

ON
THE LAWS AND CUSTOMS
RELATING TO
MARRIAGE.

BEING
A PAPER READ BEFORE THE DIALECTICAL SOCIETY.

BY
RICHARD HARTE.

WITH AN APPENDIX.

LONDON:
EDWARD TRUELOVE, 256, HIGH HOLBORN.
1870.

Les institutions de la G. ... p. 100. Boukhe V. 1. 1740. - Pierre le Grand 174.
L'Esclavage moderne p. 8. "Les libérateurs combattirent longtemps à Rome pour
l'empêcher le droit de se créer une famille?" and Richard Christianif - 1740. p. 8.

KD 47631

B

HARVARD
UNIVERSITY
LIBRARY
49*154

*compare the Bible: a man may kill his wife, - Deut. xiiii. 6-9 - see also, Genes. ix. 24
see Strachan's Review - Chap. on the Jews, - for the position, habitment & of women among
the Jews.*

P R E F A C E .



I PUBLISH the following paper exactly as it was read before the Dialectical Society, because it does not profess to be anything more than "a paper."

I have added an appendix, touching upon points which the course taken by the debate which followed the reading of this paper shows that it is not sufficiently explicit for a due comprehension of the theory of marriage sketched therein.

I publish the whole with my name, because the paper has already been quasi-publicly read by myself, which circumstance makes it hopeless to preserve the anonymous; and because by taking openly the responsibility of uttering the opinions contained in my paper, I hope to shield the Dialectical Society from unfair attacks and unjust accusations, such as some persons and some public journals have already shown themselves not ashamed of bringing against a society which was formed for the purpose of free discussion, which as a whole is not responsible for the opinions of its individual mem-

bers, and which contains representatives of every shade of political, social, and religious opinion. I trust that a sincere desire for the eliciting of truth may not be considered a common attribute so clearly distinguishing the members of the Dialectical Society from the rest of mankind, that any one will hold them responsible as a class for the formation or publication of opinions uttered before them as a body, by so humble a member as

RICHARD HARTE.

LAWS AND CUSTOMS RELATING TO MARRIAGE.

MR. CHAIRMAN, LADIES, and GENTLEMEN,

THE subject I have rather rashly undertaken to introduce this evening is one which, the more it is considered, the more intricate and extensive it appears. I feel very strongly how impossible it is for me to do it justice in a short paper like the present; nor can I hope to accomplish more to-night than to trace out, with a light hand, the field over which the subject extends, to make a rough estimate of the evidence most easily adduced, and briefly to state the conclusions to which that evidence seems to point.

In addition to the difficulties which always attend the investigation of complex social phenomena, the subject of marriage has one feature which renders its serious and satisfactory discussion a task more than usually arduous. Although all are willing to allow that the *consequences* of marriage are of national importance and are among the most momentous of political and social phenomena, still the *causes* of marriage are of a nature so essentially private and domestic that

it is extremely distasteful to each to take part in any investigation of the subject; nay more—it is absolutely repugnant to many that any investigation at all should take place. I cannot, indeed, avoid the conclusion that, owing to the many prejudices and vested interests that bear upon marriage, any one who *does* attempt an analysis of the laws and customs relating to that institution, such as will lead to some theory of marriage—that is to say, to some explanation of our practice in the matter—must be prepared for intentional misinterpretation and unmerited obloquy, similar to what, a few years ago, he would have encountered in the fields of religious or political discussion. I therefore beg of you to enter upon the consideration of our subject, as I shall endeavour to do myself, in deep seriousness, with the fearlessness of a clear conscience, and imbued with a spirit of reverence, not for the follies and iniquities with which this institution is incrustated, but for nature, and for that in human nature which makes, or ought to make, marriage a healthy and a holy thing.

It is necessary, for clearness of thought, to have some definite conception of the meaning of the terms we use. For this purpose dictionary definitions are useless, for the object of a lexographer is merely to secure the appropriate application of words. According to a Turkish dictionary, marriage would mean a polygamous union of the sexes; according to an English dictionary, a monogamous union; according to a Tibetan dictionary, a polyandrous union. Dictionaries, in fact, do no

more than point out the denotation of names, leaving out of sight their connotation, to settle which is the function of a true definition ; and all we learn from them is that the term *marriage* denotes, in every country, the union of the sexes which is recognized by law and custom.

If we seek for a definition of marriage in works on moral philosophy, we find differences in the statements made regarding it almost as great as the difference between the words used to express the name in the languages in which those works are written. Each moralist portrays a certain form of union, to which, and to which only, he considers the name to be applicable. But, since the moralist uses the term marriage as a mark of the fact that the peculiar form of union which he advocates is in accordance with customs and with laws human and divine, it is evident that he merely *describes* what the dictionary *denotes*, and does not help us to fix the connotation of the name.

True definitions are not to be found either in dictionaries nor in works on moral philosophy, because, definitions are not of *words* or of *things*, but of *names*. It is easy, however, to deduce from these two sources a definition of marriage which will serve at least to point out the scope of our inquiry, which, Mr. Mill tells us, is all that can be expected from a definition framed at the commencement of any investigation. The dictionaries tell us that marriage is the union of the sexes allowed by law ; the moralists, that it is the

union which is pleasing to God. Now laws are made with a view to the maintenance of order and justice; and men's views of God's wishes are reflections of their own ideas and aspirations. We may therefore define marriage as: THAT UNION OF THE SEXES WHICH IS MOST IN ACCORDANCE WITH THE MORAL AND PHYSICAL NECESSITIES OF HUMAN BEINGS, AND WHICH HARMONIZES BEST WITH THEIR OTHER RELATIONS IN LIFE.

I have dwelt at some length upon this definition of marriage, because it is of the greatest importance in discussing this subject to distinguish clearly between the *thing marriage* itself, and the laws and customs which regulate it. Were this distinction better attended to, much needless dispute and bitterness might be avoided. I may instance the hatred and vituperation incurred by those who propose what they call the *abolition of marriage*—a perfect impossibility on the face of it; for there must always be some form of union more ^{appropriate} (true) to our nature) and ^{in, as it will be} more fitted for our ^{or more in harmony with} civilization than any other: to discover which form—that is to *reform* marriage—is the utmost that the most radical iconoclast can hope to accomplish. I may also instance the cruel social outlawry incurred by those whose union possesses all the attributes of a true marriage, but who, for reasons of their own, have not gone through the formalities prescribed by the customs of their particular country for those in their position. It is not the ceremonial that makes the marriage in any

sense but one technically legal; and even in a legal sense the validity of a marriage depends ultimately upon its possessing the attributes connoted by the name. We all know that the marriages of Quakers, now perfectly binding and legal unions, were for a long time illicit connections before the law, and remained so until their increasing numbers opened the eyes of the legislature to the fact that when a true marriage is not a legal marriage it is so much the worse, not for the marriage but for the law. Nor can we too often remind ourselves that in all countries but those governed despotically, alterations in the law cannot precede, but must follow, social changes; so that social sinners are sometimes really social martyrs—really but the raw material wherewith society paves the road over which it afterwards travels itself. Marriage laws and customs, therefore, are not self-existing things, one set of which may be chosen as absolutely better than another; they possess only a relative goodness, which depends upon the sufficiency of the institution they circumscribe for the necessities of men in various and progressive stages of civilization.

With regard to the sexual relations of primeval man, all is conjecture. Most writers state that marriage was preceded by promiscuous intercourse. This is their chaos, and the traditional invention of marriage is their six days. This chaos is generally placed immediately before the patriarchal times; but a learned and able writer—Mr. M'Lennan, upon whom I shall have

occasion to draw largely—places it much further back, and shows that the so-called institution of marriage by Menes, Fohi, Cecrops, Svetaketu, &c., was really but a radical reform in the marriage laws and customs of the period. Really promiscuous intercourse, however, whether of men or of animals, appears to be an incident of civilized and highly artificial times. Among most of the brutes in a state of nature, a system of pairing or mating has been observed, and where the relation is to some extent promiscuous, this quality is limited by the circumstances of the animal. So, also, among primeval men, the smallness of the tribe would effectually prevent a promiscuousness at all similar to that which obtains in our midst at the present day. Neither is there any agreement among writers as to what deserves the name *promiscuous*. Cæsar speaks of the *marriage* of twelve men with twelve women among the ancient Britons; and since savage tribes often contain less than twenty-four adults, if this be marriage, any assertion of promiscuous intercourse in primitive times may be regarded as a confession of our ignorance of the social condition of our remote ancestors.

What are known as historic times are every day assuming the appearance of a smaller and smaller fraction of the period during which man has lived on earth; and as the science of criticism is being perfected, tradition is becoming a less and less trustworthy basis for belief with regard to the infancy of the race. The examination of the remains left by the pre-historic in-

habitants of countries now civilized, has proved conclusively that there was a time when men were everywhere savages, perhaps cannibals. It would not be illogical to suppose that if our remote ancestors resembled modern savages in their mode of living, they also must have resembled them in their social institutions. But, happily, we are not obliged to rest contented with conjecture. Precisely as we find in the drift, stone axes similar to those now used by some races of savages, so we find imbedded in our customs and usages the remains and traces of social institutions similar to those in vogue among the modern employers of flint implements; and just as there have been distinct epochs in arts and manufactures—a stone age, a bronze age, and an iron age—so, also, there appear to have been distinctly marked stages in the development of the marriage institution.

When we look around us, adjusting our mental vision to the contemplation of distant times and places, as well as of those near at hand, we remark—besides the three kinds of marriage to which I have alluded, namely, polyandry, polygamy, and monogamy—three distinct methods of obtaining wives—by capture, by purchase, and by free contract.

I shall endeavour in this paper to prove—

1. That in primitive times marriage was polyandrous and by capture.
2. That polyandry was succeeded by polygamy, and capture by purchase.

3. That polygamy is in process of being supplanted by monogamy, and purchase by free contract.

Among modern savages a train of circumstances, which appear to be incidents inevitable in the savage state, has been observed to affect, if not entirely govern, the relation of the sexes. The difficulty of procuring food gives rise to the habit of destroying female infants; the consequent scarcity of women induces a system of polyandry; polyandry causes uncertainty of the paternity of children; uncertainty of paternity leads to a system of kinship and inheritance through females; female kinship to the practice of exogamy, or marriage outside the tribe; and the difficulty of getting the women of other tribes gives rise to the habit of capturing wives. The links of the chain thus formed stand to each other in the relation of cause and effect; the existence of any one of them implying that of all the others. And, in fact, the lowest tribes of savages in various parts of the globe are still precisely in that condition, or were so until recently invaded by advancing European civilization. But among tribes less rude certain conditions necessary for the development of the chain are absent, and corresponding modifications in their practices are observed. The influences chiefly instrumental in producing these modifications are, the accumulation of property and the intermixture of tribes. In the first case, the chain is broken at uncertainty of paternity; for then, as is the case in Tibet, convenience has dictated the law that all the polyandrous husbands.

of a woman shall be brothers, which arrangement gives sufficient certainty in that regard among semi-barbarous people to warrant male heritage and kinship. In the second case, the chain is broken by the fact that marriage within the tribe and a system of betrothals have become possible, owing to the circumstance that the children of a captured wife are considered to belong to *her* tribe, which causes the distribution among local tribes of members of the original stocks, between which marriage is not considered incest. We have, therefore, tribes in various stages of civilization, and each stage presents some modification of our original train of circumstances—in other words, a more or less complicated system of polyandry. Now we know that civilization itself is a thing which is slowly developed, that each of its stages grows out of and depends upon that which precedes; it is therefore, I think, a legitimate inference that these differences in the relations of the sexes are incidents in the development of society, that these various marriage customs are really the different progressive stages of one and the same institution, and that the polyandry of the coast of Malabar, the rudest now existing, is merely the first step towards the polyandry of Tibet, the highest form of that institution which we know of.

Unfortunately for us, savages do not write history. We have no record of the progress of any people through all the stages of polyandry. But we have many instances of the existence of customs which are

apparently quite incongruous to the civilization of the people observing them, and only explicable on the hypothesis that they are the natural incidents of a former and ruder stage of development which, owing to the well-known persistence of customs, have survived the social changes, and remain, useless but significant, like rudimentary bones in anatomy. When, however, we go to look for these marks of the past condition of different races, not only do we find the traces of the lower polyandry among nations practising the higher, but we find among people not polyandrous the evident remains of the customs peculiar to polyandry.

The customs which are necessary incidents of polyandry, and which nothing but that practice can originate, are chiefly these:—

1. The system of kinship and heritage through females.
2. The prohibition, as being incestuous, of marriages within the tribe.
3. The obligation to take the widow of an elder brother, and the inheriting by brothers in preference to sons.
4. The system of wife-capture.

Now female heritage and kinship exist in many countries not now polyandrous, and they are even found in some places, such as Tulava, which have passed to polygamy. In other countries where male heritage prevails, we find the phraseology peculiar to female heritage. For example, among the Red

Indians, who are not polyandrous, all the brothers of a father are equally fathers of his children, all the children of several brothers are brothers and sisters to each other. Among the peasantry in Russia an uncle is called a "little father." A similar phraseology prevails in Southern India, among the Tamul and Telegu; and among the Puharies, a people near Tibet.

The custom of regarding marriage within the tribe as incestuous is a strongly-marked feature of polyandry. Among tribes actually polyandrous, this offence is very severely punished—often with death, as among the Khonds. Now, there are many instances of the prevalence of this custom among peoples not polyandrous, notably among the Red Indians, and in Australia, where there obtains a system of betrothals as well as actual capture of wives. This custom also regulates the law of caste marriages; for, while the members of a caste are prohibited from marrying out of their caste, they are obliged to marry into another of the families of which the caste is composed. This caste custom cannot be accounted for, except on the hypothesis that the distinct families, members of which are now found in each locality, were originally locally distinct tribes, and that, through the practice of female kinship, in which the children of the mother are accounted of the mother's stock, tribes locally distinct became heterogeneous—that is, came to contain members of the different original tribes between which marriage is permitted.

*1) that he says:
Puharies is several
monarchical
and who he is
among the
or he is
and of a
know in all
and I believe
Puharies is
and I believe*

The obligation to take the widow of the elder brother is a singularly distinctive mark of the higher form of polyandry. We find that in Tibet, where the brothers are all co-husbands, the children are all considered to belong to the eldest brother, and that when he dies, the brother next in succession takes the place of pater-familias. In Ladok, the polyandrous arrangement is voluntary, but on the death of the elder brother the widow with the property descends to the next brother, whether he likes it or not. From the necessary succession of the brother to the widow, even though not married to her, the next step is to the obligation of taking her if the elder brother leaves no children. This custom prevailed among the Hebrews, and in ancient India. It is mentioned in several parts of the Bible. In Deut. (xxv. 5-10) it is called, "performing the duty of a husband's brother." In Ruth (iv. 6) we read of "raising up the name of the dead upon his inheritance"; and according to Lewis's *Hebrew Republic*, the widow in early times became the brother's wife without any form of marriage. In the "Institutes of Menu," the custom is mentioned with a certain disapprobation, but rules to regulate it are given, and at that time the duty of taking the widow seems to have become to some extent dissociated from the right to the property of the deceased brother.

But perhaps the most distinctive feature of polyandry is the capture of wives. The necessity both of polyandry and of wife-capture arose from the same

*Compendium of the
Law of the 202.*

cause, namely, the scarcity of women, incident on the practice of infanticide. This habit exists in its pure state, as the only method of obtaining wives, among many savage hordes, for a list of which, as well as for many other particulars, time obliges me to refer my hearers to Mr. M'Lennan's work on Primitive Marriage. It is found as an actuality, accompanied by betrothals and the possibility of marriage within the tribe, in countries such as Australia, where tribes have become heterogeneous. In the marriage described by Olaus Magnus as taking place in Muscovy, Lithuania, and Livonia, the sponsalia and consent of the parents intervened between the actual capture and the consummation of marriage. We find marriage by actual capture co-existent with capture as a form, and not unfrequent among most rude tribes. When the parties cannot agree about the price of the fair one, nothing is more common among the Kalmuks, Kergis, Nogais, and Circassians, than to carry off the lady by actual force,—the capture, though an irregular proceeding, *making* marriage without the consent of the lady's friends. In the "Institutes of Menu," capture is one of the eight forms of marriage enumerated. In the Bible we find marriage by capture permitted to the warrior class of the Jews (Deut. xx. 10-14), and the only occasion when a Hebrew might marry a Gentile woman. And in the Book of Judges we have a remarkable instance of the practice, when the tribe of Benjamin found wives by slaying the male inhabitants

*Compare p. 430
g. the addition of
Consent in Pagan
about 421.*

of some towns, and carrying off the women. The symbol of capture in marriage existed among the Dorians, Spartans, and plebeian Romans; it exists among the Hindus, Khonds, Kalmucks, Arabs, and Circassians, and among many other peoples in various quarters of the globe; and instances are on record of the symbolic capture, within comparatively recent times, in Wales, Ireland, France, and some other European countries. The symbol is not peculiar to any of the families of mankind, it is at once European, Turanian, and Semitic. Now, "whenever we discover symbolic forms, we are justified in inferring that in the past life of the people employing them there were corresponding realities; and if among primitive races we find such realities, we may safely conclude that what these now are, those employing the symbols once were."⁴

When we remember that these traces of polyandry, and symbols of polyandrous practices are of such widespread and common occurrence, that the higher form of polyandry presupposes the previous existence of the lower stages, and that one link in our original chain of circumstances implies all the rest as cause or effect, it is impossible to avoid the conclusion that polyandry, with its accompaniments, was a necessary and universal incident of our race in primitive times—the kind of marriage as natural and inevitable in the infancy of humanity as stone axes and cave habitations.

The cause of polyandry is the difficulty of obtaining

4. The above the result of a summary of the evidence which is to be found in the various parts of the world. It is a general principle of the human mind to infer from the present to the past. It is a general principle of the human mind to infer from the present to the past. It is a general principle of the human mind to infer from the present to the past.

food for all, and the consequent practice of killing female infants, who, since women are neither warriors nor hunters, are less valuable to the tribe than males. The conditions of polyandry are, the scarcity of women available for the gratification of the passions of men, and the defenceless condition of the women themselves, which obliges them to submit to the arrangement. The incidents of polyandry are, that the children belong to the mother; and that neither the woman nor the children are the property of any individual man.

I have said that polyandry was succeeded by polygamy, and the capture of wives by the purchase of wives. *See your sketch p. 424.*

This point involves the history of the origin of property. Now, it seems to be a sound theory that the savage always is and was what we should call a robber; anything is *his* of which he can get and keep possession. This was the governing principle of early slavery, and also of wife-capture. From this, the natural step was to *barter*, as soon as different kinds of property came to be accumulated.

The early idea of property was undoubtedly communistic; among savages, the tribe, not the individuals who form it, owns the village or the hunting-ground.

When we remember that any useful thing that could be held in possession was the property of the tribe, and that women answered to that description, we might expect to find that when men passed from the idea of

^
 suggest the doctrine - "The good old rule
 that they should take who have the power,
 and they should keep, who can."

obtaining by force to that of obtaining by barter, women would play a conspicuous part in the system of exchange thus instituted. We find, indeed, that this exchange of women for other valuable things still actually occurs. Among those rude peoples who effect marriage by peaceable methods, the tribe into which the woman passes compensates the tribe that loses her by giving something valuable in exchange. It is natural that women, having become an exchangeable commodity, it would be for the interests of the tribe to allow a larger number of female infants to live, the exchange of whom, when women, would bring property into the tribe; and, moreover, in the interests of domestic peace, to settle definitely to whom the profits of the transaction should accrue.

For my part, I cannot see that any further explanation is required for the phenomenon which has been universally observed, that, as soon as the idea of property was formed, property in women was recognized and established. At first they were the property of the tribe; gradually, as the family was distinguished from the tribe, they became the property of the family; and when power was concentrated in the head of the family, they became the property of the father who reared them, or of the husband who bought them. As a maid the woman belonged to her father, who might, if he liked, offer her up as a sacrifice to the gods, in conformity with a foolish oath; but he usually took care to obtain for her the highest price within his reach.

Her opinion or her consent seems to have been as little taken into account in the transaction as that of the cattle given in exchange. A man earned his wife by labour, or inherited her, or exchanged other valuables for her, in every respect as if she had been anything else than a being moved by human passions; and the right of a man to his wife was secured to him upon precisely the same grounds as his right to the possession of his ox, or his ass, or anything that was his.

*See account of
July 15, 76.
Laws of the
and
note*

The communism and other circumstances of savage life made it impossible for one man to obtain or hold possession of a much larger portion of valuable things than another. But when the notion of private property sprang up, and the fruits of men's labour and their inheritances were secured to them by law, the maxim that it is unlawful to take valuables without paying for them was not the only one recognized. It was also acknowledged that the cunning man, the industrious, or the lucky, had a right to appropriate any amount of valuables which, without force or actual fraud, he could contrive to get into his possession. Any one had the right to accumulate property by purchase, totally irrespective of his own requirements and of the necessities of others. It is evident, that when women are in the condition of property, the ideas current about men's rights regarding their property will apply to them also.

Now, polygamous countries are, with regard to women, precisely in the condition in which we are

with regard to real and personal property. There does not seem to have been in early times, nor at present in many parts of the globe, to be any more question of limiting a man's right to purchase several wives than of restraining him from obtaining honourable possession of several fields, or of many herds of cattle. The fact that in polygamous countries the mass of the people are observed to have only one wife does not at all disprove the close connection between wife-purchase and polygamy. Most men, in that case, have only one wife, for the same reason that in this country few men have more than one house—because they cannot afford to keep several. But in both cases they hold the one they have upon a title which would enable them under more favourable circumstances to possess several. The condition of women in polygamous countries, where purchase gives title to their possession, makes the possession of several wives what may be called a “permanent possibility.” From these considerations, and from what we know from ancient records to have been the condition of women in early historic times, there can, I think, be no doubt that what those lawgivers to whom tradition ascribes the invention of marriage really did was to regulate, in the interests of domestic peace, the ownership and subjection of women—what they accomplished was to obtain the consent of their respective peoples to the principle that *purchase*, not *capture*, gave men their title to the possession of their wives.

The cause of polygamy is therefore the subjection of

women—the custom of regarding women in the light of property, and applying to the possession of wives the maxims which regulate the ownership of other valuables. Its conditions are that women shall be protected against the force and fraud of those who have no right to them; and that they shall be dependent upon those who have that right. Its incidents are, that the children and their mother are the property of the father; and that wives cannot acquire or possess property of their own, since all their property must of necessity belong to the man whose property they are themselves.

Compare what Paley says on Polygamy. A man's Adam but one Eve, and therefore Polygamy must be contrary to the Divine Will.

I have said that the primitive marriage was polyandrous and that polyandry was followed by polygamy; but it would be incorrect to suppose that polygamy occupied all the ground covered by polyandry, or was substituted for it as a universal practice. The cessation of infanticide caused the appearance of more women than were required for the function of maternity, while at the same time, owing to the unequal distribution of property, many men, during a portion of their lives at least, were not in a position to take upon themselves the serious responsibilities of a family. It is moreover very evident that if some men have several wives apiece, other men must go without any wife. The consequence is, that where polygamous customs prevail, a large number of men are in sexual matters reduced to the condition of the primitive man; for, although infanticide has ceased, and there actually exists an

It is not exactly the same thing if the number of women is increased, as it is if the number of men is increased. It is not the same thing if the number of women is increased, as it is if the number of men is increased. It is not the same thing if the number of women is increased, as it is if the number of men is increased.

abundant supply of women, still these being protected by law and secured to their husbands or fathers, are not available to them for sexual purposes. Together with this peculiarity in the condition of man, there is also one in the position of woman in polygamous countries. We have seen that she is then protected but dependent. Now this dependence on father or husband is the condition upon which she receives protection; and the first and chief item of dependence is obedience in regard to the exercise of the sexual function. A woman is forbidden to exercise this function except in the interests of those who own her, that is, except when bought and sold in marriage.* If she neglects her duty of obedience in this respect, she forfeits her right to protection, and is at once thrown back to the condition of the primitive woman, independent but unprotected. To complete the conditions of polyandry it only requires that women should be susceptible of capture; and, as a fact of actual experience, it has always been found impossible, either by bolts and bars, by close surveillance and severe punishments, or by moral and religious training, to prevent the seduction of girls; and precisely as actual capture made marriage in early times, so an act of disobedience in the exercise of the sexual function disqualifies a woman from purchase by a husband, and causes her to be enlisted among the number of those called "fallen women."

*This is own
own country
is attainable in
which one, with
by law and
"fallen"
see "fallen"
own: Prager
p. 1010.

The primitive marriage was therefore in reality followed by two institutions, — an acknowledged and protected

polygamy, and a loose and unrecognized polyandry. From the material presented by the nature of man a medal was struck, whose face represented marriage; but that medal had a reverse side, a reverse apparently necessary and inevitable—namely, prostitution.

There is nothing in the mere circumstances which gave rise to the development of polygamy and prostitution that will account for the difference of sentiment with which these institutions are regarded. If we turn to ancient civilizations, we often find the position of the wife very much lower, and that of the courtesan very much higher, than to us seems natural. Indeed, the courtesan had sometimes decidedly the advantage of the wife in education, beauty, accomplishments, and liberty. This arose from the fact that the function exercised by the two classes of women were more clearly distinguished than they now are, and that it was acknowledged that the necessities of an artificial state of society and the wishes of the male sex were the cause of both. "We keep mistresses for our pleasure, and we keep wives to bear us children," said the old Greeks and Romans. Were prostitution within the range of our inquiry, it would be necessary for us to look for the reason why it has generally been regarded with detestation, not in the causes which lead to it, and hardly in the consequences that follow from it, but in the ideas current about the impurity of the body, about the duty of procreating citizens, about the mystical and permanent nature of marital affection, and about the degradation of openly selling for money what the senti-

ments of mankind are beginning to recognize as the privilege of love ; and we should have to bear in mind that the encouragement always given to legal marriage by legislators and moralists has more often taken the form of making prostitution disgusting than of making wedlock attractive.

Much of what I have said of polygamy applies to the monogamous marriages of modern times and of civilized nations, because these marriages are in reality founded upon the essential conditions of the polygamy from which they sprang, and are monogamous only by Act of Parliament or by Canon of Council. The wife is still dependent upon the husband for subsistence, and bound to render him in return honour, obedience, and what the Marriage Service calls *love*. This dependence is still founded on the inferior position which the woman holds in the world, which, on the one hand, prevents her from gaining by her labour, as a single woman, so honourable and comfortable a position in life as she acquires by making herself the appendage of a man ; and on the other hand prevents her from enjoying honourable love and maternity in any other than the subordinate position of a woman chosen by a man for sexual purposes, and whom the State obliges him to keep for the purpose of bearing children. But although the principle of our marriage is that of polygamy, the sentiments of mankind are tending to develop the conditions of monogamy. The shadow which chivalry threw of the coming social and political

equality of the sexes seems not unlikely soon to be realized in substance; and the degradation of being chosen by a man has been softened by the necessity of obtaining the woman's formal consent to the union. It is indeed said that "consent is the essence of marriage"; but the nature of the consent requisite may be estimated from three facts: firstly, that a little girl of seven years old is supposed by law to be competent to give it; secondly, that girls are still expected to yield or withhold consent in conformity with the wishes or dictates of their parents; and thirdly, that the consent is merely given to the formation of the marriage, and is inoperative as regards its continuance.

Though little has actually been accomplished, several considerations tend to prove that a radical change in our marriage laws and customs is quickly and inevitably approaching.

1. The old Jewish notion that women are naturally unclean, and the monastic idea that sexual connection is in itself essentially impure and disgraceful—the two central ideas of the old morality—are being dissipated by our growing knowledge of, and reverence for, Nature.

2. The great increase of the pauper and the criminal classes, and the growing difficulty found by the industrious poor in obtaining work and food, are causing universal distrust of the cherished old maxim that the growth of population, which is encouraged by our present institution, is a benefit to society.

3. The progress of machinery and the spread of

*Compare the
the other side
the same side
are bound. How
are above as base
and proveling
as they would
well be.
held or their
not and some
married.*

education have destroyed the domestic character of woman's labour and the childish nature of her ideas, so that the sphere of her aspirations and of her influence is every day increasing. A larger and a larger proportion of women are earning their own livelihoods independently of men; and it is by no means improbable that when women acquire—what they never before have possessed—a voice in the determination of their own destiny, they will pronounce against unlimited maternity on the one hand, and against unlimited degradation on the other.

We now come to marriage by free contract, or, as it may be termed, *marriage by election*. I have endeavoured to show that in savage times the three functions—those of *wife*, of *mother*, and of *drudge*—were exercised in an equal degree by every woman, and that in barbarous times their normal condition was that of drudge, while the exercise of the function of maternity was enjoyed by only a limited number of women, and the function of wife was divided between the women who practised polygamy and those who practised polyandry. It remains for us to consider the form of marriage which will avoid the terrible evils of infanticide on the one hand, and of prostitution on the other, and which, while it secures to every woman the exercise of her functions of wife and mother, will change the drudgery which has hitherto been the lot of woman into healthy and remunerative labour. Of

this state of things we have as yet but dim foreshadowings, and these are chiefly in the writings of the poets, who speak of marriage as the union of two souls, as the mutual attraction of two free beings, as the incarnation of love.

Marriage by election implies volition on both sides, both for the formation and for the continuance of the connection : and in it there must be no traces of the old customs of capture and purchase. The woman must not be forced ; that is to say, she must be free to follow her own desires irrespective of the ideas and sentiments of others ; she must not be ashamed to love, and the yielding to her love must not bring upon her, as it now so often does, the hatred of her relations and the resentment of society. The wife must not be, as she is at present, a kept woman, nor dependent upon the continuance of the connection for the necessities of life. She must be on an equality with her husband both as a citizen and as able to support herself, else it is impossible for her to be true and unbiassed in her sexual relations. Just as at one time capture *made* marriage, and afterwards purchase *made* marriage, so the only fact upon which a legitimate marriage by election can be based is *Love*. Married people should be *par-amours*, a name which the venal morality of past times has made a term of reproach. Together with the habits incident to wife-capture and wife-purchase, all the ideas peculiar to these institutions must be discarded. No one must be allowed to

assert any claim to the affection of another as a right ; and the ridiculous vow made by young people to love for ever must receive the only rational construction of which a promise to do a thing not dependent upon our own exertions is susceptible,—namely, that it is the innocent expression of their fond belief that love will always endure. Love is a combination of three sympathies,—the moral, the intellectual, and the physical ; and, since it is impossible to develop these sympathies, or even to be certain that they actually exist without the experience of intimate association, it is imperative that marriage should be, to a certain extent, a matter of experiment. Not only are human beings exceedingly liable to judge wrongly in matters of love, but moreover they are liable to develop in character unequally and in different directions ; therefore the dissolution of marriage should be as free and honourable a transaction as its formation.

There are some who think that to make love the bond of union in marriage would be to dissolve society. This assumes that marriage must necessarily be a completely artificial thing. But society was dissolved when purchase was substituted for capture as the foundation of marriage ; and if the substitution of love for purchase will bring about another dissolution, I cannot but think that this will, like the former one, be merely a step in advance in civilization. It is, however, highly improbable that anything of the kind will take place. Facility of separation may, possibly, give the finishing

touch to the old ideas about the seclusion of women, isolation of children, and narrowing of sympathies to the precincts of the domestic circle; but if it does anything to diminish the happiness of some homes, it will more than compensate this mischief by making happiness a possibility in others. That the power to change partners would frequently be exercised I do not believe. This power merely means the possibility of seeking and finding the conditions of happiness, and it is not in human nature lightly to abandon the partner with whom those conditions are fulfilled. Even were it to turn out that the married exercised this power of separation oftener than might now be considered proper, surely this privilege would be more than paid for by the abolition of lustful momentary unions, and of loveless marriages for life.

The social and pecuniary independence of women is not, however, the only condition required for marriages by election. If none are to practise polyandry, all must marry early, since it is in early life that the passions are the strongest; and if all marry early, will not the miseries of improvident marriages, already so severely felt, be increased and intensified a hundred fold? The fact is, that we have taken but the first step in the direction of monogamy. We have prevented men from taking more than their share of wives; the second step remains to be taken,—namely, that of enabling every man to have a wife. What constitutes the evil of improvident marriages is, not the relation

into which the married couple enter, but the fact that the number of children consequent upon it causes the existence of more mouths to fill than there is food to fill them. Marriage by election, therefore, requires, as a condition, not only that every woman should know the sweet name of mother, but also that no woman should have more than her share of maternity.

The equal division of maternity among all women necessitates the limitation of the family of each; and small families require as their condition one of two things—either the forced continence of all during the greater part of their sexual life, or the open recognition that sexual intercourse, which does not take place with the intention of procreation, is justifiable, honourable, and praiseworthy. With regard to universal continence, the experience of mankind has proved that, except in rare instances of fanaticism, human nature has been found incapable of it; we may therefore dismiss it from our calculations as being an excellent subject for a homily, but quite unworthy of being seriously believed in as a possibility. Our other alternative implies that we must repudiate the diseased and prurient notions of the Monastery. The excuse which the old ascetics might now advance for their disrespect for nature—that their age was illogical and unscientific—is not open to our generation. So long as chronic war was the normal condition of the race, so long as periodical famines, and recurring plagues and pestilences, carried off the surplus population, there was

some meaning in the pious belief that the Lord would provide for the children he sent; but this sentiment has long been a blasphemy, and has become a folly. Experience has proved that when the State, by making marriage indissoluble, provides the conditions for the production of children, and when the married perform their duty of supplying their rulers with cheap labour and cheap food for powder and ball, no special providence interferes to cause a fall in the price of provisions.

It is evident, therefore, that our present system of trying to prevent sexual intercourse except with the intention of maternity, and to prevent maternity except upon the condition that the woman continue to breed until her powers of childbearing be exhausted, has become detrimental to the happiness of individuals and of the nation.

Now, physiology tells us that chastity is natural until the age of puberty, unnatural after that age. We know that continence is a virtue only because incontinence brings evil upon the individual and upon society. If, therefore, we "look for the foundations of the good and the right in the legislation of Nature," we cannot, I think, avoid the conclusion that such sexual intercourse after the age of puberty, as is neither hurtful to the individual nor to society, is a perfectly justifiable thing, and that to take steps to prevent conception is as legitimate as any other attempt of man to secure his happiness by modifying the action of natural causes.

There is no doubt that the Lord would provide for the children he sent; but this sentiment has long been a blasphemy, and has become a folly. Experience has proved that when the State, by making marriage indissoluble, provides the conditions for the production of children, and when the married perform their duty of supplying their rulers with cheap labour and cheap food for powder and ball, no special providence interferes to cause a fall in the price of provisions.

Those who argue that what is called preventive sexual intercourse is wrong because it is unnatural, should, I think, to be consistent, rely upon Nature in other things also wherein it is the boast of man to have taken the direction of his destiny into his own hands. They should burn their ships and their houses, and go to look for roots, like the innocent four-legged followers after Nature, whom they would have us resemble in this particular.* The discussion of this subject is, however, peculiarly the affair of the physiologist and the medical man; I shall, therefore, merely say that I consider it of the most vital importance that in this point every one should be a physiologist and a physician, because the possibility of early marriage entirely depends upon the prevention of the birth of too many children. Preventive intercourse may be in itself an evil, but it seems to be a necessary condition of monogamy, just as infanticide was of polyandry and prostitution of polygamy; and if it can relieve us from

* The term "natural" has two significations. 1st. As opposed to *unnatural*, when it means *regular, healthy, normal*, not *morbid*. 2nd. As opposed to *artificial* when it means *wild, unprepared, unmanufactured, unserviceable*. There is nothing in true Art which need be in contradiction with Nature; and civilization is itself an artificial thing and opposed to the natural in the latter sense of this term, though not unnatural in the former. Given man's intellect, his necessities, and his materials, it is perfectly natural that he should build ships, wear clothes, worship gods, &c. Preventive sexual intercourse is unnatural only in the sense of being a product of man's intellect by his necessities; it is a perfectly natural consequence of his perception that such a practice will conduce to his happiness; and if it be called unnatural in any other sense, by the term can only be meant uncustomary.

evils greater than itself, we should hesitate before we complain of it too loudly.

The limitation of the family is, to a great extent, an answer to those who oppose facility of divorce on the ground of injustice to the children. This point seems, indeed, to be a terrible bugbear to some people. But I would ask them to tell me what the present system does for the child. Let them go and consider our hosts of neglected children—those stunted, blighted, shivering fractions of human beings—the spawn of indissoluble and incontinent marriage—that have long been a disgrace, and are becoming a danger to the country. Let them ask the overworked labourer what provision the present state of things makes for his ten or dozen children, and I think that if they are candid they will come and tell me that the provision which our present marriage makes for the children of the poor consists of the workhouse, the hospital, the brothel, the prison, and the pauper's graveyard.

The fact is, that our present marriage institution and customs have caused a feeling of complete helplessness with regard to the destiny of children. Once that feeling is dispelled, we will see no reason why a provision for the child should not be a very important item in the marriage contract, which it at present is not. And surely if the affection of parents has hitherto been the only practical guarantee that children have had for their maintenance, this natural sentiment may,

when backed up by a grave legal sanction and by public opinion, be depended upon in the future also.

What the ceremony proper to marriage by election ought to be it is not easy to say. The capture of a wife is a ceremony in itself; the purchase of a wife requires formalities and documents to complete it; but *love* is a thing only provable by circumstantial evidence. It is therefore probable that the marriage of the future will be, to a great extent, a *post facto* marriage; that people will be considered fully married, not when they have signified an intention of loving each other, but when they have, during a certain length of time, proved that they do so. Instead of going through the present ingenious ceremony, which Sir John Bowring somewhere describes as a mixture of idolatry, witchcraft, and lies, those who desire to be considered married will signify the same to some public official, and will make a declaration that they will be held jointly responsible for the maintenance and education of any child begotten during their union. ^{x. Love and what by p. 403. and 406.} ^{Idolatry is shown in the whole service throughout in the end. And in the names themselves - especially in}

One word more and I have done. I have endeavoured to show that the form of marriage which answers to my definition of the term was, in savage times, polyandry, founded on the practice of infanticide; in barbarous times polygamy, founded on the practice of treating women as property; and that the form proper to civilized times is monogamy, founded on the independence of women. I have tried to prove that pros-

titution is the inevitable concomitant of polygamy, and to point out that monogamy implies not only that no man should have several wives, but also that every man should have a wife. I have attempted to show that our present marriage does not fulfil the conditions of monogamy, and that the only means of attaining them is the equal division of maternity among all women, and the limitation of the family of each. Finally, I have tried to prove that, as at first, *capture*, and afterwards *purchase*, was the *fundamentum relationis* of marriage, so the independence and protection assured to woman by advancing civilization make *love* the only fact upon which marriage by free contract can be based.

It only remains for me to apologize for the length and sketchiness of my paper, which the difficult and extensive nature of my subject, added to my own want of ability, will account for, and may, I hope, to some extent excuse.



APPENDIX.



To the foregoing paper I add some remarks suggested by the debate to which it gave rise when read before the Dialectical Society—remarks intended rather to amplify and illustrate what I said in my paper than to add to its contents.

In this, as in all similar cases, there are two ways of meeting any proposal to make an alteration in existing institutions.

1°. To argue that the effect of that alteration would not be what its proposers calculate.

2°. To argue that the effect as calculated would not be desirable.

It may be, and it sometimes is argued, that since in countries where great facilities for divorce exist, married people very rarely avail themselves of that privilege (N.B. *very rarely* meaning in this case less frequently than the speaker would have anticipated), therefore the utility of interfering with our marriage laws in so fundamental a point as the permanency of the conjugal union is, at least, very problematical. And it may be, and is also argued, that if any easy mode of dissolving marriage were within the reach of every one, so great a

number of the wedded would hasten to set themselves free from the bondage of matrimony that society itself would be undermined and in serious danger of dissolution. Unfortunately the mathematical expedient of setting one of these arguments against the other, and of eliminating both, as being contradictory and mutually destructive, is not available in an ethical inquiry. Each must therefore be examined in turn.

The former argument is singularly unhappy, because it implies that an accidental and exceptional circumstance should be looked for as regular and usual. When divorce is within the reach of all, and only a few married couples avail themselves of it, the conclusion to be drawn is that the large majority of marriages are happy ones. The necessity of divorce, however, does not depend upon the number of happy unions, but upon the existence of unhappy marriages. Unhappy marriages advertise themselves only through the medium of the scandal they create; once that scandal has been silenced by honourable separation, the fact that the marriage has been an unhappy one ceases to be remembered. Nay more, where divorce is easy the fact that a marriage has been unhappy may even not be publicly known, for the unhappiness may at an early period, and before its existence is suspected beyond the limits of the domestic circle, be obviated by a judicious and perhaps amicable separation; so that the very cases which go to prove most forcibly the beneficial effect of divorce may never be available as evidence in its favour.

Where there is no divorce, we may expect to find that class of marriages whose unhappiness, obtruding itself upon the world's attention, shows the necessity of some machinery for separation. Where divorce does exist, we can hardly expect to find such a supply of unhappy couples as might be required to justify its original institution, because such marriages are dissolved as quickly as the necessity for their dissolution arises. Divorce is one of those things which, when in action, avert or remove evil rather than absolutely create good. And it is in much the same case as drainage: it is the presence of malaria and miasma that proves that drains ought to be made; but once those drains are laid, the only proof they can give of their utility lies in the absence of fevers and foul odours. And to question the utility of divorce because in countries where it is in action most marriages are happy and need no divorce, is about as wise as to question the utility of drains because the neighbourhood drained is found to be healthy.

To those who think that facility of separation would entail the dissolution of society it may be replied that so strongly does experience tell against their forebodings, that the argument I have just been endeavouring to combat has been brought against divorce, because no appreciable alteration for the worse in the constitution of society is effected by granting divorce easily. But, apart from this consideration, there is very little reason to fear that so sad a catastrophe as the dissolu-

tion of society would follow any attempt to bring our laws and customs into harmony with the altering conditions in which we live. Society takes its origin in the sociable nature of the animal man, and is no more dependent for its continuance upon forms and ceremonies and artificial restraints, than the oak is dependent upon the ivy for its support; and the sociability of man being a natural phenomenon, it stands to reason that the greater the liberty to follow their social instincts which is allowed to men, the stronger and more compact will be the network of interests and sympathies which knit them together in that complex web that is named society.

Of all the causes which make man a gregarious animal, the most powerful is the influence of the attraction between the sexes. There is no apparent reason why men would not be brutes more selfish, more savage, and more solitary than an "old man elephant," were it not for woman. It is the humanizing influence exerted by women and by children, which, as M. Naquet has well pointed out, makes society a possibility. Men may be, if you like it, the bricks, but women are the cement, without the aid of which those bricks could never have been formed into that complex and many-storied edifice which we know as society. But what do we mean when we talk of the "influence of women"? Are we to understand that power which women are enabled to exercise upon the world because they are the means for the gratification of an imperious natural

appetite in men? Are we to understand thereby even the influence of that transitory passion *love*, so fervently sung by the poets, so fondly believed in by the young? Scarcely so, I think. The latter has sometimes, and the former almost always has, a perturbing effect upon the world. By "the influence of women" can hardly be understood any other thing than their power to create and to constantly maintain that rather monotonous, but very pacific condition, known as the state of domestic happiness. This is accomplished by women in a variety of ways; but every action of theirs that is really productive of this happiness, and every corresponding action on man's part which they evoke, take their origin in affection. It is an ultimate fact of our natures that those whom we love, and those only, we actively desire to make happy.

Since, therefore, society depends upon the influence of women, and the influence of women is exerted in the production of domestic happiness, and since this influence is exerted only at the dictates of affection, it stands to reason that the greater the amount of affection existing and working in the world, the greater will be the domestic happiness produced, and, consequently, the more powerful will be the influence of women, and the more solid the foundations of society.*

* Michelet, in his *Amour*, says: "Cette question de l'amour gît, immense et obscure, sous les profondeurs de la vie humaine. Elle en supporte les bases mêmes et les premiers fondements. La Famille s'appuie sur l'Amour, et la Société sur la Famille. Donc l'Amour précède tout."

With a system of indissoluble marriages, or what nearly amounts to the same thing, of difficulty of divorce, it might have been foretold, and it has been found, that cases more or less numerous occur where the affection upon which the stability of society depends is wanting. What those aim at who advocate facility of separation is the dissolution of such unions as these; and the formation, in their place, of others in which the *primum mobile*, affection, will exist. And since loveless marriages cannot but be sources of weakness to human society, and unions in which love exists are certainly the sources of its strength, it is hard to see how, by substituting the latter for the former, any danger of undermining or dissolving society would be incurred.

It is indeed true that we have the record of instances where facility of divorce was accompanied by a loosening in many directions of the bonds and obligations of society. Mr. Lecky, in his *History of European Morals*, describes a juncture of this kind which took place in Rome during the Empire. Marriage had come to be regarded as merely a civil contract entered into for the happiness of the contracting parties, its continuance depending upon mutual consent. "Either party might dissolve it at will, and the dissolution gave both parties a right to remarry." It would, however, be extremely hasty immediately to conclude that the dissolution of society was attributable to divorce. A great number of causes had combined to bring about

radical changes in the civilization of that time; and the practice of divorce, if it may be reckoned as one of these causes, must certainly be counted in the first place as itself a consequence of preceding changes in ideas and in customs; and its manifestations were greatly affected by the low tone of morality that then prevailed in most other matters. That the levity with which the obligations of marriage were doubtless treated at that time is not a natural consequence of facility of divorce, certainly appears to be the opinion of Mr. Lecky. He says (*History of European Morals*, vol. ii. p. 325): "In a purer state of public opinion a very wide latitude of divorce might probably have been allowed to both parties without any serious consequence. The right of repudiation which the husband had always possessed was, as we have seen, in the Republic never, or very rarely, exercised. Of those who scandalized good men by the rapid recurrence of their marriages, probably most, if marriage was indissoluble, would have refrained from entering into it, and would have contented themselves with many informal connections, or, if they had married, would have gratified their love of change by simple adultery. A vast wave of corruption had flowed in upon Rome, and under any system of law it would have penetrated into domestic life." It is for the use, not for the abuse, of facile divorce that I contend; and it is, therefore, beside the mark to instance cases which prove that the abuse of that privilege is followed by evil consequences,

especially when that abuse was brought about by a combination of circumstances which would have turned "any system of law" to derision.

But even if it be an inevitable result of facility of divorce that some people separate often and for trifling causes, still, would no gain accrue to the world from the power of separation which would compensate society for that "scandal"? Leaving out of consideration what may fairly be deemed more than an equivalent, namely, the abolition or great diminution of prostitution—of those cases, now so sadly common, in which the calculation is not, as it was in old Rome, how many husbands a woman has had in a lifetime, but rather how many "lovers" or "customers" a woman has had in a day,—there is one beneficial effect of facility of separation which, even in imperial Rome, was a fair set-off against the evils attributable to it. When all are permitted to seek the partners with whom the conditions of happiness are fulfilled, and allowed to retrace their steps when they find they have been mistaken, although some may be so unfortunate in opportunities or in dispositions as never to find their natural complements, still it stands to reason that the majority will, in all probability, succeed in soon finding partners with whom they have sufficient affinity for their union to become a stable combination. We know that such was the case in Rome at the time of Augustus; and if, even in the universal corruption that then obtained in society, this good effect of leaving to

nature the direction of the affections was so strikingly manifested that the history of these very times presents us with the most beautiful instances of conjugal love and fidelity of which we possess any record, may we not with confidence anticipate that a similar cause acting in these more earnest and purer days will produce an effect similar in nature and far greater in degree? Nor should we forget that, although the instances which have been handed down to us of the heroic devotion of these old Roman husbands and wives may be hardly more numerous than the instances of levity of affection which have been recorded, still it can hardly be doubted that domestic happiness was the rule; for although the story of the home life of the masses is not recorded in books, it may be found preserved in the sepulchral monuments of that time, of which Mr. Lecky says (*History of European Morals*, vol. ii. p. 329): "In the Roman epitaphs that remain, no feature is more remarkable than the deep and passionate expressions of conjugal love that continually occur. It would be difficult to find a more touching image of love than the medallion which is so common on the Roman sarcophagi, in which husband and wife are represented together, each with an arm thrown fondly over the shoulder of the other, united in death as they had been in life, and meeting it with an aspect of perfect calm, because they were companions in the tomb."

We may therefore conclude that the effect of facility of divorce would not be other than its advocates cal-

culate, and that, were it established, its consequences, as calculated, would be beneficial.

In the course of the debate, an objection which calls for remark was made to the argument of my paper. It was observed, that if the state of things I advocate were brought about, all women would become little, if at all, better than prostitutes. This is a corollary to the proposition that freedom of divorce would induce the dissolution of society. At first blush this objection sounds like the expression of an opinion even more insulting to women than the celebrated dictum of Pope: "Every woman is at heart a rake." But it is probable that either we do not know, or else those who express this opinion do not themselves know, what is meant by the term *prostitute*, for no accurate definition has as yet been generally accepted for the name. It is recorded of the immortal Lexographer, by his still more immortal biographer, that in his estimation instability of affection is the distinguishing mark of "a whore." But sentiments more modern seem to lay down the acceptance of money by the woman, or of any valuable consideration other than affection, as the fact which constitutes the harlot.

Now, it can hardly be supposed that the gentleman who made the above objection in debate could have meant that by making love, and love only, the test of legitimacy in the marriage connection, all women would thereby be immediately induced or compelled to

Handwritten notes in the right margin:

Government
 should be
 made in
 and an
 this
 of
 24. 6. 77.

sentimentality, the ethereal passion of the former ; for in both cases love is an affair of nature, for whose composition the individual cannot be held responsible. These considerations show that in this matter it is in the highest degree difficult for one person to prescribe for another, and that to lay down any general rule verges on the impertinent. Just as a pulse which in one person would be a certain indication of a fever may in another person be normal, and merely a proof of high vitality ; so in affairs of love, conduct which in one man, or at one time, would be evidence of the unhealthy moral condition of the individual or of society, may, under other circumstances, be the sign of health, and be highly commendable, because perfectly natural. Morally, as well as physically, there are great differences in the capacity and in the energy of hearts. And even if those who find happiness in simmering in the caldron of hopelessly unalterable matrimony, over the embers of an extinct passion, consider it indecent for others of more mercurial temperament to boil away when exposed to the glowing fire of love, it would, at all events, be as well for them to refrain as far as possible from the use of terms such as " prostitute," which bear an opprobrious, but indefinite, signification. There is a proverb which says that " those who live in glass houses should not throw stones " ; and, although I have no wish to have recourse to so primitive a mode of warfare, still such stones as those of which the proverb speaks may be thrown, and have been thrown back, at the conserva-

tory wherein that hothouse plant, conjugal affection, is at present forced. A writer in the *Westminster Review* of January last does "not hesitate to affirm that the prolonged cohabitation of a man with a woman, after it has ceased to be sanctified by mutual affection, is as essentially immoral when it arises from so-called religious feeling as the pious prostitution of the ancient Babylonians in their temples, and when, from considerations of worldly convenience or advantage, as essentially immoral as the mercenary prostitution of the streets of modern London and Paris." And Mr. G. S. Woodruff, in one of those singular compounds of Scripture and gush which appear to be one of the phenomena of modern American free thought, goes so far as to call marriage "legalized prostitution," which phrase, indeed, he uses for the title of his book. These opinions I quote merely as specimens of stones that have been thrown; but of similar missiles a large collection might very easily be made by any one who would take the trouble to look about for them and pick them up.

Far from making all women prostitutes, the effect of freedom to dissolve the marriage contract at will, would, by reason of the pecuniary and social independence it presupposes, make prostitution impossible, whether we assign to the term its usual meaning of a temporary and unauthorized sale by the woman of the use of her person, or understand thereby that out-and-out and legally formal transfer which is now so often effected under the cloak of a religious ceremony; for

all obligation and every inducement to enter into or to continue in any sexual relation with any man whom she did not love would, for every woman, be at an end. *See my note p. 45.*

But is there no other meaning in the objection I am combating? There is another meaning, though it is not conveyed by the exaggerated language in which the objector clothed his proposition. It means that the effect of inaugurating love marriages would be to obliterate the line of demarcation between the respectable and the unrespectable world. The "virtuous" woman who has sold herself in marriage for a title or for an establishment, and who is now held in honour because she is constant in her venal love, would cease to be a respectable person, and the woman who said to her husband, "I shall cohabit with you no longer, because I have ceased to love you," or, "because you have ceased to love me," would be applauded as virtuous. If the artificial moral distinction between a temporary sale for a small consideration, and a permanent sale for a large consideration, by a woman of the use of her person to a man she does not love, were to be abolished, what, it may be piteously asked, would become of "propriety"? And if the union of people who love each other without the assistance of Church and State were regarded as recognizable, and the opportunity lost of applying to those entering on a matrimonial connection the Shibboleth of ridiculous promises and impossible vows, would it be any longer possible for bewildered "respectability" to know its own? Would

not virtue be for ever confounded with vice, and good and evil have the "one end" the poet foreshadows for them? Such forebodings as these are sufficient to strike terror into the heart of "Mrs. Grundy," and into all hearts that beat in unison with hers; and they would indeed be serious considerations were virtue and vice wholly artificial entities, separated only by a conventional distinction. This, however, is not the case; virtue and vice—wonderful to relate!—are real things.

Whether we believe that the attainment of happiness has been left to our wisdom, or that the rules for its attainment have been furnished to us by Providence, we cannot, consistently with a belief in a merciful Deity or in beneficent Nature, suppose that the happiness or misery that human actions cause has nothing to say to their merit or demerit. On the contrary, the aim and object of all moral law, from whatever source derived, seems to be, or originally to have been, the promotion of human welfare; and this aim and object cannot, under the circumstances, be deemed to be other than its reason and purpose. However this may be, the fact remains that men give, and have always given, to whatever actions tend to increase happiness the name of virtuous, and those that tend to produce unhappiness they consider vicious. Until, therefore, men have arrived at the unfortunately idiotic condition that they feel no difference between the sensations of pleasure and of pain, we may be sure that virtue and vice will

continue to exist, distinctly separated and eternally opposed to each other.

But in this world there is no rose without a thorn, and medicinal properties are found in the most deadly of poisons. There is nothing absolutely good, nothing absolutely evil. The ill-wind of vice is always found to blow some good to somebody, and virtue itself has almost come to be measured by the amount of sacrifice it entails. All that remains, therefore, for us poor mortals, is to choose the pleasures which are the purest—that is to say, which are accompanied by the least admixture of pain, and to try, by multiplying these pleasures in the world, and by diminishing the total number of pains that carry with them no compensating amount of pleasure, to realize for ourselves and for others as much as our small modicum of wisdom will enable us, of that happiness which every human being desires, and which all piously believe to have been put within the reach of man by a benevolent Creator.

Whether we believe, as many now do, that the moral, legislative, and executive governments of the world have all been confided to man, or that the law for his guidance has been engraved on his heart, or been recorded for his benefit in sacred books, still we can hardly in any case consider ourselves justified in leaving to the chance direction of custom and habit matters so intimately connected with human happiness as the criteria of virtue and vice; for even if the moral law be already provided for us by a Divine legislator, we

have at least judicial functions to perform; that is to say, it is our duty to understand and to expound the law before we venture to execute it, or claim to have obeyed it ourselves.

The conditions whereby happiness is attainable have changed, and, as civilization continues to advance, are still changing, and a different set of actions is becoming necessary for its realization; the old tests for virtue and vice have ceased to act with certainty, because the things whose presence they indicate have ceased to be productive respectively of happiness and unhappiness. And to the formulæ by which those tests were represented, a meaning different to their original one has been attached. The effect of obliterating such distinctions between propriety and impropriety, and between respectability and unrespectability, as those I have mentioned, would not be the confounding of virtue with vice, but merely the erasing of an old and effete line of demarcation between them, preparatory to the tracing of a newer and more definite one. The old boundary has been in great part obliterated by time and circumstance. By a process of moral endosmose and exdosmose, vice has passed into the atmosphere of virtue, and virtue has found its way into the uncongenial abode of vice; and the aim of such changes in our marriage laws and customs as I have sketched, is to chase away from the field of virtue these accidental intrusions of vice, and to rescue from the fate of vice those wandering manifestations of virtue.

To accomplish this it is necessary to substitute for a worn-out ceremony a real living fact as the test for virtue in the unions of the sexes; and to choose as the test that fact which is found by experience to be most productive of happiness when it exists in marriage. The fact which produces happiness in sexual unions is, as we have seen, love. Marriage as it now exists is no proof of love. Love may or may not be the reason why the relation is entered into; but it is the presence and the power of law, not of love, which the continuance of any marriage indicates. But why does "society" hold married love respectable and any other love disreputable? Because the marriage is the sign whereby society may take for granted that the woman has passed into the possession of the man. We know that this has to a great extent become a fiction, and that, as regards those points wherein husbands claim and exercise the rights that marriage originally gave them, the opinion of the world as to what is just and right and laudable, is quickly and fundamentally changing.

So long as women, when not under the protection of some man, were at the mercy of all men for any purpose, however shameful, and so long as that protection was accorded only on condition of the complete subordination of the woman to her protector, it was but natural that the subordination which was the proof of protection should be deemed an honourable condition. But women are no longer dependent on an individual for protection; they get from the law

the only protection they enjoy ; and one of the instances in which that protection is frequently afforded them is in sheltering them from the brutal ill-treatment of the individuals to whom, by the solemn fiction of marriage, they are supposed to owe the protection they enjoy. Moreover, subordination to a father or a husband has ceased to be the one proof of protection. It is no longer a justifiable presumption that a woman who does not reside under the roof of a parent or relation is at the mercy of all men, and therefore a disreputable character. There are some millions of women in England who maintain themselves by honest labour in complete independence of men. The growth of law and of civilization has made that relation which once was a woman's only guarantee for safety the only relation in which women are at the mercy of any man ; while it has made the condition, which was formerly fraught with the greatest danger to women, the only one in which they can enjoy both liberty and protection. Since, therefore, the protection of a husband has become a broken reed, and the protection afforded by the law the only safeguard of woman ; that is to say, since the subordination of a woman to a man has ceased to be the evidence that she is not disreputable, it is absurd still to accord to the position of a married woman the honour which at one time was undoubtedly its due. The circumstances of advancing civilization have made that position other than it was ; " unprotected women " are no longer exposed to insult and

violence, and they are learning to protect themselves against whatever dangers may remain. Liberty of thought and of action has become the birthright of every human being, and to sell that birthright for such a sorry mess of pottage as the protection of a husband has now become, is an action which, were it judged upon its own merits, would be deemed far from honourable. But it is not so judged. If there be no protection, there is hardly as little intention really to abdicate liberty "in all things." Marriage is saved from judgment, and the fiction of its honourableness is preserved by allowing its more inconvenient features to become obsolete. And when a half-crazy parson, taking the notions of St. Paul in earnest, attempts to exert over his wife the authority with which a husband is supposed to be vested, the voice of public opinion pronounces him a tyrant, and the law intervenes to deliver his spouse from the united tyranny of a husband and a saint. When we remember these things, does it not appear absurd to treasure up the husk of matrimony when the kernel has so obviously been lost?

There is another consideration which also shows how false and inadequate a test our present marriage is for virtue. Marriage originally was, and in many countries still is, the purchase and sale of a woman. What has in some places to a great extent obscured the fact that marriage is really this transaction, is, that the consent of the woman is required; and, consequently, we are enabled to jump to the conclusion not only that this

consent is in all cases voluntarily given, but that it is given because of love. But it is very evident that the process is not the less a bargain and sale because women in civilized countries have come to take an intelligent interest in the transaction. And it is undeniable that, though a woman may be, and often is, at liberty to accept or refuse marriage with some particular individual, still she has no choice between marriage and any other similar thing; and so long as society and circumstances prevent her from having any other than this Hobson's choice, she does not freely choose marriage. A woman may therefore be a party to the sale, and a woman is obliged to acquiesce in marriage; so that her consent is no guarantee against venality and tyranny, and marriage no sign of virtue on the part of those contracting it. Since the existence of a marriage as it is is no sign that love exists, and the absence of marriage no sign that love does not exist; and since its presence is no sign that the union is not a venal or a tyrannical transaction, and its absence no sign that the union is not a disinterested and voluntary one, it is high time to substitute for so hollow a mockery some other test for virtue in the sexual relation, which, by distinctly pointing out the presence of affection and the absence of purchase and constraint in the marriage relation, will indicate clearly the road to happiness.

It is therefore evident that the effect of the changes I advocate would not be to make all women become

little better than prostitutes, nor to confound the virtuous with the vicious ; but that the effect would be to cause some women, now reckoned respectable, who are not at all better than prostitutes, to be estimated at their proper value, at the same time that they caused some women, not prostitutes, who are now looked upon as improper, to be ranked as respectable women.

We have seen that real love and mercenary love are not at present respectively the characteristics of marriage and of illicit connections. If we have to take some of the material to form an improved respectability from each side of the present line of demarcation ; and if the new impropriety were composed of refuse both from marriage and from free love, it cannot be denied that the wife of the future will be a personage that could not be classed in either of the two great divisions that at present exist. And, in this sense, the effect of making love the *fundamentum relationis* of marriage would certainly be to abolish those distinctions which are now supposed to point out the difference between a wife and a prostitute.

But those distinctions, are they not in great part obliterated at the present day ? Have the differences they are supposed to point out ever had any real existence ?

“Those who are associated in their lives tend to become assimilated in their character.”. And if there be not any direct association between wives and prosti-

tutes at the present day, still both classes of women are subjected to all the influences that are exerted upon the character by the civilization in which we live. Moreover, women who are prostitutes to-day have been modest women yesterday, and may become so again to-morrow ; and it is impossible that this constant communication between the respectable and the disreputable worlds should not have the effect of causing much similarity between them. I have no wish to repeat here any of those remarks, cynical or otherwise, that are so often made in print about the "fastness" of young ladies ; the similarity lies much deeper than chignons and slang. If we wish to appreciate how very much the "respectable" and the "disreputable" worlds resemble each other at the present day, it is necessary to compare our present condition with some other state of society in which the two classes were more distinctly separated. We have, perhaps, no record of any state of things in which the predominant features of the wife and of the courtesan were allowed to develop themselves so fully, and to exhibit themselves so freely, as that which obtained in ancient Athens. There the view taken of the two functions of the woman was not corrupted by *post-mortem* hopes and fears. Nor had any artificial standard of sweetness and light been set up by aspiring sentimentalism. The two aspects of love—that which presents to view only the good of the existing generation, namely, the gratification of the intellectuo-sensual desires of man, and

that which presents to view only the good of posterity, namely, the begetting of healthy and "reliable" children, were distinctly separated in the old Greek mind.

Speaking of the difficulty of reconciling these two functions of women, when that difficulty is complicated by the problem of over-populization, Mr. Lecky says (History of European Morals, ii. 303) : " In the Greek civilization, legislators and moralists endeavoured to meet it by the cordial recognition of two distinct orders of womanhood—the wife, whose first duty was fidelity to her husband, and the hetæra, or mistress, who subsisted by her fugitive attachments. The wives of the Greeks lived in almost absolute seclusion. They were usually married when very young. Their occupations were to weave, to spin, to embroider, to superintend the household, to care for the sick slaves. They lived in a special and retired part of the house Their pre-eminent virtue was fidelity, and it is probable that this was very strictly and generally observed

Marriage was regarded chiefly in a civic light, as a means of producing citizens, and in Sparta it was ordered that old or infirm husbands should cede their young wives to stronger men, who would produce vigorous soldiers for the State." For the recognition of the class of Hetærae or courtesans, Mr. Lecky accounts by adducing in the first place the "Greek conception of excellence," which was "the full and perfect development of humanity in all its organs and

*at least in the Greek mind
virtually applied to
the same end as to the
of the Greek civilization
in the human species*

*Conception of
Greek's pamphlet
p. 71-8 - which says
"a special
development
made for this
purpose" - which is
the same as to
Hellenic
- See p. 100 of
the same.*

functions, and without any tinge of asceticism"; in the second place, "the intense æsthetic enthusiasm which prevailed," and which was "eminently fitted to raise the most beautiful to honour." Of this class Mr. Lecky says (pp. 310-313): "It is not surprising that in such a state of thought and feeling many of the more ambitious and accomplished women should have betaken themselves to this career, nor yet that they should have attained the social position which the secluded existence and the enforced ignorance of the Greek wives had left vacant. The courtesan was the one free woman of Athens, and she often availed herself of her freedom to acquire a degree of knowledge which enabled her to add to her other charms an intense intellectual fascination. Gathering around her the most brilliant artists, poets, historians, and philosophers, she flung herself unreservedly into the intellectual and æsthetic enthusiasms of her time, and soon became the centre of a literary society of matchless splendour The excommunication of society did not press upon or degrade them; and though they were never regarded with the same honour as married women, it seems generally to have been believed that the wife and the courtesan had each her place and her function in the world, and her own peculiar type of excellence."

It is evident from this description that where the line is most clearly drawn between the two classes, the wife is a domestic slave kept for the purposes of child-bearing; the courtesan is the companion of man, and

*Charmless Prose, 119, 146
Lampson's biography*

the only woman worthy to be his associate. At the present day, although the wife is generally burdened with domestic cares and sorrows, still she is no longer kept in seclusion and absolute ignorance; she is allowed to make herself agreeable in society, and to be on intimate terms with a large circle of male acquaintances; she cultivates as well as she can all the graces and charms and accomplishments that are calculated to make her companionship and society desired by men. In all this she resembles the hetæra; and her present position and character are logically incompatible with the exercise of her wifely function. The modern courtesan, on the other hand, has approached the former condition of the wife by the want of education, which is generally her characteristic, and by the seclusion in which the respectable world generally manage to keep her, while "the excommunication of society" prevents her from open association with any men who have reason to keep in the good books of those who are supposed to be respectable—all which circumstances prevent her from occupying the position in the world which the function of mistress logically demands. The modern wife has in fact, to a great extent, become a woman of pleasure, and a public woman (using these phrases in no bad sense), and the woman of pleasure, the public woman, has, to a great extent, become a "Lady of Pain." It is therefore evident that the marked distinctions between the two classes of women have been much obliterated already. In dress, manner,

and tone of mind ; in mode of life, amusements, and ambitions, respectable and unrespectable women are coming every day to resemble each other more and more. In theatre, church, promenade, shop, and lending library, the wife jostles the prostitute, and there is not a man possessed of good looks or a good balance at his banker's, for whom the drawing-room and the casino do not zealously and enviously compete. It is hardly to be wondered at, that since so much of real difference between the wife and the courtesan has disappeared, great stress should be laid by those who uphold the old state of things, upon such conventional distinctions as remain.

But if there remains but little distinction to be abolished by the institution of a new standard of virtue in marriage, are not these few remaining differences between the so-called respectable and disreputable worlds being obliterated by the still continued action of the causes which have done so much already? Before we attempt to answer that question, let us glance at a few of the differences which still exist between the status of the wife and that of the courtesan.

1°. One distinguishing feature of marriage is the reduction of the woman into the possession of her husband, a wife being always sold or given in marriage ; whereas a courtesan has always had the power of choosing or refusing any man that solicits her.

2°. A courtesan may to-morrow, without assigning

any reason to any person, set out for the uttermost parts of the earth; but a wife is obliged to follow her husband wherever he goes; if she refuses he can compel her, if she runs away he can force her back.

3°. A courtesan can have any man arrested and punished for assault who attempts to strike her upon any provocation; but a husband may beat his wife with impunity, provided he has reason to consider himself aggrieved. (Though the law on this point does not seem to be very clear, public opinion gives him the right.) *See the case of 19.2.76, where the 5. Penal shows this to be a legal right*

4°. The courtesan is an independent unit in the population; she can sue and be sued, can hold property, and has an individuality in the eyes of the law. The wife's individuality is merged in that of the husband; what she possesses belongs to him; without his concurrence she cannot, in most cases, obtain any redress at law.

5°. The courtesan, when she has children, has full control and authority over them; no one can deprive her of them; the children of a wife only belong to her by courtesy and on sufferance; the husband can do what he likes with them, and can take them entirely away from her when they have reached the age of seven years.

6°. A courtesan, being free to refuse or withdraw her consent, must be won by her lover; when he is in danger of losing her he must redouble his attentions. A wife is handed over to her husband already sworn.

to love him; he has purchased her affection, and his jealousy is productive, not of redoubled attentions, but of accusations and ill-usage. - *Compare Man. serv. sc. as touch of jealousy. the permitted wife, the husband's expense to it.*

7°. The person of a courtesan belongs to herself; she may at any moment, of her own free will, completely abandon all commerce with the other sex, and live for the rest of her days in absolute continence, and if any man attempted to violate her he would be punished as if she were a virgin. A wife's person is not her own; she cannot elect to be continent even for an hour, but is completely at the mercy of her husband; if she refuses his embraces he can call in the assistance of the law to enable him to force her. *Compare p. 66 of the same of England, as to the disability of wives.*

It is a foolish thing to spoil a good cause by exaggeration. Therefore I shall not deny that in many respects the above points of difference have ceased practically, and in the majority of instances, to be noticeable. If wives be often ill-treated, prostitutes are also liable to ill-usage; if the law permits a courtesan to be chaste or to hold property, the circumstances in which she lives generally prevent her taking advantage of her position. Still the fact remains that these differences are true in the letter of the law, though the spirit of the times has so far changed as to have rendered that law to some extent forgotten. Neither can it be denied that there are at present other points of difference between the wife and the prostitute classes. Prostitution has not only ceased to have the monopoly of intellect and beauty, it has also

come to be allied with drunkenness and theft, with coarse vulgarity and disease, and especially so in England; while, on the other hand, marriage has become associated with the ideas of education, of home, of comfort, of patient endurance, of honesty, of soberness, and, above all, of an establishment and a balance at the banker's. Whether these distinctions are founded on any corresponding differences in the things themselves, I must leave to my reader to determine. The fact that where the respective characteristics of both classes were most strongly developed these distinctions did not exist, goes so strongly to prove that they are not founded on anything in the nature of marriage or of prostitution, that, for my own part, I believe them to be wholly artificial—the product of the worst features of our religion and civilization.

Such being the distinctions that remain, are they not in process of obliteration by the action of the causes which have already done so much in the same direction?

The position of the wife in the eyes of the law has already become a grave scandal in our civilization; and everything points to the conclusion that in those matters wherein the authority of the husband can only be exercised for evil—that is to say, where the exercise of his authority is in direct opposition to the sentiments and the spirit of modern times,—great changes in the law will shortly be made. Great as would be the honour to the new state of things from having been

instrumental in obliging a man hereafter to treat his wife with as much humanity and consideration as he would his mistress, still this honour can hardly be claimed for freedom of divorce : for freedom of divorce will itself be but a consequence of the very causes which bring this better treatment about. As to the "levelling up" of prostitutes towards the dignity now enjoyed by those deemed respectable, neither can the credit of this eminently good work be claimed by changes in marriage laws. They certainly would hasten it or produce it more surely ; but it is impossible that the same effect should not be produced by the causes already in action. Public spirit is on the increase, and it is increasing in the shape of a desire, not for the welfare of an imaginary entity called "the State," but for the happiness of all the members that compose the nation ; and with that growth of public spirit there is a corresponding growth in public benevolence. And not only is the desire to rescue the unfortunate from their misery increasing in the world, but so also is the knowledge requisite to enable that desire to take action. It is impossible to suppose that the press will much longer be silent on the subject of fraudulent and heartless seduction, or on that of the *exploitation* of girls by the vicious and crafty wretches who now profit so largely by the unrecognition of prostitution. And there can be no doubt that these two causes of misery, once really understood, will be suppressed ; and that, on their suppression the

drunkenness, robberies, and brutality of which they are the chief instigators, will be in a very great measure diminished, if not altogether prevented. Moreover, education will soon become the possession of every woman in the land; and it is impossible to suppose that the continued existence, in a state of helplessness and misery, of a large class of women, one in which, moreover, the *esprit de corps* is very strong, is compatible with education, one of whose chief effects is to enable those who have received it to combine for their mutual protection and advancement. Finally, there can be little doubt that much of that *à priori* contempt and hatred for free love, which has hitherto been a fruitful source of want of self-respect in the classes deemed disreputable, and consequently of their degradation, is disappearing from the philosophy of our time. In the "History of European Morals" (p. 392) of Mr. Lecky (to whom, as well as to Mr. M'Lennan, I must apologize for having quoted from their works in a pamphlet so little orthodox as this is), he says: "It is impossible to deny that the form which these relations (namely, the relations of the sexes) at present assume has been very largely affected by special religious teaching, which, for good or for ill, is rapidly waning in the sphere of government." We may conclude that the assimilation in the characters of the two great classes of women, which began some thousands of years ago and is still continuing at the present day, is not an evil thing, but merely one of the incidents of progress; that this assimilation really means the

acquiring by the wife of the liberty, the education, and the individuality enjoyed only by the prostitute, and the delivering of the prostitute from the slough of despond, in which the hypocrisy, the asceticism, and the false physiology and policy of the world have so long kept her. We may conclude that this assimilation has already, to a great extent, been accomplished, and that, whether love is or is not to be made the foundation of marriage, it will undoubtedly, at no very distant time, be carried through. And we may conclude that, even if the effect of the changes I have advocated be to cause all women to become little better than prostitutes, that, at all events, they will also have the effect of putting all women in a much better position than wives.

In my paper I said that prostitution is a consequence of that monopoly of sexual intercourse which is one of the characteristics of polygamy, and of our present marriage, which, though not literally polygamous, is founded on the possession of a woman and the irrepresible begetting of children. And I endeavoured to show that the responsibilities of a large family, such as the married now generally indulge in, is as complete a bar to the equal division of love among mortals, as the absolute scarcity of women produced by the practice of oriental polygamy. But though the *remote* cause of prostitution be this monopoly, which gives to some more than their share of love and maternity, still its *immediate* cause is also a subject of great import-

ance. It is in itself susceptible of much modification, and great benefit would flow from preventing its action.

That it is the pecuniary and the social dependence, or rather impotence, of women that is the chief cause of prostitution at the present day, can, I think, hardly be doubted. The former makes a girl become a prostitute, the latter keeps her one. It is a fact that cannot be denied, that lucrative employments are not open to women; and even if they were opened to them, the present ineffectual education of girls would make that opening inoperative. Almost all the employments within reach of a young woman of the lower classes, with the exception of domestic service, are of a sedentary character, and medical men are never tired of telling us how unhealthy such employments are; moreover, these occupations require a constant attendance of twelve, fourteen, sixteen, or even a greater number of hours a day. And the exception—domestic service—is, at least in the opinion of the servant class, complete servitude for an inadequate remuneration, to a mistress who in many cases is consciously a tyrant, and in most cases acts like one, though the customs of society may have blinded her to the fact that she does so. A poor girl has therefore the choice between constant and painful toil and a life of bitter subordination to a person whom she neither likes nor respects. What in either case has she to look forward to? In the latter she certainly has the prospect of growing old, which pleasure the needlewoman or other workwoman can

Handwritten notes:
 The poor girl has the choice between constant and painful toil and a life of bitter subordination to a person whom she neither likes nor respects. What in either case has she to look forward to? In the latter she certainly has the prospect of growing old, which pleasure the needlewoman or other workwoman can

hardly expect to realize—of growing old and withered, without ever having known the meaning of the term independence, without ever having exercised those functions which it is supposed to be the destiny and the glory of women to fulfil. It is in the nature of mankind to look forward with hope to the future: the least imaginative among us must fancy they see something at the end of the dim vista of coming years; and what the servant girl sees there is “a home of her own,” be that home a palace or a garret. In how many cases is that dream realized? When it is so, it often means a drunken husband and a litter of sickly children; but in very many cases the woman finds, as she approaches the goal of life, that what once appeared to her to be a home, takes every year more and more the form of that hated and dreaded institution, the workhouse. And, in the former case, is the prospect any brighter? It is brighter only in the one point already noticed, namely, that the bitterness of life will last a shorter time. The poor workwoman who can hardly manage from day to day to get wherewithal to keep body and soul together, can hardly expect to lay by the money necessary “to better her position”: it is not a “home of her own” that in most cases appears to her when she ventures to glance into the future, at least not in the sense that phrase has for other women. What she sees there is the image of a quiet and peaceful grave, the type of the rest her system so sadly craves; and the road to that grave is like the valley of the shadow of death—it is a narrow ridge, on which it is hard to

walk ; and on one side of the way there yawns the abyss of prostitution, on the other the chasm of suicide, both ever ready to swallow her up should her feet falter for a moment or her brain turn dizzy.

It is probable that were these facts laid before a philosopher from another planet, and were it told him that the nature of the young in this world is to love amusement and society and gaiety, and to hate monotony and laborious toil ; were he informed that nature seems to have given the human frame a tendency to resist whatever will do it harm ; that human beings cannot but feel an inclination to shrink from danger ; that their stomachs cannot but endeavour to eject a poison ; and that overwork produces an intense inclination to idleness ;—were he further informed that the women in question are many of them pretty, most of them young, and that the large majority of them could at any moment gain more money in a day by selling the use of their persons to men than they can earn in a month by their “virtuous” employments ; and lastly, were it told him that these women have from nature and habit a love of, and desire for, all that gold can purchase, and have been taught to consider its possession the chief title to respect among mortals,—is it not certain that the unbiassed philosopher from another planet would with excusable confidence declare that the logical consequence of these phenomena must be that women in this position sell themselves in prostitution ? If he declared this, he would be mis-

taken. It is true that, according to writers on prostitution, a certain percentage of those poor women are driven directly into that life of shame and misery by "complete destitution," and "absolute want of the necessaries of life." (And let my reader endeavour to realize in imagination the meaning of these terrible words before he casts these poor creatures forth from the pale of his sympathy.) But the great majority of prostitutes do not commence their sad career by the sale of their love. The purely commercial view of cohabitation is not, as a rule, to be found among that class of women from which prostitution is recruited. If we would observe this phenomenon of our civilization, we should frequent the churches and chapels where marriages of *convenience* are perpetrated in cold blood. The very term *seduction* shows that our philosopher would be wrong; for a woman who commenced her career as a prostitute by a calculated sale of her favours, like that which often takes place in marriage, could not be said to have been ever *seduced*.

In order to enable our philosopher to form a true estimate of our high state of civilization, it would be necessary to supply him with another set of data. It would be necessary to inform him that the education which most girls receive is calculated to keep from them all knowledge of the dangers which will beset their paths as they enter upon womanhood. And that not only are they kept in ignorance of things as they are, but also, thanks to cheap periodicals, their minds

are filled full of false and erroneous views of life; and they adopt a totally untrue standard of probability with regard to the career of women in their position; so that they go forth to the battle of life armed only with vanity, sentimentalism, and "greenness" (if I may be permitted so expressive a slang term), with eyes on the look-out only for one thing,—a man who will fall in love with them and marry them, and ready to perceive these attributes in every male human creature who flatters them by showing to them the consideration ordinarily deemed polite; or, if sentimentalism be very strongly developed in them, able to perceive in the attention they may meet with from men only a sentimentalism similar to their own; and so ignorant of the meaning of their own sensations and of the thoughts and desires of others as to be ready to take irretrievably compromising steps, with perfectly innocent intentions. It would be necessary further to inform our philosopher that there exist in our midst a large army of men who are continually on the look-out for innocent girls, with the deliberate intention of feigning sentiment and love in order to deceive, and, as it is termed, "ruin" them; and that there is hardly any man who has sufficient command over his passions, or a conscience so continually awake, as not to be led on to the act which now causes so grave a detriment to the girl, when he is encouraged by her apparent willingness to meet him halfway. Nor would this be all,—one more datum remains. We should have to tell him that neither the

law nor the voice of public opinion protects or avenges the victim nor punishes the deceiver. On the contrary, the law takes care that a girl who yields to her love for a worthless man shall pay all the penalty to society. It declares that cohabitation without marriage is an immoral consideration. Not only is a deed that settles an annuity on a poor girl who has given up everything for a man null and void on this account; but years of devotion, self-sacrifice, love, and fidelity are all, in the absence of an absurd and antiquated form of marriage, regarded by the law as immoral considerations. It seems that mutual affection is, in the eye of the law, as little reason that a union should be respected as mutual hatred is that it should not be deemed sacred and holy. And a woman who has been for years far more truly a man's wife than half the nominal wives in the country, may be, and often is, thrown penniless on the world at his death, without any means of gaining a livelihood, and perhaps encumbered with a family. With regard to worthless deeds, one would imagine that—the law having been made confessedly in the interests of virtue—some provision would have been made to punish those who use its machinery for the deception of innocent women and the furtherance of vice. This, however, is not the case. The law may be said to join with the deceiver in the laugh against the poor creature who trusted to its equity, and there its protection begins and ends. But there is yet another point in which the law is a broken reed to the

woman who trusts in it. If she gets a child when unmarried, the justice and generosity of that "perfection of human wisdom" enables her to obtain half a crown a week from the father of the child. This is an old rule, made when that sum represented much more than it now does. It may at one time have been sufficient to ensure the rearing of a child; at present it is ridiculously insufficient; so that what the law really provides for is, not for the preservation of the child, but for its destruction, and with its destruction, in many cases, for that of the mother also: when she attempts to rear it, they starve together; when she neglects to do so, she is liable to a charge of murder. *As proposed in my note, page 48, with the same object in view as the present law.*

If our philosopher imagined that perhaps in this respect our practices are, as often happens, less iniquitous than our law, he would be mistaken. Society shuts its eyes to the villainy and brutality of men, and it takes a microscope to look for stains on the characters of women. Weakness is excused in the strong, in the weak it is visited with the utmost severity. The woman is ruthlessly driven forth from her home, or from her situation, the moment it is discovered that she has given what custom ordains she shall sell. Suffering is heaped on the head of the sufferer, and "misery is fed with its own broken heart." She has been unselfish, she has been true to nature, she has been disinterested, she has been innocent, she has loved, and, above all, she has been found out. What right has such a woman to remain among respectable people when she

has thus broken all the laws and commandments of society? Every door is shut against her; the entrance of every honest calling is closed to her by the virtuous world, which must in self-defence prove its virtue by casting stones at the accused; for if it did not do so, what proof would there be of its virtue? There remains for the *fallen* woman—I should prefer the expression *tripped-up and knocked-down* woman—suicide or prostitution. Death is an ugly thing; to meet it calmly requires, at the best of times, a philosophic spirit: a plunge into the stream of prostitution looks at least a less irrevocable step than a plunge into the canal. Moreover, there is an apparently hearty welcome awaiting all who join its ranks. It is not a wonderful thing that most poor outcasts, dazzled by the tinsel splendour of prostitution, are overcome by wine and gold, and become recruits in the army of vice; plying their pitiable trade timidly at first, and with such semblance of love as their power of selecting their “friends” enables them to realize, and, as time advances, often becoming the brazen and mercenary creatures that respectability delights to paint as a contrast to itself.

What would be the verdict of our philosopher were all these facts and considerations laid before him? would it not certainly be that the guilt of prostitution lies with our iniquitous system of tyranny towards woman, which fills the path of virtue with real thorns and strews the path of vice with artificial flowers,

which makes the yielding to affection fatal to woman, and ordains that if she gives herself up to a man for love she shall ever after sell herself for money? Would he not say that the system in vogue in this wretched little planet of ours is to prepare traps and pitfalls for the beautiful, the weak and the innocent, whom we have purposely kept in ignorance of the existence of such things, and, having entangled their feet, to put a chain round their necks, and then leave them to the wolves and the vultures?

Although I have expressed a strong opinion upon the iniquity of visiting the punishment for the offence of illicit love solely upon the woman, I do not wish it to be thought that I advocate "punishing the seducer," as a remedy for the evils I have described. There is a story told of a jury who brought in a verdict of *guilty* against both plaintiff and defendant in a case; and to pronounce both man and woman guilty seems to me not much wiser than the verdict of that jury. The terrible wrong done at present to the woman would not at all be remedied by causing the man to suffer also. To double the amount of evil that is produced by sexual irregularities is not the way to make things better; and to imagine that such a course would put an end to these irregularities is very much to underrate the forces which are at work to produce them. Those who cry out for the punishment of the seducer are, I think, not among the people who desire to increase human happiness. They wish to inflict

evil on the man in order to be able to continue to inflict evil on the woman with a clearer conscience than they at present can. Their argument is, that it is unjust to punish the one and not to punish the other; therefore both ought to be punished; but they do not inquire whether the offence really deserves the punishment that is visited upon it, and therefore it does not strike them that there is another means whereby the present inequality of justice might be remedied,—namely, by punishing neither party, instead of punishing both.

The very first principle of justice is, that the punishment should fall on the guilty person, and on that person only. Who is the guilty person? When one train runs into another and life is lost, why do we not immediately hang the engine-drivers? We have made no law to that effect, because we know that a collision is generally attributable to some defect in the administration of the railway. Trains are despatched which, owing to natural laws, cannot but collide. The fault does not lie with the engine-men, who know nothing of the impending danger, but with those who might have foreseen and ought to have calculated the effect of despatching trains in so dangerous a manner. If we allow that the administration of a line of railway, a comparatively simple thing, and the product of experience, and great care and reflection, may be in fault in the case of a collision of two trains, how dare we jump to the conclusion that the rules whereby that most complicated and fortuitous body corporate, society,

is regulated are infallibly just? How dare we proceed to punish those to whom the accident occurs when the responsibility of its occurrence lies with society, which sends men and women forth into life in such a manner that accidents are inevitable, and are as much a product of natural laws as the collision between two trains travelling in opposite directions on the same line of rails? Our present ridiculous code of morals, and our iniquitous social system, make irregularities in sexual matters inevitable. If women were machines that never felt fatigue, nor hunger, nor pleasure, nor pain—that were not susceptible of liking or disliking—that had no sense of right and wrong—if, in a word, women had no senses, nor intellect, nor emotions, nor will, the treatment they receive at present would be rational, and the responsibility of the mischief caused by sexual irregularities might, at least in part, be attributed to them. If men were not human beings, moved by human weaknesses, and passions, and appetites, and vanities—if they were utterly unselfish in their motives, and infallible in their calculations—then they might share the responsibility with women. But human nature has not been calculated upon the basis of conventional morality. Unfortunately for moralists, the material they have to work upon is not passive nor plastic; and the effect of its elasticity is not to enable them to compress it into the moulds they have prepared, but rather to burst those moulds in pieces when they endeavour to confine it within them. The effect

of the present system is to produce in society a fermenting mass of ungratified appetites, and of passions that have no vent. Those appetites and passions must either be gratified irregularly or suppressed; and when they are suppressed, they become morbid and corrupt. To alter the constitution of man so as to make him a cross between a machine and an angel, is not within the power of moralists; and to do so would be necessary in order to prevent the generation of those spontaneous appetites and passions for which the present system does not provide. All that the moralist can do is to alter the rules of morality so as to make them applicable to man.

To do this is, after all, the simplest thing imaginable. All that is required is to abstain from meddling with nature, to leave off adding on to the consequences of one action and taking from the consequences of another, and to leave human actions to produce their natural effects, interfering no further with them than to oblige every man to take the natural consequences of his own. The difficulty of so doing does not lie in what has to be done, but rather in what has to be left undone. It would be a most difficult thing for the moralist to practise humility, and to give up that most impertinent conceit that now lies at the bottom of all his ideas,—namely, that the direction of the moral government of the universe has been confided to his care, and that the standard of morality does not depend upon the will of the Almighty, as displayed in natural

tendencies and in the fitness of things, but upon the fancies and prejudices the moralist has inherited from his forefathers, or has acquired for himself.

As soon as the moralist can get out of that vicious circle round which he now travels, ceaselessly endeavouring to prove that the present system is ordained because it is for the happiness of man, and that it is for the happiness of man because it is ordained, he will begin "to look for the foundations of the right and the just in the legislation of nature." He will then discover the law of moral gravitation and moral affinity and cohesion, and become a natural philosopher. And once he gets rid of the notion that the existence of a tendency or of an organ is a proof that it is his duty to immediately dictate what direction that tendency shall take, and what function that organ shall perform, then he will perceive in the moral world the proofs of a forethought as divine, and a fitness as perfect as he is at present pleased to see in the material world. He will perceive in human nature not raw material furnished for his manipulation and manufacture, but a regulated and perfectly acting organization, which any interference of his can but throw into disorder.

When he does this, I think the subject of his perplexity and astonishment will cease to be *why a good God allows so much evil in the world*, and become *why a good God permits moralists, in their arrogant conceit, to work so much mischief in His handiwork*.

When it becomes a popularly recognized fact that

human nature is a God-directed thing, and that for any happiness we enjoy we have to thank not our moral philosophers but Providence, we will no longer cause actions which are eminently calculated to produce happiness to become the sources of human misery, and we will cease to call the devices whereby we contrive to frustrate the benevolent intentions of Providence "divine institutions."* There are two very distinctly-marked natural tendencies in all mankind: 1. For those who love each other to live together and beget children; 2. for those who do not love each other to separate or keep apart. Both of these tendencies are eminently conducive to the happiness of individuals, and to that happiness of society which is called virtue; and both are frustrated by our present institutions. For marriage says: "You shall not live together and beget children unless you undertake to live together and beget children when you have ceased to love each other."

There are two very distinct tendencies in women—the one natural, the other not unnatural, since it is the product of reason and experience:—

* Horace Greely says that the *divine end of marriage* is the production of children. If the birth of children occurred only and always in wedlock, and if marriage were a natural thing, like puberty, its end might be called "divine"; but to apply to marriage a description only applicable to sexual intercourse in general, is simply impertinent nonsense, unless, indeed, we suppose that the *divine* in human affairs is supplied by ourselves alone.

Horace Greely's
notion of the
"divine end of
marriage" is
nonsense. It is
not a natural
condition.
It is a human
invention.
It is a law of
man, not of
God. It is a
law of the
state, not of
the church.

1. For every woman to desire to be the mother of children.

2. For every woman to avoid becoming the mother of a family so large as to be burdensome.

Both of these tendencies are also eminently beneficial to the individual and to society, and both are likewise frustrated by our present institutions. For marriage says, "No woman shall have the child she desires, unless she undertake to have more children than is for the happiness of herself and of the world."

There is a very strong natural tendency in love to beget equality between those who feel it, and a tendency in the relationship of superior and inferior, which necessitates the exertion of authority, to prevent the growth of love. The growth of equality is one of the effects of civilization, and is a powerful cause of its advancement, and the exercise of authority by one human being over another is always a cause of degeneracy to the character of both. Both of these eminently natural tendencies are frustrated by marriage, which forbids love except on the condition that the woman shall become a dependent, and that the man shall assume an authority over her such as exists in no other relation in life.

There is a very strong natural tendency in women to yield themselves up to the men they love, and to repel the advances of the men they dislike. The effect of these tendencies is to create happiness and prevent misery. And both are frustrated by our present insti-

*a desire for a dependent
is favourable to progress
L.S.*

tutions, which confound all our ideas of right and wrong by calling it honourable in some cases to repel the advances of a man who is loved, and honourable to yield to a man who is disliked.

It is perfectly evident that in all these cases there exist natural tendencies in men to act in a way that is conducive to their happiness: and that the effect of our present institution is to prevent the attainment of that "divine end." And nothing but the most marvellous moral fetishism makes us worship so false a god as marriage when the power and beneficence of the true god, Love, are so evident.

What those do who disobey the moral code of society—both the seduced and the seducer*—is to follow these natural tendencies which ought to have so beneficial an effect. Those who would punish them for doing so have arranged matters so that, instead of a beneficial effect, their actions shall be productive of misery. To prevent those tendencies producing any effect is impossible; to add to the evil effect they are obliged to produce at present, by punishing the seducer as well as the seduced, is only to add to the misery already existing. Therefore, it seems clear enough that the third course is the only wise one, namely, by

* As to those vile wretches who go about ruining women, they are the natural product of the present state of things, and would disappear were not the conditions of their existence furnished by our conventional morality. I even doubt if they be worthy of *punishment*, correctly so called. Would you punish the maggot for appearing in the carcase?

removing the causes that make the effect of these tendencies an evil one, to enable them to produce the beneficial effect they are evidently intended by Providence (or, if you like it, by Nature) to produce.

The evil effect of seduction lies in the treatment that society accords to the seduced woman. Were she no longer consigned to misery and degradation there would be little or no evil effect produced by yielding to the promptings of love. Nay, more, seduction itself would cease to exist; for seduction implies the deception and the fall of the woman, and there would then no longer be any deception or fall. Since where there is no punishment there is no crime, neither seducer nor seduced should be punished for the seduction. Those whom the moral law of man makes criminals, are, according to the moral law of God as revealed in nature, acting with perfect right and justice. And when the world begins to look for its moral code in the manifestations of the Divine Will, instead of accepting it from the Apostles of Mammon and Mrs. Grundy, it is not improbable that the women who are now amongst the most despised will be treated with the greatest honour. For that moral code will be founded on such facts of our nature as those described by Shelley in a celebrated note to the poem *Queen Mab*, in which he says:—

Love is inevitably consequent on 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. . . . 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 most unworthy of toleration. . . .

The connexion of the sexes is so long sacred as it contributes to the comfort of the parties, and 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 partakes of the temporizing spirit of vice in proportion as it endures tamely moral defects of magnitude in the object of its indiscreet choice. - *Constancy is only a virtue in the eyes of the world and not in the eyes of the wise.*

During the debate my paper was accused of apparently ignoring the existence of such a thing as *chastity*, and "the sanctity of the domestic hearth" was vindicated and upheld in eloquent words.

There seems to be much confusion in the popular notion of chastity, for it is constantly confounded with another very distinct thing—contenance. From the very derivation of the words it is evident that continence requires an effort, while chastity is an affair of nature. The natural condition for man, as for all other animals, up to the age of puberty, seems to be one of chastity. It is healthy that up to that time a great aversion and disgust should be generated by ideas and actions which in after-life appear agreeable and desirable. It is an equally healthy thing that after the age of puberty such ideas and actions should be indulged in with moderation. Not only is sexual intercourse beneficial to the healthy adult, but it is

moreover absolutely necessary for the continuance of the race ; therefore actions which before puberty would be unchaste, after that age assume the appearance of a duty to the individual and to the State. This natural view of chastity is not, however, that which is intended by those who generally sing its praises. The term "chaste" has come to be applied almost exclusively to woman, and by unchastity is meant the yielding to love with a man who is not her husband. The law permits the marriage of girls at an age when puberty has very rarely been reached. A girl legally married at twelve years old—say four years before the age of puberty—would not be popularly considered unchaste. And a woman in the full vigour of sexual life who is indissolubly married to an impotent man whom she hates, and had not seen for years, would be considered unchaste were she to have connection with another man whom she loved. It is therefore evident that the present virtue *chastity* has nothing to say to what is normal and natural and healthy in sexual connections, but is an affair of pure convention. On the other hand, continence is a virtue almost exclusively deemed masculine. Nature having no hand in fixing the connotation of chaste, and there being no one to interfere with the actions of young men after puberty, the only question with which society occupies itself is that men do not breed mischief in its bosom by their incontinence ; that is to say, by too openly frequenting prostitutes or too clumsily seducing maidens and wives. This is also

supposed to be the virtue of married men, with whom, owing to the authority given them by law over the persons of their wives, lies the responsibility of over-indulgence in marriage. What I may be accused of is not of ignoring the existence of such a thing as chastity, but of wishing to bring our notion of what constitutes chastity into harmony with nature.

Chastity—the abstaining altogether from sexual connection—so long as it is natural, is a pure thing; when it becomes unnatural and forced, it is, of course, but the cloak for obscenity and unnatural vices of every description. It is in this latter sense that Shelley speaks of it when he says:—“Chastity is a monkish and evangelical superstition, a greater foe to natural temperance even than unintellectual sensuality; it strikes at the root of all domestic happiness, and consigns more than half the human race to misery that some few may monopolize according to law.”

The absolute abstinence from sexual connection is natural both for man and for woman before the age of puberty, but a comparative abstinence is for each natural after that period. It is natural and requires no effort to abstain from sexual relations with a person who is not loved. In both these cases it requires some inducement to yield, and that inducement is, at present, often held out in the shape of some valuable consideration, whether that consideration be a coronet or a shilling. According to a rational definition of chastity, the man or woman who has no sexual connection where

there is no desire is chaste ; the man or woman who has such connection for any other reason than desire is unchaste ; and the man or woman who endeavours to repress desire, and refuses to yield to it, is worse than unchaste, because not only is such repression detrimental to health, but, moreover, these become, or at any moment may become, the victims of morbid and unnatural desires, and the votaries of filthy and unhealthy practices.

With regard to continence, there are three ways in which incontinence can do harm. It may injure the health of the individual ; it may hurt another ; and it may be baneful to society. With regard to the first case, it may be confidently affirmed that the effects of incontinence, taken apart from the accidental complications of disease and drunkenness, are very slight, and fraught with but little danger. This effect of incontinence is chiefly to be found in marriage, where ignorance and want of self-control are its causes. Incontinence may hurt another by causing misfortune to the person whom the incontinent man or woman persuades or forces to yield. The evil of incontinence to society is solely manifested by the production of an inconvenient number of children—an evil which, like the first one, is almost exclusively found in marriage.

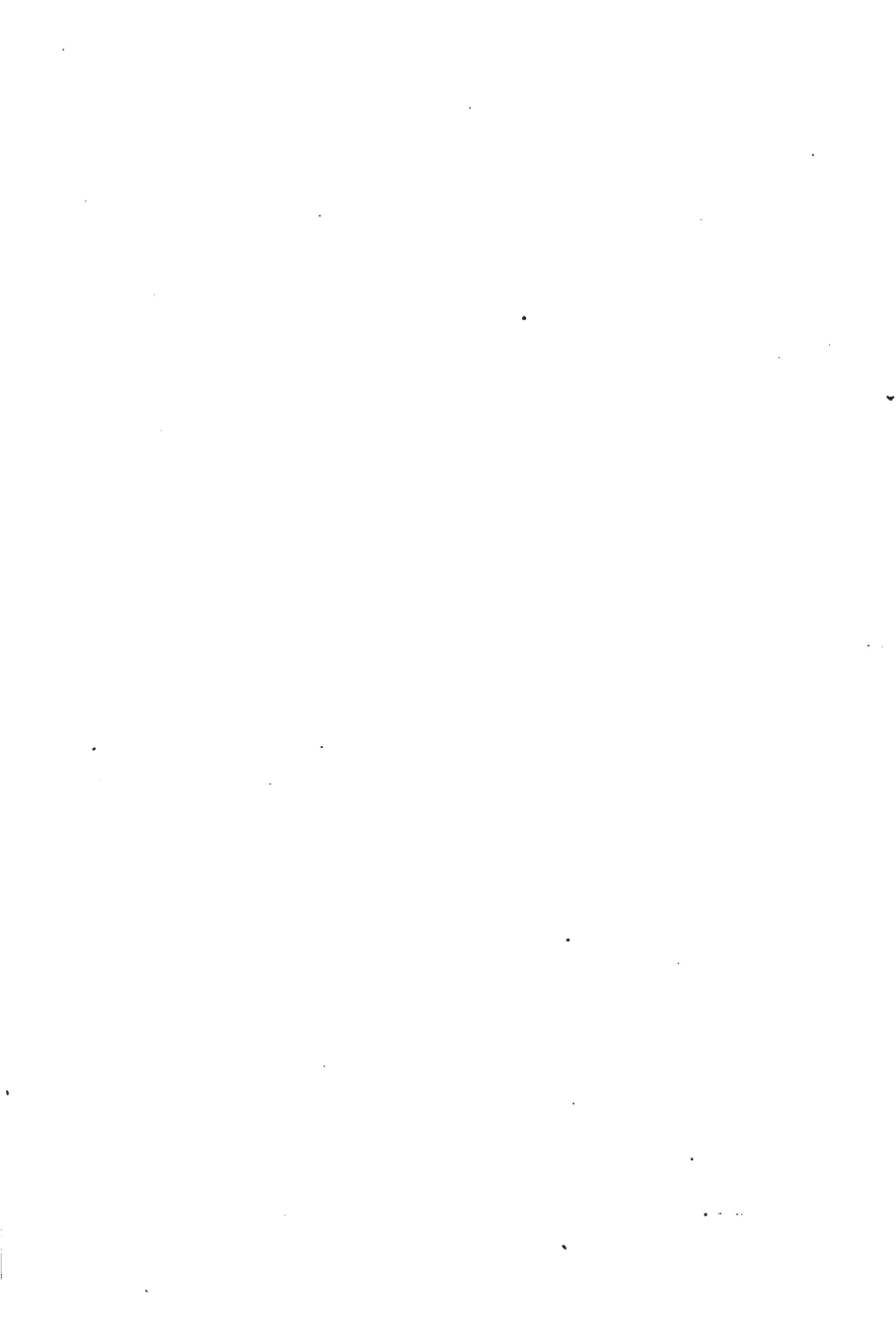
It is evident, therefore, that were we to found our notions of chastity and continence on the facts I have adduced, instead of two artificial and unmeaning

“virtues”—the one true only in the case of woman, the other only in that of man—“virtues” which are productive of heart-burning, obscenity, and misery,—we should have two rational qualities eminently conducive to health and happiness, and applicable alike to both sexes.

After all, the burden of my song here, as in other instances, amounts to this : *Discard from your morality the fictions of capture and purchase, and take the fact of love as your criterion of right and wrong in the sexual relations of mankind.* And if this extremely “mild” advice be likely to disturb “the sanctity of the domestic hearth,” all I can say is, that the domestic hearth must have become an affair even more wretchedly venal, tyrannical, and contemptible than there is at present reason to believe it.

2-9-16

THE END.



ELEMENTS OF SOCIAL SCIENCE; or PHYSICAL, SEXUAL, and NATURAL RELIGION. With a Solution of the Social Problem. Containing an Exposition of the true Cause and only Cure of the three primary social evils—POVERTY, PROSTITUTION, and CELLBACY. By a Graduate of Medicine. Price 2s. 6d., or in cloth, 3s., post free. Upwards of 600 pages. 8th edition, 11th thousand.

An Edition of the above, price 3 francs and a half (3s.), in the French Language, containing the latest revision of the author, is now published, and may be had of the publisher, E. TRUELOVE, and also of M. GERMER BAILLIÈRE, Paris, Rue de l'École de Médecine, 17; C. BAILLY BAILLIÈRE, Plaza de Topete, Madrid; and of C. MUQUARDT, Brussels.

Editions of the above in German and Italian are in preparation.

“This is the only book, so far as we know, in which, at a cheap price, and with honest and pure intent and purpose, all the questions affecting the sexes, and the influence of their relations on society, are plainly dealt with. It has now been issued in French as well as in English, and we bring the French edition to the notice of our friends of the International Working Men's Association, and of our subscribers in France and Belgium, as essentially a poor man's book.”—*National Reformer*, Edited by Mr. Charles Bradlaugh.

“In some respects all books of this class are evils: but it would be weakness and criminal prudery—a prudery as criminal as vice itself—not to say that such a book as the one in question is not only a far lesser evil than the one that it combats, but in one sense a book which it is a mercy to issue and courage to publish.”—*Reasoner*.

“We have never risen from the perusal of any work with a greater satisfaction than this.”—*Investigator*.

“That book must be read, that subject must be understood, before the population can be raised from its present degraded, diseased, unnatural, and immoral state. We really know not how to speak sufficiently highly of this extraordinary work; we can only say conscientiously and emphatically, IT IS A BLESSING TO THE HUMAN RACE.”—*People's Paper*. By Ernest Jones.

“A most remarkable work, written by a man evidently with great knowledge of pathology and political economy. It will be greatly liked or disliked, according to the ‘school’ of the reader; but no one can fail to consider it as one of the most remarkable works of the day on the subjects of which it treats. We are not surprised to hear that it is popular in Paris. We are told that it has been largely read in London by medical men.”—*The Medical Press and Circular*, February 23rd, 1870.

“Though quite out of the province of our journal, we cannot refrain from stating that this work is unquestionably the most remarkable one, in many respects, we have ever met with. Though we differ *toto celo* from the author in his views of religion and morality, and hold some of his remedies to tend rather to a dissolution than a reconstruction of society, yet we are bound to admit the benevolence and philanthropy of his motives. The scope of the work is nothing less than the whole field of political economy.”—*The British Journal of Homœopathy*, January, 1860.

"It is because, after an impartial consideration of this book, we feel satisfied that the author has no meretricious professional object to subservise, that we are induced to use its publication as a text for the discussion of a vital and pressing subject; and because it bears evidences of research, thorough although misapplied professional education, some pretensions to philosophy, and a certain earnestness of misguided conviction of the truth of peculiar prevalent economical theories, which seems to have led him off his feet, and to have induced him to venture upon any extravagance in their support. It is in vain to attempt to hide these subjects out of sight. This one book of 600 closely-printed pages is in its third large edition. It is of no use to ignore the topic as either delicate or disgusting. It is of universal interest. It concerns intimately every human being."—*From an adverse review, occupying six columns in THE WEEKLY DISPATCH, January and February, 1860.*

POPULATION FALLACIES: a Defence of the Malthusian or True Theory of Society, in reply to "THE WEEKLY DISPATCH," "TIMES," and others. By a Graduate of Medicine. Second Edition.—Price 1d., by post 2d., 32 pages.

LOGIC AND UTILITY; the Tests of Truth and Falsehood and of Right and Wrong. Being an Outline of Logic, the Science of Reasoning, and of the Utilitarian or Happiness Theory of Morals. By G. R. Just Published, price 6d., by post, 7d., 136 pages.

THE LAND QUESTION; containing remarks on the right of property in Land, on Land tenures, large and small farms, peasant proprietors, cottiers, the Laws of Primogeniture and Entail, the Land Transfer Act, and other matters relating to Landed Property. By G. R. Price 2d., by post 3d., 56 pages. Second edition.

THE IRISH LAND QUESTION. By G. R. "An excellently written pamphlet on a subject of the greatest importance."—*Commonwealth.* Price 1d., 32 pages.

EVILS OF A HEREDITARY ARISTOCRACY. By G. R. Price One Halfpenny.

POVERTY; ITS CAUSE AND CURE: pointing out a means by which the Working Classes may raise themselves from their present state of low wages and ceaseless toil, to one of *Comfort, Dignity, and Independence*, and which is also capable of entirely removing in course of time the other principal social evils. By M. G. H. 16 pages, price One Penny; by post for two stamps. *This Tract is recommended by the Author of "THE ELEMENTS OF SOCIAL SCIENCE."*

Orders for the preceding, enclosing the requisite number of postage stamps, will be promptly attended to by

E. TRUELOVE, BOOKSELLER AND PUBLISHER
256, HIGH HOLBORN.