its effects upon the morals, and good order, and happiness of domestic life. Montesquieu, Pothier, and Dr. Taylor, all insist that the cases of husband and wife ought to be distinguished, and that the violation of the marriage vow, on the part of the wife, is the most mischievous, and the prosecution ought to be confined to the offence on her part." It is rather a singular fact, that the puritan fathers, the early settlers of Massachusetts, made this very distinction, and did not allow adultery on the part of the husband to be a sufficient cause of divorce.

The question has never been judicially tried and determined in the courts of the United States, how far a divorce in one state is to be received as valid in another. This question has been most ably discussed by Chancellor Kent in his commentaries on American law, who arrives at the conclusion, that "upon the principles of the English law, a marriage contracted in New York, cannot be dissolved, except for adultery, by any foreign tribunal out of the United States; and if a divorce by a judicial proceding in one of these United States, be entitled to a different consideration in others; it is owing to the force which the national compact, and the laws made in pursuance of it give to the records and judicial proceedings of other States." It is a grave question, and one which ere long must be decided, whether a marriage, for example in New York, may be dissolved by an act of the legislature of another state, passed specially for the purpose, and for a cause not admissible here. If so, then one state may dictate laws to another, and a fearful collision of jurisdiction may follow. Such a construction is considered inadmissible, and yet such occurrences are not unfrequent.

Qualified divorces from "bed and board," are allowed by the statute of New York, which authorizes the court of chancery to grant them on complaint of the wife, of cruel and inhuman treatment, or such conduct as renders it unsafe and improper for her to live with her husband; or for wilful desertion of her, and refusal or neglect to provide for her. The court may decree a separation from bed and board for ever, or for a limited time, in

its discretion, and the decree may be revoked at any time by the same court by which it was pronounced, under such regulations and restrictions, as the court may impose, upon the joint application of the parties, and upon their producing satisfactory evidence of their reconciliation. In such cases, the parties must be 1st. inhabitants of the state: 2d. or the marriage have taken place in the state, and the wife an actual resident at the time of exhibiting the complaint: 3d. or the parties must have been inhabitants of the state at least one year, and the wife an actual resident at the time of filing the bill.* Qualified divorces of this kind are allowed by the laws of most countries, and throughout the United States generally, in cases of extreme cruelty, though they are unknown in some of the states, as in Connecticut, Ohio, Indiana, and South Carolina. The law decides it to be cruelty if there is reasonable apprehension of bodily hurt; that is, if the wilful conduct of the husband exposes the wife to bodily hazard, or intolerable hardship. It was not long since decided by an English judge, that the law allowed a man to beat his wife with a stick as big as his thumb; whereupon the ladies sent a request that his thumb might be accurately measured. In this country, the causes must be grave and weighty for a separation, and show that the duties of the married life cannot be safely discharged. "Where austerity of temper, petulance of manners, rudeness of language, a want of civil attention, even occasional sallies of passion, if they do not threaten bodily harm, do not amount to that cruelty against which the law can relieve. The wife must disarm such a disposition in the husband by the weapon of kindness." (Chan. Kent.)

The law in this state seems to have considered the wife as the only party who stands in need of protection, and accordingly it confines the divorce, for cruelty, desertion, or other improper conduct, to such conduct in the husband; but in England, Massachusetts, and some of the other states, divorces from bed and board are allowed for cause of extreme cruelty in either party. Chancellor Kent however remarks, (Com. Vol. II. p. 126,) "By a statute of New York, of April 10th, 1824, the Court of Chan-

* Kent's Commentaries, Vol. II. p. 125.

cery was authorized to decree a divorce *a mensa*, on the complaint of the *husband*, and that provision is deemed to be in force, notwithstanding the general provision in the *Revised Laws* confining that remedy to the wife." Again he remarks, "these qualified divorces are regarded as rather hazardous to the morals of the parties. In the language of the English courts, it is throwing the parties back upon society, in the undefined and dangerous characters of a wife without a husband, and a husband without a wife. The ecclesiastical law has manifested great solicitude on this subject, by requiring in every decree of separation, an express monition to the parties, 'to live chastely and continently, and not, during each other's life, contract matrimony with any other person,' and security was formerly required from the party suing for the divorce to obey the mandate. The statute allows the husband, on such a bill by the wife, for ill conduct, to show, in his defence, and in bar of the suit, a just provocation in the ill behaviour of the wife, and this would have been a good defence, even without the aid of the statute. And on these separations from bed and board, the courts intrusted with the jurisdiction of the subject, will make suitable provision for the support of the wife and children, out of the husband's estate, and enforce the decree by sequestration; and the Chancellor, in New York, may exercise his discretion in the disposition of the infant children, and vary or annul the same from time to time as circumstances may require."

EDUCATION OF AMERICAN FEMALES.

So much has been written of late on the subject of female education, that it is with great reluctance that we venture to offer a few considerations, suggested by considerable observation and an acquaintance with the methods of study pursued in our female boarding schools.

We suppose that it will be admitted, that the object of education is, or ought to be, to prepare for the future duties of life; and making this the standard, if we do not find that our mothers and grandmothers were better educated than females of the present day, we shall at least discover, that our present system is much

of it based in error; for so far from preparing girls for the duties of active life, it often actually unfits them for such duties. We are hardly old enough to look back half a century; but we are old enough, at least, to remember our good old grandmother, and a few of her honoured associates; and we cannot but contrast their sterling qualities and substantial virtues, with the tinsel glitter, and superficial *accomplishments* of the modern victim of boarding-school instruction. *A lady of the old school* was cheerful and affable; easy, yet dignified in her manners; pious, without superstition, enthusiasm, or ostentation; patient to endure hardships and privations; meek and resigned under affliction; frank and open-hearted; kind to the poor; hospitable to all; her chief aim and end of living seemed to be, to make all around her happy and contented; smiles of benevolence, and soft words of kindness, made her an object of affection to all, even when old age had silvered her head, and clothed her face with wrinkles; she never out-lived the love and esteem of her family and friends, for she never survived her good nature and her amiability; in short, she was educated for her station; with learning enough to instruct her children, and render her society agreeable; she was what she seemed, and she seemed what she was. To her husband, she was truly a help-meet, aiding him by her advice and counsel, (*for she had common sense*) soothing him under misfortune; encouraging him under difficulties; rejoicing with him in success; nothing could conquer her fortitude; though gentle as the zephyr in times of peace and security, yet when dangers threatened and thickened around, she showed the greatness of her soul by standing unmoved and unnerved, even in the times "that tried *men's* souls," and she sent forth her husband and her sons to fight for her altars and her hearth; and when peace came, "she loved them for the dangers they had passed," and they loved her, for the noble sacrifices she had made, and the cheerful patience she had manifested. Such were our Puritan grandmothers,—such the mothers of the Revolution.

The fashionable lady of the present day!—what is her character? Too often a compound of pride, vanity, affectation, and selfishness. She has had "advantages," and been taught the whole circle of accomplishments; she has had her governess, till old enough to enter a boarding-school, and there she has learned

music perhaps, without an ear, and singing without a voice; been taught to speak bad French, and worse Italian; to trace Chinese figures, and sketch butterflies in Indian fashion; to gild, enamel, varnish, draw, embroider, and paint in every style; to waltz, go through a quadrille, or dance a fandango; to ogle, faint, and languish; to affect sentiment, though too heartless to feel it; to feign sensibility, though her whole soul is absorbed by selfishness. She is educated! She has been conducted through the whole cyclopædia of the arts and sciences, and gained a superficial smattering of all; but she has not learned how *to think;* she has perhaps skill for the piano and the harp; a memory for words; a taste for display; but she has a soul which sleeps. For literature, she has no fondness; for knowledge, no love; for improvement, no desire; her mind is a blank. Lessons have been considered the end of her education: for principles of conduct, and rules of action, there has been no place. Master has succeeded to master, class to class. Her mind has been overgorged. Is it strange there should have been no digestion? But she has had facilities, and the road to learning has been smoothed and made easy. Grammar was found too dry, and was therefore, perhaps superseded; the dictionary was irksome, so the interlinear translation was substituted; the classic author was obscure, so recourse was had to a lucid paraphrase, or the elegant abridgment. "Be the nut ever so hard," says Mrs. Sandford, "the kernel is extracted. Our very babies may suck the sweets of Froissart, Robertson, and Hume, and follow with infantile curiosity, the Retreat of the Ten Thousand." With a love of pleasure, an ignorance of the world, a conceited opinion of her talents and accomplishments, a desire to love, and be loved, she goes into society, and here perhaps she soon experiences, to her sorrow, the truth of the maxim of Lady Blessington, "The whole system of female education tends more to instruct women to allure, than to repel; yet how infinitely more essential is the latter art! As rationally might the military disciplinarian limit his tuition to the mode of assault, leaving his soldiery in entire ignorance of the tactics of defence." How to regulate her heart and her affections, where to bestow her love, alas! these have constituted no part of her education, and now she needs such knowlege. She shines perhaps as a

linguist, a pianist, a danseuse, an artiste; she attracts; she fascinates; she is admired. For this she was educated; for this much money and time have been expended; for this her health has been sacrificed. But the means have been mistaken for the end; she has acquired the power to dazzle and to charm; but she knows not where to bestow her affections, where to give her hand in marriage, nor how to perform the duties consequent on that relation. She is about to undertake duties only to neglect them; to incur responsibilities of whose existence she never before thought, and therefore with an utter inability to meet them.

But even this superficial medley is not acquired without great physical suffering, and in a large majority of cases, bodily deformity. In consequence of want of exercise, and tight-lacing, debility of the body ensues; the spine becomes crooked, with one shoulder higher than the other, and a general languor of all the animal and vital functions follows. We have examined some boarding schools in reference to this subject, and found but very few, where the inmates for a year, were not generally more or less deformed. Some had scrofula, some head-ache, some indigestion, some palpitation; nearly all were pale, of lax fibre, had crooked backs and were very nervous. The study and recitation rooms and sleeping apartments, are in general badly ventilated, and the consequences of breathing impure air, are felt through life. Here is laid the foundation, in bodily debility, of such frequent cases of consumption, and deaths in child bed, among our educated females. "A dress-maker," says Miss Sedgwick in her excellent little work, Means and Ends, "in extensive business in the City of New York, once said to me, 'can you tell me the reason why every young lady that comes to me to have a dress made, is deformed?' "Deformed." 'Yes, one shoulder blade projects more than the other. My children are not so, nor the children of other poor people.'" Boys are not thus deformed; but then boys are not shut up for months or years, and allowed no exercise, but a formal funeral procession once a day or once a week. But the means resorted to, for the cure of spinal distortions and deformities, are as absurd, irrational and cruel, as the discipline and confinement, by which they were incurred. The poor girl is sent, perhaps, into the country, to some noted spine-doctor, who has taken up his abode in the vicinity

of some celebrated boarding school, knowing that to such an institution, he must look for his patients, if he gets any. There she finds stocks for her hands and her feet; pulleys for her head and neck; screws, weights, engines, inclined planes, steel-bars, and iron corsets, for her body and her limbs. She is deprived of what little power of motion she had before; and by pulling, stretching, compressing and padding, her muscles lose all their contractile properties; her organs, their natural functions; and in all probability she is tortured into consumption, or made a cripple for life. Such is the frequent result, of city boarding school instruction. But to return—let us follow a little farther the modern, *fashionable* young lady.

She selects a lover; but of all his qualities, there is not one which would be valuable in a husband. He is gay, and polished in his manners, dashing and bold in his deportment, lavish in expenditure, fond of pleasure, of routs, assemblies, theatres, horse-racing, gambling, (not for money,) in short, he is a handsome, *fashionable*, young man, and exceedingly well adapted for the husband of a fashionable young lady. They have come together, by a sort of natural magnetism; happy will it be, if the *poles* be not changed, and repulsion succeed attraction. The eye is captivated, and the exterior pleases; that is enough. The result is, that six month's acquaintance transforms the beau-ideal into a fool or coxcomb; and the happy couple, to use an expression of Lady Blessington's, have to "pay for a month of honey, with a life of vinegar." They live but to regret the past, complain of the present, and indulge false hopes for the future.

It has been suggested, with great justice, that these injudicious and unhappy matches arise from the entire banishment of all thoughts of love from education, and that it is therefore the duty of the teacher, to endeavour to engrave on the soul, a model of virtue and excellence, and to teach young females to regulate their affections by an approximation to this model. That young ladies of great worth and beauty, often become the victims of fancied perfections, by their own blindness and ignorance, is a fact of every day observation; but would this be the case, were they taught to appreciate only what is intrinsically excellent in human character, and to view with repugnance a union not founded on such a basis?

Young women should be taught to distinguish true love from the false spirit which assumes its garb; to abstract from it the worldiness, vanity and folly, with which it has been mixed up; to believe that it is not the amusement of an idle hour; the indulgence of a capricious vanity; the ladder by which they may climb to wealth, or to a higher grade in society, but that it is formed in the noble qualities of heart and mind, and cannot survive the loss of esteem, and deep respect. "It is foolish," says a very sensible writer, "to banish all thoughts of love from the mind of the young; since it is certain that girls will think, though they may not read or speak of love; and as no early care can preserve them from being exposed, at a later period to its temptations, may it not be well to use here the directing, not the repressing power? Since women will love, might it not be as well to teach them to love wisely? Where is the wisdom of letting the combatant go unarmed into the field, in order to spare him the prospect of a combat? Are not women made to love, and to be loved; and does not their future destiny too often depend upon this passion. And yet the conventional prejudice which banishes its name subsists still."

We have followed the fashionably educated female into married life; weighed her in the balance, and found her wanting. She has either lavished her affections on an unworthy object, or a man of sense, has in a moment of folly, been induced to take her as the partner of his joys and the companion of his days, and too late he discovers, that he has drawn a blank in cupid's lottery. His heart is bankrupt, for he has laid up his treasure in false coin. His wife if her health allow, can dance, sing, play the harp, sketch, and lisp Italian; but to domestic cares and duties, she is an utter stranger. She envies the splendid establishments of those whose means allow of greater expenditures; she is extremely punctilious in all matters of etiquette; she notes every call; she resents every thing which may, by possibility, be construed into a slight, neglect, or affront; her pride sees an insult, where none is intended; in short, she is a bundle of whims, caprices, weaknesses, prejudices, and affectation; no more fitted for a sphere of active usefulness, than a painted doll, or a dancing girl of the east. How often, too, do we find that she indulges in all the littleness of feminine spite and rivalry, in the

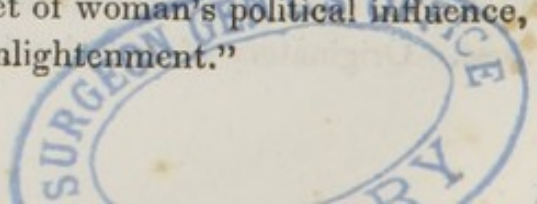
mean spirit of competition, the petty jealousy of superior charms; in slander, scandal and mistrust, and in the transient, heartless leagues of folly or selfishness, miscalled friendship; all the result of a wrong education, which has made vanity the ruling principle, and the gratification of self the only end? Truth, sympathy, pity, generous affection, kindness, sensibility, charity, religion, all are strangers to her breast. How infinitely more useful, honourable, and happy, were our pious grandmothers, whose learning barely sufficed to read their bibles, copy receipts in half-text, work a family record, and Adam and Eve upon a sampler!

Mrs. Jameson in her "Characteristics of Women" remarks, that "the *forcing* system of education, is the most pernicious, the most mistaken, the most far-reaching in its miserable and mischievous effects, that can prevail in this world. The custom which shut up women in convents till they were married, and then launched them innocent and ignorant upon society, was bad enough; but not worse than a system of education which inundates us with hard, clever, sophisticated girls, trained by knowing mothers, and all-accomplished governesses, with whom variety or expediency take place of conscience and affection; with feelings and passions suppressed or contracted, not governed by higher faculties and purer principles; with whom opinion,—the same false honour which sends men out to fight duels,—stands instead of the strength and the light of virtue within their own souls. Hence the strange anomalies of artificial society,—girls of sixteen who are models of manner, miracles of prudence, marvels of learning, who sneer at sentiment, and laugh at the Juliets and the Imogenes, and matrons of forty, who, when the passions should be tame and wait upon the judgment, amaze the world, and put us to confusion with their doings." In another place she says, "A time is coming perhaps, when the education of women will be considered with a view to their future destination as the mothers and nurses of legislators and statesmen; and the cultivation of their powers of reflection and moral feelings supersede the exciting drudgery by which they are now crammed with knowledge and accomplishments."

We have thus endeavoured to give the result of boarding-school education, as often witnessed in our country, but we, by no means, would be understood, as intending to apply it to all

schools of this kind. We believe there is no part of the world where more attention is paid to the best modes of educating both females and males, and the most successful systems of teaching than our own; and there is no country, except England, where more accomplished women, in the true sense of the word, are to be found. It is now generally acknowledged, that the acquisition of accomplishments, for shining in society, is not all that is needed, but that intellectual education, or that of the mental powers, is also indispensable. Teachers begin to realize that the object of education is to prepare the young for life; for its subsesequent trials; its weighty duties; its inevitable termination; and while they do not prescribe the fashionable accomplishments entirely, they nevertheless regard them as of secondary importance, and never allow them to interfere with more solid and useful studies. Perceiving that there is little, or no intellectuality in the cultivation of the arts, they see not the propriety of devoting six hours each day, to painting, music, and dancing, to accomplish the fingers and the feet, while the heart and the head are left to run fallow. In many schools, and would that it were the case in all, girls are now taught to think, compare, and apply, —to draw religious and moral inferences; and to extract from nature, from history, and from every thing they see, read, or experience, lessons, which will guide their future conduct, and promote their everlasting welfare. They are taught to believe that what a woman knows is comparatively of little importance to what a woman is; that her mind must be enlarged, and her information accurate; that to skim lightly over the surface of many studies is far less profitable than to gain a thorough acquaintance with a few. In short, juster notions begin to prevail on the subject of female education, and the frequent removal of boarding-schools from the city to the country, shows that more importance is attached to opportunities for exercise and recreation. "The education of women," it has been well observed, "is more important than that of men, since that of men is always their work. The grand objects in the education of women ought to be the conscience, the heart, and the affections; the development of those moral qualities, which Providence has so liberally bestowed upon them, doubtless with a wise and beneficent purpose. Originators of conscientiousness, how can they implant

what they have never cultivated, nor brought to maturity in themselves? Sovereigns of the affections, how can they direct the kingdom whose laws they have not studied, the springs of whose goverment are concealed from them? The conscience and the affections being primarily enlightened, all other cultivation, as secondary, is most valuable. Intelligence, accomplishments, even external elegance, become objects of importance, as assisting the influence which women have, and exert too often for unworthy ends, but which in this case could not fail to be beneficial. Let the light of intellect, and the charm of accomplishments, be the willing handmaids of cultivated and enlightened conscience. Cultivate the intellect with reference to the conscience, that views of duty may be comprehensive, as well as just; cultivate the imagination still with reference to the conscience, that those inward aspirations, which all indulge more or less, may be turned from the gauds of an idle and vain imagination, and shed over daily life and daily duty, the halo of poetic influence; cultivate the manners, that the qualities of heart and head may have an auxiliary in obtaining that influence by which a mighty regeneration is to be worked. The issues of such an education will justify the claims which we have made for women; then the spirit of vanity will yield to the spirit of self-devotion; that spirit confessedly natural to women, and only perverted by wrong education. Content with the sphere of usefulness assigned her by nature and by nature's God; viewing that sphere with the piercing eye of intellect, and gilding it with the beautiful colours of the imagination, she will cease the vain, and almost impious attempt to wander from it. She will see and acknowledge the beauty, the harmony of the arrangement which has made her physical inferiority the very root from which spring her virtues and their attendant influences. Removed from the actual collision of political contests, and screened from the passions which such engender, she brings party questions to the test of the unalterable principles of reason and religion; she is, so to speak, the guardian angel of man's political integrity, liable at the best to be warped by passion or prejudice, and excited by the rude clashing of opinions and interests. This is the true secret of woman's political influence, the true object of her political enlightenment."




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