

Please give me
your criticism on this
M. L.

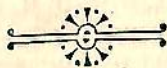
Compliments of
M. M. LAURY, M. D.
244 W. 42 N. Y.



SOCIAL



ETHICS



LIST OF OFFICERS

AND

TRUSTEES

OF THE

SOCIETY OF MEDICAL JURISPRUDENCE AND STATE MEDICINE.

FOR THE YEAR 1886.

OFFICERS.

FRANK H. HAMILTON, M.D., LL.D., PRESIDENT.

HON. AMOS G. HULL, VICE-PRESIDENT.

GEO. W. WELLS, M.D., SECRETARY.

WALTER T. DANIELS, Esq., ASSISTANT SECRETARY.

A. M. JACOBUS, M.D., TREASURER.

J. F. CHAUVEAU, M.D., CORRESPONDING SECRETARY.

TRUSTEES.

WM. M. McLAURY, M. D.,
President Board of Trustees.

D. M. SHAW, Esq.,
Secretary Board of Trustees.

H. J. BOLDT, M.D.,

W. H. RUSSELL, Esq.,

E. C. HARWOOD, M.D.,

C. H. KITCHELL, Esq.,

E. H. BENN, Esq.,

WM. STEPHENS, M.D.,

GEO. W. WELLS, M.D.

THE SOCIAL EVIL.

SYNOPSIS OF MR. KITCHELL'S PAPER.

At a regular meeting of the Society of Medical Jurisprudence and State Medicine, on May 13, 1886, at the Academy of Medicine, 12 West 31st Street, New York, Charles H. Kitchell, Esq. presented the following synopsis of a paper on the Social Evil:

Attention was called to the following points: 1. The magnitude of the evil; its sadness; the difficulties surrounding its solution and even its discussion; the utter hopelessness felt by many as to checking, much less curing, the evil; woman, the most potent factor in the solution of the problem, must teach and be taught the dignity of her position. 2. The denunciations of the Church and the severity of State laws have been of but little avail. 3. Definition of prostitution. 4. The subject has been treated from three points of view, moral, social, and physical, mostly from the latter, looking to the protection of men from the results of their own vice rather than a cure of the evil. The burdens of the law have fallen mostly upon women, while men have been easily absolved. 5. The evil considered historically, by an examination of the conditions of society in which it has been the most prevalent; the condition and status of woman under the law, social and political, seeking thus to ascertain its causes and the direction in which we must search for its cure; the law in Assyria, Judea, Egypt, Greece, and

Rome, and condition of women in those States prior to the Christian era. 6. Influence of Christianity; its effect in the elevation and emancipation of woman. 7. The effect of chivalry upon the status of woman in society and under the law. 8. Effect of the feudal system. 9. Review of legislation in Rome, Germany, France, and England, showing its spirit, purpose, and result—that legislation has entirely failed to cure or correct the evil, or even to limit disease incident to it. 10. Corruption of courts and their influence upon society in increasing the evil. 11. It has been most prevalent under despotisms, where great wealth has accumulated in the hands of the few, where women were but little recognized by the law and shut out from remunerative avenues of labor; it has decreased with the growth of individual liberty and the emancipation of woman. 12. Failure to check the evil is largely due to the fact that neither the individual nor the State has fully realized the moral turpitude of the offense; not through human laws but through human hearts, exalted and ennobled, are we to look for its cure. 13. Its cure is: The emancipation and elevation of woman; opening to her wide avenues of useful and remunerative work; proper education of men and women, commencing in childhood; teaching men to recognize the sanctity of marriage, and that this vice should be shunned, not from fear of consequences but on account of its moral turpitude; making men, young and old, feel and recognize that they cannot escape social ostracism if they violate social laws; and creating a correct public sentiment as to the relation between men and women.

MR. BENN'S PAPER.

E. H. Benn, Esq., opened the discussion for the legal side of the house. He called attention to the prevalence of the social evil, and to the vast amount of consequent disease entailed upon New York and Brooklyn—the estimate being, according to Dr. Sanger's book on the subject, 74,000 sufferers in 1857, which, increasing with the increase of population, would be about 200,000 annually at present in those two cities. Mr. Benn continued as follows:

It would be useless to deny that the primal cause of this evil is a natural human passion, a desire entirely proper in itself, and necessary for the propagation and preservation of the human race. It is not the due and lawful indulgence of this passion or desire that we designate as an evil, but its perversion—the undue stimulation, illicit intercourse, and the public sale of the indulgence.

One great cause of prostitution is the fact that females have never had equal opportunities with males to earn a living. For no good or just reason they have been and are excluded from many useful occupations for which they are as well fitted as men; and in the few occupations they are permitted to follow they are restricted in many ways, and are rarely given the same compensation as men for the same work.

Another cause is the drunkenness and cruelty of parents, who think little and care less about the fate of their daughters. Still another cause is the difference between the treatment of men and women guilty of indulgence in this vice, and the want of charity and the unforgiveness of women, and the persecution by women of their own sex. We know that many young men not only indulge in such vices, but actually seduce innocent girls, and still so far maintain their respectability as to be able to go into good society and afterwards marry respectable ladies. Let a female stray but once from the path of virtue, or let there be even one breath of suspicion against her, whether well founded or not, and there is no forgiveness for her. In such cases woman is her greatest enemy. A young woman so treated, with a certainty of being forever excluded from good society, with no chance to engage in any useful occupation, with no hope of decent treatment—is it any wonder that she so often becomes desperate and an enemy of her kind?

Another great cause of prostitution is our unjust laws concerning marriage and divorce. These views I know are contrary to the prevailing opinions of the people in this part of the country, or the opinions generally expressed by people who, whatever they may suppose they think, have not, in my opinion, thought very deeply on the subject. It seems to be fashionable and a cheap way of becoming or being popular with the churches,

to inveigh against easy divorce—in reality against divorce for any cause.

I charitably believe that this and the want of due consideration are the causes of the numerous expressions of objection to divorce. But it is true, nevertheless, or at least it so seems to me, that if divorces were allowed for other causes than adultery, and the divorced persons were allowed to marry again, it would be better for the morals of the parties concerned as well as for their innocent children. I do not believe that the life of two persons should be blighted and their future made miserable by an unfortunate or mistaken marriage. I do not believe that two persons who hate each other should be required to live together in a state of hostility. I do not believe that a woman ought to be compelled to live with a habitual drunkard or any one who is dangerous or who daily makes himself offensive for any cause. I believe the offspring of such parents so living together and hating each other will be, and in many cases, and much more likely in all cases, are vicious and depraved. I believe that such mutual hatred, or the hated by one of the other, is the chief cause of adultery, and that this city is full of married prostitutes who become and are such for those reasons.

If for incompatibility of temper or other causes which make the union intolerable and life a burden, the parties could be divorced, each being allowed to marry again, divorce would not be considered disgraceful and the children would not be compelled to bear a stigma. Even a modification of the present law, allowing those divorced to marry again, would prevent a great deal of vice and prostitution. As the law now is, a divorce can be granted only for adultery, yet there are many divorces granted for adultery committed through the inability of the parties to get a divorce for any other cause. And as if to encourage a continuation of adultery, the divorced person is forbidden to marry again during the lifetime of the other party. It would seem as if there could be no other object or reason, for the prohibition is limited to the lifetime of the former wife or husband. It is not, then, because the lawmakers think the divorced party is unfit to be a husband or a wife, for if so, he or she would be just as unfit after the death of the other party as before. Min-

gling with society, capable of loving and being loved, yet forbidden to marry, he or she will usually live with some one of the opposite sex without a marriage ceremony; or if a woman and she cannot do this, she will have less hesitation in joining the ranks of the prostitutes.

I have now spoken of some of the causes of prostitution. I will next consider its prevention and remedy. There is an idea prevalent, confined, I think, however, to people who have not very thoroughly considered the subject or examined the question, that the world is getting worse, that our ancestors were wiser and better than we are, and that vice and crime are increasing. I do not believe it. I believe in human progress. I believe that mankind has always been and now is growing wiser and better, and that in proportion to the population, vice and crime is constantly decreasing.

So far as the vice of illicit sexual indulgence is concerned, the further back we go in the history of man the worse it seems. Moses, the wisest and apparently the purest man of his day, had his Ethiopian concubines; and his writings and those of other sacred writers, describing the customs and habits of the people of those early times, are full of descriptions of this vulgarity and vice openly practiced. And it has been so in other nations since, being carried to such an extent in some cases as to work the destruction of governments and nations. In those days the people were not so well educated or enlightened as are the people of this country now. They consequently knew less of the evils, the causes, and the remedies. They knew less of the human system, and they were less refined. Just in proportion as mankind has improved and become intelligent and refined, that vice, like all other vices, has diminished, but it has not been cured or prevented. How, then, can it be cured, prevented, or diminished?

It has been conceded that the law furnishes no remedy. This to a certain extent I believe. Laws do not prevent it, for the idea appears to be that the man is innocent though the woman is guilty. The absurdity and injustice of this is manifest. Experience has proved that prostitution or adultery cannot be abolished by law. It is said that the Roman Catholic religion, where girls

are obliged to confess their sins, does restrain this vice, but statistics do not prove it, for out of 2000 prostitutes 972 had Protestant training, 977 Catholic training, while only 51 had no religious training. And in the number of prostitutes given in the statistics mentioned, this was the proportion of Protestants, Catholics, and non-professors. Is there any better test than this? The idea underlies all Christian teaching that woman is inferior to man, that she caused the fall of man and was consequently accursed of God; and in all Christian countries she has been regarded as inferior to man and subject to him. This idea was the foundation of the Canon law, by which woman has been so long deprived of her rights; but in spite of, and not because of Christianity, and because of the progress of mankind in arts, sciences, education, and civilization, woman is being elevated and is fast acquiring her rights, and may hope soon to be legally, as she now is morally and intellectually, the equal of man. This progress is being made, not in the most Christian but in the most skeptical parts of the country; and where such progress is made, woman becomes and is more intelligent, virtuous, and refined. There she is truly elevated.

It is, then, not penal statutes nor police regulations, nor yet Christianity, that restrains or will prevent or diminish prostitution, but it is the general improvement of the masses, the advancement of the people, male and female, in art, science, education, and civilization, giving woman her legal or social rights, enabling or allowing her to stand higher legally in the scale of being, giving her a chance to earn a living, giving her an education fitting her to transact the business of life, teaching her and the opposite sex also that they should do right because it is right and for no other reason, that virtue is always rewarded and sin always punished by the operation of nature's laws, by the effects that follow causes, and that from the *evil consequences of this vice* there is *no escape*.

By doing this, and by treating women guilty of this vice with charity, and giving them a chance to reform, prostitution may be restrained or greatly diminished.

If time would permit I would be glad to speak of such extenuating circumstances as seem like partial excuses for the con-

duct of fallen women, and to show, as far as I can by argument, that she does not merit the contempt and punishment she receives for being the victim of her seducer, who is always forgiven, even if he is blamed at all; and that the virtuous, unforgiving prudes who are deaf to her appeals, and who shut against her the door of mercy and hope, and forbid and prevent to the extent of their ability her reformation and return to the paths of virtue, are morally more guilty than she; but I have extended my remarks to the limit and must leave the rest unsaid.

DR. WM. M. McLAURY'S PAPER.

I shall preface my remarks by a short catechism, a part of which is pertinent to this subject, and which I shall denominate "A Few Questions and Answers, by a Philosopher of our Day."

1.—What is Love? Love is the highest, the deepest, the broadest, the profoundest sentiment and passion of the human soul.

2.—What is Hate? Hate is Love turned sour.

3.—What is Lust? Lust is Love gone mad.

4.—What is Platonic Love? It is Ideal Sympathy.

5.—What is Truth? Pilate's question in Holy Writ remains unanswered. I shall give, as reply, the words of a modern philosopher: Truth is whatever *is*, *has been*, or *is to be*.

6.—What is Art? Delsarte says, Art is feeling passed through thought and fixed in expression. A less metaphysical and more practical definition is: Art is Nature utilized and beautified.

7.—What is Man? Man is the only animal that abuses his female.

8.—What is time? Time is the connecting link between two eternities.

9.—What is Life? Life is the vital spark that combines matter and force.

10.—What is death? Death is the mysterious act that separates matter and force, and returns each to its original reservoir.

11.—What is Sin? Sin is (1), want of conformity to or transgression of God's natural higher law. (2), any transgression of the moral or physical laws of nature—the natural law in morals being the "Golden Rule."

12.—What is Religion? Matthew Arnold says, Morality touched with emotion.

WHAT IS THE SOCIAL EVIL?

Broadly defined, the Social Evil is the expression of sexual love in an unnatural or unhealthy manner; or, more in ac-

cord with the sentiment of to-day, The expression of sexual love without the sanction of statute law. Inasmuch as love is higher than written law, law cannot control it. It cannot compel two to love each other; neither can it prevent them. The higher law that governs all fecundity or productiveness, both animal and vegetable, should be our guide. Rightly studied, it becomes an infallible guide to both the happiness and health of the individual. Morals or ethics of States and societies vary with each century and by geographical limits. Thoughts and actions are tolerated and even commended in our social circle now that a century ago would have been deemed worthy of capital punishment, *e.g.*, witchcraft, heretical tenets of faith, spiritualism, etc. The inventions of to-day would be deemed by our forefathers the works of the devil. Many a good man has lost his life by devising improvements for the race before his contemporaries were ready to receive them, and thus inventors and leaders of thought became martyrs. With few exceptions, the nations of the world pass laws sanctioning or upholding polygamy or concubinage. The English and German speaking people are the only ones who enact strict monogamic laws. And I leave it with every intelligent, thoughtful man to judge how frequently those laws are evaded or disregarded in countries that demand their strict observance. It is estimated that there are more polygamists in London than in Constantinople. This brings us face to face with the subject, how incomplete and unsatisfactory the present marriage laws are. Do they fully meet the mental, moral, and physical wants of the human family? Do they not directly contradict and set aside the higher law in some of its aspects? The sexual appetite is as natural and as imperious as that for food and drink—for the temperate, healthful enjoyment thereof is necessary for healthful development of mind and body.

This higher universal law is God's law, and cannot be abrogated or changed by any civil or sacerdotal enactment. There is no one subject on which society so much needs instruction as this one of love and its concomitants. I think I will not be disputed when I say that all love, of whatever name or kind, has its origin in the sexual instinct. We could not be socially agreeable, fraternally affectionate, paternally pious, or deifically

devout except for this physiological felicitous God-given instinct. Sexuality is an objective fact. Affection, passion, romance, love in all its phases, are its subjective antitheses, its mental complements. In present society the ideal compensates in great measure for actual sexual union, and is so far platonic. The more sexual power an individual has, the more powerful he or she may become in every direction, and the more their personality may be felt in the community; but like any other good thing, if the power or force is abused it tends to the destruction of the individual who has not the wisdom and discretion to use it properly and not intemperately.

Emerson says, "Thought or philosophy makes everything pure and fit for use." What would be base or even obscene to the obscene, becomes illustrious when spoken in a new connection of thought. We must accept the inevitable, must make allowances for sexual passion, and subordinate it to high human uses. We can only hope to conquer nature by submitting to her. Scientists tell us that all progress is from homogeneity to heterogeneity, from uniformity to complexity. In the social law, to make allowances for all divergences is a part of the duty of social philosophers.

It is to be regretted that the tendency of existing laws is to make people hypocritical. What God hath joined together let no man put asunder. I will venture the assertion that what God joins, man *cannot* put asunder. What man does, man may undo. God's works and laws are immutable,—the same yesterday, to-day, and forever. Men and women need each other—all men and all women. This is God's law.

I fancy I hear some one say, well, let all men and women marry. So far as our society is concerned all men may marry—all women cannot, for the simple reason that in New York City alone there are forty to fifty thousand more women than men. Taking our State and the New England States, there are 150,000 more women than men. Then there are 150,000 men who won't marry, and there is no law to compel them. That leaves 300,000 women, in this small geographical circle, without the possibility of getting married. Can we say that all these 300,000 women are implacably wicked if they have ardent love natures and sometimes yield to them? Does not God's law

give them emotions, passions, and rights equally with their married sisters? Some of the most affectionate, loving girls ever born into life have gone down to despair and suicide, through remorse and self-condemnation at their inability to control their love for men perhaps wholly unworthy. Miss Phelps says no man can realize the agonies women suffer from 15 to 30, that is, from the nubile age to marriage. Maudsley, in "Body and Mind," says, Although women bear sexual excesses better than men do, yet they suffer more than men by the entire deprivation of sexual intercourse. Sexual starvation is a condition in which either men or women may reach a state when they will sacrifice everything dear in life to them to appease that appetite—money, property, friends, family, reputation, and even the hope of eternal bliss. To prevent or appease this morbid craving of a natural appetite it is only necessary that the sexes should commingle without too much restraint by conversing, singing, dancing, or even kissing in a decent, orderly manner; but too much law and rigor in things that pertain to the love-nature is worse than none at all, as we all know forbidden fruit is eagerly sought. As a dignified matron once expressed it, If it was a sin to take a drink of water, what a luxury it would be!

Byron says, "Love is of man's life a thing apart; 'tis woman's whole existence." I think statistics show that there are more women in insane asylums to-day from some perversion of the love nature, or sexual aberration, than all other causes put together. Some of the eminent alienists present to-night may correct this statement if I am wrong. Marriage does not invariably correct abuses of the love nature. I know intelligent men and women who have married and tortured each other all through life, not that they were implacably wicked, or even indifferent to each other's welfare, but simply that they did not know how to love each other harmoniously. There is nothing in the world that people are suffering so much for as for a want of knowledge on this one subject. As an old doctor, now deceased, once expressed it to me in conversation on this subject: People suffering, suffering and dying through ignorance, and no one to teach them! There is no stimulus accessible to our race so potent for good, when naturally and

healthfully utilized, or for evil when perverted and abused. The physiology of the whole passion of love has never yet been written. That it generates force and increases mental and physical power is undoubted. Not only is it capable of germinating a new individual, but, wisely developed and exercised within strict limits, it may to an almost unlimited extent increase the mental and physical powers of the individual.*

In the present state of society and social ethics, woman is by far a greater sufferer from the evils afflicting society than man. And woman being more patient, more conscientious, more religious, as well as more emotional and intuitional, can exert a greater moral force than her physically stronger brother man. Now, inasmuch as man has been enacting and enforcing laws to suppress evils of this character, and all his efforts have proved futile or practically so, I ask, Would it not at this stage of human progress be wise to have the advice and co-operation of woman in the questions affecting the morals of the community—temperance, education, heredity, and the science of life? Women are largely on the right side on this important question of the social evil, as on all questions involving the morals of society. We might give woman a chance by extending her sphere of action, that her influence may be felt politically, that she might bring order out of confusion. Instead of being soiled by the corrupt slough in which the politicians of to-day are wallowing, her presence and influence would surely purify the filthy pool. Then, instead of holding caucuses in liquor saloons and low places of resort they would be held in churches and hotel parlors or private residences, where no lady need be afraid or ashamed to resort, and talk easily and freely on such subjects as pertain to the public welfare, which is quite as important to her as it is to the masculine animal. Instead of lowering woman by participating in the political arena, it would undoubtedly elevate man.

We seem to be on the verge of a moral and social revolution, and as present and past social laws are being changed and evaded, alarm and panic is created in the minds of conservative observers; but to those who see the laws of the past as having served their purpose and becoming useless and obsolete, those whom

we term the vanguard of the race for progress are looking hopefully into the future. They see and know that there is sufficient intellectual and moral force in the community to prevent anarchy, and quite sufficient constructive energy to build up, in place of the ruins and decay of present and past institutions, others that will far more completely comply with the health requirements of the people of this and coming generations.

From my own experience and observation I believe that one man and one woman, physically and mentally adapted to each other, living harmoniously and intelligently, rearing children in love, happiness, and usefulness, represent to us the very highest type of human happiness. The average family is not this, and our present social ethics do not produce this; instead, we seem to be drifting farther from it. It is not the poor and ignorant alone that suffer through domestic infelicity, but equally the learned and intelligent classes. Those high in Church and State figure in courts of law as transgressors against the present standard of ethics in the family.

Mr. Kitchell touches the keynote of solving this problem where he says woman is the most potent factor, and *she* must teach and be taught. Church and State laws have been of little avail, because they have not recognized the God law, the natural law. You may as well legislate against the law of gravitation as against the law of sex. But reasonable instruction of honest, earnest men and women will do more to reform the abuses of society than written laws of whatever name or kind. Cleanliness of mind and body will prevent disease and physical weakness by sexual love. Mr. Kitchell truly says: Not through written laws but through noble thoughts and aspirations of men and women are we to look for its cure—creating a correct public sentiment, and visiting punishment on offenders of public decency with equal severity without regard to their sex.

I would like to have something to say in reference to the sad ravages to the health of victims of venereal disease, but my time will not permit, and will merely refer to the admirable paper by Dr. Gihon, delivered in this room on April 5th, 1882.

(The subject was further discussed by Drs. Spitzka, Brill, and Harwood, W. H. H. Russell, Esq., and others; the discussion being closed at a late hour by Charles H. Kitchell, Esq.)

* See *The Senses—Five, or Seven?* by Wm. M. McLaury, M.D., 1884.