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THE HEBREW WIFE:

OR

THE LAW OF MARRIAGE

EXAMINED IN RELATION TO

THE LAWFULNESS OF POLYGAMY

AND TO THE EXTENT

OF

THE LAW OF INCEST.

BY S. E. DWIGHT.

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ADVERTISEMENT.

SOME years since, in consequence of a *Complaint*, made in due form of law, and substantiated by satisfactory evidence, it became the author's official duty to institute a prosecution for an Incestuous marriage. On examining the Statute-book, however, the degree of Affinity between the parties was discovered to be more remote, than in other cases that had been *legalized*. This led him to investigate the Scriptural Law of Incest, with a determination not to proceed in the prosecution, unless the given marriage was clearly prohibited in that Law. The investigation was found to involve questions of a novel complexion, not even stated in books; and proved more difficult and laborious than was anticipated. It was made therefore *pen in hand*. In the course of it, nothing then within his knowledge, whether commentary or controversy, was overlooked; and the reasonings of two of the ablest Jurists of the country, thrown directly in his way, and presenting all the arguments for the lawfulness of the marriage in question and of others like it, were necessarily examined. The result of the investigation, as it was then written, with a few corrections and additions, may be seen in the following pages.—The individual was prosecuted, and

the offence proved ; but the Court, instead of passing sentence, adjourned the case, that he might petition the Legislature for an alteration of the statute. He did so ; the section forbidding the given marriage was repealed ; and the prosecution, of course, fell through.—Those parts of the work, which here and there a reader may possibly regard as *scarcely grave enough* for the subject, were purposely introduced by the author to relieve the tedium of dry discussion ; and he hopes that the clergy, should they honour his lucubrations with a perusal, will kindly remember that they were the "*Horæ Biblicæ* of

A LAWYER.

THE
HEBREW WIFE:
OR
THE SCRIPTURAL LAWS
OF
POLYGAMY AND INCEST.

INTRODUCTION.

NO one of the marriages, heretofore regarded as incestuous, has found so numerous, or so warm advocates, as that with a *Wife's sister*. Those of the Clergy, particularly, who have either contracted, or purposed to contract, this marriage, feeling uneasy, until they could satisfy others of its lawfulness, as fully as they hoped they had satisfied themselves, have usually come out in *self-defence*, before they were *attacked*. The minor positions taken by the combatants, fighting, as they have usually done in this partizan warfare, each one for himself, have indeed been various; but the strong-hold which they have ultimately resorted to, when driven from the outposts, has been in every case, an intrenchment behind that "debatable" Section of the Law of incest, Leviticus xviii. 18, "Neither shalt thou take a wife to her sister to vex *her*, to uncover her nakedness beside the other, in her life-time." Here some of them, satisfied with feeling themselves secure, have merely stood on the defensive;

while others, indignant at having been attacked, have sallied forth to batter down the whole Law of incest.

The language of this Section—"Neither shalt thou take a wife to her sister, to vex *her*, to uncover her nakedness beside the other, in her life-time"—has received the two following constructions :

1. Neither shalt thou take one wife to another, to vex *her*, in her life-time :

2. Neither shalt thou take a second wife, who is the sister of thy first wife to vex *her* in her life-time ; although thou mayest take one who is not her sister, as that will not vex her ; and after her death, her sister also.

As these two constructions are directly contradictory : the first involving an *express prohibition* of Polygamy ; and the second containing an *express permission* of it, as well as of the marriage with the sister of a deceased wife : it is obvious, if Polygamy was lawful, under the Old Dispensation, that the First construction is unsound ; and, if it was not lawful, that the Second construction must be given up. Hence, in order to decide which of the two is the correct construction, we must first determine, whether Polygamy under the Old Dispensation was lawful or not. In this way the Lawfulness of Polygamy becomes necessarily connected with an investigation of the Law of incest ; and, to prevent it from rising up in the shape of an objection hereafter, it should be previously examined. If, as the result of such an examination, it shall appear that Polygamy was not lawful ; it will not be difficult to ascertain the exact limits of the Scriptural Law of incest.

ESSAY ON POLYGAMY.

POLYGAMY is *That state, in which a Man has two or more wives, or a Woman has two or more husbands, at the same time.* The question to be answered is this, *Was Polygamy lawful under the Old Dispensation?* As the Old Dispensation embraced two periods—the Patriarchal, and the Levitical—this inquiry naturally resolves itself into two others: 1. *Was Polygamy lawful to the Patriarchs?* 2. *Was Polygamy lawful under the Levitical Code?* Each of these questions claims, and shall receive, a distinct answer.

I. Was Polygamy lawful to the Patriarchs?

It will be conceded by all, that, under the Patriarchal Dispensation, there is no *express permission* of Polygamy, on record. Previous to the promulgation of the Levitical Code, there is no law or dictum relating even remotely to the subject, except the GREAT ORIGINAL LAW OF MARRIAGE, found in Genesis, ii. 24, "Therefore shall a man leave his father and mother, and shall cleave unto his wife; and they shall be one flesh." The import of this Law will be sought hereafter. It is sufficient to remark, here, that it certainly does not contain a *permission* of Polygamy.

If, then, it can be shown that Polygamy was lawful to the Patriarchs, the evidence must be derived from their *Practice*. In examining this point, however, we must distinctly remember, that the question before us is not, *Whether Polygamy was permitted, by the customs or laws of the tribes, among whom the Patriarchs lived?* but, *Whether Polygamy was permitted by the*

Law of God?—The best human laws authorize, and the best men sanction, conduct, which is directly prohibited by the Divine law. To argue what the Law of God is, from the Practice of men, even of the best men, seems, therefore, a hazardous course, in any case; but especially in the case in question. None of the Patriarchs lived in a regular state of society, governed by established laws; but each was the head of his clan—a petty chieftain, acknowledging no superior. The surrounding chieftains, also, as well as the tribes whom they governed, all practised Polygamy. With these things in view, let us see what the Practice of the Patriarchs actually was, on this subject, both before and after the Deluge.

1. Adam was placed in a situation, in which Polygamy was neither lawful, nor possible.

2. No one of the Antediluvian Patriarchs, from Adam to Noah, in the line of Seth, is mentioned as a polygamist.

3. The same is true of Noah and his three sons.

4. The first polygamist on record was Lamech, the fifth in lineal descent from Cain; and, as the Introduction of Polygamy into this world is an important event, we will examine the account given of it by Moses. The passage containing it is found in Genesis, iv. 19, 23 and 24. As the Hebrew manuscripts have no *Notes of interrogation*, the original is equally susceptible of the two following translations:

1st. "And Lamech took unto him two wives, Adah and Zillah. And Lamech said unto his wives, 'Adah and Zillah, hear my voice; ye wives of Lamech, hearken unto my speech: For I have slain a man to my wounding, and a young man to my hurt. If Cain shall be avenged seven fold, truly Lamech, seventy and seven fold.'" This is the common version:

2d. "And Lamech took unto him two wives, Adah and Zillah. And Lamech said unto his wives, 'Adah and Zillah, hear my voice; ye wives of Lamech, hearken unto my speech. Have I slain a man to my wounding, or a young man to my hurt? If Cain shall be avenged seven fold, truly Lamech seventy and seven fold."

If we take the former version as the correct one, then the first polygamist was a murderer; and when his two wives expressed their apprehensions lest vengeance should fall upon him for his crime, he consoles them with the reflection, that God had threatened seven fold vengeance on any one who should kill Cain. But this abrupt and most incongruous version is obviously erroneous. Moses does not intimate that Lamech had been guilty of murder, nor that his wives had any apprehension on account of it. Nor, if Lamech had been guilty of murder, would he have had any right to suppose that God would inflict on the man, who should kill him, eleven times as exemplary vengeance, as on the slayer of Cain. The only act charged on Lamech by the historian, is his Polygamy; and when his two wives expressed their apprehensions, lest, for this, some one would kill him, he might well reply, "Adah and Zillah, hear my voice; ye wives of Lamech, hearken to my speech. Have I slain a man to my wounding, or a young man to my hurt? If God shall avenge Cain seven fold, truly Lamech seventy and seven fold." His crime then, obviously, was his Polygamy. In either case, however, Polygamy was introduced into the world under very bad auspices.

5. The second and only remaining account of Polygamy before the Deluge is found in Gen. vi. 1—7, "And it came to pass, when men began to multiply on the face of the earth, and daughters were born unto them, that the

sons of God saw the daughters of men, that they were fair, and they took them wives of all whom they chose. And the Lord said, 'My spirit shall not always strive with man.' There were giants in the earth, in those days; and also after that, when the sons of God came in unto the daughters of men, and they bare children unto them, the same became mighty men, which were of old, men of renown. And God saw that the wickedness of man was great on the earth, and that every imagination of the thoughts of his heart was only evil continually; and it repented the Lord that he had made man on the earth, and it grieved him at his heart. And the Lord said, I will destroy man, whom I have created, from the face of the earth."—The fact, that Polygamy became general, or that men took them wives of all whom they chose, is here obviously assigned as the cause of that universal corruption and violence, which occasioned the Deluge. These are the only two examples of Antediluvian Polygamy.

6. After the Deluge, no mention is made of the practice of Polygamy among the descendents of Ham or Japhet, though their genealogies are given; nor had any of them such a number of children, as to indicate his possession of several wives.

7. No example of polygamy is mentioned in the ten successive patriarchs in the line of Shem, from Shem to Terah the father of Abraham; nor does the number of their children lead us to suppose that either of them had more than one wife.

8. Nahor, Abraham's brother had a *concubine*; but we are not told, whether during the life of his wife, or after her death.

9. Abraham had one wife, Sarah, who had no children. "And Sarah said unto Abraham, 'I pray thee

go in unto my maid; it may be that I may obtain children by her.'” This connection was no part of Abraham’s plan of life. It was occasioned by Sarah’s strong desire to have children, whom she could call her own. It was temporary intercourse with a bondwoman; and ceased as soon as Hagar had conceived. The issue, as Paul tells us, was not legitimate, or entitled to inherit the property of Abraham. That Abraham—himself originally an idolater, and living in the midst of idolaters, who not only practised polygamy, but every other species of impurity—in despair also of any issue from Sarah, should have had views of marriage so far loose and incorrect, as to yield to such a proposal from his wife, is not surprising; but it furnishes no evidence of the lawfulness of Polygamy. Abraham’s marriage with Keturah did not occur until seven years after the death of Sarah. If this extemporaneous connection of Abraham with Hagar proves the lawfulness of any thing, it proves merely that a husband who was childless might lawfully, with the consent of his wife, connect himself temporarily with his female slave; but obviously, this is not Polygamy.

10. Isaac had but one wife.

11. Esau, “that profane person,” had three wives. “And Esau said in his heart, ‘The days of mourning for my father are at hand; then will I slay my brother Jacob.’”

12. Jacob, while in the family of Laban, lived among idolaters, who practised polygamy. Laban and his children were idolaters, yet polygamy was no part of Jacob’s plan of life. Leah was put upon him by a fraud, to which he must submit, or hazard the loss of Rachel. He likewise told his father several direct falsehoods, and with extreme cruelty defrauded Esau of his birth-right.

13. Lot, the twelve sons of Jacob, Amram, Moses, Aaron, Eleazar, Joshua, Caleb, and many others, who lived during the period in question, had each but one wife. On the supposition that polygamy was lawful, this fact cannot be explained.

We have, then, the practice of the Patriarchs on this subject before the flood, in the example of Lamech, and that of the Apostates who filled the earth with violence; and in that of Esau, and that of Jacob after the flood: four instances during the first two thousand seven hundred years of the world. In this statement of facts we find strong presumptive evidence that the Patriarchs did not regard Polygamy as lawful. Let us now inquire whether it was not *expressly* forbidden.

The Great Original Law of Marriage, with the occasion of its promulgation, is thus recited in the second chapter of Genesis: "And the Lord God said, 'It is not good that the man should be alone: I will make an help-meet for him'—And the Lord God brought the woman unto the man, and Adam said, 'This is now bone of my bone, and flesh of my flesh: she shall be called Woman, because she was taken out of Man'—*Therefore shall a man leave his father and his mother, and shall cleave unto his wife; and they shall be one flesh.*"

The comment of our Saviour on this Law, in the 19th of Matthew, will help us to explain it. The Pharisees, tempting him, inquired, "Is it lawful for a man to put away his wife, for every cause."—To this he replied, "Have ye not read, that He who made them at the beginning, made them male and female; and said,—'For this cause shall a man leave his father and mother, and shall cleave unto his wife, and they twain shall be one flesh.'—Wherefore they are no more twain, but

one flesh. What therefore God hath joined together, let not Man put asunder."

The following remarks on this Law, may show on what footing Marriage was placed under the Old Dispensation.

1. The words—"For this cause shall a man leave his father and mother, and cleave unto his wife, and they twain shall be one flesh"—were not, as some have supposed, the words of Adam, but were uttered by God. The language of Christ is, "He who made them at the beginning, said, 'For this cause,'" &c. The Maker of Adam, therefore, and not Adam, said this; and the thing uttered was not a prediction of Adam, but a command of God.

2. This is the Great Original Law of Marriage binding on the whole human family. It was not a part of any Ceremonial Law, or of the National Law of Israel; but was promulgated at the original institution of marriage, to the first parents of mankind, as the representatives of the whole race. *Men and women about to contract marriage* were the only beings, and the very beings on whom it was binding. By the terms of it, Adam and Eve were personally exempted from its operation; since they were already married, and Adam had no father or mother, whom he could leave. It was made, therefore, for their Posterity; and since, in its binding force on them, there are no restrictions or limitations, it was clearly given to bind the whole human family. On this point the comment of Christ is express. The Jews inquired of him,—*Whether it was lawful for a man to put away his wife for every cause?*—In his reply, he admits that Moses, for the hardness of their hearts, allowed divorces in certain cases; but asserts that in the beginning it was not so. He then declares,

that, except in the single case of incontinence, it is not lawful for a man to put away his wife, and marry another; and assigns four reasons for it. (1.) The fact, that God originally created but one man and one woman, and joined them in marriage; and thus expressed his own pleasure that marriage should subsist between one man and one woman. (2.) That at the time when God instituted marriage, he declared "For this cause shall a man leave his father and mother, and cleave unto his wife; and they twain shall be one flesh." (3.) That that is the reason why two married persons are no more twain, but one flesh. (4.) That all who are united in marriage, are *joined together by God*.—Here, then, is an express recognition of this law, as the Original Law of Marriage; as in force from the beginning; as in full force under the Levitical Dispensation, amended as it was in a single point—that relating to divorces; and, in consequence of the express repeal of that amendment by Christ himself, except for one cause, as in force with that exception, in all its original extent under the Christian Dispensation.

3. This Law in the very terms of it, as well as according to the comment of Christ, is an absolute prohibition of Polygamy. It is so in the terms of it. It declares that lawful marriage, as appointed by God, is the connection for life between *twain* or *two*, *one man and one woman*, and that when they are married they cease to be *twain*, and are *one flesh*. It also declares that the man who is thus united to a woman in marriage, shall *cleave unto her* as his wife. Before, with filial affection, he cleave unto his parents as a son, and acknowledged them only; and now, with conjugal affection, he is directed as a husband to cleave unto his wife. This language is capable of but one interpretation. If

he is connected with any other woman, he ceases to cleave to his wife, and makes himself *one flesh with a stranger*. "What, know ye not that he which is joined to an harlot, is *one body*?" The same is equally true, if the connection with the stranger were to be preceded by the forms of marriage. Any connection with another woman is leaving his wife, and ceasing to cleave to her, in the very point which the law respects. So obviously is this the only interpretation, that this very language is customarily used in the marriage ceremony, when a promise is exacted from the parties, that they will be faithful to each other.

This is equally evident from the comment of Christ. After admitting that Moses permitted Divorces, and assigning the reason for it, he first declares that the Original Law of Marriage did not permit them; and then, with a single exception, abrogates the Mosaic permission. The Original Law did not allow of divorce *in any case*. He allows it *in one*—that of incontinence. With this exception, he places the Law of Marriage on its original footing; and declares, in language which cannot be misunderstood, its real force and meaning—"He who putteth away his wife, except for incontinence, and marieth another, committeth adultery." But in what does the adultery, thus committed by the husband consist? Not in the mere *putting away*. That might be cruelty, but it is not adultery. Not in the mere *marriage-contract*. If he had stopped at that, there would have been no adultery—It consisted in the fact, *that, having one wife, he marries and has intercourse with another, before the first is dead or lawfully divorced*. By the Original Law of Marriage, therefore, as thus explained by Christ, the man, who having a wife, marries another, before the first is lawfully divorced, is guilty of adultery. But every polygamist does this: every polygamist there-

fore is guilty of adultery. Of course Polygamy, according to the Original Law of Marriage, is adultery.*

* The declaration of our Saviour—"Whosoever shall put away his wife, except it be for incontinence, and marry another, committeth adultery,"—is a sad comment on the laws respecting adultery in some of our Statute-books. According to the laws of some of the States, unlawful intercourse, between a *married woman* and a *married or single man*, is adultery; whereas unlawful intercourse, between a *married man* and a *single woman* is merely fornication. In other words, they declare that a *married man* cannot commit adultery, but with a *married woman*. Let us compare this with the express declaration of Christ, "Whosoever putteth away his wife, except for incontinence, and marrieth another, committeth adultery." In what does the adultery consist? Not, as we have just seen, in the *putting away* of the first wife; nor in the *contract* with the second. These are unlawful, but they are not adultery. Obviously it consists in the *intercourse* with the second. Why is that intercourse adultery? Not because it is preceded by a contract. That contract, Christ pronounces *ipso facto* void. It consists in the fact, *that the man, at the time of that intercourse, is lawfully married to a wife*. He, then, who being lawfully married to a wife, has intercourse with another woman, is, according to Christ, guilty of adultery.

This conclusion is so direct, that a plain man might naturally wonder, why our laws should be as they are. The true reason is this: Our legislatures are composed exclusively of *Men*, and chiefly of *married men*, or of *men who intend to marry*. Of course, in the personal purity of *married women*, each member feels a lively interest, because he is resolved at all hazards, to guard the purity of his own wife. Intercourse with a *married woman* must therefore be punished with a heavy hand. But how many are there, in those august bodies, who feel, each as lively an interest in *his own* purity, as in that of *his wife*? "Indeed!" says the law-maker "that alters the case." Our legislatures contain so many members, who are determined at all hazards not to be restrained in their libertinism; so many others, to whom wholesome laws, relating to licentiousness, might prove occasionally inconvenient; and so many others who are habitually civil to vice, when it does not "pick the pocket, nor break the leg;" that we can expect no laws on this subject which are not of a *Mohammedan* character.

To set this point in its proper light, we will suppose a Legislature of *Married Women* assembled to make laws for one of the States, and actually enacting that unlawful intercourse, between a *married man* and

A passage from Malachi should here be added, as it explains the reason of the scriptural constitution of marriage. In Mal. ii. 10—16, the prophet reproves the Israelites, with extreme severity, for their numerous divorces, and for their infidelity and cruelty to their wives. In verses 14 and 15, he declares, "The Lord hath been witness, between thee and the wife of thy youth, against whom thou hath dealt treacherously; yet she is thy companion, and the wife of thy covenant. And did he not make ONE? Yet had he the residue of the spirit? And wherefore ONE? That he might seek a godly seed." In other words, in the original constitution of marriage, God made one woman only, and united her to Adam, and thus appointed Marriage to be *the union of one man with one woman*. He was able to have made more: why then did he create but ONE? Because he foresaw, if more than one woman were created and given to Adam; in other words, if Polygamy, and not Marriage, were established; that a godly seed would be impossible. This is a plain declaration therefore that God forbade the Human race to practise Polygamy, because of its immoral tendency.

The Original Law of Marriage, then, prohibited Polygamy to mankind; and no repeal of that law, partial or total, is on record, under the Patriarchal Dispensation. Hence, it was then in force; and the fact, that it was violated by Jacob and Esau, by Lamech, and by the Apostates whose crimes provoked the Deluge, has been fully ac-

a woman whether single or married, should be punished as adultery: but that such intercourse, between a *married woman* and a single man should be mere fornication. What words could express the abhorrence of our existing legislators, at such shameless profligacy. Would they not pronounce such a body of females just fit for the purlieus of a brothel?

counted for, without the least necessity of supposing that it had experienced either a temporary suspension, or an abrogation.

II. Was Polygamy Lawful under the Levitical Code?

We have seen that the great Original Law of Marriage was binding on the whole human family, and that that law absolutely prohibited Polygamy. The question then arises, was that law repealed, as to its operation on the Israelites, by the Levitical Code?

That a single section of it, that which prohibited divorces, was repealed, is admitted. The repealing statute, however, acknowledged the general law to be in full force. Those, who contend that Polygamy was lawful to the Israelites, are then fairly called upon to point out *the statute* in the Levitical Code, which repealed that part of the Original Law of Marriage that forbade Polygamy. In reply to this call, three passages, beside Lev. xviii. 18, the one in controversy, have been adduced, as containing direct or implied permissions of Polygamy: those are Exodus xxi. 7—11; Deut. xxi. 15—17; and 2 Samuel xii. 7, 8. We shall give each a distinct examination.

The first of these passages is as follows: Ex. xxi. 7. "And if a man sell his daughter to be a maid servant, she shall not go out as the men-servants do. 8. If she please not her master, who hath betrothed her to himself, then shall he let her be redeemed. To sell her to a strange nation, he shall have no power; seeing he hath dealt deceitfully with her. 9. And if he hath betrothed her unto his son, he shall deal with her after the manner of daughters. 10. If he take him another *wife*, her food, her raiment, and her duty of marriage shall he not

diminish. 11. And if he do not these three unto her, then shall he let her go out without money."

The mere English reader would suppose, from this passage, that the Hebrew master was authorized to buy a female servant, to betroth her, to have connection with her, and then refuse to marry her; that he might then betroth her to his son, if he had one of the proper age; and that for this treatment he was required, either to send her back to her father without money, or to keep her in his own house, and render her the requisite *food, clothing, and sexual intercourse*. Before we admit all this, we must give the passage a close examination.

This version of the passage contains three palpable mistakes. The first is found in the eighth verse, where the English translators, by following the Septuagint rather than the Hebrew, have omitted the small but most significant particle *not*, and thus totally perverted the meaning of the original. In Hebrew, the word *לֹא*, answering to *not*, in English, stands immediately before *וַיִּבְרָא*, rendered *betrothed*. This reading is supported by all the manuscripts consulted by Kennicott, except one, and by all the manuscripts and editions of the Samaritan Pentateuch. It is likewise recognized in the Hebrew-Samaritan, Syriac, and Persian versions, and in that of Arias Montanus. The Arabic version also sanctions it; rendering the passage, "If it displease her master to take her to wife, let him see that she is redeemed;" as does the Vulgate also—"If she displease the eyes of her master, to whom she had been entrusted, he shall send her back." In the same manner, the modern version of Augusti and De Wette—"Wenn sie dem Herrn missfällt, dass er sie nicht für sich bestimmt"—"If she displease her master, so that he does not betroth her to himself." The true rendering of the 8th verse there-

fore is, "If she please not her master, so that he does not betroth her to himself, he shall suffer her to be redeemed. To sell her unto a strange nation he shall not have power, seeing he hath rejected her."

The second mistake is in the 10th verse, in the passage, "If he take unto him another *wife*." The word *wife* is italicized in our version, because there is no word corresponding to it in the Hebrew. It ought not to have been foisted upon the English version, because it makes a false impression; implying that the first woman was also his wife, and therefore that he had two wives at the same time: whereas, the 8th verse expressly declares that he had refused even to betroth her. Had it been rendered, "If he marry another," it would have conveyed the precise meaning of the Hebrew, viz. If he marry another woman instead of her.

The third mistake is also found in the 10th verse, in the passage—"her food, her raiment, and her *duty of marriage*, shall he not diminish." The word עֲבֹדָה, here rendered *duty of marriage*, occurs, in this form in no other place. Different lexicographers derive it from עָנָה, *to dwell*, and from עָנָה, *to toil, to suffer*; and in Pihel, *to humble*. The first of these words, עָנָה, *to dwell*, is obsolete as a verb; but, as a noun with a formative מ, מְעוֹן, denoting *dwelling, habitation*, it occurs frequently. The other word עָנָה, denoting in Pihel, *to humble*, is used eleven times in connection with אִשָּׁה, *a woman*, but always as a verb. In seven of these, Gen. xxxiv. 2; Deut. xxii. 24; 2Sam. xiii. 12, 14, and 22; and Lam. v. 11, it denotes *to humble by ravishing*; and in four, Deut. xxi. 14; Ezek. xiii. 12, 14, 22, it denotes *to humble by illicit intercourse*. In no other case, has it any allusion to the commerce of the sexes,

and in these eleven instances only to *unlawful* commerce. If then we derive it from this word, it is impossible to render it duty of *marriage*. Surely that, which, *when doing* as a verb, is *unlawful intercourse*, cannot, *when done* and turned into a noun, be regarded as *lawful wedlock*. If we derive it from דָּוַן, *to dwell*, there is no connection between that word and *duty of marriage*; nor does any derivative from it refer remotely to the commerce of the sexes. The only other derivative from that word signifies uniformly *dwelling, habitation*; and the word in question occurs only here.

The weight of authority in the versions, is wholly against this rendering. The three words rendered *food, raiment, and duty of marriage*, are rendered by Walton, in the Polyglott, as follows:—In the Samaritan Text, "*alimentum, operimentum, et habitationem,*" *food, raiment, and habitation*:—In the Samaritan version by a single phrase comprehending these three—"*vitæ ejus necessaria,*" *her necessities of life*:—In the Syriac version by "*alimentum, indumentum, et accubitus,*"* *food, clothing, and lodging*:—In the Vulgate, by "*providebit puellæ nuptias, et vestimenta, et pretium pudicitiae,*" a rendering which precludes the supposition, that she had been *married* to her master, and at the same time directs him to procure for her marriage with another man. The Targum, the Septuagint, and the Arabic version, agree substantially with the English translation; the Arabic version, however, is little more than a translation of the Septuagint.

That the word in question ought not to be rendered

* *Accubitus* means either *Sitting, or reclining, at table, or Lying down for sleep*. As food has been already mentioned, it must here mean the latter, i. e. *lodging*.

duty of marriage, is therefore obvious for the following reasons.

1. As the girl was not *married*, and the master, because he disliked her, would not even *betroth* her, the duty of *marriage* was impossible. Any *sexual duty*, rendered in those circumstances, must have been the *duty of illicit intercourse*.

2. No derivation of the word, as well as no use of the word, or of any cognate word in any other case, will associate with it the idea of lawful intercourse by marriage: it having no reference to any commerce of the sexes, but what is unlawful.

3. The weight of authorities is wholly against the rendering.

4. The other rendering, viz. *habitation, lodging*, is the natural rendering of a noun derived from the verb *נָסַב*, *to dwell*, and the actual rendering of another noun derived from the same verb; has the weight of authorities in its favour; and is consistent with the declaration in the eighth verse, that the girl was not betrothed, as well as with common decency.

The whole passage, thus corrected, will read as follows:

7. And if a man sell his daughter to be a maid-servant, she shall not go out as the men-servants do. 8. If she please not her master, so that he does not betroth her to himself, then he shall suffer her to be redeemed: (i. e. when the opportunity of establishing her in marriage has arrived:) to sell her unto a strange nation, he shall have no power; seeing he hath rejected her himself. 9. And if he betroth her to his son, he shall deal with her after the manner of daughters. 10. If he marry another person, he shall furnish her with *food, clothing, and lodging*, (or *the necessaries of life*.) 11.

And if he do not furnish those three, he shall let her go out free, without money.

The verb יָמַכָּר, in the seventh verse, rendered *sell*, according to Gesenius, usually denotes *to receive a marriage portion for*. The master by paying it to the father, had a right to the services of the daughter as a maid-servant, and if he were a single man, to marry her: the right of choice on the part of females not being known in the East. If the master was married, or chose not to marry her himself, he had a right, if she was of the proper age, to betroth her to his son, without paying an additional portion. If neither of these were done, her friends, by paying back the portion received, had a right to redeem her, and to marry her to another man. If she was not redeemed, and her master chose not to marry her, and married another woman, he was bound to furnish her with the customary food, clothing, and lodging; and, on failure of these, she was at liberty to go back to her friends unredeemed.

This passage, therefore, contains no sanction of Polygamy, and no permission of the gross immorality and cruelty apparently authorized by the English translation.

The second passage, which has been supposed to authorize Polygamy, is found in Deuteronomy xxi. 15—17.

15. "If a man have two wives, one beloved and the other hated, and they have borne him children, both the beloved and the hated; and the first-born be hers that was hated. 16. Then it shall be, when he maketh his sons to inherit that which he hath, he may not make the son of the beloved first-born, before the son of the hated, which is indeed the first-born. 17. But he shall acknowledge the son of the hated for the first-born, by giving him a double portion of all that he hath: for he

is the beginning of his strength : the right of the first-born is his."

The argument here used is this :—Moses here legislates on the case of a man who *has* two wives at the same time : But he could not lawfully legislate upon that which might not lawfully exist : To have two wives at the same time, was therefore lawful.—Or, to state it in the Latin of the schoolmen, "*Qui disponit de consequenti, i. e. de jure inter liberos polygamorum, ille etiam vult antecedens, i. e. polygamiam.*"

For a moment we will admit, for the sake of argument, the *major* of the syllogism, viz. that Moses here legislates upon the case of a man who *has* two wives at the same time. Let us then test the *minor* by a parallel case. In Deut. xxiii. 18, it is said, "Thou shalt not bring *the hire of a harlot* into the house of the Lord thy God, for any vow." Taught then by the schoolmen, we thus argue—Moses here legislates upon the wages of a harlot, and therefore supposes that harlots will receive the wages of prostitution : But he could not legislate upon that which might not lawfully exist : To be a harlot and earn the wages of prostitution, were therefore lawful. This conclusion sounds oddly, when we read the remainder of the verse, "For this is an abomination unto the Lord ;" or the preceding verse, "There shall be no harlot of the daughters of Israel."

Let us test this principle by another case. By the common law of England, if an illegitimate son is born, and the parents subsequently marry, and have a legitimate son ; the latter, who is called *mulier-puisné*, has a right to the inheritance. But if, after the father's death, the older son, who is styled *bastard-eigne*, enters on the estate, and enjoys it till his death, and dies seized thereof leaving issue male, that issue shall inherit the

estate; and the legitimate son and his heirs are forever barred of their right to it. The reasoning of the schoolmen, applied to this case, would be as follows: "*Qui disponit de consequenti, i. e. de jure inter liberos scortorum, ille etiam vult antecedens, i. e. scortationem.*" This conclusion would light up a smile, even on the face of a logician.

But the question now presents itself, does Moses here legislate upon the case of a man who *has* two wives at the same time? That our translators themselves thought otherwise, and that they actually wrote "If a man *have had*," and not, "If a man *have*," and that the word *had* was omitted by some mistake, is highly probable from the fact, that they say in the same verse,—"*and the first-born be hers that was hated*," not, "*hers that is hated*:" evidently intimating that she (the first wife) was dead, at the time referred to.

To put this question at rest, however, I will cite the various versions of the Polyglott.

Septuagint. Ἐὰν δὲ γίνωνται (not γίνονται)—καὶ τέκωσιν παῖδας (not τέκωσιν) κ. τ. λ. If there *have been* to a man two wives, and they *have borne* him sons, &c.

Vulgate. Si habuerit homo uxores duas, et pepererint ei filios? If a man *have had* two wives, and they *have borne*, &c.

Arias Montanus. Cum fuerint viro duæ uxores, et pepererint filios: When a man *has had* two wives, and they *have borne*, &c.

Samaritan Text. Cum fuerint viro duæ uxores, genuerintque filios.

Samaritan Version. Cum fuerint viro duæ uxores, genuerintque filios.

Targum. Si fuerint viro duæ uxores, et pepererint ei filios.

Syriac Version. Cumque fuerint alicui duæ uxores, et pepererint, &c.

Arabic. Et cum fuerint viro duæ uxores, et ambæ genuerint filios.

I will only add, that the words rendered *have had*, and *have borne*, both in the original and in all the translations, are in the same tense, and refer to events that have already taken place. Moses, therefore, does not here legislate upon the case of a man, who has two wives at the same time, but upon the case of a man who has had two wives in succession, the second after the decease of the first. And there was an obvious necessity of his legislating upon this precise case ; for the first wife, who was hated, was dead, and the second wife, the favourite, was alive, and, with the feelings of a step-mother, would urge her husband to make her own son the heir. This passage, then, furnishes no evidence that Polygamy was lawful, under the Levitical code.

The third passage which has been supposed to sanction Polygamy, is a part of the message from God, delivered by Nathan to David, after his conduct to Uriah, in 2 Sam. xii. 7, 8 : "I anointed thee King over Israel, and I delivered thee out of the hand of Saul ; I gave thee thy master's house and thy master's wives into thy bosom, and gave thee the house of Israel and of Judah ; and if that had been too little, I would moreover have given unto thee such and such things." That this message furnishes no such sanction, will be obvious, I think, from the following considerations.

1. The only wives which Saul is said to have had, were *Akinoam*, the mother of Michal David's wife, and *Rizpah*, the daughter of Aiah, who was his concubine. According to this supposition, God authorized David to marry his wife's mother, a species of incest ex-

pressly threatened by the Levitical Law with burning alive. David also married Michal, the daughter of Abinoam, when he was quite young. Her very age, therefore, precludes the supposition that he afterwards married the mother.

2. Though David's wives are repeatedly enumerated, after the death of Saul, yet there is no intimation that the wives of Saul were among them, or that he had married them.

3. David delivered the two sons of *Rizpah* to the Gibeonites, to be hung up at Gibeah, an event not very likely to have taken place, if he had made her his wife.

4. The phraseology, "I gave thee thy master's house (family) and thy master's wives into thy bosom," obviously means nothing more than that God, *in his providence*, gave David, as King of Israel, the possession of every thing that was Saul's,—his wives and all that he had : a fact, which gave edge to the reproof, "wherefore, then, hast thou killed Uriah, the Hittite, and taken his wife to be thy wife?"

5. Had Absalom, who actually connected himself with ten of his father's concubines, ultimately succeeded in his treason ; and, after the firm establishment of his throne, had he provoked, by a crime similar to that of David in the case of Uriah, a similar reproof ; it might have been said to him as truly as to David, (even if we admit that David married the wives of his father-in law,) "I anointed thee King over Israel, and delivered thee out of the hand of David ; and I gave thee thy father's house, and thy father's wives into thy bosom." for God expressly foretold to David, that Absalom would thus connect himself with his wives : (2 Sam. xii. 11 :) yet who, from this fact, would have supposed that Absalom's incestuous Polygamy with his father's wives was lawful?"

This passage, then, furnishes no evidence of the lawfulness of Polygamy. The history itself furnishes conclusive evidence that David never was actually married to the wives of Saul. If, however, in spite of that evidence, it be contended that he was, still it was a case of incest *expressly* prohibited, under the penalty of being burned alive; and if this be an allusion to it, it is an allusion to it simply as an event of providence.

The Levitical code, therefore contained no *express* repeal of that part of the Great Original Law of Marriage, which prohibited Polygamy, unless it is contained in the disputed passage of Leviticus xviii. 18. That passage will be examined on its own merits hereafter.

We shall now inquire, whether the Practice of the Israelites proves that Polygamy was permitted by the Levitical Code; or, in other words, that the Original Law of Marriage had been repealed.

As the conduct of the best men falls far below the perfect standard of the Divine Law; it is obvious that it must be an unsafe criterion, from which to determine what the Law of God is. Especially unsafe must it be, to determine this from the conduct of licentious and profligate men; much more, if these men, live in an irregular, unsettled state of society, and are amenable to no human laws; still more, if they are possessed of absolute power; and most unsafe of all must it be, to argue from the conduct of such men, in such circumstances,—not what the Law of God is, in a case otherwise unknown, but—that an Express and Universal law, standing on the pages of the Divine statute-book, to bind the Human Race, has been repealed. With these things in view, we will examine the actual Practice of the Israelites.

Gideon, the third Judge of Israel, and a military

chieftain, had many wives, and one concubine, and seventy-one sons. We are also told, that he set up an image in Ophrah his city; that all Israel went thither whoring after it; that it became a snare to Gideon and his family; and that Abimelech, the son of his concubine, assassinated all but one of the children of his wives.

Jair, the fifth Judge of Israel, had thirty children. This is not conclusive evidence that he had more than one wife; and much less that he had more than one at a time. A citizen of North Carolina, a few years since, petitioned the Legislature of that state for exemption from taxes, because his wife, then living, had borne him twenty-nine children, most of whom he had educated. One other case has been reported to me in this country, in which the same married pair had thirty children. That Jair should have had as many, by two successive wives, would have been in no respect surprising.

Ibzan, the seventh of the Judges, had thirty sons and thirty daughters. This was unquestionably a case of polygamy.

Abdon, the ninth Judge of Israel, had forty sons, and was doubtless a polygamist.

Sameon, the tenth Judge of Israel, after his lawful wife at Timnath had been given to another, associated with a harlot at Gaza, and afterwards with another in the valley of Sorek. But this was not polygamy.

Elkanah, a man in private life, and a good man, had two wives. We are told however that he lived "in those days when there was no king in Israel, and every man did that which was right in his own eyes." His history, also, is chiefly made up of the distress, brought upon his family, by his polygamy.

It is said of the children or descendents of Uzzi, the grandson of Issachar, that they practised polygamy.

They also lived, when "every man did that which was right in his own eyes." Their polygamy is assigned as the reason, why they were numerous, compared with the other families of the tribe. It was of course singular, and did not prevail generally, either in Issachar, or in Israel.

Saul, the first king of Israel, had a wife and a concubine. He was judicially cut off for his wickedness.

David, the second king of Israel, had eight wives and numerous concubines. In this conduct he transgressed *an express law*, which forbade the king of Israel, *to multiply wives unto himself*. He was a good man, yet his life was deformed by various crimes of a very gross character. It is said, however, that he is styled the man after God's own heart, and that his conduct is declared to have been acceptable to God, except in the case of Uriah. This language, however, must be interpreted with many qualifications; for he was guilty of gross ingratitude and falsehood to Achish and of falsehood to Ahimelech; and was sorely punished for the direct violation of an express law in numbering Israel.

Solomon, the third king of Israel, had *seven hundred* wives and *three hundred* concubines. This was an outrageous violation of the same *express law* against the multiplication of wives. "And it came to pass, when Solomon was old, that his wives turned away his heart after other gods, and his heart was not perfect with the Lord his God." These two cases no more prove the law against polygamy to have been repealed, than they prove the law against the king's multiplying wives unto himself to have been repealed.

Rehoboam, the fourth king of Israel and the first king of Judah, had eighteen wives and sixty concu-

bines ; “and he forsook the law of the Lord, and all Israel with him.”

Abijah, the second king of Judah, had fourteen wives ; “and he walked in all the sins of his father, which he had done before him.”

Ahab, the eleventh king of Israel, had numerous wives, and seventy sons : “And Ahab did evil, in the sight of the Lord, above all that were before him in Israel.”

Jehoram, the fifth king of Judah, and the son-in-law of Ahab, had several wives ; “And he walked in the way of the kings of Israel, like as did the house of Ahab, and he wrought evil in the eyes of the Lord. And he caused the inhabitants of Jerusalem to commit fornication, and he compelled Judah thereto.”

It is alleged that Joash, the seventh king of Judah, and the grand-son of Athaliah, had two wives at the same time ; and that the account given of this fact in 2 Chron. xxiv. 2, 3, furnishes a strong presumption in favour of the practice—“And Joash did that which was right in the sight of the Lord all the days of Jehoiada the priest. And Jehoiada took *for him* (וְלֵהִי) two wives ; and he begat sons and daughters.” The following remarks may serve to explain this passage. The Hebrew word וְלֵהִי, rendered *for him*, means alike either *for him*, or *for himself*. The Rabbins render the passage, “And Jehoiada took unto *himself* (i. e. married) two wives, and begat sons and daughters ;” and they insist that he married them *in succession*. This, if the passage refers to Jehoiada, is probable ; for the language implies nothing more, than that he *had* two wives, without specifying *when* ; and there is no instance on record of polygamy in a priest. If we suppose that Jehoiada took two wives for *Joash*, and both at the same

time; still the language here used will not prove polygamy to have been sanctioned by the law of God. It does not follow from the declaration, that "*Joash did that which was right in the sight of the Lord, all the days of Jehoiada;*" for, in the parallel passage in Kings, we are told, that Joash refused to abolish idolatry, during the days of Jehoiada. It is also said of David, that *he did that which was right in the sight of the Lord*, except in the matter of Uriah; yet by this language, apparently so universal, as we have just seen, it was not intended to justify his falsehoods to Ahimelech and Achish, or his disobedience to an express statute in numbering Israel. Of the better class of the kings of Judah, it is also said, that *they did that which was right in the sight of the Lord*, during their reigns; and yet the prophets have recorded their numerous sins. The phrase, therefore, means only, that their conduct was generally acceptable to God; but furnishes no evidence of the lawfulness of any one specific act. The fact too that *Jehoiada* took two wives for Joash, if it was a fact, does not prove this point. Athaliah and her son Amaziah had introduced a universal corruption of morals into Judah, and had made idolatry the religion of the court and of the nation. Jehoiada endeavoured to restore the worship of the true God; yet during the king's minority, he did not take away the high places, nor put down idolatry except at Jerusalem. That, in such a state of things, he should have yielded, in this point, to the king's wishes, when he was forced to yield in points of so much more consequence, will excite no surprise, and can furnish no evidence that polygamy had been sanctioned by the law of God.

Zedekiah, the last king of Judah, had several wives.

"Neither did Zedekiah hearken unto the words of the Lord." He was dethroned for his disobedience.

These, if I mistake not, are all the instances of polygamy on record among the Israelites. They amount, if we include Joash, to only *thirteen* single instances, beside that of the children Uzzi, in a period of more than *twelve hundred years*. That these cases prove that the law of God permitted polygamy, is argued on four different grounds, which we will now examine.

1. From the number of those who practised polygamy. The actual number on record, we have seen, is *thirteen* single instances, beside that of the children of Uzzi, in a period of more than *twelve hundred years*. But it cannot surprise any one that in a period of that length, and in a nation so corrupt, *thirteen* instances of polygamy should have occurred; when, during that period, many more instances of murder, adultery, and idolatry, are on record: or that, of these *thirteen* instances, *twelve* should have been of persons possessed of absolute power; when Gideon, and Solomon, and *nineteen* of the kings of Israel, and *twelve* of the kings of Judah, in all *thirty-three* persons possessed of absolute power, were publicly and habitually idolaters: or that Elkanah and the children of Uzzi, private individuals, are recorded as polygamists; when not only Micah, and his mother, and the Levite his priest, were idolaters, but the children of Dan publicly established idolatry and an idolatrous priesthood, from the days of Micah until the captivity; when sacrifices to idols in groves and high places continued in Israel, from the days of Jeroboam until the captivity of the ten tribes; and in Judah from the time of Solomon, with scarcely an exception, until the deportation into Babylon.

Were the reasoning, thus applied to the Hebrew history, to be adopted in any other case, it would lead to singular results. The nations of Europe, during the last twelve hundred years and upwards, have professed to be Christians, and to respect the Laws of God. Yet, were a prophet of God to write the history of any one of them during that period, not excepting that of Rome itself, of its popes, cardinals, and bishops, he would detail—not *thirteen*, but—*thirteen hundred* instances of open, acknowledged, long-continued, multifarious, and yet unpunished adultery. Yet this does not prove, that the Law of God forbidding adultery has been repealed, nor even that it is authorized by the laws of those countries. Were a Mohammedan to visit Italy, and to find the systems of *cicisbeism* and *nepotism* pervading its gentle and noble families, and even the court and palace of His Holiness, and the former system regularly recognized in marriage contracts; were he to visit Austria, and to find numbers of her princes and nobles maintaining each his eastern haram, and her Prime Minister for the last twenty-five years bestowing office as the price of beauty; and were he to discover that the crime, for which the Cities of the Plain were destroyed by a storm of fire, was most notoriously and impudently prevalent throughout Austria, Italy, and France; he might be ready to exclaim, "Why the Bible is no better than the Koran!" yet, while we could not deny his facts, we should all be ready to question his logic. Nay, were a prophet honestly to detail the occurrences of the last thirty winters at our own capital, i. e. for the fortieth part of twelve hundred years, if we did not find in the record more than *thirteen* instances of known unpunished adultery, as well as of bribery, his book would greatly raise the reputation of our native land.

2. From the Character of those who practised polygamy. It will hardly be insisted that Saul, Rehoboam, Abijah, Ahâb, Jehoram, Joash, and Zedekiah had sufficient weight of character, to prove all that they did to be justifiable. Gideon's setting up and maintaining an idol at Ophrah, and seducing the Israelites to Idolatry, is at least a suspicious circumstance in his case. The fact, that Solomon's wives turned his heart from God, and led him to erect high places to idols, is no very strong circumstance in his favour, or in favour of polygamy. We know of Ibzan and of Abdon, only that they were Judges possessed of absolute power, and that they practised polygamy. We know also of the children of Uzzi merely that they practised polygamy, just as we know of the children of Dan merely that they practised idolatry. The character of David did not justify his conduct with Ahimelech or Achish, with Bathsheba or Uriah. Elkanah was a good man, yet not a better man than Abraham. Yet the character of Abraham does not prove his falsehoods to Abimelech and Pharaoh to be in accordance with the Law of God; neither, therefore, does the character of Elkanah prove his polygamy to be in accordance with that Law.

3. From the fact that no Punishment was inflicted on polygamists by the Government.

Nine of the thirteen single instances were instances of Absolute Monarchs, whom no earthly tribunal could call to an account, or punish, for their conduct; and *three of the remaining four* were those of Judges, or Military Chieftains—men equally absolute with the Monarchs of Israel. That of Elkanah, and those of the children of Uzzi, occurred, as we have seen, in times when "*every man did that which was right in his own eyes,*" or, in other words, *had no one to call him*

to an account. In each of the instances, therefore, punishment was wholly out of the question.

Other crimes, however, not less heinous than this, and expressly forbidden, also escaped punishment. Though Abimelech, Saul, Doeg, David, Joab in repeated instances, Ahab, Zimri, Athaliah, Joash, and many others, were guilty of murder; Gilead, Samson, the wife of the Levite, Hophni, Phineas, David, and Absalom, of adultery; Amnon of rape; Gideon, Micah, his mother, the Levite who lived with him, and the Danites who robbed him, and their descendents for successive generations, Solomon, Jeroboam and his eighteen successors on the throne of Israel, as well as Rehoboam and eleven more of the kings of Judah, were guilty of idolatry; and the body of the two nations in numberless instances apostatized, and worshipped the gods of the surrounding countries; yet, in no one of these instances, was the sentence of the law inflicted by the government, on any individual. Yet surely this fact furnishes no evidence that murder, adultery, rape, and idolatry, were permitted, either by the laws of Israel, or the law of God.

4. From the fact, that no Censure is pronounced on those who practised Polygamy by the scriptural writers. We have already seen that the Original Law of Marriage universally forbid it; that Malachi severely censures the conduct, and declares that God forbid it to Man because of its demoralizing efficacy, and that Christ pronounces every one, who practises it, an adulterer. We have also seen that Polygamy is assigned as the cause of that general corruption and violence, which occasioned the Deluge; and that either Lamech, the first polygamist was a murderer, or that his polygamy, the first transgression of the Law of Marriage,

was the reason why his wives apprehended, that he would be put to death. In the instances of Jacob and Elkanah, it is exhibited as one of the principal causes of the misfortunes of their lives. In that of Jacob also, Reuben his eldest son defiled Bilhah one of his father's concubines; and what Jacob's feelings were on the occasion we may learn from his dying address to Reuben more than forty years afterwards: "Reuben, thou art my first-born: unstable as water, thou shalt not excel, because thou wentest up to thy father's bed; then defiledst thou it: he went up to my couch." In the case of Gideon we are told, that Abimelech, the son of his concubine, assassinated sixty-nine out of seventy of the children of his wives. In the case of David, Amnon, the son of one of his wives, committed a rape on Tamar, the daughter of another; while Absalom, the brother of Tamar, killed Amnon, and then expelled David from his throne, and violated his father's concubines in the sight of all Israel. Of the wives and concubines of Solomon, it is expressly said, that they turned his heart away from God. And in the cases of Saul, Rehoboam, Abijah, and Ahab, the general character of each is described as dreadfully wicked, and their polygamy is mentioned as one of the incidents of their lives.

The supposition, that those, who practised polygamy, are not censured for it, in the Scriptures, is therefore an entire mistake. Yet it is true, that various instances are recorded, in which the individuals mentioned are not censured *at the time*. If, then, there be any force in this argument, it grows out of the truth of the general principle, that whatever actions are recorded in the Scriptures, without any direct censure *at the time*, are lawful. So far, however, is this principle from being true, that, with the single exception of the crime of idolatry—

an exception growing out of the peculiar enormity of the crime, which was direct High-treason against Jehovah, as the acting Governor of Israel,—it is the customary mode of the scriptural writers, in recording crimes, simply to mention them as actions or events which occurred, without expressing an opinion as to the character of these actions. This is the natural method of recording such actions in a book like the Bible ; in which the great general principles, which stamp the character of actions, are previously and distinctly established, and therefore considered as known. This is often true indeed, even in the case of idolatry. The idolatry of Terah, that of Laban and Rachel, that of Gideon, and that of Micah, of his mother, and of the Levite his priest, are simply mentioned as facts, without a comment. As to the idolatry of the Danites, which continued to the time of the captivity, all that is said is, that “the children of Dan set up the graven image of Micah, in the city of Dan ; and Jonathan the son of Gershom, the son of Manasseh, he and his sons, were priests to the tribe of Dan, until the day of the captivity of the land ; and they set up Micah’s graven image, all the time the house of God was in Shiloh.” When the sacred historians inform us that Noah was guilty of intemperance ; that Abraham uttered a known direct falsehood to Abimelech, and another to Pharaoh, both, at the imminent hazard of his wife’s purity ; that Isaac, under similar circumstances, did the same to Pharaoh ; that Lot offered his two daughters to the men who surrounded his house ; that he was twice guilty of drunkenness ; that his two daughters successively made him drunk, and were then guilty of incest with their father ; that Jacob, at the instigation of Rebekah his mother, told repeated falsehoods to Isaac, and that he defrauded

Esau of his birthright and his blessing ; that Laban deceived and defrauded Jacob, by substituting Leah for Rachel ; and that Jacob in his turn defrauded Laban, in his management with regard to the cattle ; that Rachel stole her father's idols, and then told him a direct falsehood to escape detection ; that Esau collected an armed force, to take away Jacob's life ; that the sons of Jacob sold Joseph into Egypt, and then told a wilful falsehood to their father, under circumstances of the most aggravated filial impiety ; that Judah was guilty of lewdness with Tamar, not knowing her, and Tamar of known incest with her father-in-law ; that Reuben committed adultery and incest with Bilhah his father's concubine ; that Gilead was guilty of lewdness with a harlot ; that Samson was guilty of repeated adulteries ; that Joab killed his brother Asahel ; and that David told a direct falsehood to Ahimelech, and another to Achish ;—these various events, as well as many of a similar nature in subsequent parts of the Scriptures, are recorded *simply as events*, without any comment at the time ; and almost all of them, without any comment afterwards. But does this fact prove that intemperance, lying, incest, fraud, prostitution, idolatry, adultery and murder, were lawful ?—If not, neither does the fact, that Polygamy is not in every case censured *at the time*, prove that Polygamy was lawful.

It may not be improper to mention, in this place, a remarkable example of this nature. In Lev. xxxiii. 33, 34, the Israelites were commanded to dwell in booths seven days every year at the feast of tabernacles, throughout their generations for ever. Yet we are told by Nehemiah that, from the days of Joshua (B. C. 1446) to his days, (B. C. 444,) or 1002 years, it was wholly neglected. Yet not a word of censure, for this neglect,

has escaped those, who wrote the history of that long interval.

From these considerations, it is evident, if I mistake not, that no solid argument, in favour of the lawfulness of Polygamy to the Israelites, can be derived, either from the Number, or the Character, of those who practised it, or from the fact that they escaped Punishment from the government, or Censure from the scriptural writers. Were the principle, indeed, once settled, that it is lawful to determine *what the law of God is*, from the conduct of any class of men whatever, and from the fact that that conduct is recorded without censure by the scriptural writers; when we remember the falsehoods of Abraham to Abimelech and Pharaoh, of Isaac to Pharaoh, of Rebekah and Jacob to Isaac, of Laban to Jacob, of Rachel to Laban, of the eleven patriarchs to Jacob, of Ehud to Eglon, of Jael to Sisera, and the manner in which her conduct is spoken of by Deborah, of David to Achish and Ahimelech, and of Elisha to the host of Benhadad, (2 Kings vi. 19.) at the very time when he beheld the mountain full of horses and chariots of fire, and had just wrought a miracle in smiting the whole Syrian army with blindness; and reflect that these various instances of known direct falsehood are all recorded without censure by the sacred writers;—we should have far stronger evidence, that the Law forbidding wilful falsehood was repealed under the Patriarchal and Levitical Dispensations, than we can find of the repeal of the Law of Marriage, in the account which they give of the practice of polygamy.

The result of our inquiry then is this, that Polygamy was universally forbidden to mankind by the Great Original Law of Marriage; that no evidence of any repeal of that law, so far as it prohibited Polygamy, is

found in the scriptures; and of course that Polygamy was unlawful both to the Patriarchs, and to the Israelites. I will now subjoin a few considerations, confirming these conclusions.

1. The fact, that the Other Species of Polygamy—that *in which one woman has two or more husbands*—was unlawful in Israel, proves that the Original Law of Marriage, forbidding Polygamy, was in full force under the Levitical Code. That that peculiar species of Polygamy was unlawful in Israel, will doubtless be admitted; yet, should it be denied, the proof is at hand. In Deut. xxiv. 1—4, it is said, that a wife, after she has received a bill of divorcement from her husband, “may go and be another man’s wife.” Of course, previous to her receiving such a bill, it was unlawful for her to go and be another man’s wife, i. e. *to have two husbands at the same time*. But, if it was unlawful for a woman in Israel to have two husbands at the same time, *some law* had forbidden it. I then ask, What was that law?—The Levitical Code contains a law, forbidding a married woman to have *adulterous* intercourse with another man; but it contains no law, prohibiting *conjugal* intercourse or connexion *by marriage*—that is, no law, of which those whom I oppose can here avail themselves. The prohibition, in Levit. xviii. 18, “Neither shalt thou take a wife to her sister in her life-time, to vex her”—according to the construction of it, for which I propose to contend, in the ensuing Essay—*Neither shalt thou take one wife to another, in her life-time, to vex her*—does, indeed, expressly forbid a man to have *two wives*; and therefore may be regarded as, *by implication*, forbidding a woman to have *two husbands*. But this obviously cannot be alleged by those, who deny this construction. I call on them, then, to point out the law,

which rendered the latter species of polygamy unlawful; but this they cannot do, for no such law exists, except the Original Law of Marriage. That law, therefore, was in force under the Levitical Code. But if that law forbad *a woman to have two husbands*; with still greater certainty did it forbid *a man to have two wives*; because its prohibitory clause affects men, *expressly*; while it affects women only *by implication*. That clause is—not, “Therefore shall *a woman* leave her father and mother and cleave unto *her husband*,”* but—“Therefore shall *a man* leave his father and mother and cleave unto *his wife*.” And, as we have seen that it forbids a woman to have two husbands, at once; *a fortiori* therefore, does it forbid a man to have two wives at once. This fact then proves that the Original Law of Marriage, so far as it forbad polygamy, was in force in all its length and breadth under the Levitical Code.

2. The same thing is evident from the fact, that Polygamy was expressly prohibited, by Moses, to the future kings of Israel. Deut. xvii. 17, “Neither shall he (the future king) multiply wives unto himself; that his heart turn not away.”

It has been publicly suggested by an individual not now in the desk, that the word *multiply*, has as extensive a meaning in this passage, as it has in the preceding verse—“But he shall not multiply horses to himself, nor cause the people to return to Egypt, to the end that he should multiply horses”—It is said that, as the future monarch is not, by this verse, restricted to *one horse*; so he is not, by the next, to *one wife*; and that he is clearly allowed to keep at least *as many wives as horses*. My only reply to this suggestion shall be this—The mind, which

* If it had been, who would have questioned that it forbad a woman to have two husbands at once.

could first engender such a sentiment, and then charge it to the Spirit of God, shall receive it back again, untouched, into the pollution from which it came forth.

The prohibition, given to the monarch to multiply wives, either had a *definite meaning*, and restricted him within *given* limits ; or it had *no meaning at all*. If the Original Law of Marriage was in force in Israel, this prohibition had a definite meaning. If it were a fundamental law of England, where polygamy is unlawful ; —“ The king shall not multiply wives unto himself ; ” — it would clearly prohibit the king from marrying more than one wife ; for *any increase above the authorized number, is multiplication* ; and the same, on this supposition, was true in Israel. But if that law was not in force in Israel, I ask, What law *limited* the number of wives, which might be lawfully taken, either by king or subject.

The Rabbinitists indeed allege, that David had 14 wives and 18 concubines ; and insist, because he was a good man, that this was the *ultimatum*, beyond which the monarch might not lawfully go. No one, however, at the present day, will pretend, that, by any enactment, the lawful number of the monarch's wives is limited to *two*, or *three*, or to the Mohammedan number *four*, or to *six* or *eight*, to *ten* or *twenty*. But if the lawful number was not *definitely* settled, the king might well ask the prophet, who suffered him to take *twenty*, and who came to reprove him because he was about to take the *twenty-first*, —“ What ! is it multiplying wives to take *twenty-one*, when it is not multiplying them to take *twenty* ! If then this prohibition was not absolutely nugatory, and in effect prohibited nothing ; the Original Law of Marriage was in force in Israel.

If Polygamy was unlawful to the nation at large ;

still there were the best reasons in the world, for recording a particular express prohibition of it to the future monarch. The surrounding nations all practised polygamy. Their kings had, each his haram; and each prided himself in the number of his wives and concubines. The monarch of Israel was absolute, independent of the nation whom he governed, and amenable only to God. Though the people at large had been forbidden to practise polygamy, still, from the example of surrounding kings, from the power and wealth of the monarch, and the passions of the human breast, there was the strongest reason to fear that, notwithstanding the general law, he would "multiply wives unto himself," and thus corrupt himself and the nation. In this point of view, the command appears most merciful; and the histories of Saul, David, Solomon, Rehoboam, Abijah and Ahab, prove, that it was most necessary; for even this additional and express command did not secure their obedience.

This restriction on the king was certainly intended to have force and efficacy; because it was a law of God. But we have seen, that, if it did not limit the king to *one wife*, it did not limit him *at all*; and of course had no binding force. The king, then, was forbidden to practise polygamy, if the people were not. If then we suppose polygamy to have been lawful to the nation at large; where was the propriety of forbidding it to the king? It did not lie in the fact that it was unlawful *in itself*; for in itself it was as lawful to the monarch as to his subjects. The monarch was certainly as *able*, as his subjects, to maintain numerous wives; and provide for them as he ought. The heart of the monarch was no more liable to be turned away, by the practice of polygamy, than the heart of a subject. I agree, "it hath

cast down many wounded, yea many strong men have been slain by it ;” but, while this is the best of all reasons for prohibiting it universally, it is a very bad one for confining the prohibition to kings. To prohibit the king from an *innocent*, and, if we may judge from the history of Saul, David, Solomon, and several of their successors, a *favourite* practice ; when not only the neighbouring monarchs, but his own subjects were allowed to indulge in it ; would have been to create an unnecessary and odious distinction. It was exhibiting him, in point both of actual privilege, and of claims to personal confidence, as below the level of the people at large. It was in effect to say—“ Neither shall the king practise polygamy, because it will turn away his heart ; but all his subjects may practise it, because it will not turn away their hearts !” The fact, that he saw his princes, his nobles, and even his peasants, lawfully possessing all that heart could wish, while himself was limited to a single object ; would of course have prompted him, if not restrained by religious principle, to the indulgence of wild and roving passion. Such a restriction, therefore, could not have been laid on the monarchs of Israel, without being also laid upon their subjects.

3. If Polygamy was not forbidden by the Original Law of Marriage, to the Patriarchs and Israelites ; neither is it forbidden under the Christian Dispensation. Polygamy has been supposed to be forbidden, in the New Testament, in the six following passages—Mat. v. 31, 32 ; Mat. xix. 3—9 ; Mark x. 2—12 ; Luke xvi. 18 ; Ephesians v. 31 ; and Cor. vii. 1, 2. The first five of these passages are all alike. They are all founded on, and appeal to, the Original Law of Marriage, and merely explain the binding force of that law upon mankind : they forbid what that forbid, and allow what that al-

lowed; and if that did not forbid Polygamy, neither do they. As to the passage in Corinthians, "Now concerning the things ye wrote unto me,—It is good for a man not to touch a woman: Nevertheless, to avoid incontinence, let every man have his own wife, and let every woman have her own husband;" I remark, 1. That every man has *his own wife*, and every woman *her own husband*, as truly in polygamy as in marriage; and 2. That the Apostle *expressly* declares, that he speaks the paragraph of which this is a part, *by permission*, and not *by commandment*, and that it is *himself* that speaks it, and not *the Lord*. Of course it is merely *advisory*; and cannot be regarded as a *law* restraining the rights of mankind in the article of marriage, within narrower limits than had previously existed for four thousand years, and binding by its authority the whole human race. No alteration of a General Law of God was ever introduced by a passage in a writer, declared by himself to be mere private advice. The only remaining passages in the New Testament, alluding to this subject—1 Tim. iii. 2, "A bishop must be the husband of one wife;" and 1 Tim. iii. 12, "Let the deacons be the husbands of one wife;"—so far as they have any bearing upon it, seem to imply, that all except bishops and deacons may be the husbands of more than one wife; and so direct did this implication seem to the dignitaries of the Greek Church, that, in order to rebut it, they enacted, that neither bishop nor deacon, if he had the misfortune to lose his wife, should ever be permitted to marry a second. They alkude, however, doubtless, to the fact, that some of the converted Heathens had several wives; and enjoin that no one, who had more than one, should fill the office of bishop or deacon. If then

polygamy was *lawful*, under the Patriarchal and Levitical dispensations, it is equally so under the Christian.

4. Wherever marriage is spoken of in the scriptures as *a state*, it is always spoken of as *the union of one man with one woman*; and in language utterly inconsistent with the supposition, that more than one of either sex could be lawfully united with one of the other. This is true, alike, of both Testaments. A few examples will show the common current language of the whole Bible.

Gen xxiv. 3, 4, "And I will make thee swear unto me, by the LORD, the God of Heaven and the God of Earth, that thou shalt not take *a wife* to my son, of the daughters of the Canaanites, among whom I dwell; but thou shalt go unto my country, and to my kindred, and take *a wife* unto my son Isaac." Abraham's design, in thus adjuring Eleazer, was to prevent Isaac from marrying a Canaanitish woman. The fact that Isaac should marry a woman of Padan-Aram, he evidently regards as complete security, against the dreaded connection. But if Polygamy had been lawful, it would have been no security whatever. Isaac was heir to princely possessions, and could easily have maintained many wives. In these circumstances, had Polygamy been lawful, his father, in order to prevent all hazard of connection with the women of Canaan, would have directed Eleazer to bring—not *a wife*, but—as *many wives* as Isaac would probably wish to include in his family establishment. From the fact, that he regarded Isaac's marriage with *one wife* of Padan-Aram as effectual security against future marriages with women of Canaan, it is evident, that Polygamy was not then regarded as lawful.

Deut. xxviii. 54, 58, "His eye shall be evil towards *the wife of his bosom*."—"Her eye shall be evil towards *the husband of her bosom*." These are a part of the

curses, denounced against the Israelites as a nation, to take effect upon them, during the long progress of their history, whenever they should become disobedient and rebellious. The husband and wife here mentioned are *any husband and wife*, who should thus disobey. The language is accommodated to the actual laws and state of society in Israel, not only as they *were* in the age of Moses, but as they *were to be* in every succeeding age. It describes marriage, as it actually finds it, and finds it universally prevalent—as the union of one husband with one wife—as a union, in which the husband has the wife of his bosom; and the wife, the husband of her bosom. In a country, where a man may marry but one wife, this language has meaning; but suppose that a Turk were threatened, that on the commission of a given offence, he should lose the *wife* of his bosom; would he not instinctively ask, “which of them will you take?—I have four!” Must not the law, in order to have point and exactness, threaten him with the loss—either of *one of his wives*, or—*of the women of his haram*? Here then Moses, or rather God himself, when making laws relative to marriage, *as it then existed*, and *as it would lawfully exist in Israel in successive generations*, not only represents each husband as having *one wife*, and each wife as having *one husband*; but uses language, which could have no meaning, in a country where Polygamy was general or lawful.

✓ Psalm cxxviii. 3, “*Thy wife shall be as a fruitful vine, by the side of thy house: thy children, like olive-plants round about thy table.*” The Israelites, probably more than any other people, regarded numerous children as a blessing. Thus, in the preceding Psalm, it is said—“Lo, children are an heritage from the Lord, as arrows

in the hands of a mighty man. Happy is the man, that hath his quiver full of them." This idea is fully recognized, in the passage quoted above, in which the Psalmist is describing the happiness of the man, who feareth the Lord. But, if writing for a country, in which Polygamy was customary, instead of saying, "*Thy wife* shall be a fruitful vine," he would have said, "*Thy wives* shall be as fruitful vines." It would present no very flattering prospect to a good man, who had twenty wives, to tell him, that, as the reward of his fearing the Lord, *one of them* should be fruitful. "What!"—he would instinctively rejoin, and with no little meaning,—“and shall *the other nineteen* be barren”

Prov. v. 15, 18, 19 “Drink waters out of thine own cistern, and running waters out of thine own well. Let thy fountain be blessed, and rejoice with *the wife* of thy youth. Let *her* be as the loving hind, and the pleasant roe; let *her* breasts satisfy thee *at all times*, and be thou *always* ravished with *her* love.” Solomon tells us, that these are part of the instructions, which David his father gave him, when he was young, to regulate his conduct.* I admit, that David had numerous wives and concubines; yet, as one of the inspired penmen, he has taught nothing but pure morality and exalted piety. I ask then every one, who has read the preceding directions, whether they could have sense or meaning, if ad-

* The address of David to Solomon begins Prov. iv. 4, in the middle of the verse, and is carried on in one continuous discourse, through that and the five following chapters: ending with the close of Chapter ix. This fact, I believe, has escaped the notice of Commentators. It is worthy of observation, as it refutes an argument, which has been derived from the abrupt commencement of Chapter x., to prove that Solomon did not write much of the latter part of the book. That abrupt commencement is owing to the fact, that the discourse of Solomon is there resumed.

dressed to a man, living where Polygamy was lawful and customary? Had they been actually addressed to an Israelitish nobleman, who, by divine permission, had married a haram of twenty wives; with what force would he have replied in David's own language—"Which of my cisterns or which of my wells, which of my fountains or which of my wives; with Adah or Zillah, with Abigail or Rachel, with Haggith or Maachah, with Hannah or Rebekah, with Achsah or Deborah, with Sarah or Bathsheba, with Milcah or Michal, with Anah or Delilah, with Mary or Ruth, or *which?* In short, *could* these directions be *possibly obeyed* by the man, who had so many other wives, beside *the wife of his youth*. Could *her* breasts satisfy him at *all* times, when, during most of his time, he was lawfully and necessarily devoting himself to the other women of his haram? Could he be *always* ravished with *her* love, when usually she was supplanted by her rivals? Would not obedience to these directions have been a gross abuse and injury to his other lawful wives?

✓ Jer. v, 8, "They were as fed horses, in the morning: every one neighed after his neighbour's wife." The prophet is here describing in glowing terms, the general lewdness of the Israelites, and their multiplied adulteries. No illustration of the subject could have been more forcible, than the image which he actually presents; and Jeremiah can rarely be accused of letting his representations lag behind the reality. Surely, then, if Polygamy had been customary, he would have said, "Every one neighed"—not "after his neighbour's *wife*,"—but "after his neighbour's *wives*," or "his neighbour's *haram*." In a town, where each householder had as many wives as he could maintain, it would be no very striking proof of universal profligacy, that all the wives but one, in each

family were not only unpolluted, but *un-neighed-after*.

Jer. vi. 11, "I will pour the fury of the Lord upon the children abroad, and upon the assembly of young men together; for even *the husband with the wife* shall be taken; the aged with him that is full of days." As the prophet intends by this language to denote the comprehensive extent of the divine fury, had Polygamy been lawful, he must have said,—"*the husband with his wives*." He could not have intended to intimate that, under a most sweeping desolation, *all the wives but one*, in each family, should escape.

Mal. ii. 14, "The Lord hath been witness between thee and *the wife of thy youth*, against whom thou hast dealt treacherously; yet is she thy companion, and *the wife of thy covenant*. Therefore take heed to your spirit, and let none deal treacherously with *the wife of his youth!*"—In this chapter Malachi obviously intends to reprove the Israelites for their general infidelity to the marriage vow; yet I appeal to the common sense of every reader, that his language would have neither force nor meaning, if addressed to a nation of polygamists. If a Mohammedan priest were to read this reproof, in a Turkish mosque, it would not be intelligible; and were the book of Malachi to be read by a Turk, he would at once conclude, that, among the Jews, it was not lawful to have more than one wife.

Math. xix. 29, "And every one, that hath forsaken houses, or brethren, or sisters, or father, or mother, or *wife*, or children, or lands, for my name's sake, shall receive an hundred fold and shall inherit everlasting life."

Luke xiv. 26. "If any man come to me, and hate

not his father, and mother, and *wife*, and children, and brethren and sisters, he cannot be my disciple."

These two passages were addressed to the Jews, as *our Saviour found them, living under the laws of Moses*. The conduct, to which this high reward is promised, is the cheerful surrendry of every thing dear and valuable, for the sake of the Saviour. The word, used in each case, denotes the *entireity* of the sacrifice. Thus, *brethren*, and *sisters*, and *children*, and *houses*, and *lands* denote *all one's brethren, and sisters, and children, all one's houses and lands*; since the surrendry of a part of any one kind would have been unavailing, without a surrendry of the residue. Each word here used is intended, therefore, to express *as many things of the given kind, as the persons addressed could be supposed to possess*. Where they could have several, the *plural* is used; where *only one*, the *singular*. As they could have but *one father*, but *one mother*, and but *one wife*, each of these is in the *singular*; as they could have more than one of each of the other things mentioned—*brethren, sisters, children, houses, lands*,—they are all in the *plural*. Had Christ said, "If you forsake not your *brother*, and *sister*, and *child*, and *house*, and *land*," the language would obviously have been defective; for it would have implied that forsaking *one* brother, or sister, or child, or house, or *one* piece of land, was enough, and that the remainder of each might be preferred to Christ. But when he says, "If you forsake not your *father*, and *mother*, and *wife*," there is no such defect; because each word, though *in the singular*, is *all of the kind*, that any individual could possess or forsake. Surely a Jew could have no merit in preferring the Saviour to one wife, if he loved his other wives more than the Saviour. It is plainly impossible, therefore,

that Christ should have used this language, had he been surrounded by an assembly of polygamists.

These passages are a few, taken from a great number found in every part of the Bible. They show the customary phraseology of the scriptural writers, and are susceptible of but one construction. They exhibit an account of lawful wedlock, as it actually existed in every period of biblical history, among the Patriarchs, the Israelites, and the Jews. The writer or speaker, in every instance, takes his countrymen and their marriages *as he found them*. Every reader will at once say, that such an account of the subject could not possibly have been written respecting a state of society, in which Marriage was Polygamy. It presupposes, that Marriage is in itself, and was, as it actually existed, *the union of one man with one woman*. It never explains the duties of a state of polygamy, nor supposes it to exist. It is an account of Marriage, just as it exists in Christian countries, and utterly irreconcilable with such a state of Marriage, as exists in Turkey, and in Southern Asia.

At the same time, the Bible does not contain a solitary example of an opposite use of language. The few instances of Polygamy, on record, are simply mentioned as *events that occurred*, and are recorded in precisely the same manner, as the sacred writers customarily record *other transgressions of law*. To a fair unbiassed mind, this fact of itself will, I think, appear absolutely conclusive.

We thus find, as the result of our inquiries, that the Original Law of Marriage forbid Polygamy to mankind; that no repeal of that law is found in the Scriptures; and that Polygamy was not lawful, either among the Patriarchs, or under the Levitical Code.

There is, however, as we contend, one passage more relating to the subject, which we have not yet examined,—Lev. xviii. 18, “Neither shalt thou take a wife to her sister, to vex *her*, to uncover her nakedness beside the other, in her *life-time*.”—This passage, it will be recollected, is regularly resorted to, to prove *marriage with the sister of a deceased wife* to be lawful. And when, in opposition to that construction, we contend that this passage is simply a prohibition of Polygamy, and is precisely equivalent to—*Neither shalt thou take one wife to another in her life-time, to vex her*—we are regularly met with the Objection, that Polygamy was actually lawful among the Israelites, and of course that this construction is erroneous. The other construction of the passage,—*Neither shalt thou take a second wife, who is the sister of thy first wife, to vex her, to uncover her nakedness beside the other, in her life-time; although thou mayest take one, who is not her sister, as that will not vex her; and her sister also, after her death*—is, if correct, a full and explicit permission of polygamy. This passage will be minutely examined, in the progress of the subsequent Essay; and when we come to the examination, I hope it will be distinctly remembered, that the Scriptures (this one passage out of the question) furnish decisive evidence that Polygamy was unlawful; and that if the lawfulness of Polygamy is to be proved, the evidence must be derived from this one passage alone. Thus, we shall be able to examine this much controverted text, on its own merits, and to investigate the Law of Incest, without entangling it with the lawfulness or unlawfulness of Polygamy.

THE LAW OF INCEST.

THE Law of Incest was long supposed to be definitively settled. Under the care of the Israelitish Church, it remained unaltered for fifteen centuries, and under that of the Christian, for more than seventeen. To our American Legislatures belongs the honour of the discovery, that these Churches, doubtless from the love of supererogatory obedience so natural to man, submitted, for more than three thousand years, to various restraints on their marriages, which were wholly unenjoined by the Law of God. Since this discovery, they have, to say the least, deserved no censure for not removing these restraints, as soon as they could make them out to be supererogatory.

The curious reader, in examining some of our Statute-books, will be struck with sundry *nice distinctions*, made between lawful and unlawful marriages. In various instances, he will find, that a *Man* is allowed to marry his *wife's sister*, or *niece*, while a *Woman* is forbidden to marry her *husband's brother*, or *nephew*. In endeavouring to account for these distinctions, he may perhaps imagine, that the law-makers were guided by a Modern Notion—that a woman is more nearly related to her husband than a man to his wife. This, however, could not have occasioned them, for the statutes, in which they are found, were made before the publication of the Pamphlet, in which this notion was first promulgated. Their real origin is to be traced to the

following facts; The Law-makers were exclusively *Men*:—Men usually wish to marry women who are *younger* than themselves:—Men commonly prefer *maids* to *widows*. A *brother's wife* and an *uncle's wife*, to be marriageable, must of course be *widows*; and the latter is usually older than her correlative, a *husband's nephew*; but this is not the case with a *wife's sister* or a *wife's niece*. Had the Law-makers been *Women*;—as ladies are willing to marry men *older* than themselves, and do not refuse *widowers* when they cannot get *bachelors*;—the popular feeling in the legislatures would probably have been in favour of *all four* of the exemptions, and would doubtless have required a *brother's wife* and an *uncle's wife* to be placed on as high ground as a *wife's sister* and a *wife's niece*. This operation of female views and sympathies on our marriage-acts, would have brushed away several odious distinctions-without-a-difference, would have made the statute-books consistent with themselves, and would have put *widows* and *widowers* on a level.

Since these innovations on the Law of incest, various marriages, long regarded as incestuous, have become common. The instinctive horror, which the bare thought of such connections once excited, has too extensively given way to the sanction of law, and the turbulence of passion. Those whose only standard of action is *the law of the land*, and who regard every thing as right which is *safe*,—a description, which includes the vast majority of every community,—have of course contracted them without a scruple. To such men, the marriage of a *wife's sister*, if the wife have a *younger* sister; or, if not, of a *wife's niece*, is the most convenient imaginable. A *wife's sister* comes under the roof, and the parties are of course intimately ac-

quainted, and often together. A present affection is already their duty; and a future connection, under a change of circumstances, has become lawful. Conscience has been *laid* by the statute, and no longer "holds the heart in chains against the seduction of beauty." Perhaps no situation can be imagined, where, *ceteris paribus*, an embryo spark will so easily be struck, which at a convenient time will be fanned into a flame. She is present; also, *at the critical moment*; and, by her sympathy and tenderness, quickens emotions of which she is *apparently* unconscious.

"'Tis but a kindred *string* to move
For pity melts the soul to *love*."—

The bereaved family, and particularly the parties in question, who are now, *de facto*, "the *united head*" of it, find themselves for a while—such are the customs of society—chiefly secluded from company; often *alone together*, *solum cum solâ*, *si non omnibus horis*, *saltem vespertinis*, *quando solitudo*, *tenebræ*, *tristitia etiam*, *memoria*, *cupido*—omnia flammis surgentibus favent; et citius fide, etiam nocte silenti vix divulsos; and thus with less and less reluctance constrained to depend on each other for all that solaces and sweetens life. Long before they are aware, they have become mutually necessary, and many months anterior to the time when the deposition of weeds is customary, they have made to each other a complete developement of what the actual state of things *is*, as well as a satisfactory demonstration of what it is soon *to be*. No courtship is so easy as this: It begins, they know not, they are afraid to know, *when*; it is carried on, they know not, they are not willing to know, *how*; it is completed, (all excepting the concluding ceremony,) very often, without having been sus-

pected, even by those busy-bodies, who worm out and publish every other affair of a similar nature.

A few individuals, also, possessing minds more enlightened, and a morality more elevated, have given to the marriage in question the authority of their example. A few have thrown around it "the sanctity of their lawn" a few have enveloped it in "the purity of their ermine." Some of these, doubtless, have done it ignorantly, or hastily; while others have first investigated its lawfulness and then have *hesitatingly* ventured. But the investigation has usually been commenced *because* the affections were fastened, and the purpose formed; and of course has been pursued with less exemption from prepossession and bias, than truth and fair-play would seem to require. The cool logic of the intellect is at best a feeble advocate, when opposed by the warm rhetoric of the affections. While the head is umpire, reason and argument will usually carry the day; but when the heart is on the bench, a single impulse will put to flight a whole army of syllogisms. Still, decisions made in such a forum are not to be regarded as *precedents*, or as entitled to all that authority which is allowed to *adjudged cases*, in our courts of law.

A few of the more enlightened, also, have, without this personal bias, arrived at the same conclusion. Some in this, as in all other cases of mere morality *unconnected with loss and gain*, have, without examination, taken the *popular* side of the question. Others, resolving to throw off the shackles of prejudice and prescription, and aided by the writings of unprincipled Europeans, have adopted loose and licentious notions respecting Marriage. Among these notions are the following:—That marriage is not an institution of God, but a mere creature of municipal law:—That the marriage-contract is merely a civil

contract; liable, like every other contract, to be varied, dissolved, and renewed, at the pleasure of the parties :— And that, in enacting laws respecting it, the Legislature is not bound to regard the Law of God at all, but merely its own views of the good of the state.

The effect of these innovations on the Law of incest, has been,—to unsettle the minds of the community on the whole subject, to introduce a loose and vague scepticism with regard to the guilt of Incest in all cases whatsoever, and to leave a painful uncertainty, as to the actual extent of the alterations, to which the Original Law has been subjected. The people at large rarely consult the Statute-book. Few of them, so far as my observation extends, appear to be aware, that inroads have been made upon the Law of incest by a *legislative act*; yet, perceiving that marriages are actually celebrated, which are among those prohibited at the end of the Old Testament, they conclude that the Law of incest has grown *obsolete*. Knowing *propinquity** to be the only ground and rule of Incest, they naturally place all marriages, where the degree of propinquity is the same, on a level. The consequence has been, that marriages, still pronounced incestuous by the Statute-book, have been extensively contracted. The parties have thus ignorantly exposed themselves to an infamous punishment, and their children to the loss of their inheritance, and to a disgraceful epithet under circumstances peculiarly humbling and painful. I have known two instances of marriage between an *uncle* and *niece*, and have heard of one between a *half-brother* and *sister*. So general, however, is the impression, that this uncertainty is fairly attributable to the Legislature,

* By the word *propinquity*, is intended *nearness in general*: by *affinity*, *nearness by marriage*: and by *consanguinity*, *nearness by blood*.

and to the zigzag plight of the Statutes ; that Incest passes unmolested and unnoticed. Not less general perhaps is the impression, that Incest, except between *lineal relations*, cannot be prosecuted to effect. These facts should teach us to "leave off" the revisal of the Law of God, "before it be meddled with."

In investigating the subject of Incest, the Divine Law is our only directory ; for that law alone is universally binding on the Human Race. If that law prohibits Incest, it is a sin ; if it does not, it is innocent.

The most natural and obvious mode of conducting this discussion, would be—simply to ascertain, *What marriages are pronounced incestuous by the Scriptures*. This course I would gladly take, were it possible ; but those, who advocate innovations on the Ancient Law of incest, have supported their scheme by very different arguments. Some of them contend that the incest, prohibited in the Scriptures, is merely incestuous *fornication* or *adultery*, and that no *marriage* can be incestuous ;—others, that *consanguinity* is the sole scriptural ground of Incest, and that it cannot exist in any case of mere *affinity* ;—others, that the Levitical prohibitions were intended merely to preserve *the natural supremacy of the husband* ;—others, that the Levitical Law prohibits marriage with certain women, while they are the *wives* of other men, but not after they become *widows* ;—others, that the Law of Incest was either merely *ceremonial*, or merely the *national law* of Israel, and in neither case binding on us ;—others, that Incest is merely a positive offence, and therefore not a crime in its own nature ;—others, that we are subject to no Law of Incest whatever, but that all marriages are lawful ;—others, that marriage with a *wife's sister* is authorized in the Scriptures, and is in itself particularly proper ;—

and others, that it is in vain to amend the laws of any one State, and leave those of the other States as they are.

The subject is, however, of so much intrinsic importance, as to justify any length of discussion, which it fairly involves. If Incest be now a sin, it is unquestionably a sin of no light magnitude. It was one of nine crimes, for which the Canaanites were exterminated, and for which the Israelites were threatened with extermination. Under the Levitical Law, those guilty of it were punished with death. Few sins are spoken of in the Scriptures as equally offensive to the eye of God. If then it be now a sin, and if many of the marriages now customary in this country are incestuous ; it is most desirable that its guilt and danger should be fully exposed ; and the degrees, within which marriage is prohibited, exactly ascertained.

The whole discussion involves but Two Questions : — *What was the Levitical Law of Incest ?—Is that Law binding on us ?*

I. WHAT WAS THE LEVITICAL LAW OF INCEST ?

The answer to this question will lead us to consider,

I. THE VARIOUS SECTIONS OF THE LAW ITSELF.

The following is the whole Law of Incest, as promulgated to the Israelites.*

Lev. xviii. 6. None of you shall approach to any, that are near of kin to him : I am the LORD.

7. The nakedness of thy father, or the nakedness of thy mother, shalt thou not uncover : she is thy mother : thou shalt not uncover her nakedness.

* The examination of Leviticus xviii. 18, will be pursued, immediately after the Levitical Law of Incest has been settled.

8. The nakedness of thy father's wife, shalt thou not uncover : it is thy father's nakedness.

9. The nakedness of thy sister, the daughter of thy father, or the daughter of thy mother, whether she be born at home or abroad, even their nakedness thou shalt not uncover.

10. The nakedness of thy son's daughter, or of thy daughter's daughter, their nakedness thou shalt not uncover : for theirs is thine own nakedness.

11. The nakedness of thy father's wife's daughter ; begotten of thy father, she is thy sister : thou shalt not uncover her nakedness.

12. Thou shalt not uncover the nakedness of thy father's sister : she is thy father's near kinswoman.

13. Thou shalt not uncover the nakedness of thy mother's sister : she is thy mother's near kinswoman.

14. Thou shalt not uncover the nakedness of thy father's brother : thou shalt not approach to his wife : she is thy aunt.

15. Thou shalt not uncover the nakedness of thy daughter-in-law : she is thy son's wife : thou shalt not uncover her nakedness.

16. Thou shalt not uncover the nakedness of thy brother's wife : it is thy brother's nakedness.

17. Thou shalt not uncover the nakedness of a woman and her daughter ; neither shalt thou take her son's daughter, or her daughter's daughter, to uncover her nakedness : for they are her near kinswomen : it is wickedness.

29. For whosoever shall commit any of these abominations, even the souls that commit them shall be cut off from among their people.

Leviticus xx. 11. And the man, that lieth with his father's wife, hath uncovered his father's nakedness :

both of them shall surely be put to death : their blood shall be upon them.

12. And if a man shall lie with his daughter-in-law ; both of them shall surely be put to death : they have wrought confusion : their blood shall be upon them.

14. And if a man take a wife and her mother ; it is wickedness : they shall be burnt with fire, both he and they : that there be no wickedness among you.

17. And if a man shall take his sister, his father's daughter, or his mother's daughter, and see her nakedness, and she see his nakedness, it is a wicked thing, and they shall be cut off in the sight of their people : he hath uncovered his sister's nakedness : he shall bear his iniquity.

19. And thou shalt not uncover the nakedness of thy mother's sister, nor of thy father's sister : for he uncovereth his near kin ; they shall bear their iniquity.

20. And if a man shall lie with his uncle's wife, he hath uncovered his uncle's nakedness : they shall bear their sin : they shall die childless.

21. And if a man shall take his brother's wife, it is an unclean thing : he hath uncovered his brother's nakedness : they shall be childless.

Deut. xxii. 30. A man shall not take his father's wife, nor discover his father's skirt.

Deut. xxvii. 20. Cursed be he, that lieth with his father's wife, because he uncovereth his father's skirt.

22. Cursed be he, that lieth with his sister, the daughter of his father, or the daughter of his mother.

23. Cursed be he, that lieth with his mother-in-law.

Having thus recited all the various Sections of the Levitical Law of Incest, we are led, in answering the question, *What was that Law?* to consider,

II. THE PRINCIPLES, ON WHICH THE LAW OF INCEST IS TO BE INTERPRETED.

As these have occasioned much controversy, and need to be settled, we shall examine some of them at length.

i. The Intercourse here prohibited is Sexual Intercourse.

This will doubtless be admitted. If not; the phrases used in the Law to explain it: *To approach to—To uncover the nakedness—To take*, and—*To lie with*: place this point beyond controversy.

ii. The Four Phrases used to designate this Intercourse have one and the same meaning. This too will probably be conceded; but, if not, the proof is at hand. The first three of the phrases occur in Lev. xviii.; the last three in Lev. xx.; the second and third in Deut. xxii.; the second and fourth in Deut. xxvii.

In Lev. xviii. 6, which is the General Summary of all the particular prohibitions, the prohibited intercourse is pointed out by the phrase—*to approach to*. In the particular prohibitions following, all included in the General Summary, this prohibited intercourse is pointed out by the phrases—*to uncover the nakedness, to take*, and *to lie with*. The first phrase therefore has the same meaning with each of the other three; and they of course with each other. Again; in Leviticus xviii. 14, the phrase—*to uncover the nakedness* is explained by the phrase *to approach to*; in Lev. xx. 11, by the phrase—*to lie with*; and in Lev. xx. 21, by the phrase *to take*. These four phrases then, as used in this Law, have the same identical meaning.

iii. The Sexual Intercourse, here prohibited, is *every kind* of sexual intercourse; but especially that of *marriage*.

This will be evident from the following considerations:

1. From the Direct Meaning of the phrases employed to describe it. There is obviously nothing in either, which limits its application to fornication and adultery, rather than to marriage. Thus the man, who has conjugal intercourse with his sister, or his brother's wife, as fully and inevitably *approaches to her, takes her, uncovers her nakedness, and lies with her*, as the man, who commits fornication or adultery with her. The very terms of the prohibition, therefore, include every species of Sexual Intercourse.

2. From the Use of these phrases in the Scriptures at large.

(1.) *To approach to*, occurs no where but in Lev. xviii. 6 and 14; both of which are now under discussion.

(2.) *To uncover the nakedness*, is used in three instances, to denote conjugal intercourse, Lev. xviii. 18, 1 Sam. xx. 30, and Isaiah lvii. 8. In two instances, it refers to unlawful intercourse, Ezek. xvi. 36, and Ezek. xxiii. 18. The phrase is therefore general.

(3.) *To take*, in Hebrew **קָחָהּ**, when connected with **אִשָּׁה**, a woman, is the appropriate Hebrew phrase for *to marry a wife*. *To take*, used absolutely, denotes the same thing: Gen. xxxiv. 9, 16, "And *take* our daughters unto you:—and we will *take* your daughters unto us." Deut. xx. 7, "Hath betrothed a wife, and hath not *taken* her." 1 Chron. xxii. 22, "And their brethren the sons of Kish *took* them." The instances of this kind are numberless. The only apparent exception to this use is in Ezek. xvi. 32, "But as a wife that committeth adultery, that *taketh* strangers instead of her husband." Here however, *to take*, is used with reference to its connection with *her husband*, (*that taketh not her husband, but strangers*), and not independently of its reference to marriage. The phrase *to take*,

therefore, is in all instances used with reference to marriage, and in all but one denotes *to marry*.

4. *To lie with* denotes every, species of sexual intercourse :

(1.) *Marriage*, Gen. xxx. 15, 16, Num. v. 20, 2 Sam. xi. 11.

(2.) *Fornication*, Exod. xxii. 16, Deut. xxii. 23, 28.

(3.) *Adultery*, Gen. xxxix. 7, Lev. xviii. 20, Num. v. 20.

(4.) *Rape*, Deut. xxii. 25, 2 Sam. xiii. 14.

(5.) *Incest*, Gen. xix. 32, 34.

(6.) *Sodomy*, Lev. xviii. 22, Lev. xx. 15.

(7.) *Bestiality*, Lev. xviii. 23, Lev. xx. 15.

(8.) *Intercourse generally*, Lev. xv., *passim*, Judges xxi. 11.

When used without any thing, in the phraseology or the story, to qualify or limit its meaning, this phrase is always general: denoting any and every species of sexual intercourse.

From the scriptural use of these four phrases, therefore, it is evident, that these prohibitions are not limited to incestuous *fornication* or *adultery*, but include *marriage* also; and from the use of the phrase *to take*, it is clear that incestuous marriage is the intercourse especially prohibited; the declared unlawfulness of that, involving of course, and *a fortiori*, the unlawfulness of incestuous fornication and adultery.

3. From the Meaning of those phrases in the Law Itself.

Lev. xviii. 18, Neither shalt thou take a wife to her sister, to vex her, to uncover her nakedness beside the other, in her life-time.*

17, Thou shalt not uncover the nakedness of a

* Those whom I oppose insist that this is a part of the Law of incest.

woman and her daughter : neither shalt thou take her son's daughter, or her daughter's daughter, to uncover her nakedness ; for they are her near kinswomen : it is wickedness.

Lev. xx. 14, And if a man take a wife and her mother it is wickedness.

The first of these passages has received two different interpretations : both agreeing that the prohibited intercourse is *Marriage* : but the one, regarding the passage as prohibiting *Polygamy*, and the other, *Incest*. The first of these interpretations is, *If thou hast a wife, thou shalt not marry another wife until after her death, but then thou mayest*, The second interpretation is, *If thou hast a wife, thou shalt not marry her sister until after her death for it will vex her ; although thou mayest marry another woman, for that will not vex her ; and after her death her sister also*. Now if the intercourse here forbidden is not marriage, but fornication or adultery ; then the prohibition, according to the first interpretation, will read thus, *If thou hast committed fornication or adultery with one woman, thou shalt not afterwards commit fornication or adultery with another woman, during her life-time, for it will vex her ; but after her death thou mayest*. This rule would precisely accommodate Modern Italy. According to the second interpretation, it will read thus, *If thou hast committed fornication or adultery with one woman, thou shalt not commit fornication or adultery with her sister, until after her death, for it will vex her, although thou mayest commit fornication or adultery with a woman, who is not her sister, for that will not vex her ; and, after her death, with her sister also*.

The second of these passages, on the supposition that

marriage is not here prohibited, will read thus, *If thou hast committed fornication or adultery with a woman, thou shalt not afterwards commit either with her daughter, or her grand-daughter: for they are her near kinswomen.*

The third of these passages, on the same supposition, will read thus, *And if a man shall commit fornication or adultery with a woman and her mother, it is wickedness.*

A construction, involving these consequences, will not be seriously contended for, as a valid construction of a law of God.

4. From the Language of one Section of the Law, compared with the Language of a subsequent Statute, partially and conditionally repealing it.

The Section of the Law here referred to is Lev. xx. 21, "And if a man shall take his brother's wife, it is an unclean thing." The partially and conditionally repealing Statute is in Deut. xxv. 5, 10. It was made with a special reference to the Levitical law of genealogies and descents. It directs a man, in the given circumstances, "to go in unto the wife of his deceased brother, and take her to him to wife;" and then says, "And if he like not to take his brother's wife," &c. *To take*, and *to take to wife*, in the *Repealing* statute, then have one meaning; and no one will deny that *to take* has the same meaning, both in the *Enacting*, and *Repealing*, statutes. It means therefore *to take to wife*, in both.

5. From the Interpretation always put upon these phrases, by the Israelites. Throughout the whole of their history, so far as that history is recorded, the Israelites uniformly regarded the prohibition as a prohibition of marriage. They were certainly not inclined to works of supererogation, and doubtless may be regarded as best

acquainted with the drift of their own laws, and as the best interpreters of their language.

6. From the Interpretation always put upon these phrases by Christian churches and governments. They have uniformly regarded this prohibition as a prohibition of Marriage.—We have thus a uniform construction of the law for more than three thousand years.

7. If this prohibition be not a prohibition of incestuous Marriage, no marriages are incestuous ; because none are prohibited, except by this law. Of course it is lawful to marry a *mother*, or *daughter*, a *sister* or *grand-daughter*. And as Polygamy was, in the view of those whom I oppose, lawful in Israel, an Israelite might lawfully have had his grand-mothers and mother, and daughters, and sisters, and grand-daughters as his wives, at the same time.

8. If *marriage*, between persons within the specified degrees, is not unlawful ; then *fornication*, between persons within those degrees, is not more unlawful, than between strangers. By the Levitical law, the man, guilty of fornication with a *woman not near of kin to him*, was compelled to marry her, provided her father wished it ; but, if not, he was obliged to pay to the father a sum of money, equal to what her marriage-portion would by law have been. By the Law of incest, fornication with *one near of kin*, for example with a *sister*, was punished with death. I then ask, why is fornication with a sister more criminal than with a stranger, if marriage with a sister is as lawful as with a stranger ? It is not owing to *difference of propinquity* ; for it is identically the same in marriage, as in fornication. It is not owing to the fact, that there is *sexual intercourse* between a brother and sister ; for that exists in both cases. Neither is it owing to the fact that the intercourse is *fornication* ; for it is as truly and as

fully so with a stranger, as with a sister. Incestuous fornication in itself, therefore, involves no more turpitude' than that between strangers.

But it will be said that, although the fornication in the two cases was equally criminal, yet a severer punishment was necessary for that which was incestuous, to prevent the continual occurrence of it in families.

This account of the subject is wholly inconsistent with the Language of the Law. The intercourse with a sister, as well as with every other kinswoman, prohibited in the law, is called "a wickedness," "an abomination," "an abominable custom;" and is spoken of as one of the crimes, for which the land of Canaan vomited out its inhabitants. But this is not said of ordinary fornication.

In incestuous fornication, also, detection was almost of course certain, whereas in incestuous adultery it was exceedingly difficult; yet the punishment of adultery, whether incestuous or ordinary, was equally severe; while that of fornication, if incestuous, was death, and only a fine, if it was not incestuous. This immense difference could not have existed, in two cases of equal criminality, where detection trode closely on the heels of transgression.

The scheme alleged, also, would have been wholly incomplete. The language of the Law of incest, thus interpreted, was: *You may marry your sister, your daughter, or your mother, as innocently as a stranger. If you commit fornication with a stranger, you shall be fined. Fornication with your sister, or with those near of kin, is no more criminal than with a stranger; yet there is greater danger that you will commit it. Therefore, if you do, you shall be put to death.*—No law, speaking such a language,

could possibly answer its object. Let the consciences of men be once satisfied, that sexual intercourse, *as such*, with their nearest connections, is no more criminal than with strangers; and incest will become equally common with fornication and adultery. No matter what laws are made, or what punishments threatened; if you remove the consciousness of deep criminality, you also remove, under any government not completely despotic, the possibility, and the dread, of punishment; for it is only the enormous guilt of particular crimes, which leaves the human conscience satisfied, when exemplary punishment is inflicted.

Why is not the crime of Incest now prevalent? Why are our houses pure, and our families innocent? It is because the Law of God has placed a guard against the human passions, in that strong sense of guilt, in that instinctive horror at the bare thought of sexual intercourse with our near connections, which is impressed on our minds with the force of a second nature. "This restraint breaks down every propensity to incestuous commerce, and stifles those inclinations, which nature for wise purposes has implanted in our breasts, at the approach of the other sex. It holds the mind in chains against the seductions of beauty. It is a moral feeling, in perpetual opposition to human infirmity. It is like an angel from heaven, placed to guard us against propensities that are evil. It is that warning voice, which enables you to embrace your daughter, however lovely, without feeling that she is of a different sex. It is that which enables you, in the same manner, to live familiarly with your nearest female relations, without those desires which are natural to man."* Remove this sense

* Lord Erskine.

of guilt, and families are dissolved. Children, instead of finding a perpetual home under the parental roof, would at an early age be banished from its threshold. The sister could not approach her brother without fear of impurity. The father would find a rival in every son; and the mother, in every daughter.

9. If the Law of incest did not forbid incestuous marriage, it was useless.

The Israelites had two general laws, forbidding fornication and adultery in all cases—as well with strangers as with relations. What necessity then was there of *particular statutes*, forbidding them with relatives. It may be said that the punishment of these offences, when incestuous, is more severe. But this is not true of adultery. When, therefore, it is said, Leviticus xx. 11, “He that committeth adultery with his neighbour’s wife, the adulterer and the adulteress shall surely be put to death;”—why add, “And the man that lieth with his father’s wife, both of them shall surely be put to death;” as well as numerous sections of a similar character; if the latter be mere prohibitions of adultery. What would be thought of the wisdom of a legislature, which should enact a similar statute with regard to any other crime: for example, that of Horse-stealing:—“He, who steals the horse of any person, shall be imprisoned three years.—He, who steals his father’s horse, shall be imprisoned three years.—He, who steals his brother’s horse, shall be imprisoned three years.—He, who steals the horse of his father’s brother, shall be imprisoned three years.”—and so on, through a succession of thirty-three relatives? Is it not, then, equal folly to enact, with regard to adultery—“He, who commits adultery with any woman, shall be put to death.—He, who commits adultery with his mother, shall be put to death.—

He, who commits adultery with his brother's wife, shall be put to death.—He, who commits adultery with his father's brother's wife, shall be put to death,"—and so on through an equal succession?

10. If the Law of incest did not prohibit incestuous Marriages, its only effect was to weaken the force of the General Statute respecting adultery. Every thing is lawful, which is not prohibited by some law; and every thing is lawful, so far as a given law is concerned, which that law does not prohibit. And the more particular and circumstantial the terms of a penal law are, as the prohibition of the given offence is less general, so the stronger is the implication that the conduct under different circumstances is lawful. A law, forbidding fornication with females *under twenty years of age*, and assigning their *age* as the ground of the prohibition, would give rise to a strong implication, that with those who were *older* it was lawful.

The bare recitation of several of the prohibitions in question, altered to adapt them to the scheme which, I oppose, will set the subject in a convincing light.

None of you shall commit adultery with any that are near of kin to him.

Thou shalt not commit adultery with thy mother; for she is thy mother: thou shalt not commit adultery with her.

Thou shalt not commit adultery with thine uncle's wife; for she is thine aunt.

Thou shalt not commit adultery with thy daughter-in-law; for she is thy son's wife.

Thou shalt not commit adultery with thy brother's wife; for she is thy brother's wife.

Thou shalt not commit adultery with a woman and her sister, during her life-time.

Thou shalt not commit adultery with a woman and her daughter, nor with her grand-daughter; for they are her near kinswomen.

And if a man commit adultery with a woman and her mother, it is wickedness.

Who does not see, from bare inspection, that the limitation of the prohibition to these cases of propinquity, with the regular assignment of the propinquity, in each case, as the reason why the connection is wrong, and why it is prohibited, carries with it to the mind an almost irresistible implication, that where propinquity did not exist, such connection was lawful. Is any one ready to charge such a mode of legislation on God?

11. The Law of incest, established in the Koran, furnishes a striking commentary upon the gross licentiousness of the opposite interpretation. Mohammed had the Arabic Translation of the Old Testament, and often made use of it in writing the Koran. In the fourth chapter of that work, he says, "*Marry not women,** whom *your fathers have had to wife*, for this is uncleanness, and an abomination, and an evil way. Ye are forbidden *to marry your mothers*, and your *daughters*, and your *sisters*, and your *aunts* both on the father's and on the mother's side, and your *brother's daughters*, and your *sister's daughters*, and your *wives' mothers*, and your *daughters-in-law*, and the *wives of your sons*, and ye are also forbidden *to take to wife two sisters.*"† This, as far as it ex-

* As Mahommed was legislating for polygamists, he mentions each female relative in the plural.

† It might be well for the Legislature of New-York to compare this Law of Mohammed with their own Law of incest of Jan. 1st, 1830. The Law of Mohammed forbids a man to marry not only his *lineal* female relatives, both ascending and descending, but his *sister*, his *aunt*

tends, is substantially a repetition of the Levitical Law of incest, accommodated, however, to a state of polygamy, and is *in terms* a prohibition of incestuous marriage. It will not be contended that Mohammed was influenced by any violent bigotry against licentiousness. Yet he had too much integrity to foist such an interpretation, as that which I am opposing, on the Old Testament, and too much purity to enact such a law, as that which is here charged on the LAW-GIVER OF ISRAEL.

I have been led to discuss this point, at greater length than some of my readers may regard as necessary, because the advocates for one of the marriages long considered unlawful, when driven from a few of their first positions, resort usually to this—that no marriage is incestuous ;—and the most discerning of their number

and his niece—relations by consanguinity—and his *father's wife*, his *wife's mother*, his *wife's sister*, his *wife's daughter*, and his *son's wife*—relations by affinity ; whereas the law of New-York forbids him to marry none but his *lineal* female relatives and his *sister*. It is worthy of observation, also, that Cicero, (Orat. pro Cluentio,) speaking of the mother of Cluentius, thus characterizes her marriage with *her son-in-law* : “O mulieris scelus incredibile, et præter hanc unam in omni vita inauditum !” Is it not passing strange that a *Christian* Legislature, in its marriage-laws, should have exhibited a degree of licentiousness, of which the licentious prophet of Arabia would have been ashamed ; and should have sanctioned numerous marriages, one of which—that with a *wife's mother*,—the Roman Orator, himself a *Heathen*, pronounces “*an incredible wickedness, until then unknown.*” Are the good people of the State of New-York generally aware that, in their State, it is lawful for a man to marry his *aunt* and his *niece*, by blood ; as well as his *father's wife*, his *son's wife*, his *wife's mother*, his *wife's daughter*, and his *wife's sister* : all forbidden even by Mohammed, and several of them by the laws of Heathen Rome ? Has the possession of the Bible carried us downward, on the scale of moral elevation, far below the footing of Mohammed and his followers, and even below that occupied by the more decent Heathens, and left us almost on the level of the ancient Canaanites.

take this position in the outset. The evidence actually exhibited will, I flatter myself, satisfy every reader, that the Law of incest as certainly forbade *marriage*, between the various correlatives whom it mentions, as every other species of sexual intercourse.

IV. The Ground of Incest in the Levitical Law is as truly *Affinity*, as *Consanguinity*:-

To those, who have read that Law, an apology seems due, for attempting to prove so plain a point. Yet, in most discussions of this subject; it is denied. If, then, the reader will turn back to the Law itself, he will see that the marriages prohibited in Lev. xviii. 8, 14, 15, 16, and 17; Lev. xx. 11, 12, 14, 20, and 21; Deut. xxii. 30; and Deut. xxvii. 20, 23; are every one of them, cases of *affinity*. Under a subsequent head, I have examined at length what marriages are forbidden by the Law of incest. It will there be found that of the marriages *expressly* forbidden, *six* are cases of *consanguinity*, and *eleven* of *affinity*.

But it has been objected that the Punishment, denounced against incestuous marriages in cases of *affinity*, is less severe, than in cases of *consanguinity*, and of course, that the guilt is less. Until it could be shown that we have a right to incur *some degree* of guilt; this objection, if it were true, would not be regarded as valid. But it is wholly untrue. In Leviticus xviii. *seventeen* express cases of Incest are enumerated; including *eleven* of *affinity*, and *six* of *consanguinity*: together with the crimes of polygamy, (as we suppose,) uncleanness, adultery, sodomy, bestiality and idolatry. After this enumeration, the Divine Lawgiver announces his own views of all these crimes without discrimination, in the following remarkable language: "Defile not ye yourselves *in any* of these things; for *in all these* the

nations were defiled, which I cast out before you. And the land is defiled; therefore do I visit the iniquity thereof upon it, and the land itself vomiteth out her inhabitants. Ye shall, therefore, keep my statutes and my judgments, and shall not commit *any* of these abominations; neither *any* of *your own nation*, nor *any stranger that sojourneth among you*; that the land spue not you out also, when ye defile it, as it spued out the nations that were before you!"—This language is applied to *all* the crimes recited above without distinction,—to *incest*, as truly as the rest, and to the eleven cases of *affinity*, as truly as to the six of *consanguinity*. Let us now hear the Punishment denounced against them all:—"For whosoever shall commit *any* of these abominations, even the souls that commit them, shall be cut off from among their people. Therefore shall ye keep mine ordinance, that ye commit not *any* of these abominable customs, which were committed before you, and that ye defile not yourselves therein: I am the LORD your God."—Death, then, is here threatened in *every* case of Incest: as well of *affinity*, as of *consanguinity*. No language could be more explicit or universal; none could more strongly indicate supreme loathing and abhorrence.

The 20th chapter of Leviticus enumerates the crimes just recited; and among others *eleven* express cases of Incest: *seven* of affinity,¹ and *four* of consanguinity. In this chapter, the Punishment of these crimes is denounced, not in one general threatening at the close, but against each individual crime as it is mentioned. In *two* of consanguinity, and *five* of affinity, death is threatened in so many words. In *two* of consanguinity—with a *father's sister*, and a *mother's sister*—it is said, "*they shall bear their iniquity*;" which uniformly

denotes *they shall bear its punishment*, which we have seen was death. In one of affinity—with *an uncle's wife*, it is said, "*they shall bear their sin, they shall die childless.*" In the other of affinity—with *a brother's wife*—it is said, "*It is an unclean thing, they shall be childless.*"

It is insisted that, in these two cases, the Punishment was not *Death*, but *Perpetual Sterility*; and, in support of this position, the following singular course of argumentation has been pursued:—"Suppose one of the offending parties, the man for instance, *to have been previously married, and to have had children*: If the threatening, that the offending parties should die childless, meant, that they should be capitally punished, then, in order that the threatening might be executed, the children must have been put to death before their parents. Can it then be, that the lives of the innocent children of the former marriage were to be shortened, because the father had committed incest?"—The difficulty with this argument is, that it may be made *to recoil* upon him who uses it. As the lives of the supposed children of an imagined previous marriage were not to be shortened, they would of course live out their natural lives; and as the parents were to die childless, *they* of course were destined to outlive these children, as well as those of the second marriage. But children, usually and in the order of nature, outlive their parents. The lives of the parents thus offending were therefore *to be protracted to a very unusual length*. Of course the threatening, "*they shall die childless,*" was merely a threatening, "*that their days should be very long, in the land, which the Lord their God had given them!*" To say the least, this was a new, and to most offenders must have been a very popular, punishment; and Paul's

remark relative to the Fifth Commandment, if slightly varied, may be applied to these two Sections of the Law, with still stronger emphasis—That *these are the first and only Threatenings with promise.*

This argument need not be further exposed. I will only add, that the punishment of Perpetual Sterility could not have been executed, without a constant standing miracle.—The real meaning of this threatening is obvious. The word “childless” has no reference to the issue of any former marriage; and the threatening means, that the offending parties shall be cut off immediately, before they have had time to procreate incestuous issue; for, in Leviticus xviii, it is said of those, who contract these two identical marriages, that “they shall be cut off from among their people.”

I will only add that Mohammed, as we have seen on a former page, as well as Heathen Rome, had too much principle, or too much decency, to confine their laws of incest to cases of *consanguinity*.

V. Where the Law of incest forbids marriage with the *wife* of an individual, it really forbids it with his *widow*.

There are four female connections *expressly* mentioned in the law, as the *wives* of given individuals: *a father's wife, a son's wife, a brother's wife, and an uncle's wife.* It has been strenuously contended that, as the word *wife* is here used, and not *widow*, that wife and not widow is intended; and of course that it was lawful to marry either of these connections, when they became *widows*. In support of this position it is said, that mere *affinity* is the sole ground of the several prohibitions, that the affinity ceases in each case with the life of the respective husband, and that the prohibition therefore ceases at his death. Thus, it is said that a

step-mother ceases to be related to her *step-son*, as soon as her husband is dead ; but why the propinquity then ceases, has not been explained. What, then, let me ask, originally constituted that propinquity ? Plainly *the fact*, that the father,—*consensu atque concubitu, qui faciunt nuptias*,—had consummated marriage with her. In the language of the law, she then became *one flesh* with him : or had his propinquity. As soon as this became a fact, the propinquity was complete. But when this once became a fact, it could never be otherwise than a fact ; and of course the foundation of the propinquity, between the *step-mother* and the *step-son*, could never cease. Neither the father's death, nor the subsequent marriage of the *step mother*, could affect it ; because neither could affect *the pre-existent fact* of their marriage, which was the foundation on which it rested. My sister does not lose the propinquity which she has in common with me, either at my father's death, or at her marriage ; because her propinquity is founded on *a pre-existent fact*, which can never cease to be a fact.

The scriptural writers, in pointing out correlatives by affinity, in all cases use the word *wife*, and never the word *widow*, when they are actually speaking of a widow. Ruth iv. 5. "Buy it of Ruth, the *wife* of the dead."—2 Sam. xii. 10. "Thou hast taken the *wife* of Uriah."—Mat. xxii. 25. "The first died, and left his *wife*."—Acts v. 7. "Ananias' *wife*, not knowing that her husband was dead."—Such was the common parlance of the Hebrews, the Greeks, and the Romans ; and such is that of the French, the Germans, the Spaniards, and the Italians, as well as of the English. In their versions of the scriptures, they never introduce the word *widow* in such cases. Nay, those with whom I contend have confessed, in a manner not to be gain-

said, that this is the only fair construction of the law ; for, in stating the question now in debate, they always ask, "Is it lawful for a man to marry his brother's *wife*," and never his brother's *widow*;—"Is it lawful for a woman to marry her sister's *husband*," and never, her sister's *widower*.

The language of Statutes is chosen with great exactness ; yet no law of incest, probably, can be found in any statute-book, in which marriage is prohibited with a father's *widow*, a brother's *widow*, &c. But the language uniformly is "a father's *wife*," "a brother's *wife*." The other phraseology is rarely if ever used, except when *logical* precision is necessary.

If the construction which I oppose be correct, the Law of incest, in prohibiting marriage with a father's *wife*, a brother's *wife*, an uncle's *wife*, and a son's *wife*, merely prohibited *polygamy on the part of the women in question* ; i. e. prohibited them from having the *two husbands* specified at the same time, and assigned the propinquity of the two men, as the reason why it was unlawful. I will barely ask the reader, therefore, whether the prohibition—"Thou shalt not marry thy father's wife"—means—*Thou and thy father shall not be husbands of the same woman at once, because ye are near of kin?*—If it does ; then two men, *not near of kin*, might be her husbands at once. If it does not ; then the Law of incest forbids marriage with a wife, *as a widow*.

It ought also to be observed, that this palpable mistake, if it ever existed except in the mind of a caviller, grew probably out of the manner, in which these various phrases are rendered in the English Version. The Hebrews usually express the given correlatives by phrases corresponding to *father's wife*, *son's wife*, *uncle's wife*, and *brother's wife* ; and our translators

have generally given a *literal* version of those phrases. Had they been uniformly rendered *step-mother*, *daughter-in-law*, *aunt-in-law*, and *sister-in-law*, neither the mistake nor the cavil probably would have originated.

I will barely add that Mohammed, in constructing his laws of marriage and incest, was not gross enough in his licentiousness to avow the principle, which I am now opposing ; and that the Greeks and Romans, and almost all other Heathen nations, not excepting even the Canaanites, had too much decency to adopt it.

VI. The Law of incest was not made to preserve *the Supremacy of husbands, and the Subordination of wives*.

It is said that, by the laws of both God and nature, the husband is, and ought to be, *the head* of the family ; and a direct reference is made to Ephes. v. 23, "For the husband is the head of the wife, even as Christ is the head of the church."—That this is sound law, and sound orthodoxy, no *man* will deny. Indeed most *women* profess to admit it *in the abstract* ; and nothing *in the concrete*, no *prescription* derived from any prevailing *practice*, however ancient or however general, can be allowed to unsettle acknowledged *principles*.

It is contended that the Law of incest is made in exact conformity with this design ; that it forbids those marriages, in which the husband is naturally the *younger*, and in grade of generation the *inferior*, party ; while it allows those, in which his age and standing are *superior*. Thus, it is said that marriage is forbidden with a *mother*, with an *aunt*, and with an *uncle's wife* ; while marriage with a *daughter*, with a *niece*, with a *nephew's wife*, and with a *wife's niece* is not forbidden.

Those, who have advanced this argument, have ex-

examined the Law of incest, just as far as suited their own purposes, and no further. It is true, that marriage is *expressly* prohibited between a *son* and a *mother*, a *nephew* and an *aunt*, and that it is not expressly prohibited between a *father* and a *daughter*,* an *uncle* and a *niece*. It is also true, that marriage is *expressly* prohibited with an *uncle's wife*; while it is not expressly prohibited with a *nephew's wife*, or with a *wife's niece*. But it is also true, that it is not expressly prohibited with a *wife's aunt*. Yet surely a man is as absolutely one generation younger than his *wife's aunt*,

* It has indeed been supposed by some persons, that marriage between a *father* and a *daughter* is expressly forbidden in Leviticus xviii. 7. "The nakedness of thy father, or the nakedness of thy mother, shalt thou not uncover: she is thy mother, thou shalt not uncover her nakedness."—To this it is answered, 1. That the last clause, which is explanatory of the first, clearly confines the prohibition to incest with a *mother*. 2. That all the directions in the Law of incest are addressed to *men*, and in no one instance to *women*; and of course that, if it had been the intention to give an *express* prohibition of marriage between *father* and *daughter*, in this verse, the direction would have been addressed to a *father* not to uncover the nakedness of his *daughter*, as it is, in a subsequent verse, to a *brother* not to uncover the nakedness of his *sister*. The bare suggestion, that a *daughter* should proceed to uncover the nakedness of her father, is unnatural and monstrous, and no such prohibition could have been needed. 3. The scriptures no where, not even in the case of the daughters of Lot, speak of a *woman* as uncovering the nakedness of a *man*. 4. *To uncover the nakedness of a man*, when the act is not his own, denotes uniformly to *uncover the nakedness of his wife*. See particularly Lev. xviii. 8, 14, 16, and Lev. xx. 11, 20, and 21. 5. In the Law itself, we are taught explicitly, in two passages, what the phrase, *the nakedness of thy father*, actually denotes: Lev. xx. 11. "The man that lieth with his *father's wife*, hath uncovered his *father's nakedness*."—Lev. xvii. 8. "*The nakedness of thy father's wife*, shalt thou not uncover: it is thy *father's nakedness*."—These reasons have convinced me that Lev. xviii. 7, is addressed only to a *son*, forbidding him to marry *his mother*; and that the connective *or*, rendered *or*, ought to be rendered here, as in many other cases, by *namely, that is, or to wit*.

as he is than his *uncle's wife*. Here, then, in the very class of relations, on which the objector had his eye in forming his theory,—collaterals of the second degree by affinity,—we find a case, which completely oversets that theory.

Again. Marriage is expressly forbidden with a *grand-daughter*, but it is not expressly forbidden with a *grand-mother*.* A *grand-mother* is two generations older than her *grand-son* ; so that the danger of subverting the marital prerogative would have been extreme. But in the case of a *grand-father* and *grand-daughter*, where the chance of maintaining that prerogative would have been the highest possible, if superiority of age could have maintained it, there is an *express* prohibition.

Again. Marriage is expressly prohibited with a *wife's daughter*, with a *son's wife*, and with a *wife's grand-daughter* ; in each of which the husband would have the advantage, by one or two generations of priority ; and yet it is not expressly prohibited with a *grandfather's wife* ; in which he would be placed under a double disadvantage. It is not true, therefore, that it was the grand design of the Law of incest to prohibit those marriages only, which, through the inferiority of his age and standing, would jeopard the husband's right, to be *the head* of the family. Husbands, I admit, have been toiling, for many a weary century, to carry this point without success. But it will not do, to subvert the Law of incest, in order to prevent conjugal usurpation, and the consequent subversion of family order. In this, as in all *practical* cases, the Scriptures point out the path of duty so clearly, that *she* who runs may read :—"Wives submit yourselves

* Let it not be said that such a prohibition was unnecessary, because no *grand-son* would be in danger of marrying his *grand-mother* ; for marriage is *expressly* prohibited with a *wife's grand-mother*.

unto your own husbands, as unto the Lord:"—"As the church is subject unto Christ, so let the wives be unto their own husbands, *in every thing*."—How this duty could be expressed more broadly or clearly in English, in Greek, or even in Hebrew, is to me inconceivable. If then wives will not obey these most reasonable, and salutary, and explicit injunctions ;—why then—alas !—there is no help for it !—Certain we are, the remedy, which it is supposed the Law of incest was intended to apply to this evil, was worse than none ; for, if we were to look for the class of husbands, who, as a class, are not only wholly denied their prerogative, but are kept by their wives under the most absolute and childlike subjection, we should find it to be *the class of old husbands, who have married young wives*.

VII. A Wife is not more nearly related to her husband and his relations, than a Husband is to his wife and her relations.

The reader may not unnaturally smile, at this formal and grave assertion of what he may regard as a palpable truism. And when I first heard the proposition, that *a wife is more nearly related to her husband and his relations, than a husband is to his wife and her relations*, it seemed to me about as rational as to say, that *London is nearer to Paris, than Paris to London*. Yet this proposition has found many advocates both among the clergy and the laity, and has been soberly advanced, not only to regulate the decisions of our Ecclesiastical Courts, but to guide our Legislatures in the enactment of laws.*

This proposition is, I believe, purely of *American* origin, and was first promulgated about thirty years since, by the Rev. Mr. — of —. Its promulgation was a

* This position was taken and maintained by the Presiding officer of the Senate in the case mentioned in the advertisement.

work of both "necessity and mercy;" as its Author was then about to marry his *wife's sister*—a step, at that time, not in all respects clerical;—and it became necessary, in his view, to issue a pamphlet defending the step,—if not in order to allay personal uneasiness, yet—in order to quiet parochial agitation, and prevent ecclesiastical censure.

The ground actually taken by the Rev. Author, is this:—That a husband is *not at all* related to his wife, or to her former relations; because by the marriage the wife is completely "*absorbed*" in the husband. In this language, he does not mean simply to say, that the *name* and the *estate* of the wife are absorbed in those of the husband: this we all admit; but he says that *the wife herself* is absorbed in him: That is, by the marriage, a *Wife* becomes *the flesh of her husband's flesh*, as truly as *Eve* was *Adam's flesh* before her personal existence; but a *Husband* never does and never can become *the flesh of his wife's flesh*. In other words, both husband and wife are, to all intents and purposes, *the husband's flesh*, or have *the husband's consanguinity*; but are neither of them in any sense *the wife's flesh*, or have *the wife's consanguinity*: she losing by the marriage all propinquity to her former relations.

The curious reader will be willing to know, whence the Rev. Author derived this singular notion. He himself informs us that it was from the Institution and Law of Marriage. In the Law of marriage it is said, "And they twain shall be *one flesh*." This "*one flesh*" he insists, means the *husband's flesh*.—Why?—Because Adam, when Eve was presented to him, said, "This is *now* bone of my bone, and flesh of my flesh," Gen. ii. 23. The next verse, "For this cause shall a man leave his father and mother and shall cleave unto his wife, and

they shall be one flesh," according to the Rev. Author, is *a continuation of this speech of Adam*; and he insists that this very speech of Adam is expressly assigned as *the reason*, why husband and wife become *one flesh*. Our Saviour thought differently: he tells us that the 24th verse *was not* a continuation of the speech of Adam, but a declaration of God himself. He also tells us that *the therefore, or for this cause*, in this passage, refers—not to the preceding speech of Adam; but—to the fact that God made Man *male and female*. His language is: "Have ye not read that he, which made them at the beginning, made them *male and female*, and said, *For this cause* shall a man leave his father and mother, and cleave unto his wife, and they twain shall be one flesh?" Adam's remark, that Eve is "*bone of his bone and flesh of his flesh*," does not therefore contain *the reason*, why *a man and his wife are one flesh*; nor even furnish *the evidence* of the fact, unless they are *one flesh* independently of the remark; and of course does not prove that *that one flesh*, which they now are, is *the husband's flesh*. The Rev. Author also adduces Adam's remark, "This is *now* bone of my bone, and flesh of my flesh," as conclusive evidence, that Adam did not consider Eve as *flesh of his flesh*, until *their marriage*. Who, that remembers that Eve was formed of a rib taken out of Adam's body, and that Adam himself assigns this single fact as the reason, why she was "*bone of his bone and flesh of his flesh*," but must admire this attempt at argument?

The Rev. Author endeavours to establish his general proposition by asserting, that the Scriptures never speak of *a wife and her children as nigh of kin* to her former kindred, but only to her *husband's* kindred. We will examine this assertion. Gen. xxix. 10, 12, 14, "And it

came to pass when Jacob saw Rachel, the daughter of Laban, his *mother's brother*, &c.—“And Jacob told Rachel that *he was her father's brother*, (מִן, *kinsman*,) and that he was Rebekah's son. And Laban said unto him, ‘Surely thou art *my bone*, and *my flesh*.’” We here perceive that Rebekah was not so totally “*absorbed*” in her husband Isaac, as to prevent Laban from continuing to be *her brother*; and that *her flesh* was not so much become *flesh of her husband's flesh*, as to prevent *her son* Jacob from continuing to be the *kinsman* of Laban, and *the same bone and flesh* with him. In Leviticus xviii. 13, it is said, “Thou shalt not uncover the nakedness of thy *mother's sister*, for she is *thy mother's near kinswoman*,” and in Lev. xx. 19, “Thou shalt not uncover the nakedness of thy *mother's sister*; for he uncovereth *his near kin*.” Plainly in the first of these two passages, (both of them contained in the Law of incest,) a married woman, and in the last, her son, are declared to be *near of kin* to her former relations—Judges ix. 1, 2, “And Abimelech went unto his *mother's brethren*, and communed with them and with *all the family* of the house of his *mother's father*, saying,—Remember also that *I am your bone and your flesh*. And his *mother's brethren* spake of him, He is *our brother*.” Had the Rev. Author observed these and many similar passages, he must with Christian frankness have acknowledged that a married woman does not, by her marriage, lose any part of her propinquity to her own kindred, and that her children are just as near to them, as to her husband's kindred.

But he adds—When a man died, and left his estate incumbered, *his own relations* were to redeem it, and not *those of his wife*. This was true; and simply because by the laws of Israel his own relations and not

those of his wife, had a right to his estate *by descent*.

The Rev. Author also insists that the Husband is said, in the Scriptures, to *betroth, espouse, take, receive, and marry* the wife; while the Wife is said *to be betrothed, espoused, taken, and received by; and married; and given in marriage, to*, the husband. Hence he concludes, that the wife is "*absorbed*," or becomes "*her husband's flesh*." With regard to the words *marry, and married to*, this is not correct—"The wife of the dead shall not *marry* without." "But if widows cannot contain, let them *marry*." "If a virgin *marry*, she hath not sinned." "The younger widows will *marry*." "He that *is married*, careth how he may please his wife." With regard to the word *to take*, it is also untrue. Ezek. xvi. 32, "But as a wife, that *taketh* strangers instead of her husband."

As to the other words, it is true; and it only proves the well-known fact, that the man was *active* and the woman *passive*, in effectuating the marriage. In our own language, we say, for the same reason, that the gentleman *courts, addresses, and makes proposals to*, the lady, and that the lady is *courted and addressed by, and receives proposals from*, the gentleman; yet who ever imagined from this fact, that a lady, on the eve of marriage, was about to undergo *an absorption*?

The same conclusion is drawn by the Rev. Author from the account of the Mystical Union between Christ and his Church, in Eph. v. 23, 31; and from the parallel, there drawn between that Union and the Marriage Union. To this it is sufficient to reply that, in the passage referred to, Paul is endeavouring to explain the intimacy and tenderness of the "Mystical Union," by comparing it to the Marriage Union; but that he sheds

no new light on the latter : leaving it just where he found it.

Great stress is laid, by the Rev. Author, on Deut. xxv. 5, 6, already cited ; which is a partial and conditional repeal or suspension of the Section in Lev. xviii. 16, forbidding marriage with a *brother's wife*. Where a man lived in his brother's family, and his brother died without issue, he is authorized, by the repealing Section to marry the widow, in order to raise up a name to his brother in Israel. The first-born of this second marriage took the name of the deceased brother, and was *heir* to his estate. The argument is this :—If the prohibition of marriage with a *brother's wife* involved a prohibition of marriage with a *wife's sister* ; then the permission of the former marriage involved the permission of the latter ; and of course marriage with a wife's sister was lawful.

The object of the partial repeal, in Deut. xxv. is expressly stated to be,—to procure an *heir* to the brother deceased, and perpetuate his name. But, by the laws of Israel, a deceased wife could not have an *heir* ; for the real estate of the family belonged to her surviving husband. Her name also was sunk in that of her husband, at the time of the marriage. Of course her sister could not marry the husband, to raise up an *heir* to her deceased sister, or to perpetuate her name ; for she had no name but that of her husband, and could have no *heir*—no person on whom the law would cast her estate—as she had no estate separate from her husband. This partial suspension of the prohibition to marry a *brother's wife*, could not therefore, under any circumstances, involve a suspension of the prohibition to marry a *wife's sister*. Plainly, if the exception to a general law can be supposed in any case to extend farther than

the *express language* of the exception ; yet certainly it can never extend farther, than *the reason* of the exception extends.

The Rev. Author supposes, that the Language of the Law of Incest completely establishes the point, for which he contends—particularly that in Levit. xviii. 6, “None of you shall approach to any, that is *near of kin* to him.” The Hebrew phrase, rendered *near of kin*, is *שָׂרָא בְּשָׂרָא*: literally, *flesh of his flesh*. He insists that this General Section is comprehensive, and includes all the Particular Prohibitions which follow. He also insists that the phrase, *near of kin*, denotes *consanguinity*, or *nearness by blood*, and that *consanguinity* is the sole ground of incest. If this General Section does include all the Particular Prohibitions, (which we do not deny,) then the Particular Prohibitions certainly and necessarily explain and define the force and meaning of the General Section. The reader will therefore be surprised at the information, that *consanguinity* is the sole ground of incest, when he remembers that of the marriages, *expressly* prohibited, *eleven* are with relations by *affinity*, and only *six* with relations by *consanguinity*. But, to allay this surprise, he is immediately informed that *consanguinity* is the real cause of the prohibition in all those, which are commonly regarded as cases of *affinity*. For example: the reason why you are forbidden to marry your *brother's wife* is this—That your brother is *flesh of your flesh*; and the *flesh* or *consanguinity* of his wife is by her marriage *absorbed*, so that she is now *flesh of his flesh* and of course has become *your sister by consanguinity*. The same may be said of a *father's wife*, a *son's wife*, an *uncle's wife*, and of *the wife of every other near relative*. She loses her *former* flesh or consanguinity

is *toto*, and receives a new one identically the same with that of her husband.

This is ingenious, and, did we not compare it with the Law of incest, might seem plausible. But in that Law, marriage is *expressly* prohibited with no less than *six* of a wife's former relations—with her father's mother, her mother's mother, her mother, her daughter, her son's daughter, and her daughter's daughter. But if the wife's former consanguinity were "absorbed" in her husband's, neither she nor he would be at all related to her former relations; and of course it could not be unlawful for him to marry them. The wife therefore is not absorbed in her husband; her consanguinity to her former relations does not cease; and her husband, by marrying her, becomes as truly and as nearly related to them, as she becomes related to his relations. The former *flesh* or propinquity of neither is lost or changed; but that of each is so transferred or communicated to the other, as to render the subsequent propinquity of each, like that of their children, *two-fold*: yet not so far, as to give either any propinquity to the relations of the other *by affinity*. Accordingly, while the husband is *expressly* forbidden to marry *six* of his wife's relations by consanguinity, he is *expressly* forbidden to marry only *five* of his own relations by affinity; and yet he is forbidden to marry none of *her* relations by affinity. And as the same is true, *mutatis mutandis*, of the wife,* it follows that husband and wife are equally near to each other, and to each other's kindred. *Consanguinity*, therefore, even in this ex-

* This is literally true, with this slight exception: that the wife is *expressly* forbidden to marry only *five* of her husband's relations by consanguinity, and *six* of her own by affinity.

tended sense of the word, is not the sole ground of Incest ; but *Affinity* also : or to use a more general term, *Propinquity*.

It ought to be added, that if the wife's *former* consanguinity ceased upon her marriage, and became *her husband's* consanguinity, then, upon the death of her husband, she would have as perfect a right to marry him, who was previously her *uncle*, her *nephew*, her *brother*, or her *father*, or even her *son* by a previous marriage, as her husband had to marry *her*, or as his sister has to marry either of them. It ought also to be added, that as a *brother's wife*, on this scheme, is the *own sister* of his brothers, the Section, directing the surviving brother to marry *the widow of his deceased brother*, was a direction to marry *his own sister*. It ought to be added, likewise, that, if the wife loses her former consanguinity, and takes that of her husband, the two families are no more connected by the intermarriage than they were before : one of them merely having *lost*, and the other *gained*, an *own daughter* ; that all relationship *by affinity* is a mistake and an impossibility ; and that the phrases *father-in-law*, *son-in-law*, *brother-in-law*, *sister-in-law*, and others like them, though used in *Codes of Laws* by all nations, and even by God himself, have no meaning. It ought to be added, finally, that the children of a man, *by two wives*, are, on this plan, *own brothers and sisters*, or *of the full blood* ; that those of a woman *by two husbands*, are *not related at all* ; and that relationship by the *half* blood is a nonentity : so that those heretofore called *half-brothers* and *half-sisters*, if born of the same mother, not being related, may lawfully intermarry.

VIII. With regard to *implied* prohibitions, we are

bound to give the Law of incest *à uniform construction*.

Certain marriages are prohibited *in express terms*; and others are supposed to be prohibited *by clear implication*. This implication is thus supported: in the *express cases*, the reason directly assigned for the prohibition is the *propinquity* of the parties: but there are *certain other cases*, in which the propinquity of the parties is mathematically *the same* as in the *express cases*; and *other cases still*, in which it is *greater*. These, therefore, are supposed to be prohibited.

I am not here inquiring whether this reasoning is correct: I merely insist, that, *whatever our Rule is*, it must be *uniform, and applicable to every case*. Either there *are* implied prohibitions, or there *are not*. If there *are not*; then we must follow *the strict letter* of the law, and exclude from its operation every case not mentioned *totidem verbis*. If there *are* implied prohibitions; then we must include in them every case, in which *the reason* of the implication operates. Thus, we have no right, in order to obviate a difficulty, to include various implied cases of *consanguinity*, and yet refuse to include any implied cases of *affinity*. Neither the law itself, nor the reason of the case gives any such rule of implication, but each leaves the two classes of cases in this respect exactly on a level.

I will illustrate this principle. The law expressly forbids marriage between a *mother* and her *son*, and between a *brother's wife* and her *husband's brother*; but it does not expressly prohibit marriage between a *father* and his *daughter*, or between a *sister's husband* and his *wife's sister*. It also expressly prohibits marriage between a *grandfather* and his *granddaughter*, and between a *nephew-in-law* and his

aunt-in-law ; but it does not expressly prohibit it between a *grandmother* and her *grandson*, or between a *niece-in-law* and her *uncle-in-law*. Now if the *express* prohibition of marriage between a *mother* and her *son*, and between a *grandfather* and his *granddaughter*, proves that marriage is also prohibited between a *father* and his *daughter*, and between a *grandmother* and her *grandson*, because the propinquity in each set of cases is the same, and equals are equal ; then does the *express* prohibition of marriage between a *brother's wife* and her *husband's brother*, and between a *nephew-in-law* and his *aunt-in-law*, prove that, marriage is also prohibited between a *sister's husband* and his *wife's sister*, and between a *niece-in-law* and her *uncle-in-law*, because the propinquity in each set of cases is the same, and equals are equal.—So far as the rule of implication is concerned, therefore, either it *was lawful* for a man to marry his *daughter* and his *grandmother*, or it *was not lawful* for him to marry his *wife's sister* or his *niece-in-law*, i. e. his *wife's niece*.

IX. Various marriages, *not expressly* prohibited by the Law of incest, are *really* prohibited by that Law.

The reason assigned for every prohibition is *the propinquity* of the parties. The law declares that a *mother* is so near to her *son*, that marriage between them is "an iniquity." But a *father* is *just as near* to his *daughter*, as a *mother* to her *son*. If then the propinquity between a mother and her son is so great, as to render marriage between them an iniquity ; *the very same propinquity* between a father and his daughter renders marriage between them an iniquity ; because equals are equal. In the same manner, if the propinquity between a *grandfather* and his *granddaughter*,

and that between an *aunt* and her *nephew*, is so great, as to render marriage between them unlawful; then is *the very same propinquity* between a *grandmother* and her *grandson*, and between an *uncle* and his *niece*, so great, as to render marriage between them unlawful; because equals are equal.

Various cases also are *expressly* prohibited, in which the propinquity is *much less*, than in various other cases *not expressly* prohibited in the Law. Thus, marriage is expressly prohibited with a *wife's daughter* and a *wife's grandmother*; but it is not expressly prohibited with an *own daughter*, or an *own grandmother*. If then the propinquity is great enough in the two former cases, to render marriage unlawful, *a fortiori* it is great enough in the two latter cases: because it is greater in the two latter than in the two former, and the greater is greater than the less.

If there are no *implied* prohibitions, the law involves a self-evident falsehood. It says that the *less* propinquity between a man and his *wife's daughter*, or his *wife's grandmother*, is great enough to render marriage with either, criminal; and that the *greater* propinquity between a man and his *own daughter*, or his *own grandmother*, is not great enough to render marriage with either criminal:—in other words, that the *less* propinquity between a man and his *wife's daughter*, or his *wife's grandmother*, is greater than the *greater* propinquity between a man and his *own daughter*, or his *own grandmother*; which is mathematically a falsehood, and is not, therefore, the language of the law. There are cases, then, *really* prohibited by the Law of incest which are not *expressly* mentioned in that Law.

X. All marriages are *really* prohibited by the Law

of incest, in which the propinquity is *the same*, as in those *expressly* prohibited.

Were not the propinquity of the parties the rule for determining what cases are prohibited by implication, there could be no rule. But the Law itself obviously makes propinquity the rule and the only rule. It does this *expressly* by assigning propinquity as the only reason why the marriages specified are prohibited. When the Law says to an *aunt* and *nephew*, "You are *too nearly related* to marry"—because equals are equal, it says the same to an *uncle* and *niece*; since the two last are *just as nearly related* as the two first. In other words, it makes *propinquity* the sole criterion, by which to determine, whether a given marriage not mentioned is prohibited or not. Of course if the Law, *in any one case*, declares a *given degree* of propinquity to be so great, as to render marriage unlawful, it virtually declares *an equal* or a *greater degree* of propinquity *in any other case*, to be so great as to render marriage unlawful: for the self-evident reasons, that equals are equal, and that the greater is greater than the less.

Having thus recited the Sections of the Levitical Law of incest, and ascertained the Principles on which it is to be interpreted; we are led, in answering the question, *What was that Law?* to consider,

III. THE MARRIAGES, WHICH THE LAW OF INCEST ACTUALLY PROHIBITED.

In doing this we shall commence with *Lineals*, and close with *Collaterals*.

1. *Lineals of the first degree by consanguinity.*

Lev. xviii. 7. The nakedness of thy father or the nakedness of thy mother, shalt thou not uncover: She is thy mother: thou shalt not uncover her nakedness,

Lev. xx. 11, And the man, that lieth with his father's wife, hath uncovered his father's nakedness: both of them shall surely be put to death: their blood shall be upon them.

Deut. xxii. 30, A man shall not take his father's wife, nor uncover his father's skirt.

Deut. xxvii. 20, Cursed be he, that lieth with his father's wife; because he uncovereth his father's skirt.

In these passages marriage is *expressly* forbidden between a *son* and a *mother*. But the propinquity is the same between a *father* and a *daughter*. They therefore may not intermarry. Hence,

A woman may not marry her A man may not marry his

Son,
Father.

Mother,
Daughter.*

2. Lineals of the first degree by affinity.

Lev. xviii. 8. The nakedness of thy father's wife shalt thou not uncover: it is thy father's nakedness.†

Lev. xviii. 15, Thou shalt not uncover the nakedness of thy daughter-in-law: she is thy son's wife; thou shalt not uncover her nakedness.

Lev. xviii. 17, Thou shalt not uncover the nakedness of a woman and her daughter: it is wickedness.

Lev. xx. 12, And if a man lie with his daughter-in-law; both of them shall surely be put to death.

Lev. xx. 14, And if a man take a wife and her mother; they shall be burnt with fire.

Deut. xxvii. 20, Cursed be he that lieth with his mother-in-law.

Marriage is here *expressly* forbidden with a *step-moth-*

* The implied cases are italicised.

† This passage certainly forbids marriage with a *step-mother*, because the preceding verse forbids it with an *own mother*. Several of the passages recited under the last head also forbid marriage with a *step-mother*.

er, (Lev. xviii. 8,) with a *step-daughter*, (Lev. xviii. 17, and xx. 14,) with a *mother-in-law*, (Lev. xviii. 17, and xx. 14, and Deut. xxvii. 20,) and with a *daughter-in-law*, (Lev. xviii. 15, and xx. 12.) Hence,

A woman may not marry her. A man may not marry his

Step-son,
Step-father,
Father-in-law,
Son-in-law.

Step-mother,
Step-daughter,
Daughter-in-law,
Mother-in-law.

3. *Lineals of the second degree by consanguinity.*

Lev. xviii. 10, 'The nakedness of thy son's daughter, or of thy daughter's daughter, thou shalt not uncover: for theirs is thine own nakedness.'

As a woman is just as near to her *son's son*, and her *daughter's son*, as a man to his *son's daughter* and his *daughter's daughter*; the prohibition of the two latter implies that of the two former. Hence,

A woman may not marry her. A man may not marry his

Father's father,
Mother's father,
Son's son,
Daughter's son.

Son's daughter,
Daughter's daughter,
Father's mother,
Mother's mother.

Or more concisely, and in more customary language,

Grand-father,
Grand-son.

Grand-daughter,
Grand-mother.

4. *Lineals of the second degree by affinity.*

Lev. xviii. 17, "Thou shalt not uncover the nakedness of a woman,—and her son's daughter, or her daughter's daughter: it is wickedness." This passage pronounces the propinquity between a *grand-mother* and her *grand-daughter*, (whether her *son's daughter* or her *daughter's daughter*) to be so great, that it is not lawful for the man, who is the husband of either, to marry the other. This clause therefore, in *express terms* for-

bids marriage between a man and his *wife's grand-daughter*, whether *her son's daughter* or *her daughter's daughter*, and between a man and his *wife's grand-mother*, whether *her father's mother* or *her mother's mother*. But a woman has identically the same propinquity to her *husband's grand-son* on the one hand, whether *his son's son*, or *his daughter's son*, and to her *husband's grand-father* on the other, whether *his father's father* or *his mother's father*. Hence,

A woman may not marry her A man may not marry his

{ Father's mother's husband,	{ Wife's son's daughter,
{ Mother's mother's husband.	{ Wife's daughter's daughter.
{ Son's daughter's husband,	{ Wife's father's mother,
{ Daughter's daughter's husband.	{ Wife's mother's mother.
{ Husband's son's son,	{ Father's father's wife,
{ Husband's daughter's son.	{ Mother's father's wife.
{ Husband's father's father,	{ Son's son's wife,
{ Husband's mother's father.	{ Daughter's son's wife.

Or more concisely, and in more customary language,

Grand-mother's husband,	Wife's grand-daughter,
Grand-daughter's husband.	Wife's grand-mother.
Husband's grand-son,	Grand-father's wife.
Husband's grand-father.	Grand-son's wife.

5. *Collaterals of the first degree by consanguinity.*

Lev. xviii. 9, The nakedness of thy sister, the daughter of thy father or the daughter of thy mother, whether she be born at home, or abroad, even their nakedness thou shalt not uncover.

Lev. xviii. 11, The nakedness of thy father's wife's daughter, begotten of thy father, (she is thy sister,) thou shalt not uncover her nakedness.

Lev. xx. 17, And if a man shall take his sister, his father's daughter or his mother's daughter, and see her nakedness, and she see his nakedness: it is a wickedness; and they shall be cut off in the sight of their

These passages *expressly* forbid marriage between a man and his *father's sister* or his *mother's sister*—that is, between a *nephew* and his *aunt*; but their propinquity is identically the same as that between a woman and her *father's brother* or her *mother's brother*—that is between a *niece* and her *uncle*. Hence,

A woman may not marry her *A man may not marry his*

Brother's son.

Father's sister.

Sister's son.

Mother's sister.

Father's brother.

Brother's daughter.

Mother's brother.

Sisters's daughter.

Or more concisely, and in more customary language.

Nephew.

Aunt.

Uncle.

Niece.

8. *Collaterals of the second degree by affinity.*

Lev. xviii. 14, Thou shalt not uncover the nakedness of thy father's brother : thou shalt not approach to his wife : she is thine aunt.

Lev. xx. 20, And if a man shall lie with his uncle's wife, he hath uncovered his uncle's nakedness : they shall bear their sin : they shall die childless.

The phrase "*an uncle's wife*" includes both a *father's brother's wife*, and a *mother's brother's wife*. This passage therefore *expressly* forbids marriage between a *husband's nephew* and an *uncle's wife*. But a *wife's niece* is just as near to an *aunt's husband*—i. e. to a *father's sister's husband* or a *mother's sister's husband*. In the same manner a *husband's uncle* is just as near to a *nephew's wife*—that is to a *brother's son's wife* or a *sister's son's wife*. In the same manner a *wife's aunt* is just as near to her *niece's husband*—that is, to her *brother's daughter's husband* and her

sister's daughter's husband. These therefore are forbidden to intermarry. Hence,

A woman may not marry her A man may not marry his

{ Husband's brother's son.	{ Father's brother's wife.
{ Husband's sister's son.	{ Mother's brother's wife.
{ Father's sister's husband.	{ Wife's brother's daughter.
{ Mother's sister's husband.	{ Wife's sister's daughter.
{ Husband's father's brother.	{ Brother's son's wife.
{ Husband's mother's brother.	{ Sister's son's wife.
{ Brother's daughter's husband.	{ Wife's father's sister.
{ Sister's daughter's husband.	{ Wife's mother's sister.

Or more concisely, and in more customary language;

Husband's nephew.	Uncle's wife.
<i>Son's husband.</i>	<i>Wife's niece.</i>
Husband's uncle.	<i>Nephew's wife.</i>
<i>Niece's husband.</i>	<i>Wife's aunt.</i>

The above are all the marriages prohibited by the Levitical Law of Incest. The following tables exhibit them at one view: those *expressly* forbidden in Roman letters, and those *by implication* in *Italics*.

TABLE I.

A woman may not marry her A man may not marry his

1. Son.	1. Mother.
2. Father.	2. Daughter.
3. Mother's husband.	3. Wife's daughter.
4. Husband's son.	4. Father's wife.
5. Husband's father.	5. Son's wife.
6. Daughter's husband.	6. Wife's mother.
7. Father's father.	7. Son's daughter.
8. Mother's father.	8. Daughter's daughter.
9. Son's son.	9. Father's mother.
10. Daughter's son.	10. Mother's mother.
11. Father's mother's husband.	11. Wife's son's daughter.
12. Mother's mother's husband.	12. Wife's daughter's daughter.
13. Son's daughter's husband.	13. Wife's father's mother.
14. Daughter's daughter's husband.	14. Wife's mother's mother.
15. Husband's father's father.	15. Son's son's wife.
16. Husband's mother's father.	16. Daughter's son's wife.
17. Husband's son's son.	17. Father's father's wife.
18. Husband's daughter's son.	18. Mother's father's wife.
19. Brother.*	19. Sister.*
20. Husband's brother.	20. Brother's wife.
21. Sister's husband.	21. Wife's sister.
22. Brother's son.	22. Father's sister.
23. Sister's son.	23. Mother's sister.
24. Father's brother.	24. Brother's daughter.
25. Mother's brother.	25. Sister's daughter.
26. Husband's brother's son.	26. Father's brother's wife.
27. Husband's sister's son.	27. Mother's brother's wife.
28. Father's sister's husband.	28. Wife's brother's daughter.
29. Mother's sister's husband.	29. Wife's sister's daughter.
30. Husband's father's brother.	30. Brother's son's wife.
31. Husband's mother's brother.	31. Sister's son's wife.
32. Brother's daughter's husband.	32. Wife's father's sister.
33. Sister's daughter's husband.	33. Wife's mother's sister.

In this table, the correlatives, who may not intermarry, are placed opposite each other, and numbered alike. In the table which follows, the correlatives are arranged as in our common bibles.

* Brother and sister, both of the *whole* and of the *half* blood are expressly forbidden to marry. A conscientious man will of course consider the same rule as extending to all other collateral relatives by consanguinity and affinity; on the ground, that he cannot consent to incur *half* of the guilt of Incest.

TABLE II.

A woman may not marry A man may not marry
her his

* 7. Father's father.	* 9. <i>Father's mother.</i>
* 8. Mother's father.	* 10. <i>Mother's mother.</i>
† 11. Father's mother's husband.	† 17. <i>Father's father's wife.</i>
† 12. Mother's mother's husband.	† 18. <i>Mother's father's wife.</i>
† 15. <i>Husband's father's father.</i>	† 13. Wife's father's mother.
† 16. <i>Husband's mother's father.</i>	† 14. Wife's mother's mother.
* 24. <i>Father's brother.</i>	* 22. Father's sister.
* 25. <i>Mother's brother.</i>	* 23. Mother's sister.
† 28. <i>Father's sister's husband.</i>	† 26. Father's brother's wife.
† 29. <i>Mother's sister's husband.</i>	† 27. Mother's brother's wife.
† 30. <i>Husband's father's brother.</i>	† 32. <i>Wife's father's sister.</i>
† 31. <i>Husband's mother's brother.</i>	† 33. <i>Wife's mother's sister.</i>
* 2. <i>Father.</i>	* 2. Mother.
† 3. Step-father.	† 4. Step-mother.
† 5. Husband's father.	† 6. Wife's mother.
* 1. Son.	* 2. <i>Daughter.</i>
† 4. Husband's son.	† 3. Wife's daughter.
† 6. Daughter's husband.	† 5. Son's wife.
* 19. Brother.	* 19. Sister.
† 20. Husband's brother.	† 21. <i>Wife's sister.</i>
† 21. <i>Sister's husband.</i>	† 20. Brother's wife.
* 9. <i>Son's son.</i>	* 7. Son's daughter.
* 10. <i>Daughter's son.</i>	* 8. Daughter's daughter.
† 13. Son's daughter's husband.	† 15. <i>Son's son's wife.</i>
† 14. Daughter's daughter's husband.	† 16. <i>Daughter's son's wife.</i>
† 17. <i>Husband's son's son.</i>	† 11. Wife's son's daughter.
† 18. <i>Husband's daughter's son.</i>	† 12. Wife's daughter's daughter.
* 22. Brother's son.	* 24. <i>Brother's daughter.</i>
* 23. Sister's son.	* 25. <i>Sister's daughter.</i>
† 32. <i>Brother's daughter's husband.</i>	† 30. <i>Brother's son's wife.</i>
† 33. <i>Sister's daughter's husband.</i>	† 31. <i>Sister's son's wife.</i>
† 26. Husband's brother's son.	† 28. <i>Wife's brother's daughter.</i>
† 27. Husband's sister's son.	† 29. <i>Wife's sister's daughter.</i>
* Her own relations by consanguinity.	* His own relations by consanguinity.
† Her own connections by affinity.	† His own connections by affinity.
† Her husband's relations by consanguinity.	† His wife's relations by consanguinity.

TABLE III.

A woman may not marry her A man may not marry his

Grand-father.	Grand-mother.
Grand-mother's husband.	Grand-father's wife.
Husband's grand-father.	Wife's grand-mother.
Father.	Mother.
Step-father.	Step-mother.
Husband's father.	Wife's mother.
Son.	Daughter.
Daughter's husband.	Son's wife.
Step-son.	Step-daughter.
Grand-son.	Grand-daughter.
Grand-daughter's husband.	Grand-son's wife.
Husband's grand-son.	Wife's grand-daughter.
Brother.	Sister.
Sister's husband.	Brother's wife.
Husband's brother.	Wife's sister.
Uncle.	Aunt.
Aunt's husband.	Uncle's wife.
Husband's uncle.	Wife's aunt.
Nephew.	Niece.
Niece's husband.	Nephew's wife.
Husband's nephew.	Wife's niece.

This table embraces the same relatives as the two preceding, but expressed more concisely: Lineals first, and Collaterals afterwards. In each triad of relatives, the first is a relative by the individual's own consanguinity: the second, by the individuals own affinity: the third by the consanguinity of the married partner. The law has thus a beautiful and truly mathematical simplicity.

By attentively examining the preceding tables, we shall discover the following results:

1. Marriage is prohibited between all *Lineals*, and all *Collaterals*, of the *first* and *second* degrees, both by *consanguinity* and *affinity*. The *Lineals* include all, both in the ascending and descending series, with whom

marriage, according to the present length of human life, is *physically* possible. The *Collaterals* include all with whom one associates on the footing of *brothers or sisters, of children of brothers or sisters, and of brothers or sisters of parents*. Between an individual and these relatives there is and ought to be all the intimacy of the most pure and confidential love; and the mind in which it dwells, ought to prove to it a sanctuary so secure; so holy, that no sensual desire should ever intrude to soil its purity or jeopard its repose. In the sanctions of the Law of incest, this very safeguard is furnished to it, by God.

2. The Second Table is the same with that in our common Bibles; comprising identically the same relations, and in the same arrangement, in each column. In the Table in the Bible, the six first relations, however, are expressed more concisely and comprehensively: in the first column, by the words *Grandfather, Grandmother's husband, and Husband's grandfather*; and, in the second, by *Grandmother, Grandfather's wife, and Wife's grandmother*: each of these including two of the relatives in the Second Table.

3. The number of cases, *expressly* prohibited, is *seventeen*; and that of those prohibited *by implication*, *sixteen*.

4. Of the *Express* cases, *six* are by consanguinity, and *eleven* by affinity: and of the *Implied* cases *five* are by consanguinity, and *eleven* by affinity.

5. The first column exhibits *thirty-three* relations, which a Woman may not marry: of which eleven are *her own relations by blood*, eleven *her own relations by marriage*, and eleven *her husband's relations by blood*. The second column exhibits the same results,

mutatis mutandis, as to the relatives which a Man may not marry.

6. Of the *twenty-two* relations by affinity, which a Man may not marry, *six* of his wife's, and *five* of his own, are *expressly* prohibited; and *five* of his wife's, and *six* of his own, *by implication*: whereas of the *twenty-two* relations by affinity, which a Woman may not marry, *five* of her husband's, and *six* of her own are *express* cases, and *six* of her husband's, and *five* of her own are *implied* cases.

7. Wherever a Man is forbidden to marry *a given relation of his own by consanguinity*, he is also forbidden to marry *the same relation of his own by affinity*, and *the same relation of his wife by consanguinity*. But he is forbidden to marry *no relation of his wife by affinity*. In other words *double affinity* is not regarded by the Law, as in any case amounting to *a debarring propinquity*. Of course a man has a right to marry the widow of his wife's *father, son, brother, uncle, or nephew*. The same is true, *mutatis mutandis*, of a Woman.

8. The Lineals prohibited are *eighteen* in number, *six* by consanguinity, *three* express, and *three* implied; and *twelve* by affinity, *eight* express, and *four* implied: the Collaterals are *fifteen* in number, *five* by consanguinity, *three* express, and *two* implied; and *ten* by affinity, *three* express, and *seven* implied.

9. The law does not prohibit the intermarriage of *Collaterals of the third degree by consanguinity*:—that is of *first cousins*: nor of course those more remote. Many suppose the intermarriage of *first cousins* to be *physically* inexpedient. Where this impression is strong enough to counteract any propensity, that may exist in favour of such a marriage, it will of course pre-

rail. But God has not forbidden it. There must be obviously a partition wall, somewhere between the inner and the outer courts of this temple, which no unhallowed foot may pass; and that, which is actually erected, appears to us to be erected on *the very line of demarcation*, which Infinite wisdom and purity must have drawn. At all events, when we find that God has erected it *where it is*, we are satisfied that it is right.

WE have thus far examined the Law of incest, without reference to the much-debated Section, Leviticus xviii. 18. It is insisted, however, that that Section contains an *Express Exception* to the Law, and authorizes marriage with *the Sister of a deceased wife*. Its true import, therefore, we will now attempt to ascertain.

The language of Leviticus xviii. 18, rendered by our translators, in the *text*, "Neither shalt thou take a wife to her sister, to vex her, to uncover her nakedness beside the other in her life-time"—but rendered by our translators *in the margin*, "Neither shalt thou take *one wife to another*"—has received, as we have already seen, the two following widely different and very opposite constructions:—

1. Neither shalt thou take one wife to another to vex *her*, to uncover her nakedness beside the other, in her life-time.

2. Neither shalt thou take another wife, who is the sister of thy first wife, to vex *her*, to uncover her nakedness beside the other, in her life-time; although thou mayest take one who is not her sister, because that will not vex her; and her sister also, after her death.

This second interpretation, if it can be established, is a full permission of polygamy, and of marriage with the sister of a deceased wife. As to the lawfulness of polygamy, we have already seen, that it was directly

prohibited by the Original Law of marriage, and that no evidence of its lawfulness under the Levitical Code exists, unless it is found in this passage. We will endeavour, then, to examine the passage, on its own merits, by the ordinary rules of criticism.

The whole difficulty respecting this passage has arisen from the phrase *אִשָּׁהּ אֶל אֲחֹתָהּ* (*ishah el acothah*), translated, *a woman to her sister*: not, however, from any dispute with regard to the meaning of the *separate words* in this phrase;—for it is admitted, on both sides, that *אִשָּׁהּ* (*ishah*), means *a woman*, or *a wife*,* that *אֶל* (*el*), means *to*, and *אֲחֹתָהּ* (*acothah*), *her sister*. The only question is, Whether this phrase is to be interpreted *according to the meaning of its separate words*, or whether it has here, and every where else, an *idiomatic meaning*—the meaning of *one woman to another*, or *one wife to another*.

That words, in all languages, are sometimes used *idiomatically*; that occasionally they have a different meaning, *when connected*, from what they have *when apart*; and that the true meaning of a phrase is not always given by rendering it *word for word* into another language, is perfectly known to every one. Every language has its own peculiar idioms, which cannot be rendered *verbatim* into any other; and, of all languages probably, none is more frequently idiomatic than the Hebrew. When such idioms occur, the only way to render them accurately, is either by a corresponding idiom, or by a circumlocution. Thus the phrase *כָּל בְּרֵאֵי*,

* The original and customary meaning of *אִשָּׁהּ* is *a woman*: its secondary and less common meaning is *a wife*. The same is true of *γυνή* in Greek, of *femme* in French, and of the corresponding word in various other languages. What the true meaning is, in each case, is of course determined by the sense.

literally *the son of my threshing-floor*, denotes *my threshed grain*:—לִשְׂוֹן אֵשׁ, literally *a tongue of fire*, really *a flame*:—שֵׁן סֶלֶעַ, literally *the tooth of a rock*, really *a crag*:—שִׁפְתַּי הַיָּם, literally *the lip of the sea*, really *the sea-shore*.—The English language is full of such idioms. If any one will attempt to render the phrase, "*The horses are together by the ears*," literally into any other language,—into the Latin for example, *Equi sunt unâ per aures*—he will see that it will make absolute nonsense. The English phrase, *I gave him tit for tat*, or the similar one, *I gave him a Rowland for his Oliver*, obviously cannot be literally translated into any language; yet it is perfectly intelligible to say in French, *Je lui donnois son paquet*; and in Latin, *Par pari retuli*; and in Greek, Ὀρίων καὶ Ἰππας, ὁ ὅριον καὶ ἰππικουρας; and in Hebrew, עֵינֶן תַּחַת עֵינֶן, שֵׁן תַּחַת שֵׁן. Each of these five phrases has the same *idiomatic* or general meaning; yet the words in neither, taken singly, have the same *literal* meaning with the words in either of the other four. It is then certain, that, when phrases are *idiomatic*, their meaning is entirely different from the simple meaning of the words, of which they are composed; and that an idiom of one language, if rendered *word for word* into another, is falsely rendered, unless the other language has an idiom identically similar.

How then do we decide, whether a given phrase is idiomatic or not?—By the best and simplest of all rules—*by the customary use of it* among those who write and speak the language.—*Usus est jus et norma loquendi*.—If those, who best understand the language, give *the phrase* a meaning totally different from the simple meaning of *the words*; we bow of course to

their authority, and admit it to be *an idiom* of the language. Thus, when a Frenchman hears the phrase, "*I have other fish to fry*," instead of attempting in vain to render it literally into *J'ai d'autres poissons à frire*, he readily admits the explanation, *J'ai d'autres affaires*; and when an Englishman meets with the phrase "*Il mettoit du foin dans ses bottes*," instead of insisting that it shall be rendered, *He put hay in his boots*, he is happy in hearing it explained by another idiom, *He laid up something against a rainy day*. An apology is due to the reader, for attempting to support principles so obvious, and so generally admitted: and it is found in the fact, that these very obvious principles have been strenuously denied, or disregarded, in their application to the case in hand.

The question then meets us, Do the Hebrew writers give to the phrase in question, אִשָּׁה אֶל אָחֻתָּהּ, *a woman to her sister*, the simple meaning of the words; or do they use it as *an idiom*? This we can determine, by referring to the passages in which it actually occurs.*

This phrase is found in *two forms*—in the masculine, אִישׁ אֶל אָחֻיוֹ, (*ish el auchiv*), *a man to his brother*; and in the feminine, אִשָּׁה אֶל אָחֻתָּהּ, (*ishah el acothah*), *a woman to her sister*. In the masculine form, it occurs *twenty-five* times in the Hebrew Scriptures, and in the feminine, *ten*. I will adduce the several instances, for the satisfaction of the reader. He will perceive, that the Hebrew writers never intend by it *a brother*, or *a sister*, in the literal sense, but always, *one thing to another of the same kind*; that, if applied to

* We hope that the sight of a few *Hebrew words*, on this and several of the following pages, will not deter the mere English reader from perusing them.

men, it denotes—not a man to his brother,—but one man to another; if to women,—not a woman to her sister,—but one woman to another, and if to the curtains of the tabernacle, one curtain to another, &c.

1. Gen. xiii. 11. "And Abraham and Lot separated themselves—the one from the other"—In the Hebrew, *אִישׁ מֵעַל אֶחָיו*,—literally, a man from his brother, correctly, one man from another: or one from another.

2. Gen. xxvi. 31, "And Abimelech and Isaac sware—one to another"—In the Hebrew, *אִישׁ לְאֶחָיו*,—literally, a man to his brother—correctly, one man to another.

3. Gen. xxxvii. 19, "And they said one to another,"—In the Hebrew, *אִישׁ אֶל אֶחָיו*—literally, a man to his brother, correctly, one man to another.

4. Gen. xlii. 21, The same as the last.

5. Gen. xlii. 28, The same as the last.

6. Exod. x. 23, "And the Egyptians saw not—one another"—In the Hebrew, *אִישׁ אֶת אֶחָיו*,—literally, a man his brother, correctly, one man, another.

7. Exod. xvi. 15, "And the children of Israel said one to another"—In the Hebrew, *אִישׁ אֶל אֶחָיו*,—literally, —a man to his brother,—correctly, one man to another.

8. Exod. xxv. 20, "And the faces of the cherubim shall look—one to another"—In the Hebrew, *אִישׁ אֶל אֶחָיו*,—literally, a man to his brother,—correctly, one face to another.

9. Exod. xxvi. 3, "The five curtains shall be coupled together—one to another"—In the Hebrew, *אִשָּׁה אֶל אֶחָתָהּ*,—literally, a woman to her sister,—correctly, one curtain to another.

10. Exod. xxvi. 3, "And other five curtains shall be coupled—one to another"—In the Hebrew,

אִשָּׁה אֶל אֲחֻתָּהּ—literally, *a woman to her sister*—correctly, *one curtain to another*.

11. Exod. xxvi. 5, "That the loops may take hold—one of another"—In the Hebrew, אִשָּׁה אֶל אֲחֻתָּהּ, —literally, *a woman of her sister*—correctly, *one loop of another*.

12. Exod. xxvi. 6, "And couple the curtains together"—In the Hebrew, אִשָּׁה אֶל אֲחֻתָּהּ, literally, *a woman to her sister*—correctly, *one curtain to another*.

13. Exod. xxvi. 17, "Two tenons shall be set—one against another"—In the Hebrew, אִשָּׁה אֶל אֲחֻתָּהּ, —literally, *a woman against her sister*—correctly, *one tenon against another*.

14. Exod. xxxvii. 9, "The cherubim stood with their faces—one to another"—In the Hebrew, אִישׁ אֶל אָחִיו, —literally, *a man to his brother*—correctly, *one face to another*.

15. Lev. vii. 10, "One, as much as another,"—In the Hebrew, אִישׁ כְּאָחִיו, —literally, *a man as his brother*—correctly, *one man as another*.

16. Lev. xviii. 18, "Neither shalt thou take a wife to her sister"—(in the margin, "one wife to another")—In the Hebrew, אִשָּׁה אֶל אֲחֻתָּהּ, —literally, *a woman to her sister*,—correctly, *one wife to another*.

17. Lev. xxv. 14, "Ye shall not oppress—one another"—In the Hebrew, אִישׁ אֶת אָחִיו, —literally, *a man, his brother*—correctly, *one man, another*.

18. Lev. xxv. 46, "Ye shall not rule—one over another"—In the Hebrew, אִישׁ כְּאָחִיו, —literally, *a man over his brother*—correctly, *one man over another*.

19. Lev. xxvi. 37, "And they shall fall—one upon another"—In the Hebrew, אִישׁ כְּאָחִיו, —literally, *a man, upon his brother*—correctly, *one man, upon another*.

20. Num. xiv. 4, "And the Israelites said—one to another"—the same as No. 7.

21. Deut. xxv. 11, "When men strive together—one with another"—In the Hebrew, אִישׁ בְּאָחִיו, literally, a man, with his brother—correctly, one man, with another.

22. Neh. iv. 19, "We are separated—one far from another"—In the Hebrew, אִישׁ בְּאָחִיו, literally, a man from his brother,—correctly, one man, from another.

23. Job xli. 17, "The scales of Leviathan are joined—one to another"—In the Hebrew, אִישׁ בְּאָחִיו, literally, a man, to his brother—correctly, one scale, to another.

24. Jer. xiii. 14, "And I will dash them—one against another"—In the Hebrew, אִישׁ אֶל אָחִיו, literally, a man against his brother—correctly, one man, against another.

25. Jer. xxv. 26, "And all the kings of the north—one with another"—In the Hebrew, אִישׁ אֶל אָחִיו, literally, a man, with his brother—correctly, one king, with another.

26. Jer. xxxiv. 14, "Let ye go, every man his brother, that is an Hebrew"—In the Hebrew, אִישׁ אֶת אָחִיו, literally, a man, his brother—correctly, one man, another.

27 & 23. Ezek. i. 9, and 11, "Their wings were joined—one to another"—In the Hebrew, אִשָּׁה אֶת אָחֻתָּהּ, literally, a woman, to her sister—correctly, one wing to another.

29. Ezek. i. 23, "And their wings were straight—one towards another,"—In the Hebrew, אִשָּׁה אֶל אָחֻתָּהּ, literally, a woman, towards her sister—correctly, one wing, towards another.

30. Ezek. iii. 13, "The wings of the living creatures touched *one another*"—In the Hebrew, אִישׁ אֶל אֶחָתָה, —literally, *a woman, her sister*—correctly, *one wing, another*.

31. Ezek. iv. 17, "And be astonished—*one with another*"—In the Hebrew, אִישׁ אֶחָדִיר, —literally, *a man, with his brother*—correctly, *one man, with another*.

32. Ezek. xxiv. 23, "And mourn, *one towards another*"—In the Hebrew, אִישׁ אֶל אֶחָדִיר, —literally, *a man, towards his brother*—correctly, *one man, towards another*.

33. Ezek. xxxiii. 30, "And speak, *one to another*"—In the Hebrew, אִישׁ אֶת אֶחָדִיר, —literally, *a man, to his brother*—correctly, *one man, to another*.

34. Ezek. xlvii. 14, "And ye shall inherit it—*one as well as another*"—In the Hebrew, אִישׁ כְּאֶחָדִיר, —literally, *a man, as well as his brother*—correctly, *one man, as well as another*.

35. Joel ii. 8, "Neither shall *one thrust another*"—In the Hebrew, אִישׁ אֶחָדִיר, —literally, *Neither shall a man thrust his brother*—correctly, *Neither shall one man thrust another*.

This phrase, in the masculine form—*a man to his brother*—occurs also, in connection with אִישׁ רֵעֵהוּ, literally, *a man, his companion*, in four other instances: Exod. 32. 27, Isaiah 19. 2, Jer. 31. 34, and 34. 17. To show its meaning in this connection, also, I need cite but one of the passages: Exod. 32. 27, "And Moses said to all the sons of Levi, go throughout the camp and slay *every man his brother, and every man his companion, and every man his neighbour*."—As the tribes did not intermarry, and the sons of

Levi were directed to slay none but persons belonging to the other eleven tribes; it is obvious that the phrase *a man, his brother*, when thus connected, has no allusion to a brother by consanguinity; but denotes as elsewhere *one man, another*, or perhaps, from the repetition of the thought, *one man, several others*.

The similar phrase *אִישׁ רֵעֵהוּ*, *a man, his companion*, in the masculine form, occurs in nineteen instances: Gen. 11. 3, and 7, Ex. 18. 7, and 16, and 21. 18, Judges 6. 29, Ruth 3. 14; 1 Sam. 10, 11, and 20. 41, *bis*; 2 Kings 3. 23, and 7. 3, 6, 9; 2 Chron. 20. 23; Esth. 9. 19, 22; Isaiah 3. 5; Jer. 36. 16, and 46. 16; Mal. 3. 16.—In the feminine form, *אִשָּׁה רֵעֵהָ*, *a woman, her companion*, it occurs in four instances: Isaiah 34. 15, 16; Jer. 9. 20; and Zech. 11. 9. In each of these instances its precise meaning is *one, another*.

The similar phrase *אִישׁ עֲקִירָתוֹ*, *a man, his neighbour*, occurs in Lev. 19. 11, and Lev. 25. 17; and in both signifies *one, another*. That it has the exact meaning of *אִישׁ אָחִיר*, *a man, his brother*, is proved from its use in the latter instance: in Lev. 25. 14, “Ye shall not oppress *one another*,” *אִישׁ אָחִיר*, *a man, his brother*, and in Lev. 25. 17, “Ye shall not oppress *one another*,” *אִישׁ עֲקִירָתוֹ*, *a man, his neighbour*. These three phrases, therefore, have a common meaning.

The *thirty-five* instances, which I have recited, are, with the exception of the four, mentioned in the last paragraph but two, all the instances, in which the phrase in question occurs in the Hebrew Scriptures. In *twenty-five*, it is in the masculine form, *אִישׁ אָחִיר*, *a man, his brother*; and in *ten*, in the feminine form, *אִשָּׁה אָחִתָּהּ*, *a woman, her sister*. Of these, *twenty-one* are in the

Pentateuch, *eight* in Ezekiel, *three* in Jeremiah, *one* in Nehemiah, *one* in Job, and *one* in Joel. In *thirty-two* of these instances the phrase is actually rendered *one another*; in *one* the 12th, it is rendered *together*, which is precisely equivalent to *one to another*; and in *one*, the 26th, it is rendered,—“Let ye go, *every man his brother*, that is an Hebrew.”—This deviation from the common rendering, however, was adopted,—not to express the relationship of *brother*, for the command is addressed to the Hebrews as a nation concerning their Hebrew slaves; but to avoid an awkwardness which would have attended the customary rendering in this instance—Let ye go, *every man, another*, that is an Hebrew. In *thirty-four* instances, then, out of the *thirty-five*, this phrase is actually rendered, and with absolute precision, by *one to another*—*one man to another*, *one woman to another*, *one curtain to another*, *one wing to another*, *one face to another*, *one tenon to another*, *one loop to another*, *one scale to another*, *one king to another*, *one thing of any kind to another*, wherever *two things of a kind* are brought together—and, in no one instance, is the word *brother* or *sister* thus used to express *relationship by blood*. In the *thirty-fifth* also, the instance in question, it is rendered by our translators in the margin, *one woman to another*.*

The question then recurs, How are we to interpret this phrase, in this only remaining instance of the *thirty-*

* If the English Translators had in every instance rendered the Hebrew literally, by *a man to his brother*, or *a woman to her sister* the phrase would have long since become *naturalized* in English, and have denoted just what it denotes in Hebrew *one to another*. By thus rendering it in *thirty-four* instances and not in the *thirty-fifth*, they have led the mere English reader into sad mistakes and perplexities.

five, Lev. xviii. 18. That every candid mind—not committed either in feeling or in fact—must be ready on this evidence to decide that the phrase is a Hebrew idiom, and denotes *one woman to another*, I cannot doubt. Yet before summing up the evidence I will state a parallel case.

The parallel case is the following. In one of Cicero's Letters to his Son at Athens, you may look for the following direction—" *Nunquam uxori nubas* ?"—At the first sight of this illustrious sanction of celibacy, many a bachelor will triumph; while those single ladies, who read Latin, will scarcely believe their own eyes.—*May you never marry a wife!*—Impossible! Could Marcus Tullius,—himself a married man,—write thus to his Son!—Well might he imagine his Country, Italy and the whole Republic to fasten their astonished eyes upon him and cry out, "*Marce Tulli, quid agis?*"—To be sure of the meaning, the Bachelor consults his dictionary, and finds that no scholar, male or female, can deny that the meaning of *nunquam* is *never*,—of *nubas*, *may you marry*,—(or *may you be married to*,—) and of *uxori*, *a wife*. Satisfied with the investigation, he lays down his Ainsworth, more confirmed in his purpose than before—Not so fast, Sir!—The selfish and incorrigible shall not triumph eternally.—Look into your Pliny; and read, in one of his letters, an account of three of your own fraternity at Rome: an account, short indeed, but terminating in each instance with the pithy and ominous conclusion—" *uxori nupsit* !"—Do you start, lest you, too, should come, by analogy, to the same end:—look a little more minutely at his account of the last of the three—" *Non uxorem duxit*, sed, O fallacem cœlibis spem! *uxori nupsit* !"—He did not *take a wife*; but O how a bachelor's hopes are blasted! he *married a*

wife!—Will this do? Did Pliny utter such a palpable contradiction?—Look again into your Ainsworth, and under *Nubo* or *Uxor*, learn your doom.—“*Uxori nupsi*”—not, *I have married a wife*, but—“*I am married to a wife.*” “*Uxori nubere*,” “*to marry your master*,” “*to get under petticoat government*,” “*to be henpecked.*” With this illustration, you will find Pliny’s narratives painfully intelligible.

I stop then to ask, whether any scholar could hesitate as to the meaning of Cicero’s advice to his Son, when he had found the phrase, *Uxori nubere*, three times so used in Pliny, as to have but one meaning. Can we usually explain a *controverted* phrase by more than three examples, in which its meaning is clear and indisputable; or rather, when we find three such examples, does not its meaning cease to be controverted.

Our inquirer, however, anxious for a different result, examines the other Latin classics; and would have been happy, as he met the phrase in question *eight* times in Terence, and *once* in Plautus, in Martial, and in Ovid, could he have found *even one instance*, in which it had not the same identical meaning. Looking over the fragments of Varro, he finds “*Uxori nubere*” explained by “*Imperio uxoris parere.*” Ainsworth, Robert Stephens, Facciolati, and all the modern lexicographers agree with Varro. As a last effort he searches the pages of Cicero, and resolves that the Roman Orator shall speak for himself. Here he discovers *twenty* other passages in which the phrase occurs; but in every one it indisputably means *to be henpecked*. He also finds, by the help of Facciolati, that these various instances, amounting to *thirty-four*, are, with the one in question, the only instances, in which the phrase is used by any Roman author. On these facts, I ask any *unbiassed*

man—What is the true meaning of "*Nunquam uxori nubas*?"—To this question every such man will reply, "It is a peculiar *idiom* of the Latin language, having a meaning of its own, which is to be determined by its customary use, *as a phrase*, among the best Latin writers."—Every language abounds with such idioms, even upon this very subject. Thus the French say, "*La poule plus haut que le coq chante*:"—literally, "*The hen crows louder than the cock*—correctly, "*The grey mare is the better horse*."

Let us, then, apply this rule to the case in hand. The controverted Hebrew phrase occurs *eight* times in Ezekiel, *three* times in Jeremiah, and *once* in Job, in Nehemiah, and in Joel. It also occurs *twenty* times in the Pentateuch, beside the passage in question; and in each of these *thirty-four* instances, it is agreed to mean *one to another*, and to have no reference to *relationship by blood*. These also are *all* the instances in which it does occur, *singly*, in the Hebrew Scriptures; and in the four instances, in which it occurs, *in connection with a similar phrase*, it is agreed also to mean *one to another*, and to have no reference to relationship by blood. This phrase too, and three others* of a similar construction, are the customary, if not the only, mode of expressing *one to another*, in the Hebrew.—Buxtorf expressly mentions the phrase as an Hebrew *idiom*: explaining the masculine form by *Unus ad alterum*, and the feminine by *Una ad alteram*. With him agree Castell, Robertson, Taylor, Eichhorn and Gesenius; but for brevity, I will quote only Gesenius. Under the article

* Two of these have been already mentioned. The third אִישׁ לְאִישׁ, literally *man to man*, correctly *one to another*, occurs in 1 Sam. ii. 25, and Hosea iv. 4.

אָנ, a brother, he says, "Following after אִישׁ, a man—it denotes *one another* ; alter, alter ;"* and under the article אָחִי, a sister, he says, "With אִשָּׁה, a woman, preceding, it denotes *one another* ; altera, altera."† —At the same time, there is scarcely an idiom of the Hebrew, the meaning of which can be determined by *thirty-four* clear indisputable examples of its use ; and except this, there is not an instance in the Hebrew or any other language, in which the meaning of a given phrase can be proved to be *idiomatic*, by *thirty-four* such examples, with no opposing example of a different meaning, whose true meaning has been—I will not say *controverted*, but—for a moment *doubted*. *Why* it has been doubted in this, is obvious. On these facts, every *unbiassed* man will say, that the phrase in question is an *Hebrew Idiom* ; and that, in Leviticus xviii. 18, it has the same meaning as every where else,—denoting, "Neither shalt thou take *one woman*, or *one wife*, to *another*, to vex her, to uncover her nakedness beside the other, in her life-time."

But we have not yet done with this passage. The interpretation to which those are necessarily driven, who favour the marriage in question, is the following: *Neither shalt thou take a second wife, who is the sister of thy first wife, to vex her, to uncover her nakedness beside the other in her life-time : although thou mayest take one who is not her sister, because that will not vex her, and her sister also, after her death.*—That it would vex a wife, to have her husband bring home her sister, as a second wife, is readily admitted ; but that it would not vex her to have her husband bring home a second wife who was not her sister,—will sound oddly in the

* Gibb's Gesenius, p. 23.

† Gibb's Gesenius, p. 25.

ears at least of *wives* ; so oddly, that, even in opposition to the most extended and laborious Hebrew criticism, and in spite of a chain of syllogisms which Aristotle himself would pronounce without a flaw, they will be ready, for reasons which all wives perfectly understand, and which they feel too, *to the very quick*, to pronounce the interpretation, which involves this position, *infallibly and incurably erroneous*, and the position itself *inevitably false*. Nay so incredulous and incorrigible are they on this one point, that were they told it was in the very Bible itself, not one of them would believe it. We will then examine this position on its own merits.

Were the idea of Incest wholly out of the question ; were Polygamy also lawful ; and were a married woman under the necessity of seeing a *second wife* brought into the house as her partner ; I have no hesitation to believe that *ceteris paribus*, she would prefer a sister to a stranger. Without pretending, however, to any peculiar knowledge of the female heart, I find, *in the very nature of the case*, the most satisfactory evidence, that there would be far less danger of bitter rivalry between two sisters, than between two strangers. *Sisters* are usually more alike, than strangers, in person, complexion and features, and of course differ less as to personal beauty. Their education, habits, views, feelings, manners, and character, have a far greater resemblance. Their rank, fortune, connections, friends, and family interests, are one and the same ; and of course would never be the occasion of jealousies and quarrels. Should quarrels arise, the family connections, instead of taking sides with one or the other, would unite to reconcile them. They are also attached to each other by early

friendship, as well as by the indissoluble bond of natural affection.

Let us now view the case of two females, thus connected, who are *strangers*. Less alike usually than sisters, in the endowments of body and mind; they have no other point of resemblance. They are descended from different lineage, have imbibed different prejudices, and have been educated in different families, under different parents and teachers, among different associates, to different views, feelings, principles, habits and characters. They have different personal and family friends, have no natural affection, no early friendship, no habits of kindness and confidence, no oneness of interests and wishes, to endear them to each other. They know each other only as rivals, in all which a wife can value. The first wife looks on the second merely as an intruder, whose only wish is to rob her of her husband's affection and her own influence and happiness. The second sees in the first a jealous adversary, always busy in disappointing her hopes and thwarting her purposes. Their feelings, interests and plans, are always in collision. There is nothing in the past, the present or the future, to take off the edge of jealousy, or to prevent the growth of hatred. In such circumstances, peace is impossible. In their personal quarrels, their family connections will take sides. The relations of each will support her influence, her interests, and her rights, at the expence of her rival. She, who had the humbler birth, whose connections are the least respectable and powerful, who brought the smaller fortune, who is the inferior in education, in manners, in personal beauty and accomplishments, in mental endowments and acquisitions, who is either without children, or has the smaller number, or those of the least

promise, will never be allowed to forget her disadvantage. Who does not see, in all these distinctions, perpetual sources of jealousy and hatred. Yet while two sisters escape them almost all, they also feel the numerous and powerful inducements to harmony already recited. Far indeed am I from suggesting, that these inducements would be sufficient. In the house of *Polygamy*, harmony cannot reside. Still it is obvious, that the causes for rivalry and contention, between *two sisters*, would be incomparably fewer, than between *two strangers*. Thus, in examining, on its own merits, the position, necessarily taken by those whom I oppose, — *That it will not vex a wife, if her husband marries a second wife, who is not her sister* ; we perceive that it is obviously false ; nay, that the very reverse of this position is true ; and that the causes of vexation would be far greater than if he married her sister.

But it is said, with confidence, that the Scriptures have furnished us with a Narrative, relating to this subject, in the marriage of Jacob with Rachel and Leah, which illustrates and supports this position. As this case is constantly and confidently appealed to in support of this interpretation, we will examine it with attention. The result of the examination will prove, if I mistake not, that, although there were many causes of rivalry and contention in the case of Rachel and Leah, which would not ordinarily attend the marriage of two sisters ; still, even in that case, there was far less of rivalry and contention, than exists in the marriage of two women who are not sisters.

Rachel was young, and, to the eyes of Jacob, very lovely, when he first saw her, at the well of Haran. At this interview, Jacob's gallantry and manly spirit, and Rachel's courteousness and personal beauty, inspired

them with a mutual affection, not often paralleled for its ardour or its strength. He served Laban seven years, that he might receive Rachel as his wife; "and they seemed to him but a few days, for the love that he had to her."—"And Jacob said unto Laban, 'Give me my wife; for my days are fulfilled.' And Laban gathered together all the men of the place, and made a feast. And in the evening, he took Leah his daughter, and brought her to Jacob, instead of Rachel." The marriage ceremonies of the country rendered such a deception not only possible, but easy.—What, during that night, were the feelings of Rachel towards Leah! Her husband, betrothed to her for seven years, and inexpressibly endeared by his affection and tenderness, cruelly stolen from her, at the moment so long anticipated by her with cheerfulness and joy, by him with impatience and transport:—stolen from her without his knowledge or consent, and with the agonizing mistake on his part, that *herself* was then with him:—stolen by a sister whom Jacob had never loved, by a sister who had fraudulently supplanted her in her bridal bed!—"And it came to pass that, in the morning, *behold* it was *Leah!!!*"—What was the anguish of Jacob's mind, when he rose up in the morning, and said unto Laban, "What is this, that thou hast done to me? Did I not serve thee for *Rachel*? *Wherefore* hast thou beguiled me?"—Who can wonder that "Leah was hated" by Jacob, or that Rachel was still more tenderly loved. Who could wonder, if Rachel had despised Leah, or if Leah had been envious of Rachel. Surely it needed all the strength of sisterly affection and parental influence, to save them from unceasing jealousy and rancour.—What then was the fact?—The story is told us in Gen. xxix. 31,—xxx. 21. Yet we find no recital of

uncommon bickerings, or of peculiar unhappiness. We are simply told that Jacob at first hated Leah, and loved Rachel; that Rachel envied Leah her children, and said to Jacob "Give me children, or else I die;" and that when Rachel asked Leah for the fruit brought by Reuben from the field, she replied, "Is it a small matter that thou hast taken my husband; and wouldest thou take my son's mandrakes also?"

But we have another case of polygamy in the Scriptures, that of Elkanah of Mount Ephraim, who had two wives, Hannah and Peninnah, who were *not* sisters. Hannah, like Rachel, was loved by her husband, and like her had no children. Peninnah, like Leah, had children, and, like her, triumphed over her associate. No two cases could be more nearly parallel. Peninnah, however, had not supplanted Hannah on the bridal night. The distress of Hannah is described in 1 Sam. i. 1,—ii. 11. I refer the reader to the two cases, as detailed at length, with perfect confidence that the *veraxions* of Hannah were far more intense than those of Rachel.

Let him particularly notice the appearance of Hannah in the temple: "And when the time was, that Elkanah offered, he gave to Peninnah his wife, and to ~~all~~ her sons and daughters, portions; but unto Hannah he gave a worthy portion, for he loved Hannah, but ~~she~~ had no children. And her adversary also provoked her sore, for to make her fret, because she had no children. And he did so year by year. When she went up to the house of the Lord, so she provoked her; therefore she wept, and did not eat. Then said Elkanah her husband to her 'Hannah, why weepest thou; am I not better to thee than ten sons?'—So Hannah rose up, after they had eaten in Shiloh, and after they had drunk: (now

Eli the priest sat upon a seat, by a post of the temple of the Lord :) and she was in bitterness of soul, and prayed unto the Lord, and wept sore. And she vowed a vow, and said, 'O Lord of hosts! if thou wilt indeed look on the affliction of thine handmaid, and remember me, and not forget thine handmaid, but wilt give unto thine handmaid a man-child; then will I give him unto the Lord all the days of his life, and there shall no razor come upon his head.'—Now Hannah she spake in her heart, only her lips moved, but her voice was not heard: therefore Eli thought she had been drunken. And Eli said unto her, 'How long wilt thou be drunken? Put away thy wine from thee.'—And Hannah answered and said, 'No, my lord; I am a woman of a sorrowful spirit; I have drunk neither wine nor strong drink; but have poured out my soul before the Lord. Count not thine handmaid for a daughter of Belial; for out of the abundance of my complaint and grief have I spoken hitherto.'"

Here, then, in the house of Elkanah, where the two wives *were not sisters*, we find the distress introduced by polygamy incomparably more intense and agonizing, than in the house of Jacob. This too was the fact, though the circumstances of Hannah and Rachel on the one part, and those of Leah and Peninnah on the other, were generally the same; and though the original substitution of Leah bade fair to kindle in the mind of Rachel an irreconcilable hatred. But what is the position under consideration—*That it will vex a wife, if her husband marries her sister; but that it will not vex her, if he marries a stranger.* In other words, *the polygamy of Elkanah was no cause of grief or vexation to Hannah; she was perfectly con-*

tented and happy under it, because Peninnah was not her sister!!

I appeal then with confidence to every reader, male as well as female, that the position assumed in this interpretation is false; and that the interpretation represents God as assigning both a *foolish*, and a *false* reason, for the permission of polygamy. Examined on its own merits, therefore, it proves to be erroneous.*

Our investigation of Lev. xviii. 18, and of the interpretation of it to which we are driven, if we admit marriage with a *wife's sister* to be lawful, viz.—*Neither shalt thou take another wife, who is the sister of thy first wife, to vex her, to uncover her nakedness beside the other in her life-time, although thou mayest take one who is not her sister, because that will not vex her, and after her death, her sister also*—has brought us then to the following results :

1. Polygamy was expressly prohibited by God in the Original Law of Marriage, on account of its immoral tendency; has been shown to have been unlawful to the Patriarchs and under the Levitical code; and is declared by Christ to be adultery.

2. The Law of incest, in expressly forbidding marriage between a *brother's wife* and a *husband's brother*, just as certainly forbad it between a *sister's husband* and a *wife's sister*, as in expressly forbidding marriage between a *nephew* and an *aunt*, or between a

* Mohammed had either too much reverence, or too much sense, to assign so foolish and so false a reason for forbidding a man to marry his *wife's sister*. As he authorized polygamy, he prohibited this marriage simply on the account of the incest. In thus comparing the respective claims of the institutions of Mohammed, and those of the system which we oppose, to the character of purity and even of common decency, it is painful to find in every case that the prophet of Mecca has the advantage.

mother and a *son*, it forbad it between an *uncle* and a *niece*, or between a *father* and a *daughter*. If we deny this, we must also deny that equals are equal.

3. The Law of incest in *expressly* forbidding marriage between a man and his collaterals of the *second* degree by affinity, declares the propinquity between them to be so great, as to render marriage between them unlawful; and yet this interpretation makes it declare the propinquity between a man and his *wife's sister*, a collateral of the *first* degree, and of course *one degree nearer* than they, not to be so great as to render marriage between them unlawful: in other words, that the less is greater than the greater.

4. If we deny the unlawfulness of this marriage, we are also compelled to admit that under the Levitical Law of incest a man had a right to marry *his own daughter*, and *his own grandmother*; and that these marriages are now right.

5. The reason, expressly assigned in the Law, why a *brother's wife* may not marry a *husband's brother* after the *husband's death* is that, on account of the propinquity, such marriage is "an abomination;" and yet the reason assigned in this interpretation, why a *sister's husband* may not marry a *wife's sister*, during the *life-time of the wife*, that is why he may not have *two sisters* for wives at once, when the propinquity is *identically the same*, is that it will vex the sister whom he married first! We cannot charge such trifling on a Law of God.

6. A minute and careful examination of every passage in the Scriptures, in which the controverted phrase, *a man to his brother*, or *a woman to her sister* occurs, has shown that the words *brother* and *sister* in this phrase have no reference to *relationship by blood*; and that the phrase itself denotes uniformly *one to another*,

and, in the given passage, *one woman to another, or one wife to another.*

7. The position assumed in the interpretation—that *it will not vex a wife, to have her husband take another wife, who is not her sister*, has been shown to be not only ridiculously foolish, but certainly and palpably false.

Hence, until we are prepared to admit a construction of a public statute of the Divine Law, which repeals the Great Original Law of Marriage, given by God to the whole Human Race, on purpose, as he himself tells us, to promote morality and religion among men; which, in opposition to the whole tenor of Scripture, permits Polygamy, though God himself declares it to be immoral in its tendency; which assigns for this repeal and this permission, a reason at once foolish and false; which declares a given degree of propinquity to be less than another degree, to which it is mathematically equal, and to be less than several other degrees, which with mathematical certainty are greater than it: in other words, *that equals are not equal*, and *that the less is greater than the greater*; which makes it lawful under the Levitical Code for a man to marry *his own daughter* and *his own grandmother*; and which requires us to reject a meaning of a *Hebrew idiom*, supported by *thirty-four* clear examples, and to adopt one, which has not a solitary example to support it; we must reject the proposed construction, and conclude that Lev. xviii. 18, is a simple prohibition of Polygamy; that it does not remotely affect the Law of incest; and that the prohibitions of that Law are just as we have stated them, in our examination of its several provisions.

We are thus brought to the Second General Question,

II. IS THE LAW OF INCEST NOW IN FORCE?

It is singular, as well as mortifying, that in a Christian country, it should be necessary to discuss the question—Whether it is right for a man to marry his *mother* or his *daughter*?—Yet principles, involving a negative answer to this question, have been, in the progress of this controversy, frequently advanced, and maintained.

If *any* of the prohibitions of the law of incest are now in force, they are *all* in force. No Statute, repealing a part of the Law and confirming the rest, has ever been published. There is nothing, plainly, either in the Old Testament, or the New, which designates individual prohibitions, as applicable exclusively to the Israelites, or which intimates that the Gentiles were to be bound by *some* of them, and not by *others*. There is nothing too, in the nature of the case, which enables us to adopt a part, and reject a part. *The Bible*, to those, who receive it as the word of God, is *the only rule* of faith and practice. If the Bible pronounces Incest a sin, as practised by us; to us it is a sin. If it does not pronounce it a sin, as practised by us; to us it is not a sin. The Bible teaches us "*all things necessary for life and godliness;*" and we are not left to *the light of nature*, to determine what is, and what is not, a sin. The light of nature, also, teaches nothing definite on the subject. Those nations, which have not possessed the Bible, have not usually regarded Incest as a sin; and those which have, have never agreed with each other as to its *extent*. It was obviously no sin, in the immediate sons of Adam and Eve, to marry their sisters; and, if God had not prohibited incestuous marriages, it would have been always equally lawful. Impressions and prejudices growing out of education, or

traditions or national customs, are here wholly destitute of authority. Our own desires and passions are no criterion of right and wrong. The fact, that I feel no wish to marry my *mother*, or my *sister*, does not prove it to be wrong; and the fact, that I feel a wish to marry my *wife's sister*, or my *wife's niece*, does not prove it to be right. The decisions of no individuals, as well as of no bodies of men, whether legislatures, courts, or councils, can have the least authority, in constituting any marriage a sin, which is not pronounced a sin by the Law of God. If they could; the same act would be a sin in one age, in one country and one church, and a righteous act in another. If, then, the prohibitions of the Law of Incest are not *all of them* now obligatory, it is perfectly right for a man to marry his *sister*, his *daughter*, or his *mother*. To the great body of the community, this single consideration will render the remainder of the discussion unnecessary.

In attempting to prove that the Law of incest is now binding, we are met in the threshold with various difficulties arising from the fact *that it was a part of the Levitical Law*. These need to be disposed of, before we offer any direct proof that it is now obligatory. We are constrained therefore, in establishing this point, to commence with negative evidence; and afterwards to present that which is direct and positive.

I. THE FACT THAT THE LAW OF INCEST IS A PART OF THE LEVITICAL LAW, IS NO OBJECTION TO ITS BINDING FORCE.

The Levitical Law consisted of two great divisions: the Ceremonial or Ecclesiastical Law, and the Civil or Municipal Law.

Those, who urge this objection, have alleged, either—*That the Law of incest was a part of the*

Ceremonial Law; or—*That it was a part of the Civil Law of Israel*; or—*That, if the Law itself is binding, so is its Penalty.*

I. The objection, that the Law of Incest is a part of the Ceremonial Law, furnishes no evidence that it is not now obligatory.

THE CEREMONIAL LAW WAS THE CONSTITUTION OF THE ISRAELITISH CHURCH: establishing its Priesthood and Ritual, its Ceremonies and Observances. It had nothing in it of a moral nature, [was never binding except on the Israelites, and was expressly abrogated as to its binding force on them, by its Divine Author at the commencement of the Christian Dispensation.

That the Law of incest is a part of the Ceremonial Law, is argued on the following grounds.

1. That the *nameless crime* forbidden in Lev. xviii. 19, and xx. 18, is clearly a mere ceremonial offence; and that, as the crime of *Incest* is found in the same connection, and in the same chapters with it, it must therefore be a ceremonial offence.

Were we to admit the crime in question to be a ceremonial offence; the fact, that it is mentioned in the same connection, and in the same chapters, with Incest, would not prove that Incest is a ceremonial offence. In Lev. xviii. and xx. are mentioned in precisely the same connection, the seven crimes of adultery, polygamy, Incest, the crime in question, sodomy, bestiality, and sacrificing one's own children to Moloch; and, in the 20th chapter, the two additional crimes of idolatry, and cursing a parent. These are all prohibited, under the penalty of death. The crime of bestiality, also is mentioned nowhere else, but in these two chapters and in Exodus xxii. 19; whereas Incest is prohibited in two other chapters of the Pentateuch. But the fact, that the crime in ques-

tion is found in the same connection with the crime last mentioned, and with adultery, idolatry, sodomy, the cursing of a parent, and the sacrificing of one's children, does not prove that they were ceremonial offences; and, of course, it does not prove that incest was such an offence.

In Lev. xix., prohibitions of idolatry, stealing, cheating, lying, perjury, profanity, fraud, robbery, slander, adultery, and profanation of the Sabbath, are found intermixed with clauses, prohibiting the gendering of diverse cattle, the mingling of diverse seed, the wearing of linsay-woolsey, the rounding of the corners of the head, the marring of the corners of the beard, the cutting of the flesh, and the marking of it for the dead:—*the latter* all indisputably ceremonial offences:—yet this fact does not prove, that *the former* were offences of that character; and of course, were this true of Incest, it would furnish no evidence, that it was a ceremonial offence.

But the position, continually taken for granted, that the crime in question was a mere ceremonial offence, is wholly denied; and would those, who thus take it for granted, attempt to prove it, they would find it no easy task. That it was not such an offence, is evident from various considerations. 1. It had no connection, near or remote, with any part of the regulations of the ceremonial law. 2. The punishment, death, proves that it was not a ceremonial offence. Severe punishments were indeed threatened in various cases, to those, who, being ceremonially unclean, should venture to appear in that condition *in the tabernacle*, and engage *in the worship of God*; but death is never we believe threatened for Ceremonial uncleanness merely, nor for any offence merely ceremonial. 3. The nature of the case proves it to have been an offence of a very different character. Were any individual to ask himself the question;

Why are sodomy and bestiality, crimes of so enormous a magnitude?—the answer would probably be, That they both imply, and produce, a moral degradation and brutism so entire and hopeless, that he, who can commit them, proves himself, *ipso facto*, hopelessly abandoned. The same is true of the crime in question ; and, could the fact be fully ascertained, I am satisfied that it would appear, that savage nations, and those civilized nations, which have been grossly licentious, have far more extensively regarded the latter crime with instinctive loathing and abhorrence, than either of the former, particularly than the first. 4. The nine crimes, recited above, are expressly mentioned, in Lev. xviii. and xx. as the crimes, for which the Canaanites were exterminated. That these crimes differ from each other, in their degrees of enormity, is certain ; yet they are all recited by the Divine Law-giver, without distinction, as the causes of that extermination—"For in all these, the nations are defiled, which I cast out before you ; and the land is defiled : therefore do I visit the iniquity of the land upon it, and the land itself vomiteth out her inhabitants." These crimes are all coupled together ; and, for the commission of the crime in question, as truly as of the other eight, it is declared, that the Canaanites were cut off. But, if so, it certainly was not a Ceremonial offence : for the Canaanites could no more commit such an offence than we can, as they were never under the Ceremonial law. 5. The character given of this, in connection with the eight other crimes, proves that it is not a ceremonial offence. It is declared, with them, to be "an iniquity" "a land-defiling sin," "an abomination," and "an abominable custom ;" and that, as committed by the Canaanites, as truly as by the Israelites. This could not have been said of a ceremonial sin. 6. In Ezekiel

xxii. 10, it is declared that the Jews, by their repeated commissions of this very sin, and of murder, idolatry, oppression, incest, and adultery, had proved themselves so hopelessly abandoned, that God would scatter them among the heathen, and disperse them among the countries.

2. It is alleged that Incest is a Ceremonial offence, because it is not prohibited in the Moral Law, or the Law of the Ten Commandments.

The Seventh Commandment of the Moral Law either prohibited *all unlawful sexual intercourse*, or it prohibited nothing but *adultery in the strict sense*.—If it prohibited *all unlawful sexual intercourse*, as Incest was such intercourse, it prohibited Incest; and Incest, therefore, was not a Ceremonial offence.—If it prohibited nothing but *adultery in the strict sense*, then it did not prohibit fornication, rape, sodomy or bestiality. But, in that case, the fact, that these four crimes are not prohibited in the Moral Law, does not prove them to be ceremonial offences; the same fact, therefore, does not prove Incest to be a ceremonial offence.

3. It is said that the Law of Incest is not revived in the New Testament, and that of course it is a part of the Ceremonial Law. What the fact is, in this case, we shall see hereafter. At present, it will be sufficient to remark, that the laws prohibiting rape and bestiality are not revived, nor is either of these crimes alluded to, in the New Testament. Yet this fact does not prove them to be ceremonial offences; and, of course, if it were a fact, it would not prove Incest to be such an offence.

4. That Incest is a Ceremonial Offence, is argued from

the Decree of the Council of the Apostles, Elders, and Brethren, held at Jerusalem.

We have an account of this Council in the 15th Chapter of the Acts.* It was convened at Jerusalem, A. D. 52, to decide the question, *Whether it was needful to circumcise the Gentile Converts, and to command them to keep the Law of Moses?* In this Council, Peter supported the *negative* side of the question. After observing that God had chosen, that the Gentiles should hear the Gospel through his mouth, and believe; and that God, who searches the hearts, had borne witness to the Gentiles, giving the Holy Ghost to them even as to the Jews; and had put no difference between the two; he asks, *Now, therefore, why tempt ye God, to put a yoke upon the neck of the disciples, which neither our fathers nor we were able to bear?* As the observance of the rite of Circumcision, which was a Ceremonial rite, and a very painful one, was the point in question; and as Peter, in addressing an assembly of Jews on that point, calls the law of Moses, which enjoined it, "*a yoke, which neither we nor our fathers were able to bear,*" it is most obvious that he is speaking of *the Ceremonial Law*, and of that exclusively. Plainly, it is impossible, that Peter could have called the observance of the *Moral Precepts* of the Levitical Code "*a yoke, which neither we nor our fathers were able to bear.*"—After this, when Paul and Barnabas had declared to the Council "the miracles and wonders which God had wrought among the Gentiles by them," James, who was obviously the President of the Council, gave his own opinion. After alluding to the calling and actual conversion of the Gentiles, as a

* Acts xv. 5—29.

glorious fulfilment of the prophecies relating to that event, and of the original purpose of God concerning it, he says, "Wherefore my sentence is that we trouble not them, which from among the Gentiles are turned to God: But that we write unto them that they abstain *from pollutions of idols, and from fornication, and from things strangled, and from blood.*"—To this the Council acceded; and addressed letters in the name of the apostles, elders, and brethren, to the Gentile Converts in Antioch, Syria, and Cilicia, to be carried by the hands of Barnabas and Paul: in which, after stating the point in controversy thus—"Forasmuch as we have heard that certain, which went out from us, have troubled you with words, subverting your souls, saying, 'Ye must be circumcised, and keep the law:' to whom we gave no such commandment:"—they announce their decision in the following terms:—"It seemed good to the Holy Ghost and to us to lay upon you no greater burden than these necessary things; That ye abstain *from meats offered to idols; and from blood, and from things strangled, and from fornication.* From which, if ye keep yourselves, ye shall do well."—It is contended that the three first prohibitions were *ceremonial*; and, of course, that the subject of the fourth, "*fornication,*" and consequently *the whole Levitical Law forbidding unlawful sexual intercourse*, and among its other statutes *the Law of incest*, were also *ceremonial*.—To this argument we reply,

1. The prohibition to eat *blood* was not *ceremonial*; for the eating of *blood* never was permitted to Man, but was always forbidden. This will be obvious from the following facts: 1. It was not lawful before the Flood. The Curse, denounced against Adam and his posterity, prescribes *their food* in the following lan-

guage: "Cursed is the ground for thy sake; in sorrow shalt thou *eat of it*.—Thou shalt eat *the herb of the field*: In the sweat of thy face shalt thou eat thy *bread*, till thou return to the ground." They had no permission to eat *flesh*. 2. It was forbidden after the Flood to Noah and the Patriarchs. The first permission given to Man to eat *flesh* was given to Noah: "*Every moving thing, that liveth, shall be meat for you*: Even as the green herb (alluding to the grant to Adam) have I given you all things." But God immediately subjoins, "*But flesh with the life thereof, which is the blood thereof, ye shall not eat*." This is a law to Noah and his posterity. 3. This prohibition was renewed under the Levitical Code: Lev. xvii. 11, 14, "*No soul of you shall eat blood*:—For it is the life of all flesh: *the blood of it is for the life thereof*: therefore, I said unto the children of Israel, *Ye shall eat the blood of no manner of flesh*; for the life of all flesh is *the blood thereof: whosoever eateth it shall be cut off*." 4. This prohibition is continued in this passage under the Christian Dispensation—*God, therefore, has expressly forbidden Man to eat blood from the beginning to the end of the world*.

2. The prohibition to eat *things strangled* is not *ceremonial*. Animals were strangled for the purpose of *keeping the blood in the body*, to render them a greater delicacy. The prohibition to eat *blood* obviously, therefore, included a prohibition to eat *things strangled*.

3. The command here given to abstain "from *pollutions of idols*," or, as it is afterwards expressed, "from *meats offered to idols*: τῶν ἰδωλοθύτων, *the sacrifices of idols*; cannot be considered as *ceremonial*. It was given, A. D. 52, and Paul was present. The directions

of Paul to the Corinthians relative to *meats offered to idols*, (1 Cor. x. 25—29,) were written A. D. 56, four years afterwards. There is no discrepancy between them, because they relate to *different subjects*. The sacrifices to idols were so numerous, that the flesh of the animals, not burned on the altar, and not eaten at the idolatrous feast, was sold in the markets, and brought a large revenue to the priests. Of *such meats* Paul writes, "Whatsoever is sold in the *shambles*, that eat, asking no questions for conscience' sake. But if any man say unto you, 'This is offered in sacrifice to idols;' eat not, for his sake that showed it."—But the Council of the Apostles, in commanding to abstain from *meats sacrificed to idols*, or from *pollutions of idols*, obviously refer to *eating those meats, in an idol's temple at the idolatrous feast which followed the sacrifice, and in connection with the abominations then and there practised*: conduct which would palpably countenance the worship of the idol. This must be *sinful under all circumstances*; and the command prohibiting it could not be a *ceremonial prohibition*.*

* Many commentators on this passage, (Acts xv. 5—29,) appear to us to have made for themselves and their readers, by the very course which they have pursued, most of the difficulties in which they have been involved:—particularly by their comments on the two phrases in verses 20 and 29, relating to *sacrifices to idols*. The phrase, in verse 20, is, in the Greek, τῶν ἀλισγημάτων τῶν εἰδώλων, *from the pollutions of idols*; and that, in verse 29, τῶν εἰδωλοθύτων, *things, or meats, sacrificed to idols*. They have regarded the latter phrase merely as explanatory of the former; whereas the former is as truly explanatory of the latter. The phrase, τὰ ἀλισγήματα τῶν εἰδώλων, denotes literally *the abominations, or pollutions, of idols*, and is certainly a strong expression of reprobation. Now we take upon ourselves to say, and without-fear of contradiction, that when Paul (1 Cor. x. 25—29) told the Corinthians to eat *such meats as were sold in the market*,

4. Had the three preceding commands been ceremonial; yet that prohibiting *fornication* would not have been of this character. If we take the word in its most limited sense, it surely needs no argument to prove, that a law, forbidding *immoral intercourse among the unmarried*, is not a *ceremonial*, but in the strictest sense a *moral*, law.

Hence no evidence can be derived from the decision of this Council, either directly, or by way of inference, that *the Levitical Law, forbidding unlawful sexual intercourse*, and particularly *the Law of incest*, was *ceremonial*. What, let me ask, are *immoralities*, if fornication, rape, sodomy, and bestiality are not—Besides; the Decision of the Council *continues this very law in full force under the Christian Dispensation*: and were we even to admit it to be *ceremonial*, it is still binding.*

without asking whether they had been sacrificed to idols or not, and even, if they found that they had been, to eat them, unless a brother was offended, he would never have called those meats, thus sold in the markets, τα ἀλισγήματα τῶν εἰδωλῶν, the abominations of idols. As he declares the eating of them a matter of perfect indifference, he could not have used this reprobatory language concerning them. Paul had no duplicity: he spake the same language at Corinth, and in Asia.—Should it be said that the latter phrase, that in verse 29, is the phrase, and the only phrase, used in the Letters of the Council; we admit it; but those Letters were carried by the hands of Barnabas and Paul, who were members of the Council, and of course were present with the churches, at the time of their delivery, to explain the full import of the Decree.

* This account of this passage, (Acts xv. 5—29,) relieves it, (if we mistake not,) from the difficulties, which have so generally been thought to attend it. The whole truth of the case seems to be this. The Apostles and Elders were consulted on the question, *Whether Circumcision and the Ceremonial Law were obligatory on the Gentiles*. The Apostles, being aware that the *Gentiles* were generally accustomed to the use of *blood* for food, and to eat it at their sacrifices, to regard things strangled as dainties, to partake of *idolatrous feasts* in the temples of idols, and to practise every species of *unlawful sexual intercourse*, in

Among what description of offences, Incest is to be classed, will be seen further on. These remarks will be sufficient to satisfy the reader, that he, who attempts to class it among the offences of the Ceremonial Law, does so without argument or evidence.

II. The fact, that the Law of incest was a part of the Civil or Municipal Law of Israel, furnishes no evidence that it is not now in force.

Very vague and incorrect notions have been extensively entertained, with regard to the obligations of the Civil Law of Israel. Because the Law of God, as summed up in the TWO GREAT COMMANDMENTS,* and as somewhat enlarged in the TEN COMMANDMENTS, has been so generally entitled THE MORAL LAW; many persons seem to have taken it for granted, that the Civil Law of Israel had nothing in it of a *moral* nature; and that the offences, which it forbad, were not *immoralities*. Nothing, however, can be more absolutely erroneous.

THE CIVIL LAW OF ISRAEL was the CONSTITUTION OF THE ISRAELITISH STATE: establishing the Form of the Government with its Mode of Administration, and the Rights and Duties of rulers and subjects. The

the most open and shameless manner, in the very temples of their gods, and in immediate connection with their idolatrous worship; (See *Tholuck's Influence of Heathenism*, Bib. Repos. July, 1832, pp. 441—464;) and knowing that the *Gentile Converts* would be in imminent danger, from long habit, and from the force of example, of continuing these sinful practices; took the occasion offered by the formal reference of this dispute to them, while they exempted the Gentile Converts from the observance of Circumcision and of the whole Ceremonial Law, solemnly to charge them to abstain from the sinful practices here enumerated. Nothing obviously could have been more wise, or more appropriate.

* To avoid a frequent repetition of circumlocutions, we shall call this law the *Duologue*.

form of government actually established was a THEOCRACY ; in which JEHOVAH was as truly the acknowledged LORD, or SUPREME RULER, as, by the Ceremonial Law, he was the acknowledged GOD, or OBJECT OF SUPREME WORSHIP. From the time of the Exodus to the Coronation of Saul, about *four hundred years*, the administration of the Government was committed to a succession of *Shophetim* or Judges, (the same as the *Suffetes* of Carthage,) summoned individually to fill the office by a Divine call ; and from that Coronation to the overthrow of the state, about *four hundred and eighty years*, to a line of Monarchs, begun by his appointment, and continued by hereditary succession. The Judges and Kings were chief magistrates, acting under, and in the name of, the SUPREME RULER, professedly acknowledging his authority, and bound by the Constitution and the Laws which he had established.

The Civil or Municipal Law of Israel embraced *Two Classes of Statutes : Local Statutes*, and *General Statutes*.

FIRST. LOCAL STATUTES.

The Local Statutes of Israel were all of a positive nature, were adapted to their peculiar circumstances as a nation, and grew, extensively, out of the great purpose or design of God, which *they* were appointed to accomplish. From the Exodus to the Commencement of the Christian Dispensation, nearly *fifteen hundred years*, they were the chosen People of God, set apart to preserve the worship of Jehovah on the Earth, and to prepare the way for the coming of the Messiah the Saviour of the world, and for the calling or gathering to that worship of all the other Nations of the Earth. The Messiah was to come not only out of Israel, but

out of the family or tribe of Judah. It was necessary, therefore, that the Twelve Tribes should be kept distinct, until the coming of the Messiah; and in accordance with this design many statutes or ordinances of a strictly positive, local and temporary, character were established, to secure its accomplishment. I will mention some of them :

The Territory of each tribe was fixed by exact geographical boundaries, which the other tribes could, under no circumstances, transgress;

The Families or Clans of each tribe had their assigned estates in land, within that Territory.

Marriages could be contracted only in the tribe of the party contracting.

Estates could not descend to any one out of the tribe of the intestate.

The Genealogies of the various tribes, and of the various families in each tribe, were to be kept distinct in public records, each in an appointed place.

Estates, that were sold, or mortgaged for their full value, reverted to the owner or his family, on the return of the year of Jubilee, or of every fiftieth year.

Many other statutes of a local nature, not immediately and obviously connected with the accomplishment of this great design, grew out of the peculiar circumstances and relations of the Israelites as a people. Among these may be mentioned the following :

The statutes establishing the various courts, and the various executive and judicial officers.

The statutes relating to leprosy, to jealousy, to the cities of refuge, to the interest of money loaned to an Israelite, to the order of the tribes in war, and to the division of the spoils.

The statute authorizing the enslaving of captives in

war, by way of retaliation on the surrounding nations, who enslaved the captive Israelites. And the statute requiring the manumission of Hebrew slaves in the seventh year.

It is fully admitted that these statutes, and others like them, are not obligatory on us. They had their origin, either in the designation of Israel as the peculiar people of God, from whom the Messiah was to spring, or in their peculiar circumstances and relations as a people; and, as such, were obviously positive, local and temporary, in their character—obligatory, not in the nature of things, but from positive enactment merely—obligatory only on Israel, while the statute was in force—and in force on them, only till the close of the Levitical Dispensation.

Secondly. GENERAL STATUTES.

The General Statutes of the Levitical Code* are those, which did not grow out of the peculiar circumstances and relations of the Israelites as a people, but out of the great and eternal principles of righteousness. They are founded on the Duologue and the Decalogue, and are mere illustrations or enforcements of their precepts. They are in the strict sense *Moral Statutes*, enjoining the duties, and prohibiting the breaches, of the Moral Law. Thus, these Statutes, equally with the Moral Law, forbid the worship of false gods, idolatry, and profanity; enjoin the worship of the Sabbath and obedience to parents and magistrates; and forbid murder, adultery, theft, perjury and coveting; and this as fully, and in as direct and as general terms, as the Moral Law. They do more. They resolve these General duties and crimes into many Subordinate ones,

* For the sake of brevity I use this phrase for the *Civil Law of Israel*.

explain the nature of both, and show the Obligations of the former, and the Guilt of the latter. This may be illustrated by several examples. The Third command of the Decalogue forbids Profaneness. The Levitical Code* does the same. It likewise forbids all Irreverence towards the name of God, his works, his word and his ordinances. The Fourth Command enjoins the sanctification of the Sabbath. The Levitical Code also points out the things from which we are to abstain on the Sabbath, and those which we are to perform. The Fifth command enjoins the first General Relative duty in the order of nature, that of children to their parents. The Levitical Code also enjoins the subordinate duties of reverence, obedience, and support; the duties of Parents towards children, involving maintenance, instruction, government and a settlement in life; and the mutual duties of Masters and Servants, of Rulers and Subjects, of the Rich and the Poor, of the Aged and the Young. The Sixth Command forbids Killing. The Levitical Code explains it by forbidding murder, manslaughter, suicide, drunkenness, maiming, wounding, fighting and assaulting. The Seventh Command forbids Adultery. The Levitical Code explains it by forbidding Adultery in the strict sense, sodomy, bestiality, incest in many forms, rape, uncleanness, fornication and every other species of impurity. The same is true of the rest. Thus the Levitical Code, in its General statutes, is to the Decalogue, what that is to the still more concise summary of duty in the Duologue. The Decalogue is a mere enlargement of the Duologue, a brief commentary, made by God himself, on its provisions,

*I here speak of the Levitical Code in its broad sense, as it is found in the Old Testament at large; which is throughout a *Code of Laws*.

explaining, in very general terms, what it enjoins, and what it forbids : the first four of its precepts showing us what is involved in *Supreme love to God* ; and the last six, what is implied in the *Love which is due to ourselves and to our neighbour*. In the same manner, the Levitical Code, in its General statutes, is a fuller enlargement of the summary of duty in the Decalogue, a more extended commentary, made by God himself, on its provisions, explaining minutely what it enjoins, and what it forbids.

To return then to the Objection. It is said that this Code is not binding on us, *because the Civil or Municipal Law of one nation is not binding on another*. We cheerfully admit that the Civil or Municipal Law of one nation, *as such*, is not binding on another ; and that, if the Levitical Code, as to its General statutes, stands *on the same footing*, with the Municipal Law of any other nation,—for example, with the Municipal Law of England,—it is not binding on us. But what is the fact ? The Municipal Law of England was enacted *by the King and Parliament of England*. When it enjoins any conduct as a moral duty, or forbids any conduct as a crime against morality ;—as it does very extensively ;—it expresses *the opinion merely of the King and Parliament of England on that point*. That opinion, within the realm, has the binding force of a law ; because, there, the King and Parliament have not only the right to express such opinion, but the power to arm it with adequate sanctions. But, without the realm, it is *mere advice*, because, there, the King and Parliament have no power thus to arm it ; and, being weak, fallible men, their decision has no authority over the conscience. The Levitical Code, on the contrary, was enacted *by God*. When it enjoins any con-

duct as a moral duty, or forbids any conduct as an offence against morality, it expresses *the will, the authoritative sentence of God himself, on that point.* And although this will or sentence is expressed in the form of a law, within the realm of Israel; yet as God has power to arm it with the requisite sanctions of a law, as fully without as within that realm; and as his will or sentence is always infallibly true, just and right; wherever his will or sentence enjoins moral duties or forbids moral offences, applicable not to Israel merely, but to Man as such, and as truly to all other men as to the Israelites; then *it is not mere advice* without that realm, but has the full force of a law, and absolutely binds the conscience. The fact, therefore, that the Law of incest is a part of the Levitical Code, is no objection to its binding force.

But it is said, that the Decree of the Council of the Apostles at Jerusalem settles this question; that the point, solemnly submitted to their decision was, *whether it was needful to circumcise the Gentile Converts, and to keep the Law of Moses*; that they decided that *it was not needful to keep that Law*, except to abstain from meats offered to idols, from blood, from things strangled, and from fornication; that fornication does not include incest; and that therefore the Law of incest is not now in force.—In addition to the proof already furnished that by *the Law of Moses* is here intended *the Ceremonial Law*, I will suggest the following considerations:

The word *fornication*, at present, usually denotes in English, *sexual intercourse between unmarried persons*; though it seems, at the æra of the English version of the Bible, to have been equivalent to *incontinence* or *lewdness*; and even now can scarcely be said

to have wholly dropped this meaning. But *πορνεία*, in Greek; here rendered "fornication," is general, denoting all kinds of unlawful sexual intercourse, and is truly rendered by *incontinence*. Out of 31 instances, in which it occurs in the Greek Testament, it denotes *fornication* in 7, *incest* in 2, and *incontinence* in 22.* In the Law of Divorce this mistranslation is obvious: "He, who putteth away his wife, except for the cause of *fornication*, and marrieth another, committeth adultery." This version, according to the present meaning of that word, allows a divorce for *fornication committed before marriage*; but prohibits it for *adultery committed after marriage*. The true rendering is *incontinence*; and the law directly authorizes Divorces for *incontinence, either before or after marriage*.†

We turn the argument, therefore, in our own favour; and say that *πορνεία*, the term used by the Council of the Apostles, does include *incest*, and *all other unlawful sexual intercourse*; and of course that the Decision of the Council is a direct and solemn recognition of the binding force of the Law of Incest; and of all the Levi-

* If the reader wishes any farther evidence, that *πορνεία* means *unlawful intercourse in general*, he is referred to all the Lexicons. I will quote only from Schleusner: "*πορνεία* has a most extensive meaning, and signifies not only *fornication, debauchery, and prostitution of the body for the sake of gain or lust*, but *uncleanness of every kind, as incest, adultery*," &c.

† So palpable is the error of the translation in this case, if we give the word its *modern meaning*, that the mere English reader, probably in every instance, supposes the word, in this passage, to mean *adultery after marriage*. It certainly includes *that*; but it also includes *incontinence before marriage*. The Levitical Law was strict on this point; (Deut. xxii. 14, and xxiv. 1,) and the Law of Christ, in the very *term* made use of, has respect to it.

tical laws relating to the same general subject, under the Christian Dispensation.*

Again. Were this argument valid, it would prove that the solemn decree of the Apostolic Council, beginning with "It seemed good to the Holy Ghost and to us," decides, that while the Gentiles *are bound* to abstain from meats offered to idols, from things strangled, from blood, and from fornication, they *are not bound* to abstain from sodomy and bestiality as well as incest.

III. If the Law of Incest is binding, it does not therefore follow that its Penalty is binding.

A Law consists of a Precept and a Penalty. The precept enjoins or forbids some act: the penalty shows the consequences of disobedience. If the law be of a moral nature, the precept enjoins some moral duty, or forbids some sin. The Precept of every moral law involves two things: a *Declaration* of the lawgiver that the enjoined act is a duty, or the prohibited act a sin; and a *Command* to do or refrain from it. Thus the precept of the law, "If a man lieth with his neighbour's wife, he shall surely be put to death," involves a Declaration on the part of God, that adultery is a sin; and a Command of God forbidding it. So the precept of the law, "If a man lieth with his mother, he shall surely be put to death," involves a Declaration of God, that incest with a mother is a sin; and a Command of God forbidding it. This declaration and this command are absolute, and are wholly distinct from the penalty, and unconnected with it. If, as in these two cases, the sin does not grow out of any peculiar circumstances of the Israelites, but out of the circumstances of all mankind,

* To avoid repetition under a following head, we are obliged to present this direct argument in this place,

and out of the nature of marriage and sexual intercourse generally, then the declaration and the command apply to all men, and are absolutely universal; and these two laws involve *declarations of God* that adultery, and incest with a mother are universally sins, by whomsoever committed, and *commands of God* forbidding all men to commit them. The same is equally true of all the other laws forbidding incest, as well as of those forbidding fornication, rape, and all other unlawful intercourse.

Not so, with the Penalty. The Penalty of a law may be varied, and that endlessly, and yet the Declaration and the Command, involving the principle of the law, not be changed. When God has once declared these various kinds of intercourse to be sins, the principle of these laws can never change, until God repeals the preceptive part of the laws, and authorizes that, which, as his law now stands, he declares to be unlawful intercourse. But in fixing *the Penalty* of these laws in the Levitical Code, he merely declared, in each case, his own views of the degree of the sin, and the fact, that the penalty actually annexed, was, in the then existing circumstances of Israel, the proper one for that people, to continue as the penalty of the given law among them, until he should change it. But he made no declaration that it was the proper penalty for these crimes, in other nations in different circumstances. By affixing the penalty of death, he showed the sins to be very heinous, and the Israelites from the example of the surrounding nations to be in great danger of committing them. The *penalty*, therefore, has nothing to do with the *declaration*, or the *command*—i. e. with the *precept* or *principle* of these laws. If God, in the time of David, had changed the Penalty of these laws from *death* to im-

prisonment for ten years, and in the time of Hezekiah to a fine of five talents of silver ; these changes of the Penalty would not, in the slightest degree have affected or altered the Precept of the law. It would under each change, have contained a declaration on the part of God that the act was a sin; and a command of God not to commit it. The supposed change in the penalty would have been a mere declaration, on the part of God, that, at the time when it was made, a milder punishment was sufficient to prevent transgression.

If any proof were wanting of the soundness of the position here contended for, it might be derived from a comparison of any of the Laws of the Levitical Code with those of the Decalogue. Both codes forbid murder, adultery and stealing. The former Code annexes the penalty of death to murder and adultery, and that of fourfold restitution to stealing. The latter annexes no penalty. And yet each law in the two Codes contains *identically the same declarations of God, that the respective acts are sins, and identically the same commands of God not to commit them.*

It is not true, therefore, that, if the Law of Incest is binding, its Penalty is also binding. All, that we learn from the penalties of the Levitical law annexed to various crimes, is, *that, if they cannot be prevented without a penalty equally severe, we have the sanction of God for annexing it.* I need not add that, if this objection had any weight, it would lie with equal force against the laws forbidding rape, sodomy and bestiality, as against the Law of Incest.

HAVING thus ascertained, negatively, that the Law of incest is not a part of the Ceremonial Law ; that it is not one of the Local statutes of the Levitical Code ; that

the fact of its being one of the General statutes of that Code is no evidence that it is not still in force; that the Council of the Apostles did not abrogate its obligation on the Gentiles; and that, if the Law of incest itself is in force, still its penalty is not therefore binding; we proceed with the direct argument:

II. THE LAW OF INCEST IS JUST AS BINDING ON THE GENTILES, AS IT WAS ON ISRAEL.

In proof of this we observe,

I. The Levitical Code, as to its General Statutes, is binding on the Gentiles.

In this respect, the Levitical Code; as to its General Statutes, stands on the same high ground, with the Duologue, and with the Decalogue. These two laws are an expression of the will of God, made to the realm of Israel. Since their first promulgation, they have never been promulgated anew, *in the form of laws*. Christ, when consulted by *two Israelites still under the law*, as to their own duty, did indeed acknowledge the binding force of the first of these laws and of the second table of the second; but he did it incidentally, in private conversations casually occurring, and without any repromulgation of either; and, in doing so, he refers to their original solemn promulgation by God as evidence of their binding force.

Why, then, are these laws binding on all other nations? Plainly for the following reasons:—They are an expression of the will of God, in the form, and accompanied with the sanctions, of a Law, enjoining specific moral duties, and forbidding specific crimes against morality: Though communicated originally to Israel, they did not grow out of the peculiar circumstances or relations of Israel, as a people, but out of the relations, which they sustained *as Men*, and *as Subjects of the*

Divine government: The Duties, which they enjoin, are when performed, as excellent, and the Crimes, which they forbid, are when perpetrated, as odious, in the case of a Gentile, as of an Israelite: The laws themselves are, in every respect, as much adapted to the circumstances and relations of the one, as to those of the other: and the Reasons given for the laws are alike, and equally, applicable to both: For example, it was no more excellent, *in an Israelite*, to love the Lord his God with all the heart, or his neighbour as himself, or to keep the Sabbath, or to honour his parents; and no more odious in him, to worship false gods, or to bow down to idols, or to kill, or commit adultery, or steal, or bear false witness, or covet what was his neighbour's, than it is *in a Gentile*: Hence we conclude that the Duologue and the Decalogue, as an expression of the will of God, are as obligatory on other nations, as they were on Israel.

But, in all these respects, the Levitical Code, as to almost all, if not all, its General Statutes, goes on *all fours* with these two laws. I say *almost all*, because it is barely possible that there may be a few statutes of a moral nature, qualifying more general laws, which were adapted only to the peculiar circumstances and relations of the Israelites. If there were any such, that very fact shows that they were binding only on them; and they are to be regarded as excepted from any remarks, which may be made respecting the General Statutes of the Code.—Like those two laws, the Levitical Code, as to its General Statutes, was an expression of the will of God, made to Israel. Since its first promulgation, like them, it has never been promulgated anew *in the form of a law*. As Christ acknowledged the binding force of the Duologue, and of the second table of the Decalogue, but not that of the first table; so

Christ, and Paul and James acknowledge the binding force of several of the statutes of the Levitical Code, under the Christian Dispensation.*—

Why, then, is the Levitical Code binding on all other nations? Plainly for the following reasons: It

* In the fifth of Matthew, Christ, after declaring, "Think not that I am come to destroy the Law; For till heaven and earth pass, one jot or tittle shall in no wise pass from the law, till all be fulfilled," explains what he means by *the Law*, by quoting two commands from the Decalogue; and three commands from the Levitical Code: acknowledging both, as *the Law*, of which he spake. The Law respecting Divorce in the Levitical Code, was, as we have seen, an alteration of the Original Law of marriage. To save the wife from exposure to cruelty, in that early and semi-barbarous state of society, Moses had given the husband, in certain cases, the right of divorcing the wife. Christ, acknowledging the Mosaic Law to be in full force, repealed a part of this statute of Moses, and took away the right of divorce, except in case of incontinence. He thus admitted that, if he had not repealed a part of the Levitical law of divorce, it would have been binding. Another statute, relating to vows, he comments on, by discountenancing vows in all cases as a practice not adapted to the new dispensation. A third, relating to *retaliation*, founded on the principles of *strict justice*, he repeals, for the same reason, and enacts another, more conformed to the principles of *benevolence*. Paul alludes to the law respecting *Sodomy*, in Levit. xviii. 22, and Lev. xx. 13, as obligatory under the Christian dispensation, as well as to the law, in Deut. xxv. 4, which forbids us to *muzzle the ox, that treadeth out the corn*. James refers to the statute, in Levit. xix. 13, respecting *keeping back the wages of hired labourers*; and to that, in Levit. xix. 15, which forbids *respect to persons in judgment*; as both in full and binding force. Jude (verses 7, 8) refers to the general law against *lewdness or uncleanness*,—and particularly to the Section forbidding one of the two grossest crimes against purity,—as now obligatory. These are some of the instances, in which the New Testament treats the General Statutes of the Levitical Code, as in full operation. Indeed, the attentive reader of the New Testament will find it written throughout on the supposition, that every part of the Levitical Law, as to its General or Moral precepts, as well as the Old Testament generally, is absolutely obligatory upon mankind; and on no other supposition, are the Scriptures a complete and perfect rule of faith and practice.

is an expression of the will of God, in the form, and accompanied with the sanctions, of a law, enjoining specific moral duties, and forbidding specific crimes against morality : Though communicated originally to Israel, it did not grow out of the peculiar circumstances or relations of Israel as a people ; but out of the relations, which they sustained *as Men* ; and *as Subjects of the Divine government* : The Duties, which it enjoins, are, when performed, as excellent, and the Crimes, which it forbids, are, when perpetrated, as odious, in the case of a Gentile, as of an Israelite : The Law itself is, in every respect, as much adapted to the circumstances and relations of the one as to those of the other : and the Reasons given for the Law are alike, and equally, applicable to both : For example, it was no more excellent, *in an Israelite*, to reverence, obey, and support, his parents, or to maintain, instruct, govern and settle, his children, or to perform faithfully the duties of a master, or a servant, of a ruler or a subject ; and no more odious in him to exhibit irreverence towards the name, the works, the word and ordinances, of God ; or to be guilty of murder, manslaughter, suicide, drunkenness, maiming, wounding, fighting and assaulting ; or to be guilty of adultery, sodomy, bestiality, incest in any of its forms, rape, uncleanness, fornication, and any other species of impurity ; than it is *in a Gentile* : Hence, with regard to the Levitical Code, as to the *Precepts* of its General Statutes, as fully, and, for the very same reasons, as with regard to those of the Duologue and to those of the Decalogue, we conclude, that that Code, as an expression of the Will of God, is as obligatory on other nations as it was on Israel.

II. The Law of Incest is strictly Moral in its nature.

If this position can now need proof, the proof is easily furnished.

The design of the law is wholly, and in the highest sense, Moral. The design of the Law of incest will be clearly seen, by comparing it with the other laws regulating Sexual Intercourse. That the Design of the Law of Marriage—*one man with one woman*—was moral, will probably be admitted. But if not, God expressly declares it: "And wherefore did he make *one*? That he might seek a godly seed."—In other words, *that he might secure and promote godliness or piety; and prevent the universal and hopeless immorality, which grows out of polygamy and promiscuous concubinage.* The design of the law forbidding fornication was to prevent *immoral intercourse in the unmarried*; of that forbidding adultery, to prevent *immoral intercourse in the married*; of that forbidding rape, to prevent *immoral intercourse accompanied with violence*; of that of two other laws, to prevent *immoral intercourse of the grossest kinds*; and the design of the Law of incest, to prevent *immoral intercourse in families.* If any law, then, can be regarded as a *Moral Law*, the Law of incest is of this character.

III. The Law of Incest is just as applicable, and just as necessary, to the Gentiles, as to Israel, and is therefore binding on the former as truly as on the latter. As Incest was in itself, no more odious, in an Israelite, than it is in a Gentile, so the reasons, assigned for its prohibition, were no more powerful, and extended no farther, in the case of the former, than in the case of the latter. The reasons assigned for the Law of Incest are *Propinquity, and the preservation of Purity in families*; and these reasons are *identically the same in both cases.* For example: An Israelite was just as near, by consanguinity, to his grandmother, and his mother, to his daughter and his granddaughter, to his sister, to his

aunt, and his niece ; and just as near, by affinity, to his grandfather's wife, and his wife's grandmother, to his father's wife, and his wife's mother, to his son's wife, and his wife's daughter, to his grandson's wife, and his wife's granddaughter, to his brother's wife, and his wife's sister, to his uncle's wife and his wife's aunt, to his nephew's wife and his wife's niece ; as a Gentile is : and it was no more necessary or desirable to preserve, and there was no more reason to fear the loss of, purity, in the family of the one, than in that of the other. And still more particularly ; Because, in cases, where *marriage* ceases to be incestuous, *unlawful commerce* ceases to be incestuous, also ; and because a *brother's widow*, a *wife's sister*, a *nephew's widow*, and a *wife's niece*, come into the family on the footing of *sisters and nieces by blood* ; there is, and unhappily there is found to be, as stern, and unbending, and pervading a necessity, in Gentile lands, to guard the purity of these connections, by all the sanctions of a law of incest, as there was, or could have been, in the land of Israel. Hence, as God declared that the propinquity, between *an Israelite* and *his sister* or *niece*, was so great, as to render their intermarriage incestuous, and as their propinquity was mathematically the same as that between *a Gentile* and *his sister*, or *niece* ; I therefore conclude unhesitatingly and with mathematical certainty, that *their* propinquity is so great, as to render their intermarriage incestuous. Hence, also, as God declared that the propinquity between *an Israelite* and *his brother's widow*, or *his wife's sister*, or *his nephew's widow*, or *his wife's niece* was so great, as to render their intermarriage incestuous ; and as their propinquity was mathematically the same, as that between *a Gentile* and *his corresponding connections* ; I therefore conclude, unhesitatingly

and with mathematical certainty, that *their* propinquity is so great, as to render their marriage incestuous.

The law of incest, therefore, contains *the solemn Declaration of God*, when acting as a Legislator on the given subject,—a declaration to *Man as such*, not limited, but absolutely universal in its nature, and reason, and rule, and application.—that the degree of propinquity between *a man and a woman*, in each one of the cases specified in the Law of incest, and in one just as truly as in another, is so great, as to render marriage between them incestuous; and *a solemn Command from God to Man* not to contract marriage within any of those degrees. It has, therefore, all the binding force, which can be given to a Law, by the authority of God; and is always and absolutely obligatory on every child of Adam.

IV. Incest was recognized as a crime, before the Levitical Law of Incest was published.

As committed by the Canaanites, before the promulgation of that law, it is declared by God to have been “an abomination,” “an iniquity,” “an abominable custom,” and “a sin that defiled the land.” This is said of every one of the prohibited degrees, and of one as truly as of another. In the very forcible language of Moses, referring to Incest and eight other crimes, and to all indiscriminately and alike, it is thus characterized: In *all* these, the nations are defiled, which I cast out before you; and the land is defiled: therefore, do I visit the iniquity of the land upon it; and the land itself vomiteth out her inhabitants: for they committed *all these things*; and therefore I abhorred them.”

The extermination, spoken of in this passage, was obviously a judicial punishment. Punishment is *the manifestation of the displeasure of a ruler for diso-*

bedience to a law. A law cannot be disobeyed *before it exists*. A law, prohibiting incest and the other eight crimes, a law, too, binding the Canaanites and the other nations, existed, therefore, before the Levitical Law of incest was given. A law, also, cannot bind, *unless it be known*; for if it be unknown to an individual, to him it does not exist. Unless, therefore, we are ready to charge on the LAWGIVER OF ISRAEL the gross injustice of inflicting condign punishment, for disobedience to an *ex post facto* law,—conduct which has been the peculiar infamy of Nero and Caligula—some General Law, prohibiting Incest and the other eight crimes, not only *existed*, but was *known* to the Canaanites and the other nations, *by tradition, or otherwise*, before the promulgation of the Levitical Code. Laws prohibiting Incest, and the other eight crimes, were therefore promulgated to mankind, at a very early period of the history of the world.

We cheerfully admit that we cannot specify the time of their enactment, or the manner and circumstances of their promulgation. But the reason is obvious. The history of mankind before the Deluge, and after the Deluge until the Exodus of Israel from Egypt, or *upwards of twenty-five hundred years*, is exceedingly brief, and is made up almost exclusively of *narrative*. The only laws given to Adam, which are even remotely alluded to by Moses, are the Law of the Sabbath, the Law of Sacrifices, the Law of Marriage, the Law directing him to live on the Fruits of the Earth, and the Law forbidding Murder. The only laws given to Noah and his descendants, to which Moses either directly or indirectly alludes, are, the law requiring the murderer to be put to death, the Law authorizing Animal Food, and forbidding the eating of blood, the Law of clean and unclean

beasts in sacrifice, the Law of Faith, and the Law of Circumcision, (both given to Abraham) the Law forbidding Sodomy, and perhaps the Law of Family-worship. Yet how few of the duties which we owe to God or Man, or of the sins which we are liable to commit against either, are here included. Here for example we find but one law relating to injuries to the person, and not one relating to property, or to injuries to reputation. From the very nature of the case, therefore,—as society could not commence without laws on these subjects, and as the early society of the world was not *savage*, but wholly *civilized*,—we know that *laws necessary to the welfare of society* were originally given by God to Man. The same is true of all the laws forbidding sexual impurity. The 18th and 20th chapters of Leviticus, in recording the fact, that the nations of Canaan were exterminated for the nine crimes therein mentioned—and among them for adultery, incest, sodomy, bestiality, polygamy and *uncleanness*,—have furnished higher evidence, that laws prohibiting those crimes were early given to Man, than Moses has furnished us of the early promulgation even of any of the general laws recited above, except three given to Adam, relating to marriage, to vegetable food, and to murder; and three given to Noah, relating to murder, to animal food, and to the eating of blood. We have therefore the highest warrant for asserting, that laws forbidding Sexual Impurity, and among them a Law forbidding Incestuous Marriages, were very early promulgated to Mankind; and that for *known* disobedience to these laws, and to the other three referred to in these two chapters, the nations of Canaan were exterminated.

V. Incest is directly recognized as unlawful in the New Testament.

1. John the Baptist's declaration to Herod proves it to be unlawful. Herod and Philip were brothers. Herodias had been married to Philip, and had afterwards been divorced. We are told, that, when Herod had married Herodias, his brother Philip's wife, John told him, "It is not lawful for thee to have her."—It would have been lawful, if Herod had not been Philip's brother. It was the Incest therefore, that rendered the marriage unlawful.—Herod, we admit, was a Jew.

2. Paul's treatment of the incestuous person at Corinth proves, that Incest is *now* unlawful. The incestuous person had married his step-mother.* Paul speaks of this connection with the utmost abhorrence,

* It has been supposed, I know, that the son was not married to the step-mother. Paul thought otherwise. His language is "that one should *have* his father's wife," or "stepmother." The phrase *to have a woman*, denotes, in the Scriptures, *to have her as a wife*. Thus Mark 6. 8, and Matth. 14. 5, "It is not lawful for thee *to have* thy brother Philip's wife;" Matt. 22. 28. "Whose wife shall she be of the seven, for they all *had* her;" John 3. 29. "He that *hath* the bride is the bridegroom;" 1 Cor. 7. 10, 12, 29, "If any brother *hath* a wife that believeth not"—"Let every man *have* his own wife; and let every woman *have* her own husband"—"They that *have* wives, as though they *had* none." The only *seeming* deviation from this rule is found in John 14. 18. The Samaritan woman had had five husbands, and professedly had and was believed by her neighbours to have the sixth. Christ made to her the startling and overwhelming disclosure, "He whom thou now *hast*—i. e. as a husband—is not thy husband:" In other words, "He, whom thou now professest *to have as a husband*, is not thy husband." Probably the idea, that the son had not married the step-mother, arose from the use of the word *fornication* in our version. The reader will recollect that this word is general, and denotes *adultery* and *incest* as well as every species of unlawful sexual intercourse. If the father, as those whom we oppose insist, was living, *παρσία* cannot denote *fornication* in the modern sense. If the son was not married, on the ground which they take, it denotes *adultery*. If, as is clear, he was married, still *the marriage was utterly void*; and, on the ground which we take, it denotes *incestuous adultery*.

as a crime "*not so much as named among the Gentiles,*" and directs the Corinthian Church to excommunicate "*that wicked person.*" The reader, in order to feel the full force of Paul's language, should read the last 15 verses of the 1st Chap. to the Romans. He will there find Paul's actual opinion of the Gentile world, "graven, as with the pen of iron and the point of a diamond." After the perusal, he will be prepared to realize in some measure, what must be that crime, and particularly what must be that species of impurity, in the view of Paul, which, to use his own language, is "*such impurity, as is not so much as named among the Gentiles.*" But, according to those whom I oppose, if the father had been dead, as no marriage is now incestuous, the son would have been guilty of *no crime at all*; and, if the father was living, as no intercourse is now incestuous, he was guilty merely of *adultery*, in marrying another man's wife. But what says Paul? The identical crime which he charges upon him is not the crime of *adultery*, but the crime of *marrying his father's wife*: a connection, which, he says, "*is not so much as named among the Gentiles.*" If Paul had not considered it a greater crime, in the son, to marry his *father's* wife, than the wife of *another man*, he could not have laid the whole stress of the charge upon the fact, that he had married his *father's* wife. If he had considered the incontinence of the son as amounting to nothing more than *adultery*, he could not have said with the least shadow of truth, that it was a crime "*not so much as named among the Gentiles.*" The man, who wrote the first chapter of Romans, knew the Gentiles too well, and was too honest a man, to make such an assertion. Had it been true, that adultery was a crime "*not so much as named among the Gentiles,*"

the *Heathen* Gentiles of that age would have wonderfully surpassed, in purity, not only the *Jews*, but the *Christian* Gentiles of that and of every following age. It was then the *Incest*, involved in the connection between the son and the stepmother, which the Apostle thus deeply reprobated; and on which he laid the charge of this enormous guilt. Incest, then, was a crime, and a crime of singular enormity, in a *Corinthian*, under the *Christian Dispensation*.

3. The Decree, made by the Apostles in Council at Jerusalem, in the name of the Holy Ghost, contains, as we have seen on a previous page, their solemn decision, issued to the Churches, that the Law of Incest, as well as the whole Levitical law relating to impurity, is binding in all its force under the *Christian Dispensation*.

4. The account given by Paul of the abominations of the Gentiles, in Romans i., is a distinct recognition of both these laws as now obligatory.—Paul was a Jew, writing to many Christian Jews at Rome: and used language in a sense to which Jews were accustomed — The Levitical Law, and the Old and New Testaments generally, class adultery, incest, and the two grossest crimes against purity, as well as those of less turpitude, under the general term *uncleanness*.* The account given of the Gentiles, by Paul, in Romans i. is as follows: “God gave them up to *uncleanness*, through the lusts of their own hearts.”—He exemplifies this general charge by a specification of one of the two grossest crimes against purity, included under the name *uncleanness*, as shamelessly perpetrated by both males and females. He then represents them as filled with *all for-*

* This is familiarly the fact, in the writings of Paul. See particularly 2 Cor. xii. 21, Gal. v. 19, Eph. iv. 19, and v. 3, and Col. iii. 5.

nication (πορνεία)—all lewdness or impurity. Thus, he not only represents them as guilty of all the various crimes against purity included under the terms, *uncleanness* and *πορνεία*; both of which include incest; and specifies the shameless practice of one of the two grossest crimes against purity, as proving the truth of the general charge; but pronounces all these offences, included under those terms, to be enormous sins, as committed by Gentiles. This he does after the Levitical Dispensation was closed; and thus distinctly recognizes the whole Levitical law, forbidding *uncleanness* or *lewdness in all its forms*,—and particularly the Law of Incest—as absolutely obligatory as to its *precepts* under the Christian Dispensation.

VI. If the Law of Incest be not binding on the Gentiles, neither is any part of the Old Testament. The Old Testament was addressed to Israelites and not to Gentiles: why then is a great part of it binding on the latter? The only answer is, *That it consists of Truths and Duties, which are in no sense more applicable to the former, than to the latter.* For example: the proposition, “The Lord reigneth;” and the precept, “Fret not thyself because of evil doers;” were uttered in form to *Israel*. Why then do they affect *us*? Because the truths contained in the proposition and the precept, and the duty growing out of the former, as well as that prescribed in the latter, were given by God, our Almighty Governor, are wholly of a general nature, are just as applicable to our case as to that of *Israel*, and are just as important and necessary to us as they were to them. All these, as we have seen, are equally true of the Law of Incest. As the same may be shown of every other truth and duty of the Old Testament; it follows that the truths and duties contained in the Law of Incest are just as binding on the Gentiles, as the rest of the Old

Testament. The same might be shown, also, as to many of the instructions of Christ in the Gospels.

From these considerations it is clear, that the Law of incest is as binding on the Gentiles, as it was on Israel.

To this course of reasoning, and to the conclusion in which it results, the following objections have been offered.

1. It is alleged that Incest is a mere offence *by positive statute*, and therefore cannot be *malum in se*, a crime in itself, or in the nature of things; but is merely *malum prohibitum*.

In support of this position it is alleged, 1. That Incest was no crime in Cain, Abel and Seth, and the other sons of Adam, who were under a moral necessity of marrying, and whose duty it was to marry, their *sisters*. 2. That it was made the duty of an Israelite, in certain circumstances, to marry his *brother's wife*.—But it is said, that God cannot place his creatures under a moral necessity of committing, still less can he make it their duty to commit, a crime in its own nature, or *malum in se*. Hence it is concluded, that Incest is merely *malum prohibitum*.

The application of the phrases *malum prohibitum* and *malum in se*, to human laws is intelligible; but, when made to the laws of God, seems not to be logical or happy. *To bury a corpse in any thing but wool-len*, is an offence forbidden by the laws of England, under a penalty of twenty pounds, and is an instance of *malum prohibitum*; because it is not an offence by the laws of God. Murder, adultery, stealing and lying, whether forbidden by human laws or not, are *sins*; because they are forbidden by the laws of God, and are therefore *mala in se*.

The phrase, *a crime in the nature of things*, also needs explanation. Actions are right or wrong, in the original and highest sense, *according to their tendency to produce good or evil, happiness or misery*; and God, as he himself abundantly assures us, has respect to this tendency, in what he commands, and in what he forbids. In weighing the tendency, of moral actions, and thus deciding on their rectitude or obliquity, we of course take, and we are compelled to take, the nature of things, *as it actually exists, and as we actually find it*. Whether it was originally possible for the Almighty Creator to have given things in such a sense *a different and opposite nature*, and so to have constituted things, that those actions, whose natural and uniform tendency is now to produce Misery, should have been reversed in their nature, and have had a natural and uniform tendency to produce Happiness; and that those actions, whose natural and uniform tendency is now to produce Happiness, should have been reversed in their nature, and have had a natural and uniform tendency to produce Misery: For example, Whether it was originally possible so to have constituted things, that Enmity to God, leading to the worship of false gods and of idols; Irreverence, leading to profanity and blasphemy; Impiety, to the profanation of the sabbath; Filial impiety, as resulting in disobedience to parents; Malice, as exhibited in violence and murder; Lust, in fornication, adultery, incest, rape, sodomy and bestiality; Coveting, in theft, fraud and robbery; and the Spirit of Falsehood, in lying and perjury; should have had a natural and uniform tendency to produce Happiness: and that Love to God, as shown in owning, reverencing and worshipping, him; Filial piety; Benevolence; Purity; Equity; and the Spirit of truth;—in their appropriate actings;—

should have had a natural and uniform tendency to produce Misery ;—And, to go still further back, even to the remotest possible point in the metaphysics of Ethics, Whether, in a still higher sense, it was originally possible for the Almighty Creator to have given things *primævally*, in such a sense *a different and opposite nature*, and so to have constituted things, that *that, which is now Happiness, should have been Misery*, and that *that, which is now Misery, should have been Happiness* : —Are questions of “high *priori*” speculation, which do not fairly meet us, in a practical examination into the nature and causes of actually existing Laws. We know indeed, I admit, with absolute certainty, if we certainly know any thing ; (and, with no impeachment of absolute Omnipotence, but, on the contrary, with the highest reverence, we may say that we certainly know ;) that there are certain points in *Physics* which no exertion of Physical Omnipotence, no possible physical constitution of things, could bring to pass :—for example, that *two and two should equal five* ; that *whatever is, is not* ; that *a thing should be, and not be, at the same instant* ; and that *the three angles of a triangle should be more or less than two right angles*. And we know with equal certainty, that there are certain points in *Ethics*, which no exertion of Moral Omnipotence, no possible moral constitution of things, could bring to pass :—for example, that *enmity to God, blasphemous irreverence, impiety, malice, and wilful perjury, should be right*. Yet, should there be any, whose optics are not sharp enough, or telescopic enough, to see the truth of this latter admission clearly, we will not stop, as it is a mere concession, as well as for other obvious reasons, to make it more clear. Even *they* however can see, and will admit, that, if the moral na-

ture of God be now right, until it works a total change in itself,—so that it becomes the very opposite of what it now is—and a similar change in the very nature and essence of all moral things ; no supposable law, emanating from God himself, could make these things right.—Thus far we concede to the objector.

But when we come to mere *External Acts*, taken separately from *the spirit* from which they flow, and not necessarily involving either moral rectitude or obliquity in the agents, we can make no such concessions. We know of no such *acts*, which God may not, in the exercise of infinite wisdom and goodness, either permit or forbid, or which he may not permit at one time under one set of circumstances, and forbid at another. Should this be denied, the proof is at hand ;—If there be any mere *External Acts*, in such a sense wrong, *that God consistently with his own holiness cannot, under any circumstances, command them* ; it will be agreed that Killing a prisoner of war, in cold blood ; Exterminating a whole nation ; and Sacrificing one's own child ; are such acts.—Let us then look at facts.

Agag, king of Amalek, surrendered himself as a prisoner of war to Saul. Samuel the prophet, acting under the express direction of God, put him to death.

The commission to exterminate the Canaanites ran thus : “ And when the Lord thy God shall deliver them before thee, thou shalt smite them, and shalt utterly destroy them ; thou shalt make no covenant with them, nor show any mercy to them.”* And again, “ Of the cities of these people, which the Lord thy God doth give thee for an inheritance, thou shalt save nothing alive that breatheth, but thou shalt utterly destroy them.”† This was a command of God to exterminate men,

* Deut. vii. 2.

† Deut. xx. 16.

women and children, to seize their country, and to take possession of their property ; and it was executed by Joshua.

God commanded Abraham to offer his son, his only son, Isaac, as a burnt-offering, on Mount Moriah. In a case of all cases the most agonizing, the Patriarch, with views wholly different from those of the objector,—instead of stopping to ask, Whether the act were not of such a nature, that God, consistently with his own holiness, could not, under any circumstances, command it,—heard the command, bowed in submission to Him who gave it, and obeyed. Rising up early in the morning, he took his son, the heir of promise, and went to the place, of which God had told him. “And Abraham built an altar there, and laid the wood in order, and bound Isaac his son, and laid him on the altar upon the wood. And Abraham stretched forth his hand, and took the knife to slay his son.” Just as the life of Isaac was on the wing, a Voice from heaven said unto him, “Lay not thy hand upon the lad ; neither do thou any thing unto him.” What was the nature of this conduct ?—“Murder !” says the objector ; “an Act, which God could not license, consistently with his holiness !”—What said the Voice from Heaven ?—“Now I know, that thou fearest God ; seeing thou hast not withheld thy son, thine only son, from me.”

Had these acts been done without a Divine command, the first would have been a *treacherous assassination* ; the second, a *wanton butchery of men women and children* ; and the third, a *cold-blooded murder of an only son*. Having been done with that command, they met a high reward from the hands of God. God, however, in commanding these *acts*, did not command them to be performed with *malice* or the *spirit of murder*, any more than he commands the exercise of that spirit

in the execution of a murderer. Had he done so,—if we may be justified for one moment in making the horrible supposition,—clouds and darkness, infinitely deeper and more awful than the blackness of darkness itself, would have quenched the glory of the Majesty on High !

The ground therefore, taken by the objector, cannot be correct ; for it leads to consequences, at which he himself will revolt.

“ The Maker justly claims the world he made :
In this, the right of Providence is laid.”

Life is his gift ; and he may take it back, at what time, in what place, under what circumstances, and by what means, instruments, or agents, he pleases. If the command to destroy it, in a given case, certainly proceeds from him ; what, in other circumstances, would be *murder*, becomes an *imperious duty*. While, therefore, as at present advised, we cannot admit, that even a command of God could justify *impiety*, or *blasphemy*, or *malice*, or *perjury* ; we claim, with perfect consistency, and on grounds which cannot be shaken, that mere *External Acts* are not in such a sense wrong, that God consistently with his holiness, cannot, under any circumstances, permit or command them.

The subject of Marriage and that of Sexual Intercourse stand precisely upon this footing. From the very nature of the case, all commands relating to them must be in one sense of a *positive* nature. When God had created one man and one woman, “ he had,” says Malachi “ the residue of the spirit ;”—i. e. he had the spirit of life remaining in himself, which he could have imparted to any additional number of females, and then given them to Adam. When he had thus made them, instead of instituting Marriage—the *union of one man*

with one woman—he might have instituted Polygamy ; or he might have simply said to Adam and his sons, as he said to the inferior classes of animals, “ Increase, and multiply, and replenish the Earth,” and thus left them to a Promiscuous Intercourse. But he made *one woman only*, and then gave Adam and Eve the Original Law of Marriage, binding all their posterity. That Law was strictly *positive* in its nature, as resulting from a positive command. Still, in its design, in its binding force, and in the duties which it involves, as well as in the violations, to which it is liable, it is, as we have seen, in the highest sense *moral*. Yet, in revealing his will to Mankind, respecting one important division of the general subject of marriage, viz. Divorce, God, at three different periods of the history of Man, has given three wholly different Statutory provisions concerning it. The Original Law of Marriage did not allow of Divorces, in any case whatever ; and no provision was made for its dissolution but by death ; and *that*, had man been willing to do his duty, was indisputably the only right law for the Human Race. This state of things continued *upwards of twenty-five hundred years*. The Levitical Code authorized the husband, “ if his wife found no favour in his eyes, because he had found *some uncleanness in her*,” to give her “ a bill of divorcement,” which wrought a dissolution of the marriage. This Code was given in a semi-savage state of society ; it was, as we have seen, to protect wives from the cruelty or “ *hard-heartedness* ” of alienated husbands, in such a state of society, that this legal provision for their relief was made. This state of things continued for *nearly fifteen hundred years*. Christ abrogates a part of this provision of the Levitical Code, and

allows of divorce in a single case—that of *incontinence*. Hence, under the Christian dispensation, divorce for any cause except incontinence, followed by marriage with another, is adultery; while, under the Levitical, it was lawful for various other causes; and yet under the Patriarchal, even the divorce for incontinence, as well as every other, if followed by marriage, was adultery. Yet these *changes* in the Law of marriage, or the Great Law regulating Sexual Intercourse, do not prove that that Law is not in the strictest sense a Moral law. Nor would the objector hence argue that fornication, adultery, rape, sodomy and bestiality, were not *mala in se*, immoralities, crimes in their own nature, but merely *mala prohibita*, offences created by statute.

This is equally true respecting the Law of incest. The facts that Cain, Abel and Seth, lawfully married their *sisters*, and that an Israelite, in certain circumstances, might lawfully marry his *brother's wife*, fall just as far short of proving, that Incest is not *malum in se*, an immorality, a crime in its own nature. God has a right to give us what positive laws he pleases. When he has forbidden a given act, the wilful commission of that act is a sin, and that in every case. When we know his positive commands, our business is not to ask, "Why," or "Wherefore," but simply to obey. And if we do otherwise, we must meet the consequences:

Again. This argument might have been urged by an Israelite under the Levitical Code, with just as much force, as now by the objector. Wishing to marry *his niece* or *his sister*, he might have said, 'Incest is merely an offence by positive statute, and not a crime in itself, or in its own nature. Cain, Abel and Seth, and the other sons of Adam, married their sisters from the very necessity of the case. There is no sin, there-

fore, in my marrying as I wish.' When brought to his trial, for breaking the Law of Incest, what would Moses have said to him, in reply to such a plea? What Moses would have said *to him*, a greater LAWGIVER than Moses will hereafter say *to the man*, who now breaks the Law of Incest.

2. The Practice of incest, among the Patriarchs and Israelites, is alleged, against the binding force of the Law of incest.

Without repeating the answers to the argument from Practice, in the Essay on Polygamy, and in a former part of this Essay, we will inquire into the actual Extent of the practice. Abraham married his *half-sister*. Lot's two daughters committed incestuous rape with their *father*, after they had made him drunk for the purpose. Jacob married *two sisters*, under circumstances, which have been considered at length. Tamar committed incestuous fornication with Judah, her *father-in-law*: he not knowing her to be his daughter-in-law. Reuben committed incestuous adultery, if so it may be called, with Bilhah, his *father's concubine*. Amram married his *father's sister*. Amnon committed incestuous rape with his *half-sister*. Absalom committed incestuous rape with *ten of his father's concubines*, on the house-top, in the sight of all Israel. If we except the terrible denunciations against the inhabitants of Jerusalem, in Ezek. xxii., for the shameless commission of this crime, and the story of the destruction of the Canaanites already recited, and the case of the sons of Adam, which was lawful marriage, the above is, I believe, a full history of Incest in the Old Testament. We have here, then, *three* cases of incestuous marriage,

thirteen instances of incestuous rape, *one* of incestuous fornication, and *one* of incestuous *quasi*-adultery.

Probably no argument will be attempted, in favour of the lawfulness of Incest, either from the cases, or the characters, of Absalom, Amnon, Reuben, Tamar, or the two daughters of Lot. We know of Amram, only, that he married his aunt, and lived with his countrymen in Egypt, under no regular government. The case of Jacob has been fully examined. To those, who rely on any, or on all, of these cases, for their justification, I have only one suggestion to make: In the day of trial, when asked by the Judge, "Why did you commit Incest?" do you intend to answer, "Because Jacob did it;" or "Because Amram did it;" or, "Because the two daughters of Lot, and Tamar, and Reuben, and Amnon, and Absalom did it."

But the case of Abraham is worth tenfold more than all the rest. He was *the father of the faithful, and the friend of God*. Yet he married his *half-sister*.—To those spiritual descendents of Abraham, then, the *Levites* of the present day, who have married their *wife's sisters*; and who, alleging that *his* incest was a case of *consanguinity*, while *theirs* is a case of mere *affinity*, intend to give the venerable man a lower place on the scale of obedience, than they take themselves; we beg leave, before the arrangement is permanently fixed, to suggest the following considerations: *Abraham*, when he married Sarah, was a heathen, and an idolater, living in Mesopotamia, in the midst of heathens and idolaters; who, if we may judge from the conduct of their heathen and idolatrous neighbours, the Canaanites, were far from being over-scrupulous on the subject of marriage, and incest, and all the other varieties of sexual intercourse. *They* profess to be Christians, and

live in a Christian community, the great body of whom, even now, notwithstanding the influence of *Levitical* example, still regard the marriage they have contracted as incestuous.—*Sarah*, at the time specified, if we may believe the testimony of one of her distinguished descendants—the apostle Paul—“was very fair;” so fair, that, to this day, her singular beauty is celebrated in all the East; so fair, that, even when the spring-time of beauty was past, she arrested the practical attention of powerful monarchs. *Their wife's sisters*—far be it from us to speak disparagingly of them, on a point of so much interest—are doubtless beautiful also; but, their husbands themselves being judges, can hardly challenge this high pre-eminence.—*Abraham* and *Sarah* lived together, before marriage, under one roof, and *met daily*. *They* and *their wife's sisters* usually enjoy the same *dis*-advantage. On the score of *opportunity*, therefore, without which, it is well known no marriage would take place, both parties are on a level.—*Abraham* was a young man; and his attachment to *Sarah* had all the force and freshness of a *first love*. *They* are widowers; and their attachment to their *wife's sisters* is, or ought to be, but a *second love*.—The Law of incest, under which *Abraham* lived, was probably *traditional*, and therefore liable to indistinctness and uncertainty. The Law, under which *they* live, is *written*, and therefore distinct and certain.—The Jewish Commentators agree that the Traditional law, under which *Abraham* lived, forbade marriage with a *sister*, without specifying a *half-sister*; and that the Section, forbidding marriage with a *half-sister*, was introduced into the Levitical Code, to counteract the influence of *Abraham's* example; and the fact, that, in each of the four passages, forbidding marriage with a *sister*, a *half-sis-*

ter is expressly specified,—“thy sister, the daughter of thy father, or the daughter of thy mother,”—gives strong colour to this opinion. The Written law, under which *they* live, on the contrary, does most clearly forbid the marriage which they have contracted, as well as, most expressly and explicitly, other marriages still more remote.—*Abraham* never had a Law of the land, which prohibited his marriage with Sarah. *They* have always had a Law of the land, which, until it was garbled a few years ago, to comport with the propensities of certain of the Scribes and Levites, expressly forbade their marriage with their present wives.—Let not, then, the young idolater of Mesopotamia, because, in the intense warmth of a youthful flame, he persuaded himself, *that a sister did not mean a half-sister*, be too severely handled by any modern Levite; who, under the impulse of a cooler passion, has wrapped himself in that flimsiest of all conclusions, ever woven in the loom of sophistry, *that a wife is more nearly related to her husband, than a husband to his wife*. If *Abraham* thus in fact persuaded himself; it is only one instance out of very many, in which men, by the aid of very slight arguments, have concluded that *that, which they very much wanted to do, was not wrong*. Painfully numerous have these instances been, in every age; especially where Conscience has drawn one way, and the Love of women, the other. Does the *memory* of the objector here fasten on the cases of *Lamech*, and *Jacob*, and *Judah*, and *Gideon*, and *Samson*, and *David*, and *Solomon*, &c. &c. &c. as directly in point? Then I will make no appeal to his *consciousness*.—Among the “three things,” which were “too wonderful” for the Son of *Jakeh*, “yea four, which he knew not,” there is *one*,

which, "even unto this day," has received no satisfactory solution.

What, then, if we could forget that he was at that time an idolater, would be the argument?—"Abraham was too good a man to do what was wrong: but he married his *half-sister*: (a clear case of incest:) therefore incestuous marriage is not wrong."—We could wish that the *major* of the syllogism had been true: that he, with whom "God conversed face to face, as a man converseth with his friend," who, at the call of God, "went out, not knowing whither he went," who offered his "only son, even Isaac, as a burnt offering," who had such influence on high, that not a flake could drop from the fiery cloud, on Sodom and Gomorrah, till his prayer was ended, and who heard from God's own mouth the sentence, "Well done!" before he was summoned to his trial:—we could wish, that even *he* had been too good a man, to do what far humbler virtue sees to be wrong. But what says the Record? Moses was too honest an historian, to gloss over the failings even of Abraham. A hero and a saint, in the battle with Chedorlaomer and the three associate kings, he quailed in his courage and his faith, at the courts of Pharaoh and Abimelech; and left us evidence, alas! too convincing, that the conduct of no child of Adam is an unerring rule of rectitude, except that of the Man, CHRIST JESUS.

It may be observed here, also, as at the close of the last objection, that an Israelite, under the Levitical Code, who wished to contract an incestuous marriage, expressly forbidden in that Code, might have urged this argument for breaking the law in his own justification, with exactly the same force, with which it is urged by the objector; and with exactly the same success.

3. It is alleged that the advocates for an extended Law of Incest cannot agree among themselves as to its Extent; that the Papists forbid marriages with *fourth cousins*; and that some Protestants have held marriage with a *first cousin* to be unlawful. Hence it is argued, that it is impossible to ascertain with certainty the degrees actually prohibited; and of course that we may lawfully differ with regard to it.

We admit that the Popes did this. Knowing that the royal families of Europe were all related, and that they would intermarry only with each other, they extended the Law of Incest to the degrees specified, for two solid reasons: To secure a princely *douceur* for every license: and to compel crowned heads to acknowledge the supremacy of the Popes. While their *hand was in*, they also sold licenses for marriages really and grossly incestuous, and thus made it one great division of the most profitable branch of their business—that of selling indulgences to sin. We also admit, that some Protestants have held the marriage of *first cousins* to be unlawful. Having made these admissions, we reply,

1. The want of agreement among the advocates of a doctrine or duty can be no reason for giving it up. If it were, we must give up the whole Bible.

2. The corruptions of Popery cannot nullify the word or law of God. If they could, what part of either would be left.

3. The only practical question, in this and every case, is, *What is the Law of God?* The answer to that question settles our duty.

4. The whole Scriptural Law of Incest is given in the preceding pages, and, from the very nature of the subject, admits of being settled with mathematical certainty. It expressly mentions *propinquity*, as the rule

of the law; and the application of it is strictly mathematical. Those who have read these pages will bear witness, that, while it expressly forbids marriages between collaterals of the *first* and *second* degrees, both by consanguinity and affinity, it contains no allusion to marriages between collaterals of the *third* degree—i. e. between *first cousins*,—either by consanguinity or affinity.

5. If this be a good reason for dispensing with a part of the Levitical Law of Incest, it is equally good for dispensing with the whole.

6. It charges the fault on the Law itself; and therefore, if valid, is a good reason, why such a law should not have been given.

4. It is said that no person can be so proper a Step-mother for the bereaved children, as the sister of their mother.

To this I answer :

1. If the marriage were not forbidden, this would be the case only, when the character of the aunt was equal or superior, but never when it was inferior, to that of any other lady whom the father could marry.

2. This consideration, if it had any weight, would also authorize a man to marry his *sister*, his *aunt*, or his *niece*, his *brother's wife*, his *wife's aunt*, his wife's *niece*, or his wife's *daughter by a previous marriage*, if they were of the proper age. Incest out of the question, either of them would be a kind and suitable step-mother, on the principles of the objector.

3. God knew the full force of this argument for the marriage in question, when he forbade it under a dreadful penalty.

4. This suitableness did not prevent him from pronouncing it "a sin," "an iniquity," "an abomination ;"

nor from mentioning it as one among the sins, for which he exterminated the Canaanites, and as one among those, for which he threatened to drive Israel out of Canaan.

HAVING advanced thus far, we will review the ground we have already gained, in a brief recapitulation. We have seen,

1. That Polygamy, was forbidden, as immoral in its tendency, under both the Patriarchal and the Levitical Dispensations; and that under both it involved the crime of Adultery.

2. That Leviticus xviii. 18, is merely a prohibition of Polygamy under the Levitical Dispensation.

3. That Incest was a crime before the Levitical Law was given.

4. That the Law of incest forbids all marriages both of Lineals and of Collaterals of the first and second degrees, by Affinity and by Consanguinity; and of no Collaterals of the third degree.

5. That Incest is pronounced by God, whether committed by Canaanites, who were Gentiles, or by Israelites, "a sin," "an uncleanness," "an abomination," "an iniquity," "a wickedness," "an unclean thing," "an abominable custom," a sin provoking the divine "abhorrence," and a "land-defiling sin," causing it "to spue out its inhabitants."

6. That it is classed with adultery, rape, sacrificing of children to Moloch, sodomy, bestiality, cursing of parents, idolatry, murder and assassination; and that he, who commits it, is pronounced "cursed."

7. That it is mentioned as one of nine crimes, which caused the extermination of the Canaanites; and one

of nine, for which the Israelites were threatened with extermination.

8. That the Levitical Law punished the Israelite who committed it with death.

9. That either the whole of the Law of Incest is in force, or no part of it is in force; and, of course, that, if it is lawful to contract any one of the prohibited marriages, it is equally lawful to marry an *aunt*, or a *niece*, a *sister*, a *daughter*, or a *mother*.

10. That the Law of Incest was not a part of the Ceremonial Law, nor one of the Local statutes of the Levitical Code; that the fact of its being one of the General statutes of that Code furnishes no evidence, that it is not still in force—they being just as much Moral statutes, as those of the Duologue or those of the Decalogue—and that, if the Law of incest is itself binding its Penalty is not therefore binding.

11. That the Law of Incest is absolutely binding on the Gentiles; since the Levitical Code, as to its General statutes, is binding on them; and the reason of the Law is just as applicable, and the Law itself just as necessary, to them as to Israel; and is in its nature strictly a Moral law; and was in force before the Levitical Law was published; and is directly recognized in the most explicit and solemn manner, as in full force in the New Testament, and under the Christian Dispensation; and because, if the Law of Incest be not binding on them, neither is any part of the Old Testament.

12. That the binding force of the law of incest is not impugned by the fact, that it is in one sense a Positive statute; nor by any arguments derived from the Practice of incest among the Patriarchs, and Israelites; nor by any disagreement, among Papists or Protestants, as to the Extent of the prohibitions; nor by any Fitness of

a wife's sister or niece for the office of Step-mother to the bereaved children.

THESE points being established, we call then distinctly on the Great Ecclesiastical Bodies of our country, by their solemn decisions, to condemn these incestuous marriages; on the Ministers of religion to bear their public and decided testimony against them, and to refuse in all cases to celebrate them; on the Churches of all denominations to put away this iniquity from among them; and on the Legislatures of the several States to restore our American Statute-books to their pristine purity.

Shall I be told *that this will fasten a stigma on the parties, who have contracted these marriages and on their children?*—This argument, if it were sound, would have prevented God from giving a Law of incest, and every country on earth from enacting one. It would have had equal weight also in preventing the introduction of laws divine and human, against polygamy, fornication and adultery. Even a Turk,—were “His Highness” in his zeal for reform, to enact Leviticus xviii. 22,—might as well complain that a stigma was cast upon himself and his young associate, in the prosecution of a favourite indulgence. Indeed, it would always have been, and would now be, an equally valid argument against the enactment of every new criminal law. Let it be remembered that it is *the Law of God*, which is in the possession of all the people, that is chiefly to blame in this business; that the Law of God has branded so deep a stigma on Incest, that no human laws can make it deeper, and that, had it not been for the Law of God, and the testimony of conscience that that Law was right, all the efforts of Man to fix such a

stigma would have been vain and powerless. But why this Ecclesiastical and Legislative civility to this transgression? If Incest be what God declares it to be, "a sin," "an iniquity," "a wickedness," "an abomination," "a land-defiling sin," shall we not merely wink at it, but solemnly pronounce it innocent. Was God thus civil to the gentlemen and ladies of Canaan and of Israel, who had contracted incestuous marriages? And shall we, in our religious and civil parliaments, from an over-civility to Incest, publicly tell our Maker that he was mistaken? "Who are we? When were we born? And what do we know?"

Shall I be told, further, *that if the Laws were to forbid the marriages now licensed, it would be impossible to execute them?* In obeying God, we are not left to the rule of Expediency. This argument, too, if sound, would have prevented God from giving a Law of incest and all other laws restraining impurity. How rank was the hold, which Incest and its kindred crimes had taken of Canaan, and which in the days of Ezekiel they took of Israel. But it is not true. The first inroads on our laws of incest were made at the instigation, and by the secret management, of some of our "prime nobles," who had either seduced, or married, or pledged themselves to marry *a wife's sister*; and who wished by this finesse, to escape, at once, public odium and personal responsibility; just as the Arch-Chancellor of Napoleon, following in their steps, when appointed by his master to draw up the "Code Pénal," struck out the sin of Sodom from the list of crimes; being himself a notorious and infamous Sodomite. After this first inroad, some other of these disinterested men, wishing to marry his *wife's niece*, or *brother's wife*, moved the wires afresh, and the puppets legalized the already

formed or proposed connection. At length a few of the reverend clergy, being "men of like passions with other men," took the double hint of inclination and example; and, with a spirit equally disinterested, justified their "civil fathers," first by kindly writing in defence of the marriage, which they had doubly sanctioned, and immediately afterwards by contracting it themselves. Many others in humbler life, compared with none, and yet but few on the whole, have formed similar connections. But the great majority of the people of any or of all of the States do not wish to contract the marriages in question, and feel no interest in continuing their legislative sanction. The common voice is not in their favour. Nothing has prevented the prosecution of cases still prohibited, but the consideration, that they had occurred through the miserable interference of the Legislature, and the rickety state of the marriage-acts. Were our laws restored to their fair form and comely proportion, the practice would be right of course. No offence is so easily detected, as an incestuous marriage; none confined within limits so absolutely definite. And it is a gross slander upon the substantial yeomanry of our country, to represent them as so little conscious of moral obligation, that, when under the solemnity of an oath, they will not, upon satisfactory evidence, convict transgression.

Shall I be told, again, that *Legislatures are not bound to enforce the Law of God, any farther than the Good of the State requires?*—If this purely Infidel objection be admitted in the very terms of it, it is easy to show that Obedience to the Laws of God, which forbid sexual impurity, promotes the best and highest Good of the State. Disobedience to those laws has been, throughout all time, the great, the prominent sin of Man,

that, which more than any other sin, has corrupted and putrefied the human character. "Lewdness," said a Monarch,* who was never thought *strait-laced*, either in principle or practice, "is the ruin of Europe;" and no one of the restraints, with which divine and human sanctions have environed it, has ever proved *supererogatory*. On the contrary, all united have not been sufficient to prevent it from becoming, in any one Christian country, rank and monstrous. The Law of incest, when re-enacted in all its fulness, has not proved an adequate safe-guard to *the purity of families*; but "the beginning" of licentiousness, made in the partial repeals of that Law, has been "like the letting out of water." Were a prophet of God to disclose the facts, he would show us, by a recital of instances tremendous at once for their number and their guilt, that Incestuous lewdness, between a husband and the female relatives of his wife, has been the fearful consequence of this daring inroad on the institutions of God; and that not a few of the marriages between men and their *wife's sisters* have been the result of *necessity* rather than *election*.

But I trust, I am not arguing with infidels. If the men who urge this objection believe the Bible, then they believe that Incest, in every degree of it, is "an iniquity," "a wickedness," "an abomination," "a land-defiling-sin," a sin which excites "the abhorrence," and provokes "the anger of God," and which, as existing in one of its forms, an apostle styles a sin, "*not so much as named among the Gentiles.*" It is in vain to say, that the guilt of an incestuous marriage is a point to be settled between the parties and their God. So is the guilt

* Louis XIV.

of adultery and of all the other crimes against good morals; but does that justify the repeal of all laws forbidding them. I am well aware that no Legislative sanctions will shield the parties in the day of trial. But on the Legislators, who legalize Incest, will rest the guilt of "the Son of Nebat who sinned and made Israel to sin." The Nation, also, which upholds rulers, who thus "make evil, good, and good, evil," will be sure of a day of coming vengeance. On this point, God has not left us without a witness. The Canaanites, in the midst of palpable darkness, with only a taper to read their *unwritten* law, were punished, for the practice of Incest and other kindred crimes, with complete and judicial extermination. Of how much sorer punishment then shall we be thought worthy, who, under the blaze of noon-day, publicly trample under foot the Law of God *written out in full* on the pages of our Bibles, and do despite to his authority as the holy and righteous Governor of the Universe! It is in vain to say that we still forbid the most heinous cases, and permit only those which are the least aggravated. Every one of those which we permit, as well as of those which we forbid, was forbidden to the Israelites and to the Canaanites; and, as we have seen, is absolutely forbidden to us; and for all of them, without distinction, the wrath of God without mixture was threatened to the one, and poured out to the uttermost upon the other.—And why as legislators, and as a people, do we thus venture?—For no earthly reason, but to yield to the wishes of here and there a man of influence, who has contracted, or is bent on contracting, an incestuous marriage.

Shall I be told, also, *that it is in vain for any one State to reform its Law of incest, unless the other States will reform theirs?* This is the hackneyed

plea, by which the seller of obscene books and pictures, the retailer of strong drink, and the keeper of the brothel, justify their conduct. "*Obscene books and pictures will be sold, strong drink will be retailed, and brothels will be supported, let me continue my business or not; and why should not I,*" says each one of these miserable beings, "*make a little money, as well as my neighbours?*"—Is a crime any the less a crime because others commit it? Was it an excuse to the Israelites for the practice of Incest, that the neighbouring nations practised it? God himself answers this question: "For all these abominations have the men of the land done, which were before you; and the land is defiled. That the land spue not you out also, as it spued out the nations that were before you. Therefore shall ye keep mine ordinance, that ye commit not *any one* of these abominable customs, which were committed before you, and that ye defile not yourselves therein: I am the LORD your God."—But the plea is not true. Let the due efforts be made in each State, by the men, who fear to sin against God; and the work will be done. As the people at large did not bring about these encroachments on the Law of incest, so they are not anxious to continue these incestuous marriages. They know that there is no such *scarcity of females* in this country, as to compel its inhabitants to the practice of Incest. They know that the Levitical Law of incest, in its full extent, was quietly submitted to by the nation of Israel, and by the nations of Europe, including their own fathers, for more than three thousand years; and they cannot divine why it has lately proved a *yoke, which we Americans are unable to bear*. If, however, some of the States should refuse to reform their statute books, and to forbid incest-

tuous marriage ; the plain language of God to the surrounding states is, "Come out from among them, and be ye separate, and touch not the unclean thing ; and I will be a Father to you ; and ye shall be my sons and daughters, saith the LORD Almighty."

Shall I be told, finally, *that there are so many, who have contracted incestuous marriages, in our churches, and in our pulpits, that it is not safe to begin the work of reformation?*—What, in similar circumstances, said Moses to Israel ; and what, long after, said Ezekiel to Judah ?—Is it then come to this, that they, who are set as watchmen, to hear the word of God from his mouth, and to warn the people from him, shall be afraid to tell them, that God, their King and their Judge, declares Incest to be "an iniquity" "a wickedness," "an abomination," "a land-defiling sin ;" lest it should disturb the quiet in sin of here and there a member of their churches, and of here and there an associate in the ministry, and thus produce a momentary agitation ! Did Paul do thus to the Church at Corinth ?—Did Ezra do thus, in a case of far less enormity to the Jews, his countrymen, on their return from Babylon ?—If the higher Ecclesiastical Courts would publicly and formally condemn these incestuous marriages, and those who celebrate them, in the very language of that God, whose commission they bear ; if the Inferior Courts would resolve, that they would lay hands on none, and associate with none as ministers, who should *henceforward*, contract them ; if ministers would resolve that *henceforward* they would celebrate no such marriages ; and if the Churches would also resolve, that they would exclude those who *henceforward* contract them, from their communion, and disown them either as ministers of religion, or as members

of the Church ;—even if our laws of incest were not at once revised, still the great object in view would be effectually secured. The Church of God would cleanse its own hands of all participation in the guilt of Incest ; the people would see the sin in itself, by the strong un-intercepted light of God's word, in its true deformity ; and the time is not distant, when the foul stain would be washed from the pages of every statute-book.*

As to those who have contracted incestuous marriages, under the sanction of anti-scriptural laws, their case is unhappy. When God had commanded Joshua not to spare the Canaanites, the men of Gibeon, terrified by the fate of Jericho and Ai, came to the Israelitish General, and, by a gross deception, inveigled him into a solemn covenant to spare them and their city. Joshua, three days after, found out the deception, and was wholly at a loss as to his own duty. Here was the express command of God directing him to destroy, and there was the oath of God binding him to save. But God directed him to regard the oath, and fulfil the covenant. Plainly, therefore, the persons in question are safe in the practice of Incest, from the Law of the land ; and, as the Ecclesiastical courts and the Churches have winked long and hard, at the contraction of these marriages, we

* The higher Ecclesiastical Courts are bound by another consideration to declare to their respective denominations what the Law of God is on this subject, and to condemn most publicly those marriages which are incestuous. Many conscientious persons of both sexes, who are unable to examine the subject for themselves, are wholly at a loss, as to a most important point of duty, and uncertain whether they may lawfully contract certain *legalized* marriages or not. Some of the Clergy contract them ; and the Courts, if they have not long slept over the subject, have long shut their eyes upon it. To relieve the uncertainty of such persons, is one design of these Essays. But the great duty rests upon the Ecclesiastical Courts.

do not see but that, in good faith, they are safe from their discipline also.—What an exemption! What a privilege!—As to their *personal* duty, “*Non nostrum est tantas compensare lites.*”—We do not venture to say that they can discover it, in the following narrative; for the evil guarded against by the Law of incest is, *in their case*, already done:

“It was the ninth month, and the twentieth day of the month, and all the people sat in the Street-of-the house-of-God, trembling because of this matter. And Ezra the priest said unto them, ‘Ye have transgressed, and *have taken strange wives*, to increase the trespass of Israel. Now, therefore, make confession unto the LORD God of your fathers, and do his pleasure, and *separate yourselves from the strange wives*’—Then all the Congregation answered and said, with a loud voice, ‘*As thou hast said, so must we do.* Let now our rulers of all the Congregation stand; and let all them, that have taken strange wives in our cities, come at the appointed time; and with them the elders of every city, with the judges thereof; until the fierce wrath of our God, for this matter, be turned from us.’—And the Children of the Captivity did so. And Ezra, the priest, with certain of the chief of the fathers, sat down, in the first day of the tenth month, to examine the matter. And they made an end of all the men, that had taken strange wives, by the first day of the first month. *And among the sons of the priests, there were found, that had taken strange wives, seventeen: and they gave their hands that they would put away their wives; and, being guilty, they offered a ram of the flock for their trespass: and of the Levites, six: of the Singers also, one: of the Porters, three: moreover of Israel, eighty-five: all these*

(one hundred and twelve) had taken strange wives ; and some of them had wives, by whom they had children."

Leaving these individuals, then, to seek for better counsel than we can give, we take our leave of the subject. We have stated and explained the Law of incest, and proved its binding force. We have given the testimony of God concerning it ; and, in doing so, have not shunned to declare the whole counsel of God. We appeal then to those who make our Laws, to those who constitute our Ecclesiastical Courts, to those who minister at the altar, and to the Churches of Christ. We call on them to purify the Church and the Country from this sin. It is the work to which God calls them, and to which in his providence they are appointed. If they will not do it ; God will charge on them—on each according to his measure—the guilt, and the consequent pollutions, of the sin of Incest.

Our work is done.