

SOCIAL BLISS

CONSIDERED:

In MARRIAGE and DIVORCE;
COHABITING UNMARRIED, and
PUBLIC WHORING.

CONTAINING

Things necessary to be known by all that seek
mutual Felicity, and are ripe for the Enjoy-
ment of it.

WITH

The SPEECH of Miss POLLY BAKER; and
Notes thereon.

*Man when created,
At first alone, long wandered up and down,
Forlorn and silent as his Vassal Beast;
But when a Heav'n-born Maid to him appear'd,
Strange Passion fill'd his Eyes, and fir'd his Heart,
Unloos'd his Tongue, and his first Talk was Love.*

OTWAY.

By GIDEON ARCHER.

Peter Annet

L O N D O N :

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SO CI AL I S M

CONSTITUTION

ARTICLE I
SECTION 1
All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION 2
The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors in that State.

SECTION 3
The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature of the State in which they may be, for six Years; and each Senator shall have the Qualifications requisite for Senators in that State.

SECTION 4
The Times, Places and Manner of holding the Elections of Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law alter or change in any or all of those Things the Times, Places and Manner of holding such Elections, provided they do not alter or change the same so as to alter the equal Representation therein.

SECTION 5
The Congress shall have Power to regulate the Election and Term of Service of the Senators and Representatives, and the Electors in each State shall have the Qualifications requisite for Electors in that State.



T H E

P R E F A C E.

THOSE that are worthy to know, and enjoy the rights of human nature, and the righteous liberties of mankind, will make a right use of them: To those it is given to understand and believe truths hid from them, whom reason cannot set free from the fetters of a false faith.

There are men of such unnatural gloomy sects, who believe, that God and nature take different sides, that piety consists in the mortification of natural appetites in practice, and the dictates of reason in matters of belief, that maintain an everlasting war with themselves and rebellion against nature, *to mortify the flesh with its affections and lusts*; hence reasonable pleasure is condemn'd and prohibited; tho' God has given these natural affections and lusts to be gratified with reason, to make life sweet and agreeable, that man may be better able to bear the bitter and sour that is in it, to keep his mind chearful from gloominess and despondency, and render his disposition chearful and easy. For the sake of rest, man endures labour, and for the pleasures of love, the fatigue and inquietudes of bringing up a family. Since we are thrown into life, and must accept of it so long as we are in it, *for better for worse*; let us enjoy the *better*, as well as the *worse*, as much as our nature and circumstances with reason will permit, or else the *yoke* of life will not be very *easy*, nor the *burden* light. If

we have not a moderate share of the good, as well as of the evil in life, 'tis not worth our having.

If God is offended with things that do, or do not offend man, and cannot affect him, he must be the most unhappy of all beings. We can therefore be only *said* to offend God, when we break his laws; and laws contrary to our nature, our reason and fitness of things for our benefit and satisfaction in general, are not those laws that he has given us for our conduct?

Yet such a moody generation have many of the religious been, as to imagine, they pleased God most, when they most displeas'd themselves; but they that deny themselves all the innocent gratifications of sense, what are they the better? Do they oblige or benefit God, or man, or themselves, by their wayward actions?

Religion has been made to consist in a denial of those things most, that please the most, to make it *supernatural*; otherwise it is meer natural religion, but if we were supernatural beings, it might be good reasoning. Notwithstanding all these mighty pretensions, the nature and proneness of men and women to embrace each other, is so fitted and disposed as God will have it, and gratifying the appetites and desires they have in common, tends to their common good; and notwithstanding what all men can say, or do, nature is invincible and will be obey'd. It is the judge or measure *in* man, of what is good and evil *to* man.

Love and society, which are the greatest felicities in human life, unnatural religion endeavours to destroy, by forbidding the mutual harmony of the different sex, and cloistering them up separate from society and the world; so that society and the world receive no benefit from their being which they can withhold; whereby *this* world is but little

little in their debt, and 'twill be well for them if the *next* world be more in their debt.

What is more natural to young people than to desire to be married, and what can be more commendable and for the good of man, when it happens well? What worse when it happens ill? Why then ought not marriage to be encouraged, and divorce allowed? Yet marriage is only permitted by *St. Paul* to prevent fornication; or rather he permits married persons to enjoy one another for that reason. *1 Cor. vii. 1, 2. It is good for a man not to touch a woman; nevertheless, to avoid fornication, let every man have his own wife, and every woman have her own husband. And ver. 5. Defraud not one another, except it be with consent for a time, that you may give your selves to fasting and to prayer, and come together again, that Satan tempt you not for your incontinency.* Were it not for Satan's temptations, the defrauding one another would be no fraud: 'Tis the fear of him that makes saints honest. That he recommends celibacy rather than matrimony, I think cannot be denied *Ver. 7, 8, 9. I would that all men were even as I myself; but every one hath his proper gift of God, one after this manner and another after that. I say therefore to the unmarried and widows, it is good for them if they abide even as I; but if they cannot contain, let them marry; for it is better to marry than to burn. So, ver. 38. He that giveth his virgin in marriage, doth well; but he that giveth her not, doth better.* You evidently see celibacy is preferred to matrimony. And *ver. 39, 40. The wife is bound by the law as long as the husband liveth; but if her husband be dead, she is at liberty to be married to whom she will, only in the Lord. But she is happier, if she so abide after my judgment, and: I think also I have the spirit of God. 1 Tim. v. 11. The younger widows*

dows refuse, for when they have begun to wax wanton against Christ they will marry, having damnation, because they cast off their first faith. So that according to the doctrine of St. Paul, when people are ripened to the sense of feeling, and find the glowing warmth of all inspiring nature kindling them to love and procreation, it is notwithstanding good, if they can possibly forbear, *not to touch each other.* A doctrine destructive of mutual happiness, and if it could be practised by all, would depopulate mankind, and finish human race. Why then were the different sex made? Why is copulation sinful only in man? Why have they such strong propensities to it, that they run all hazards for the sake of enjoyment? Why have they when mature and in the most perfect state of health, such impulse to it, as is next to invincible? If the action be evil, why was there not another way found out of producing the human species? - If it be proper to thank God for our existence, is it proper to blame the means or instruments he makes use of to accomplish the end, for which we give thanks. If it be evil to give pain to, or take away life from any of the human kind; is not the contrary a good, *viz.* to give pleasure, produce life, and maintain the production. A nature and consequence opposite to evil must be good; for opposite natures cannot both be evil, unless they are extremes, and the good consists in a medium, but in the present case, a medium is indolence, and consists in doing neither, or nothing. If therefore one be condemnable, the other should be commendable. But tho' unmarried people's begetting and bringing up children, is not a laudable action by our laws; yet is not the charge and trouble which is the consequence of the action, punishment enough? If such do no injury to themselves, they
do

do none to the public. 'Tis not good to bring children into being, without taking care of that being: For creatures had better never be, than be miserable. Therefore to beget children in wedlock, and not to provide for them, cannot be good; to produce and provide for them, tho' not in wedlock, cannot be evil. What then is it sanctifies one more than the other, when both are equally good to their offspring, but human law? To be the means of giving existence, is with respect to man a thing of chance; therefore what good attends it, is in parents taking care of their offspring, by educating them according to their ability: What duty is due from children to their parents is for this, not for their existence. To beget a child is neither a good nor evil action in itself, the means or meer action is barely following the impulse of nature; but the good or evil of it is according to the circumstances attending it. Life in itself is neither good nor evil; the good that is in being, is in well-being; and the evil of it, lies in being miserable. Marriage does not make the begetters of children parents more than nature does; they that are properly so, discharge their part to their offspring, and deserve no blame. Doctrines that prevent marriage as much as possible, and when they cannot prevent, make it miserable, by refusing redress to the unhappy, are doctrines of such piety as consist in rebellion against nature, which must have very pernicious effects: For nature will be obeyed, and ought to be so under the conduct of reason.

I own myself pretty much indebted to that sublime reasoner as well as poet, Mr. JOHN MILTON, on the subject of divorce: And the quotations which have no author, are his; to which my own experience of happy and unhappy wedlock hath

hath been no small incitement. The following feeling arguments flow from one that has had a two-fold experience in matrimonial bonds of bliss and misery, love and envy, honour and contempt in states as contrary as light and darkness, and as wide as heaven and hell, that have been like the years of plenty and famine in *Egypt*; so that the former plenty was forgotten by the following famine, or like the rich man in torment with a retrospection of past felicity never more to return; the once joyous days of affection and felicity, eclips'd by a sullen constellation of malignant influence, bringing confusion within doors and without. Let silence conceal the rest. *Tell it not in Gath, publish it not in Askelon, lest the daughters of rebellion rejoice, and the daughters of wantonness and ingratitude triumph.*





SOCIAL BLISS CONSIDER'D.

THE words to which we are referred by *Jesus Christ*, as the original institution of marriage, are in *Genesis ii.* where the Lord God is represented as having first made *Adam* to live by himself like a bachelor, perhaps that he might know the difference between that and a married state, and how the addition of a social mate heightened his bliss. Whether it be true or not, as a history, it administers a very delicate fable, or parable; for from thence most excellent lessons for matrimonial comfort and instruction may be collected.

The passage affords proper subject for meditation, to all those that are already entered, or would enter into matrimonial engagements: And this is sufficient for my present purpose.

In *Genesis ii. 18, &c.* it is given us thus: *And the Lord God said, it is not good that man should be alone; I will make an help meet for him.*

Ver. 21. *And the Lord God caused a deep sleep to fall upon Adam, and he slept; and he took one of his ribs, and closed up the flesh instead thereof.*

22. *And the rib which the Lord God had taken from man made he a woman, and brought her unto the man.*

23. *And Adam said, this is now bone of my bones, and flesh of my flesh: She shall be called woman, because she was taken out of man.*

24. *Therefore shall a man leave his father and his mother, and shall cleave unto his wife: And they shall be one flesh.*

25. *And they were both naked, the man and his wife, and were not ashamed.*

I have selected this passage for my meditation, not as a natural history, but as a divine fable; the moral of which, I intend to shew, is fraught with the most useful lessons for matrimonial happiness.

It is well known that the wisdom of the Ancients was delivered in allegories, and the wise only understood their meaning. This was done, perhaps, to inform men that the fountain of wisdom conceals itself under the veil of created objects, that constantly presenting themselves to their bodily senses pass and repass before them, and are not reflected on with any depth of thought but by men of penetration and insight; these only see the Lord in his sanctuary: That is, God in his creatures. Any other manner of seeing God we seek in vain, for a different or distinct vision of him from this, *no man ever did or can see*. It is adhering so strictly, and contending so zealously, for what men know nothing of, *viz.* the truth of the letter in all its parts, which makes people formally religious, and no more; and by this means they lose what they contend for, *religion* itself, or the true spirit, life and essence of it. And by reason of the intricacy and unusefulness of the argument to answer this plain and useful end, in going about to convince biblical Infidels
of

of the veracity of the letter which they call sacred, they make many more Infidels, and confirm those that are *; because the reasonings and circumstances that appear in this age, can in no wise illustrate or corroborate things of a different kind; of which, no tract of proof remains in the present state of things; and men of no vulgar inspection will not be deluded by distant prospects and representations, which being differently and closely perceived by their natural light, must necessarily appear to them as fictitious, with fig-leaf coverings. I shall therefore take another course, not to persuade disbelievers out of their senses, or differently than their common sense persuades them and prevails with them to conceive; but to employ their conceptions aright in an useful and proper manner, without their being over-awed by authority, or deluded by enthusiasm, from making a true judgment of things, and drawing therefrom rational and useful deductions.

We are not to suppose by the passage of this antique Scripture before cited, because ~~the~~ God is represented saying, *It is not good for man to be alone*, that the making of woman was an after-thought in God, when he had tried how man would be in a lonely state, as might be suggested from the history; this is a thought unbecoming us of Deity: But that divine wisdom gives the preference of human happiness to a matrimonial state, and has given woman for the solace and
B 2
delight

* As the Apostle says of others; *In going about to establish their own righteousness, they have not submitted to the righteousness of God.* Where's the necessity of making the belief of human history a part of religion, if men may be made virtuous and pious without such belief? Is it not contending more for the covering, than the body; and neglecting *the one thing needful*? Nay, it is despising or neglecting a pearl, for a barley-corn; and, by contending for the shadow, like *Æsop's dog* in the fable, the substance is lost.

delight of man. She is to be a remedy against loneliness, to be chearful and gay, to comfort and delight him. This shews us, that the end and design of matrimony is to add to man's felicity; therefore, when this end proves abortive, the means are of no value; and that matrimony which does not add to man's happiness, is not of a divine institution: There is nothing sacred nor moral, nor any good policy in it. A moral institution not effecting a moral end, is of no moral validity; and therefore ought to be rectified to make it effective, or be esteemed (as it is) of no force or consequence.

It is not good that man should be alone; therefore it was not the design of divine wisdom that man should live a lonely life, without the friendly and comfortable aid of female help: Therefore said God, *I will make a help meet, or fit for him*. This shews us what a true wife is, or what a wife ought to be, a *help* fit for the man she has: She must be a help, and a proper help, or she is ~~no~~ wife, tho' she may bear the name; and if she is no wife, the man is not married, he is not in the state of matrimony; it is in the nature of the thing, and ought to be in fact declared null and void; and consequently such a man has a right to seek him a wife, one that is a help proper for him; for the former bands are broke, the covenant is void, because the conditions are not performed: For *it is not good that man should be alone*, and seeing he finds his wants as great as before, and his loneliness in formal matrimony not cured in one, he has a right to seek his own good in another, by dissolving that which nature had before dissolved, for that is by this declared invalid, and to have lost its force having not the intrinsic goodness it ought to have. And *it is not good that man should be alone*, but have

have a help meet for him: He that hath not a proper help in a female is alone, or in a lonely uncomfortable state, which it is not good for him to be in.

God made woman for man, and gave her to him, to be the solace and comfort of his life: She therefore that is an assistant, a fit and proper aid and comforter to a man, is a wife. I think it requires some peculiar explanation to make these words of God, *viz. It is not good for man to be alone*, and those of St. Paul to harmonize, *It is good for a man not to touch a woman*. But of this, and why men generally find misery in a matrimonial state design'd by nature for their happiness, and what is the remedy, I intend in the sequel to shew.

And the Lord God caused a deep sleep to fall upon Adam, and he slept. The production of woman was not intended to give man pain, but to obtund his pains with growing pleasure. *And he slept*: Man being on the brink of matrimony becomes contemplative, he is thrown into a musing state. *And he took one of his ribs*: All nature is then at work within him. *And he closed up the flesh instead thereof*: Love softens the nature of man. *And the rib which the Lord God had taken from man made he a woman*: The nature of man and woman is as nearly the same, as a man's rib is to his body. This in general; but more particularly, this was to make Adam a wife. A man's wife therefore, is to be considered as a part of his own body; but this cannot be in a natural and moral sense, unless one nature and confederate moral conduct be in both; if both love alike, both will agree to act alike. The heart is defended with the ribs, a wife indeed is the defender and preserver of her husband's heart, not only by engrossing his whole heart, and guarding the

the avenues of his love and life, but by her softness and pliability; healing every wound, or relieving every pain that affects his heart, *He closed up the flesh in room thereof.* Her soft endearing nature closes up every breach, heals the most dangerous discord, and mollifies the most pungent affliction. *And brought her to the man:* This double-refin'd human nature, this charming form of complaisancy and delight, the finish'd piece of this orb of creatures, replete with every shining grace and necessary virtue yet wanting in man to fill up the measure of his happiness, was given to woman; and woman for this end was given to man. Nature could go no higher, could produce no greater work, nor man could more desire.

And Adam said, This is bone of my bones, and flesh of my flesh; she shall be called woman, because she was taken out of man. Adam knew her original, by her form and nature, so like himself; and consequently her behaviour was so pleasing, that he pronounced her to be his own. This appears to be all the simple form of ceremony, by which they were united. We do not read, that God acted the part of a priest to join them together, only that of a father to the young woman, in giving her away. *For he brought her to the man:* Therefore the father's consent with the damsel, I conceive to be ceremony sufficient to consecrate matrimony. If a man thus take a woman, and declares her before God, or before good witnesses, to be his wife, is all I can find in the original institution. But the present circumstances of things generally make some particular conditions or covenants necessary.

A woman who is a meet help to a man, the comfort and solace of his life, that is, *as bone*

of his bones, and flesh of his flesh; or, as if she was taken out of him, that is as dear to him as his own flesh and blood and bones, is a joining worthy of God: From such a wife a man would as soon break one of his bones as be divorced. One flesh and bone is one body, and one body will have one soul; her existence must seem to be from him, and his life to be bound up in her.

Therefore shall a man leave his father and mother, and shall cleave unto his wife, and they shall be one flesh. Such as are so united, are of God's joining. To such a wife as has been described, a man becomes nearer related in soul or affection than to his father or mother, from whom his body and soul descended. By the time children come to a state of maturity, the affection between them and their parents is much lessened; then a new affection is raised and increased towards a wife, with whom, when there is an union in spirit, it is a joining, fit to be ascribed to him who is a Spirit. There can be no nearer relation, than such who are so joined. He that before was one flesh of his parents, is now become one flesh with his wife; as if all that is dear now centered in her, they are one flesh in likeness of nature, in fitness of mind, and disposition. The same flesh must have the same spirit; the same soul must be in both, they cannot otherwise be united as one flesh. "As the
 "unity of minds is greater than that of bodies,
 "so the dissimilitude is greater, the difference
 "and distinction more unlike. The likeness or
 "unlikeness in human nature joins or disjoins
 "the human kind irresistibly. A man cannot
 "leave father and mother and cleave to a no-
 "thing, to a worse than nothing, to an adversary.
 "Can any law be so unreasonable or inhuman to
 "make

“ make men cleave to calamity, to misery, to
 “ Ruin!” When the parties joining are only of
 man’s joining, that is, without the essential property
 of a cementing nature; as is too generally the case,
 when the regard is had to mammon, or to gen-
 der only, what is it better than covetousness or
 whoredom?

I come now to consider the last verse of the
 passage before cited, which says, *And they were
 both naked, the man and his wife, and were not
 ashamed.* The needlessness of this expression
 shews some deeper sense is aim’d at in this matter
 than what is barely narrative; what need had the
 writer, as an historian, to add these words; for
 this must be necessarily understood, and known
 by every reader, they were husband and wife,
 Mr. *Adam* and Mrs. *Adam**, and there was nei-
 ther man nor woman to see them naked as they
 were; of what then should they be ashamed?
 But the mystical, spiritual and internal sense is,
 that they were both innocent before God, and
 knew no evil in their enjoyments, therefore were
 not conscious of guilt. *Adam* was rous’d to
 fruition at the great call of Nature, and *Eve*
 spontaneously acquiesc’d without offence. In this
 they obeyed the command of the Lord God, *In-
 crease and multiply*: Thus they answered the end
 of their maker’s will, and sinned not.

The ceremonies of marriage are various, a-
 mong various nations and people; but whatever
 they are, they are but ceremonies, which law
 and custom only make necessary, and are the
 least part of matrimony; therefore those that act
 towards each other on the principles of natural
 honesty, without any tie but that of conscience
 and

* *Genesis* v. 2. *Male and Female created he them, and blessed
 them, and called their name Adam, in the day when they were
 created.*

and constant affection, tho' they sin indeed against the custom of the country, yet not to God, before whom *they walk naked and are not ashamed*. And tho' men may endeavour to put those to shame that transgress the laws of men, yet the generality of those that submit to human impositions, inconsistent with the reason and nature of the matrimonial state, are forced to own in the secret sense and sorrow of their souls, if not in words, that *it is a yoke, which neither they nor their fathers were ever able to bear*; that is to say, such is the ill-coupling of unfit persons, who are neither pair'd in bodies, nor match'd in minds, it is most barbarous confining them in a state worse than *Algerine* slavery during life. All that I intend to plead for, is a reasonable liberty of obeying the righteous laws of God and nature, that are consistent with human happiness, the great end design'd in a matrimonial state: And whatever customs do by their natural consequence frustrate that end, do also make void the institution, which originally aiming at the happiness of the contracting parties is subverted, and consequently annulled, when, by vicious law or custom, it generally and naturally tends to their unhappiness. But I intend not hereby to excite any to evil practice, but to set in a clear light what virtuous freedom ought to be enjoyed, and what natural liberty may be indulged, consistent with private happiness and the publick tranquillity. Virtuous actions do not arise from constraint, but from natural instinct, pure motives, and human affections.

I have considered the original institution of matrimony, or what is recommended to us for such; and have found the true nature of it in the qualifications of a wife, from what is given us as the

history of the *first Adam*, the supposed father of mankind: I intend next to consider, what (as we are told) the *second Adam* (as he is call'd) has said on this subject:

The words I intend to consider, are in *Matthew* xix. y. 3. to the 12th.

3. *The Pharisees also came unto him, and saying unto him, Is it lawful for a man to put away his wife for every cause?*

4. *And he answered and said unto them, have ye not read, that he which made them at the beginning made them male and female?*

5. *And said, for this cause shall a man leave father and mother, and shall cleave to his wife; and they twain shall be one flesh.*

6. *Wherefore they are no more twain, but one flesh; what therefore God hath joined together let not man put asunder.*

7. *They say unto him, why did Moses then command to give a writing of divorcement, and put her away?*

8. *He saith unto them, Moses, because of the hardness of your hearts, suffered you to put away your wives; but from the beginning it was not so.*

9. *And I say unto you, whosoever shall put away his wife, except it be for fornication, and shall marry another, committeth adultery; and whoso marrieth her, which is put away, doth commit adultery.*

10. *His disciples say unto him, if the case of a man be so with his wife, it is not good to marry.*

11. *But he said unto them, all men cannot receive this saying, save they to whom it is given.*

12. *For there are some eunuchs, which were so born from their mother's womb; and there are some eunuchs which are made eunuchs of men; and*

and there be eunuchs which have made themselves eunuchs, for the kingdom of heaven's sake: He that is able to receive it, let him receive it.

St. Mark, chap. x. relates it thus :

Ver. 2. *And the Pharisees came to him, and asked him, is it lawful for a man to put away his wife? tempting him.*

3. *And he answered and said unto them, what did Moses command you?*

4. *And they said, Moses suffered to write a bill of divorcement, and to put her away.*

5. *And Jesus answered and said unto them, for the hardness of your heart he wrote you this precept.*

6. *But from the beginning of the creation God made them male and female.*

7. *For this cause shall a man leave his father and mother, and cleave to his wife.*

8. *And they twain shall be one flesh; so then they are no more twain, but one flesh.*

9. *What therefore God hath joined together, let not man put asunder.*

10. *And in the house the disciples asked him again of the same matter.*

11. *And he saith unto them, whosoever shall put away his wife, and marry another, committeth adultery against her.*

12. *And if a woman shall put away her husband, and be married to another, she committeth adultery.*

It is evident, that these two relations of the same fact do not exactly agree. The question put by the Pharisees, is not the same in one as in another; nor *Christ's* answer to them the same; nor do the words cited, agree with those they refer to; therefore, whatever error may be found in them, said to be spoken by *Jesus Christ*, is not to

be attributed to him, but to the writers: For the disagreement of a relation shews the imperfection of the relaters; and that they had not a critical regard to truth or knowledge of it, as its professed promulgators ought to have. But these, tho' saints, were men; and, as men, were liable to err: Therefore they (or some others in their name, which is still more likely) might possibly deliver to us, as the words of *Christ*, such words as were never spoken by him. This I am necessitated to acknowledge, to clear our Lord of speaking such words *as never man spake* that were spake becoming a man, which are ascribed in some of the foregoing words to him, and which are *not true*, compar'd with the original refer'd to, nor right in the nature of things.

It may be thought by some, that the errors here complained of, are small, and therefore ought to have been softly passed over; or that, however, it does not deserve so severe a censure. I would willingly make the best of it, even by spiritualizing the letter away, if the case would allow it; but this discourse of *Jesus Christ* and the Pharisees is not of that nature to bear such usage, without committing violence to the text; and the text is of such sort, as will upon examination appear to be given by the spirit of the church, a spirit, that under a pretence of extraordinary refin'd sanctity, is destructive of human happiness and human existence; and therefore I cannot suppose *Jesus Christ* the author of this discourse, which in *Matthew* and *Mark* is ascribed to him.

The question asked *Jesus Christ* by the Pharisees in *Matthew* and *Mark*, is not the same. In the former it is, *Is it lawful for a man to put away his wife, for EVERY cause?* In the latter, the question seems to be, *Whether a man may put away his wife for ANY cause?* As there is a vast difference

difference between these questions, so they require a different answer; the former a negative, the latter a positive one; because it is not fit to indulge a capricious humour with too arbitrary a power; but a reasonable authority to punish incorrigible offenders, is necessary in every sort of government: And as it is not fit a man should gratify a peevish temper for every slight occasion, so it is not fit he should be obliged to bear all abuses, insults and constant provocations from an implacable spirit, without ability to remedy his condition. Nor is it more tolerable on the woman's side, that has the misfortune to be daily abused by an unnatural brute, falsely called a husband.

St. *Mark* says, the Pharisees asked *Jesus* this question, *tempting him*. I suppose, he means, to try or know his judgment, he being, as 'tis said or supposed, of the sect of the *Essenes*, who professed a community of goods, and shunn'd all pleasures, even marriage, and all carnal copulation with women; from whence, perhaps, the christian monkery took its rise. I must own, it is *tempting* the reader to know what St. *Mark* means by the words *tempting him*.

And, saith Matthew, *he answered and said unto them, have ye not read, that he which made them at the beginning, made them male and female; and said, for this cause shall a man leave father and mother, and shall cleave to his wife, and they twain shall be one flesh?* Had I been one of the Pharisees, I should have replied, No certainly; we have not read any such thing, that he who made man at the beginning said these words, for where we have these words in *Genesis*, (which have been already considered) they either appear to be the words of *Adam*, or of the writer; not of *Adam's* maker. It's plain, the writers of the New Testa-
ment

ment were not well acquainted with the Old, by most things they cite from thence. This citation is false, and falsely applied; therefore these are not the words of the *Lord Jesus, who knew all things*, but of the ignorant writers, who knew not what they ^{were} writing about, and refer to a history that they did not understand.

Now, if the foundation which the argument is built on is wrong, then the argument is false, and the consequence drawn from it erroneous. Here it says, *because God made man male and female, therefore man shall leave his father and mother, and cleave to his wife.* In *Genesis* it says no such thing: There we read, that *Adam* said, *This is now bone of my bones, and flesh of my flesh; she shall be called woman, because she was taken out of man. Therefore shall a man leave father and mother, and cleave unto his wife, and they shall be one flesh.* 'Tis not clear, whether the latter verse contains the words of *Adam*, or of the historian; but 'tis very clear they are not the words of *Adam's* Maker. In *Matthew* and *Mark*, 'tis said, *God created man male and female, and for this cause shall a man leave his father and mother and cleave to his wife.* Is the difference of gender then all that is necessary for matrimony? And is it for *this* cause that God has joined them together, and no man must put them asunder? Are we admonish'd not to marry, merely for the gratification of carnal lust; and is this, notwithstanding, represented to be the sole cause why a man should leave father and mother, and cleave to his wife? Why may he not, for the same reason, cleave to a harlot? If this be a sufficient qualification for God's joining, these also are joined together by him: For *St. Paul* says, *he that is joined to a harlot is one flesh.* Therefore God's creating them male and female is not the true and sole

sole cause that constitutes man and wife ; therefore the meer joining male to female is not what is meant by God's joining, and therefore we are misinform'd when we are told, that *he who made them in the beginning, made them male and female, and said FOR THIS CAUSE shall a man leave father and mother, and cleave to his wife.* Nor does the formality of joining, call'd the ordinance, make it of God's joining ; for is all that the parson does, God's doings ? If ever it was esteemed so, it must have been when parsons were esteemed as Gods : None but idolaters esteem them so now. If the ceremony that joins them, makes it God's joining, tho' done by man, let it be proved that it was ordered and prescribed of God in any other sense than what human laws and ceremonies may be said to be ; or that God's joining can be understood in any other light than the moral of the fable in *Genesis* directs us to, which has been explained, *viz. It is not good that man should be alone, I will make an help meet for him.* But the words contain no prohibition, that man may not put asunder what man puts together.

Yet what is most surprising, *Jesus Christ* (as his words are set forth to us) so far discountenances the joining of male and female, as if he intended to abolish his father's law, *increase and multiply* ; as well as the law of *Moses*, for divorce : For, to prevent marriage and multiplication, he is said to recommend celibacy and mutilation ; too plainly, I fear, to be denied, and too grossly to be defended, as will hereafter appear.

If the question of the Pharisees was, as in *matthew*, *Is it lawful for a man to put away his wife for every cause ?* Then the answer given to it carries the matter from one extreme to another ; and *Jesus Christ* by interpreting the law of *Moses* concerning divorce, condemns and annuls it, if the
 answer

answer means that those joined by men, are of God's joining; for the following words are, *What therefore God has joined together let not man put asunder*; This interpreting the law of *Moses* is, as we are obliged to interpret the gospel, expound many of its precepts and doctrines away, to make them agree with reason: But the answer of *Jesus Christ* contains an explanation contrary to the reason and fitness of the thing, if the sense of the text be as is commonly understood. If it is to be otherwise taken, who can be certain he hits the truth in explaining a text, when the text itself appears to be so far off from the truth, that in order to find the one, we are obliged to explain away the other.

'Tis no wonder the *Jews* believed *Jesus* not to be of God, because they believed *Moses* was, and that he had faithfully delivered to them the laws of God; if *Jesus* therefore signified that God had given different laws to men, than *Moses* gave; this strongly implied to them that were prepossessed in their opinions in favour of *Moses*, that *Jesus* was not of God, because he in contradiction to his own declaration that he *came not to destroy the law, but to fulfil it*, destroyed the law by explaining it away. And they might probably argue, that it was impossible that God having an immutable will, (as must be the consequence of perfect wisdom) should give different laws to his people at different times: And therefore perhaps, it is, that in the sacred book the law or custom of sacrifices is as old as *Cain* and *Abel*. On this consideration 'tis no wonder I say, *they could not believe*, and that God himself had by this means *hardened their hearts*. What a message then was the Messiah sent about!

The Pharisees objected their law of divorce given by *Moses*, to those words, *what therefore God has*
has

has joined together, let not man put asunder. No doubt but what God does is right, and we are not to blame his doings; but then the great difficulty is to know what God's doings are, distinct from man's in this case, if they are not to be understood in a *moral* sense. In this sense, who those are that God joins together, we have seen in the case of *Adam* and *Eve* referred to, and consequently what marriages are properly of God's joining; and that such persons who are as dear to each other as their *own flesh and blood and bones*, as their *own souls*; all men must own that no man ought to put asunder. And this also implies, that such are not so joined, who are not proper helps to each other, but the contrary, tho' male and female: if such come together, they are not husband and wife, and therefore *ought to be put asunder*. Every command given with reason binds our obedience no otherwise than that reason holds, and a command *without* reason is arbitrary; *against* reason, is unjust; both these bind no longer than the power binds. But that all who are married by the priest, are of God's joining, and therefore ought never to be parted; or that their being *male and female* is all the necessary qualification for that institution, cannot be the meaning though it be the letter of the expression; and therefore if these were the words of *Christ*, he spake a great deal more; which the transcribers or priests have curtailed and mangled, to give it a Jesuitical explanation for the service of the church, the sons of which always make *him* say what serves *their* turn, and to reason as weakly as they are wicked.

If man, because they are *male and female*, are to be joined together, this reason will ever take place; but this is *icentral* reason: Nor, if this be all that joins them, *man* need not put them asunder; *God* will do it; and *God* will not put them asunder; *God* will do it; and *God* will not put them asunder; *God* will do it; and *God* will not put them asunder;

sunder ; for they will come afunder of themselves.

Because of the hardness of your hearts, Moses wrote you this precept of divorce, which runs thus : Deut. xxiv. 1. When a man hath taken a wife, and married her, and it come to pass that she find no favour in his eyes, because he hath found some uncleanness in her ; then let him write her a bill of divorcement, and give it in her hand, and send her out of his house. The meaning of which, I suppose to be, that when a woman, which a man has taken to be his wife, is become a filthy creature in his eyes, and he cannot love her, let him put her away ; for this is the only remedy to make both parties easy, since a woman of any good and tender disposition must be very unhappy to see herself contemned and despised by her husband, and consequently much better pleased to be rid of such a husband, and throw herself into the arms of one that she can render herself agreeable to, and will treat her with humanity and tenderness. And a man the more he is constrained to live with a woman, that is disagreeable to him, will hate her the more. That the husband might not use this power capriciously, Moses does not permit him to take her again : Therefore wisely adds, and when she is departed out of his house, she may go and be another man's wife. And if the latter husband hate her, and write her a bill of divorcement, and giveth it into her hand, and sendeth her out of his house ; or if the latter husband die, which took her to be his wife, her former husband which sent her away may not take her again to be his wife, after that she is defiled ; for that is an abomination before the Lord, &c. Now, if this permissive law was given by Moses, so were the rest ; for after this, and several others that follow, Chap. xxvi. 16, Moses tells them, saying,

saying, *This day the Lord thy God hath commanded thee to do these statutes and judgments.* So that *Moses* had this law from God, as much as he had others; and therefore, whatever may be supposed or insinuated of one law, may be supposed or insinuated of all the rest.

'Tis hard to know or understand what this saying means. *Moses, because of the hardness of your heart, wrote you this precept.* If this charges *Moses* with imposing bad laws on his nation, in the name of God, then he gave them laws to please them, rather than such as were good. If God gave man a different law from the beginning than *Moses* afterwards gave, that law of *Moses* was different from the law of God; and there can be no better pretence for repealing it: But how this appears to be true, the Bible no where discovers. *Adam* could not put away his wife, nor she him, and marry another, if there was not another man nor woman in the world; and it would be a great reflection on him that made *Adam*, that he could not, or would not make a woman to please him; but, on the contrary we are told, God made a *help meet for him*, and made her out of such stuff as *Adam* could not chuse but love, if he loved himself: Therefore this instance is not applicable to the case of divorce, nothing can justly be reasoned from it; and that which is, appears to be in the common sense of it, a sophistical and unintelligible expression, not well formed from the premises, nor applicable to the purpose. There are scarce any precepts or principles, said to be delivered by *Jesus Christ*, that are not either distant from plainness, or from truth, if taken according to the strict letter sense; hence it is, that men learn and are never the better; and hence it is, that such instructions have done little good in the world; and that the teachers themselves

cannot agree, because they cannot understand. Therefore, hitherto the sense of this boasted revelation is unreveal'd; and therefore hath not, because it could not bring *peace on earth, and good will to men*; but, on the contrary, *fire and sword*, which was will'd* to be kindled by the revealer, and ever since has been, and is ever like to be, the *everlasting fire that never can be quenched*. So true it is, that *without a parable spake he not unto them*, that what are delivered to us for his words want so much expounding, that one might be almost tempted to think them delivered so darkly, as if on purpose to oblige the expositors and commentators, and keep up the spiritual traffick of the mysteries of the kingdom, which create factions, schisms and divisions. If you ask to what end, or for what cause then *Christ* came, he is said himself to answer: *Suppose ye that I come to give peace on earth, I tell you nay, but rather division, &c.* That this has been the consequence of his coming, believers are forced to own: Why then may we not believe him that he came for that purpose, if the letter be true, since himself confesses it? But, say Infidels, As scarce any man that intends mischief, publickly declares it, this is as strong a proof of enthusiasm as can be given; and what from another man, would shock every reader. Can any thing worse, say they, be said of him, than he here is reported to say of himself? I say *reported*, for I cannot believe *Jesus Christ* said these words; which is the only defence I can make, because to me they seem to be indefensible. For Infidels further argue, that tho' this expression may, by art and a lucky thought, be made to put on a spiritual meaning, who can prove that the speaker's meaning (or writer's rather) was the same as the expounder's; why then, say they, must it be wrapt up

* *Luke* xii. 49, 51.

up in the spirit, and expounded away? And if it be literally true, 'tis terrible! I must confess I cannot answer these objections, and therefore I put forth the riddle to them that assisted by the grace of *Christ* can do it, and whose business it is so to do, who are *ambassadors in Christ's stead*. I must own, that I think had *Christ* uttered such an expression, it had been wisdom to conceal it. Methinks it is pity he in his great humility chose *the fools of this world*, as he did, to be the historians of his life; for it must be matter of concern to believers, to read in so *holy* a book what cannot possibly be productive of any good, and gives the enemies of our blessed Lord and his holy Gospel occasion of reproach and triumph. This is an ill recommendation of the Gospel and character of *Jesus*. But these things should be treated tenderly, lest the profane have them in derision, and the enemy exulting say, as of pious *David* and his men of old, *Where is now their God?* or, as *Pilate* said of *Christ*, when crowned with thorns, *Behold the man*. It must be confessed, that the doctrines even of truth, delivered in obscure phrases, lead the mind from the path of truth, and raise up enemies against it.

The law that is against divorce, is against virtuous nature; because it hinders nature from taking its course, when virtue is the only motive that it should do so to promote a life of love and virtue, which a vicious mate is destructive of. What law soever prevents this, cannot be good, but is injurious to human felicity, and destructive of moral virtue, of religion and humanity. The author of such law cannot possibly be esteemed the redeemer, but must necessarily be judged to be the enslaver of mankind. To make *Christ* therefore the author of this law, is blaspheming his character as a redeemer, and degrading his divine dignity.

For as matrimony now is, “ If we do but err in
 “ our choice (the most unblameable error that can
 “ be, being blind to future events) when the mighty
 “ conjoining syllables are pronounced by those
 “ that take upon them to join heaven and hell
 “ together unpardonably till death pardons; this
 “ that looked but now like a divine blessing with
 “ a graceful smile and gentle reason, strait vanish-
 “ es like a fair sky, and brings on such a scene
 “ of clouds and tempest as turns all to shipwreck,
 “ without a haven or shore, but ransomless cap-
 “ tivity.” We are allowed to procure and apply
 physical remedies against diseases of the body, and
 why not against diseases of the mind, in, and arising
 from a matrimonial state? And why not against
 the state of matrimony as the state of the
 public? For that which is of private concern to
 every one, is of public concern to all. Do not
 grievances of the state and the mind deserve and
 demand our regard and remedy, as much as those
 of the body?

When marriage does not mend a man's state,
 it marrs it; if it does not cure his lonesomeness,
 it makes him more lonely than a single life, where-
 in a man naturally seeks the comfort his condition
 affords, or seeks with hope to mend it. In an un-
 comfortable married condition, the man or woman
 beholds the perpetual scene of disappointment al-
 ways present, and perpetually feels ~~the sense of~~ its
 anguish, which disposes the unhappy wretch to
 lonesomeness, dejection ~~of mind~~ and melancholy;
 to a disagreeable state of mind and dangerous con-
 duct; tho' male and female have been join'd:
 This then is not marriage, where the harmony of
 souls is wanting.

These things being considered, the question will
 be, Whether *Moses* gave the law of divorce to in-
 dulge *hardness of heart*, or whether it is not rather
 hard-

hard heartedness to deny the liberty of separation to those who are miserably joined? Is this God's work that must not be undone, tho' it had better never have been done at all? But being done, why must all natural means of relief be debarr'd? Sure this *prohibition* is a demonstration of *hardness of heart* with a witness, It seems to me, that it had been equally reasonable, if this precept had been given, Whom God has made miserable by pains, poverty, sickness, disease, or wretchedness of any kind, let no man help or relieve; because it is God's doing. This, I think, would have been just as good, right, humane and reasonable.

Did *Moses* write the precept of divorce to the *Jews*, because of *the hardness of their hearts*; and was this precept the cure for that malady? Why then did *Jesus* forbid it? If it was no cure, why did *Moses* give it? Or, did God give it as a trial for a cure, as a physician in an unknown and unaccountable distemper gives remedies by guess, and when he finds the prescription ill applied, or not answering the end, forbids the taking it? Men must be very stupid to assert this. But if this was not the case, or something like it, why did God command at one time, what he forbid at another? This is making God a mere Empiric, whose conduct is directed by practice and experience; and when his own experiments are not signed with *probatum est*, he depends on that of others. When men cannot see things invisible within the human body, they may be nonplus'd: But if God made man's frame and constitution, he must needs know what infirmities and failings he has made him liable to, and how to apply a proper remedy, if he is Almighty and All-wise.

This precept of divorce appears as much to be the law of God by *Moses*, as any other laws given by *Moses* were, (the Ten Commandments except-
ed;)

ed;) for *Moses* does not appear to have been compelled to give this precept as a permission by the obstinacy of his nation, against his own judgment; and as there are not the least appearances of reason to ground this conjecture on, so there is no reason to believe, that any thing like it was the motive which induced him to grant this indulgence; or, that he gave it by connivance, as a permission, rather than a law.

This *hardness of heart* being constitutional from certain causes, Why did the physician of souls forbid *hard hearts to be mollified with this Mosaic ointment* of divorce? *Is there no balm in Gilead, is there no physician there? Why then is the health of the daughter of my people* forbid to be recovered?

The gracious Lord *Jesus* was no enemy to the *Adulteress*, who was taken in the very act; for he pleaded her cause in so friendly a manner, as tho' it had been the least of all sins; * *He that is without sin among you* (said he) *let him first cast a stone at her*. Probably *Christ* knew the circumstances of her adultery, and her penitence and humility to be such, as render'd her worthy his being her *Advocate*; and this might have been a trap laid against her life, seeing she was caught in the very act; tho' the historian don't acquaint us with the circumstances. The evangelical writers give very lame and imperfect accounts of things; which have given room for many alterations, interpretations, and interpolations: Though, these things considered, this precedent is not to be taken as an encouragement to *adultery*, as tho' it was the least of all sins; yet, I think, we may make this application of it, not to condemn those that are guilty of this *innocent adultery* (if it must be called adultery), of putting away a tormentor, and taking a delightful companion in room thereof.

Or

Or do these words, *for the hardness of your hearts Moses wrote you this precept*, mean, that it was necessary men should be indulged in this liberty in putting away their wives, lest if they were debarr'd they would be hard-hearted to them, and treat them very ill? If this be what these words mean, the reason remains good still; because men are not changed, their hearts are as hard as ever; the Gospel has not softned them at all: Then the law is good still, and founded on good reason. Divorces were allowed to prevent worse consequences, which is the intention of all good laws, they are given to prevent the greater evils, for the best cannot prevent ALL bad consequences; because good and evil are so intermixt and interwoven into the nature of things, that laws for a publick or general good, are productive of some particular evils; and laws enacting things injurious to the public, are productive of good to some particular persons. If *Moses* gave a command that men should put away the wives they disliked, to prevent their being hard-hearted to them, and using them cruelly or unjustly; *Moses* enacted a good law, which it is evil to annul; and then prohibiting divorces, is a hard-hearted and cruel prohibition, unjust in its nature, and evil in its consequences. And if men are to be known, as a tree by its fruits, no good man could bring forth such evil fruits, as to repeal this excellent law, given to soften the hard heart of man.

Because of the hardness of your hearts Moses wrote you this precept. Therefore it was a proper means to soften hard hearts, which would have been cruel had they been deprived of all means of cure: As with us, where the poor have no remedy but death, which desperate remedy makes the disease desperate. “The nature of man is still
“as weak, and their hearts are as hard as ever.

“ and that weakness and hardness as unfit and un-
 “ tractable to be harshly used as ever: Seeing
 “ therefore that all the causes of any allowance
 “ that the *Jews* might have, remain as well to
 “ the Christians: This is a certain rule, that as
 “ long as the causes remain, the allowance
 “ ought.”

But from the beginning it was not so. If this be a rule to determine and distinguish, what are the laws of God, and what of *Moses*, then 'tis a rule to determine other laws by, whether they are from God or no, by whomsoever they are given, *viz.* the laws of God for the government of human nature existed with man, and is imprinted in him, and then there is no other law than natural reason and fitness, consequently all laws are to be referred to this: If nothing can be the law of God, which from the beginning was not so. If the laws of God are known by their being before *Moses*, and consequently independent of him, they are also before *Jesus*, and independent of him; the one could not make them, or make them known, which were not made or known before, nor the other make them void: Then all the laws of God are as irrevocable, as the general course of things and human nature as unchangeable.

'Tis said in old time, *the sons of God saw the daughters of men, and took them wives of all they liked*; and undoubtedly they put away all they did not like: For as their own liking was the rule of their choice, consequently their disliking was the rule for their refusal, both before chusing and after: For when man is left at liberty to act according to nature, the liking and disliking will always be his distinguishing rule of choice and refusal in all things, but in nothing more so, than in embracing a woman for a wife; he cannot do otherwise, unless he is compelled by some greater necessity,

cessity, which destroying his free power of election and rejection must consequently destroy his happiness : Therefore to say concerning divorce, *from the beginning it was not so*; is not true ; for from the beginning that it could be so, it was so.

And I say unto you, whosoever shall put away his wife, except it be for fornication, and shall marry another, committeth adultery ; and whoso marrieth her that is put away, doth commit adultery. St. Mark adds, *if a woman shall put away her husband, and be married to another, she committeth adultery.*

St. Mark tells us, that the Disciples at another time ask'd him about this matter, and received an absolute answer, without a reason to enforce or explain it, and they seem'd to be content with it ; for *Jesus taught them as one having authority, and not as the Scribes* : 'Tis likely therefore, that they reasoned, but his *ipse dixit* was sufficient, considering his person, as it carried the more authority with it. *I say unto you*, is an authoritative expression. *Verily, verily*, were the two witnesses to attest the truth of what he said, and the reasons to illustrate it.

Absolute authority may command or pronounce what it pleases, but cannot make that wrong which in the nature of things is right, or that right which in the face of reason is wrong ; which is the rule for all men to judge of right and wrong by, but those who know not the use of reason, any thing may be right or wrong, good or evil : for those that have not a right rule to judge by, can never form a right judgment of men and things. Arbitrary power may be most proper to be exercised in governing mad men and fools, but rational creatures can submit only to the authority of reason, in determining what are just and unjust actions ; therefore with all such, a mandate or sentence

void of reason, is void of authority; and that to which none is joined, or can be understood, but the will and pleasure of the speaker, will only be regarded or rejected as his peculiar power or wisdom is, or is conceived to be, to enforce it. But to a man that judges reasonably of things, a command without reason, is no command at all; and, contrary to reason, is to be despised, and ought not to be obeyed.

Reason or common sense, is that rule by which all rules are to be tried; the indelible law of human nature, prior and superior to all laws, which whatever cannot stand the test of, is evidently wrong. If arbitrary law, without reason, and even against reason be right, any imposition is right; and one bare assertion is equal to another, when no reason is given for either. That which does not carry its own reason with it till the reason be discovered, is no law: It can bind no further than lawless power binds it. 'Tis not the person but the reason makes the law, for law is always considered as founded on reason, without this 'tis not properly law or justice, but oppression and injustice. This instead of healing the little disorders in the body politic, is such a quack medicine as fixes it in the blood, which makes a cut a gangrene, converts a slight cold or indigestion to a malignant fever, or a slight fever to a mortal plague or deadly infection; and all that make absolute irrational laws, are political quacks; who, to say the best that can be said of them, are evidently ignorant of human nature. Is undivorcible matrimony, when miserable, the *yoke that is easy, and the burden that is light*, which we are call'd upon to take on us? Or, can this doctrine be recommended as such?

It is a question what the word *fornication* in the text, means. Some think it signifies uncleanness,

ness, and refer to the sense of the law. *When a man hath taken a wife and married her, and it come to pass she find no favour in his eyes, because he hath found some uncleanness in her.* But if our spiritual doctors and dictators take the word *fornication* in its right sense, it is strange to me, that it is not rather called *adultery*; for *fornication* is explained to be the act of copulation of unmarried persons: But if a married woman be guilty of this act with any other man than her husband, it is term'd *adultery*; so that according to the common sense of the word *fornication*, a married woman cannot be guilty of it, unless it mean the action committed before marriage. If this, and this only give right to a man to divorce his wife, then every man who marries one that has been tampering or trying with another beforehand, ought to have the liberty of divorce in his own power; but if Mr. M——n could have obtained this, it might have sav'd him much trouble, and some thousands of pounds expence, by the confession of his dear fornicatress T——a C——a P——ps. He is an instance, that the most religious men when hamper'd with a torment, will run any hazard to obtain the much-desired redemption, and chuse with *David, rather to fall into the hands of God, than of man or woman*: And she is a proof that some wives will drive men to hell, tho' they are sure to follow them in, rather than be divorced from their substance. And therefore the reasonableness of this liberty does most evidently appear in all such cases wherein it is most ardently sought for.

If by the word *wife* here meant, is a woman join'd in wedlock to a man, to whom she is a destroyer of his peace, his health and happiness, of his goods and good name, not to put away such a wife, except for *fornication* (and we know not what that means) has neither reason nor justice in it.

This

This is not surely *Christ's coming into the world to redeem the world*, for it seems rather by this law as if he came to sentence the honest and suffering part of it to slavery and bondage, as long as their existence here lasts. This is *not to send peace on earth, but fire* to be kindled in the spirit of man, that shall burn up all his happiness. To sentence persons to dwell together till death, whose tempers are as opposite as light and darkness, heaven and hell, is to sentence their death and darkness as disconsolate and dismal as hell itself. Therefore if *Jesus Christ* was what he is said to have been, the *redeemer of mankind*; and ~~to do~~ what he is said to have done, *preach deliverance to the captives, and set at liberty them that are bruised*; this prohibition of divorce, this preachment of slavery, and breaking the bruised reed, never came from him, and is not his doctrine.

We are at a loss to know what the sin of *fornication* means. Mr. JOHN MILTON says, it has some mystical meaning, and therefore conceives it to be that of *spiritual fornication*, which he defines to be, the wife's affections being alienated from her husband, and settled on another man, not on the man she has.

She that is thus divorced in soul, is not united to her husband mentally, and should be divorced bodily; for what is more contrary to the original institution than this? A disagreement in mind, and disobedience in action, much more breaks the marriage bonds than adultery. If a woman prostitute her body to her husband, when her soul is estranged from him, is this marriage? Is it not rather intrinsically whoredom in the worst sense of it, and a greater evil than *adultery*?
 “ For no wise man but would sooner pardon the
 “ act of adultery committed once and again by a
 “ person

“ person worth pity and forgiveness, than wear
 “ out his spirits with one that is of an unfociable,
 “ unloving and a mischievous disposition ; who
 “ would commit adultery too, but for envy, lest
 “ the unhappy slave should obtain his release.
 “ Things that cause an irreconcilable offence,
 “ and are not capable of amendment, annihilate
 “ the bands of marriage, which adultery only
 “ breaks ; for that once past and pardoned, where
 “ it can be pardoned, may be amended ; but that
 “ which naturally distastes, and finds no favour in
 “ the eyes of matrimony, can never be concealed,
 “ never appeas’d, never intermitted, but proves
 “ a perpetual nullity of love and content. Natural
 “ hatred, whenever it arises, is a greater evil to
 “ marriage than the accident of adultery ; a greater
 “ defrauding, a greater injustice. He that knows
 “ not the truth of this, knows not what true love
 “ is. A disobedient and disagreeable temper and
 “ behaviour much more breaks matrimony than
 “ the act of adultery, tho’ repeated ; for this may
 “ be done, and not known, so not felt as a trouble ;
 “ and being known, may be repented of,
 “ and amended, and redeemed, with more ardent
 “ love and duty to the forgiving husband ; but
 “ the fornication in affection, this dereliction of
 “ meetness and agreeableness of temper cannot be
 “ unknown, nor amended if it be natural, nor
 “ confessed or repented of. Besides, an adulteress
 “ may please in all her behaviour otherwise,
 “ but the behaviour of the other can never please
 “ in all she does. She defrauds him of all contentment,
 “ and enjoyment ; so that she is less a
 “ wife than an adulteress. Necessary and just
 “ causes have necessary and just consequences :
 “ What error and disaster join’d, reason and equity
 “ should disjoin.”

I have been informed, that a gentleman had a wife who was an adulteress, and the husband was not unacquainted with her transgressions; yet loved her, because she was, as he said, very pretty, and very obliging in every thing else.

“ *He that putteth away his wife, except for for-*
 “ *nication, that is, if it be this spiritual fornication,* the alienation of her affections, *causes her*
 “ *to commit adultery,* breaks off her affections to
 “ fix them on another man. Carnal adultery is
 “ but transient injury compar’d with natural ha-
 “ tred, which is such an unspeakable offence and
 “ grief, as admits of no amends, no cure, no
 “ ceasing, but by divorce; this, like the divine
 “ *fiat,* in one moment gives life and harmony to
 “ the crude and discordant chaos, it hushes out-
 “ rageous tempests into sudden stillness and peace-
 “ ful calm. He that binds together the disunions
 “ of complaining nature in chains invincible,
 “ commits the adultery, not he that would sepa-
 “ rate them.”

The utmost rigour of the literal sense does not forbid divorce, but *he that divorces and marries another committeth adultery.* Here’s no prohibition not to put away a wife, there’s no adultery in that. The *Essenes* were great admirers of a single life, so that it was no crime to put away a wife and live single; but all the sin and all the devil was in marrying, and he that finds the devil in that state is willing to get rid of it at any rate, even on condition of not to marry again; therefore divorces ought to be freely allowed. It is not much to be wondered at, if a man in defence of his birth be no friend to marriage, whose mother that bare him was not married to his father that begat him. *She that putteth away her husband* (so called), *and marrieth again, committeth adultery; and he that marrieth her that is put away,*

away, committeth adultery; but suppose the woman is cruelly used, or wrongfully divorced, and accepts the refuge and protection of an honest man, who would marry her, love her, and use her tenderly, how does she commit adultery, or he that marries her? Is *adultery* to be committed every way by the light as well as the dark parts, by humanity as well as inhumanity, by soft hearts as well as by hard hearts; adultery then is every thing committed by *adults*. Don't mistake me, I am far from encouraging adultery, either spiritual or carnal; either in Mr. MILTON's virtuous sense, or Mr. *Rake's* vicious one; but *adultery*, in any sense, which to me is absurd and ridiculous, cannot be approved of by my understanding. If the text be not strictly true in the plain literal sense, without the twisting art of a crafty expositor, it must be understood in a discretional, moral and parabolical sense; but to be discretionally understood, this with a little *moralising* the text, or *mending* it, seems consistent with reason, *viz.* He that putteth away his wife, without any just cause, but merely to marry another, committeth adultery; and the man that putteth them asunder, or is the cause of it, that he may marry her that is put away, being thus necessary thereto, committeth adultery. This seems reasonable and therefore right, "the conditions not being expressed yet wanting in reason, are to be understood."

No man's character, perhaps, has ever suffered such excess of contempt and honour, as that of *Jesus Christ*; some in his life-time esteemed him a *devil*, and a *mad-man*; for they said, * *He is a devil and is mad, why bear ye him?* Other men, at other times have esteemed him a *God*; and set him in the throne of the most high. The true character of such a person 'tis very hard to know. Had he wrote his doctrines himself, we might have had some

rule whereby to judge of them and him ; but instead of this, we have only bad collections of some things reported to be said and done by him, of doubtful original ; the sentences are often without coherence or connexion ; and for the most part so very ambiguous, that his sincerest followers are everlastingly puzzled how to understand them ; tho' they educate men in learning, and keep them in pay, on purpose to expound those mysterious writings. And as little efficacious is the illumination of the *spirit* to those that think they *see* its light, and *feel* its operations ; therefore the sincerest followers of *Christ* are everlastingly divided into sects, and rent into factions. The more literally absurd or dark the matter is, so much more are their understandings clouded and confounded about them ; and by how much more necessary they apprehend the true understanding of them to be, by so much the more are they in desperate earnest, and daggers draw about them. I think, the giving doctrines and precepts to the common people for their common information and conduct, that are out of the reach of common sense, highly reflects on the wisdom and goodness of the giver : But this discourse seems not to be of that sort, tho' the more it be examined, the less just and reasonable it appears.

His Disciples say unto him, If the case of a man be so with his wife, it is not good to marry. This, in my opinion, is true ; and so (as we read) *Christ* acknowledged it to be ; for *He saith unto them, All men cannot receive this saying, save they to whom it is given :* But if *all* men cannot receive this saying, surely it was not given to be received by all men ; and therefore ought never to pass into a law for all to obey. The truth of this story is incredible, because he had *women disciples*, that he should be so much against marrying, as to recommend

mend by the following words *mutilation* rather, that he whom nature has not qualified to live in an unmarried state, should qualify himself by the knife, and cut out his way to the kingdom of heaven, which, if this admonition or advice leads to, *suffers violence, and the violent take it by force.*

The goodness of the lawgiver does not make the law good, but rather shews how good the lawgiver is; even respecting the great lawgiver God himself, it may be said, laws are not good because God commands them; but God commands them, because they are good. Otherwise authority, not goodness, are the motives of his law. He commands us to regulate our dispositions for our own good, but not to destroy ourselves, or mutilate our members, which would make religion worthy of abhorrence, a detestation and plague to mankind, and the sanctified destruction of all human happiness.

In *Genesis*, the Father says, *It is not good that man should be alone.* In *Matthew*, the Son seems to say, *It is best for man to be alone.* God says, *I will make a help meet for him.* By his Son's doctrine, *It is better for a man to dismember himself than accept of her.*

For there are some eunuchs, which were so born from their mother's womb; and there are some eunuchs which are made eunuchs of men; and there be eunuchs which have made themselves eunuchs for the kingdom of heaven's sake: He that is able to receive it, let him receive it. These words have been thought by some to have a different meaning, than what they seem to have in the letter; but 'tis probable, the reason why some think so, is, because the old maxim seems by this to be reviv'd: *Ezek. xx. 25. I gave them also statutes that were not good, and judgments whereby they should not live.* What doctrine can be more destructive of human happiness and human kind, than this? Tho' if 'tis to

be differently understood, no man can be certain what is the certain meaning of these words. This doctrine, that *it is good for a man not to marry*, is such as *all men cannot receive*. Eunuchs may, else why are they named? And in order that men may receive it, they are recommended to make themselves *eunuchs*, if they are not so made by nature, nor by men; else what mean these words that are subjoin'd, *He that is able to receive it, let him receive it*? If the words have some spiritual meaning, how shall we know what that meaning is? The disciples never asked him, they seem'd to have been credulous and un-enquiring souls, and to have received almost all things implicitly; for when they knew they could not understand what their master said to them, they were *afraid* to ask him*. So they were like to profit much by *his* teaching, and we by *theirs*.

Suppose there are some men born *eunuchs*, and others so made, and cannot commit adultery; what then, are they ever the better for this imbecility? And if some men have been fools enough to make themselves so, for the kingdom of heaven's sake, are they ever the nearer the kingdom of heaven for so doing? If they are not, why is the exhortation annex'd, *He that can receive it, let him receive it*? But alas! the *women*! what must they do, is it proper for them to be spaded? The Popish priests however, that pretend not to defile themselves with women, let them be made geldings of, that they defile not women. Surely it is not improper to practise this upon them, that those who teach the way to heaven may not miss of it themselves, for the good of their own souls, and the souls of their female penitents. If this law was made and put in execution, it might do well to prevent the spirit of popery and rebellion from

* Mark ix. 32,

from exerting itself, and to preserve protestant liberty among us.

If the *letter-sense* is unjustifiable, I fear it is too palpable for the *spirit* to hide, nor can I see that it will bear a *spiritual* sense, without making it matter of ridicule: forasmuch as there is not the appearance of *such* a meaning in it; for if *part* of this answer of *Christ* to the Pharisees be *spiritual*, why not the *whole*? If part be, then men ask a natural question, and receive a spiritual answer, which if it be *history*, and not all a *parable*, is absurd. If *Christ's* answer be mystical to the Pharisees plain question; is it not like the nonsense or cross purposes in *Erasmus*, where one talks of a *wedding*, and the other of *shipwrack*? Alas! for believers, all their refuge is in mystery, and all their safety lies in obscurity. If these words of *Christ* are to be *mystically* understood, be ye in labour ye *spiritual mothers* of the Church, bring forth and reveal the mystery, and defend it by reason, or your spiritual *wisdom* and *power* will be meanly thought of. If the *whole* be *mysterious*, the letter is no law; and if it pass into a law, it is unjust; for if the letter is to be differently understood, if it want explaining or amending, so must the law do that is founded upon it.

He that can, or thinks he can, explain the sense, or vindicate the *humanity* of the expression, so as to prove the doctrine righteous, and the precept good, let him do it; and all due regard shall be paid to the reasons that are given. Let him display his abilities in explaining or vindicating this spiritualizing precept; and deliver us from the dilemma it involves us in. If none can be found that can do this; but if he that bravely attempts, shamefully fails in his endeavours; let him *lay his hand upon his mouth*, or *his mouth in the dust*, and confess that *he cannot order his speech by reason of darkness*.

For my part, I own, that the best method I can perceive to justify *Jesus Christ*, is, by confessing there are errors in *St. Matthew's Gospel*, especially such *parts* of it are faulty, as are indefensible by plain and honest reasoning, and are not confirmed by the other Gospels. To be too stiff in this point, in defence of the whole, is to destroy the whole, which, according to what we read, is not Gospel policy. *Mark ix. If thine hand or foot offend thee, cut it off; or, if thine eye offend thee, pluck it out; it is better for thee to enter into life maimed, or halt, or with one Eye; than having two hands, two feet, or two eyes, to be cast into hell.* As such like expressions in this place are sentences independent of what goes before and after; so they are capable of being explained in whatever sense the *Church* pleases. But if the subject going before and after such words in *St. Matthew*, are to direct us to their meaning, it seems to point to this doctrine of Castration. *Mat. v. ver. 27 to 32. Ye have heard that it hath been said by them of old time, Thou shalt not commit adultery. But I say unto you, that whosoever looketh on a woman to lust after her, hath committed adultery with her already in his heart. And if thy right eye offend thee, pluck it out, or hand, cut it off, and cast it from thee; for it is profitable for thee, that one of thy members should perish, and not that thy whole body should be cast into hell. It hath been said, whosoever will put away his wife, let him give her a bill of divorcement. But I say unto you, whosoever shall put away his wife, saving for the cause of fornication, causeth her to commit adultery; and whosoever shall marry her that is divorced, committeth adultery.* Concerning the first part of these words, I think, unless a man look on a *married woman* to lust after her, he does not commit *adultery* in his heart. Besides, a man may look on a woman to lust after her in an honourable manner,

as the law allows, or natural reason permits; and he cannot for so doing be properly said to *commit adultery in his heart*.

Concerning that part of advising to *dismember the body*, if it has not an eye to *eunuchism*, I know not what it means; nor can the *preceding* and *subsequent* words direct us to the meaning of it. And as to the latter part of these words concerning *divorce*, the exceptions against it, are neither *small* nor *few*. But my present business is with the *amputation* part, to be executed on the *parts of generation*, which naturally causes these unhappy questions, or reflections, permit me the freedom of mentioning some of them.

“ Advising men to *make themselves eunuchs for the kingdom of heaven’s sake*, is as scandalous a doctrine, and as ill-judged sanctity, as ever was preached to the world. An Atheist disbelieves a God, because he finds fault with the order of nature; if an Author of religion does the same, he sows the seeds of Atheism. He grants the causes of Atheism who proposes an unnatural remedy to rectify nature; and the consequence that the world is not the production of *Wisdom*, naturally and necessarily follow.”

If this be the way to *enter into LIFE*, to cut off the *members*, or means of it, it is no wonder that *strait is the gate, and narrow is the way, and few there be that find it*. Is the practice of this doctrine, *eating the bread of life*, which cuts off all life? Or, does he *give life to the world*, whose doctrines, if put in practice, cuts off the life of the world? Is not this like men’s devouring their offspring, after the example of the old heathen God *Saturn*? May not his own question to the Pharisees be retorted on him, *Is it lawful to save life, or to destroy it?* Is not recommending the *piety* of this practice, like recommending

commending * the *wisdom* of the *unjust steward*? Is there any natural *piety* or *wisdom* in it? If it be supernatural, is not supernatural piety, impiety, or impracticable? And supernatural wisdom, incomprehensible or nonsense? Is this a doctrine or precept becoming *the Saviour of the world* to teach? Is the way to *destroy* the world, the way to *save* it? Is not this the most *unmanly* advice that ever was taught mankind? Which, if all men practised, would end the world as to the human species? What a *lover of mankind* must he be thought to be, that teaches to extirpate all human race? If *Christ* spoke without dissimulation, *not* teaching one thing, and meaning another; or, if the contrary, what a mean opinion will men conceive of him, if this expression be his? *Some have made themselves eunuchs for the kingdom of heaven's sake: He that can receive it, let him receive it?* For in any sense to ascribe it to *Jesus Christ*, brings dishonour to his name. *Women* must by this appear to be, or be look'd upon, as the greatest evils in nature, and this must induce them to hate and abhor *men*: For to be married to their Saviour, will not satisfy their wants. No person preaching such morals, can so *sanctify* them, as such morals can *unsanctify* his person. *Good and evil*, are founded in the nature of man, and man's wisdom finds and applies them by the fitness or unfitness of things, and regulates his actions by their tendency; but *folly* runs counter to the course of nature, and directs men to act contrary to it. If a single life be so holy a thing, that men are recommended *for the kingdom of heaven's sake*, to make themselves *eunuchs*, rather than marry; why then, if married, ought they not to be divorced for the kingdom of heaven's sake, when for the sake of all happiness on earth they earnestly desire it? Or is it *then* only good, when it is so bad, that it cannot be borne,

because

* Luke xvi. 8.

because *then* it is the most *mortifying* state? Or, is divorce absolutely forbidden (in all cases but fornication) to make the married state the more grievous to be endured, to deter men from entering into it?

I see but one way to remove these objections, and get over these difficulties, and that way seems natural and easy, where it is not barr'd up by bigotry and prejudice against natural reason, which informs me, that as *St. Mark* has not mentioned this expression, who relates the discourse, it stands upon the single credit of *St. Matthew*, and consequently the reason for believing it, is rendered the weaker. And as *Jesus Christ* did not write it himself, to believe it came not from him, is not disbelieving him, nor any thing dishonourable of him, who tells us in a parable, *Mat. xxiii.* that *after the seed of the word was sown, the enemy would sow tares among it.* And it seems to me that nothing is more apparent, than that many Christians, have from the beginning of Christianity to this day, father'd their own wild and stupid opinions on *Christ*, of which he was not the author; and that this expression at least, if not the whole discourse, is an *interpolation of the monks*, who have had the secret management of these books; this doctrine being fitted to recommend their kind of life; the Gospels being kept in a private manner for more than *three hundred years*, will allow of this conjecture. If the historians, whoever they were, said that they were eye or ear witnesses, we have only their own *unknown evidence*, to support their testimony. But the *doctrines* and *precepts* delivered in the Gospels are better known how divine they are, by their own clearness, natural tendency, and usefulness, than by any thing that can be said about them. Light and truth display themselves.

G



Of DIVORCE, and COHABITING
UNMARRIED.

IT makes misery, which would be tolerable if curable, to be intolerable if incurable; at least it adds misery to misery, to think it cannot end but with life, or at the pleasure of another, who inflexibly pursues that pleasure, which is my pain, and I cannot prevent it. This may be the too late reflections of a man distressed by wedlock: My wife *Demonia* (cries he) vindicates her honour at the expence of mine, she has a tongue form'd for deceit, without its being perceiv'd; and by this inscrutable art, can blast even the character of an angel. There appears to be no hypocrisy in her, because it is so natural, that it seems to be artless. If I grant her not all she requires, she will privately obtain it, both for pleasure and expence; and this secret management is my sure ruin. I am determined to oppose it might and main; now my house is filled with eternal brawl and clamour! and thro' all my neighbourhood, with whom I had once reputation and respect, infamy and scandal attend me! My dear name, my sacred character is sacrificed, and I am look'd upon to be the guilty person, wherever her malice finds admittance, or her report flies. What shall I do? My once joyous hours are fled, which I found in *Celestia's* arms; happiness is no more; a fullen star threatens the remainder of my wretched life with distress, not to be remedied by complaint or action:

A dismal gloom and melancholy view is all around me: She that ought to be both by interest and gratitude my truest comfort in distress, and like a good conscience my chief support and solace in affliction, is my only grief and calamity! O remediless state! whither shall I fly? What shall I do? If I go, she, like a *malus genius* having no support but from me, will find me out and follow, and spread the invenom'd slander of her lies and malice beyond my flight; and whither can I go from the means of my subsistence? I may as well finish at once a wretched life, as attempt to fly the wretchedness of it; the dismal consequences of endeavouring to mend it, shew me to be compleatly wretched, and plung'd, for ever plung'd, as into the gulph of gloomy *Tartarus*, where falling, I must fall for ever! O *Celestia*, when I think of thee, I behold happiness at an unapproachable distance, like *Dives* in hell, with an unpassable gulph between me and that, doubly damn'd with the loss of sensible happiness, and a pungent sense of never-ceasing pain, but with life itself. Adieu all the pleasures that I once embrac'd in embracing *Celestia*, and any death is welcome. Is this the reward of my virtue? O ye cruel gods, could ye not lengthen out my tranquillity to the end of a short transitory life; or at least abate so much of your undeserv'd vengeance, as not to have given me this torture for mistaken pleasure, which only the integrity of life and sincerity of my soul has made permanent? Much could I say, but much rather would I conceal her shame, who is the cause of my lamentation: When nature can no longer bear-restraint, she breaks thro' all opposition. Tho' some time since kind fate has removed the painfulness of the sting by a much desired, but little expected and absolutely necessary separation, the *third* time; so that *Demonia*, tho' living yet,

her nature desperately inimical to mine, offends me not; yet these past reflections I remember still, my former *affliction and misery, the wormwood and the gall**.

These melancholy reflections, may be supposed, made to warn others, as the criminal with the gibbet in view presents the spectators with his last dying speech. *Fœlix quem faciunt aliena pericula cautum.*

The want of liberty and redress in just causes of matrimonial complaints, changes the state of marriage designed for a blessing, into a curse and captivity. However holy matrimony may be called, it is when unhappy much more unholy than whoredom, being productive of greater sin and misery; because this wretched state, hateful in its nature, and dismal in its consequences, is like the laws of the *Medes and Persians*, unalterable but by death; and not to be abrogated like the laws of *Moses*, tho' they are said to have been by God's appointment, as well as matrimony. This unmerciful restraint, without refuge or redemption, is the tyrannical effect of religious superstition. When once the sacred knot is tied, and the matrimonial rites consummated, let the married persons find themselves ever so much mistaken in their dispositions and constitutions of body and mind, by reason of any matters misunderstood, or not before known or expected, or in embryo, and impossible to have been foreseen, tho' a cloud of gloominess gathers thick, and veils all prospect of succeeding happiness, tho' perpetual discord breaks in like an overflowing deluge; tho' malignant jealousy infect the mind, and concealed leprosy or lues the body of either party; tho' envy possess the heart, venom and slander the tongue, distorted rage and fury the face; tho' drunkenness besot the head

of the man or woman, or extravagance foreboding sure ruin be his or her fatal conduct, or a multitude of vexations and plagues besides, too dreadful to name, too numerous to recount; tho' all or some of these, for all woes cannot find place to wound one person, disorder and torment the married state; tho' nothing remains but an unspeakable dissatisfaction and despair of every social delight, the law, the terrible law of judgment without mercy, and without end, has consign'd the married, the marr'd, the miserable wretches over as to a state of reprobation insupportable and irredeemable; so that the ideas of hell eternal, and vengeance everlasting, does not make such a sensible impression in human minds, as the sensation of this present calamitous condition: For, as that is the greater pain which is the most felt, so it is most regarded; and makes the impression so large, that it effaces in a great measure, if not entirely, all lesser impressions; when, let a man turn which way he will, he sees pain and vexation, ruin and destruction tread every way before him that he can turn; so that the goads of unjust calumny and reproach torment his life, with despicable poverty in view, and a jail, a halter, or starving, bid fair to *end* an uncomfortable life; tho' terrible be the way to it, yet the word *end* tho' with *life*, is the only comfort and consolation.

Good God! that ever man or woman should oblige themselves by law to do what is not in their own power, *viz.* to love, when reason, nature and necessity oblige them to hate, is such a state of complaisant conformity and abject slavery, as one would think a rational soul would not be guilty of; but what will not tyrant custom on one hand, with a prospect of the joys of love on the other, oblige a man to do? However easy or tolerable the chains may appear to be at a distant prospect,

they that have dragg'd them with an unmerciful clog, or rather load of woe, at the end, (which when felt exceeds all their former conceptions) find no state to be more dismal, no condition more wretched, being doubly curs'd like the damn'd in hell, with the sight of happiness at a distance enjoyed by others, and once hoped for by them, which fair sky being overclouded they are now deprived of happiness even in expectation, so that, there remains not even *hope* (that bubble comfort) left, and in room of the once expected social enjoyment, they feel lasting torment and substantial woe. No tender pity is shewn, no bowels of compassion extended to them that have unwarily or unfortunately plung'd themselves into this inextricable misery. Matrimony, like death, is a great leap in the dark; only the one renders us sensible of our misery, the other terminates our misery in insensibility; at least in *body* till the son of man comes, *the day and hour whereof no man knows*; nor that it is yet, or ever will be fixed; at least he appears not likely to come till Christianity be gone, for *when the son of man comes shall he find faith on the earth?* And if he finds no faith on earth, he will not find Christianity there; for this is built on that.

If it be objected, that for adultery and impotency the law has provided a remedy; this law is so severe, and so difficult to obtain justice by, that many who even by the tenor of that law have a right to freedom, cannot find the means to attain the end, it being attended with excessive charges; and those whose abilities prevent them not, chuse rather from the humanity of their tempers, and the modesty of their dispositions, to submit to an uncomfortable life in misery all their days, than bring themselves or their partners to lasting shame, and be recorded with disgrace, by having the mat-

ter litigated before a public court, to the scandal of both parties. The law should relieve the oppressed, by means within the power of the oppressed to find; and religion should not contribute to add a weight to oppression, and make it durable as life; but both should unite their instructions and authority, to make the yoke of life easy, and the burden light.

I shall now give you the substance of Mr. JOHN MILTON's arguments for divorce, who was as excellent a reasoner as a poet.—He says, that they who bring liberty to the much-wrong'd and griev'd state of matrimony, deserve to be reckon'd among the public benefactors of civil and human life above the inventors of wine and oil; they shall raise many helpless Christians from the depth of sadness and distress, utterly unfitted as they are to serve God or man; they shall set free many daughters of *Israel*, not wanting much of her sad plight, whom Satan had bound eighteen years. Man they shall restore to his just dignity and prerogative of nature, preferring the soul's free peace before the promiscuous draining of a carnal rage: Marriage from a perilous hazard and snare, they shall redeem to a more certain haven and retirement of happy society. When the grave and pious reasons of this law of divorce hath been amply discours'd, I doubt not (*says he*) but with one gentle stroking to wipe off ten thousand tears out of the life of man.

He adds, That maintaining the reasonableness of divorce is attempting the cure of an inveterate disease, crept into the best part of human society, which tends to the redeeming and restoring of none, but such as are the objects of compassion, having in an ill hour hampered themselves to the loss of all quiet and repose during life: That useful life might not be lost and waste away under a

secret affliction of an unconscionable size to human strength, the mercy of the *Mosaic* law was graciously exhibited: That this prudent law of divorce by *Moses* is full of moral equity, agreeable to the laws of the wisest men, and most civiliz'd nations; that many bad men have made bad use of this law, it is easy to believe, yet *Moses* knew it was better to suffer the accidental evils which would arise from hard-hearted men by this precept, than that good men should lose their just and lawful privilege of remedy. That if this overture of ease and recovery be obstinately disliked, what remains but to deplore a hopeless, helpless condition! That if the knot of matrimony may in no case be dissolved, except for adultery, all the burdens of the law of *Moses* are not so intolerable: That no laws can bind against the design of its institution, which was to be an help meet for man, his solace and delight.

He reasons, That no law can justly engage a blameless creature to its own mistaken perpetual sorrow: That the satisfaction of the mind in marriage should be more regarded and provided for, than the sensitive pleasing the body; for without the former, the latter soon becomes unfavoury and contemptible: That tho' the Liturgy expressly says, We must not marry to satisfy the fleshly appetite, like brute beasts that have no understanding; yet the Canon so runs, as if it dreamt of no other matter than such an appetite to be satisfied: That those, who in marriage are disappointed of the better part, *i. e.* of agreeable conversation and solace, and rather than live in sadness think it better to part, are moved to divorce by a motive equal to the best of those that marry, and has not the least grain of sin in it: That 'tis above the strength of human weakness to find satisfaction in the lonely state which they

are

are fallen into by the means they attempted to shun. That the more sober a person in such case is, the greater melancholy and despair it brings upon him; therefore it is, that many wedded persons are dejected; tho' they pretend other causes to conceal it, because they know no remedy. That an unfociable confort sometimes destroys the other by grief: By this means many a one consumes away in a joyless and disconsolate condition; therefore here charity should interpose and proclaim the most desired and acceptable freedom. What is life without the vigour of it in private or public enjoyment? Since life is to be preferred to marriage, and constraint to remain in unsuitable marriage may shorten or endanger life, the preservation of life demands a separation.

He urges, That the very being of the marriage-covenant is unfeigned love and peace, without which the marriage is hypocrisy. That since *St. Paul* says, *1 Cor. vii. God has called us to peace not to bondage,* he who cannot love let him divorce. And since *love is the fulfilling of the law*; where love is wanting, the law of the marriage-covenant cannot be fulfilled. That when the chief end of an ordinance is frustrated for which it is ordain'd, it is annull'd and invalidated, and ceases of course unless it be otherwise renew'd and restored to its primitive institution. That an overstrictness in discipline causes it to be broken and brought into contempt. That man, by unhappy marriage is rendred unfit for the service of God, and all the duties of social life. That the children of such ill-join'd wedlock may be call'd *the children of wrath*; unhappy marriage as little conduces to sanctify them, as if they had been bastards.

That those who having discern'd each other's disposition, which oftimes cannot be known till after matrimony, shall then find a powerful reluc-

tance and recoil of nature on either side, blasting all the content of mutual society, are not lawfully married. If all that is fair, all that is possible has been tried in vain, to accommodate the matrimonial discords of those who by some false bait have been drawn together, that the sleeping enmities of nature might awake to agony and strife later than prevention could have wished; what folly is it still to stand combating and battering against invincible causes and effects with evil upon evil, till either the best of our days be lingred out, or ended with wasting sorrow. A person may mistake in fixing love without experience, but cannot err that finds just cause to hate by woeful experience. Hatred is division, and when natural hatred (which is of God) separates, let no man, let no law force them to live together. No laws can unite those whom aversion loaths and avoids. No laws can oblige to love, whom nature compels to hate; affection cannot be forced: A reasonable and natural dislike no laws can remedy. That if a disagreeable body be no incitement to wedlock, a disagreeable mind is an enemy to it. That nature teaches to divide any limb from the body to save the rest, tho' it be to the maiming and deforming of the whole; and to sever any member by incision, that is gangrene, and tends to the mortifying the body; what if man and wife then are one flesh, they ought to be separated when necessity requires it?

He proceeds, That the law was never designed to protect baseness and injury, yet indissoluble matrimony but by death does this very thing, and maintains a contract in direct violation to the design of the law, the dignity of man, the honour of matrimony, and the inflexible motives of tender nature and loving disposition: A most unjust contract maintained by violence usurping over humanity.

humanity. That if the *Sabbath* was made for man, not man for the Sabbath, much more may it be said of *marriage*: God never sets the ordinance above the man for whom it is ordained. What was ever more made for man alone, and less for God, than *marriage*; and shall we load it with a cruel and senseless bondage utterly against the good of man?

He shews, That jarring and discord continually grating in harsh tune together, oft end in rancour and spite. That it would be less scandal, to divorce a natural disparity, than to link them together inevitably to kindle one another with hatred; who, if dissever'd, would be friends in any other relation. That there is as much cruelty in forbidding to divorce, as not to marry. Is the confinement for the trial of our patience; but what if it subvert our patience, and faith too? This is tempting God, by putting a yoke upon the neck of men; which neither former ages, nor the present are able to bear. That many marry or accept of an offer by the persuasion of friends, which proving a mistaken state of confinement and misery, both parties are thereby render'd unhappy: And forced marriages are such savage inhumanity, that 'tis next to assassination; pity as well as piety therefore pleads for their redress by divorce.

That the Apostle *Paul* says, *What communion hath light with darkness, or he that believes with an Infidel?* Matrimony is, or should be a state of the nearest and dearest communion; those then that have no more communion with each other, than light and darkness, from whatever cause it be, have broke the bonds of matrimony, or they were never in that state of communion; and if either way, the bonds are dissolved of course. If there be so little communion between a believer and an Infidel, that if the one has a mind to separate, a se-

paration is granted: *If the unbelieving depart, let him depart*: Surely a believer is to have the same privilege as an unbeliever, if there be no communion between them; and if this liberty be granted where one is an Infidel, *because God has called us to peace, and a brother or sister is not under bondage in such a case*; suppose the case worse, that the man is *worse than an Infidel, one that takes no care to provide for his family*, is not the bondage greater? May not the woman have the liberty to be delivered from so worthless a man? Or, must she ever drag the chain of slavery and miserable servitude? And, instead of receiving any help from him, endure to be starv'd and robb'd and abus'd, without remedy or redress during life? *He that cares not for his own house, and she that does the same, who is regardless of performing those social duties which the matrimonial state require, whether he or she goes from it, or stays in it, is no part of it, and as such ought to have no place in it.* Is this doctrine of passive slavery on one side, and unmerciful tyranny on the other, that persons should be wedlockt together to their utter ruin and undoing, the doctrine of the Gospel? Does this bring *glory to God, peace on earth, and good will to men*? Is this *the liberty in which Christ has made us free*, that we are advis'd to *stand fast in*? A liberty to tyrannize, and a freedom to slavery! Can any thing be so ridiculous and contrary to common sense?

By this delicate reasoning of Mr. MILTON, it is evident, that a man and woman who are fitly disposed in harmonious unity, as if conducted by one soul to the helps and comforts of domestic life, are the proper subjects only of conjugal state, for these, and only these can be happy, if their outward circumstances permit them to be so: But if, upon experience their natures are contrary or wide-

ly different to each other, they are differently constituted, and not made for each other, nor can men make that to agree which God has made to disagree; therefore such joining is not of him. When men and women therefore are joined together by law, they ought to be joined lawfully, that is according to equity; by allowing a *proviso*, disunion or divorce, when evil arises, which blasts all expected comforts. When the law does not provide a remedy for what is remediable, it is not as it ought to be, adapted to the exigency of cases, or the fitness of things; it is not so well design'd as it should be; therefore in such cases it is not, it cannot be kept, nor is it fit it should, being an unfit law. If when the benefit of divorce to unhappy marriages is denied, *it is not good for a man to marry*; then on the contrary, if it be good for a man to marry, 'tis just and right that the benefit of divorce should be freely allowed to all unhappy marriages.

I shall now answer all such questions and objections that I know of, which are made against divorces: Most of which rather shew the ignorance of men how to do right, who are long accustomed to do wrong, than any arguments against the reasonableness and rectitude of divorce.

'Tis queried, *What are the proper causes of divorce?*

Answer. Whatever makes the married state miserable; for marriage was, and should be designed for the mutual happiness of man and woman; if one of them is render'd unhappy by it, the means fails of the end, the institution is perverted, and ought to be annulled.

'Tis demanded, *Who ought to have the power of procuring a divorce, the man or the woman?*

A. The oppressed or unhappy party; for law and justice consists in relieving the injured, and supporting the helpless. The person that feels the misery, is the proper person to seek redress.

'Tis asked, *To whom should they seek it? Should we have a court of judicature on purpose? Or may married people divorce themselves whenever they please, or think themselves unhappy?*

A. They that think themselves unhappy, are so; for the seat of happiness lies in the sensation of it. There is liberty for single persons to marry when they please; and seeing the divorce of unhappy marriage is as necessary for the well-being of man, as marriage is; why should not the same freedom be allowed for one as the other?

Obj. *At this rate, a man may turn away his wife, or a woman may go away from her husband, whenever either of them pleases; which will only change the scene of misery. And if done by a course of law, the trouble and charge will make it ruinous to their characters and fortunes. Therefore 'tis better that no divorce be allowed.*

A. I am not proposing a divorce so easy as the one, nor so difficult as the other; but, as I said before, to part, ought to be as easy as to come together; therefore let it be done in the very same manner, and with the same solemnity to make it legal, and give a sanction to the act. Let them that are divorced be severely punished if ever they come together again (as the law of *Moses* forbids) which will prevent parting for every slight occasion. Let the divorce be obtained by being published three times in the parish church, where the parties live, or by a Licence from the Commons, to be register'd at the said church. Let the charge be the same as marrying. Let rascally *Fleet* marriages be prohibited, and let them be declared null and void; and whoever is so married, let it be
esteemed
humanity.

esteemed as adultery or whoredom: Then this shop for clandestine marriages will be shut up; and people will not be every day marrying and unmarrying. There cannot be then so much vice in matrimony, as there is now. “ If nature’s resist-
 “ less sway in love or hate be once compell’d, it
 “ grows careless of itself, vicious, useless to friends,
 “ unserviceable and spiritless to the common-
 “ wealth. This *Moses* rightly foresaw, and all
 “ lawgivers that ever knew man. When the rea-
 “ son and persuasion of the married friends to re-
 “ concile them fail, all constraint by law against
 “ nature renders them but the more miserable.”
 By the married persons being published in church, in order to be divorced, as they are or should be in order to be married; their friends and neighbours will be apprised of it, and may endeavour a reconciliation. By this means many a divorce may be prevented.

If a man deserts his wife, or a woman her husband, has not the deserter broke the matrimonial covenant? Why may not the place by such desertion be declared vacant, or be esteemed a good reason for obtaining a divorce, as well in a married as in a polical state? The desertion leaves the deserted in a state of freedom, to take another in the room of the deserter. These are revolution-principles; and the reasons that justify the one, will also justify the other. ’Tis no more adultery for the deserted to marry another, than it was rebellion in the state to elect another king in the room of him, by whose desertion the throne was wisely declared vacant; tho’ it was more vacant from his unfitness to reign, than from his absence. The nation by experience found *James the Second* an unfit person to be king, therefore made a proper use of a proper opportunity to discard him, and place one more worthy in his

his room ; so should a man or woman do, who is deserted by, or obliged to desert a domestic plague, and abandon home because of the tyranny, oppression and misery that reigns there. When the causes and reasons are alike, the verdict and justice should be executed alike. Such like cases ought to be a sufficient reason for divorce, without any officious or impertinent enquiry and canvassing private affairs by a public court of justice into the causes that produce the resolutions for divorce, out of a sacred regard to the reputation of either or both parties. Themselves are the best judges of their own grievances, and as fit to judge for themselves why they dislike, and so part, as they were to judge for themselves why they liked, and so were joined together : And much more, because the latter is often founded on fancy ; but the former is the result of experience. Therefore the parties concerned are fitter judges for themselves than a court of judicature ; because oftentimes the causes are secret : and 'tis not fit that the unaccountable and secret reasons of dissatisfaction between man and wife should be tossed about and judged by a judicial court. As the mysteries of marriage should be always preserved with chastity ; the causes of private differences should not be divulged to public town-talk, to please every giddy gossip or prating fool, who love to be ever meddling with other people's affairs that never concern them, and never by so doing mend them, but often make them worse. “ The differences that arise in private life should be cured and put an end to, but not published ; they are often so deeply rooted in natural affections, as are not within the verge of law to tamper with. *Paulus Emilius* being asked, why he put away his wife, for no visible reason ? Said, holding out his shoe on his foot, “ This shoe is a *new* shoe, and a *neat* shoe ; and yet

“ yet none of you know where it wrings me. In
 “ cases wherein a man’s own happiness is concern’d,
 “ he alone is his own judge, no other can judge
 “ for him; what he approves or disapproves,
 “ what is agreeable or disagreeable, lovely or
 “ hateful to his nature and constitution. To de-
 “ sire to redress a grievance, is natural; but to be
 “ obliged to expose what good-nature and pru-
 “ dence would secrete, is barbarous. Tho’ it may
 “ be just to expose an adulteress, by public pro-
 “ ceeding against her at law; yet ’tis a benefit to
 “ the guilty wife, to be discharg’d without hav-
 “ ing her honour impeach’d, as many a husband
 “ would chuse rather to do, by a silent dismissal.
 “ ’Tis much better to discharge her thus, than to
 “ have her faults scrutinized and expos’d, and
 “ made the jests of a bawdy trial.” But the dif-
 ferences in divorce about dowries, jointures, estates,
 &c. should be determined by law, or as the con-
 tracting parties shall judge meet, or agree to be-
 fore marriage. People generally know how to
 make their own bargains, the law is only necessa-
 ry to make them perform the covenants they enter
 into, or determine what shall be right when none
 are made, as when a person dies without making
 his will. When the parties are so divorced, it is
 as reasonable and as necessary they should marry
 again, as it was before, if to them it appear so;
 when a possibility or prospect is before them of
 living happier with other mates, whose dispositions
 and circumstances are better suited to the temper
 of each. And the person that is most able, should
 keep the children after parting, if there are any;
 or, as they otherwise agree about it: For, I think,
 the father and mother have equal right to the chil-
 dren of their own begetting. If a man leaves a
 woman as wealthy as he found her; and if she be
 as healthy, I see no just reason she has to complain

for his parting with her. Since money gives power, and the management of affairs is an indication of wisdom, and 'tis power and wisdom that govern the world (and 'tis fit it should); therefore that person, be it the husband or wife, that was before marriage possess'd of the right of substance, and to whom the business after marriage most properly belongs, should have the right of divorce, that the substance may be preserv'd, and the family maintain'd. She that brings a man a fortune who had none, should have a power to divorce the man that she has taken for a husband, who is spending it as fast as he can, that she may save as much as she can of it. And he or she that is careful of the family, should have power to divorce the other party that takes no care of it, who is therefore an unfit member of it. Understanding and circumspection denote wisdom, and wealth gives power, they that have these have the supreme right, and 'tis an ill government where these are divided or disagree.

From a good wife and a wise manager of affairs, none but a fool or a madman would desire to be divorc'd; and from a fool or a madman it can bring no sorrow for a woman to be separated. Let them that cannot agree together, part, then it may be seen on whose side the fault lies; the world often misunderstands and misjudges things. The power of divorce would keep many in tolerable behaviour both men and women whose behaviour is now intolerable.

An ingenious author has these three objections to divorce*. 1. "What must become of the children upon the separation of the parents, must they be committed to the care of a stepmother, and instead of the fond care and concern of a mother feel all the indifference or hatred of a stranger

* Mr. *Hume*, in his *Essays moral and political*.

stranger or an enemy? These inconveniencies are sufficiently felt where nature has made the divorce by the doom inevitable to all mortals: And shall we seek to multiply these inconveniencies by multiplying divorces, and putting it in the power of parents upon every caprice to render their posterity miserable?"

A. We often follow vulgar errors, think and speak as others do without judgment and without knowledge. Not every step-mother proves unnatural, nor every mother has natural tenderness to her own, and some have too much partiality; which tends as much to the spoiling of children, as too little. A stepmother cannot be easily supposed an *enemy* to a man's children, if she loves the man. Every mother is not fit to bring up a child, because she is mother of it; for she may have fondness without prudence, as mothers too generally have, but prudence without fondness is better for the education of children, which a stepmother may have; and if she have not, if she treats them as an *enemy*, the father of the children has the same remedy against her, as against their mother, a *divorce*, which will tend to dispose her to prudence and regulation of her conduct; therefore *posterity will not be rendered miserable*, but rather better brought up by this means; nor are *inconveniencies multiplied by divorce*, but very much lessened, tho' they cannot by *any* means in *all* cases be absolutely done away. Jangling and contentious parents are certainly less fit to educate children, tho' their natural offspring, than those that, being freed from the distraction and confusion of jarring tempers, can regulate and govern themselves, their affairs and their family, with an even temper of mind.

Again he argues, 2. "If it be true on the one hand, that the heart of man naturally delights in
I 2 liberty,

liberty, and hates every thing to which it is confin'd; 'tis also true on the other hand, that the heart of man naturally submits to necessity, and soon loses an inclination, when there appears an absolute impossibility of satisfying it. These principles of human nature you'll say, are contradictory: But what is man but a heap of contradictions. Tho' 'tis remarkable that where principles are after this manner, contrary in their operation, they do not always destroy each other; but the one or the other may predominate on any particular occasion, according as circumstances are more or less favourable to it. For instance, love is a restless and impatient passion, full of caprice and variations; arising from a feature, from an air, from nothing, and suddenly extinguishing after the same manner. Such a passion requires liberty above all things; and therefore *Eloisa* had reason, when, in order to preserve this passion, she refused to marry her beloved *Abelard*.

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

But *friendship* is a calm and sedate affection, conducted by reason and cemented by habit; springing from long acquaintance, and mutual obligations; without jealousies or fears, and without those feverish fits of heat and cold, which cause such an agreeable torment in the amorous passion. So sober an affection therefore as friendship, rather thrives under constraint, and never rises to such a height as when any strong interest or necessity binds two persons together, and gives them some common object of pursuit. Let us consider then, whether love or friendship should most predominate

in marriage? And we shall soon determine, whether liberty or constraint be most favourable to it. The happiest marriages to be sure are found, where love by long acquaintance is consolidated into friendship. Whoever dreams of raptures and extasies beyond the honey-moon, is a fool. Even romances themselves, with all their liberty of fiction, are obliged to drop their lovers the very day of their marriage; and find it easier to support the passion for a dozen of years under coldness, disdain and difficulties, than a week under possession and security. We need not therefore be afraid of drawing the marriage knot the closest possible. The friendship betwixt the persons, where it is solid and sincere, will rather gain by it; and where it is wavering and uncertain, this is the best expedient for fixing it. How many frivolous quarrels and disgusts are there, which people of common prudence endeavour to forget, when they lie under the necessity of passing their lives together; but which would soon inflame into the most deadly hatred, were they pursued to the utmost under the prospect of an easy separation."

A. If the heart of man naturally delights in liberty, when the heart of man has what it delights in, man will be best pleased, and consequently retain the most agreeable temper of mind. It ruffles his temper to take that from him which his heart naturally delights in; this is the direct way therefore to make him a bad husband, and this is the reason that many men's love grow cold to their wives, as soon as they consider their loss of liberty; that alone changes their temper, and by this means they curse their fate, which they would otherwise bless. Love is the freest principle in nature, and is an enemy to confinement; therefore confinement is an enemy to love. It is no wonder then, that married people are generally miserable; the reason

son is plain, love and liberty go together. Love cannot be confin'd, no laws can fix it; therefore *Eloisa's* virtue is worthy the example of all women. She that would confine her husband by law, does not seek his love, but something else; she has the man, and perhaps his means, but rarely his love, for that no laws can bind; love cannot submit to any such necessity, tho' man may; nor does necessity to endure what man would avoid, alter the nature or inclination of man in reality, only in appearance. Suppose a man is in prison, and greatly desires liberty, but being well informed, that his state is such as it must be for life, and that there's no reason to expect the remedy he longs for; what then, is a prison best for him? Or, does he grow pleas'd and delighted with his confinement? Not at all. But when he finds that he cannot have the only relief that his soul wishes for, as the only suitable and agreeable one, he endeavours to seek some other palliating remedy to mollify the severity of his confinement, by taking to drink, or play, or conversation, or some other thing whereby he *seems* to be sometimes delighted *in* his station, but he is never truly delighted *with* it; and he never loses the inclination to liberty, but to appearance; but if it may be supposed, that long time and custom has brought confinement to be more agreeable to him than freedom, it must be, because his spirits having been so really subdued by long bondage, he wants the power of *enjoying* liberty if he had it; he is now despirited, and unfit for what he was before fit for in the state of freedom he before so earnestly long'd for; so confinement to wedlock may in time make a man seem easy concerning his state, but he rather seems than is so, or he becomes careless and enervated, not affectionate and vigorous. A man that has a wound when he knows it
admits

admits no cure, if he has courage enough to support himself under the melancholy reflection, takes what pleasure he can in life as long as it lasts, knowing it will end his days, and uses some mollifying ointment or plaister to it; but the wound is still a wound, and in his opinion too; nor can his cheerfulness cure it, or prevent his feeling the anguish, tho' he regards it as little as may be, that he may make his life as happy as it can be, man is therefore not *a heap of contradictions* to himself, tho' men are to one another, but his mind moves as regularly as other things; certain causes have certain effects therein, and as the motives are, and his passions are capable of being moved by them, so his thoughts and actions are always naturally correspondent. Therefore, tho' love may arise from an air, or a fancy, it cannot arise from *nothing*; this is to burn without fire, or be moved without a motive.

Nor does friendship, or any other quality or thing thrive under any sort of necessity, but such as is agreeable to its own nature. Constraint can neither procure friendship, nor preserve it. Friendship I take to be a settled love, arising from a harmony of tempers and agreeable conduct; now what constraint of any foreign nature can be beneficial to this? Two persons living together, so as in time to become intimately acquainted with one another, may be a means to friendship; but if they know each other, and find no disposition to it, forcing them to dwell together will not procure it. Persons already jaded with each other's conversation, have but little lust to friendship by being forced to live together; therefore, even on this score, confinement can do no good. Nature chuses rather to seek a help near at hand, than far off; and therefore makes the most it can of what it has opportunity of doing, and that is all that's
in

in it; but confinement to enjoyment, damps the sense and feeling of it, and contracts a honey-sun to a honey-moon. This way therefore of drawing the marriage-knot close, strains and often breaks it. Friendship, where it is solid and sincere, undoubtedly gains by friends living together; but such never chuse to part. Where 'tis wavering and uncertain, it may as well go as stay, since 'tis a thing indifferent, and being so, there's no damage done, whether it does the one or the other; but a load of hateful constraint lying upon it, is more likely to crush it to death, than to wedge it into the parties who feel the uneasiness of the load that oppresses them.

People of *common prudence* will act as common prudence directs them in all common affairs; but prudent or not they must be under one common confinement, and from this is expected to arise a common good! The same argument will as well prove that, in a kingdom where the subjects are made slaves by superior power, and impoverish'd by the authority of law, their rebellious tempers will subside, and they will become easy in thralldom, which otherwise would enflame into the most deadly rebellion, were they indulged or under the prospect of an easy success: Therefore slavery is rather to be chosen than liberty, as the more happy state.

If the common consequence of marriage be only a *honey-moon*, followed with a number of *years under coldness, disdain and difficulties*; none but fools would marry, all persons of common prudence would dread the drawing that knot close, which ties a month's delight to an age of disquietudes and mourning. Love is doubtless a *restless and impatient passion*, when unsatisfied; but, if satisfied, does it prove the same also? Our passions will be restless and impatient to dissolve the bands of such love,
bands as

as the destroyer of its rest : For the God of love labours six days to enjoy his sabbath on the seventh.

Obj. In the third place (*says my author*) we must consider, that nothing is more dangerous, than to unite two persons so close in all their interests and concerns, as man and wife, without rendering the union entire and total. The least possibility of a separate interest must be the source of endless quarrels and jealousies. What *Dr. Parnel* calls *the little pilfering temper of a wife*, will be doubly ruinous ; and the husband's selfishness being accompanied with more power, may be still more dangerous.

A. Where can the danger be to any one of having power to relieve one's self from misfortunes when they come ? Whatever evil may accidentally arise from it, I believe it is what every one had rather chuse, than lie at the mercy of another's power, which is what all mankind dread. As this scheme is as good for one party or sex as the other, so none can dislike it with prudence, or disapprove it with reason. If a man does not conceive it dangerous to himself, to disunite one that is, or rather ought to be closely united to his interests, and unite another that he has reason to believe will be so, who is to judge for him ? Every man should know his own interest best ; and what makes it necessary for him to part with his wife. Quarrels and jealousies, separate interests and a pilfering temper, are some of the things complained of, that a divorce, or even the fear of a divorce may remedy.

Obj. Should these reasons against voluntary divorces be esteemed insufficient, I hope nobody will pretend to refuse the testimony of experience. At the time that divorces were most frequent among the *Romans*, marriages were most rare ; and

Augustus was obliged by penal laws to force the men of fashion in *Rome* into the married state.

A. The gentleman answers himself—"A circumstance which is scarce to be found in any other age or nation;"—and therefore not the natural consequence of the liberty of divorce. But does experience tell us, that we live happier in a married state, than those have done and do where this liberty has been and is allowed? Could the enquiry and comparison be made, it would no doubt confirm the argument in favour of liberty.

It remains then, that those who intend to enter into a social state in expectation of felicity, should take care not to plunge themselves into such a one, as becoming unhappy, is incurable; nor be drawn by bad customs into bad consequences; nor be deluded into a state of real sorrow, irremediable, to avoid an imaginary state of sin: But be assured, that honest minds cannot sin; and what does not injure others, men have or ought to have nothing to do with. At all times indeed a prudential conduct is necessary, and a good character is valuable; yet a conformity to some customs to preserve the latter, is sometimes the occasion of its being sacrificed, experience has told me so. Tho' a good name is better than life, in vain we expect to preserve it in misery from infamy, be it thrown upon us ever so undeservedly. Avoiding the means of irretrievable misfortune, is the best means to avoid the slander of the multitude, which is generally rash and wrong.

Since it is confessed, that without the liberty of divorce, *it is not good for a man to marry*, tho' it is declared, that *it is not good for a man to be alone*; then it is good for a man not to give up the liberty he naturally has, to stand the very unequal chance of being miserable without redemption, to prevent him

him from committing adultery. Tho' misery is only said to be the effect of sin, yet in this case men and women are made miserable, to prevent them from sinning, like whipping a boy to prevent him from robbing an orchard; which he either has no disposition of doing, or whipping him prompts him to do. I cannot think it is a man's duty to run the hazard of being miserable, if he can prevent it; therefore I cannot think it a man's duty to bring it on himself by matrimony, or mutilate himself to avoid it; yet, in my opinion, an honest and constant nature finds the most real and durable happiness.

The society of chosen mates by mutual agreement, is preferable to any other state, as natural honesty is to that of honesty by constraint. Till the liberty of divorce is granted by law, if you are in a state of life which enables you to bear the charge of a family, where's the crime to take the woman you love upon such conditions as you both agree to. If both agree to meet or part, what has the law to do with it? The ceremony may join and often has join'd those not fit to be join'd, whom neither God nor nature joins. The form of marriage may be, where the spirit is not; but such are *dead works*: 'Tis like *the dead burying their dead, or the form of godliness without the power of it, from which we are commanded to turn away.* Where the spirit of love and sincerity is, there is truer marriage without the form, than the form without the spirit; the one are alive to enjoyment, the other dead to it while they live. But those that nature joins in constant affection, God joins; and whether with form or without, no man ought to separate them. Tho' these are man and wife with the form or without, yet better, without that no evil restraint be laid on good nature, but what the nature of things makes necessary, that man's

meddling spoil not God's joining : For if God, or love, forsake those that are gone astray from him, and an evil spirit from the Lord seize the man or woman, as it did king *Saul* ; so that their nature now chang'd, alters their condition from felicity to infelicity, from good to evil, let the bands of evil be broken ; for living together in sin, is living in adultery, or worse : For now only force joins them, and sometimes lust, not love. If lust be the only joining cause, they are no more one flesh, than a man and his harlot is, who are joined by the same cause ; and when the cause is the same, the consequence will be the same. Therefore these ought to part, and seek elsewhere in a separate state the blessing that both being together cannot possess and enjoy.

That man and woman were made for the enjoyment of each other, in suitable circumstances, the reason and fitness of things sensibly discover ; but not any man for any woman, is also plain ; because if all were equal, there could be no choice of one, nor exception against another, none could be particularly affected or disaffected with one more than with another ; and then all must be made alike both in body and mind : But seeing there is infinite variety, there are infinite causes of concord and discord in the general nature of the human kind and sex ; therefore love teaches a man to distinguish one from many, and to know the pleasure of fixing his affections on a single object, which he that does on one worthy to be beloved, enjoys in her the delights of the whole sex.

Happiness is found to take up its abode only with those, whose agreeable dispositions, regularity of conduct, constancy of temper, and ability of circumstances are fitly prepared for its reception and entertainment ; which is expected, but rarely found, in an only death-dissolving married state.

The

The essence of matrimony lies in the end, *viz.* the good of society and care of posterity, not in the means that are ill adapted thereto. 'Tis the good intent of the action well conducted to its end that sanctifies it. Those laws of man that generally produce misery or infelicity, are not the laws of equity, which ought to be understood in every covenant or contract, even tho' the terms are not expressed.

If two persons are married according to law, however unequal their fortunes or rank in life were before marriage, it throws them so much on a level, that all gratitude soon vanishes from the meaner, whose circumstances are raised thereby, tho' obliged as much as one person can oblige another; for generally the needy party treats the other with ingratitude and indignity for the favour received, tho' it was all that one could desire, or the other give. I cannot conceive that marriage ought to annul the laws of gratitude. Ingratitude on either side must needs be productive of misery. But if ever so miserable, the law affords them no mercy; 'tis best therefore for a person to have the power in his or her own hands, by not formally doing what can never be undone. This is as good for the woman, as the man. Many a man spends a woman's fortune lavishly and in debauchery too, only because the law gives him possession, and it is not in the wife's power to restrain him. I was acquainted with a youth, a seeming Saint, who had no substance, that by the solicitation of his relations got the favour of a young widow of three thousand pounds fortune, and not long after he was possessed of her and all her effects, which she generously yielded to him, took to drinking, gaming and whoring, till he soon brought himself and the young gentlewoman to poverty; from which she had the good fortune to be removed by death.

Without

Without the ceremony, both parties possess their own fortune. A woman's property, unless she give it away by marriage, is her own; her man has a right to spend no more of it than she pleases; but when married, she must spend no more than he pleases. Suppose a man and woman, after some time living together, find reason to part, which they may do when the power is in their own hands, not having parted with their natural right by ceremonious complaisancy; what is the woman afterwards worse than a widow? If she is in good circumstances, she may more easily procure for herself a man to her liking; than a poor widow, and more easily too preserve her substance and her person from ruin and ill usage, than if she gave the man all she had by ceremonious condescension, for fear she should be guilty of living in adultery. I knew a man and woman who cohabited together, and were thought to be legally married. The substance with which they traded, was the woman's, the man proved extravagant, and of ill conduct in business; so that they were in a fair way to ruin, when necessity obliged the woman to declare herself unmarried: She turn'd off her man, and sav'd the remainder of her substance; with which she carried on business with success, and soon after got another mate, who is a prudent man, and whether married or no they live happily together. A woman's dependence upon what is her own when it is sufficient, is better than a dependence on the precarious pleasure of a man who is a sanctified husband, and for that reason may if he pleases be a sanctified villain. Many are the cases which shew the parties had better cohabit unbound, that the party aggrieved may be able to redress the condition by a separation, than submit to a condition that admits of no redress. Nature teaches us that an unconscionable yoke, which cannot

not be rectified by law, should be redressed by prevention. If law forbids the cancelling of cruel bonds, nature directs us not to sign and seal them. Marriage, as it now is, is entering into obligations to do or bear, what is oft impossible to be done or born by the contracting parties on one side, and sometimes on both sides. However the necessity of circumstances may bind, nature will still be the same. *Naturam expellas furca licet, usque recurret.*

Therefore we are not to take our standard rule of conduct from arbitrary precepts or practice, that receive their sanction from opinion, authority or custom; for the most rational part of mankind are now generally agreed, that the reason and fitness of things is the fundamental rule of right, by which all human judgment, law and conduct should be directed.

'Tis not wisdom to barter away freedom, at least without an equal compensation (if an equal can be) and a reasonable happy prospect. Where great love or great interest tempts, let those that please try their fortune: As to others, that have no such temptations to bondage, in my opinion, neither the ceremony, nor the parson performing it combines the heart or sanctifies the action, of those that sacrifice themselves at the altar.

When the ties of reputation in a married woman lose their hold, and the sense of forbidden pleasure drowns the sense of guilt, the ties of conscience have no force; and in such case, how can a poor husband insulted with cuckoldom find redress. 'Tis a crime for him to be jealous, for tho' the circumstances are strong, nothing can justify his jealousy but the proof of the fact, which may more easily be a thousand times committed, than once proved. And even then, O cruel bonds! they cannot be so easily cancell'd as made; whereas the cord bught to be as easy to untie, as to tie;
and

and in the same manner, for which an honest man would not grudge the parson even double fees, and also adore him as his redeemer, if he did not his master as such. Then indeed the Church would have the power of binding and loosing; but because the parsons only shut, and no man can open, they lie open to the contempt of all men; for all men hate and despise those that bring them into misery, but can do nothing to help them out of it. Now, if the married part, (for the gates of hell cannot confine some together, tho' in the devil's hour the powers of darkness join'd them) the husband must allow a maintenance or something towards it, to her that he has no longer any thing to do with, (tho' I would have him put her away in rather better than worse circumstances he took her in, if possible) she don't desire to dissolve the marriage bonds, having the liberty of jilting at pleasure, and the satisfaction at the same time of keeping her cuckold in confinement, by preventing his happiness with a better mate. I wish this be not one cause why women are generally against divorce, or I know not why they should oppose it; for set the bad consequences of both states, married and unmarried against each other, and those that have not bartered away their freedom will find the benefit of it. Certainly 'tis as much the advantage of a good woman to be delivered from the tyranny and ill usage of a bad man, as for a good man to be freed from the torments of a bad woman; unless it is because the female party are conscious, that 'tis easier for them to captivate men, than keep them; and if so, their charming qualities are more superficial than real; they please the fancy, but will not stand the proof. But men, say they, are fickle and inconstant creatures, ever roving and delighted with novelty; supposing this, are not women the same? What pleasure then can they take

in confinement more than men? But the truth is, all are not so of *either* sex, tho' such are some of *both*. So volatile and inconstant a humour cannot be bound; consequently cannot make a good husband or wife; and it is not desirable to be confin'd to a bad one.

“ If the divorce be with the woman's consent, what has the Law to do with it; if without her consent, it is either *just*, and so ought to be, or *unjust*, and to be divorc'd from an unjust man can be no injury: But suppose it is, and the law returns her back to him from whom she was *expelled*, or *intreated* to be gone, and she lives apart, a *married widow*; is not this a miserable redress? *But the man is tired of his old, and wants to have a new wife.* If he be tired let him go. It must be a much wish'd-for life, for a woman to live with a husband that is tired of her! *The man's inconstant, and delights in change.* An inconstant lover is not worth keeping, much less is an unconstant husband.

Let us look into the custom of other Countries, Divorce is allowed and practis'd by most nations in the world, except the christians, and even by some of them, particularly those of the *Greek Church*. And generally all others that join one woman to one man only, permit an easy manner of divorce to those that prove false to their conjugal duty, and in cases of great offence or distate.

As to the indissoluble ceremonious noose, “ In *Sicily* after the Articles of marriage are sign'd by the contracting parties, the bridegroom may converse freely with his bride, and sometimes they cohabit many years together without the office of the Church. Some of the *Hollanders* have also several children before they pass through those formalities; and defer that affair till near their death; and the children so born are esteemed

“ and inherit as *legitimate*. So that (*says the waggish author of marriage ceremonies*) the benefaction of the priestly function, is not thought indispensibly necessary to the making such a commerce not criminal, though in other places, they have wheedled mankind into such a belief.”

I contend not for the liberty of men's having more wives than one, or of having *concubines*, which I take to be *mistresses to wedded men*, for such they appear in the Scripture to be; but for the free enjoyment of virtuous love, and for the free dissolution of it when it is otherwise.

“ *When fix'd to one, love safe at anchor rides,
And braves the fury of the wind and tides;
But losing once that hold, to the wide ocean borne,
It drives away at will, to every wave a scorn.*”

Love is true no longer than it is free; she can only be bound with her own girdle: No violence can force, nor fetters bind her: She forces without violence, and binds without fetters.

————— “ *No Law is made for love;
Law is to things which to free choice relate,
Love is not in our choice, but in our fate.*”

But because all are not bad, 'tis probable these precautions will have but little effect, men and women will run all hazards in hopes of prizes, tho' ten to one are blanks.

“ *But yet if some are bad, 'tis wisdom to beware;
And better shun the bait than struggle in the
“ snare.”*

Not that a man is to expect his wife or consort to be a *faultless creature*, such as he fancies *angels* are; but he should consider her as human nature with himself, not without some failings; and if they are such as can be borne with, they ought to be borne with. It conduces much to man's happiness, and shews

a noble nature, to bear with what is tolerable. If there be an affection and endeavour to please, that good disposition is sanctity. As long as one can engage the other's affections (which it is their mutual interests to do, who live together) both are secure and happy; and when that fails to be done in a married state, whatever security the woman may imagine her state to be, she is securely miserable; for two persons to be enabled or obliged to live together in spite of each other, is uncomfortable living: But this is easy to be prevented, by entering into such contracts only as the contractors may be able to perform: Consider, what does marriage do, but lay an obligation to keep a covenant without giving nature any ability to do it. 'Tis like the consecration of Priestcraft, which pretends to put holiness into earth and stones, that never had any, nor ever can have. It calls marriage holy, but adds no holiness to it; like that of making holy water for baptizing a child, which only wets the infant, but neither makes the water nor the child holier than before. It gives not the least ability to love or honesty, and yet binds to the practice of both: But love and honesty are the offspring of nature and liberty, not of art and confinement; those that have them not in a state of freedom, will not have them in a state of bondage, no more than such as necessity produces, the appearance without the reality, the dead carcase without the living soul. Love or affection are the soul of enjoyment, without this, all is unfavoury and unsatisfactory.

Wedlock, which is a lock indeed, opened to let the unwary in, and in which state the wisest and strongest men find no opening but in death to get out, seems to be so ordained to discourage marriage entirely by those religious phlegmatic drones, who thought a single life a sanctified, and

marriage an un sanctified state, at best rather to be tolerated than encouraged, as we read 1 Cor. vii. *It is good for a man not to touch a woman; nevertheless, to avoid fornication, let every man have his own wife, and every woman her own husband.* It seems to me by these words, as if it was good for married persons not to touch one another, only to avoid fornication they were permitted; as if it was an unholy thing to make use of the sense of feeling: And 'tis likely many parsons if they had not a carnal feeling themselves, or could subdue it more than others, would condemn it still, for they have but little knowledge of human nature. The same Apostolic batchelor gives his judgment thus: *To the unmarried and widows, I say, it is good for them if they abide even as I: But if they cannot contain, let them marry; for it is better to marry, than to burn.* But, like other men, he was not always in one mood as to these things. At another time, he advises *the husband, to give to the wife all due benevolence*; but that might be when he was either in a more sanguine mood, or after his married female disciples had complained of the want of carnal love in their believing husbands, and *murmur'd that they laid neglected in the nightly administration.*

A man and woman who behave lovingly and honestly to each other, can never accuse themselves of either fornication or adultery; it is just and innocent in the nature of the thing to any reasonable conscience, they may very well answer it to the spiritual court within their own pure and uncorrupted minds and judgments; but if their conscience be governed and directed by another spiritual court, whose partial judgment is directed by interest, they will judge it to be as they are directed to judge, which will certainly be what suits the interest of such court to make it. But if honesty of
heart

heart and pure affection be the motive to good actions, and our rule to judge of them, then all natural impulses conducted by such motives, are pure, good, right, and fit to be done; nor is there any evil in such actions, whatever may be the unforeseen consequence, or the censorious judgment of stupid ignorance and perverse prejudice; and who can help people's wrong notions of things. They that don't go to church are deem'd Schismatics, and those that don't believe as the church believes are called Heretics; but what are any of them the worse for that, since honesty is not limited to orthodoxy. True courage, which a right conscience helps to procure, is requisite to dash impudence. How in the nature of things can that man and woman be adulterers, that are constant and honest to themselves? Or how can their children be bastards, who are the offspring of a faithful couple? There are many married whores and whoremongers, and many bastards are born in wedlock.

If the end of marriage be answered, *viz.* the benefit of society and posterity, where's the piety in contending for a superstitious ceremony? And where's the virtue of it, when a sham or scoundrel parson at the *Fleet* shall so bind the holy noose, that the greatest unholiness cannot dissolve it. if this agree with national piety, what sort of piety is that which such impious wretches have performed to the ruin of thousands, without any redress? Certainly the Apostles said right, *If the case be thus between a man and his wife, it is not good for a man to marry.* But the case was well enough, before it was made bad by adulterous sentiments of divorce.

I am persuaded if the liberty of divorces were granted by act of parliament at reasonable rates, fees

fees or fines discreetly manag'd and well apply'd, it might in time bring in sufficient to discharge the debts of the nation : But as the government has given to priests the benefits of marriage, and permitted them to marry, without which all married people would be in an un sanctify'd state : So I willingly acquiesce, if the superior powers please to give parsons the benefits of divorces, not doubting but then they would plead as heartily for that liberty as I have done.



SECT.



SECT. III.

Of PUBLIC WHORING.

GOOD and EVIL are known by the *nature* and *consequence* of actions; in the distinguishing which, we are to use reason in governing our appetites, affections and passions; not in mortifying or crucifying them (as the notion of some is) but conducting them in a proper channel. *Appetites, affections* and *passions* are the springs of life, to exterminate them is to destroy all the good that life can be productive of, and even life itself. To *regulate* these, and to direct men so to act, as to prevent bad consequences to themselves, and others, as much as can possibly be avoided, is as much as is necessary. To be able to do this, 'tis proper to consider and define, what moral good and evil is: This can be determined only by a judgment form'd on the nature of things, not directed by arbitrary laws or precarious accidents.

Human good and evil, respects human creatures only, and depend on their *circumstances*. No moral law is absolutely good or evil in all variety of cases; for as the case or circumstance varies, so the good or evil of the action will vary with it. We may not *kill*, to do it unlawfully is *murder*; but to kill a criminal, or an enemy in war, is *lawful*. 'Tis not a crime to eat and drink, unless we do it to excess, and so hurt ourselves, or devour the property of others, and so do hurt to others. Moral good and evil being limited to the nature of man, it must needs be, that actions which are injurious

to none of the human species, and necessary to be done, because the nature of man requires it, are not evil actions. The *action* is not evil, which has not evil consequences, whatever the *evil* was that occasioned it. *By their fruits you shall know them.* What does not injure man, cannot displease God: For God governs man by laws, for the good of man: God himself is not benefited or injur'd by any thing that is in the power of man to do; because from man, God receives nothing: From God, man receives all things.

Natural appetites that excite to the *propagation* and *preservation* of human life, are not in their nature *evil* to man. *Copulation* is not an *evil* in its nature, but in such circumstances as are attended with inconveniency, and some natural bad consequences in body or mind, as in these three particulars:

1. When there is a *natural unfitness in the bodily parts*, nature forbids to join together things unfit to be joined; for it is communicating pain and injury, instead of pleasure and gratification. Yet persons may be so unnaturally bound together, by the *sacred rites*, and so disagreeably fitted for the enjoyment of each other.

2. When there is a *natural reluctance* of one party to comply with the disposition of the other, 'tis a prohibition of nature. Whatever is done by one, contrary to the will of the other, or not without *full consent* of both, marring the felicity of enjoyment; and is attended with sorrow and grief on one side, as well as compunction and regret on the other, in a temper possess'd of *humanity*. Every thing contrary to true harmony is a violation of *Love*, and not its offspring. *Rapes* are of the most brutal nature, and deserve severest punishment. To force a virgin, should be esteemed

a crime equal to robbing a house. Forced marriages against the good will of both parties, is disagreeable; it is an evil that produces lasting sorrow and unhappiness; the yoking together adverse natures, nature forbids. There should be a fitness in body and mind to action, to make it fit and agreeable.

3. By dishonourable solicitation, fraudulent insinuation, and false promises, to debauch a mind to an action, the natural consequence of which is injury and repentance, is also criminal. To deflower a virgin under pretence of marriage, and abandon her, is a fraud and knavery; and is naturally productive of ill effects. The intrinsic value of a maidenhead, tho' nothing in itself, is to be esteemed according to its current value in the estimation of husbands, and the consequence of its loss to the young woman's future felicity, and perhaps not hers alone. This makes it evil, enhances the crime, and shews the iniquity of the fraud; which might be less fatal, if divorces were allow'd: For it would not then be productive of such evil consequences. To tempt a virgin, or a virtuous matron, to transgress the laws of chastity and constancy, is not less a crime than defrauding one of his property by artful and deceitful insinuations; as it tends to spoil the reputation and fortune of the *one* in marriage, or if she be afterwards married, may render her less valued and beloved by her husband; and, to disengage the affections of the *other* from her loving husband: By debauching a chaste mind, she is rendered less virtuous, and with her husband made less happy than before. Besides, 'tis a robbery to the husband in the highest degree, to deprive him of what he mostly values, *viz.* the tender affections of his wife: When that is the case, it is a loss that can never be repaired. Sometimes to gratify one man's pleasure, charge is

brought on another, which the actor would be very much offended, was he in the husband's case, to be so used. This is doing by another, as a man would not willingly be done by; and is therefore a moral evil.

These things are evil, because of the injury committed; but the case is different where none are injured, and both parties are free, and pleased with each other's actions, and are under no engagements of restraint than their own nature and common prudence direct. I see no reason, why persons that are at their own disposal have not as much natural right to dispose of their own persons according to their own pleasure, as of their substance, income or estate, if the one be as much their property as the other: If it be not so, then people dare not for their souls sake say their bodies are their own; but if it be so, it is not evident why they ought to be punish'd for disposing of themselves as they please, especially when matrimony, as it now is, is often worse, or of more fatal consequence; nor will it ever be esteemed honourable by those that are unhappy, while the means of happiness are withheld.

'Tis well known that in the satisfying every natural desire of man, especially those that give the most delight, nature needs a bridle not a spur; because more are injur'd by too great freedom than restraint: Therefore prudence steers the middle way, and therefore reason is given to regulate our desires; yet the moderate gratification of what nature makes necessary can be no crime, when the property of none is invaded, and none are injured by it. 'Tis only the immoderate use of pleasure, or seeking it to the detriment of others that makes it criminal; therefore this can be no reason to use a *muzzle* instead of a *bridle*, nor to make those
actions

actions criminal that are the incitements of innocent nature, which she alone ripens man for, and constrains his will to desire; and he cannot help desiring what she fits him to enjoy, and which not nature but custom makes criminal: For how can they be culpable of committing evil to others, who neither do nor intend any? And man or woman cannot will evil to themselves; for evil consists in grief and pain. The gratification of every sense contributes to the pleasure of life or man's well-being, and every sense was given to man for that end, to be enjoyed within the bounds of reason, in proper circumstances; and those circumstances are proper and reasonable, that are by joint consent, and hurtful to none. Pleasures enjoyed and communicated prudently within natural and reasonable bounds, and with necessary regard to health and substance, so as not to be attended with the apprehension of guilt, or the fear of after-pain, are enjoyed with satisfaction. What makes pleasure the greater to an honest mind, is to be satisfied with reason how it may be enjoyed so as not to disturb the mind's felicity by self-accusation or after-reflections: For the pleasures of sense are marr'd, if the fruition is not with a full satisfaction of mind, which a good understanding and a prudent conduct are always necessary to promote.

As to eat to satisfy hunger, makes not the action evil; for were it not for this, men would have no desire to eat, nor find pleasure in eating, consequently could not eat at all; so the gratification of carnal lust to the injury of none, is no evil; nor is the lust or desire itself, for were it not for that, (to which nature has join'd *love* to the object to enforce it) all procreation and the pleasures and virtues of a social life and family relations would be at an end: Therefore, barely *to look on a woman to lust after her*, without some other explanatory

words, *is not committing adultery in heart* : 'Tis not an evil, because unavoidable, and sometimes necessary. If carnal lust be in itself an evil motive, it must be so at all times, or in all cases, and consequently is so in a married state ; for in this case marriage don't change the motive to the action ; if it did, it would either be not done at all, or be very ill done. It is not evil to gratify the natural lusts of sense, by which life and being are supported and propagated ; but to do it to the prejudice of others. Where neither party injure each other, but a man's natural appetite is satisfy'd by the use of an obliging courtesan, if he is under no legal ties to another that ought in reason to restrain him, but pleasure is mutually given and received, I cannot see any evil to be in the action more than in the desire ; which desires being infus'd by nature for the good of man, vigorous in the best, and unavoidable in all in whom they are, which man's will or wisdom cannot prevent, are not evil ; tho' thro' the mist of false divinity they be made to appear, and be accounted so. 'Tis the forbidding it, makes it criminal, or rather to be esteemed as such : For this desire does not arise from a vicious and corrupted mind, but is the genuine offspring of pure nature in the purest minds. The desire of mutual enjoyment is natural to maturity, health, and an uncorrupted and vigorous constitution. Are men to crucify these common dispositions given them of God as temptations to evil, which invite them to participate of the satisfaction their nature requires, and circumstances afford ; which are the most distant from ill nature of any desire in man, when guarded from all injurious intentions ?

He that cannot refrain, let him marry, is the precept : But there are many precepts from the same authority, that have wanted much amendment in practice. When precepts of virtue are strained

too high, they are either impracticable or become vicious in their consequences. All men who cannot refrain, are not proper subjects of matrimony. If such marry as are unable to provide for their offspring, they make themselves and their offspring miserable. To say another may refrain because I can, or think I can, is to measure every man's nature by my own, or by my own imaginations; which is certainly the effect of ignorance, and has been the cause of impracticable laws and severest censures; not less stupid than to suppose all mankind can believe one and the same inevident proposition that is propos'd to them. The natures of men are so very different, that what one man can do, another cannot; and he must be very ignorant of human nature, who does not know that every different man has a different ability. The not duly regarding this, occasions erroneous opinions of good and evil, bad laws and government. If every man and woman cannot refrain who are not in proper circumstances of marrying, then some indulgence for these should be found out and granted.

If persons in a condition of life incapable to bring up their offspring, were assisted by the public in bringing them up, this objection would be removed. When inability in wealth is the only unqualifying circumstance, to help and assist their wants by public charity, is a public good; 'tis giving proper encouragement, and doing just honour to matrimony. To succour the children of unfortunate parents, when born in or out of wedlock, is certainly a public good to children, as well as to their parents, who are afraid or ashamed to own them. Since no age of the world could prevent an unfortunate offspring, the best thing that appears at present necessary to remedy this, is to give such encouragement to the Foundling Hospital,

tal, as may enable them to bring up the infants sent thither for the service of the public, which may be a means to save the lives of thousands: Or, overseers of the poor should be obliged to take care of all such children as are sent them, without enquiring after or punishing the mothers of them for not being able to maintain them. This sort of charity should be supported by the bachelors and widowers of *Great-Britain* who have no children, that those who do not marry for fear of charges, may have the less objection against it on that account. This is taking a necessary care of posterity, and rendering them useful to society.

They that cannot contain, are directed to marry, because *'tis better to marry than to burn*. But what if by their nature and circumstances, it is not proper for them to marry, and yet they cannot help burning; nor, if married, will the burning cease; for tho' some can contain themselves without marrying, others cannot with. Those that marry should have dispositions peculiarly fitted for that state, these make it honourable indeed; those that have not, make it dishonourable and unhappy. As persons are differently disposed by nature, which can never be eradicated, they will pursue different ways, and different sorts of happiness. 'Tis contrary to nature and the design of providence, that all should be regulated by one method, they can no more be brought to one practice, than they can all embrace the same articles of faith. Certain it is, that there are some dispositions which cannot refrain, and as certain I think it is, that there are some that ought not to marry; not only those who are not in circumstances of taking care of a family, but also such whose natures are not suited to that state: As 1st, the intemperate, whose libidinous nature one to one is not sufficient to satisfy; nor, 2dly, those turbulent tempers who can
neither

neither long enjoy peace themselves, nor suffer peace to be long enjoy'd where they are. 3dly, Persons of unstable temper are not fit to be married ; the inconstant being never pleased with any thing long, cannot be long happy, nor make their mates so. 4thly, And persons without natural affection are not proper subjects of matrimony ; where this is wanting, the natural duties incumbent on married folk to perform towards each other, can not be discharged. Such tempers are the cause of much infelicity in wedlock. If an office be required of persons unqualified for the performance of it, 'tis an unfit undertaking ; such ought either not to be put into that office, or being in it, to be discharged from it, or at liberty to leave it. Therefore that some are not fitly qualified to marry, yet by nature are ripe for enjoyment, needs, I suppose, no further proof. Tho' the restraining this lust is not destructive of our own existence, as not eating and drinking is ; yet because it is destructive of the existence of posterity, the desire of satisfying the inclination of the former is not less strong than the desire of satisfying that of the latter, in most constitutions. So very stimulating is the itch of coition, that men and women run all hazards to enjoy what nature vigorously prompts them to ; so that neither the fears of shame, nor disgrace, penance, punishment, fines, poverty nor death, nor yet the belief of eternal damnation, can prevent even the righteous, as well as the profane, from this pleasing transgression. So that no laws nor combinations of men for reforming others (made mad by absurd notions of religion) have ever been able to put a stop to it ; because it has its root in the strength and perfection of the human constitution and animal life ; therefore 'tis impossible to root it out, or

to prevent those effects which have their cause in nature.

Many actions are not evil in the nature of things, which are evil by the laws of every country; and the reason is, because no country makes the nature of things the universal standard of law, as they ought to do; and they do it not, because it suits the interests of those that have an influence in making those laws, to act contrary to nature's laws or the dictates of pure nature: Or else it is owing to the ignorance of the legislators, in not rightly understanding the exigency of things and human nature. When this is the case, and injurious laws are established, the imposition or iniquity becomes fashionable, and gives it a sanction; and then he that breaks such arbitrary laws, shall be deemed as great a sinner, as if he perverts the eternal laws of right and wrong, tho' it be in cases where there is no sin, and which gives offence to none, but those whose bigotry, ignorance or hypocritical virtue gives offence to human nature; enacting laws, which they cannot keep if they would, and which therefore they never do when a secret agreeable temptation and private opportunity offers. Nay, for fear of having their actions made public, they debauch the virtuous. Thus, tinker-like, by endeavouring to stop the leakiness of human nature in one respect, they make it greater in another, and render it more incurable. To save their own reputations, they lay the foundation of private debauchery: For concealing nature does not alter it.

If any object, that the indulgence of public whoring will tend to the corrupting young men, this I think has little of argument in it; for when their bodies are ripe for action, their minds are, and if nature has not vent one way it will find it by another. The most modest youths that debar themselves of the natural means of discharging the redundancy

dundancy which nature forms, find other means of doing it, called in these days *Onanism*; a practice not so natural, healthy or laudable, as that of spending their rage on those who being free from distemper are ready prepared to receive them, and to cool their courage. The indulgence therefore of public whoring well regulated, will be found to be a public benefit, for when it is suppress'd the private will prevail, and for that reason private whores will be most against the permission of it; therefore all means taken by severities totally to prevent it, makes it worse. When a woman is once become a public whore, she has no expectation of getting a husband, and yet has the same desires towards man as honest women that have husbands; and woe to the man that marries a private whore. What way can you punish harlots that can reform them? If the disposition be in nature, there is no way but depriving them of natural life. This will be as impolitic as drowning the world was for it heretofore (supposed by the judgment of sacred writers to be done for that cause); for as soon as the earth was delivered of its weight of water mankind grew, as soon as they could grow, as bad as before. Suppose all the naughty people in this island were hanged or transported out of it this day, by to-morrow morning there would be more; they would every day sprout like mushrooms, while there was health and strength and human nature remaining. If it was possible it could come to a stop here, people from other countries would come over; and those few honest people that remained having no bold spirited rogues to defend them, would be destroyed for their sobriety, as they had destroyed others for their wantonness; for God no more protects fools than sinners. Carnal lust is an itch in young blood abounding with health and vigour, which

no remedies but such as sickness, old age and death can effectually cure. Marriage is prescribed as a remedy, but 'tis often but a palliative one, and the cure is frequently worse than the disease; therefore young men are afraid to apply it, and married people when not pleased with their mates apply it in vain. Those that are single dread the remedy, and those that are married for the most part hate it; because 'tis a remedy that allows of no remedy, it causes more mischief than it cures, and will do so as long as it is, *for better for worse till death parts*. This sort of marrying therefore gives cause to whoring; for who had not rather do an evil they can repent of and mend, than do an evil they can never mend tho' they constantly repent of it? The best cure for whoring, is to grant some reasonable liberty, that people upon trying and disliking may part as easily as they came together. Tho' this may not perhaps absolutely and effectually prevent whoring, yet it will be found to do it (I believe) the most effectually it can be done; then there might be more reason to put penal laws in execution against it. And there would be good reason to do it, if proper husbands could be found for all the wanton women, and not only wives for poor fellows that want them, but their families taken care of who are scarce able to take care of themselves: Or, if parsons by preaching could change and restrain the exuberance of man's nature. Until these things are done, there is no proper cure for the malady complained of. But while God gives to men and women such strong and vigorous inclinations as they have, they will incline as they do one towards another. For as the powers of nature act mechanically on inanimate bodies, so do the powers of human nature (the passions, appetites or dispositions) actuate the human body, as opportunities or external circumstances permit or invite.

All actions should be regulated by reason in such sort as the nature of actions require. Give to natural use what nature requires: What is God or man benefited by any unnatural restraint? Or, how injured, when no injury is done to any one? But, methinks, I hear it objected, *Shall I take the members of Christ, and make them the members of an harlot? God forbid!* But sometimes harlots are the members of *Christ*; for he told the Pharisees, that such should *go into the kingdom of heaven before them*, for they believed in him, *Mat. xxi. 31, 32.* And as many a harlot therefore may be a member of *Christ*, who was a friend to publicans and sinners, in this case 'tis only joining one member of *Christ* to another, and they'll be equally sanctified. But if *he that is joined to the Lord is one spirit*, *1 Cor. vi. 17.* then he that is joined to him is joined by a spiritual member; and if *he that is joined to a harlot is one flesh*, as the same Apostle intimates, that joining is by a carnal member, and so not by the same member by which he is join'd to *Christ*; consequently he does not take the members of *Christ* and make them the members of an harlot; but as *Christ* admonished, *Give to Cæsar the things that are Cæsar's, and to God the things that are God's*; so he gives to the Spirit the things that are spiritual, and to the flesh the things that are fleshly. To each its proper member. *St. Paul* seems to give the devil's things to the devil, *1 Cor. v.* when he orders them to give the *flesh* of the incestuous person to *Satan*, *that his soul might be saved*; meaning perhaps, Let him sow his wild oats, that his extravagant actions may bring him to repentance; perhaps, 'tis no great matter to us what he meant, but in particular it seems to be giving to *Satan* the things that are *Satan's*. It appears not to me to be any thing unnatural for a lover of *the son of man* to be a lover of *man*.

The first council of the Apostles ordered the Gentile Christians to *abstain from eating blood, and things strangled, from things offered to idols, and from fornication.* These were enjoined as ceremonious laws, and as such the breaking any one of them is only breaking thro' a ceremony. If all are upon an equal foot, then fornication is no more criminal than eating a strangled pullet or black pudding. The difference seems only to be as the consequences make it: For St. Paul esteems eating *things offered to idols* as no crime in itself, but in the consequence that may arise from it by giving offence to a weak brother. So judge of other things then forbidden. There are actions lawful in the nature of things, that are not expedient.

He that cannot refrain let him marry, is not a fit precept to those that are not in a condition to provide for a family; or are so far from being in a capacity to do it, that they are little able to take care of themselves, unless public charity would take care of their children. If this was done, many would be brought up that now perish, and would in a great manner prevent whoring. I think it is no man's duty to enter into any contract, that he is not capable of performing. Marriage or cohabitation is a state that requires a settlement. He therefore that is not settled in the world, nor in a condition of settling himself, and marries or cohabits as a husband with a woman, or ventures upon the getting children to maintain, does not well consult the happiness of himself, his partner, nor of posterity, which it is so much the duty of all men to take care of, that he who does not or cannot do, must be stung with compunction and regret, if he is not inhuman. He cannot discharge that duty who is not in a condition to do it. Why should any man enter into the state he is not fit for? It is by this means there are so many poor,
and

and mankind in general so ill provided for. Therefore to tolerate whores, and to take care of their children at the public charge, would be a public benefit; unless the public would take care of all poor people's children, the better to encourage marriage as was mentioned just now, and to prevent the fears of young men's entering into that state, allow of divorce for reasonable and just occasions, and make marrying and unmarried to be performed in the same manner, and at the same expence.

If dealing with public women be thought a sin against posterity, by not promoting it; so is matrimony when ill, by ill promoting the good of posterity: For family contentions spoil the education of children, whereby their nature becomes evil, their manners deprav'd, and the morals of the nation corrupted as much as by any other means.

As for the *sin* of whoring, was it regulated so as not to be injurious to society, there would be none in it. What is no injury to man can be none to God, whose laws are all calculated for the good of man; he himself being compleatly perfect, can receive no benefit or pleasure, nor any degree of injury or displeasure from human actions. For to suppose the contrary, either the one or the other, is to imagine that the pleasure of God or his happiness depends on the will and pleasure of man, or on his obedience or disobedience. And as to common women, no injury is done to them, by making use of them who are most fit for common use; their minds and bodies being already prostitute, and so qualified by their function, that preachers may spend their rhetoric, and logicians their arguments in vain, for the conversion of those that chuse that kind of life, their natures are addicted to. And he does no injury to himself by the use of them that receives none
from

from them, and only finds a discharge necessary for his health's sake. Therefore tolerating and regulating courtezans by proper authority would convert a private evil to a public good. The less violence and persecution they are under, the less private dishonesty they will be guilty of, because their necessities will be the less; for necessity often makes people act contrary to their natural dispositions, and corrupts those that might otherwise shine in virtue. A woman, because she is a harlot, is not therefore necessarily a thief. 'Tis misfortune or necessity that generally produces both. When whores find it their interest to be honest, they will be as honest as others. Besides those, that are by nature fit for this public business, are not fit for wives; consequently, by indulging these, there will be the less number of bad wives. If they would behave well, scarce any man will venture to take to wife one of these prostitutes; so that they who have begun it are under a necessity of following on in the same course. For these are those that either cannot contain, for if they could they would have done otherwise, or by other necessity were reduced to it; and as long as the same necessity holds, the consequence will be the same, unless a new necessity of another kind arise to prevent it.

'Tis certain that a prostitute is not a laudable employ, because it is generally the effect of poverty; but 'tis a tolerable one, because better than worse; 'tis an evil in human nature compared with the excellent union between one and one who dwell together in harmony; but 'twill be found a necessary evil, if rightly understood, permitted and used. As great a sin as it is, poverty seems greater, for none but poor whores suffer for their practice; therefore their suffering is not the effect of their crime, but of their poverty: Therefore
distressing

distressing them more, cannot make them better ; because it increases their necessity, and makes the cause of prostitution greater, and so reduces them to thieving, a worse practice. 'Tis a necessary evil, because the toleration of these is necessary to preserve the chastity of others, and young men from everlasting ruin by precipitate marriage which never can be remedied. Therefore it would be well, if in every town at least so many as are sufficient were permitted to abate the fire of those that cannot contain, and yet may not be in proper condition to marry ; and also to reduce to reason those that are inclined to that sort of folly or madness, and must have irresistible vent. For nature supplies man with a plentiful stock of juice and spirits for pleasure-sake, more than can be wasted for procreation. And it is no injury to a man, when he comes to marry, to have enjoyed women with moderation before ; the women themselves being judges.

I wonder these women have never thought of another method of making themselves or their profession public, than that of patrolling the streets, a very improper method which some think is too much in imitation of Satan, who is represented *walking about seeking whom he may devour* ; that they have never thought of hanging something scarlet out at the window of their lodgings, in imitation of their great patroness RAHAB, who hung out a scarlet line ; it might be perhaps a rope covered with red cloth, *Joshua* ii. 18, 21. and who is afterwards numbered among the saints, *Hebrews* xi. 31. Or, if she is a house-keeper, the sign of *Mary Magdalene*, is not an improper one, whom holy church owns was a beautiful courtesan, and one of the most charming disciples of the Lord *Jesus*.

Public whoring under proper regulations, is as necessary to a town, as a common place for evacuation is necessary to every house, without which all the house will soon be in a nasty pickle ; and some can as easily bear to have the fore-door of their house shut up as their back-door. No violence or force can prevent a madness so natural to men and women. Whatever reformers may think, they always make more mischief by their violence, than they are able to prevent.

I conclude with a word of advice, first to young men. It is a hard matter to most to use moderation in the pursuit of pleasure, whereby many are emaciated and die young: But 'tis the part of the prudent to follow a mean in all things. Extremes will either mar your understanding, or your manners. The flame that burns fiercely, the sooner consumes its fuel. Pleasure is to be used only for the sake of health and ease ; which, because it is hard to bridle within just bounds, I apprehend, that most wise men have required of you a total restraint. He that can wholly abstain, keeps himself out of danger, and has safety instead of pleasure, which often produces pain in its consequences ; and therefore requires care and conduct to regulate. 'Tis the greatest prodigality to make a burnt-offering of yourselves on *Venus's* altar. A body drain'd of its juices, and macerated, makes a feeble old age. In all enjoyments 'tis good to beware of excess, and not be captivated with the love of pleasure. It should be made a refreshment, not a toil ; that after wasting your follies you may act the wiser, that your minds may be more free for noble and necessary uses. If you would enjoy mental pleasures in old age, keep oil in your lamps to enlighten your upper rooms ; therefore spend in moderation, and not too lavishly. Purity of mind should

should be always preserved, that the corruption of pleasures do not corrode it. Fools only prodigally waste their bodies, their health and their substance. 'Tis commendable to be always honest and just to woman, as well as to man, in the performing of contracts ; that you do not by your own practice teach those dishonesty, that you have to do with. Let a conscientious care direct you. Never debauch any virgin, nor corrupt any matron, since other more proper persons may be enjoyed : Nor give any occasion to any to grieve by your falshood, which must give pain and regret to an honest mind to have been the cause of.

Let those that are in the *decline of age* be careful of the balsam of life, and not desire the return of youth, which they cannot obtain, nor too rigorously condemn those pleasures or follies they are not so fitted to enjoy : But, content with what is past, regard those more noble faculties of reason, the principal pleasure of the soul, when sensitive pleasures begin to leave them.

To *virgins*. My greatest concern is for you ; you must endeavour to resist, with all your might, the temptations of young men, that would ensnare you ; and take the utmost care to trust none but such in whose breast lodges sentiments of virtuous honour, and who have a strict regard to truth, with whom you have a prospect of being happy all your days. You have the most difficult part to act, and the only way to keep your fortress from surrendering is never to treat about it, but when terms fit to be accepted are proposed by one whose actions have been known not to give his lips the lye. Preserve your virginity for a husband, that you may find the reward in his lasting love and good opinion of your chastity and fidelity. Love and affection founded on virtue is the most durable.

To *parents*, whose children by the force of youthful vigour and agreeable temptations have acted contrary to their wills : Consider what sensible and pleasing titulations you had yourselves when young, and forgive the faults that nature makes in those that have err'd. If you preserv'd yourselves in your youthful days, yet make some allowance for the difference of constitutions and circumstances. Which of you having children, had not much rather they make a slip that is recoverable as to condition, than be in a condition irrecoverably miserable. Scarce any, with respect to their sons, but would chuse this ; and would as freely chuse the same, respecting their daughters, if they rightly considered things, and if the barbarous custom of making so wide a distinction where no such is, did not pervert the judgments of people, and occasion their partial censoriousness. This I mention to stir up in parents a placable forgiving nature, and to abate rash censure in all, not to corrupt any. What I have written, I intend for a general good ; and, I am disposed to hope, will be more conducive to it, than many writings that have a more sanctified appearance.





The SPEECH of Miss POLLY BAKER,
*said to be delivered by her before a Court of
 Judicature in the Colony of Connecticut in
 New-England; where she was prosecuted the
 fifth time, for having a bastard child, which
 influenced the Court to dispense with her
 punishment, and induced one of her Judges
 to marry her the next day (a).*

MAY it please the honourable bench, to in-
 dulge me in a few words: I am a poor un-
 happy woman, who have no money to fee lawyers
 to plead for me, being hard put to it to get a to-
 lerable living (b).

I shall not trouble your Honours with long
 speeches, for I have not the presumption to ex-
 pect, that you may by any means be prevailed on
 to deviate in your sentence from the law in my fa-

○ 2

vour (c).

(a) This story is attested for truth, but whether true or no,
 the reasons that follow are true: but many persons, in matters
 of belief, *strain at a gnat, and swallow a camel*: They can-
 not credit the truth of a story that has nothing improbable in
 it; but can credit stories reported by a credulous people to be
 done in distant ages, and in a strange country, which are im-
 possible to nature.

(b) No penny, no *pater noster* whether in Law or Gospel,
 the poor could seldom have right by law, and formerly 'twas
impossible for rich men to go to heaven by the gospel, when
Christ and his ministers were poor; but if the case be the same
 now, *Christ* have mercy upon his ministers, for they are now
 rich.

your (c). All I humbly hope is, that your Honours would charitably move the Governor's goodness on my behalf, that my fine may be remitted.

This is the fifth time, Gentlemen, that I have been dragged before your court on the same account (d); twice I have paid heavy fines, and twice have been brought to public punishment, for want of money to pay those fines (e). This may have been agreeable to the laws, and I don't dispute it; but since laws are sometimes unreasonable in themselves, and therefore repealed; and others bear too hard on the subject in particular circumstances, and therefore there is left a power somewhat to dispense with the execution of them (f), I take the liberty to say, that I think this law, by which I am punished, is both unreasonable in itself, and particularly severe with regard to me, who have always lived an inoffensive life in the neighbourhood where I was born; and defy my enemies (if I have any) to say I ever wrong'd man, woman or child. Abstracted from the law I cannot conceive (may it please your Honours) what the

(c) Religious sinners have more assurance; they imagine, as they are taught, *Luke xviii.* that *importunity* will work upon their judge, and that therefore *they shall be heard for their much speaking*, how much soever they speak against it; or, why do they pray so long, and often? Why so often utter the same expressions over, and over again; if importunity be not the availing grace, if the best prayer-monger or speech-maker to God Almighty does not stand the best chance.

(d) 'Twas well they did not put her to death for being a witch, in getting five children without a husband; which could certainly be done no way but by witchcraft.

(e) If it was just to inflict any punishment or fine, it should have been inflicted on the man; the woman, I think, suffered enough in bearing the children, and bringing them forth.

(f) And very reasonable it should be so, because circumstances so far alter the nature of things, that the same action may be good or evil, as it is differently circumstanced.

the nature of my offence is (g). I have brought five fine children into the world at the risque of my life, and have maintained them well by my own industry, without burdening the township (b); and would have done it better, if it had not been for the heavy charges and fines I have paid (i).

Can it be a crime (in the nature of things I mean) to add to the number of the King's subjects in a new country that really wants people? I own it, I should think it praise-worthy, rather than a punishable

(g) 'Twould be very hard by the laws of reason and nature, without the arbitrary authority of law, to prove her a criminal, or offender. Can an inoffensive life offend God, that does not offend man?

(b) Surely the bringing them into the world, and bringing them up, was so much punishment, that I believe few women would do the same to enjoy the transitory pleasure in getting them; and as much as her trouble exceeded her pleasure, so much more than atonement she made for her sin, if that pleasure was sin, that she certainly did works of merit and supererogation. And if her righteousness more than balanced her sin, certainly the sin was done away, and she ought to be deem'd righteous; and the over-balance should be charged to her credit in the book of life. She ought not to be punished for not having a father to her children, seeing she was both father and mother to them.

(i) Is not mulcting the poor parent for begetting children out of the pale of matrimony, robbery, by the authority of law, of the children's support. To beget children is human, or agreeable to the nature of man; but to deprive them of their subsistence, or what ought to be theirs, is inhuman or barbarous to human nature. To enable parents to bring up their children, is pious and charitable; but to disable them from doing their duty by them, is impious and uncharitable: And if the parents are poor, has a tendency to *murder*. If the consequence of such severity reduce the parents to *steal*, to maintain themselves and offspring, the sin is not in the parents, but in the law, which lays them under that necessity; for necessity has no law, therefore cannot be said to break any: That which makes the necessity, makes the sin: Wicked laws make the people wicked. And they that make those laws, are the authors of all bad consequences such laws produce.

nishable action (*k*). I have debauched no other woman's husband, nor enticed any youth: These things I never was charged with, nor has any one the least cause of complaint against me, unless perhaps the minister, or justice, because I have had children without being married, by which they have missed a wedding-fee (*l*). But can ever this be a fault of mine? I appeal to your Honours. You are pleased to allow, I don't want sense; but I should be stupified to the last degree, not to prefer the honourable state of wedlock, to the condition I have lived in (*m*). I always was, and am still willing to enter into it; and doubt not my behaving well in it, having all the industry, frugality, fertility, skill and œconomy appertaining to a good wife's character (*n*). I defy any person to say I ever refus'd an offer of that sort (*o*). On the contrary, I readily consented to the only proposal of marriage that ever was made me, which was when I was a virgin; but too easily confiding in the person's sincerity that made it, I unhappily lost my own honour by trusting to his; for he got me

(*k*) Which is most praise-worthy, to get children, and take care of them; or to get none and take care of none? Which is most conducive to the public good; or best for the commonwealth? Supposing both to be good, yet which is the better? Which is the more laudable, a private personal good, or the propagation of public good? Frugality or hospitality, where either are practicable? Or, at least, if constitution and circumstances require the one or the other, where is the crime of practising either?

(*l*) Because both minister and justice marry there.

(*m*) Undoubtedly it is better to be at a plentiful table, and to live in credit, than to snap at a bit now and then, as if one lived by stealth, and be always betrayed.

(*n*) Outside goodness often carries off the prize; which, those of modest, hidden and intrinsic worth merit, but are deprived of.

(*o*) So that she was punished for her misfortune, not for her fault.

me with child, and then forsook me (*p*). That very person you all know; he is now become a magistrate of this country; and I had hopes he would have appeared this day on the bench, and have endeavoured to moderate the court in my favour; then I should have scorn'd to have mention'd it; but I must now complain of it, as unjust and unequal, that my betrayer and undoer, the first cause of all my faults and miscarriages, (if they must be deem'd such) should be advanc'd to honour and power in the government, that punishes my misfortunes with stripes and infamy (*q*).

I shall be told, 'tis like, that were there no act of assembly in the case, the precepts of religion are violated by my transgressions (*r*). If mine then is

(*p*) 'Tis a most shameful thing, that men pretending to honour or conscience, should only pretend it to obtain their ends; which having obtained, they sacrifice all honour and conscience, and yet would be thought to have it. But so eagerly do most men pursue pleasure and profit, that they leave honour and conscience behind them in their amours and affairs, so that few are to be trusted in those concerns.

(*q*) It must be confess'd, tho' 'tis disagreeable to be told, that people do not suffer for their *crimes*, but for their *weakness*, *ignorance* and *poverty*: For if two persons are guilty of the same action (as in this case) the impotent and poor suffer with scandal, while the powerful and opulent generally escape with impunity, and perhaps applause, tho' the poor may have necessity to plead in their favour; and this is naturally the case, when actions that are not criminal in themselves are so made by law; or actions criminal in reason and the nature of things, are by law or custom esteem'd just. Sometimes indeed men suffer for their riches, as when they fall into the hands of *high-way* robbers, or *high-church* robbers, as the inquisition in *Spain* and *Portugal*, where rich Heretics are *murdered* by the law of that church, that the church by law too may *rob* them and their families of all their wealth; and this law is there deemed *holy* and *just*.

(*r*) The precepts of any religion, which is not established on the foundations of *truth* and *honesty*, (and they are generally founded on somewhat else) are violated by truth and honesty.

a religious offence, leave it to religious punishments. You have already excluded me from the comforts of your Church communion: Is not that sufficient? You believe I have offended heaven, and must suffer eternal fire: Will not that be sufficient? What need is there then of your additional fines and whipping (s)? I own, I do not think as you do; for if I thought what you call a sin was really such, I could not presumptuously commit it. But how can it be believed that heaven is angry at my having children, when to the little done by me towards it, God has been pleased to add his divine skill and admirable workmanship, in the formation of their bodies; and crown'd it, by furnishing them with rational and immortal souls (t)?

Forgive

nessy. Religion, erected and established on these, is good; and such religion only. All other is knavery, and tyranny, and injurious to the natural rights of mankind; and aims to make sovereigns, as well as subjects its slaves and vassals. 'Tis highly necessary in every kingdom, that the king should be head of the national church therein; or the church will be his head: If he keep not the church under his power, the power of the church, that is, of the priests, will keep the king under. The church will be always mild, when its power is muzzled; and will do no hurt, when it cannot. But every church, when invested with power, will pour out the phials of its wrath upon men.

(s) If they believe eternal torments are the rewards of sin in this life, which they teach others to believe; or that *hereafter* God will punish all men according to their demerits; what presumption is it for them that believe so, to take God's work out of his hand (especially in sins said to be against him only?) Or do they justice *now*, in bringing his justice on themselves by their own injustice. If this doctrine was really true, and truly believed, I see no need of punishments here; all that need be done, is to convince men of the truth of it. But men act, judge and punish here, as if the truth of this doctrine was very uncertain, not to be depended on; and very little believed, tho' much talked of.

(t) An evident demonstration, that the having bastard children

Forgive me, Gentlemen, if I talk a little extravagantly on these matters; I am no divine: But if you, Gentlemen, must be making laws, do not turn natural and useful actions into crimes by your prohibitions (*u*). But take into your wise consideration the great and growing number of batchelors in this country, many of whom from the mean fear of the expences of a family, have never sincerely and honourably courted a woman in their lives, and by their manner of living, leave unproduced (which is little better than murder) hundreds of their posterity to the thousandth generation. Is not this a greater offence against the public good, than mine? Compel them then by law, either to marriage, or to pay double the fine of fornication every year (*x*). What must poor young women do, whom custom has forbid to solicit the men; and who cannot force themselves upon husbands, when the laws take no care to provide them any; and yet severely punish them, if they do their duty without them; the duty of the first and great command of nature, and of nature's God, INCREASE AND MULTIPLY; a duty, from the steady performance of which, nothing has been able to deter me; but for its sake I have hazarded the loss of the public esteem, and have frequently endured public disgrace and punishment; and therefore ought, in my humble opinion, instead of a whipping, have a statue erected to my memory (*y*).
P P O S T-

children is no sin to God; and the bringing them up, can be no sin to man.

(*u*) Actions *natural* and *useful* cannot be criminal in the reason of things, tho' made to appear so, by such prohibitions.

(*x*) If marriage tend to the good of society, one might be tempted to think, that a religion which discourages it, was given to men by God, as he was said to have given *Saul*, a king to the *Israelites*—*in his anger*.

(*y*) This speech is beyond all statues that can be erected to eternize her memory, which demonstrate her to have been a woman of excellent SENSE, VIRTUE and HONOUR, maugre all that may be said to the contrary.

P O S T C R I P T.

ALL that in the preceding pages may seem to reflect on *Jesus Christ*, for discouraging *divorce* and *marriage*, will be easily conceived to be no reflection on him, if he was *not* the Author of that discourse on this subject; as I have all along in honour of his *great* and *holy name* suppos'd: Which may be very well granted, if we consider, (1.) That the first miracle he wrought, was at a marriage-feast, as 'tis alledged in favour of that ordinance. (2.) That he declared, *he came not to destroy the law, but to fulfill it*; that is, to enforce the doctrine and discipline of it; but setting a law aside *destroys*, not *fulfills* it. (3.) That he *never blam'd* the woman of *Samaria* for having had five husbands, and then living with one that was *not her husband*. (4.) That his gentle behaviour to the woman taken in the act of adultery, shews him to have been no severe Monk. (5.) That he very affectionately expressed his love to little children, *Suffer little children to come unto me, and forbid them not; for of such is the kingdom of God*. (6.) That he encouraged *love* among his Disciples, which shews he would not have them live together in enmity. (7.) That his saying to the *Jews*, concerning *Moses*, *If ye believe not his writings, how will ye believe my words*, shew, that his words did not *contradict* the writings of *Moses*. If they did not harmonize, how is the belief of the one necessary to the belief of the other? If it be objected, that granting this *insinuation* to be *true*, that this discourse with the Pharisees had not *Christ* for its Author; we shall be at a loss, to know what he did say. I answer, better so, than say he *contradicted* himself, and *destroyed* the foundation he *built* on; uttered things *absurd*, and delivered precepts *unnatural*. It is most becoming for Christians, to believe the *best* of him. If for these reasons, I may be excused

from

from intending to reflect on *Christ*, by consequence, excusing *me*, excuses *him*.

And my plea for tolerating *professed whores*, will be also found *pardonable*, if it be considered, that what is here proposed, is not against *Law* or *Gospel*; for the reasons for so doing, are offered with submission to the *Law*, to give them a *legal toleration*, and *regulate* their *practice*, that being managed with more *modesty*, *decency* and *decorum*, it may remove the present bad consequences attending it: Thus 'twill make the evil *less*, and of the *greater evils* before-mentioned, direct men to chuse the *least*: Nay, 'tis the best means that can be to prevent the shameful sin of *sodomy*: If 'tis objected, that this is encouraging *profaneness* and *impiety*; I answer, that cannot be; for to *profane* any thing, is to use what is *holy* in an *unholy* manner: but sure none will say, that the *things* I mean, which are better conceived than told, are like *Aaron's holy breeches*. And therefore their natural use, cannot profane what were not sanctified before.

And as for the *impiety* of this toleration, I see none in it; for who have been more pious than *public whores*? Who has *enriched* the *Church of Rome* more than they, and their lovers? And what has more benefited *Protestant Churches*, than the *divorce* of King *Henry VIII.* Therefore this *carnal toleration*, and *indulging of divorces* will not be injurious to the *Gospel*; for these sinners generally frequent the Church as much as others, and make as pious an *Exit*, when they are not *persecuted*, which makes them *worse*, not *better*; and the *Gospel* always thrives best in a *soil fattened with sin*. Who are more generous, frank, open-hearted, open-handed, and charitable, than these? And, if *Charity covers a multitude of sins*, sure it may cover this one. *Where sin abounds, grace does much more abound*; therefore sin is not injurious to *Gospel* grace.

What

What then, shall we sin, because Grace abounds? God forbid. *Where there is no law, there is no transgression.* Take away therefore the law, and you take away the sin; for 'tis none against nature, as has been shewn. These familiar social favours, which will always be wanted, fought for, and granted, both are and may be done, without prejudice to society. If they were permitted and regulated by law, they would then be lawful; a licence from the Commons, or County-sessions could do that. I don't think it would best answer the end proposed, to prevent private whoring, to strew them all up in one place or part of the town, rather to let them live where they will, and publish themselves by some feigned name, on the door or sign, as of *Helen, Flora, Dido, Cleopatra, Letitia, Constantia, &c.* But wherever they live, let them conform to the laws, that regulate their behaviour. Let none object, that this would be tolerating things dishonourable. Is not this world one of God's houses? And must not every house that is usefully furnished, have in it, what the Apostle calls, *vessels of honour and dishonour*? Are not chamber-pots necessary, as well as drinking-pots? All vessels can't be plates, tankards, and punch-bowls. Do they that break the vessels for dishonourable uses, act wisely? The most despised things are of some use. *Our uncomly parts have more abundant comliness*, said the holy batchelor, which shews that he himself had been pleased with the comly sight of our uncomly parts; and they that prate against these uncomly parts, have them, and find them as necessary, tho' hid, as those parts that are deck'd up to public view. I have somewhere read, that CATO, on seeing a young Nobleman coming out of the stews, uttered words to this purport, intent, or meaning:

When turgid lust distends the vital frame,

'Tis lawful to come here, and quench the flame.

F I N I S.