

THE QUESTION,

WHETHER A MAN MAY LAWFULLY MARRY THE SISTER OF
HIS DECEASED WIFE,

EXAMINED,

IN

A LETTER,

*Addressed to Christian Churches generally, but more particularly
to those of the Baptist denomination.*

BY PAUL.

"None of you shall approach unto any that is near of kin to him."—Lev. xviii. 6.



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PREFACE.

THE subject treated in the following pages is one of the most repulsive character, and one which it is obvious no man would undertake to investigate from any other motive than a sense of duty. Neither reputation nor pecuniary interest can be promoted by attention to it, and the subject is totally destitute of that interest which would attract attention from the pleasure derived from its consideration. He who engages in it, therefore, makes a sacrifice of no inconsiderable importance, and must be supposed to have undertaken it solely from a solemn sense of his duty to do so.

That the subject is one of great importance, and of vital consequence to the purity of the Christian Church in general, as well as to the good order and moral condition of society, cannot be doubted for a moment; and that it has claims of no ordinary character to the attentive consideration of all those who are really desirous both *to know* and *to do* the will of God in all things, cannot be denied.

That this subject is one of a disgusting and repulsive character, is no reason why we should not endeavour to ascertain the will of God in relation to such matters; if it was proper to be introduced into the word of God, it is proper that it should be discussed; for it is by discussion that truth is elicited, and an attempt to suppress discussion, is generally an attempt to suppress truth. Criminals in our courts of justice, when conscious of guilt, endeavour to prevent discussion; they deny the jurisdiction of the court, or set up some technical objection to the indictment, which may prevent an investigation of the merits of the case, that they may thereby either gain time or escape altogether. Not so, however, with those who are conscious of their innocence. The innocent man demands a trial; he boldly asserts his innocence, and hails with pleasure the opportunity of showing that he is not guilty of the crimes laid to his charge. "The wicked flee when no man pursueth, but the righteous are as bold as a lion."

That in every age of the Christian Church the marriage of a man with his sister-in-law has been considered an unlawful and incestuous connexion, cannot for a moment be doubted; and a knowledge of this fact should lead all Christian churches to institute an inquiry into this subject, lest peradventure through *ignorance* they may permit this practice to exist

among them. *Sins of ignorance*, are nevertheless *sins*: not only so, but those who reject knowledge when it is offered, can no longer plead *ignorance* in *excuse*, much less in *justification*, of their conduct.

Nothing can be further from the design of the writer than to wound the feelings unnecessarily of any who may suppose themselves to be affected by the opinions he has advanced. Should this be the result, however, let it be remembered that those who may by possibility be affected by it are very few in number, while the example of a single case of this kind, if sinful, may continue for ages, and be the means of leading thousands in the downward road to everlasting ruin. Those who possess real love to their own species, as well as to their Creator, look to the future as well as the present. There is no Christian charity in tolerating a practice from tenderness to the feelings of those who are doing *wrong*, which, if permitted to continue, will poison society in its very fountain, and will finally cause a stream of impurity to flow from it, to which the Christian world has never yet been a witness.

Whether Christian churches, if this practice exists in any of them, may be led to act decisively and at once in relation to them, it would be impossible, if it were proper, to determine. That this will be the case, however, as soon as the subject is well understood, cannot be doubted. Truth, when it is presented, is always the same, but is not always at first view obvious to our imperfect perceptions, and though sometimes slow in its operation, it is not less sure and certain in its results. Though the stroke of truth may not be always so *quick* as that of a two-edged sword, it is not less *powerful* and *sharp*, and will sooner or later cut its way through all opposition. A firm belief in its all pervading influence, gives strong confidence that the practice in question will never be suffered to extend itself, unless through the unfaithfulness of those whose duty it is to throw the light of truth upon it. Should its effect even be altogether lost in those cases where influence in preventing such connexions in future, by showing plainly, what all who have considered this subject admit, that those who do these things are going on very dangerous ground.

THE QUESTION,

WHETHER A MAN MAY LAWFULLY MARRY THE SISTER OF HIS DECEASED WIFE, CONSIDERED.

THAT the question, whether a man may lawfully marry his sister-in-law, is one of transcendent importance to the purity of the Christian Church, is admitted by all, for if it be the crime of Incest, it is one of those crimes against which Almighty God has denounced his heaviest judgments, and that nation or that church which tolerates it, will, sooner or later, feel the outpourings of his divine wrath.

Were this question to be decided by the opinions which have universally prevailed in every age, there could be no hesitation respecting it. Among the opinions which have prevailed in every age of the Christian Church, and in every country where the light of the gospel has spread, there perhaps has not been another so prominent and universal as that which has been expressed against the marriage of a man with his sister-in-law. In the very early, in the middle, and in the latter ages of the Christian Church, the decision has been the same, that the marriage of a man with his sister-in-law, whether the wife of his deceased brother, or the sister of his deceased wife, is an incestuous and unlawful connexion, equally offensive to God and subversive of good order and domestic purity. But in order to show that this opinion is founded in truth, that it rests on a basis as solid as the law of God itself, and to enable us to enter on the investigation of this subject with a proper understanding of the principles on which it rests, it becomes necessary to make a few observations in relation to the nature and extent of the natural and moral laws, which are broken by those who are guilty of the practice in question.

Let it be considered then, in the first place, that,
In the beginning God created man upright, and endowed

him with such natural perceptions of good and evil, as were sufficient for the regulation of his conduct while he continued in a state of innocence. But the state of purity and innocence in which he was created, did not long continue; by sin he fell from that high estate, and his understanding being darkened, his affections estranged, and the moral image of his maker effaced, he soon departed from his service, and sought out for himself many inventions.

But, notwithstanding the depravity occasioned by sin, it appears that mankind still possessed sufficient natural light, and moral discrimination, to have enabled them to avoid many great and abominable crimes, into which they fell in the first ages of the world. Had Cain attended to the light that was within him, and which lighteth every man that cometh into the world, he would not have slain his brother; and Lamech would not have taken two wives at the same time; for, but a short time previous, God had created one man, and one woman only, to be his help meet. The Canaanites, the Amorites, and inhabitants of Sodom, after the flood, had they attended to the light of nature only, would not have committed those unnatural and horrible crimes, which filled the measure of their iniquity, and for which, by the righteous Judge of all the earth, they were, eventually, utterly destroyed.

The law of nature, therefore, which is impressed by the Deity on every man which cometh into the world, and which still exists as the remnant of the image of his Maker, was the only moral law which it pleased God to give to mankind, for the regulation of their conduct in the first ages of the world. But in process of time, as the human race increased in numbers, it also increased in crimes, so that by the wicked practices which had become common, the law of nature had become so obscured and effaced, as to be insufficient for the guide of those who were really desirous to do the will of their Maker, and even those who were undoubtedly good men, fell into crimes, which the almost universal practice of the people of that depraved age, had rendered so common, that they no longer excited the suspicion of evil, or produced disgrace.

But in order to restore the moral law, which had been thus obscured by the wickedness of mankind, it pleased God to separate to himself, from all the nations of the earth, the Jews, as a peculiar people, and to make a direct revelation of his will to them, for the regulation of their conduct. For this

purpose, he delivered to them, by his servant Moses, the two tables of the law, which serve as a basis on which all the rules which regulate the moral obligations of man, both as it respects his duty to God, and his duty to his fellow creatures, are founded.

But it must by no means be inferred, that because God was graciously pleased to reveal his will more clearly to the people of Israel, and to indicate to them with greater precision, the duties which they were required to perform, that the Gentiles were, therefore, released from the duties which the moral law enjoined. The moral law is as fixed, unchangeable, and eternal, as the God who gave it; and he can no more cease to require his creatures to fulfil it, than he can cease to be the governor of the universe. Were the Gentiles released from the duty of loving God supremely, and their neighbour as themselves, because he had commanded the Jews in a special manner to do so? Were the Gentiles authorized to commit murder and adultery, because God had forbidden the Jews to do them? By no means. It was a peculiar favour indeed, which God was graciously pleased to impart to the Jews, that, at a period when the world was sunk in great wickedness, and the natural and moral perceptions of mankind had been greatly obscured, he should have given to them the direct revelation of his will: but by doing so, he gave no liberty whatever to those who were not so favoured, to act otherwise. The moral law was as binding on those who lived before the period when the ten commandments were given by Moses to the Jews, as they were on the Jews, after that event; and they are now, and always have been, as binding on the Gentiles as on the Jews.

The moral law given to the Jews, therefore, was not a *new* law. It was but an exposition, in more clear terms, of the law of nature, which, of itself, had not the minds of men been darkened by sin, would have been sufficient for the direction of mankind. It is not improbable, indeed, that the greater part, perhaps all the precepts given in the Decalogue, were recognised by the more virtuous part of mankind, and especially by the Israelites, before the law was given by Moses; but supposing them to have been so, it was necessary that they should be again enumerated by the divine Lawgiver, in order that each of them should be explained and enforced; and we find accordingly, that he did not consider it sufficient merely to

give them precepts, and leave the people, every one to interpret the meaning of them for himself; on the contrary, each of the ten commandments is again referred to, their nature explained, the several ways in which they might be broken stated, and divers penalties pronounced against those who should be found guilty of breaking them.

In the first table, or the first four commandments, those crimes are forbidden which are committed more directly against God; such as Idolatry, Blasphemy, Profanity, and Sabbath-breaking; and in the second table, or last six commandments, are enumerated the offences which a man may commit more directly against his fellow creatures; the fifth forbids Dishonour to Parents; the sixth, Murder; the seventh, Adultery; the eighth, Theft; the ninth, False Witness; and the tenth, Covetousness. Now all these prohibitions are, strictly, but a few in number, and, to a superficial observer, appear to embrace but a small number of the immense diversity of crimes which are perpetrated in human society. But the case is far otherwise. All the crimes which are now or ever have been committed, are to be referred to a breach of some one of these commandments, and not only so, but it is declared that he who offends in one point is guilty of all.

These few preliminary remarks having been made as to the nature and extent of the moral law, we shall now proceed more directly to investigate the subject under consideration, and which must be referred to a breach of the seventh commandment.

It has been before observed, that the commandments were first given as heads or precepts, forbidding certain classes of crimes, and that each of them were afterwards again referred to, the drift and bearing of it more particularly pointed out, and some of the more usual ways in which the commandment might be, or had been, broken, exhibited. This being a general rule, applicable to all the commandments, we should naturally infer that the seventh commandment had been again referred to, its meaning explained, the different modes in which it might be broken pointed out, and its violation enforced by penalties corresponding with the character and aggravation of the guilt incurred. In this respect we are not disappointed, as we shall find by referring to the holy scriptures themselves, that it has received, from the sacred Lawgiver, a full share of attention.

The seventh commandment is, "thou shalt not commit adultery." But what do we understand by the commission of adultery? Against what crime or crimes did the sacred Lawgiver intend to guard in giving this law? What is the extent of the precept? To answer these questions we must refer to the Sacred Scriptures themselves, in which we shall find that the command, "Thou shalt not commit adultery," is intended to prohibit all unauthorized or unlawful cohabitation between the sexes; as well as some other crimes.

There are several ways, consequently, in which *Adultery* may be committed by overt acts, independent of the extension of the signification given to the precept by our Lord; who declares, that "the man who looks upon a woman, to lust after her, has committed adultery already, in his heart." But it is not our purpose, at present, to consider this part of the subject; it is foreign to the inquiry we are about to institute, and to overt acts only, shall our remarks be confined.

By a reference to those parts of the holy scriptures, in which the precept, "thou shalt not commit adultery," is explained and enforced, particularly to the eighteenth chapter of Leviticus, we shall find, that, independent of other species of uncleanness, there are three principal modes in which adultery may be committed.

First, by the cohabitation of persons who are nearly related to each other, and who, on account of such natural connexion, can never enter together into the marriage relation, usually denominated incest.

Second, by improper intercourse between persons, one or both of whom are already married to another, commonly called adultery; and,

Thirdly, by improper intercourse between unmarried persons, usually known by the name of fornication.

From the circumstance of the cohabitation of persons nearly related to each other, being first mentioned and prohibited by the divine Lawgiver, it is but reasonable to infer, that of all the modes of committing adultery, this is the most horrible and detestable in the sight of God, as it is also most contrary to the natural feelings of mankind.

Without intending to dwell to any considerable extent on this part of the subject, which is perhaps unnecessary, it may be well to refer to an instance or two in which it will be apparent that the Sacred Scriptures afford sufficient evi-

dence, that this view of the subject is unquestionably correct. For example, it is said by our Lord, "whosoever shall put away his wife, except it be for fornication, and shall marry another, committeth adultery." Now it is plain here, that fornication and adultery are used precisely in the same sense, for a married woman, by infidelity to her husband, could not commit fornication in the sense in which it is generally used. If she was guilty, therefore, of taking another man, it must be that she would be guilty of precisely the same crime that the man would be guilty of, who should take another woman, to wit, the crime of adultery. Again, it is said by the apostle Paul, in his epistle to the Corinthians, "it is reported commonly, that there is fornication among you, and such fornication as is not so much as named amongst the Gentiles, that one should have his father's wife." It is plain in this case, that the crime committed, was not that usually known as fornication, but the crime committed was that of incest, or the cohabitation of persons nearly related to each other—the cohabitation of a man with his father's wife. Now as it is clear that the fornication which a woman commits by infidelity to her husband, is adultery, so the fornication committed by the cohabitation of a man with his father's wife, or any other near relative, is equally adultery, and as much a *breach* of the precept contained in the seventh commandment. Dr. Brown observes, "adultery, largely taken, comprehends all manner of unchastity, in heart, speech, or behaviour; whether fornication, incest, or unnatural lusts," &c. When these crimes are committed in heart only, and when no overt act has been perpetrated, they must be left to God; but where overt acts have resulted in the accomplishment of any of the modes by which adultery may be committed, the perpetrators of them form proper subjects for the coercions of the civil law; but more especially when they are members of a Christian Church, for the unequivocal and decided censure of the body to which they belong; and that church which delays or refuses to cast out members who have been guilty of such crimes, after having been made fully acquainted with their existence, partakes of the crimes committed, and both the church, as a spiritual body, and the individual members composing it, are liable to the penalties pronounced by God, against their commission, and will, sooner or later, feel the outpourings of his divine wrath.

There remains no doubt, therefore, that whether a man and woman who are too nearly related to each other ever to marry, cohabit together; whether a man and woman, one or both already married, cohabit together; or whether persons not too nearly related to marry each other, cohabit together without marriage—that in all these cases, the crime committed, by whatever name for the sake of distinction, it may be called, is a breach of the seventh commandment, and that the parties are guilty of adultery; not by implication merely, or in any mediate or subordinate sense, but in the great and leading sense of that precept, which says, "thou shalt not commit adultery." This view of the nature and extent of the precept contained in the seventh commandment, which no one disputes, being admitted, we shall be at no loss with respect to the class of crimes, to which Incest must be referred, or with respect to the punishment which should be suffered by those who are guilty of that beastly and unnatural sin.

It is to be observed that the term *Incest* is not used in the Scriptures. It is derived from the Latin words *in castum*, which literally signify *unchaste*, but, in its application, has always been used to designate that species of unchastity, which arises from the cohabitation of persons too nearly related ever to enter together into the marriage state. St. Paul, in the case of the man who had taken his father's wife, calls the same crime fornication; and John the Baptist declares, that the marriage of Herod with his brother's wife was "unlawful." That is, forbidden by the Levitical law.

INCEST, therefore, may be defined to be the "unnatural and criminal cohabitation of persons within the degrees of kindred prohibited to contract marriage."

Incest is a crime which is forbidden by the law of God, and has been held in abhorrence by the universal consent of the whole world; it is a disgrace to marriage, and pollutes that institution. With those who have understood and appreciated the value of the institution of marriage among mankind, this crime has always been considered of the foulest character. The great importance of this part of the subject requires that a few remarks should be made, for the purpose of showing the manner in which the law of incest protects the institution of marriage, and preserves human society from the foulest and most detestable crimes.

Marriage, it is not denied, is a divine institution, and has for

its object the legitimate increase of the human family, for providing mutual help and assistance in the relations of social life, and for the helplessness and support of the earlier periods of the life of the rising generation. It is an institution highly benevolent in its character, and must be ranked among the best gifts of God to man. "It insures a pure offspring, and raises families; it alleviates cares, and protects from temptations; it produces an affectionate communion, and affords contentment and happiness without the collision of separate interests." Such being the case, and the institution of marriage being of such immense importance to the happiness of mankind, it is of the greatest consequence that it should be preserved from all impurity, and maintained in that state which will be productive of the greatest degree of happiness to the human family, for whom it was designed. It is an institution which has been practised by all nations; and in every community, however barbarous, laws, written or conventional, having in view its preservation from impurity, have existed; and amongst the most prominent of these laws, are those which have forbidden the cohabitation of persons nearly related, whether by blood or by marriage. It may be asked, in what manner the prohibition of marriage between persons nearly related tends to preserve the purity of that institution? We answer that this is the only method by which the rising up of impure desires in the mind between persons nearly related could be prevented. By prohibiting the very possibility of marriage between persons nearly related, all thoughts of cohabitation are prevented, and that pure brotherly and sisterly affection is induced, which forms such a beautiful part of our social circle. But let it once be admitted, that persons nearly related may contract marriage, and we should soon have a very different state of things; let it once be understood that after the ceremony of marriage, cohabitation should be not only permitted, but be praiseworthy, and with the facilities which exist amongst those who live in unrestrained intercourse in the same family, they must have a very limited idea of human nature who believe that the period of the marriage rite would not be anticipated, and that every house would not be rendered, instead of the abode of purity and chastity, the abode of impurity and crime, in fact, a perfect Sodom, where the vilest of crimes would soon become so common as scarcely to excite attention. The following pungent remarks of a

celebrated divine, well describe the state of things which would be likely to ensue. "To form a correct idea on this point, all we have to do, is to imagine a society just as our families are. I mean a society containing many persons of different sexes and ages, having free and unrestrained access to each other, at all times—sitting at the same table—partaking of the same amusements—sleeping under the same roof, perhaps in the same apartment; in one word, living together in a state of the most unreserved familiarity; let us imagine, I say, such a society, differing in no respect from ours but in this single circumstance, that these persons *are permitted to intermarry*, without the least opprobrium or criminality being attached to such a connexion: that is to say, they are taught from earliest infancy, to view each other, in reference to the sensual appetite, exactly as they view strangers of a different sex, whom they are forbidden to touch indeed now,—before certain *forms* and *ceremonies* are passed through, called the "marriage rite," but after that, gratification is perfectly innocent and even praiseworthy; would not every family become a school of abominable impurity, where the youthful mind would be initiated into the worst mysteries of vice, and long before it attained years of discretion turn out a giant in profligacy? What natural virtue could resist the constant, the ever pressing temptations of such a situation?" "It is true that promiscuous intercourse would be prohibited in this society, for I am supposing that it enjoys the institution of marriage—so that the persons spoken of in using the opportunities afforded them, would know that they were acting wrong. But what kind of wrong? What kind of wrong would the consciences of brother and sister, or father and daughter, charge upon them in such a case? Only the common offence of fornication; that offence which is committed every day without much public reproach, and of which too great a proportion of mankind can be guilty without the least remorse. They would feel that they were doing wrong indeed, but still they would feel that they were doing no *greater* wrong than if the same act was committed with a stranger; and would this feeling, so inoperative in cases of infinitely less temptation, deter under circumstances where every facility was lavishly afforded? When it cannot keep a man from going, at the risk of public exposure, shame and disease, to a brothel, will it prevent him from making a

brothel in his own family? No, no! We should soon hear strange things of this society. We should hear the historian of it record that every man was a profligate and every woman a wanton; that virtue and chastity, with all their amiable accompaniments, were not in their vocabulary—that marriage itself was a term of reproach; for who would marry with the damning suspicion, that his bride had been serving an apprenticeship to fathers—and uncles—and brothers?"

If the picture here presented be a faithful likeness, and we believe few persons of reflection will consider it too highly coloured, if indeed it does not fall below the view which would be presented if no laws, human or divine, existed in relation to marriage between near relations, it will consequently follow, that to the law of Incest, more than to any other law, is marriage indebted for the preservation of its purity among mankind; and that without the law of incest, the institution of marriage itself would be brought into disrepute: and as it has been universally admitted in all ages and countries that a proper regard for this institution is of the utmost importance to the morals of any community, it is then the duty of legislators, as conservators of public morals and promoters of public happiness, to provide against such enormities by wholesome laws; it is the duty of ministers of the gospel, as watchmen set to guard the spiritual interests of the community from the approach of iniquity and sin, to be constant in season and out of season in raising their voices against the introduction of crimes, which are at first insidious in their approach, (and on that account the more dangerous,) but which, if they should occur sufficiently often to bid defiance to public scorn, the evil consequences which would arise to the community at large, would exceed calculation, going on from one degree of crime to another, till society should become a sink of pollution and impurity.

Let it be here observed, that the term *marriage* is used in relation to such *incestuous conjunctions*, out of regard to decency only. No ceremony of marriage can ever entitle such a connexion to an appellation so honourable; and it will be employed in this discussion, not to designate that pure and holy institution, presented to man for the increase of his happiness and the lessening of his sorrows, but only as a more modest form of expression to represent the unlawful cohabitation of persons too nearly related ever to enter together

into the marriage state, and having its origin in impurity and lust. Without a fitness on the part of those who enter into the marriage state to contract marriage, no marriage ceremony can be of the least avail, and when performed, is null and void, *ab initio*—from the very beginning. Such an incestuous cohabitation between a man and woman, too nearly related to each other, is no more entitled to the name of *marriage*, than counterfeit notes and counterfeit coin are entitled to the name of *money*. Our own Confession of Faith is decided and express on this subject. It says, "*Marriage* ought not to be within the degrees of *consanguinity* or *affinity* forbidden in the word; nor can any such incestuous marriage ever be made lawful by any law of man or consent of parties, so that those persons can live together as man and wife." This is the doctrine maintained by every religious community, and is manifestly founded in truth. That which is in itself at first criminal, cannot become innocent by a continued repetition of the offence. On the contrary, by resorting to marriage, persons too nearly related ever to enter into the marriage state, greatly aggravate their offence, because they prostitute that institution, and make use of that which is holy and commendable in itself, as a cover for the vilest of purposes.

Mr. Henry, the commentator, very justly observes, "That the making use of the ordinance of marriage, for the patronizing of *incestuous mixtures*, is so far from justifying them, or extenuating their guilt, that it adds the guilt of profaning an ordinance of God, and prostituting that to the vilest purposes, which was instituted for the holiest ends."

Divines and lawgivers are generally agreed on this point, and therefore such marriages have always been declared null and void, and the parties punished by both ecclesiastical and civil penalties. This is perfectly reasonable. We do not say to the man who commits the sin of Drunkenness, drink on till you become innocent; we do not say to the thief, you have committed a great crime, but go on with stealing, and you will, after a while, thereby become a respectable and honest member of society; we do not say to the adulterer, continue your wicked practices, and you will cease, after a while, to offend God and injure your neighbour; neither can we say to the incestuous person, your crime is beastly, impure, and horrible—the stench of your abominations has not only offended

your fellow men, but has risen up to heaven and filled the nostrils of your God and Creator; but great as your guilt is, and much as you have offended God and man, go on with the commission of the crime, and you will finally, by continuing to commit it, become pure and holy, fit to remain a member of the Church on earth, and to stand at last at the judgment seat of Christ, without spot or blemish, or any such thing. If crimes are to cease to be crimes, because their repetition is continued, we are come to a lamentable pass indeed. But this must not and will not be. The language of God is to those who are living in the commission of crimes, leave off your transgressions, and turn unto me, for why will ye die? What was the language of the apostle Paul to the Church at Corinth, in relation to a man who had married his father's wife? Did he say, the crime you have committed is horrible, it is such fornication as is not so much as named amongst the Gentiles; but as it has now been some time, probably two or three years, since you took her, and you have lived together since that period in full communion with the Church, why therefore, the Church must allow you to keep her still.—It was very wrong, indeed; but we can hardly expect a Church to be entirely pure while it remains here on earth. No, the apostle Paul says no such thing. He commands the Church to cast them out without delay: "Know ye not that a little leaven leaveneth the whole lump? Purge out, therefore, the old leaven. But now I have written unto you not to keep company, if any man that is called a brother be a fornicator, or covetous, or an idolater, or a railer, or a drunkard, or an extortioner, with such an one, no, not to eat." If we are not to keep company, and not even to eat our common meals, with a fornicator living in such incestuous commerce, how much less, then, are we to sit at the table of the Lord, and eat the broken body and drink the spilt blood of our Lord Jesus Christ, with persons living in the commission of this abominable crime. The conclusion, therefore, is plain and direct; there is but one course to pursue. When a member or members of the Church have contracted an incestuous marriage, such member or members must be excluded from the Church, until they shall separate from each other, cease to cohabit as man and wife, and profess such a degree of contrition and repentance, as may appear to the Church to correspond with the magnitude of the offence committed against God and the Church, as well as against good order and decency in human society.

From this view of the case, there can remain no doubt, that where persons have committed this crime, the duty of the Church is to cast out the guilty parties; and therefore, this part of the subject, for the present, shall be dismissed, while we proceed to show, that the man who cohabits with his sister-in-law, whether a ceremony of marriage has been performed or not, commits this very crime.

In the sixth verse of the eighteenth chapter of Leviticus we have the general principle laid down, on which all the prohibitions which follow are founded, and by which the lawfulness or unlawfulness of any marriage connexion, so far as its incestuous character is concerned, is to be tested. This principle stands as a basis on which the whole superstructure is erected, and is contained in the following words: "None of you shall approach unto any that is near of kin to him." So that to prove the incestuous character of any marriage, all that is necessary is, to prove that the parties are "near of kin" in the sense forbidden by the law; and to ascertain the scope and extent of the operation of this general law, we must have recourse to the *particular enactments* contained in it. In interpreting the whole of the law, however, we must constantly advert to the general principle on which the law is founded, for it is not to be supposed for a moment, that any thing which is said afterwards is intended to invalidate the general principle, which it is intended to explain. It must, likewise, be borne in mind, that, although the words contained in the general prohibition, "None of you shall approach unto any that is near of kin to him," are sufficiently general to include all, both male and female, yet it seems not to have been considered necessary by the divine Lawgiver to repeat the same prohibition for females, which had been given for males, leaving it to be inferred (and the inference is irresistible) that what is unlawful for a *man* to do is unlawful for a *woman* also. For instance, when it is said a man may not marry his uncle's wife, the law is equally plain that the nephew's wife may not marry the uncle, for they stand in precisely the same relation to each other. Had the prohibitions with respect to the marriage of a man to any woman "near of kin" to him, been all repeated by forbidding a woman to marry a man "near of kin" to *her*, it could only have added an unnecessary degree of prolixity to the law, without making any addition whatever to its clearness. The principle having been well ascertained by forbidding a man to marry all females standing within a

certain degree of relationship to him; a woman is by the same law, forbidden to marry any man standing in the same degree of relationship to her. It therefore appears that the Levitical law begins with a general prohibition, forbidding persons to marry who are "near of kin" to each other, and afterwards goes on to specify such relationships as serve as a basis from which all other, may be readily and certainly inferred. The rule therefore which has been universally adopted in the exposition of the Levitical law, is a very plain one, and obviously correct, viz. that where any degree of relationship is prohibited, all relations standing in the same degree or nearer in relationship, are likewise prohibited; and also that when a man is forbidden to marry a woman within any degree of relationship, a woman is at the same time forbidden to marry a man in the same or nearer degree of relationship. A distinguished author observes in relation to this law, "in the enumeration of degrees of relation, the sources by consanguinity and affinity are indiscriminately blended; the relations of the husband and the relations of the wife, in consequence of the union produced by marriage, are equally near to both; no distinction is made in the direct or lateral line between those who are related by blood or by marriage. Consistent with the principle on which the law is founded, it is evident, that wherever a degree of kindred is named and prohibited, all the relations either in consanguinity or affinity, which are in the same degree, and especially those which are nearer than those which are mentioned, are necessarily included and likewise forbidden."

That this is the true mode in which the Levitical law in relation to marriages is to be expounded, appears evident from the fact, that a man is not forbidden by the letter of the law to marry his *own daughter*; but being forbidden to marry his granddaughter, the inference is plain, that the more remote relation being forbidden, the nearer, of course, cannot be lawful. In like manner, an *uncle* is not forbidden by the letter of the law, to marry his *niece*, but a *nephew* is forbidden to marry his *aunt*; and, as in both instances the parties stand in a relation equally near, no one doubts that they are equally forbidden by a plain inference, to contract marriage; and a man being forbidden to marry his brother's wife, the inference is plain, that he is likewise forbidden to marry his wife's sister, because they stand in the same degree of rela-

tionship to the man—or, in other words, a woman being forbidden to marry two brothers, by the same rule the inference is equally clear, that a man may not marry two sisters. Blackstone, the celebrated commentator, says: "By marriage, the husband and wife are one person in law. Upon this principle, a union of person in husband and wife, depend almost all the legal rights, duties and disabilities, that either of them acquire by marriage. The same degrees by affinity are prohibited. Affinity always arises by the marriage of one of the parties so related. As a husband is related by affinity to all the *consanguinei* of his wife, and vice versa, the wife to all the husband's *consanguinei*; for the husband and wife being considered one flesh, those who are related to the one by blood, are related to the other by affinity; therefore, a man, after his wife's death, cannot marry her sister, aunt, or niece."

The following remarks are from a very celebrated 'divine: "Marriage creates the same kindred between the husband and all the relations by *consanguinity* or *affinity* of his wife, and between the wife and all the relations by *consanguinity* or *affinity* of her husband; in consequence of this, the parents of the husband are brought into the relation of parents to the wife, and her parents are so to him. His brothers and sisters are become the brothers and sisters of his wife, and her brothers and sisters are his; and thus all the branches mutually in the direct and collateral line." Hence it is, that all who are forbidden by consanguinity in the direct line, downwards or upwards, and all in the collateral line, as brothers or sisters, uncles or aunts, nephews or nieces, are equally forbidden by affinity upon both sides."

But there is another point of view in which this law may be considered, which will, perhaps, place the subject in a still clearer light. By examining the different prohibitions contained in the law, it will be constantly found that two men nearly related to each other are always forbidden to marry or cohabit with the same woman, and also, that a man is forbidden to marry two women nearly related to each other. For example, (verse eighth,) a man is forbidden to marry his father's wife; and, (verse fourteenth,) a man is forbidden to marry his uncle's wife; and (verse fifteenth,) a man is forbidden to marry his son's wife; and, (verse sixteenth,) a man is forbidden to marry his brother's wife. We see here the same principle established beyond contradiction, that two men near-

ly related to each other may never, at any time, or under any circumstances, marry the same woman. As these prohibitions are all addressed to the man standing in the situation of a near relative to the husband of the woman he is forbidden to marry, and as we cannot, for a moment, suppose that it is permitted for a *woman* to do that innocently which a *man* is forbidden to perform, by reversing the relationship and beginning with the woman, we shall find the most direct and unequivocal testimony presented against the marriage of a man with the sister of his deceased wife; and as it will plainly appear that, in the first case, a man and his brother are forbidden to marry the same woman, by the same rule a woman and her sister are forbidden to marry the same man.

In the seventeenth verse, also, the same principle is clearly and unequivocally expressed, when a man is forbidden to marry a woman and her daughter, or a woman and her grandchild, either by her daughter or her son, because "they are her near kinswomen." The rule, therefore, admits of no doubt that a man may not marry two women who are near kinswomen to each other. Now, as two sisters are unquestionably very near kinswomen to each other, how can it, for one moment, be doubted that they are forbidden to marry the same man, and that by doing so, the filthy and abominable crime of Incest is committed.

The foregoing prohibitions exhibited in a tabular form, will stand as follows:

Two men nearly related to each other.	The father and the son	}	may never marry	Two women nearly related to each other.	The mother and daughter	}	Consequently may never marry
			The same woman.				The same man.
	The uncle and nephew	}	The same woman.		The aunt and niece	}	The same man.
			The same woman.				The same man.
The brother and brother, or two brothers	}	The same woman.	The sister and sister, or two sisters		}	The same man.	

And the same.

And the same principle runs through all the prohibitions contained in the law, viz: That two men nearly related to each other, may not marry the same woman, and, consequently, two women nearly related to each other, may not marry the same man.

We see here, there can be no question that two *men* nearly related to each other may not marry the same woman; and as a *woman* cannot lawfully do what is forbidden for a man, it is clear that two *women* nearly related to each other may not marry the same man. Had the law, after going through with the two men nearly related to each other, who might not marry the same woman, began again to name the two women who might not marry the same man, it could only have added an unnecessary length to the law, without having added to the clearness of its provisions. Several relations not named at all, are acknowledged by all to be forbidden; and common sense must at once determine, that when a man is forbidden to marry a woman "near of kin to him," a woman is forbidden to marry a man standing in the same or nearer relation to her, whether mentioned by name or not.

Kindred are of two kinds, those related by blood or consanguinity, and those related by marriage or affinity. The relation formed by marriage, not less than the relation by blood, is a real relation, and as such, is recognised by the law of God; and upon this principle affinity or relation by marriage, enters as fully into the list of prohibitions, as relations by consanguinity, and without any line of difference between them.

A celebrated divine observes on this subject, "To this principle [affinity] sufficient attention appears not to have been paid. It is true, she, the wife's sister, is not related to him in blood, and so the step-mother, daughter-in-law, and uncle's wife, are not related in blood, yet they are related in affinity, they are near of kin, they are prohibited relatives. It is true she is the sister of the husband; as with other relatives, so here there are sisters by blood and sisters by affinity; both are *really sisters*, and they are both by the divine law established and declared to be such. The husband is therefore nearly related to that woman; she is not only the sister of the deceased wife, but she is also in truth his sister. The law of God has constituted her *his sister*. The question then ought to be stated, whether it be lawful for a man to marry *his sister*, by whatever principle or bond she may have become his sister."

"The marriage of a wife's sister, is, in the eyes of God, the very same with a marriage with one's own sister. When a man marries a woman, 'they are no more twain,' says God,

'but one flesh.' How? Not literally, for their persons are as distinct as ever—not with respect to their blood relations, they were that before their marriage; but yet by this marriage they are made one flesh. The flesh of the husband and wife being thus identified, they stand in the same relation to each other's sisters and brothers, as to their own, i. e. as to the lawfulness of connubial intercourse. So that it is quite as agreeable to the divine law for a man to marry his own sister as to marry a sister of his wife."

"As the relation created by marriage arises from the union established by God himself, and is therefore real and legal, so it is *permanent and indissoluble*. The nearness of kin which affinity has formed will never cease. The death of either of the parties cannot annul the kindred, or cause any change in the degree of relation. This duration proceeds from the very principle of affinity, as well as from the express declaration of the divine law, and is consonant with the universal consent and language of all nations. The step-mother remains a mother after the death of the father, as much as in his lifetime. The wife of a son, after his decease, is still a daughter. The sister of a wife continues to be a sister after the death of the wife, exactly as she was before. The wife of an uncle is still an aunt, and will be so as long as she lives. All these are sacred and forbidden in marriage. The degrees of kindred are unalterable. They remain in their whole extent, the same they were before. Such persons may never be approached for cohabitation. The maxim admits of no controversy. Any person with whom, *at any time*, it would have been incest to cohabit, will for ever remain forbidden. No circumstance can obliterate the relation. Every marriage with such is always incest."

If, therefore, as is manifest to every one, the mother-in-law, the daughter-in-law, and the aunt-in-law, are respectively forbidden to contract marriage with any member of her husband's family after his death, is it not inconceivable that it could be lawful for a man to contract a marriage with his sister-in-law, whether the wife of his deceased brother or the sister of his deceased wife; for no one can deny that the same principle which applies to any other incestuous cohabitation, applies with equal force to both these, to wit, nearness of kin. A man's sister-in-law can never cease to be near of kin, whether she be the wife of his brother or the sister of his

wife, and consequently, cohabitation with either the one or the other, can never be otherwise than an incestuous connexion.

It may perhaps be objected, that the marriage of a man with his deceased wife's sister is not expressly prohibited by the letter of the law, and it is no where said, thus saith the Lord, thou shalt not marry the sister of thy dead wife. It is granted no such sentence is to be found in the scriptures; but we are perfectly willing to let this objection have all the force to which it is entitled, and it will appear, on very slight inspection, that it would soon carry those who might be disposed to make it, much further than they would be willing to go. Where do we find it said, "Thus saith the Lord, thou shalt not marry thy daughter;" there is no such direct prohibition to be found in the letter of the law, but it is said that a man may not marry his granddaughter, and every person of common sense must at once decide, that by forbidding a man to marry his granddaughter, the more remote relation, the daughter, the nearer relation, could not lawfully be married to a man. In like manner, it is no where said, in so many words, that a man may not marry his niece, the daughter of his brother, or the daughter of his sister; but a nephew is forbidden to marry his aunt, either the sister of his father, the sister of his mother, or the wife of his uncle; and as the nephew bears the very same relation to the aunt, which the uncle bears to the niece, who doubts for one moment, that the man who should marry his niece, would be as much guilty of incest, in the sight of both God and man, as though the words, "thus saith the Lord, thou shalt not marry thy niece," had been inserted in the law.

When we apply this same principle to the marriage of a man with the sister of his deceased wife, the unlawful character of such a connexion, will be found to be not less clear than the cases which we have just stated. From the cases just mentioned, it will appear evident, (as has been before observed,) that the design of the divine Lawgiver was not to state literally every relation which might not lawfully contract marriage, but to forbid such degrees of relation from entering into the marriage state together, as would lead every one under the direction of the general law. "None of you shall approach unto any that is near of kin to him;" to infer that other relations also, as near, or nearer, of kin, might not law-

fully approach each other as man and wife; and from the examples adduced it appears evident, that the rule must be, that when a man is forbidden to marry any woman near of kin to him, he is at the same time forbidden to marry any woman who stands in a *nearer*, or in the *same* degree of relationship to him, with the one prohibited, as much as though every woman with whom he might not lawfully enter into the marriage state had been expressly named in the law. The inference, therefore, is perfectly clear, that when a man is forbidden to marry his brother's wife, every woman who bears the same relation to him is also forbidden. When it is said, thou shalt not uncover the nakedness of thy brother's wife, it is equally clear that he may not uncover the nakedness of his wife's sister, for the brother's wife and the wife's sister stand in precisely the same relation to the man, that is, they are both his sisters-in-law; and he being forbidden to marry one sister-in-law, the brother's wife, the other sister-in-law, the wife's sister, is as much forbidden to him, as though they had both been specifically named, for they are both equally near of kin, and to approach either of them for cohabitation, is a vile and abominable crime.

When we observe that a man is not forbidden by the letter of the law, to marry his daughter or his niece, we are driven at once to the conclusion, that there are degrees of relationship forbidden by the *spirit* of the law to contract marriage with each other, which are not forbidden by its letter; no one, perhaps, could be found hardy enough to assert that it would be at all admissible to enter into the marriage relation with either of them; the objection, therefore, cannot be considered as having the slightest force, that both classes of sisters-in-law are not specifically named in the law. The principle on which the law is formed being once understood, one class of sisters-in-law being forbidden, it became unnecessary to mention specifically the other class, for the very plain reason, that both classes stood in the same relation to the man, and as in the cases just mentioned, though not specifically named, are nevertheless both explicitly forbidden.

Supposing any doubt to exist with respect to either of the two cases, there would certainly be less decided evidence against a man marrying his niece, than against marrying his wife's sister. For a man, by the letter of the law, is not forbidden to marry either class of his nieces, whether the

daughters of his brother, or the daughters of his sister; but with one class of sisters-in-law he is pointedly prohibited from contracting marriage, from which the rule is evident that sisters-in-law in general are not to be considered as proper subjects with whom to enter into the marriage relation; but with respect to nieces, as neither class of them is forbidden by the letter of the law, we are obliged to be guided by a reference to the general principle, and from it; and a man being forbidden to marry his aunt, who bears the same relation to him which an uncle does to a niece, we come unhesitatingly to the conclusion, that it would not be less criminal for a man to marry his niece, than for a man to marry his aunt. But it is evident that if one were disposed to cavil, it would be much easier to maintain that a man might lawfully marry his niece, because neither class of nieces were forbidden in the letter of the law, than to maintain that a man might lawfully marry the sister of his deceased wife, where one class of sisters-in-law being forbidden, the inference cannot possibly be resisted that the other class is intended to be included also.

Should it still be contended, that the law being a positive institution should be strictly interpreted, that no inferences are to be allowed in interpreting it, and that where a relation is not pointedly and specifically forbidden, that between such individuals marriage is lawful, that a man might marry his grandmother, his daughter, his niece, or his wife's sister, without a crime, because they are not prohibited by name in the law, we are fortunately not without examples, in which it cannot be for a moment denied, that we use the same method of reasoning, and arrive at conclusions not the less certain and incontrovertible, than if there had been a "thus saith the Lord" attached to them. For example, by what authority do we keep holy the "Lord's day," the first day of the week? Is it commanded in the holy scriptures that we shall remember the *first* day of the week, to keep it holy? No! there is no such command to be found! By what authority, then, do we keep the Christian Sabbath, or the first day of the week? We consider the spirit of the institution, and though we are most strictly enjoined in the moral law to remember the *Sabbath* or seventh day, to keep it holy, we make no scruple, whatever, in violating the letter of the law, in altogether neglecting the *seventh*, and keeping the *first* day of the week, because we are authorized to do so by the spirit of the institution alone. And

yet who doubts that he is fulfilling the will of God by this practice, though the inference in this case is further stretched and more remote, than that which we have occasion to make when we infer that when a man is forbidden to marry one class of sisters-in-law, he is forbidden to marry the other also, because they both stand in the same degree of relation to him, and are equally "near of kin," which is the only reason given why any marriage between relations is unlawful, and is the very principle on which the law is founded.

We have another case presented in the scriptures, in which the word of God was interpreted by the prophet Nehemiah, in a manner precisely analogous to that for which we contend in the present instance. In the vii. chapter of Deuteronomy, the children of Israel are forbidden to contract marriages with the seven nations which they were commanded to destroy and drive out of the land of promise, that they themselves might possess it. To the Hittites, the Girgashites, the Amorites, the Canaanites, the Perizzites, the Hivites, and the Jebusites, the children of Israel were commanded not to give their daughters in marriage to their sons, nor take their daughters to their sons for wives, that the communication which might be established between these nations, who were idolaters, and the nation of Israel, might not lead them to depart from serving the true God. A Hebrew was no where forbidden to marry an Ammonitess, or a Moabitess, and yet when the prophet Nehemiah found, that certain of the Jews had married wives of Ashdod, of Ammon, and of Moab, he proceeded against them with the utmost rigour. He contended with them, and cursed them, and smote certain of them, and plucked off their hair, and made them swear by God, saying, ye shall not give your daughters unto their sons, nor take their daughters for your sons or for yourselves.

The prophet did not find in this case that the Jews were forbidden to marry the women of Ammon and the women of Moab in so many words, but he looked at the reason given, why the Jews were not permitted to marry with the women of the seven nations, to wit, that they might not be thereby led to commit idolatry; and finding the reason of the law to apply with equal force against the marriage of a Hebrew with an Ammonitess and a Moabitess, that it did against those who had been specifically named, he proceeds to execute the law in the most rigorous manner. In like manner, in the case

before us, we find one class of sisters-in-law forbidden, and find all the reasons for that prohibition in full operation against the other; which being the case, we are fully authorized to infer that the other class is forbidden also. Laws, human and divine, abound with such inferences; we are not to part with common sense and common judgment in interpreting the divine laws; on the contrary, they are as necessary to a correct interpretation of the word of God as they are to the common affairs of life, and if we were not constantly permitted to draw conclusions precisely similar to these in our ordinary affairs, the business of the world could hardly be carried on.

But there remains still another view of this subject to be presented, which to some persons, perhaps, may place the criminality of the marriage of a man with his deceased wife's sister, in a still stronger light. In examining the prohibitions contained in the law, it will appear that no marriage connexion is authorized or permitted, from which, by the production of children from it, a confusion of kindred would arise, and to prevent confusion of kindred was without doubt one of the reasons why it was judged necessary, in divine wisdom, to prohibit marriage between any relation, however near. Let us try the marriage of a man with his wife's sister by this rule, and see to what conclusion we shall arrive; we will suppose a man marries one sister, and has children by her; she dies, and he takes another sister, and has children by her. Here we see that in the first place the aunt becomes the mother of the first sister's children; the man, who is the father of the children and the husband of their mother's sister, stands in the relation of both father and uncle to his own children; and when he has children by the sister of his dead wife, he is at the same time, uncle and father to his own children, and the sister of his dead wife becomes both aunt and mother to her own children, and the children from both sisters become both brothers or sisters, and cousins, at the same time, destroying thereby, not only the degrees but appellation of kindred.

Let us now examine what would be the confusion of kindred produced, if a man should marry his own sister by blood, or his sister-in-law, his brother's wife, and we shall at once discover that the same anomalous relations, the same confusion of degrees, and of appellation of kindred, are produced, as when a man marries the sister of his deceased wife. If, there-

fore, it was intended in prohibiting certain degrees of relationship from contracting marriage to guard against confusion of kindred, it is evident that the marriage of a man with his own sister and with either classes of his sisters by affinity, are alike under the operation of the reason of the law, and, as has been before stated, it is quite as agreeable to the Divine law that he should marry his own sister by blood, as that he should marry his sister-in-law, whether the wife of his deceased brother or the sister of his dead wife. Now as there certainly is no other marriage not forbidden in the law, by which a man would become uncle as well as father to his own children, and the woman become at the same time aunt as well as mother to her own children, as well as to the children of her deceased sister, or any marriage not forbidden, in which children would at the same time stand in the relation of children and any other near relations to their parents, and as no reason whatever can be given why this double relation, this confusion of kindred, should be allowed in a case where a man marries his wife's sister, and not allowed in any other case, the conclusion is forced upon us; no reflecting mind can resist the conclusion, that it is as contrary to the law of God for a man to work confusion with the sister of a dead wife as with any other female "near of kin" to him. Can it be believed that it accords with the will of God, that the earth should be peopled with such a nondescript class of animals? having double degrees of appellation of kindred? having their uncles for fathers and their aunts for mothers? If there are any who believe that such was the design of our Creator, they must surely be in possession of a most abundant fund of *faith*!—such a fund as has seldom been the lot of others to attain.

A distinguished divine, in relation to this subject, observes, "Consistent with the principle on which the law is founded, it is evident that wherever a degree of kindred is named and prohibited, all the relations, either in consanguinity or affinity, and especially those which are nearer than that which is mentioned, are necessarily included and equally forbidden. The same prohibition which binds a man is equally binding on a woman, and as the law before us is, beyond contradiction, a statute against Incest, we must expect to find in it some precept respecting a sister-in-law, since she is also very near of kin. In this we are not disappointed. It is contained in verse sixteenth. "Thou shalt not uncover the naked-

ness of thy brother's wife, it is thy brother's nakedness." To remove every temptation and silence all prevarication, this article is repeated in chap. xx. 21. "If a man shall take his brother's wife, it is an unclean thing, he hath uncovered his brother's nakedness." Here two brothers are forbidden to marry the same woman, and, of course, two sisters may not marry the same man. "The sister of a deceased wife stands in the very same relation with the brother of a deceased husband; the law, therefore, is express and full, that *two sisters may not marry the same man*. Whoever then marries his deceased wife's sister, is, by the clear and unequivocal sentence of God's law, guilty of *Incest*."

That the marriage of a man with the sister of his deceased wife, was considered by the ancient Jews, an incestuous connexion, and prohibited by the Levitical law, admits of no reasonable doubt; as there is not a single example on record, after the giving of the law by Moses, in which a man took his wife's sister for a wife, although in numerous instances very minute records of genealogies are presented. This being the case, if the marriage of a man with his wife's sister, had been practised by the Jews, and by them considered lawful, it is altogether improbable that some case, in which it had happened, would not have been mentioned in scripture history, during the period between the promulgation of the Levitical law and the coming of our Saviour, a period of nearly 1500 years. Did the limits to which we are necessarily confined in this discussion, permit, it would likewise be an easy matter to show that the marriage of a man with his sister-in-law, has been generally condemned by the heathen in every age, who had no other law on the subject, than that afforded by the light of nature.

The Mahometans, who indulge in polygamy, and are promised by their false prophet a future state of bliss, consisting chiefly of sensual enjoyments, are nevertheless shocked at the abominable crime of *Incest*; and not less so with that species of it which is committed by the marriage of two sisters to the same man. With respect to the Mahometan law, it is most pointed and explicit on this subject, as will plainly appear by a reference to the 4th chapter of Sale's Koran, which treats principally of marriages. The words are—"Ye are forbidden to marry your mothers, and your daughters, and your sisters, and your aunts, both on your father's and on your mother's

side, and your brothers' daughters, and your sisters' daughters, and your foster mothers, and your foster sisters, and your wives' mothers, and your daughters-in-law, which are under tuition, and the wives of your sons; and *ye are also forbidden to take to wife two sisters*, except what is already past, for God is gracious and merciful." It is added by Al-Sharest, "The vilest deeds which the old Arabs did in the times of their ignorance, was this, that a man married two sisters." From this, it is plain, that the marriage of a man with two sisters, is too strong a *moral potion* for the followers of the false prophet, whose law tolerates so much grossness and immorality, to digest: and it is devoutly to be hoped, that Christian Churches will not be found, prepared to swallow a pill so nauseous, as to sicken the stomach of a Turk. Can christian churches be found, willing to tolerate a breach of the moral law, which the Mahometan law rejects with horror? Decency alone would forbid it, though no higher principle had any share in deciding.

It has already been observed, that there is reason to believe that such incestuous connexions are by no means common amongst the heathen, especially amongst those nations which possessed a considerable degree of moral and intellectual elevation: from which it may be inferred, that there is a principle, by nature, implanted in the hearts of mankind, which, without any other law, would lead those who were not wholly sunk in vice and infamy, to avoid such detestable crimes. But the Holy Scriptures themselves, afford decided testimony on this subject. In chapter xviii. of Leviticus, after forbidding the children of Israel to commit Incest and other abominations, it is added—"Defile not yourselves in any of these things, for in all these the nations are defiled, which I cast out before you. And the land is defiled; therefore I do visit the iniquity thereof upon it, and the land itself vomiteth out her inhabitants. For all these things have the men of the land done which were before you, and the land is defiled." It appears, therefore, clearly, that the law of nature only, (as no other law had at that time been given,) was sufficient to have prevented mankind from committing these detestable crimes; and for not attending to the dictates of that law, and thereby transgressing the plainest rules of order and decency, they were doomed by the wrath of Almighty God to destruction and extermination. If, therefore, God had not implanted in

the hearts of men, by nature, a revulsion to such abominable practices, we can never reconcile it to his justice, to have judged the Canaanites worthy of destruction for doing that which had never been forbidden. Furthermore, it is unreasonable to suppose that mankind had been left for so long a period as that which occurred before the Mosaic dispensation, altogether without law, in a matter of such high importance; on the contrary, it cannot be doubted that the law delivered by Moses, was nothing more than a repetition and exposition of that law which was given to man by nature, which may be modified indeed, to a certain extent, by the circumstances in which he is placed, and which may be partially obscured by the indwelling of sin in his heart, but of which he can no more be completely deprived, than he can be deprived of existence.

This consideration will serve to explain the fact, that a great majority of mankind, all who have a tolerable share of common sense, and any thing like a nice discrimination of moral sentiment, are seized with an inexpressible revulsion of natural feeling, at the idea of cohabitation with those who are nearly related to them; and there can be no doubt, that a very large majority of persons, who have never heard that such a connexion was unlawful, would feel an irresistible revulsion of horror at the idea of marrying a wife, and after her death, approaching the bed of her sister; an idea so utterly repugnant to our best feelings, that it can hardly be believed that it was ever practised by any, in whom the lusts of the flesh had not previously taken away that purity of feeling in relation to such crimes, which naturally accompanies every one. Any man who is so far deprived of natural feeling, that he could approach the bed of his wife's sister, to cohabit with her, without feeling the pangs of an outraged conscience, would feel little, perhaps no compunction, in approaching the bed of his father's wife, his uncle's wife, or even his own sister by blood, or any other relation forbidden in the law.

If it be an "unclean thing" for a man to take his brother's wife, as it is declared to be in chap. xx. v. 21. of Leviticus, who dare affirm, that it is not an unclean thing for a man to take the sister of his dead wife, who stands in precisely the same degree of relation to him? None. For as the celebrated Dr Gill very justly observes, "it is a rule that holds good

in all those cases, though not expressed, that what is binding upon one sex is upon the other, being in the same degree of relation, whether of consanguinity or affinity." It is an "impure mixture," it is a great sin, and will be alike destructive to those who practise it, and to the church which permits persons living under such circumstances, to remain within her doors.

But it is not the guilty perpetrators only of such a beastly crime who will suffer by its commission. When we look around us, how many families do we see, in which, after the death of a wife, her sister has become housekeeper for her brother-in-law, and has taken the charge of the children of her deceased husband; because it has been felt by all, that no impropriety of conduct could take place between persons so nearly related. Even ministers of the gospel, whose usefulness in society depends so much on their being in the public opinion free from the very suspicion of impropriety of any sort, have not scrupled to place their sister-in-law in a situation in which, if they had placed any other female, the voice of scandal, with her hundred tongues, would have been immediately raised. If we believe the relation between a brother and sister-in-law (as it unquestionably is) to be so near as to cut off all idea of marriage, this is all very proper; but if we suppose that a man might marry his sister-in-law without the imputation of a crime, it would at once be considered *indecent and indelicate* for a sister-in-law even to visit the house of her brother-in-law, (alone, especially,) and altogether *inadmissible* for her to become a member of his family, and reside with him by *night and by day*, perhaps alone, or at most with two or three small children in the house. The fact, that such arrangements may, and often do, exist in the family of a man who has lost his wife by death, is sufficient evidence that a man and his wife's sister do view themselves in the light of near relatives, "near of kin," so near of kin, that the very idea of marriage is destroyed; it is sufficient evidence also, that the public view them in the same light; and it is not doubted, but that all Christian Churches, when such cases shall occur, and the true principles on which this crime rests shall be fairly presented to them, will promptly manifest the same opinion by excluding from their communion, all who shall be so far lost to a sense of decency and good order, so lost to a sense of modesty and decorum, as not to be ashamed to commit a crime, which

has always been generally considered, and it is not doubted, will always be considered, so foul as to assimilate those who have been guilty of it almost to a level with the beasts, of the earth.

But this is not the only point of view in which the opinion that a man might lawfully marry his wife's sister, would become injurious to the happiness, and destructive to the best interests of society. A celebrated divine very judiciously and beautifully remarks, "In the confidence of protection from a man, who, by his marriage, has been brought into the family, and become a brother, the younger sisters are always in the habit of associating familiarly and frequently with their married sister—their former affection is not interrupted by the introduction of a new relative. This is proper. It is consistent with the most rigid rules of morality. It is founded on the indisputable presumption, that the sister of the wife is now also become the sister of the husband, and he is her brother. No suspicion of indecency can arise in her mind, nor any imputation of indelicacy on the part of the public. She may come, remain, or go, in all the safety of innocence, under the broad shield of the divine law, and the universal consent and approbation of society. But let it once be adopted, let practice establish the detestable principle, that the sister, after the death of the wife, may become *not at all related* to the husband, that she may be to him a stranger, and as much the legitimate object of marriage as any other woman, and her frequent and familiar visits must cease. She can no more come to his house, or be oftener seen in the company of her *brother-in-law*, than she may frequent the house, or be familiar in the company of any other married man. The affectionate intercourse of the sisters is at an end.

"As it respects himself, and the unhappy victim of his incestuous cohabitation—is it not *indecent* to persuade her to an act which, could she have foreseen, would, from principles of delicacy, have prevented the familiar intercourse in which, as a *sister*, she had innocently indulged? Nay, is it not cruel to render the woman who had placed confidence in him as a *brother*, a partaker with him in the fearful guilt and alarming consequences of such a connexion? Is there not an ample choice among strangers? Is it not one of the great objects of marriage to enlarge the domestic circle, and cement families by new relations? And is not this great end frustrated by the contracted, indelicate and indecent selection of a sister-in-law?"

But there is still another point of view in which this subject becomes not less interesting, than that in which it has just been presented. When we look around us, how many younger sisters do we find, by the accidents and misfortunes of life, placed in a situation in which their brother-in-law and sister become their natural protectors, when the house of their sister is the only alternative to prevent them from being thrown unprotected amongst strangers, and exposed to the dangers and frowns of the wide world. The wife hesitates not, under such circumstances, to leave her sister and husband alone in the house for months, while she makes a journey or voyage, if occasion requires, to a distant country; and this she does with the most perfect confidence that all will be right, feeling as she does, and as she knows they naturally feel, that they are "near of kin," that they view themselves as brother and sister, that they are so nearly related that the thought of the occurrence of improper conduct between them, no more enters her mind, and she leaves them together with as little concern, as she would leave her husband with his own sister by blood. It may be said, perhaps, that she has so much confidence in their virtue, that her feelings are quieted by that consideration. But this is not the fact. She leaves her sister in a situation, with perfect confidence, in the house with her husband, where she would not think of *leaving any other female, in which any other female not nearly related to her and her husband could not be left*, and that irrespective of her estimate of the virtue of either of them; not only so, but the wife does not hesitate, under such circumstances, when she has no confidence in the fidelity of her husband, and even knows that he is guilty of improper familiarity with other women. But under the broad shield of the relation of a sister-in-law, the wife does not hesitate to leave a young and beautiful sister alone, for weeks or months, with her husband; the sister associates freely with him as a brother, and the idea, whether expressed or not, they are near of kin, she is his sister-in-law, keeps the voice of public scandal, which, if it were a female not related to him, would be raised loud and long, as silent as the grave.

But let it once be admitted that a man may lawfully marry his wife's sister, and all this would very speedily come to a termination. Let any candid person say, if such a doctrine should once become prevalent, whether one of the strongest

safeguards of female virtue would not be taken away. Let it be admitted that a man may lawfully marry his wife's sister, after her death, and much of that holy feeling which exists amongst all not entirely lost to decency, with respect to cohabitation with near relations, would at once be taken away; and it cannot be doubted but that the libertine, who looked upon his wife's sister as a proper subject of marriage after his wife's death, would make use of the familiarity with which he is treated by her as a brother, gradually to lay aside the *character of a brother*, for one which would enable him to anticipate that event by the commission of both adultery and incest. And unhappily the instances are not few in which this result has actually taken place, as will be shown hereafter. But what result will such a state of things produce on family relations? Parents will be backward to permit the unmarried sisters to visit the house of their son-in-law; the wife can no longer welcome her sisters when she has reason to believe, or believes without reason, that her husband is already looking forward to calculate the chances of her own life, with a view to the marriage of a younger and more beautiful sister after her death; and surely no prudent woman under such circumstances, would afford an asylum and constant residence to her sister in her house. Sisters dare not often even visit the house of their brother-in-law; the intercourse between the married and unmarried sisters must be in a great measure cut off, especially if the declining health of the married sister gave evidence that she could not long survive, as it would then be said, by busy bodies, that the unmarried sister was preparing to take her place. Disgusting idea! So that very soon jealousy and some of the other worst passions of human nature, would take the place of that pure brotherly and sisterly affection which now exists.

Dr. McClellan, of the Presbyterian Church, in a pamphlet he wrote on this subject three or four years ago, has the following remarks, which possess so much truth and force, and are so applicable to the case under consideration, that they are well worthy of the serious attention of all those who are desirous to form correct opinions on this subject. "Is it not a fact, that the moment a person enters into the marriage covenant, he is born as it were into a new family? Does he not become identified with his wife, in the affections of those who are connected to her by the ties of nature? Is he not taken

at once to their bosom, and treated in every respect like one of themselves? The door of his father-in-law's mansion stands as widely open to him, as that of the house where he drew his first breath. He has access at all times, to all places; enjoys all the *rights*, and is permitted to take all the *liberties* of a brother. He can dandle the younger sisters on his knees; those more advanced, allow him a thousand freedoms which they would shudder at the thought of allowing to an ordinary acquaintance. His mansion in turn is open to them. They enter it with the feeling that they are entering a *second home*, expecting not to see a sister alone, but a brother—one to whom, in the hour of calamity, they can look up for protection—to whose arm, in the hour of weakness, they can cling, and on whose very bosom they can lean, with thoughts as pure as those of the angels who surround the throne of God. What a lovely spectacle is such an association of objects, loving and beloved. How pleasing to think that so much heavenly purity and affection are yet to be found in our miserable world of passion, war, and crime."

"And what is it secures this happy state of things? What is it establishes this delightful confidence of virgin innocence in the man who sustains no other relationship, than being the husband of a sister? The question is easily answered, *He is their brother*. The law of Incest is exercising a silent and unseen, but mighty operation. They feel as if it were impossible to commit crime with one in such circumstances. The thought is horrible, too bad for utterance."

"O yes, (some may reply,) all this is very true, but it only shows that they are under the influence of the law at present, that is, during their sister's lifetime. But why, after her death, may not the parties return to their original relations to each other, and intermarry just as if no affinity had subsisted? I answer by one decisive remark. It would destroy, it would absolutely annihilate the law during *the lifetime of the wife*. There is the rub! Is it not clear as a sunbeam, that if these sisters-in-law were daily familiar with the idea, that after their sister's death they might marry the husband, they would lose that awful horror of an illicit connexion before her death, which is the evil to be guarded against? They would know, indeed, that such a connexion is criminal in present circumstances—just as it would be criminal with any other man. But they would perceive no additional, no pecu-

liar, no *mysterious* criminality. It amounts to simple fornication or adultery. If it involved more, they would reason very logically that the law should have prohibited it as in the case of natural brothers and sisters, *totally* and *for ever*. Depend upon it, the whole magic lies in this *totally*. It is this which keeps down the devil that is lurking in every human heart. Destroy it, and we shall soon see what a poor, beggarly thing is your doctrine of *Incest* pro tem. Incest during the married sister's life!"

"But it may be asked, *Do* brothers-in-law and sisters-in-law feel themselves under this law? In reply, I affirm that they *do*, with comparatively few exceptions. Individuals may deny the Incestuous character of such conjunctions, and Church Courts may doubt. But there is a law against them actually existing in the minds and hearts of the community. Fifty out of every hundred *abhor* them. Ninety-nine out of every hundred exceedingly *dislike* them. Even those who venture to brave public opinion, by a marriage of this kind, venture on it with fear and trembling, as if they were doing "*a deed without a name*."

"What is it can persuade the wife to receive her sister into the family? What enables the husband, no matter how young and fair the object that is continually flitting before him, employed in offices of kindness—to regard her with love indeed, but with the love of Plato's disembodied spirits—as pure, as fervent, and as seraphic?—The true Guardian Genius is the *law of Incest*; which, unknown to the parties themselves, is watching and casting its ample shield about them, in their sleeping and waking, in their eating and drinking, in their public walks, and in the darkest retreats of the family mansion. Abolish this law, expel this household god; let it be publicly and fully understood, that the body of a sister-in-law is no more than any other female body, and to do this you need only let the parties understand, that after the death of the present wife, *they may marry!* What will follow? Why I will tell you what will follow. We shall hear by and by, tales that will make our ears to tingle. We shall hear from this part of the country, and from that part, and a third part, of the dreadful misfortune that has happened in such a family. We shall hear of a lovely and accomplished girl rushing, as she thought, to an asylum opened to her by heaven itself—and finding, but too late, that she had fallen into the clutches

of a demon. We shall hear of a wife dying with a broken heart, her children weeping about her bed, knowing not well what has taken place, yet feeling that some desolating whirlwind has passed over them!"

It has before been said, that the marriage of a man with the sister of his deceased wife, is an incestuous, impure, and indecent connexion; and it may be added, it is a beastly connexion also. What is one of the prominent circumstances that distinguishes mankind from the beasts of the earth? Is it not that man, unlike the beasts, is prohibited both by law and natural feeling, from cohabiting with those who are "near of kin?" It has been affirmed by naturalists, that even some of the more rational and elevated of the beasts, will not approach their near relations for cohabitation, while some of the more degraded, such as swine, make no hesitation in approaching any relation, however near. Men, who approach the bed of their dead wife's sister, and women, who permit the husband of their dead sister so to approach them, give decisive evidence to the minds of those who possess delicacy of feeling, that the "mark of the beast is upon them." Let beasts indulge in such pernicious and filthy communications; it is agreeable to their nature; they act in character when they do so: but, let it not be said that *men*, in form so erect and majestic—in apprehension so like an angel—in wisdom so like a god, shall commit such abominable crimes, without having the finger of scorn pointed at them by their fellow beings: but, above all, let it not be said, that members of Christian Churches may perpetrate such filthy and disgusting actions, without meeting the prompt and unequivocal condemnation which the offence they have committed demands. Let decency, purity, morality, the fear and love of God, forbid, that such abominations should be permitted in Christian Churches—abominations which would disgrace a heathen temple.

The marriage of a man with the sister of his deceased wife, has already been proved to be an unlawful, incestuous, impure, unclean, indecent, and beastly practice. It remains to show, that it has a most deleterious influence on the morals of the community. Though such connexions have been rare; though comparatively few cases of such incestuous propensities have been manifested in this country, we shall see that they are already beginning to produce their fruits. Virtuous

actions may, and often do, require to be long and systematically pursued, before the benefits which arise from them are apparent. The injunction, "Cast thy bread upon the waters—it shall appear again after many days," is often necessary, as an encouragement to persevere in doing good, till the effects of virtuous actions shall become apparent. It often happens otherwise, however, with wicked actions, the effects of which generally soon become manifest. The tree of virtue requires to be planted and cultivated for years before it produces fruit, and then perhaps a scanty crop; but the tree of *Incest*, has scarcely been planted, before it is beginning to produce, like other noxious trees, a rank and luxuriant crop. A few instances in which these loathsome crops of vice have been produced, will perhaps place the immoral tendency of such connexions in a stronger light, than any reasoning that could be used. The warning produced by a bad example, to those who have sense to profit by it, is often more efficacious, than the best of precepts, to direct in the right way.

At least three cases are known to the writer, in which pious and respectable families have been thrown into the deepest affliction, by the seduction of a younger sister by her brother-in-law. Dr. McClellan observes, "Four cases of the seduction of a wife's sister are known to the writer; three of which in their details are too harrowing even for tragedy. The evil, though not so great as it will be when marriages of this kind shall be universally approved, is probably greater than most people imagine. Let it be remembered, 1st, That it is not often discovered; and 2ndly, from the peculiar nature of the crime, they who are in a situation favourable to its detection, and who detect it actually, are most anxious for its concealment. But, let us not be lulled into a false security. The reason of their infrequency is not the general virtue of the community." One other has occurred, under circumstances which has made it known to this whole nation. A man, in 1830, was nominated by the President of the United States, as consul to a foreign power, who had seduced the sister of his wife, and had a child by her. But thanks to the patriotism, the honour, and correct feeling of the Senate of the United States, he was rejected unanimously, not a voice was heard in his favour. Had he merely been guilty of the seduction of any other woman than his sister-in-law—had he

even been guilty of adultery with another man's wife, it possibly might, and probably would, have been overlooked; but the distinguished men composing that body, felt that it was a much less tolerable crime than either of them: they viewed it very properly in its *incestuous* character, and very properly considered the man who could be guilty of it, unfit for any office whatever, even though it was to be exercised in a barbarous country, where the name of *Christian* was only known as a name of contempt and scorn.

The United States Gazette of July 23d, 1830, contains the following article: "The laws of Virginia declare it to be unlawful for a man to marry his brother's wife. The general court have decided in a recent case, that this means his brother's widow, and declared a marriage between Edmond Perryman and Keturah Perryman, his brother's widow, to be null and void, directing bonds to be taken that the parties should not cohabit." The man, it appears, pleaded that the law, being a penal one, ought to be strictly construed; and that he had not married his brother's wife, the term employed by the act of Assembly, but his widow. The court, however, decided that it was the same thing; that he had violated the law, and that the marriage was null and void.

A few years since, (say 7 or 8,) a certain Rev. Mr. B. of Virginia, a Baptist minister, "overcome by an impure passion," and regardless of the law of God, and of the civil laws of the state in which he resided, contracted an incestuous marriage with the sister of his dead wife. He was prosecuted by the civil authority, but whether he escaped the penalties of the law or not, the writer is not distinctly informed. At any rate, Divine Providence thought fit to punish him in a very singular manner, and exactly in that way in which his own crime was placed in the strongest light, and in a way calculated to show the disgusting and immoral tendency of such impure connexions, better than could be done by a volume written on the subject. It so happened that this *pious* minister had a profligate son, who, (very naturally too,) concluding that if his *pious father* had not scrupled to cohabit with his sister-in-law, there could be no great harm in the son's cohabiting with a woman who was at the same time his mother's sister and his father's wife; and, as appeared by the sequel, she was of the same opinion. The result was, that a *foul disease* which the son communicated to her, was communicated by

her to the father, who by that means became acquainted with the beastly transaction which had been perpetrated between his wife and son. Here was incest, uncleanness, and confusion, with a vengeance, and which tend conclusively to show, as plain as any evidence can show, that when the landmarks of morality are once removed, there is no knowing where the example may lead. The father approaches the bed of his sister-in-law, the son improves on the example by approaching the bed of his father's wife and his own aunt at the same time.

Two or three years since, a man in the state of New York married his son's wife, which he effected by imposing on a minister at a distance, to whom the parties to this beastly connexion were unknown.

A man at Bolton in England, about the year 1825, was compelled to stand in the aisle of the church, wrapped in a white sheet, for three successive Sundays, during the whole service, for having married the sister of his deceased wife. He was condemned to this by the Ecclesiastical Court, in addition to the other penalties exacted by the civil law.

Extract from a Maryland paper, Oct. 27, 1826. "State of Maryland versus Mitchell. An indictment in the Baltimore City Court was found against the traverser, for a violation of the law of 1777, prescribing a penalty and interdicting persons from marrying within the degrees of affinity therein expressed, the traverser having married his wife's daughter. The case was well argued, and every circumstance that could possibly tend to benefit the traverser, was ably enforced; but the charge was too strongly sustained to be shaken by any eloquence, however irresistible. The court overruled all objections, and pronounced against the offender the penalty annexed to his transgressions."

But it is not only in other states and other places we are to look for the consequences which have resulted from this detestable practice. Our own city, nay, our own churches, have furnished some. A few months past, a most glaring and horrible attempt was made by a member of a Baptist Church, to commit a rape on the body of his wife's daughter.

It appears that his wife was confined to her bed by lingering and protracted indisposition, and in such a state as to render it very probable that she could not long survive—the wife having a daughter by a former marriage about 16 years

of age. This monster in human shape, calculating on the prospect of his wife's death, endeavoured to make the girl promise that after her mother's death she would marry him. The girl, shocked at such brutality, informed her mother, who took occasion to reason with her husband on the impropriety, sinfulness, and unnatural character of the view he entertained, and probably supposed she had convinced him. But if so, it would appear she was mistaken. This monster of iniquity could not control his incestuous propensities until his wife was dead. He was in the habit of acting as the girl's tutor, and gave lessons statedly to his stepdaughter. One day he informed his sick wife that her daughter had been very remiss in her studies for some days—that it was his intention to chastise her, and that she must not be alarmed, or think any thing of it, if she heard her daughter cry. It so happened, that a short time after this pious and conscientious parent had commenced giving his stepdaughter her usual lesson, that two or three of his wife's female acquaintances called to see her. Soon after, as he had predicted, the girl began sure enough to cry; but her cry soon assumed an agony that rendered it apparent to his wife's visitors, that something more than a parental chastisement was going on. They accordingly ran up to the room above, (the wife was unable to leave her bed,) and there the disgusting sight was presented which has just been referred to.

We shall conclude the catalogue of this part of this most disgusting subject, by presenting a case of incest still more vile and brutal, if possible, than any of those which have been already mentioned. Will it be believed, that in a Christian country, in the 19th century; that a man should approach the bed of his own daughter? yet such a case actually occurred. A man in the Northern Liberties of Philadelphia, cohabited with his own daughter and had a child by her, within a few months past.

It may, perhaps, be said by some, that these cases are irrelevant to the matter in question; that they have nothing to do with the marriage of a man with his dead wife's sister. A very little reflection, however, it is believed, will convince every one that they have a very direct application to that question, and illustrate it in a very forcible manner. They show decisively, the tendency one crime has to lead to another and a worse one. Had the Rev. Mr. B——, of Vir-

ginia, married any other woman than the sister of his dead wife, his son would never have dared to approach his father's bed; or, had his father married any other woman, would he ever have thought of approaching the bed of his aunt? but, when his father, who professed to be guided by the precepts of morality and religion, had blended the relations of wife and sister, making the *aunt* at the same time the *mother* of his children, it is not to be wondered at, that after the father had broken down that holy delicacy of feeling, which is felt by every one with respect to the approach of near relations to each other, the son and the woman, who was at the same time his father's wife, his mother by marriage, and his aunt by blood, should be lost to all sense of shame, and proceed to the commission of one of the most disgusting and horrible of crimes.

This may suffice for an example. Any person possessed of a very moderate share of discrimination, will readily perceive, that if the feeling of revulsion which now exists, and is naturally felt by every one with respect to the idea of cohabitation with near relations, is once broken down, we should very soon find that the most sacred recesses of domestic life would be invaded. "If these things are done in the green tree, what shall be done in the dry?" If such abominations, from the example presented by the marriage of a man with the sister of his dead wife, are practised while that detestable crime is in its incipient stage, while it is still under the ban of public feeling, may it not justly be concluded that if this incestuous propensity be not checked, but permitted to go on till custom shall have enabled it from its familiarity, to bid defiance to public scorn, that still more horrible and abominable practices will hereafter be produced from such a fertile soil.

Truly in some of these examples, the *gentlemen* have shot their *bolts* a few degrees beyond the sister of a deceased wife; but the crimes they have committed all belong to the same family. Most of them, however, have not yet reached the *ne plus ultra*, though some have come very near it. One of them, at least, has approached within *sight* of the pillars of Hercules. Let this practice continue a little longer, and we shall soon be able with truth to say, "there is nothing beyond."

But, if we would prevent such beastly practices from occurring in society, this incestuous propensity must be cut off

in the bud; and to the performance of this important duty Christian Churches are more especially called. It is written, Judgment shall begin at the house of God; and if churches of Christ are found tolerating the crime under consideration, it is not too much to say, that the fulfilment of this declaration will not long be delayed. Christians are the salt of the earth; but, if the salt has lost its savour, it is henceforth good for nought, but to be trodden under foot of men. That those who neither fear God nor regard man, should be guilty of an incestuous cohabitation with their dead wife's sister, is not so surprising; they do the deeds of their father; but, that such men should have the example of members of Christian Churches, to plead for their justification before an outraged community, would be lamentable indeed. This must not, and will not be. As has already been shown by example, the evil consequences of breaking down, though in a very few instances only, the ancient landmarks, are already becoming apparent; and it is believed, they only require to be known, and their true tendency pointed out, and it is not doubted but that the remedy will be applied to this fetid carcass. When gangrene and mortification have taken place in a member of the human body, amputation is the only effectual remedy. But, if not resorted to, through timidity and doubt, it progresses gradually from the diseased part to the sound, till the whole body becomes a mass of disease, and is inevitably doomed to a speedy death. If churches desire to be freed from moral disease, and restored to health, their first act must be to amputate the mortified members, to prevent a further extension of the disease. If they shall delay after they have been fully warned of the existence and nature of the disease, the great Head of the Church, in displeasure at their perverseness, may declare that the loss of their existence shall be the consequence.

Having shown that the marriage of a man with his deceased wife's sister, is prohibited by the law of God; that it is an impure, indecent, and beastly practice, we proceed to refute some of the popular objections by which those who have been guilty of this crime have endeavoured to sustain themselves. But first, let it be premised that no one *approves* the marriage of a man with his dead wife's sister; and though all acknowledge, that if it be not the crime of Incest itself, it is so near to it, that it would be highly imprudent and dangerous for any one to form such a connexion, for fear that it might prove to be this very crime of Incest itself. No one,

except those who have practised it, can be found, who would not say at once, on the bare mention of the subject, without any further examination, that they would never form such a connexion. So that whenever the question has been agitated, no one has been found to approve the practice; and those who think they do not possess light enough to oppose, do not approve, but only tolerate it; and though they are too undecided to say it is positively wicked, they are still very far from deciding it to be right. It is hoped, however, that this subject can be placed in so clear a light, and all the objections which have been raised to palliate the practice, removed in so satisfactory a manner, that but one opinion will be found to exist on the subject.

The first objection which shall be noticed, relates to the Levitical law itself. It has been by some said that this law in relation to marriages, was only binding on the Jews during the legal dispensation, and that Christians, therefore, are at liberty to break it with impunity; being left, in this respect, to the law of nature, or otherwise to their own natural sense of propriety, in regard to such connexions. By those who may be disposed to favour this objection, let it be considered, that the same objection would equally apply to the seventh commandment, "Thou shalt not commit adultery," or to any other precept of the Decalogue. That the whole moral law, as delivered by Moses to the Jews, is but an exposition of the law of nature, given to them for their clearer direction; that the prohibitions contained in the Levitical law, with respect to the marriage of near relations, is but an exposition of one of the ways in which adultery may be committed. That if we consider all the laws regulating marriage made under the Old Testament dispensation, to be abrogated by the coming in of the gospel dispensation, we necessarily abrogate the seventh commandment itself; for without laws in relation to marriage, there could be no commission of adultery, for where there is no law there can be no transgression. If we had no law defining what is meant by adultery, we should be as much in the dark as ever, we should not know what it meant, (and this is the case with all the commandments;) and we therefore find that the sacred Lawgiver has explained each of them separately at length, and amongst the others we find the seventh commandment explained and enforced in like man-

ner, and by examining these explanations we shall find that they forbid as much a man to cohabit with a person nearly related to him, as they forbid him to cohabit with his neighbour's wife, and whether he does the one or the other he breaks the law, and is obnoxious to its penalty.

The institution of marriage is designed for all mankind, Gentile, as well as Jew, and the laws relating to that institution are equally binding on both. For this reason, then, no new law in relation to marriage was given under the gospel dispensation, and none was necessary; there was nothing ceremonial in the law of marriages, as was the case with many other laws which related especially to the Jews as a nation, or as having in view typically the coming of our Saviour. The institution of marriage was to be practised as much after as before the coming in of the gospel dispensation, and therefore the Levitical law, which was, in itself, nothing more than a clearer and more definite statement of the law of nature, needed no alteration, and therefore received none at the coming in of the gospel dispensation.

That the Levitical law in relation to marriages was considered binding, and its force acknowledged by the early Christians, admits of no doubt, and at least two cases are referred to in the New Testament, from which this will distinctly appear. The first case is that of Herod, who had married his brother's wife, and is related by the Evangelists, particularly by Mark, in the 6th chapter of his gospel, "For John had said unto Herod, it is not lawful for thee to have thy brother's wife;" but why was it not lawful? because it was forbidden by the Levitical law. It is very true that some have supposed that Herod's brother Philip was still living, and it may be considered doubtful whether he was living or not. Be that as it may, it does not alter the case, as it is plain from the words above quoted, that Herod was reproached for a higher crime than that of marrying a woman who had a husband living, as in that case John would have said it is not lawful for thee to have another man's wife. The greatest sin was because she was near "of kin," "thy brother's wife," and for this the intrepid Baptist reproaches him.

The second case in which the force of the Levitical law is recognised in the New Testament, is found in the 5th chapter of Paul's Epistle to the Corinthians, verse 1st. "It is reported

commonly that there is fornication among you, and such fornication as is not so much as named among the Gentiles, that one should have his father's wife." Now as both the cases above mentioned are expressly prohibited in the Levitical law, the inference is sufficiently clear that the other prohibitions contained in the law, are obligatory and binding on the Christian Church.

But if we admit that the Levitical law in relation to marriages was destroyed by the coming in of the gospel dispensation, under what law is the Christian Church?

The Christian Church, then, must be altogether without a law in relation to this very important particular, for, except the law in relation to marriages contained in the Levitical law, there is no other to be found in the Bible. So that we must take this or none for our guide. If we are without any law then, where there is no law there can be no transgression, and a man may marry his sister, or even his mother, or daughter, without being liable, in the slightest degree, either to the censure of the Churches, or the stings of a wounded conscience; for they are no where forbidden in the New Testament. When viewed in this light, which is the only light in which it can properly be viewed, there can be but one opinion on this subject, to wit, that as there is no other law, we must be guided by the Levitical law only, in deciding all questions which relate to incestuous cohabitation.

"There must be a law somewhere in the Mosaic code, to ascertain who may and who may not be united in marriage. Without such a law the great object of the seventh command will remain fearfully exposed, and left at dreadful uncertainty.—Blessed be God! there is a law in his word which draws the line of prohibited intercourse. A law strictly moral, and appertaining expressly to the seventh command, but which, like all the rest which relate to the moral precepts of the Decalogue, is blended and incorporated with the ecclesiastical and civil statutes of Israel."

It has been objected by some that the law in Deuteronomy xxv. 10. where it is enacted that "if brethren dwell together, and one of them die, and have no child, the wife of the dead shall not marry without unto a stranger; her husband's brother shall go in unto her and take her to him to wife," &c. gives the liberty for a man to marry his brother's wife, and that consequently a man may lawfully marry not only his

brother's wife, but his wife's sister; in other words, though it is acknowledged that Christians are to be guided by the Levitical law in relation to marriages, denying that the Levitical law forbids the marriage of a man with his sister-in-law, whether the wife of his deceased brother or the sister of his deceased wife: but a very little consideration will show that this inference is altogether extravagant and unfounded. With all those who have studied and duly considered the nature of the Jewish institutions and municipal regulations, there is but one opinion on this subject. "The case expressed in Deut. xxv. 10. is evidently a particular *exception* to a general rule. But what is the nature of exceptions? How are they to be construed? It is well known, and ought to be remembered, that exceptions do not comprise the general principles of a law, or they would not be exceptions, but repeals. They always construe strictly, or they would destroy the rule itself.—They are only a suspension of the law in the particular case specified, and cannot extend to any other case, much less to the whole law to which they relate."

"The law in Deut. was not intended to ascertain the degree of kindred; that was fully and unequivocally done in Levit. xviii. The only object of the exception is expressly mentioned; a brother is directed to marry the widow of his deceased brother, but the case limits itself with great precision. It must be a brother who died without male issue. Had the deceased left a *son*, the general law against Incest would have rendered a marriage with his widow as incestuous, as with any other woman "near of kin."

"It is evident that this exception was wholly restricted to the Theocracy, and enacted for the express purpose of preserving families and inheritances inviolate, until the Messiah came."

"Whatever then might be the scope or the operation of the exception, it must necessarily expire with the Theocracy; but this has long since answered the sublime purposes for which it was established, and is now dissolved."

"The exception in question, therefore, and all the other peculiarities attached to the economy of the Old Testament, cease to be any longer of force. A similar case is impossible under the New Testament. Christians can never, therefore, upon any contingency, be permitted to marry a sister-in-law,

who has been the wife of a deceased brother, and still less a sister-in-law, who is *the sister of a deceased wife*, to whom the dispensation in Deut. never did, and in the nature of things, never could apply."

Let it be further observed, that by the law in Deuteronomy, it was not merely optional with the man to take the wife of his deceased brother, to raise up seed to him, but he was *compelled* to do so. Now if one part of the exception to the law in Leviticus, forbidding a man to marry his brother's wife, is in force under the gospel dispensation, the other is also. And a man must be *compelled* among us, as he was amongst the Jews, to take the wife of his dead brother, and raise up seed to bear the name and inherit the property of the deceased. Those, therefore, who think they are authorized to marry a brother's wife by this exception, (if there be any such,) are by the same exception prevented from marrying any other woman; and if their brother shall die childless, and leave a widow, they are bound by their own principles to marry her, and raise up seed to their brother; and if they believe this exception to be still in force, are violating the divine command if they refuse to do so.

"The conclusion is unavoidable; there is nothing in the law of Deut. xxv. which invalidates the moral nature and perpetual obligation of the law against Incest, in general or the precept against marrying a sister-in-law in particular; nothing which in any form or degree can be binding upon Christians under the dispensation of the New Testament, and nothing in the spirit or letter of that precept, which has the least reference to the question before us. To apply it to the sister of a deceased wife, is a species of reasoning of which men of cultivated minds ought to be ashamed."

The objection which has been most strenuously urged, and which it is contended by some, gives permission for the marriage of a man with the sister of his deceased wife, is, that it is founded on the 18th verse of chapter xviii. of Leviticus, but like the other objections which have been raised, a little consideration will show that it is equally baseless with those which have already been considered. But as it involves a criticism on the original text, we shall not hesitate to use the exposition and explanation of one of the ablest of Bible critics, by whom this subject has been made so plain that it is readily understood by all, whether they understand the original text

or not. It may be well to observe also, that his criticism is in strict accordance with the opinions of by far the greater majority of those best acquainted with the original text, and with the whole drift and bearing of the Hebrew laws and institutions.

"Another objection is raised from Levit. xviii. 18. 'neither shalt thou take a wife to her sister to vex her, to uncover her nakedness, beside the other, in her lifetime.' From this precept it is inferred, 'that the *natural sister* of the wife is intended; that the marriage with such a sister is forbidden only *during the life* of the wife: and the very exception, *in her lifetime*, evinces the prohibition did not extend farther, and therefore after the death of the wife, the surviving husband might lawfully marry the sister: for why should any stress be put upon the circumstance of her being *alive*? Why should the law specify in her *lifetime*, if it did not mean to limit the prohibition to her *lifetime* only, during which it would be unlawful, but afterwards, it might become legitimate?' Upon this objection the baseless fabric of the incestuous connexion in question perhaps principally rests. Two observations will suffice to show it has no foundation.

"1. The whole law concerning Incest closes with the 17th verse. The precept contained in the 18th verse respects altogether *another crime*, and is as distinct from Incest, as any of the other cases which follow in the chapter. It is a law upon another subject, and relates wholly and only to POLYGAMY. It forbids the taking of *any wife* beside the other, during her lifetime, and the reason is not derived from Incest, but because polygamy is a source of domestic *vexation*, and destructive of all the interesting ends of marriage.

"If the *natural sister* of the wife were here intended, it could not, even then, be considered as an implicit permission to marry such sister after the death of the wife, for this was already absolutely forbidden, verse 16. and the whole cause of the prohibition in verse 18. refers to the *vexation* of the wife—but why should her *sister* be specified as the most vexatious partner? The pretended argument, to recommend the marrying a deceased wife's sister, would prove that of all other women she would be the least exceptionable and the most desirable associate of a living sister.—But, that the *natural sister* cannot be meant is evident, because the law

would then imply, that a man might marry *any other* woman, in the lifetime of his wife, provided, she was not *her sister*; which would be implicitly to license polygamy, instead of forbidding it.—An inference which no modest commentator would dare to countenance.—The whole of this objection is founded upon a mistake. However our translation sounds, there is not a syllable in the passage about marrying a wife's sister more than about marrying any other woman. The text has nothing to do with the marriage of a wife's sister. It is a clear, simple, and absolute prohibition of polygamy.*

"Polygamy is of ancient date, and appears to have been practised in the early periods of the Church, even by some of the best of men, without an accusing conscience. The only apology that can be suggested to palliate the crime, is, that possibly the pure principles of religion and morality were not so well understood at that time, as afterwards. But no apology must be attempted. It always was sinful, and was for ever the source of domestic evils. It is beyond dispute, that polygamy is contrary to the letter and spirit of the original institution, and was positively forbidden. To the law which prohibits polygamy, the Prophet Malachi appeals, chap. ii. v. 14, 15, 16. To this our Lord refers, Matt. xix. 5—7. And this the Apostle confirms. 1 Cor. vii. 2. But where is it forbidden? Where is the law which directly prohibits polygamy? In the seventh command of the Decalogue it is indeed implied, but it is no where expressly denounced in the whole revelation of the divine law, excepting in this very precept, Levit. xviii. 18. To which may be added Deut. xvii. 17. where kings are commanded not to *multiply wives*.*

"2. The undeniable proof that this precept, verse 18. refers wholly to polygamy, and can suggest no argument in favour of marrying the *natural sister* after the death of the wife, is deduced from the idiom peculiar to the Hebrew language, which is adopted in this text.† Whatever construc-

* Grotius maintained that polygamy was allowed to the Jews, in consequence of expressions in their municipal precepts, which seemed to suppose such cases to exist. Drosius and others insisted, that it was prohibited in the letter of their law; yet permitted, by winking at the offence, for the hardness of their hearts. But the arguments, above mentioned, suffice to prove that it was positively forbidden, and always sinful.

† The term *sister* is used with great latitude in scripture. It *primarily* signifies, a sister by consanguinity or by affinity, either one who is descended from the same parents, from both or from one of them, and is a sister by

tion an English reader, who is inattentive to the subject, may put upon the phrase, it is impossible for any who have the least acquaintance with the original, or are capable of comparing scripture with scripture, to hesitate one moment in determining the true meaning.

"The word *acha*, which is used in the plural *achot*, and with the possessive pronoun *her*, *achotah*, in its literal meaning, denotes a *natural sister*. So Gen. xii. 13.—2 Sam. iii. 1.—and so Levit. xviii. 9, 11, 12, 13. *Achotah* is however frequently used, by Synecdoche, as referring to any near and endearing relative, so Gen. xxiv. 49, 60.—Jerem. xxii. 18. But when the word *isha*, a woman or wife, is joined to *achotah*, *her sister*, it becomes a *phrase*, and is employed metaphorically to express, either any thing which is *like another*, Jerem. iii. 7.—Ezek. xvi. 45. or most frequently any thing that is *added to or joined with another of the same kind*. There are many instances of this singular phraseology, which expressly illustrate the passage before us, see Exod. xxvi. 3. *Five curtains shall be coupled together, one to another*; *Isha el achotah, a wife to her sister, and other five curtains shall be coupled one to another*; *Isha el achotah, a wife to her sister*, so also verse 5 and 6 of that chapter. The same words are found, Ezek. i. 9. *Their wings were joined one to another*; *Isha el achotah, a wife to her sister*, so verse 23. *their wings straight, the one towards the other*; *Isha el achotah, a wife to her sister*. And again, Ezek. iii. 13. *The wings of the living creatures that touched one another*; *Isha el achotah, a wife to her sister*. It is remarkable that this is not only the construction where the phrase has *Isha*, in the feminine, but, by the same idiom, it is found of *Ish* in the masculine, a *man or husband*, when

blood; or, one who is a sister in *law*, who has become a sister by the *law* of marriage. Ruth i. 15.—But it is frequently employed more *extensively*, to denote any near relatives. So, they were called the brothers and sisters of the Lord Jesus Christ, Matt. xiii. 55. Mark iv. 3. who were only his cousins, the children of the sisters of the virgin Mary.—It is also a term expressive of *affection*. So the divine Saviour calls the Church his *sister*, Cant. viii. 8. and as such he esteems all his faithful followers, Matt. xii. 30. So the primitive believers who viewed each other as brethren, called Christian women *sisters*. Rom. xvi. 1. James ii. 15. 2 John xiii.—The name *sister* is also frequently introduced *figuratively*. "I have said to the worm, thou art my mother and my sister," Job xvii. 14. "Say unto wisdom, thou art my sister," Prov. vii. 4.

in opposition to *ach* a brother, so Gen. xxvi. 31. *They swear*; *Ish le achiev, a husband to his brother*, that is, *one to another*. Exod. xxv. 20. *Their faces shall look*; *Ish le achiev, the husband to his brother*, that is, *one to another*: and Joel ii. 8. *Neither shall one thrust another*; *ve ish achiev, the husband shall not thrust his brother*.

"The words and phrase in the verse before us are exactly the same with those cited—*isha el achotah, a wife or woman to her sister*. If it then be asked how the term *sister*, and the whole phrase, *a wife to her sister*, in this 18th verse, must be understood, the answer is obvious; it cannot be in a literal, but is evidently to be taken in a figurative sense. *One to another*, that is one wife to another wife. Arius Montanus, in his Latin version, has translated all the passages in which the phrase occurs, literally, word for word, *mulier ad sororem ejus*—that is, the woman or wife to her sister, but he adds in the margin *altera ad alterum, or altera alteri, the one to the other*. It is to be regretted that our accurate and faithful translators, who in all the other passages attended to the idiom of the Hebrew, and rendered the phrase correctly, did not do the same in this verse. They ought to have expressed it, *neither shalt thou take one wife to another*. The wife was evidently the subject, and the word *wife* might have been added, as in numberless instances, to elucidate the meaning; when it would read, *neither shalt thou take one wife to another wife to vex her, &c.* This would have made the precept perfectly plain, and corresponded exactly with the original. But, the Protestant translators made conscience of adhering as closely to the very phraseology of the original, as could be done without destroying the sense: and as no church admitted the lawfulness of marrying a wife's sister, or supposed it to be a matter of doubt, the translators never dreamed, that the passage in question would ever have been perverted to the support of such an error.*

"Nothing more was then intended in the precept, v. 18. than the prohibition of polygamy. After the death of his wife, a man might marry again, but *during her lifetime*, he shall take no wife of any description, no *other wife, together with or in addition to the wife he already has*. All the inferences or arguments, therefore, in favour of marrying the

sister, *after the death of the wife*, deduced from this verse, are frivolous and ridiculous. It is amazing that any Christian, especially any Christian minister, can permit himself to draw a conclusion so wild and unfounded. It is astonishing that any should dare to invalidate an authoritative law of God against Incest, upon the mere phraseology of a single precept which has no respect to Incest at all; that any should presume to make the divine law, which is plain and decisive, and obedience to it, which may not be disputed or withheld, to depend upon a quibbling construction of a single word, which nothing but want of information could suggest."

That Polygamy was forbidden in the Law, though it was practised by the Jews, and tolerated on account of the hardness of their hearts, would appear to be demonstrated, by a reference to the ii. chapter, 14, 15 and 16 verses of the prophet Malachi, above referred to, in which a man is forbidden to put away his wife and marry another, and it is said that he who does so, *sins against his own soul*. Now let us consider for one moment on what authority the prophet Malachi made this declaration. It was not the office of a prophet to make new laws, but to confirm and explain those which had been given by Moses to the Jewish nation. Now if Moses had not forbidden Polygamy, the prophet could have no authority to do it, and if Polygamy be not forbidden in this text, it is certain it is forbidden no where, and Jews and Christians also may practise it with impunity. Surely the man who could presumptuously approach the bed of his wife's sister, on the strength of any permission he may conceive to be granted by this text, to say the very least, must be possessed of the very opposite of that spirit which would lead "to avoid the very appearance of evil," and when too late, would find himself dreadfully and fearfully undeceived.

It may possibly be objected by some, that some men of good standing and of great piety in the Christian Church, have married the sister of their dead wife. Should such have been the fact, (though if a man has given no other evidence than this of his piety, it may well be doubted,) this cannot extenuate the crime in the slightest degree. By whomsoever committed, sin must still be considered exceedingly sinful, and those who commit sins, relying on their piety for acceptance with God, it is not too much to say, are still in the "gall of bitterness and in the bond of iniquity;" and those who believe,

that because a sin has been committed by a pious man, however exalted a Christian he may be, that they are authorized to commit the same crime, are in the same condition.

Those who commit crimes, whether professing to be pious or not, certainly render their piety liable to be called in question, even though their crimes should be of a grade much below that under consideration.

David was a pious man beyond all doubt,—the high commendation was bestowed on him, that he was a man after God's own heart; but who ever thought on that account of defending his sin, in committing adultery with the wife of Uriah the Hittite, or of murder, in causing his death. Even though he repented most bitterly on account of the crime he had committed, and though the Lord was graciously pleased to accept his repentance, he at the same time declared that the consequences of his crime should pursue him through life—that the sword should not depart from his house, and that his own children should rise up against him. The sins of which he was guilty, could in no way abrogate the Decalogue, or commend such enormous transgressions to the imitation of others. Peter was a pious man, but his piety could in no degree excuse the denial of his Lord and Master, or present any argument in favour of the practice of falsehood and profanity, or any reason why they should be considered innocent and commendable. The law of God should be the only rule of conduct, not the conduct of men; no, not even of the most advanced saints. Sin, wherever it exists, and by whomsoever perpetrated, is that abominable thing which God hates and will certainly punish; and those who commit this crime, and the church which permits such guilty persons to remain in her communion, are equally obnoxious to, and will certainly, in one way or another, experience the outpourings of divine wrath. It must needs be, that offences will come, but woe unto those by whom the offence cometh. It had been better for them, if a millstone had been tied about their necks, and they had been cast into the midst of the sea. The inhabitants of Sodom shall rise up against them and shall condemn them. The inhabitants of Sodom had no written law to restrain them from the commission of such abominations. Had they possessed the written law, which it is our privilege to possess, they would have repented of

their sins, and God would not have destroyed their city by fire from heaven. But if with all the lights afforded by both the law and the gospel, the Church of Christ shall permit those who are guilty of the same class of crimes which caused the destruction of the Canaanites and the inhabitants of Sodom, what else can be reasonably expected, but that the great Head of the Church will speedily manifest his hot displeasure against her, and will shortly remove her candlestick out of its place?

When any doctrine has been fully proved and illustrated from the Holy Scriptures themselves, it becomes indisputable, and cannot be controverted; but it nevertheless adds greatly to our confidence, and increases our satisfaction, to find that our views are in strict accordance with the opinions and with the general and universal practice of the Christian Church, in every period of its existence, from the Apostolic age to the present day. In the course of ages which have elapsed since the commencement of the Christian era, the Church has been very frequently involved in disputes on various subjects, which often, to human appearance, seemed almost to threaten her total subversion; but whatever the points of difference may have been which divided different sects, whether they related to faith or practice, or had reference to the Old or the New Testament dispensation, and whatever violence and hatred they may have entertained towards each other, a general and universal agreement has always existed with respect to the unlawful and incestuous character of the marriage of a man with his sister-in-law, whether the wife of his deceased brother or the sister of his dead wife; and it is worthy of remark also, that wherever the Christian religion has extended its benign and happy influence, there the civil laws have universally prohibited such incestuous connexions, as contrary to good morals, and adverse to the best interests of the state.

In order to illustrate this part of the subject more fully, and to show the light in which the marriage of a man with his sister-in-law, has been viewed by both civil and religious communities, we shall present a few of the laws and decisions on this subject, which is all that our space permits.

It has before been proved, in a manner sufficiently satisfactory, that the marriage of a man with the sister of his deceased

wife, was considered contrary to the Levitical law by the ancient Jews, as there is not a single instance on record, notwithstanding the number of minute genealogies which are given in the Sacred Scriptures, in which a man married the sister of his deceased wife, after the giving of the law by Moses, during the long period of 1500 years, which elapsed, till the destruction of Jerusalem, and dispersion of the Jewish nation. The fact that no such marriages were practised amongst the Jews, taken in connexion with the general prohibition on which the law itself is founded, is sufficient evidence that the marriage of a man with the sister of his deceased wife, was by them considered an unlawful and incestuous act. An able divine, on this subject, very justly observes, "In this conable divine, on this subject, very justly observes, "In this construction, all are unanimous; all agree that the precept is plain and positive as it respects the Jews. None have ever denied that God had forbidden an Israelite to marry his sister-in-law, whether she be the wife of his deceased brother, or the sister of his deceased wife. The only point on which any question can arise, relates to the nature and extent of the precept. It is asked, whether this law be not ceremonial, and in its nature intended for the Jews only? or whether it be a moral law, applicable to all mankind, and as binding under the New Testament dispensation, as it was under the Old? The observations already made, clearly prove that the Levitical law of marriages, from its nature, is as binding on the Gentiles as it is on the Jews, and as much so under the *New* as it was under the *Old* Testament dispensation."

The Mahometan law, which forbids the marriage of a man with two sisters, has been before noticed. "Ye are also forbidden to take to wife two sisters," by which it plainly appears to have been considered a practice too gross for the arch impostor himself, to tolerate amongst his followers.

A reference has likewise been made to two cases of incestuous intercourse, which took place at a very early period in the history of the Christian Church. That of Herod, who had married his *brother's* wife, and of the member of the Church at Corinth, who had taken his *father's* wife, in both of which cases, under divine authority, a decided and strong reproof was given to the offending parties; and the force of the Levitical law, which forbids such incestuous propensities, thereby distinctly acknowledged. "It is not lawful for thee to have thy *brother's* wife," said John the Baptist, to Herod. The

apostle, in his epistle to the Corinthians, says, "It is reported commonly, that there is fornication among you; and such fornication as is not so much as named among the Gentiles; that one should have his *father's* wife. I have judged already concerning him that hath so done this deed, in the name of our Lord Jesus Christ, to deliver such a one to Satan, for the destruction of the flesh, that the Spirit may be saved in the day of the Lord Jesus. Know ye not that a little leaven leaveneth the whole lump? Purge out, therefore, the old leaven, that ye may be a new lump."

That the Levitical law was considered binding, and its force fully recognised, at a very early period among the primitive Christians, there is the most unequivocal testimony extant, and that this very crime, to wit, the marriage of a man with the sister of his deceased wife, was universally held in detestation by the early Christians, does not admit of the slightest doubt. In proof of this assertion, abundance of testimony might be cited. Tertullian, who lived within a century after the Apostles, expressly, declares, that the law forbidding to marry a sister-in-law, is still binding on Christians; and Jerome, Ambrosius, Augustinus, and many others, all held the moral nature and universal extent of the law in Leviticus, and proved it to be absolutely unlawful for a man to marry his sister-in-law. But the following epistle of Basil to Diodorus, puts this matter in so clear a light, as to be beyond dispute.

"A letter has been handed to me, with the superscription of Diodorus; the contents of which become any one else rather than Diodorus. It seems to me, that some designing person, assuming your name and style, has thus wished to gain credit for his opinions; who, having been asked by some one whether it was lawful for him to marry the sister of his dead wife, *was not struck with horror* at such a question, but heard him without emotion, and boldly abetted him in his *incestuous propensity*. If I had possessed the letter, I would have sent it; and it would have been enough that you should have defended yourself and the truth against this calumny. But, since he who showed it me took it off with him, and carried it about with him as a kind of trophy against us, who have ever been opposed to such a thing, maintaining that it gives the liberty, I have now applied to you, that with a double force I may encounter that unfounded report, and leave him no power to injure those with whom he may come in contact.

In the first place, then, what I have chiefly to state in regard to such marriages, is our practice, which has the force of a law, because our customs have been handed down to us by holy men. The custom is, that if a man at any time, overcome by an impure passion, should form a connexion *with two sisters*, it should not be considered marriage, and that they should not be received into the full enjoyment of church privileges, *before they separate from one another*. So that if there were nothing else to be said on this subject, the custom of the church itself ought to be sufficient for the preservation of *decency*. But since the person who wrote the letter has by an evil attempt endeavoured to introduce so great a vice into Christian practice, it is necessary that we should not decline any help with which reason and argument would furnish us, although *universal consent* in matters *so clear*, is of greater force than any reasoning that could be used."

"But," he goes on to say, "I am far from allowing that the divine Lawgiver has been silent on this subject; on the contrary, I assert that he has most severely and pointedly interdicted such marriages—for that alone, *thou shalt not approach to any who is near of kin*, certainly includes this species of relation; for what is so near to a man as his wife? are they not *one flesh*? By the wife, therefore, the sister becomes nearly related to the husband; for, as he may not marry the mother of his wife, or the daughter of his wife; yea, *no more than he may not marry the sister of his wife*; if they cannot contain, *he may take his own sister by blood*. If they cannot contain, let them marry even so; but it is not said, they may contract unlawful marriages. Doth not nature, herself, frown upon such indecent connexions, which obliterate the very appellation of relations? By what name of alliance can these be designated, which are born of such wedlock? Will you call them brothers or cousins? the confusion has rendered them both. O man! do not make the aunt become the mother of your former babes!"

Basil, the author of the letter of which the foregoing is a part, was born in the year 328, after the birth of Christ, and about 228 years after the death of the apostle John. The inference, therefore, from the above letter must be, that the marriage of a man with the sister of his deceased wife, was held in detestation by the apostles themselves and their immediate successors; for, although a practice which was for-

bidden by them, as was the marriage of a man with his father's wife, before referred to, was forbidden, might by possibility have been introduced and tolerated, as many things afterwards were, by the gradual decline of piety and morality which took place a few centuries after the Apostolic age, yet no reasonable man can for a moment suppose, that if it had been permitted among the Jews in the time of our Saviour, and tolerated by the apostles and their immediate successors, that in the space of about 250 years, it would have been said, that a *universal consent* had always existed against the marriage of a man with the sister of his deceased wife, that the bare proposition of such a thing should have been mentioned as exciting horror, or that the custom of declaring such connexions void, and that the universal practice of the Church, had the force of a law, because handed down by holy men; since a comparatively short period would have carried this custom back to the apostles themselves. To argue that though it was probably admitted by the apostles, that there was, nevertheless, a *natural revulsion* felt by these early Christians, who had so lately emerged from heathenism and idolatry, against a practice so unnatural, would be admitting the very basis on which our argument is founded; and yet it appears to us, that one or the other of these positions must be admitted; and we care not which horn of the dilemma its advocates, if there are any, should choose.

What the Grecian and Latin fathers maintained in the early ages of the Christian Church, previous to the establishment of the Papal Hierarchy, has been well expressed by the following summary. "The law of marriage was originally given by God to Adam, in the state of innocence, with this declaration, that man and wife were *one flesh*; but being afterwards corrupted, by the incestuous commixtures of those who were near of kin, in the nearest degrees, the primitive law was again revived by Moses. And those prohibitions respecting the degrees of kindred and affinity, are not to be considered as new laws and judiciary precepts, but as restoring the law of nature originally given by God, which was then much corrupted. For, as the preface, which is so often repeated before these laws, *I am the Lord*, infers that they are conformable to the divine nature, so the consequences of them show, they were moral and natural. For the transgressions of them were called *wickedness* and *abominations*, and are

said to *defile the land*, and the violation of them is charged upon the Canaanites, 'by which the land was polluted, and for which it did vomit out the inhabitants.' From whence it must be concluded, that these were not mere positive and ceremonial precepts, which were binding only upon the Jews, but were parts of the law of mankind and of nature; otherwise those nations could contract no guilt by their violating them. Among the forbidden degrees, one respects the sister-in-law. Levit. xviii. 16. and xx. 21. These are clear and express laws of God; which, therefore, must necessarily bind all persons, of whatsoever rank or description, without exception, to observe them."

Hesychius on Levit. xviii. and xx. proves that these prohibitions were universally obligatory, because both the Egyptians and Canaanites are taxed for marrying within their degrees; from whence he infers that they are of moral and eternal obligation.

In several Ecclesiastical Councils, it was decreed, "That all marriages within the prohibited degrees, were *incestuous* and *void*, and that the contracting parties should be cast out of the communion of the Church." The marriage of a sister-in-law was expressly mentioned and included within the prohibited degrees. In this decision the Church was supported by the civil law of the Roman Empire, after it became Christian, which expressly interdicted such marriages, and pointedly forbade a man to marry the wife of a deceased brother, or the sister of a deceased wife. The words of the law are, "We absolutely withhold the liberty of marrying the wife of a brother, or joining in wedlock with two sisters."

During the long and gloomy night which for many centuries overspread the Christian world previous to the reformation, notwithstanding the low state of Christian morals which existed, and the impious and immoral practices which universally, in almost every other respect, prevailed, it is remarkable, that an abhorrence for such incestuous practices, as if too deeply implanted by nature, to be eradicated by the causes which overturned almost every other principle of morality and virtue, remained unimpaired. The Roman Catholic Church was always positive and decided in condemning incestuous practices, and especially that species of them committed by marrying a sister-in-law, whether a wife's sister, or a brother's wife. But as the fact is so notorious, and space does not

permit to enlarge on this part of the subject, one or two instances only of the most remarkable decisions of that Church in relation to this crime, will be presented.

The Popes, for political purposes, have often granted dispensations, or indulgences, for the commission of almost every crime; but there is a curious anecdote related by Johannes Cremata, which he says happened while he was Cardinal: "That a king of France applied for permission to marry the sister of his deceased wife, but was refused."

When the question respecting the separation of Henry VIII. from his sister-in-law, Catharine of Arragon, agitated Europe, the learned faculties of many universities, particularly in France, gave their solemn opinion in clear and decided terms. It will be recollected, that his brother Arthur had married by proxy, Catharine of Arragon, and that he soon after died, behaving nearer to each other than the cities of Paris and London. The marriage was, of course, a political one; and after the death of Arthur, his brother, Henry VIII. married his brother's widow. In a case like this, where the parties had never cohabited, and had never even seen each other, if the marriage of a man with his sister-in-law could be tolerated at all, under any circumstances, this was the least objectionable case which could possibly have been presented. But in reference to this case, the Roman Catholic Theological Faculty of the University of Paris, declared, "That after frequent meetings in the Church of St. Mathurin, and at the College of Sarbon, having most diligently and conscientiously examined the Sacred Scriptures, with the most approved expositors, together with the general and synodical decrees of the Councils of the Church, established, approved, and received by long usage, they do *unanimously* answer, assert, and determine, that a marriage with a sister-in-law, is equally prohibited by the law of nature and of God, and that the Pope cannot grant a dispensation for such marriage."

The Faculty of Bonnonia, says: "We judge, declare, and testify, and we affirm without any hesitation, that such a marriage, such nuptials, and such connexions, are *horrible, execrable, detestable*, and to a Christian, and even to every *heathen*, wholly abominable. It is prohibited by the law of nature, and sanctioned by the several penalties, both divine and human; nor can the Pope, upon any consideration, dispense with the contraction of such marriage."

From these few examples, from many more which might easily be presented, it will clearly appear, that though the Church of Rome was overrun with almost every other error, she still set her face with great constancy and perseverance against *Incest*; and especially against that degree of it committed by marrying a sister-in-law, whether the wife of a deceased brother, or the sister of a deceased wife: and whatever faults she may have committed in other respects, she is entitled to the thanks of the Christian world, for having preserved this branch of the moral law from pollution, and visiting violations of it with exemplary punishment.

Having shown that the Roman Catholic Church, in every age, has universally condemned the marriage of a man with his sister-in-law, whether his wife's sister, or brother's wife, we proceed to show the light in which such connexions were viewed by the early reformers, and since the Reformation, by the different denominations of Christians which have arisen out of that event.

Among the celebrated Reformers, there was not one dissenting voice: they were unanimous in condemning the marriage of a man with his sister-in-law. Zuinglius, in a letter to Grineus, enlarges principally on four points, and asserts,—
 "1. That although civil magistrates should tolerate such marriages, yet no power on earth can render void the law of God. 2. That the Apostles made no new law respecting marriages, but left this article as they found it. 3. That marrying within near degrees was abhorred by the Greeks and other civilized heathen; and, 4. That such marriages being against the law of God, ought to be dissolved."

In the collection of the Epistles of JOHN CALVIN, the celebrated Reformer, there are two letters to be found, relating to this subject, in one of which he uses these words, "It must be maintained that the prohibition respecting sisters-in-law, is one of those which time nor place can never abrogate. It proceeds from the very fountain of nature, and is founded on the general principle of all laws which are perpetual and inviolable. When the Emperor Claudius obtained the sanction of the Senate to remove the opprobrium of his incestuous marriage with Agrippina, there was none found to imitate his example, excepting only one liberated slave. I mention this, to show how inviolable the law of nature is, even among profane nations. Let the examples drawn from the *heathen*, if

in virtue and modesty they should appear to exceed us, make us ashamed. Indeed, to me this single admonition of Paul is sufficient, 'Whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report; if there be any virtue, and if there be any praise, think on these things.'

In the other letter Calvin says: "It is sufficiently known in what degrees of *consanguinity* God in his law prohibits marriage—what relates to the degrees of *affinity* is equally obvious. There are some who dispute, *or rather cavil*, whether it is not lawful for a man to take the sister of his deceased wife, and they seize as a pretext, upon the words, Leviticus xviii. 18. *during her lifetime*. But their error is refuted by the very words of that text; because, what is there condemned by Moses, is not for Incest, but for cruelty to the wife. That text actually respects Polygamy." From these letters of Calvin, it will appear that that great man was decidedly opposed to such marriages, believing them to be contrary to the law of nature and the law of God. It will likewise be perceived, that he has referred to the cavils of some in relation to the interpretation of Levit. xviii. 18. and is at the pains to refute their error; though it is to be feared that some persons at the present time, who are living in such incestuous intercourse, *endeavour* to quiet their consciences by a reference to this text. But as that text has been already referred to, and the cavils which some have attempted to rest on it, exposed, we shall not pursue this part of the subject further, at present. Similar citations might be made, did space permit, from many of the early Reformers, as Beza, Bullinger, Ursinus, Musculus, and others, who were eminent for profound learning and great piety, and who were chiefly instrumental in giving existence to the Protestant Church.

All the *Protestant Churches* have uniformly maintained that the marriage of a man with his sister-in-law is an incestuous connexion, and in fact no marriage at all; and so far as the ceremony has any effect, it aggravates the offence, inasmuch as a holy ordinance is used as a cover for the commission of crime. The sentiments of the Lutheran Church on this subject, are forcibly and accurately expressed by those learned and celebrated divines, who replied to the inquiry made by Henry the 8th, whether it was lawful for a man to marry his

sister-in-law? In their famous letter they prove the law of Leviticus xviii. to be of universal obligation, and adopt the strongest language in reprobating such marriages. They close by saying, "It is manifest, and cannot be denied, that the law of Leviticus xviii. prohibits a marriage with a sister-in-law; this is to be considered a *divine, a natural, and a moral law*, against which no other law may be enacted or established; agreeably to this, the whole Church has always retained this law, and judged such marriages to be incestuous. Agreeably to this, also, the decrees of Synods, the celebrated opinions of the most holy fathers, and even the civil laws, prohibit such marriages, and pronounce them to be incestuous. Wherefore, we also judge that this law is to be preserved in all the Churches, as a divine, a natural, and a moral law; nor will we dispense with, or permit in our Churches, that such marriages shall be contracted; and this doctrine we *can*, and as God shall enable us, we *will* resolutely defend."

In an exposition of the Augsburg confession of faith by a learned Danish divine, he expresses the opinion of his Church in the following manner: "Whoever is inclined and resolved to enter into the matrimonial state, ought to begin in the fear of God, and to look out for a person who is not nearly related to him either in blood, or by marriage. See Levit. xviii. and xx. And here let it be observed, that where a man is forbidden to marry any "near of kin," there the female is understood to be equally prohibited in the same degree of relation, although the woman be not mentioned. So Levit. xviii. 14. *Thou shalt not approach thy father's brother's wife*, [aunt by affinity,] includes also the mother's brother's wife. So, consequently, no woman may take *her sister's husband*; for the relation of a *brother's wife*, and a *sister's husband*, are exactly in the same degrees." It would be easy to multiply evidences, showing the opinion and practice of the Lutheran Church; but we shall add but one more, that of a celebrated Lutheran civilian. "Wherever a marriage is contracted within a degree prohibited by the divine law, for instance, if a man should marry the *sister of his deceased wife*, there such marriage is *incestuous*, and ought not to be deemed a *legitimate union*, but *stigmatized* as an *impure mixture*. It cannot be palliated by any dispensation, but ought to be rescinded; and the contracting parties, notwithstanding they may plead ignorance, should be punished by the magistrate. Human

laws may not contravene the divine authority, nor can any inferior magistrate dispense with the precepts of the Supreme Lawgiver." F. Baldwin, Lib. iv. cap. 13. de cas. cons.

Such a mass of testimony might be produced, showing so great an abhorrence amongst Christians of every denomination, of such marriages, that it may be affirmed, without hesitation, that there never was a question, in which the learned and the pious, (those best qualified to judge,) of every denomination, and in every age and country, concurred with an equal degree of unanimity.

In England, the Levitical law is that adopted by the established Church, and has always been strictly observed, both in a civil and religious point of view; and by their courts has always been explained in accordance with the views which have been presented. Dr. Paley observes, "The Levitical law, which is received in this country, and from which the rule of the Roman law differs very little, prohibits marriage between relations, within three degrees of kindred, computing the generations through the common ancestor, and accounting affinity the same as consanguinity."

In the editions of the Bible published in England, by authority, a table of prohibited degrees is found agreeably to Leviticus xviii. Among the degrees forbidden in the male branch, in Article xvii. it is said, "A man may not marry his wife's sister, the 'sister of his deceased wife.'" And in the female branch, Article xviii. "A woman may not marry her husband's brother." That every marriage, within these prohibited degrees, will, by the laws of England, subject the parties to severe penalties, and to immediate excommunication from the Church, is well known.

That the Protestant Episcopal Church in the United States, entertains the same views with respect to the incestuous character of the marriage of a man with the sister of his dead wife, and promptly excludes persons guilty of the offence, is well understood by all who are familiar with the canons of that Church.

The Reformed Dutch Church, which is established by law in Holland, and its canons supported by the civil authority, lays down the principle, that a man may not marry any of his wife's relations, nearer than he may of his own. The eighth Article of this law, relating to marriages, reads, "With respect to the degrees of affinity, or the relation produced by

marriage, as the bond of marriage creates a communion; whereby husband and wife are made *one*, so it is equally forbidden for a man to marry with any person related by blood or marriage, to his deceased wife; or for a woman with any person related by blood or marriage, to her deceased husband," &c. The law then goes on to specify, by name, the relations by affinity, with whom it is unlawful to contract marriage; and in Article x. it is declared, "No man may marry the remaining widow of his deceased brother, nor any woman the husband of her deceased sister."

With respect to the practice of the Reformed Dutch Church, it is related by the late Dr. Livingston, of New York, that while in Europe, he received information, by letters, of a member of the Church having married the sister of his deceased wife; a case which was the first that was recollected to have happened in America, and which excited great uneasiness. The informed communicated this to an eminent minister, and asked him how the Church of Holland would proceed in such a case? To which he replied, "It is a case which cannot happen in Holland; it is forbidden by the canons of the Church, and by the civil laws of the state. Any minister, who knowingly solemnized such a marriage, would be instantly deposed; the incestuous connexion would be declared null and void, and the parties severely punished."

The construction which the Reformed Dutch Church puts on Levit. xvii. 16. will further appear by the marginal notes made on it, by the translators appointed by the national Synod in 1618. They say, "from this law it necessarily follows, that a woman who has been married with one brother, may not after his death marry with the other brother; and, upon the same principle, a man who has been married to one sister, may not after her death, marry the other sister;" and in their note on the 18th verse, they say, "It consequently can by no means from this be concluded, that the husband after the death of his wife, may marry her sister."

The Presbyterian Confession of faith, and rules of discipline, were framed by the celebrated Assembly of Divines, which met at Westminster in England, in the year 1643, and continued in session for nearly six years. Mr. Hume says, "they were men celebrated in their party for piety and learning." What that assembly judged of Levit. xviii. 18. distinctly appears from the remarks made by those learned men, who

were appointed by the committee for religion, to make annotations on the Bible—"verse 18th, to her sister; this is to be understood not of *two sisters*, one after another to wife, the latter upon the death of the former, for the marriage of a brother's wife is forbidden before, verse 16th, and by consequence, a woman may not marry her sister's husband; and so two women are already forbidden to be married to the same man, verse 16th, wherefore, this verse 18th is a prohibition of Polygamy, that is, of having more wives than one at once, and the reason sheweth it, that the one may not be a *vexation* to the other. The word sister, in general acceptation, may be applied to any woman, as the word brother, to any man, Gen. xix. 7. and it is to be noted, that it is sometimes applied to things, which in propriety of speech, came not under such a title or denomination, as the wings of the beast, Ezek. i. 9. are said to touch *a woman to her sister*, as the Hebrew phraseth it."

The Presbyterian Church therefore, have always adhered strictly to the principle laid down in their confession of faith, chap. xxiv. section 4. which is expressed in the following words: "Marriage ought not to be between the degrees of consanguinity or affinity, forbidden in the word, nor can such incestuous marriages ever be made lawful, by any law of man, or consent of parties, so as those parties may live together as man and wife. *The man may not marry any of his wife's kindred nearer in blood, than he may of his own; nor the woman of her husband's kindred nearer in blood, than of her own.*"

It is worthy of remark, that the framers of the Baptist Confession of Faith, in relation to marriages, adopted the very words of the Assembly of Divines; but as their object was to present a very small compendium of their views, and as no body at that time disputed for a moment, the unlawfulness of the marriage of a man with his wife's sister, which was forbidden by the civil law of England, they did not think it necessary to explain the subject further, which was so perfectly and generally understood, and assented to. Had it been otherwise, there can be no reasonable doubt, but that they would have gone farther, and adopted the very same words used by the Assembly of Divines. In Scotland, where the Presbyterian Church is established by law, the same article is introduced in her confession of faith, and the marriage of a

man to a woman, within any of the degrees prohibited by it, is severally punished, first by excommunication from the Church, and afterwards, by the civil law.

The late learned and pious Dr. Livingston observes:

"The churches in America, which have originated from those in Europe, and adopted their respective standards, must be supposed to adhere to them, and to entertain the same sentiments on this subject. It may therefore be asserted without risking a contradiction, that there is not a respectable Church of any denomination in the United States, that would hesitate one moment, in pronouncing such cohabitation to be incestuous; and excommunicating any member who married the sister of his deceased wife." This observation, though made fifteen years ago, has been literally fulfilled; and it will be shown, that the Churches in the United States have, by their acts, much to their credit, too, supported in its full extent, the high claim for character and moral respectability, which he believed them to possess, as shall shortly be made to appear in the plainest manner. It has been already shown, that both in the Roman Catholic and Protestant countries in Europe, the marriage of a man with the sister of his deceased wife, is contrary to both the civil and ecclesiastical laws, so that it may be safely affirmed, without fear of contradiction, that there is not a Christian or Mahometan country in the old world, in which such a connexion is considered lawful. It was forbidden and severely punished by the laws of the Roman Empire, it is forbidden by the Koran of Mahomet, by civil and ecclesiastical laws of all countries where the Christian religion prevails, and has never been practised by the more virtuous among the *heathen*; surely, a principle which has so widely prevailed in every age and every country, amongst the wisest and best, and has never been violated excepting by a very few, and those of very bad, or to say the least, of very doubtful character, or of very weak minds, affords strong testimony that an overruling Providence has set his face against them, that he has implanted in the human heart an abhorrence of them, and as he has always, when occasion demanded, raised up those, who have zealously defended his law in this particular, and pointed out the sinful character and immoral tendency of such incestuous propensities, there is every reason to rejoice in the hope that as he never has, so he never will, suffer such an abomination to

exist to any extent, amongst mankind at large, much less amongst those who have separated themselves from the world as his peculiar people.

In short, if there is any law, or any principle, which more than another has received the general sanction of both civil and religious communities in all Christian countries, it is that a man may not marry his sister-in-law, whether she be the wife of his deceased brother, or the sister of his deceased wife. With respect to the former of these connexions, the opinion of their unlawfulness is so general and so plain, that no particular attention has been bestowed on that part of the subject, and it has only been, therefore, incidentally mentioned. Both the cases, however, rest on the same foundation, and must stand or fall together; and if we admit, as all Christian Churches do admit, the Levitical law to be that by which marriages of this sort are to be judged, the result admits of no doubt. We feel no more hesitation as to the result of this question, when it is fairly brought forward, on the minds of an immense majority of the public, than we should feel of the result, if it were proposed to change our happy republic into a monarchy. A few corrupt demagogues, who had an interest in the change, would, doubtless, cry *Vive le Roi*; but it would meet the indignant frowns of by far the greater part of the community: and the same result would take place, nay, has already taken place, as we shall hereafter show, when it has been proposed to accommodate the laws in relation to marriages to the wishes of some one who had formed a connexion of the sort under consideration. When a country has been long at peace, the art of war becomes, in a manner, forgotten; but the injustice or oppression of a foreign power, may create a nation of soldiers in a day. So, in relation to this description of marriages; they have been so long considered unlawful, and the effect of this decision having been left in the minds of the community long after the principles on which it was founded had ceased to attract particular notice, and the instances in which this rule was departed from were so few, and at such wide intervals, as to excite so little attention, that although such connexions from natural feeling only were condemned, comparatively few persons understood the principles on which their own decisions rested. It is a matter for congratulation amongst those who regard the purity of the Christian Church, and the morals of this rising

nation, that this is no longer the case. Since the occurrence of the marriage of a man with the sister of his deceased wife, which took place in the Reformed Dutch Church, about the year 1815, to which a reference has been before made, and to which attention will be again directed hereafter, this subject has gradually forced itself on the attention of the public, both civil and religious; and it is not doubted, that, in the course of a very short period, laws will exist in every State in the Union, as there now does in many of them, making such a connexion highly penal, and punishable by fine or imprisonment, as it justly deserves. The few cases of the marriage of a man with the sister of his dead wife, which have occurred since that period, especially have been dealt with in such a summary manner, both in a civil and religious point of view, as to leave little encouragement to the commission of this crime in future; and at the same time greatly to strengthen the hands of those who are zealous for the purity of the Church, and are determined that this "unclean thing" shall not be permitted to exist amongst those who have come out from the world, and have determined to live lives of faith in the Son of God.

It may, perhaps, be said by some, who have not carefully attended to this subject, that the instances which have been presented, occurred at a remote period, and in foreign countries, where prejudice and ignorance prevailed, but that in our enlightened country, where a greater degree of liberality of feeling exists in relation to other things, there should be more liberality exercised towards those poor superannuated widowers, and their wife's sisters, (who are so far advanced in years as to despair of getting husbands from any other quarter,) who wish to marry each other, and that we have not been accustomed to consider this thing in a light so very heinous, but that it may be tolerated, though no one attempts to approve of it; and all acknowledge the marriage of a man with his dead wife's sister, is contrary to the injunction of the Apostle, to practise "whatsoever things are pure, and of good report." But this is no argument; the thing is wrong in itself, and it is no small praise to the Christian Church, that in the darkest ages, when so many iniquities abounded, the connexion in question was never at any time tolerated, or permitted to exist in her communion. The sentiment expressed by Calvin on this subject, is excellent. He says, with great propriety,

"Let the examples drawn from the heathen, if in virtue and modesty they should excel us, make us ashamed."

But it is a matter of sincere congratulation with all the friends of Christian purity, in these United States, that heretofore this abomination has existed to a very limited extent, even amongst the community at large; and that instances in which members of Christian Churches have dared to outrage common decency and Christian feeling, by forming such incestuous conjunctions, have been very rare. But in the few instances which have occurred, either amongst those who have been members of Churches, or those who made no pretensions to religion, the Churches and the civil laws have, in most instances, proceeded against them in such a manner as to leave little encouragement to the future commission of this species of impurity and public indecency.

With respect to the civil laws in the United States, it is not within the province of the *National* Legislature to pass laws relating to this or any other subject of a moral nature; to it belongs the authority to regulate our foreign relations, and other concerns of a general character. But the legislatures of the several States have been very properly entrusted with the power of regulating their internal concerns, among which one of the most prominent is, the regulating of public morals, and restraining those acts which are indecent in themselves, and contrary to the well being and good order of society, many laws in relation to which have from time to time been passed by the State legislatures, as the necessity for them was made apparent. In all the States laws have been passed, prohibiting incestuous connexions, and punishing the parties with more or less severity, declaring such marriages null and void, and inflicting very severe punishment on any minister or magistrate who shall dare to perform the ceremony; and laying heavy bonds on the parties, to be forfeited in case of their cohabitation in future.

By the laws of Virginia, (which have been already referred to, and a decision noticed, in which a man had married his brother's widow, from whom he was compelled to separate and to give bonds to prevent future cohabitation,) the same proceedings and the same penalty take place, and with equal propriety, in case of those who have been hardy enough to form such a connexion with their dead wife's sister. A few years ago, an attempt was made to exempt the marriage of

a man with the sister of his dead wife from the operation of the law; but the legislature of Virginia refused to repeal that part of the law, by a very large majority.

A few years since, a new criminal code was drawn up for the State of Louisiana, by the celebrated legislator, lawyer, and civilian, Edward Livingston, in which a man is forbidden to marry his deceased wife's sister. This is the more remarkable, as it is well known that morals and religion in that state are very low, when compared with most other states in the Union.

It is understood, that in the State of Connecticut marriages of the kind in question had been practised a short time since to such an extent, as to assume in some measure the attitude of defiance; and as it was not then prohibited by the civil law, those who committed it were only subjected to the contempt and scorn of the more respectable and moral part of the community, to those who are acquainted with the sense of morality and religion which pervades the mass of the population of Connecticut, it need hardly be told that such incestuous conjunctions were not permitted to go on long unpunished, and they have lately been prohibited in that State by the civil law, as will appear by the following paragraph from the *Pennsylvania Inquirer*, of July 5th, 1830.

"According to the *New Haven Advertiser*, the revised *criminal* code of Connecticut forbids the marriage of a man with the sister of his deceased wife."

This speaks well for the moral and religious feeling of the community at large in the good State of Connecticut—gives evidence of a sound general state of public morals, and will give her an increased claim to the honourable appellation which she has so long enjoyed, of being the "land of steady habits."

It has before been observed, that there is not a Christian or Mahometan country in the old world, in which the marriage of a man with the sister of his dead wife is not contrary to the civil law, and in which it is not punished by severe penalties. Heretofore, in the United States, the moral and religious feeling against this abomination has been so strong, as to impose a sufficient curb on this licentious and beastly connexion; and legislation, therefore, on this point, has been in a great degree unnecessary.

The examples which have been given will serve sufficiently to show the light in which they have been held, both in a civil and moral point of view, in cases where an expression of public opinion has been called forth; though for want of positive information and acquaintance with the laws of all the States, we are unable to say precisely what laws have been passed in relation to these incestuous marriages. It is highly probable, that in many more, the same infamy and similar punishments is attached to the marriage of a man with the sister of his deceased wife, which exists in the three which have been enumerated. At all events, it may be safely affirmed, that in every State in which such impure conjunctions shall become sufficiently frequent to direct legislative attention to them, similar laws will be passed, to render them null and void when they occur, and to punish the parties who have been concerned in effecting them. *By the common law, in all the States, it is an offence against good morals, where it has not been made punishable by statute.*

When we turn to the manner in which religious communities have viewed these incestuous connexions, it affords to all those who are concerned for the honour of God, the good of the Christian Church as a whole, and the moral and religious welfare of the community at large, abundant cause for thanks to Almighty God that he has raised up a strenuous, decided, and efficient opposition to the introduction of this obscenity in the Church of Christ.

In the case which occurred in the Reformed Dutch Church about the year 1815, which was the first that had been known to occur in that Church, during the two centuries that it had existed in America, and to which a reference has already been made, it was promptly met, and the parties excluded from the communion of the Church, as will appear by the following extract from the minutes of the General Synod of the Reformed Dutch Church, held in June 1815. The following question was brought up from the particular Synod. "Is it lawful for a man to marry his deceased wife's sister?—which being considered was answered by the General synod in the negative;" and it was then "*Resolved*, that as all such marriages are contrary to the word of God, and that purity of life so becoming the Christian character, that persons contracting such marriages, cannot be admitted to the table of the Lord until the offence is removed." It was then further,

"*Resolved*, That Baptism cannot consistently be administered to a child, born of such marriage, although presented by persons members of the church, and in other respects fit sponsors."

In this decision of the Reformed Dutch Church, we see a noble vindication of the principles of religion and morality, and a steady perseverance in defending her borders, from the approach of this most unseemly and unnatural practice. But in the Resolution refusing to admit a child born from such an incestuous conjunction, to the rite of Baptism, there is something which claims very particular attention, and shows the abhorrence of the ministers, and other good men, who opposed this infamous transaction, in a very decided manner. It is a well known fact that the Reformed Dutch Church, in common with other Pede-Baptist Churches, in ordinary cases, do not refuse to baptize infants, which are presented by persons who are members of the Church, and will take on themselves the responsibilities, which are usually enjoined on the parents, however wicked, however vile, and however infamous the parents themselves may be,—or whatever disgrace may be connected with the infant's birth. Had the child been the offspring of an illegitimate intercourse; had it been born in fornication, or even in adultery, there would have been no hesitation in admitting it to the right of baptism, provided, it had been presented by a person who was duly qualified, according to the principles by which their church government is conducted. But, however unlawful its birth, and wretched a child may be, however unlawful still the state even though born in fornication, or in adultery, and its own aunt of a child having its own uncle for a Father, and its own aunt for a Mother, involves something more horrible, more loathsome and intolerable, than could be presented under any other circumstances.

They appear to have felt, that a child having its own uncle for a father, and its own aunt for a mother, was such a *moral monster*, and involved the necessity of such an *unnatural* and *unnatural* intercourse, that the child, the offspring of it, was contaminated with such an unholy character, that it, and the performance of the rights of religion were placed at an unmeasurable distance from each other, and they therefore determined in no way whatever to touch, taste, or handle, that "unclean thing."

In the Presbyterian Church, this question has lately been decided in a manner which will doubtless settle even the agitation of it again for the next *hundred years*, at least. It has already been observed, that the Confession of Faith of the Presbyterian Church, pointedly prohibits the marriage of a man with the sister of his deceased wife, and explains her understanding of the Levitical law, which she adopts in these words: "The man may not marry any of his wife's kindred nearer in blood than he may of his own, nor the woman any of her husband's kindred nearer in blood than of her own." Notwithstanding this plain rule, however, a man in the western part of Pennsylvania, by the name of M'Crimmon, in 1824 married the sister of his deceased wife, and in consequence, was very properly immediately excluded from the communion of the Church to which he belonged. He, however, appealed from the decision of the Session, and the case came before the General Assembly sitting in Philadelphia. As is usual in the proceedings of that body in all cases of a similar character, a committee was appointed to take the appeal into consideration. And the Report rendered was, that "no relief could be afforded to the said M'Crimmon, without an alteration of the Confession of Faith."

The Assembly, apparently for the purpose of settling questions of that description, finally and for ever, agreed to direct the individual Presbyteries composing the General Assembly, to send up their opinion the next year, as to whether the clause in their Confession of Faith, forbidding such a connexion, should be cancelled or not. In the year 1827 therefore, the opinions of the separate Presbyteries were received on this subject, and it appeared, that out of about 90 Presbyteries under the care of the General Assembly, only 18 voted to cancel the article, which prohibits the "marriage of a man with any of his wife's kindred nearer in blood than of his own, and of a woman to any of her husband's kindred nearer in blood than of her own."

In the discussion which took place in relation to this subject in the Assembly, however, there were none, no, not a single one, found to *approve* of such a connexion, all condemned it, though some viewed it with less abhorrence than others.

It is well understood, that some voted for the repeal of the section, because they thought such a connexion might be tolerated when it had taken place, and that the disgrace it

brought with it was a sufficient punishment, and that the separation of the parties, which the confession of faith prescribed for the offence, was too severe; but it was observed by one of the most distinguished ministers belonging to the assembly, that at least "fifty out of every hundred, *absolutely* *abhor* such marriages, while ninety-nine out of every hundred *exceedingly* *dislike* them." The truth of the observation is abundantly confirmed by the decision just mentioned. The Presbyterian Church has acted nobly in this matter, and has shown a determination not to be behind the Reformed Dutch Church, in sustaining the standard of Christian morality, in this respect, in that elevated position in which it had descended to them from their orthodox and pious forefathers. In resisting the encroachments of heterodox opinions, whether in doctrine or in morals, that Church has always sustained an elevated ground, and in no one single instance, is she more fully entitled to the thanks of the Christian public, than for the decision she has given to the world in relation to this very important subject.

But this honour, high as it is, and worthy of imitation as it is, is not to be accorded entirely to that denomination of Christians, for every denomination of orthodox Christians have viewed, and doubtless will continue to view, the marriage of a man with the sister of his deceased wife, with the same abhorrence in which it is held by those which have just been mentioned. That the Roman Catholic, the Protestant Episcopal, the Dutch Reformed, as well as the Presbyterian Churches, would, without hesitation, excommunicate persons guilty of this crime from their Churches, admits of no doubt.

It now remains to be shown, that the Baptist denomination has not been behind others in expressing the abhorrence in which this incestuous connexion is held by them. The instances which have occurred amongst Baptist Churches are certainly very few, and when men have been found amongst them so lost to a sense of natural feeling as well as Christian propriety, as to perpetrate this crime, it will be seen that the same course has been pursued in the Baptist, which, under like circumstances, has been pursued in other Churches.

In the Baptist Church at New Brunswick, New Jersey, which was then, and now is, under the pastoral care of the Rev. Daniel Dodge, a year or two since, a case of this kind occurred. A man married the sister of his deceased wife, but

the church, with a promptitude which speaks volumes in favour of her moral purity and sense of Christian duty, proceeded to exclude the parties from her communion for that offence.

The agitation of this question in the Piscataway Church, (near New Brunswick,) gave rise to a query in the New York Association respecting the lawfulness of such a connexion. The Rev. William T. Brantly, the learned, pious, and able editor of the *Columbian Star* and *Christian Index*, in reviewing the minutes of that Association, makes the following observation, which shows *his* opinion in stronger terms than if he had entered into an extended argument on this subject.

He says, "The New York Association was held 26, 27, and 28 May, 1829. Several queries were introduced, [the first, second, and third relate to other subjects.] The 4th, *It was queried whether a man might lawfully marry the sister of a deceased wife. We should answer all these queries with one plain short word, No!*" See *Columbian Star*, Dec. 26, 1829.

Amongst the learned men who have written commentaries on the Bible, there is an unusual unanimity on this subject. It is true, that the authority of commentators, however learned and pious, is by no means equal to the inspired text; but notwithstanding, they are entitled to great respect and attention. When men of great talents and learning, who have devoted their lives to the study of the sacred volume, give us their opinions on any part of it, they are entitled to the same respect that an eminent lawyer is entitled to, when he gives you his opinion in a civil case. Now what should we think of that man, who, never having given particular attention to the study of the civil law himself, and having a large fortune in prospect, should consult all the ablest lawyers he could find, as to the best means of getting it in his possession, and after obtaining their opinion and directions to act in a particular way, should proceed in a way directly the opposite from that which he had been directed to follow? Should we think such a man sane? Should we not set him down as a man beside himself, and should we not denominate him a fool or a madman? And if he lost the whole of his property by his folly, we should think him entitled to little compassion.

Now here is precisely a similar case: many men of great learning and piety, and of the best talents the world has pro-

duced, have studied the *Divine Law* with great attention, and with all the lights within the reach of men for their direction, and they tell you unhesitatingly, that the man who marries his wife's sister commits incest—that the law of God forbids such connexions, and that they who enter into them, sin against their own souls.

To any man's *opinion* simply, in any case, little importance is to be attached; but when we interrogate him, and require the reasons on which his opinions are founded, and find them clear and conclusive, we are convinced of the correctness of the opinion, and adopt it as our own. This is the case, also, with respect to those who have written commentaries on the Sacred Scriptures. It is the reasons on which their opinions are founded, which close attention and careful study of the *Divine Law* has presented to their minds, with which we are principally concerned, and when we find them clear, cogent, strong, and conclusive, we cannot and ought not to withhold our approbation from them. In this view of the subject, we copy for the convenience of those who have not ready access to them, the opinions, in relation to this subject, of a few of those learned and pious men who have written commentaries on the Sacred Scriptures.

Henry's Commentary on Levit. xviii. 6—18.

"These laws relate to the 7th Commandment, and, no doubt, are obligatory on us under the Gospel; for they are consonant to the very light and law of nature. One of the articles, that of a man having his father's wife, the Apostle speaks of as a sin not so much as named amongst the Gentiles. 1 Cor. v. 1. Though some of the Incests here forbidden were practised by some particular persons among the heathen, yet they were disallowed and detested, unless among those nations who were become barbarous and were quite given up to vile affections."

"The relations forbidden, are most of them plainly described; and it is generally laid down as a rule, that what relations of a man's own, he is bound up from marrying with, the same relations of his wife he is likewise forbidden to marry with, for they two are one. That law which forbids marrying a brother's wife, (v. 16.) had an exception peculiar to the Jewish state, that if a man died without issue, his brother or next of kin, should marry the widow, and raise up seed to the deceased, (Deut. xx. 5.) for reasons which held good only in

that commonwealth; and, therefore, now that those reasons have ceased, the exception ceases, and the law is in force that a man must in no case marry his brother's widow."

"Dr. Paley says, 'The Levitical law, which is received in this country, [England] and from which the rule of the Roman law differs very little, prohibits marriage between relations within *three* degrees of kindred;* computing the generation through the common ancestor, and accounting *affinity* the same as *consanguinity*.'

"Dr. Brown observes, 'Christ's cousins, the daughters of his mother's sister, are called his sisters, Mark vi. 3. Women who are fellow professors of Christianity, are called sisters. Rom. xvi. 1, 2. John xiii. 1. 1 Corin. vii. 15. ix. 5. James ii. 15. But in this last text it may be taken for any woman in general; and so when God forbids the Jews to take a wife to her sister to vex her in her lifetime, it implies, a discharge to marry any second wife till the former is dead.'

"It is certain the law of Moses prohibits marriage between all that are more nearly related, than cousins, Levit. xviii. 20. only by a particular law, which it seems had been more anciently revealed, the unmarried younger brother of one who died childless, was to espouse his brother's widow, and raise up seed to him. The design of this law, was, to keep the *families distinct*. To keep the *tribes distinct*; no Hebrew heiress was allowed to marry out of her own tribe."

Dr. Scott's Letter, on marrying a deceased Wife's Sister.

ASTON SANFORD, January 9, 1815.

"DEAR JOHN—I am not willing that your letter should remain unanswered; though I am not in frame for labour and thought to-day, having been much worn down yesterday, and greatly harassed by my cough. Not that I have any thing to say on the subject of it, which has not occurred to you: but, lest expecting something from me should occasion any demur as to the counsel to be given, and the measures to be adopted, in the interesting and affecting case which you state. I cannot but feel much for Mr. — and all concerned; but it appears to me that the first severe conflict or trial is the safest, and promises best for future repose and comfort.

* This rule on the part of the man, prohibits marriage with his sister, aunt and niece, and on the part of the woman with her brother, uncle and nephew, either by blood or marriage, besides all relations, both in the ascending and descending line.

"When I wrote the first edition of the Commentary, I had no idea of the work occupying the place which it now does: and I thought questions of this kind, as requiring studied and rather laboured disquisition, rather foreign to my design: and I have since been so cramped by want of *time* or *room*, that I have not attempted any thing of the sort material in addition; though I see and lament the deficiency in this, and several other particulars of a similar nature. I have, however, always considered the marrying of a wife's sister as contrary to the laws given by Moses, as well as to our laws: and in more instances than one have prevented it; once not less than thirty-three or thirty-four years since, before I ever thought of writing on the Bible.

"I was aware that our spiritual courts took cognizance of such marriages, and that sometimes very harassing effects followed from them; but I was not aware that the penalties of the law were so very severe. Probably this, with the odium which may attach to informants, who make a gain of such matters, may have disposed the public mind, or those concerned, to pass them over unnoticed. But the law is like a loaded blunderbuss, the lock of which is grown rusty: it may not easily be fired; but, if it should, it may do dreadful execution: and I think nothing short of peremptory duty, should induce a man to expose himself, and all dear to him, to such consequences, or to the continually alarming idea that he lives exposed to them.

"But I am also decidedly of opinion, that it is our duty to be obedient to every law of the government under which we live, which we can obey without disobeying God, whatever self-denial it may require of us; and that in refusing obedience we sin against God. *Ye must needs be subject, not only for wrath, but also for conscience' sake*; and deliberately to venture on an action, which cannot be recalled, exposing a man to the accusation of his conscience in future, is far from tending to the comfort of a person rather prone to dejection; however it may seem at the present.

"I must also think that our law in this respect coincides with the divine law to Israel. If, notwithstanding the exemption of marrying the widow of a deceased brother, who died childless, the prohibition of marrying a brother's widow be absolute, (Lev. xviii. 16.) I see not on what ground it can be otherwise than absolute, that a woman should not marry

the husband of her deceased sister. The case seems perfectly parallel; the reasons entirely the same. In the case of a man not being allowed to marry his aunt (whence our laws conclude, that a woman ought not to marry her uncle) some difference may be marked: a reversal in the superiority of relation takes place in the one instance, and not in the other. But even this cannot be urged in the case in point.

"That these laws cannot be in all possible cases of moral obligation, must be admitted. It might be *possible* for a man and woman to be placed in the same situation as Adam and Eve, as to such matters. Yet still in all ordinary cases some laws of this kind are needful and highly beneficial: and, I apprehend, in all countries professing Christianity more strict rules have been adopted, not only by legislators, but by missionaries and casuists, than were adopted by the heathen: yet St. Paul's language concerning him who had his father's wife implies, that the regulations of the more enlightened Gentiles on this subject were right. The only fault in nominal Christians has been extending the restrictions beyond those in the Divine Law. But, if we reject the laws in Leviticus, we have *no law of God* on the subject; no, not against marrying sisters or brothers, or any relation. Now can we think that God intended to set aside these laws in Leviticus, and to give no other in their stead? Can we suppose that he meant to leave the Christian Church *without law*, in this most important matter? But, if not *without law*, the laws in Leviticus, in all general cases, are in full force: and, therefore, as a casuist, I must consider the intended marriage as *contrary to the law of God*. The regulations and permissions of the *judicial** law about divorces and polygamy, being unsuitable to the more enlarged dispensation of the gospel, are particularly regulated by our Lord and his Apostles: when, therefore, as is the present case, no regulation is made, no intimation of change given, it must be supposed that the law continues in force. Whatever these laws are, they are not *rituals, ceremonies, shadows of good things to come*: so they do not pass away of course, as the ceremonial law did.

"If one thinks of the present moment, the *heart* would be disposed to dictate a different decision than the *head* does: but, taking in all consequences, the heart comes over to the

* That is, the law of the land among the Jews, as contradistinguished to the moral law of universal obligation.

decision of the head. *Thou shalt not in anywise suffer sin on thy neighbour; but shalt love thy neighbour as thyself.* (Lev. xix. 17, 18.) And I am persuaded that, if Mr. — is induced, from regard to the Divine Law, to cut off as it were the hand which would cause him to offend, he will, ere long, find that the Lord will, in one way or other, so support and comfort him, that he shall rejoice in the painful decision.

"Last year at this time I was very ill, I am now only poorly. The rest as usual. May the Lord bless you all, and grant you a happy year, so I trust we all pray.

"Your most affectionate Father,
"THOMAS SCOTT."

Remarks by his son, Rev. John Scott.

"It is not to be concealed, that I have felt considerable hesitation in giving this letter to the public, because of the pain it must occasion to such readers as may feel themselves concerned in its contents. If, however, the practice against which it is directed be wrong, and erroneous views respecting it be also very common, tenderness for those who have fallen into it must not prevent our cautioning others. And accordingly I feel myself sanctioned in printing the letter, by the writer's having fully approved of my sending, at the time, a paper, containing the same sentiments, to a respectable periodical publication."

"That the practice is wrong, and utterly unwarrantable for us, at least, on the grounds stated in the third and fourth paragraphs of the letter, none can surely deny, even though they should be unwilling to admit the general conclusion against it from scripture—which, however, it does not seem easy to set aside."

"The principle of our laws appears to be this: That in the Levitical law 'all the degrees by name are not expressly set down; for the Holy Ghost there, did only declare plainly and clearly such degrees, from whence the rest might evidently be deduced. As for example, where it is prohibited that the son shall not marry his mother, it followeth also, that the daughter shall not marry her father.' And by this parity of reason the case before us is determined. Leviticus xviii. 16. and xx. 21. forbid a man to marry his brother's wife (widow:) therefore, it is inferred, a woman is not to marry her (late) sister's husband: for a woman stands precisely in the same relation to her sister's husband, that a man does to his brother's

wife. The words of Bishop Jewel, in his printed letter upon this point, are as follows: 'Albeit I be not forbidden by plain words to marry my wife's sister, yet I am forbidden to do so by other words, which by exposition are plain enough. For, when God commands me that I shall not marry my brother's wife, it follows directly by the same, that he forbids me to marry my wife's sister. For between one man and two sisters, and one woman and two brothers, is like analogy or proportion.'

"It is well known, indeed, that there was a case (alluded to in this letter, and the same on which the Sadducees pretended to found an argument against the resurrection of the dead,*) in which a man was even required by the judicial law of the Jews to marry his brother's widow. But the reason assigned, and all the circumstances of the case, have induced commentators pretty generally, I believe, to conclude, that this was an exception from the general rule, made for the Jews only, and designed to keep their genealogies unbroken, and their inheritances in the same line. Leviticus xviii. 18. has also been adduced in the argument: but it is very obscure, and the reader may be referred to my father's commentary upon it."

"With regard to the 'penalty' of the law,—such marriages are pronounced incestuous, and are liable at any time during the life of the parties to be declared void, and the issue of them illegitimate: and, if I am not misinformed, the instances are neither few nor remote in which this has taken place. It seems also that any clergyman knowingly celebrating such a marriage, or being present at it, is subject 'to be suspended from his ministry for three years, and otherwise to be punished according to the laws.' See Burn's Ecclesiastical Law, Article, *Marriage*. Title 1.: and Blackstone, b. i. c. xv."

Dr. Gill's Commentary, Levit. xviii. 6.

"None of you shall approach unto any that is near of kin to him, to uncover their nakedness: I am the Lord.*** Wherefore, the several following instances are so many breaches of the 7th command, and so many explications or illustrations of it, and consequently of a moral nature upon all men, Jews and Gentiles. *I am the Lord*, that gave this caution, and enjoined this prohibition, and would greatly resent, and severely revenge the neglect of it."

* Luke xx. 27, &c.

"Verse 14. *Thou shalt not uncover the nakedness of thy father's brother—thou shalt not approach unto his wife, she is thine aunt.* * * * * For if marriage with a father's brother's wife is unlawful, then marriage with a father's sister's husband must be so too; for a father's sister's husband stands in the same degree or line of affinity, as a father's brother's wife; and it is a sure rule, that in whatsoever degree or line of affinity, males are forbidden to contract marriage with females, in the same females are forbidden to marry males."

"Verse 16. *Thou shalt not uncover the nakedness of thy brother's wife*, neither debauch her, nor after the death of thy brother marry her; that is, unless he dies without issue, and then, by another law, he was obliged to marry her. Deut. xxv. 5. Hence, the Targum of Jonathan adds, by way of explanation, "in the life of thy brother, or after his death, if he has children." But then that law was but an exception from the general rule, and so did not make it void in other respects, but bound it the more strongly; and besides, it was a special and peculiar law to the Jews, until the Messiah came, to make it manifest of what tribe and family he came, and the reason of its ceasing; the law itself has ceased, and so not binding on Jews or Gentiles. Hence, John the Baptist boldly told Herod to his face, that it was not lawful for him to have his brother's wife. Matt. xiv. 3, 4. And even such marriages were condemned by the very heathens. Dionysius relates, that L. T. Superbus, his brother Aruntus had poison, took Tullia to wife, whom his brother being removed before married; but the historian calls it *anosion gamon*, an unholy marriage, and abominable, both amongst the Greeks and Barbarians. Plutarch also reports, that Marcus Crassus married the wife of his deceased brother; but such marriages are condemned by the same writer, as they are by the ancient Christians, in their councils and canons. Now, by this same law, if it be not lawful for a man to have his brother's wife, then it is not lawful for her to have her sister's husband, or in other words, if it is not lawful for a man to marry two brothers, then it is not lawful for a man to marry two sisters. The case of Jacob cannot countenance such a marriage, since he was imposed upon and deceived; and such marriages have also been disapproved by the heathens and Christians. Honorius, the Emperor, married two daughters.

ters of Stillo, one after another, but the unhappy exit of both sisters showed that those marriages were not approved by God; for they both died immature deaths, leaving no children. *It is thy brother's nakedness*; that is, his wife is, being by marriage one flesh with him, and his brother being so to him, the relation is too near to intermarry, and more especially when there is issue by the first, which connects them strongly."

"Verse 18. For that a wife's sister may be married to her husband, even after her death, cannot be lawful, as appears from the general prohibition. (v. 6.) *None of you shall approach unto her that is near of kin to him*, and yet it is certain that a wife's sister is near of kin to a man, and from the prohibition of marriage with an uncle's wife, with the daughter of a son-in-law, or of a daughter-in-law. Verses 14. 17. Now a wife's sister is nearer of kin than either of these, and from the confusion that must follow in case of issue by both, not only of degrees, but of appellation of kindred, one and the same man, who, as a father of children and the husband of their mother's sister, stands in the relation both of a father and uncle to his own children; the woman, to the children of his deceased sister, stands in the relation both of a stepmother and of a mother's sister, or aunt, and to the children that were born of her, stands in the relation both of a mother and an uncle's wife, and the two classes of children are both brethren and own cousins, by the mother's side."

It would be easy to multiply authorities of this description almost indefinitely, so general has been the opinion that the marriage of a man with either class of his sisters-in-law, is "forbidden in the word." If, however, those which have been already presented do not, together with the principles on which they are founded, carry conviction with them, no further arguments that could be used would be likely to produce that effect.

But suppose we admit that a man may lawfully marry his wife's sister, can there be any good reason given, why a man may not lawfully marry his brother's wife? There is none, both the sisters-in-law stand in the same degree of relationship to the man; if, therefore, a man may lawfully marry his wife's sister, he may lawfully marry his brother's wife, and if a man may lawfully marry his brother's wife, surely he may

lawfully marry his uncle's wife, for an uncle's wife is one degree more remote in kin than a brother's wife, or wife's sister, and therefore might be supposed to be less, under the operation of the general law; "none of you shall approach unto any that is near of kin to him," and if a man may marry his uncle's wife, he may marry his son's wife, or his father's wife, or any other relation by affinity; and if he may marry relations by affinity which are named and forbidden, he may marry relations by blood which are not named, such as his grandmother, his daughter, and his niece.

If we admit that a man may lawfully marry his wife's sister, these conclusions are inevitable. Those who assert that such a marriage is lawful, must either admit these conclusions, or give some good reason why they are not so. The truth is, no such reason can be given, none which can for a moment stand the test of a fair examination.

The admission that a man might lawfully marry his wife's sister, would produce the same effect to the law of Incest, that would arise to the Universe, by striking the sun from the solar system. In the one case the planets would run lawless through unlimited space, and nothing but the omnipotent hand of Deity could arrest them. In the other, the whole spirit and economy of the law would be destroyed; and a man must be allowed to have an unlimited range through all his female relations, not excepting the nearest. Let it once be admitted, that a man may marry his wife's sister without a crime, and without reproach, and we shall soon see strange things come to pass. Like a flood, or a fire, we should find that this admission would carry all before it. Those who oppose incestuous mixtures, must take their stand here; admit this, and elsewhere they have not whereon to rest the sole of their foot; all must be abandoned. But blessed be God, we are not driven to this extremity; this point is perfectly tenable, and without treachery on the part of those, whose duty it is to defend it, will never be abandoned. In the darkest ages, the great Head of the Church has never suffered this point to be surrendered to the Adversary, and in this, we have the assurance that he never will. He has, heretofore, always raised up servants, who were both able and willing to defend his law in this particular, through both evil and good report, and he will doubtless continue to do so, to the end of the world. From all these considerations, we leave it to any candid

person, who has sufficient intelligence to estimate the value of evidence, to say, whether the declaration made by John the Baptist, and the Apostle of the Gentiles, in the cases which have been referred to, are not equally applicable to all men who take their sisters-in-law for wives, and to those Churches which permit their members to contract such marriages.

We have thus presented our views of the law of God in relation to this practice; but we cannot take leave of this subject, without presenting a few general considerations to the attention of those members of Christian Churches, who may hereafter be called upon to give their decision in relation to this practice.

I. Let Ministers of the Gospel, those whose business it is more particularly to understand the law of God, and to watch over the people committed to their care, as they shall give an account at the great day for the manner in which they have discharged their duties, seriously consider, whether they can tolerate such marriages in their churches: whether they are willing to be instrumental in forwarding such unholy practices, by marrying parties standing in the relation of brothers and sisters-in-law; or whether, when the parties have gone to a distance, and imposed on some one, to whom the relation in which they stood to each other was unknown, and by that means accomplished their purposes, they can tolerate the existence of such connexions in their Churches; whether they are willing that the Baptist denomination, which professes to have erected for itself so high a standard of faith and morals, should suffer a practice to exist among its members, which has always been considered *immoral* by the very heathen, and which every other respectable body of Christians has viewed in the same light. Christians, and more especially Christian ministers, are the light of the world—the salt of the earth—a city set on a hill; and if they are found unfaithful—if they are either found to encourage or tolerate marriages “forbidden in the word,” they are conniving at impurity and immorality, and deserting the cause of their Divine Master in an important particular; and they and their Churches may speedily expect to be visited by his displeasure.

II. Let Deacons of Churches ask themselves whether they can be instrumental to the encouragement of such *counterfeit nuptials*, by serving from the table of the Lord the em-

blems of his broken body and spilt blood, to brothers and sisters-in-law, who are living together as man and wife, thereby putting him and his ordinances “to an open shame.”

III. Let Christian parents consider whether they can, by tolerating such marriages in Churches of which they are members, thereby give such an encouragement to the practice, that their own children may be led from the example of others to form such connexions. What Christian parent would not be deeply pained to see his son marry two sisters, or his two daughters the same man? But if he remain a member of a Church where a brother and sister-in-law are living together as man and wife, and in good standing, what could a pious parent say to a son or daughter about to form such an “*impure mixture*?” Fathers! mothers! as you value the eternal welfare of your children, think on these things, and do not give your countenance or support to such practices; the example of which may bring your own gray hairs with sorrow to the grave. Are you willing to be instrumental in breaking down that holy feeling which exists between near relations of different sexes, and thereby lead to the commission of those abominable crimes which have been the result of such practices, and which have been already referred to? Christian parents! we beseech you to pause, and consider the effect your decisions may have, not only on your own children, but on generations yet to come. Should you give all your influence in *opposition* to such practices, no harm could arise from it; while, by giving encouragement and countenance to such unholy connexions, your example may have the effect of consigning thousands to the abodes of *everlasting despair and eternal wo*.

IV. Let females, whose delicate sense of propriety in all things has such an immense influence on society, consider that, if the marriage of men with their sisters-in-law be *wrong*, they involve the most odious species of *unchastity*, viz. *Incest*; and that they are *wrong*, has already been proved. This being the case, then, those females who possess a nice sense of *virtue* and *modesty*, need not be told what course they ought to pursue.

Finally. Let every member of Christian Churches give that consideration to the subject which its importance demands; let them one and all appear in opposition to this practice; let them consider, that at present it is easy to suppress it. Such

cases are as yet very rare, and consequently involve less difficulty than if they were frequent. Now is the accepted time to give them a decided and fatal overthrow: if this be neglected, and they are suffered to go on until all their bad consequences are developed, it may then be too late; and the future historian of the Christian Church may be compelled to record, that in the beginning of the nineteenth century, the very period when Christian Churches of every denomination, as with one accord, were using every means and exerting every effort to extend the Redeemer's kingdom throughout the earth,—that at that very period a practice was first tolerated and permitted to take root, which proved destructive not only to the purity of the Church, but contributed also to the development of some of the most hideous forms of vice in human society. Whether this shall be recorded by the future historian of the Christian Church, must be decided by those who bear the name of Christ, and profess to live in that purity of life which he inculcated. Shall it be so? God forbid!!

ADDENDA.

A.

SOME good men seem to be puzzled to decide whether the Levitical law in relation to marriages, is a *moral law* or not, and they argue in this way. If the Levitical law in relation to marriages, is a moral law in its nature, and from the nature of moral laws they are always and at all times binding on the human family, how could it be that God permitted it to be broken by the immediate descendants of our first parents? as from the necessity of the case, the sons of our first parents must have married their own sisters. And again, the Levitical law permitted, nay, obliged a man to take the wife of a brother who died childless, and raise up seed to inherit *the name and property* of the deceased. Therefore, say they, if these are moral laws, God himself must have authorized that which was in its nature immoral.

To us this subject does not present the slightest difficulty; and to make it perfectly clear, let us ask, 1st. *What are moral laws?* Moral laws are the commands of God: some of which have been of a temporary, some of more enduring character, and some of eternal obligation. The first of this class is illustrated by the command of God to Abraham, to sacrifice his son Isaac; for though God commanded that Isaac should be slain, yet the command extended to Isaac only, and at that particular time; had the patriarch meditated the death of Isaac at any other time, or of his other son Ishmael, at any time, he could not have done so without committing murder in his heart. The second class is illustrated by the ordinance of the Passover, which was given to the Jews until the great Passover should be offered, and then ceased to have any further obligation either on Jews or Gentiles. And of the last class is the first commandment; for love to God is not only a moral law to men, but it is universally and eternally binding on all *created beings*. Most of the other commandments of the Decalogue are binding only on human beings, and during our mortal existence only, while the *first*, from its nature, is as binding on angels, and the spirits of the just made perfect, as it is on mortal men.

2nd. Let it be considered, that the authority, whether human or divine, which has power to *make a law*, has power to *make such exceptions* and such limitations to the extent of its operation, as may appear proper to the power which enacts it. Laws, both human and divine, are full of exceptions and limitations, which are generally introduced, to prevent two laws emanating from the same authority, from clashing with each other in their respective provisions. These exceptions and limitations are sometimes contained in the same law, and enacted at the same time with the law itself; or they may be enacted as a separate law, and at a period subsequent to the original and principal law. Almost all laws, therefore, have exceptions, which, however, cease when the circumstance which gave rise to the exception, ceases. A few examples will probably set this subject in a clearer light. And, 1st. When the Israelites were about to flee out of Egypt, they were commanded to spoil the Egyptians, by borrowing from them all their most va-

luable articles—their silver and their gold—and to carry these articles with them on their journey, and they did so. But did this command of God authorize the Jews to practise the like fraud or theft, for it was nothing better, upon any other people, or on the Egyptians themselves at any other time? Did this command abrogate, in the slightest degree, the universal moral obligation of the eighth commandment, which says, thou shalt not steal? By no means; the command to spoil the Egyptians extended no farther, while the eighth commandment will continue in force to the end of the world.

2nd. By what authority did the Israelites invade the land of Canaan? Would they have been authorized to do so without a direct command of God? Are other nations or individuals authorized to rob and murder their neighbours, because God commanded the Jews to destroy the Canaanites, and take possession of their country? Is the moral obligation of the sixth and eighth commandments in the slightest degree lessened, by the exception granted on this particular occasion to the Jews? By no means. Those who break these commandments now, are just as guilty as though such an exception had never existed.

3. Again. The fourth commandment is, Thou shalt remember the Sabbath day to keep it holy. In it thou shalt do no work, &c. And yet we are informed by the unerring authority of our Saviour himself, that it is lawful to do good to our fellow men on that day, and also to do such *work* as would be necessary to save property, which would be destroyed if it did not receive attention on that day. If thy ox or thy ass fall into a pit, it is surely lawful to help him out on the Sabbath day. But who would ever think of arguing from these exceptions to the law, that under ordinary circumstances, our moral obligations to keep the Sabbath were destroyed; and that, therefore, the commandment could be broken without a crime? Many more similar cases might be presented, but the foregoing are sufficient.

Let us now apply these same principles to the cases mentioned, to wit, the marriages of Adam's sons to their sisters, and the exception to the Levitical law, permitting, under a certain contingency, a man to marry his brother's wife; and we shall see every objection raised from these cases, to vanish like the morning mist before the rising sun. And first, let us examine the case of Adam's sons. Let it be remembered, that one of the first laws given to man after his creation, was, "Increase and multiply, and replenish the earth." Gen. i. 28. Here, therefore, we have a law laid down, and the object stated for which man was created. We have before said that it is a natural law, given to all men, which creates a revulsion of feeling, by which they are warned of the unlawfulness of marriage with near relations, and that this law was given to man at his creation. The general practice of all nations and all ages, proves that it was so. Now when the children of our first parents grew up, here two commands of God,—two moral laws, both emanating from the same authority, were presented, apparently in conflict with each other. To wit, the law to increase and multiply, and replenish the earth, and the law to avoid cohabitation with near relations, "any near of kin." But can we hesitate for a moment in deciding which was the most important of these laws at that moment? The first, certainly; and therefore the second, *while the necessity existed, and no longer*, must give way to the first. But as soon as this necessity ceased, the exception occasioned by it ceased also; and if the grandsons of Adam and Eve took their sisters for wives, they were doubtless guilty of a breach

of the law of nature, or what is the same thing, of a breach of the moral law. It is clear, therefore, that no authority whatever can be drawn from this to contract marriages with near relations, and equally clear that those who do so, break a moral law, viz. the seventh commandment. Again: with respect to the law which commanded a man to inherit the name and property of the deceased. It appears from the case of Onan, that this practice was a very ancient one, and had been in use by the Jews, and other eastern nations, long before the giving of the law by Moses, and doubtless had its origin from the situation of society at that time, by which, had the widow married into another tribe, the property of the deceased would have passed to the tribe into which she had married; and to prevent this, she was married to a brother of the deceased; and this practice appears to have been permitted to continue amongst the Jews after the giving of the law by Moses, because the state of society amongst the Jews remained the same as that which gave rise to this practice. It was suffered to continue as an exception to the law which forbid a man to marry his brother's wife; but it was an exception limited with great care, and applicable to one particular case, viz. when the brother died without issue; and even when a man had children by his brother's widow, they were not considered *his children*, but the children of the dead brother, and were called by his name. The reason of this exception may appear trifling to us; but the case was far different among the Jews; the desire of having children was intense among the Jewish women, and for a married woman to be without children, was considered the greatest disgrace. We may readily conceive, therefore, that a childless widow would be anxious to contract a second marriage; and to prevent such second marriage from taking the first husband's property out of the family, as well as to provide a husband for the widow, it was made the *duty* of the man to marry his brother's widow; and he could only avoid doing so by going through certain degrading ceremonies, and afterwards bearing an opprobrious title.

This exception, therefore, like exceptions to the other moral laws, was the result of a necessity, which ceased with the peculiar institutions of the Jews, and can never authorize such a practice, where the reasons which then existed have ceased to operate, any more than a man would be authorized to steal, rob, or murder, because the Jews, under the immediate command of God, had spoiled the Egyptians of their most valuable property, and had driven out and destroyed the Canaanites, and taken possession of their country.

We can easily conceive a contingency, however, in which it might be lawful for a man to marry very near relatives; but this contingency must result from necessity. Suppose a man should be thrown with his brother's wife, his wife's sister, his own sister, or with a woman who had a husband living on a desert island, without a prospect of ever mingling again with other society, there could be no doubt but that he might, without the contraction of moral guilt, marry either of the females mentioned; but because a man might marry his sister-in-law, or his sister by blood, under such necessity, where the law to "increase and multiply, and replenish the earth," would take precedence of all others, it by no means destroys the moral obligation of the Levitical laws relating to marriage, any more than it would destroy the moral obligation of the seventh commandment, because he might, under the same circumstances, marry a woman who had a husband living. The conclusion, therefore, is evident, that no argument against the universal obligation of a moral law, ought to be drawn from the fact, that under peculiar circumstances, the Almighty, under his own immediate

authority—the same authority which enacted the law itself, and therefore competent to make exceptions to it—has been pleased to dispense with the fulfilment of any one of them.

Who can for one moment suppose that it would not be an immoral act for a man to marry his mother, or sister, or his father's wife, or wife's mother? and if these prohibited degrees are immoral, all the other numerous prohibitions named in the law are immoral, for they are all forbidden for the same reason, viz. because they are "near of kin."

B.

It has been said by some that as the law is prefaced, by the words, "None of you shall approach unto any that is near of kin to him;" in interpreting the law, had any relation, however remote, been prohibited from contracting marriage, and no others named, they should have had no difficulty in inferring that all who were more nearly related than those named was intended to be prohibited; but as the law goes on to name some particularly, they appear to doubt whether all are not named specifically who are intended to be forbidden by the preface to the law.

Those who make this observation, perhaps forget that on this principle, a man might marry his daughter, or his grandmother, as well as some other near relations. But waiving these *trifles*, let us ask them how they would interpret the 4th commandment: "Remember the sabbath day, to keep it holy. In it *thou* shalt not do any work: Thou, nor thy son, nor thy daughter, thy man servant," &c.

We see here that the command is addressed to the head of the family, and his son and daughter only, besides the servants, are forbidden to do any work, but his wife and other relations are not named. On the principles they advocate, therefore, a man's wife and other relations, ought to be allowed to work as much as though the command had not been given. Can those who make this observation be willing to follow where these conclusions would inevitably lead them? We think not.

C.

The observation has been made, that the marriage of a man with his sister-in-law ought not to be condemned; because, say the *wisacres* who make it, a man and his sister-in-law must be supposed to *know all about each other*—must be acquainted with each other's temper, habits, &c. and therefore they would be the most suitable companions for each other.

If the woman, who *knows most about* a man, is the most suitable to be his wife, the man ought to marry his sister by blood, for she would doubtless *know more about* him than his sister-in-law; or better still, his own mother; for of all women, she must be supposed to *know most about* him.

Let the practice continue a little longer, of a man *knowing all about* his sister-in-law *after his wife's death*, and depend on it, you will soon find that it will be a common practice for him to *know all about* his sister-in-law *before his wife's death*. Not a few cases could be pointed out in this city, where the wife had died with a lingering illness, in which it afterwards appeared that the husband had *known all about* his sister-in-law, before her sister's death; possibly such knowledge may have hastened the death of the wife; if so, the parties to the crime of *Incest*, added a kindred crime, that of *murder* also.

We always suspect the virtuous principles of those who make such an observation. The only man we ever heard *positively approve* the marriage of a sister-in-law, made it, and though at the time he was a member of a Christian Church, and his moral character stood very high—he has since sadly fallen. A few weeks since he was found *knowing all about* another man's wife. "*Similis simili gaudet.*"