

201
DISSERTATION

ON

INCESTUOUS MARRIAGE:

BY

PHILIP MILLEDOLER, D.D.

“Omnis Homines, qui de rebus dubiis consultant, ab odio, Amicitia, ira atque Misericordia
vacuos esse decet.”—*Sallust.*

NEW-YORK:

H. LUDWIG, PRINTER, 72 VESEY-STREET.

1843.

1843

Mill A

The following Dissertation, read in the Classis of New-York, April 19th, 1843, is now respectfully presented to the Ministers and People of the Reformed Protestant Dutch Church in North America—and to all others whom it may concern, for serious consideration, by their servant in the Lord,

PHILIP MILLEDOLER.

DISSERTATION.

Is it lawful for a man to marry his deceased wife's sister? is a question which may appear at first sight to be of minor importance; and those who oppose such marriage, to be very like those ancient Ecclesiastics, who were careful to tithe, mint, anise, and cummin, whilst they omitted the weightier matters of the law—judgment, mercy, and faith. A due sense indeed of our personal and daily short-coming in all things, aversion to controversy, with assurance that no temporal laurels are to be gathered in this field; and, on the other hand, stern odium to be incurred by those who shall take a firm stand on the negative side of this question, present an array of difficulties, which nothing, perhaps, but the fear of God, and an imperative sense of duty can control. The minor importance of this subject, however, is apparent only, and not real; for if we view it in its bearing upon the happiness of individuals—upon the purity of the church, and upon the best interests of the community at large, we shall see that it involves consequences of deep, if not of vital importance to mankind. Legislators, ministers, families, churches; in a word, the whole social world is concerned in it: for if such marriage be, as has been represented, incest, then they who enter into it, or in any wise allow, encourage, or abet it, assume a position which no creature can assume without guilt and peril. As this subject has, of late years, been greatly agitated amongst us, in the pulpit, by the press, and in ecclesiastical judicatories, much originality of remark is not to be expected. And had not our path been filled with artificial obstructions, we might in very few words have finished our plea.

The call for a renewed examination of the question has arisen, not so much from the recent action of church judicatories, as from the bold position taken by the opponents of this law of incest.

A pamphlet, styled the New-England Puritan, extra, embracing no less than thirty-two pages of close print, is now *circulating* throughout our churches. Its diffusion at a time when our classis are called to present to G. S. their unbiassed verdict on the question which it undertakes to decide, we conceive to be ill-timed, if not officious. Of the pamphlet itself, independent of the cause it espouses, and considered as a mere literary production, we cannot speak approvingly. It makes many assertions which are not sustained—darkens counsel with words—manifests too much self-will, and too little reverence for the word of God—too great desire of victory, and too little regard to the means of achieving it. We shall not follow its author through all his devious course, but prefer meeting this and all similar efforts by a simple statement of counteracting truth.

In reply to the question, is it lawful for a man to marry his deceased wife's sister? We answer, it is not lawful. Our appeal in proof is to the Scriptures, and will be principally drawn from the xviiith and xxth chapters of Leviticus. In maintaining our position, we propose to show,

I. That the law of incest in the 18th, and its corresponding counterpart in the xxth chapter of Leviticus, is moral, and as such binding on all nations and ages, and as much upon us now as it was upon the Jews when first promulgated.

II. That this law forbids the marriage of a deceased wife's sister.

1. That the law of incest in the 18th of Leviticus is moral. Law is a rule of life. Divine law is a rule of

life, imposed by a sovereign God for the government of his rational and accountable creatures. That there is such a law is unquestionable; and that it covers all nations and ages, with, and without revelation, is equally unquestionable.

In the present case, we have to deal not only with those who, having no written law, are a law unto themselves; but also, and more especially, with those who have the written law. We commence with the Jews, to whom that written law was originally given. All writers on the Old Testament agree in dividing it into three parts, viz. civil, ceremonial, and moral. Their civil, or judicial law, was the constitution of the Republic, and prescribed rules for its government both in peace and war, including all cases, civil and criminal, and being peculiarly adapted to that people, time, and country, is no further binding on other nations than moral equity requires. The CEREMONIAL LAW is that which prescribed sacred rites of mystical signification, prefiguring the grace of the New Testament. It commenced immediately after the delivery of the first gospel promise—was augmented in the days of Abraham, and consummated by Moses. Its primary objects appear to have been, the separation of Israel from all other nations, the exhibition of sin to them in its nature, desert, and necessary expiation, and the leading them to Christ, who is the end of the law for righteousness. Romans x. 4. It appears, however, from its shadowy or symbolical nature, as well as from the declarations of the apostles, Acts xv. and Galatians v.; and of our Saviour himself, to be no longer binding on us.

With the MORAL LAW, which we shall now contemplate, it is not so. This law was originally inscribed upon the heart of man, and its remains are still found there, even in his lapsed estate. It was afterwards summarily comprehended in the Decalogue, and constitutes

a most perfect and perpetual rule of action for the government of man. Both natural law, and the original law of nations flow from this source. The design of this law is not to justify by a perfect obedience to its requirements, but to convince of sin, to restrain from sin, to induce the sinner's flight to Christ for refuge, and to serve in the church for an everlasting law of gratitude. This law, so far as it is founded on the nature of God, is absolutely unchangeable. So far as it is founded on the nature of man, it is equally so if God interfere not. So that no dispensation with, or change of the latter may be attempted by any human being, under any pretext whatsoever. And if such change or dispensation ever be made, it must emanate from the high authority of the supreme Lawgiver who enacted it.

Thus in the command given to Abraham to sacrifice his son, and to the Israelites to spoil the Egyptians, as well as to invade and exterminate the inhabitants of Canaan, there was a direct interference of the Supreme Rector of the universe charging them to do what otherwise would have been unlawful or criminal to be done. To supersede, or set aside any part of MORAL LAW, therefore, under the pretext of delegated human power, change of time, country, or expediency, is trifling with the word of God, destructive of good morals, and a bold usurpation of the sole prerogative of God.

This leads us to notice a distinction of the MORAL LAW itself, namely, ~~this~~ MORAL NATURAL, and MORAL POSITIVE. MORAL NATURAL is when a thing required or forbidden, is so founded on the LAW OF NATURE, that it ought, or ought not to be done, though no express command had been given either to do or forbear. Such as worshipping God, obeying parents, abstaining from murder, adultery, &c. MORAL POSITIVE is any divine injunction which does not carry with it such natural evidence as to oblige without express command, but that

command being given, is equally binding (till God shall abrogate the same) with LAW MORAL NATURAL. Such was the injunction given to our first parents to abstain from the tree of knowledge of good and evil. Such also were the institutions of circumcision, of the passover, and the like.

LAW MORAL NATURAL is indeed summarily comprehended in the Decalogue; but details of it, with expositions and enforcements, more particularly defining its nature, its requirements, and extent, are found dispersed through all the pages of the Old Testament, and may, by the description and marks above noted, be easily distinguished from all others. That it is thus found intermingled with LAW POSITIVE, ceremonial, and judicial, we have many examples. There is a law, for instance, requiring love to God with all the heart, in Deut. vi. 5. Also a law requiring holiness. Levit. xix. 2; xxi. 8. The fear of God, Deut. xxviii. 58; and chastity, Deut. xxiii. 17. Laws also forbidding to hate a brother, Levit. xix. 17. False swearing, Levit. xix. 12. Murder, with its penalty, Levit. xxiv. 17. Oppression of the widow and fatherless, Exod. xxii. 22. Bribery, Exod. xxiii. 8. Deut. xvi. 19. Unjust weights and measures, Deut. xxv. 13, with many others, too numerous to be now adduced. And who will venture to assert that these laws are either ceremonial or civil, or say that no moral law is found in the Pentateuch but that which is inscribed in so many letters in the Decalogue? It must be owing, then, to the wilful, or heedless confounding of these laws with each other that so many mistakes have been made in asserting some to be ceremonial or civil, which are really and absolutely moral. The law of the Sabbath, for example, some ignorantly yet strenuously maintain to be altogether ceremonial. And the law requiring murder to be punished with death, is said to belong to the Jewish civil code, not binding on us;

and who does not see that by assumptions like these, the whole authority of Scripture may be superseded?

Some call this law of incest, in xviiith of Leviticus, Mosaic, others, Levitical, or ceremonial; and others, again, civil, national, judicial; indeed, any thing but an important branch of the moral law of God.

Having made these preliminary remarks, our way is now prepared to determine the true character of the law in question, and we unhesitatingly pronounce it to be MORAL. The correctness of this decision we prove—Indirectly—

1st, From the very peculiar solemnity with which it is introduced—"I am the Lord," and "I am the Lord your God," is repeated no less than four times in the six first verses of this chapter—again in the 21st verse; and it closes with a repetition of the same form of words, which form, we also find in the introduction of the Decalogue. This form always shows the peculiar importance of the subject to which it is applied; and when even connected with precepts, ceremonial, or civil, invariably indicates the moral guilt of disobedience.

2dly, From the benefits produced and evils prevented by it. The benefits, as proved by experience are, a more extensive diffusion of benevolence and kind offices—the preservation of virtue and good order in families, together with the general increase of social confidence and happiness, especially of dying parents concerned for the future safety of their children. The evils restrained or prevented are selfishness, confounding the relations of life, jealousy, with crimes of a most atrocious and distressing character, not unfrequently ending in murder. Now, if effects like these are produced or prevented by this law, who will, or can deny its moral tendency and nature?

But we also prove the MORALITY of this law, directly and absolutely—

1st, From the crimes enumerated in the chapter in which it is contained, viz. the crime of incest, from the 6th to the 18th verse—indecency, if not worse, in verse 19th—adultery, in verse 20th—sacrifice of children to Molech, in verse 21st—sodomy, in verse 22^d—and bestiality, in verse 23^d. Now if all these specifications are not gross immoralities, we have yet to learn the meaning of the word. And we prove it,

2dly, From God's charge to the Israelites in relation to these crimes. This charge affords indubitable evidence of their being crimes against the law of nature; they are warned against them, especially as exemplified in the Egyptians and Canaanites. These and other heathen nations are declared to have been under the law exhibited in this chapter, which they had habitually and daringly violated, and thereby contracted guilt calling for exemplary punishment. The crimes here enumerated are branded as abominations: The Canaanites are declared to have defiled with them the very land they inhabited. It is also declared, that on account of them it had cast them out, as being unable any longer to endure them.—that in viewing them God's vengeance slept not—that he made Israel his exterminating sword, and in so doing, taught them a lesson not easily forgotten. Others also are instructed to the end of time, that if they would not be partakers of like judgments, they must shun the procuring cause of them. Can language more strongly express than is here done the ruinous consequences of these evils. And I now ask, against what law had these Canaanites so grievously offended? Certainly not against either the civil or ceremonial laws of the Jews, for they had no knowledge of them; and if they had, were no more bound to observe them than we of the present day. And yet for violating the laws contained in this chapter, they are declared to have sinned most grievously—to have defiled themselves and

the soil on which they lived, so that the very earth vomited them out as the stomach disgorge a deadly poison taken into it. If their sin was not against the moral law, or law of nature, how could they contract such damning guilt, or draw down from Heaven such terrible vengeance? Or how, indeed, could they in these matters have sinned at all; for surely where there is no law, there can be no transgression, and if no transgression, no punishment.

These and similar evils were visited upon the old world by a flood of waters, and upon the Sodomites by a storm of fire, long before the Jewish Republic or its institutions had existence. The crimes committed, therefore, were crimes against nature, calling down upon them the wrath of Heaven. Crimes against that law which was originally written upon their hearts—the remains of which are not obliterated, and which is noticed by the apostle, Romans ii., where he says, “that the Gentiles, which have not the (written) law, are a law unto themselves.”

Divine revelation, be it remembered, was not given either to counteract or supersede the law of nature, but to supply its defects, to confirm its authority, and to recover men from the errors and abuses into which they had fallen by the habitual disregard of its requirements. It is said that the prohibition in verse 19th of this chapter is *ceremonial*; it would not affect our argument if it was. We deny it, however, from the very nature of the offence, but more especially from the fact, that it is included in the abominations, for which God declares that he had visited them. See verses 24. 27.

The conclusion at which we have arrived as to the morality of these laws is so strong that we are perfectly willing here to rest our cause without uttering another syllable. Having, however, a specific object in view, we shall henceforth confine ourselves more particularly

to that part of the chapter which relates to the LAW OF INCEST, and now proceed to show the import of the term, the connexions it prohibits, to meet objections, and to show from reason, Scripture, and decisions of high authority, that it is as binding upon us, and all nations now, as it was upon the Jews when first promulgated.

The law of incest is that barrier which God has set up to protect the laws of marriage, and especially to guard the moral purity of those who are in daily habits of domestic intercourse with each other. *Incest* itself is the criminal cohabitation of persons who fall within the prohibited degrees of kindred noticed in this chapter. The crime of incest, therefore, is chargeable upon all such persons, whether they have or have not submitted to the usual forms of marriage.

We assert this upon the principle, that the observance of external forms cannot possibly sanctify, or make that marriage in the sight of God which he has forbidden, and abhors, and which is consequently in his sight no marriage at all. But what then is marriage? We reply, that it is a most wise and holy ordinance of God, designed for the honourable extension and preservation of our race upon the earth, and as therewith inseparably connected, the promotion of the individual and social happiness of mankind. It is a part of the law of nations—is in use among all people—and is accounted by the Romanists as a sacrament. As a holy ordinance intended to answer high and holy purposes, and especially as connected with the seventh Command, it appears reasonable, and indeed necessary, that it should be subject to divine government and restrictions, and that no power on earth may interfere with or set aside these restrictions. By this ordinance two persons, who were not before nearly related, become one flesh—which excludes from this union all persons nearly related to each other, either by blood or marriage; by blood as being against

nature—and by marriage to prevent sinful familiarity between members of the same family, allied by affinity—to promote domestic tranquillity—and generally to enlarge the sphere of human benevolence and kind offices.

The ordinance of marriage, therefore, used to patronize incestuous connexions, is so far from either justifying or extenuating the crime—that it adds the guilt of prostituting an ordinance of God instituted for the noblest ends, to the vilest purposes.

We have been compelled here to make these observations on marriage, because it has been recently and boldly asserted by the author of the Puritan already noticed, that the peculiar phraseology employed in the prohibitions of the eighteenth of Leviticus, indicates that they have nothing to do with marriage, and contemplate only vile connexion without marriage. If the author meant by marriage, what God calls marriage, his position would be correct, because other than these are not marriage; but it is evidently that he uses the term with wider latitude, the impropriety and danger of which we shall presently endeavour to show.

Marriage has been grossly preverted by the introduction of polygamy.

Polygamy consists in a man's having more wives, or a woman more husbands than one, at the same time: that it was once current in the East, and is still allowed, though not generally practised by the Turks, and other nations, is not to be denied. We do assert, however, that it never has been sanctioned by Divine authority. To say nothing of the facts, that it never has been favourable to the increase of population; nor to the moral and religious training up of children; nor to domestic comfort; I would observe that he, the Lord, who instituted it, did at the very beginning shew, that marriage approved of God is between one man and one woman, at one time, and no more. The kings of Israel were

forbidden in Deut., xvii. 17, to multiply their wives. The prophet Malachi, ii. 13, 16, charges that people with dealing treacherously with the wife of their youth, and explains what he meant by adverting to the original institution of marriage, in which God, having the residue of the spirit, might, if he had seen fit, have created more than one woman to one man, but did not, and assigns as a reason of it, that to have one is subservient to godliness, whilst to have more is injurious. But the language of our Saviour on this subject in Mat., xix. 4—9, is decisive. "Have ye not heard," said he, "that He which made them at the beginning made them male and female—for this cause shall a man leave father and mother, and shall cleave to his wife, and they twain shall be one flesh:" and when the practice of giving divorce was objected, he replied, "Moses, because of the hardness of your hearts, suffered you to put away your wives; but from the beginning it was not so."

Supposed allowance of this evil has been argued from Exodus, xxi. 10, and Deut., xxi. 15. These, however, only presuppose its existence among the Jews at that time, and make a wise provision to guard against the mischiefs occasioned by it in common life, and especially in the rights of heirship; and we humbly conceive that these provisions no more indicate a Divine sanction of this evil, than the erection of a Foundling Hospital by a most virtuous man would prove his approbation of the sin of whoredom. Even that passage, 2 Samuel, xii. 8, where God says by Nathan to David, "I gave thee thy master's wives into thy bosom," must be considered as a mere narrative of facts, contrasting great prosperity, with base ingratitude. Possession of the harem by succeeding kings indicated possession of the kingdom; hence the crafty counsel of Ahithophel to Absalom, and the language of Solomon to his mother, in the case of Adonijah, 1 Kings, ii. 22. That no approval of polygamy was

intended by the prophet is evident from the subsequent eleventh verse, where God said that he would raise up evil against David out of his own house, and take his wives before his eyes, and give them unto his neighbour—all which was fulfilled in the rebellion of Absalom, and is certainly no indication of an approval of his doings.

The providence of God, indeed, in many a bitter hour, showed to David the pernicious consequences of such connexions.

We have introduced and spoken thus at length on polygamy, because of its close connexion with our subject, because our opponents, rather than confess that an own sister is not meant in verse 18, prefer making it a permission of polygamy, and because many have wrong notions of it as practised by the Jews, and shall sum up all we have to say in the words of an unknown, but very judicious author. "When we reflect," said he, "that the primitive institution of marriage was confined to one man and one woman; that Noah and his sons adhered to this rule in the midst of abounding licentiousness; how much it brought its own punishment with it; how dubious the passages in which it appears to be in any wise countenanced; how often the faults of patriarchs and others are recorded without express notice of their criminality; when we also consider the purity, equity, and benevolence of the Christian Law; the declaration of our Saviour, and of the Apostle Paul, (Eph., v. 31,) on the design and limitation of marriage; the testimony of the most ancient Fathers of the Apostolic church; finally, what in equity is due to the female sex, and the regulations of domestic economy, and national policy, we must be induced to believe that polygamy never has met, and never can meet the approbation or sanction of a holy God."—Rees' Cyclop. Art. POLYGAMY.

In considering the prohibitions of the law of incest, in Leviticus, xviii., we note a distinction between those re-

lated by consanguinity and affinity; both, however, are undeniably included in it. The general prohibition extends to all who are near of kin. The details which follow show the import of that term. I shall not occupy time unnecessarily by exhibiting here a full table of forbidden kindred. There is one question of interest, however, which requires notice. "Shall first cousins," it is asked, "be permitted to marry, whilst a man is prohibited from marrying his wife's sister?" We reply, that (in our apprehension) first cousins, as being unquestionably near of kin, are forbidden to marry. "Such marriages," says a late, intelligent writer, "have been opposed by the ablest Jewish expositors; by the primitive church, and even by a Roman Senate in the case of Cæsar."*

But independent of human authority, does not the providence of God confirm this law? Is there not a law of nature which proves the deterioration, and even extinction of whole families who have long practised kindred marriage? These effects of it may not have been very particularly, or generally noticed—but the principle of this law of nature, which is indeed the law of God, must be as familiar to the observant farmer as it is to the learned physician. That this law extends to first cousins, appears from Leviticus, xxv. 49; for it is there expressly asserted that an uncle and an uncle's son are near of kin to us.

Marriage, in enlarging the sphere of human benevolence, gives rise to many new relations distinguished from those of blood under the title of affinity. This term expresses the relation formed by marriage with persons who were not before related. Some of these are included in the law of incest, under the general appellation of near of kin. Among them is a wife's sister. Now, if first cousins be near of kin, it must include all intermediate grades, whether related by affinity or con-

* Dr. Trumbull.

sanguinity ; for so it is expounded by God himself, who extends the prohibition to uncles, aunts, and grandchildren, by affinity, as well as consanguinity : it must therefore include a wife's sister. A man's own sister, after a father and mother, is his nearest relation—and as his wife by marriage becomes one flesh with him, such marriage brings into the same near relation to his wife's sister by affinity ; she is, consequently, near of kin to him, and this consequence cannot be avoided, unless it can be proved that a wife's sister is not near of kin to him, which cannot be done ; and as her relation to him is precisely the same as that of a woman to her husband's brother, we conclude, that if to marry a brother's wife is expressly forbidden as an unclean thing, to marry a wife's sister must be equally unclean.

The author of the Puritan says, (p. 24,) “that the doctrine of equality between affinity and consanguinity is a speculation abhorrent to the most abiding sentiments of men, as well as of the word of God.” To this we reply ; that these relations are indeed distinct ; and yet, that the word of God in Leviticus, xviii. undeniably declares the illicit connexion of certain persons related only by affinity to be incest. This ought to suffice ; and how this so-called speculation is abhorrent to the word of God cannot easily be conceived. The writer asks, “whether we can feel towards him who has married a wife's sister as we would if he was living in incest with his own sister ?” How he comes to speak of living in incest with an own sister, is perfectly incomprehensible ; for if this law of incest be, as he asserts, ceremonial, and therefore no longer binding on us, then there is no such thing as incest, because there is no other law of incest in the Bible. But we may also meet this question by proposing another, viz. : Do we feel towards him who has married his aunt, or his own sister, as we would towards him who is living in incest with his own mother ?

The truth is, that God has not made our feelings the standard of right and wrong ; the feelings of some are perverted, others are past feeling ; and this writer appears to have forgotten that though all sin is worthy of death, it has, nevertheless, its degrees of deep, deeper, deepest, yet all worthy of abhorrence. If sin, then, may be aggravated by the circumstances attending its commission, we must admit of degrees even in the same prohibited act, as there certainly are also in its punishment.

It has been asserted that all relation by affinity ceases at the death of either of the contracting parties, but this doctrine is taught neither by express declaration, nor by inference, either in this law of incest or in any other part of the word of God. The word of God everywhere recognises relation by affinity, but nowhere dissolves it ; on the contrary, Naomi, after the death of her sons, considered their wives as her daughters, and these widows as sisters.—Ruth, i. 11, 15. Tamar, the widow of Er, is in Genesis, xxxviii. repeatedly called his wife. A brother's widow is, in Deut., xxv. 5, expressly called his wife ; and in Ruth, iv. 5, 10, the wife of Mahlon is called the wife of the dead. Relation by affinity cannot cease at death ; for if a woman die leaving children, her sister is their aunt ; and if the father of those children marries that sister, he marries the aunt of his children ; and is the aunt of his children no relation to him ? If a married daughter having children, is removed by death, those children are the grandchildren of her surviving parents, and can it be that the father of those children is no longer by affinity their son-in-law ?

If relation by affinity ceases at death, then a man may marry his father's wife, or widow, and thus become one flesh with her, who was one flesh with his father. “The Hebrews say, on Leviticus, xviii.” saith Ainsworth, “that he that lieth with his mother, and she his father's wife,

is doubly guilty ; once, for that she is his mother, and again, for that she is his father's wife.

“ The Hebrew canons assert, that these prohibitions are unlawful forever ; whether the parties be divorced or not divorced, alive or dead, with the single exception of Deut., xxv. 5.” Amos, ii. 7, marks as a sin peculiarly heinous, that father and son had vile connexion with the same unmarried woman, and what but its incest rendered it more vile than simple fornication, and would the marriage of either to this woman have nullified the incest ? The Apostle Paul notices a similar case in 1 Corinthians, v., and shows it to be a sin against nature, and nature's God, and the law forbidding it binding upon all. To assert that relation by affinity ceases at death, is a doctrine not only unknown to Scripture and unsustained even by the much-abused principle of expediency, but if admitted, will so change the nature of these relations as to introduce into them an entirely new train of thought and action ; in great measure destroy the benefit of such relations ; create new and separate interests ; open a door to selfishness, rapacity and distrust, with all the abominable incests here contemplated ; and produce jars in the family circle which, in many cases, can neither be restrained nor mitigated. As therefore it is neither sustained by the word of God, the law of nature, or even by the principle of expediency, it ought at once and for ever to be abandoned.

But admitting this law of incest to be moral ; consequently binding on us, and that it also extends to relations by affinity as well as consanguinity, as has been proved, it is still said that it binds no further than the express letter of the law ; that no such binding power may be enforced by inferential proof ; and that the peculiar phraseology of the interdicts goes to show that marriage is not intended.

That it binds no further than the express letter of the

law, is both unreasonable and unscriptural. It is unreasonable because generals include all the particulars comprehended under them. A circle, a square, or any other mathematical figure includes the whole area which it circumscribes. In purchasing a tract of land, for example, the surveyor gives you all the courses of its outline, and though the deed may not specify in so many words, all hills and plains, woods and streams of water contained in it, yet the purchaser justly claims all within its limits. If, moreover, correct inferences are to be rejected, the sacred volume itself will be found deficient. Do we not infer, in expounding the decalogue itself that its commands embrace all that leads to their fulfilment, and that its prohibitions forbid all that would lead to their transgression ? and do not our Saviour and the Apostle Paul reason by inference on the resurrection of the dead ?

Of those who insist upon express command in so many words, and reject all inference, I would ask, What express warrant we have for the observance of the first day of the week as the Christian Sabbath ; for the baptism of Christian children ; or for the approach of females to the table of the Lord ? A man is charged to love his wife as his own body ; is not the charge reciprocal ? A man is forbidden to covet his neighbour's wife, and may a woman covet her neighbour's husband ?

This reasoning by inference is founded in plain common sense, and is certainly resorted to in all science, and indeed, in all human intercourse. To apply it to the case in hand, we assert ; that where marriage is forbidden between any two persons related to each other, it is also forbidden to all others who stand in the same relation ; so that, if a man may not marry his son's daughter, or daughter's daughter, which is expressly forbidden, then a woman may not marry her son's son, or her daughter's son, though not expressly forbidden ; and in the case before us, if a woman may not marry her hus-

band's brother, which is expressly forbidden, then a man may not marry his wife's sister, though not expressly forbidden. We perceive, therefore, that to marry a wife's sister is forbidden in the general prohibition of near of kin, and by the particular prohibition of marrying a husband's brother; and if arguments thus drawn from analogy are not conclusive, then we have yet to learn how to reason.

Although affinity creates no such relation as to nullify the adage, "*Affinis mei affinis non est affinis meus*," yet in its legitimate course it is not a mere name, but a firm relation, as sacred by the law of God as that of consanguinity; the law of incest making no difference between them. By marriage a man's parents become the parents of his wife, and her parents his; and his brothers and sisters hers; her brothers and sisters his, &c. Those who are forbidden to marry by consanguinity, are equally forbidden by affinity, and as we have shown that death does not dissolve relation by affinity, to marry a wife's sister must be the same as to marry an own sister. But let us look at the interdict itself as recorded in Leviticus, xviii. 16: "Thou shalt not uncover the nakedness of thy brother's wife, it is thy brother's nakedness," i. e. incest. Also in Leviticus, xx. 21, "If a man shall take his brother's wife it is an unclean thing, he hath uncovered his brother's nakedness," i. e. committed incest. As this law relates to incest and not to adultery, it necessarily concerns not the wife of a living, but of a deceased brother. In these texts, then, according to the principle we have assumed, there is a positive and reiterated interdict of marriage of persons whose relation is exactly similar to that of a man and his wife's sister. On this principle, when a woman marries her husband's brother after his decease, she marries two brothers in succession; and when a man marries his wife's sister after her decease, he marries two sisters in succession. This is an old

argument but we cannot help it, for the Bible, whence it is taken, is an old Bible, and we cannot alter it; we are bound therefore, to infer that if it be unlawful for a woman thus to marry her husband's brother, it is equally unlawful for a man to marry his wife's sister. Having already shown that particular commands and prohibitions are included in such as are general, and as the rule incontestibly applies to the present case, it may seem superfluous to waste time in repetition; yet, as some very strenuously maintain that we have no right to argue from parallel cases, and that we are confined to the strict letter of the law, let us see where their objection will conduct us.

If we admit the principle they assume, viz., that whatsoever is not in so many words forbidden is permitted, it will follow that, although a man is expressly forbidden to marry his granddaughter, a woman may marry her grandson; that though a man may not marry his father's brother's wife, he may marry his mother's brother's wife; that although a man may not marry his wife's granddaughter, a woman may marry her husband's grandson, and the like. By a law in Exod. xxi. 16, "He that steals a man and sells him, shall surely be put to death;" but, upon this principle of interpretation, to steal and sell women and children is a matter of no consequence. Now, if these results cannot be admitted, consistency requires that, being forbidden to marry a brother's wife, it is equally forbidden to marry a wife's sister.

To all this our opponents object, Lev. xviii. 18: "Neither shalt thou take a wife to her sister to vex her, to uncover her nakedness, beside the other in her lifetime." Here, say they, is a plain case: a man may not marry his wife's sister in her lifetime to vex her, but may evidently do so at her decease; and this they consider as forever settling the question. Let us examine

it. Is the word SISTER always used in Scripture to signify an own or natural sister? Certainly not. "Sister," saith Calmet, "in the style of the Hebrews, has equal latitude with brother; it is applied to a sister by blood, to a half-sister, and to a near relation only." In the New Testament we know that it is used with still greater latitude, to express the spiritual relation to each other of female members of the Church, as in James, ii. 15, 16.

The original, ISHA EL ACOTHA, translated in Lev. xviii. 18, "a wife to her sister" is in no instance used to signify an own or natural sister, but in Exod. xxvi. 3, 5, 6, 17, is applied to the curtains of the Tabernacle, which were to be united one to another, or, as it is expressed in Heb.—"a woman to her sister;" and in Ex. i. 9, iii. 13, the wings of the Cherubim are said to be joined, ISHA EL ACOTHA—a woman to her sister. These appear to be the only examples, excepting Lev. xviii. 18, in which this mode of expression is used; and why then in this text only must it be forced to signify a sister by blood? The very learned and accurate Ainsworth, in his Annotations on Lev. xviii. 18, saith, "'A wife unto her sister,' which the Chaldee translatheth 'with her sister;' which word sister may be understood of any other woman, as brother is often used for any other man; see Gen. xxvi. 31, and xix. 7; and then the law here forbiddeth to take any more wives than one, which the reason following seemeth to confirm: 'to vex her,' or for an adversary, as Peninnah, in 1 Sam. i. 6, is called the adversary of Anna, the other wife of Elkanah—whereby it is probable that the sister before mentioned is any other wife; and the Greek here and there translatheth ANTIZELOS an emulator or envier; for when one man hath two wives, they are ready to envy and vex one another."

To take a wife unto her sister, cannot mean a wife's own sister, because,

1st. To take or marry such an one is impliedly forbidden in v. 16; because,

2d. It would be saying that a man might marry any other woman, or indeed as many as he pleased, during his wife's lifetime, provided he did not marry his blood sister, and would thus legalize incest in some cases, and polygamy in all, which, as we have shown, never has been and never can be thus approved of God; and because,

3d. We have yet to learn that a stranger will in all or in most cases be more vexatious to a married woman than her own sister.

We are therefore entirely disposed to consider Lev. xviii. 18, as a prohibition of polygamy.

But have we not advanced too rapidly in this matter? We have been speaking much of marriage and forbidden marriage, but the author of the Puritan tells us that the interdicts in Lev. xviii. have nothing to do with marriage. The phraseology here used is that of "uncovering nakedness." To uncover nakedness, in our apprehension of the terms, signifies a vile connexion of the persons designated, either with or without use of external forms of marriage; and when the law adds, for example, "it is thy father's or mother's nakedness," it signifies the crime designated to be incest. The correctness of this exposition is supported by the text itself, and is moreover sustained by many learned commentators. Of these, we shall only cite the high authority of Ainsworth, in his Annotations on Lev. xviii. In expounding this phraseology, he observes, that "to uncover nakedness, here means carnal copulation and incest; not only out of married estate, but also unlawful and incestuous marriages." He also observes, quoting from Maimony, "The Hebrews say, whatever acts of this kind, forbidden in the law of Lev. xviii., for which one is guilty of cutting off, are every one of them called

incest, or nakedness, as with mother, sister, daughter, and the like."—*See Maimony's Treat. of Wives, chap. 1, sect. 5.*

"The Hebrew SHEER," saith the same writer, "signifieth flesh—Ps. lxxiii. 26, Prov. v. 11, and xi. 17; and as BASAR, flesh, is sometimes used for kindred, as in Gen. xxix. 14, so is SHEER in this case of marriage and copulation; and so by the Chaldee and Greek it is translated, near and near of kin."—*Ainsworth on v. 6.*

The Puritan, extra, maintains that "uncover nakedness" is wholly inapplicable to married persons, and relates solely to illicit intercourse. We have shown that it is equally applicable to all forbidden connexions, with or without the external forms of marriage. To what has already been advanced on that point, we now add, that this phrase is synonymous with "lying with," as in Lev. xx.: "The man that lieth with his father's wife, hath uncovered his father's nakedness," i. e. hath committed incest. The same is applied to a daughter-in-law and uncle's wife. These two expressions, therefore, are synonymes; and we prove, from 2 Sam. xi. 11, that to lie with, is applied in Scripture to married persons. Building on this error, it is said that illicit connexion with a brother's wife is forbidden, but not to marry a brother's widow; also, that the prohibitions of Lev. xviii. and xx., are simple interdicts of fornication and adultery in persons nearly related. If this be true, there is no law of incest in the Scriptures, and a man may marry his own sister, daughter, or even mother; and if Lev. xviii. 16, relates only to a brother's wife, and not his widow, then, as elsewhere, it is only said that a man may not marry his father's or uncle's wife; he may, it seems, marry his father's or uncle's widow. Such are the absurdities involved in this reasoning. But is not the term widow often used for wife in the Old Testament? It certainly is in Gen. xxxviii. 8, Deut. xxv. 5, and

Ruth, iv. 5. The phrase "take a brother's wife," moreover, in Lev. xx. 21, being synonymous with uncovering his nakedness, or committing incest, is evidently and equally applicable to persons either married or unmarried. But if widow be meant, why, it is asked, is not the word ALMANAH used, which properly signifies a widow? We answer, that it signifies a widow who has recently become a widow and is mourning for her husband, and that brother's wife is better suited to the state of a bridal widow.

The Puritan, extra, labours hard to show that the term "uncover nakedness" has nothing to do with marriage, and that "it is wholly and intrinsically unsuitable," to use his own words, "to express either the act of marrying a person, or the intercourse of married persons. For these acts," he adds, "God carefully shields from all dishonour, sanctioning them by express command, and pronouncing them honourable in all." It was unnecessary for this writer to show that the phraseology alluded to conveys the idea of baseness and dishonour, for this is admitted; but if he maintains, as we believe he does, that an incestuous, and, as such, forbidden connexion, may be legalized and made honourable by external forms of marriage, he is miserably mistaken. Was the death of Naboth lawful, because he was murdered under forms of law? Does the usurpation of a tyrant become lawful because mitred heads have crowned him? or is the marriage of an adulterer and adulteress lawful, when that adultery has been resorted to for the very purpose of obtaining a divorce from a former wife or husband, or from both? Is such a marriage honourable in all? or can any law of man make it lawful in the sight of God? But why multiply words on this subject, when a single sentence will suffice; for if to "uncover nakedness," here relates solely to *Πορνεία*, i. e. fornication or adultery, and not to incest, it will inevitably follow, that

all such base acts as are not in so many words included in the prohibited degrees of this chapter are lawful, and therefore cannot possibly be criminal.

To give a specimen of the liberty of this author with the word of God, I present the following extract from the 14th page of his pamphlet: "Should we allow," said he, "this term to be as broad as that of sexual intercourse, and of course capable of including marriage, it would not in this connection convey the sense pretended. Suppose," says he, "we make the substitution, and read it, 'Thou shalt not have sexual intercourse with thy brother's wife—it is having sexual intercourse with thy brother.'" This, he says, expresses absurdity and nonsense. So, indeed, it does; and we leave him all the honour of this wonderful discovery, and re-assert, with undiminished confidence, as the true meaning of this phraseology, that God forbids incestuous connexions, with or without external forms of marriage, upon the principle of near relation. A similar liberty is taken by the same writer in the 25th page of his pamphlet, where he says, "And so we are forbidden to marry a widow, or another man, or a beast." See Lev. xviii. 20. 22, 23.

To conclude this article, we observe, again, that if the 18th and 20th chapters of Lev. do no more than prohibit fornication or adultery, then there is no law of incest in Scripture to define either its nature, its extent, or its binding obligation upon us. The result of such a state of things we must leave our readers to imagine.

But independent of the considerations thus far adduced, I would ask whether those who overleap this barrier do not inflict a deep injury upon society, as well as upon themselves. Do they not, by this act, contract the sphere of benevolent, kind offices, promote clanship and selfishness, and rashly expose such as may think as they do, to numerous and dangerous temptations? Do

they not manifest, in such action, far less fear of God and sin than comports with Christian character. Though circumstances may render one sin greater than another, yet we all know that there is no such thing as venial sin; and as incest, in the word of God, is classed with adultery and murder, and God's fearful judgments are so heavily denounced against it, one would suppose that Christians would shun all possible approach to it. How, then, shall we account for the boldness and precipitancy with which even men professing godliness have either defended or actually rushed into this transaction? We are charged, in all our doings, to do those things only which are of good report; Phil. iv. 8, 9; and is this of good report? Has it not, by large sections of the Christian Church, at various times and in various nations and places, been pronounced incestuous? Is it not by many, very many, so considered still? Can Christians do this act, then, without injuring themselves, and lowering, if not destroying their usefulness in the Church? Can they do it without giving great and just offence to their brethren in the Lord? Can they do it without afflicting, distressing, and perhaps even rending the peace of the Churches, and especially of that Church with which they are more immediately connected? Can they do it without entangling themselves in a net, from which, judging by past experience, there is but little hope of escape? Having taken the first wrong step in this course, will there be no temptation to continue in it, to defend it, and thus harden our hearts to God's fear! and is not this an evil of all others most earnestly to be deprecated? If so, who will venture upon an act which may lead they know not whither, and end in everlasting sorrow?

In attempting to prove the unlawfulness of marrying a wife's sister, we have thus far confined ourselves principally and closely to that only infallible rule of faith

and practice by which this and all other questions must be tested. We shall now, however, adduce, as a collateral argument, the judgment of learned men and Church councils on this subject. If, indeed, we had nothing but great names, venerable councils, or ancient prescription, to sustain us in this matter, we should be less strenuous in maintaining it; but, from what has been said, it must already have been perceived that it rests upon the firm and immutable foundation of the moral law of God. If so, no legislature upon earth has a right to supersede or make it void; and should any such law be enacted, the Church of God is undoubtedly bound to resist it. "These laws," saith Henry, on Lev. xviii., "relate to the seventh commandment, and are doubtless obligatory under the gospel, as founded on the very law of nature. That the Canaanites were conscious of the wickedness of incest, appears from the fearful judgments inflicted upon them for this sin, as well as from other testimony; its commission by them, or other nations, therefore, no more proves unconsciousness of the sin, than the commission of adultery or murder. Some of the incests here forbidden, were practised by some among the heathen; yet, among nations not wholly given up to vile affections, they were detested. The Apostle, in 1 Cor. v., speaks of one of them as a sin not so much as named among the Gentiles. "Most nations," saith Rees, "look on incest with horror—Persia and Egypt alone excepted. In the history of their ancient kings, we read of brothers marrying sisters. The reason was, they thought it beneath them to marry a subject, and still more to marry into the families of foreign princes."—Art. INCEST.

The Julian Code proves that the Romans were acquainted with this law of nature. It appears, also, from Justinian's Institutes or Pandects, that incest among the Romans was considered and punished as a crime against

the State. Suetonius and Tacitus brand its violation with the deepest infamy. The sensual Mahomet himself forbids it in the Koran, expressly including in his prohibitory items the marriage of two sisters.

This crime of incest was punished under the Old Testament by excision, importing either death or excommunication, and, under the New Testament, by delivering such an one unto Satan for the destruction of the flesh. 1 Cor. v.

The primitive church punished it with excommunication. In the canons of the apostles, which are of great antiquity and authority, it is ordained that he who marries his wife's sister, cannot on any terms be admitted to the ministerial office.—See Canon 18.

Among the reformers, such as Zuingle, Calvin, Melancthon, Beza, Ecolampadius, Bullinger, Ursinus, Musculus, and others, there appears to have been eventual unanimity on this subject.* Calvin, in one of his letters, observes, "It must be maintained that the prohibition of which we speak, (namely, of the marriage of a husband's brother,) is one of those which neither time nor place can abrogate. It proceeds from the very fountain of nature, and is founded upon the general principle of all law which is perpetual and inviolable."—*Calvin's Opera*, vol. ix; and of his *Letters*, p. 224.

Again, in vol. 1st, p. 519, of his Commentary, we find the following decision: "We hold, moreover, not only that incestuous connexions without marriage are here condemned, but the degree also designated, in which marriages are unlawful."

The Roman Catholic Church, fallen as it is, has al-

* We use the word "eventual," in consequence of finding in the very learned report of Chief Justice Vaughan, in the case of Hill versus Good, the following observation: "Nor is it strange that the opinions of private men prevail above the public in process of time. So happened it in Luther, Calvin, and others in the beginning of the Reformation, whose opinions in time grew more authentique." Page 314.

ways acknowledged the binding power of the law in Leviticus against incest. So that, amidst all her corruptions during the dark ages, this crime continued to be execrated.

The power of the Pope to grant dispensations, has been denied even by the members of their own communion. As an instance of this, we cite a decision of the Faculty of the University of Paris, in the case of Henry VIII. of England.

"After frequent meetings," say they, "having most diligently and conscientiously examined the sacred Scriptures, with the most approved Expositors, together with the General and Synodical Decrees of the Councils of the Church, established, received, and approved by long usage—we do unanimously answer, assert; and determine, that a marriage with a sister-in-law is equally prohibited by the law of nature and of God; and that the Pope cannot grant a dispensation for such marriage." The Faculty of the University of Bononia, at the same time, and if possible, even in stronger language, testified their abhorrence of such marriages. "Nor can the Pope," said they, "upon any consideration, dispense with the contraction of such marriage."—*See Burnet's History of the Reformation of the Church of England*, vol. i. p. 89.

In Blackstone's Commentaries on the Laws of England, we find as follows:

"All persons may contract marriage, unless they labour under some particular disabilities. Canonical disabilities are such as are sufficient, by the Ecclesiastical law, to avoid the marriage in the Spiritual Court; among these are consanguinity, or relation by blood; and affinity, or relation by marriage. These canonical disabilities are either grounded upon the express words of the divine law, or are consequences plainly deducible from thence; it therefore being sinful to contract such

marriages, they are properly the object of Ecclesiastical coercion; in order to separate the offenders, and inflict penance for the offence, *pro salute animarum*. Such marriages being voidable only by sentence of separation, they are esteemed valid to all civil purposes, unless such separation is actually made during the life of the parties. For after the death of either of them, the Courts of common law will not suffer the Spiritual Court to declare such marriages to have been void; because such declaration cannot now tend to the reformation of the parties; and therefore when a man had married his first wife's sister, and after her death the Bishop's Court was proceeding to annul the marriage and bastardize the issue, the Court of King's Bench granted a prohibition *quoad hoc*; but permitted them to proceed to punish the husband for incest."—*See Blackstone*, vol. i. p. 434, 435.

By 32 of Henry VIII., c. 38, it is declared "that all persons may lawfully marry, but such as are prohibited by God's law in Lev. xviii." In illustrating the degrees there enumerated, Lord Coke includes both brother's wife, and wife's sister.—*Rees*, Art. INCEST.

Incest in England, in 1650, was declared to be a capital crime. In Scotland and Ireland it was condemned, and punished as an offence against both Civil and Ecclesiastical laws. The Church of England most strictly prohibits such marriages, and the decision of the Church of Scotland is most fully and clearly expressed in the Westminster Confession of Faith. The Westminster divines, whose confession and discipline have been adopted by the Presbyterian Church in America, say, that "marriage ought not to be within the degrees of consanguinity or affinity forbidden in the word; nor can such incestuous marriages ever be made lawful by any law of man, or consent of parties. A man may not marry any of his wife's kindred, nearer in blood, than

he may of his own; nor the woman of her husband's kindred, nearer in blood than of her own."

The divines who expressed the decision of the Lutheran Church, in reply to Henry VIII., say, "It is manifest, and cannot be denied, that Lev. xviii. prohibits a marriage with a sister-in-law—and that this law is to be considered as divine, natural, and moral, against which no other law may be enacted; nor will we permit in our churches, that such marriages shall be contracted."

If the influence of Henry be objected, we reply—that we cannot well see how he could influence Roman Catholic divines to decide against Papal dispensation in this case; nor can we suppose, after contemplating Luther's rough treatment of that prince, and the independent character of the Lutheran clergy of that time, that they could be induced, either by hope or fear, to swerve from what they believed to be the truth. By a law of the United Provinces of Holland, in 1580, the cohabitation of persons within the degrees of affinity and consanguinity, found in Lev. xviii. were considered infamous, and were punished by fine, corporal pains, and banishment. It was also declared, in determining these degrees, that "no woman may marry the husband of her deceased sister." The construction, saith Dr. Livingston, which the Ref. D. Church puts upon Lev. xviii. 16, is evident from the marginal notes, which the translators, appointed by the National Synod of Dordrecht in 1618-'19, have annexed to that passage. It is as follows, viz.; "From this law it necessarily follows; that a woman who has been married to one brother, may not, after his death, marry the other brother; and upon the same principle, a man who has been married to one sister, may not, after her death, marry the other sister." Their note on verse 18, is as follows: "It consequently can by no means from this be concluded, that a husband, after the death of his wife, may marry her sister."

The decision of the Ref. D. Church in this country, is entirely hostile to such marriage.—*See Minutes of General Synod, under dates of 1797, 1815, 1816, and 1827.*

In June, 1797, the G. S. expressed their views of the word of God on these marriages as follows, viz.: "Resolved, That as all such marriages are contrary to the word of God, and that purity of life so becoming the Christian character, the persons contracting such marriages cannot be admitted to the table of the Lord, until the offence be removed." In June, 1815, this decision was confirmed. In 1816, the G. S. declared, that "the marriage of a man with his deceased wife's sister is absolutely unlawful; and therefore resolved,—

"I. That the sister of a deceased wife is, by the divine law, the sister of the surviving husband.

"II. That the Canon or Church order of the Ref. D. C. declaring or adjudging such marriage unlawful, as forbidden in the word of God, ought to remain as a rule of discipline in the churches under the care and jurisdiction of this Synod.

"III. That, therefore, every man who marries the sister of his deceased wife, is, by the divine law, and the rules of the church, guilty of incest, and shall, if a member, be cut off from the communion and privileges of the church."

Extract from Minutes of General Synod in 1827.

The following Resolution on the Minutes of the last General Synod, which had been postponed for the consideration of this Synod, was called up, viz.: "Resolved, That so much of the acts of the General Synod, passed in the years 1797 and 1815, recorded on p. 264 in the Appendix to our Constitution, as directs the churches to exclude from sealing ordinances, the persons contemplated by those acts, be, and the same is hereby repealed."

The subject was discussed at considerable length, and

the question being taken on the resolution, it was decided in the negative; yeas, 15, nays, 45; whereupon it was Resolved, nemine contradicente—that “It is inexpedient to make any alteration or modification of the decisions of the Church on the subject of a man’s marrying his deceased wife’s sister.”*

Let us also here take a view of the decisions in this case of the Protestant churches of France.

In the 9th Canon of Discipline of the Reformed Churches of France, dated 1559, we find the following:—“It is not lawful for any man to marry the sister of his deceased wife; for such marriages are prohibited, not only by the laws of the land, but by the word of God. And although by the law of Moses it was ordained that when the brother died without children, his brother should raise up seed unto him; yet that law enacted for the children of Israel was temporary, relating only to the preservation of the tribes of that people.”—*See Quick’s Synodicon*, vol. i., p. 50. Among the decrees of the first National Synod of these Churches, held at Paris, in 1559, is the following:—“The faithful may not contract marriage within the prohibited degrees of affinity and consanguinity—and the Church is to take heed that all scandal in this particular be avoided.”—*See Canon 36. Quick’s Synodicon*, vol. i. p. 110.

In the National Synod of Nismes, in 1572, the following case was presented for adjudication: “A man hath abused his deceased wife’s sister, who is with child by him—may he now marry her?” The answer given by the Synod was “No; for this commixture is incestuous, nor may she become his wife.”—*See Quick’s Synod.* vol. i. chap. vi. Art. 9. p. 110.

Again, in the National Synod of Figeac, in 1579, (to show that death does not terminate affinity,) it was decreed that “no man shall marry the aunt of his deceased

* The names of persons voting on the question at that time are recorded on the Minutes.

wife: for such commixtures are incestuous—such marriage shall not be solemnized in any of our churches, and all pastors are warned carefully to observe this Canon.”—*Q. Syn.*, vol. i. Art. 2, p. 129.

In the second National Synod, held at Rochelle, in 1581, it was determined to be not lawful to marry the widow of a wife’s brother—because there is a secret affinity between such parties—man and wife being accounted in the sight of God as one flesh.”—*Q. Syn.* vol. i. chap. 3. Art. 45. p. 140.

On the marriage of a wife’s niece, it was determined, in the National Synod of Vitrie, in 1583, that by Lev. xviii. 14, such a marriage is incestuous; and that, therefore, in no wise can it be tolerated; and that they provoke not the wrath of God more heavily against them, they ought to separate one from the other.”—*Q. Synod.* vol. i. Art. 22. p. 154.

The National Synod of Rochelle, convened in 1607, ordained that persons living in incest, were unfit for communion till they separated.—*Q. S.*, vol. i. Art. 19, p. 272.

The most learned and best modern commentators on Sacred Scripture are very decided on this subject. Ainsworth and Henry we have already noticed. Pool on Leviticus says, that “A man may not marry his wife’s sister, neither before nor after her death—that affinity binds as much as consanguinity; the wife who is only related by affinity, being nearer to a man than any other by consanguinity, they two being made one flesh; and adds, that the sober heathen abhorred such marriages.” Bishop Patrick, a divine of great erudition, declares in his Exposition of Lev. xviii., that the “marriage of a wife’s sister is unlawful; not only during her lifetime, but after her decease.” Mr. Pool, Dr. Patrick, and that eminent civilian, Chief Justice Vaughan, say, that the “Kairites, who were the most accurate expositors of Scripture among the Jews, universally maintained, that the marriage of a wife’s sister was absolutely unlawful; and

Vaughan adds, that the primitive churches held themselves strictly bound to observe the Levitical prohibitions in cases of marriage, and took early measures to keep the churches pure from this wickedness."—*See Vaughan's Reports, especially in the case of Hill versus Good.*

It would be easy to extend such authorities by adding a host of distinguished men, divines and civilians, of our own and foreign nations, who have expressed a judgment accordant with the above. Among those of our own country, we are gratified to find the names of Doctors Livingston, Mason, Edwards, Trumbull, with others of high respectability; but let those which have been already named on this article suffice for the present.

There appears to be a wonderful disposition in fallen man, to break down or overleap the barriers which God has set up for the prevention of sin; and as in other instances, so also in attempting to break down the law of incest. To accomplish this object, all the resources of ingenuity and sophistry have been employed, and their joint productions industriously circulated through the churches. Objections to the law, *ad captandum*, have been incredibly multiplied, and Ossa piled upon Pelion to scale this wall of heaven. Some of these have been anticipated. Of those that remain, we shall now adduce some of the most prominent.

The *first* of these that we shall notice, and which appears to be very popular, is, that there is no blood-relation between a man and his wife's sister. But this objection is connected with insuperable difficulties; for if it be valid, it will follow upon the same principle, that a man may marry his brother's wife, his father's wife, his uncle's wife, his own wife's daughter, and his son's wife, which are all strictly forbidden. This objection is built, we apprehend, upon the mischievous error, that affinity ceases at the death of either of the contracting parties in marriage; but we have already shown that there is no authority in

the word of God for such tenet, and that it is fraught with pernicious consequences.

A *second* objection that has been offered is, that to marry a brother's wife is not immoral *per se*, or in its own nature, abstractly considered.

This objection is founded on the false supposition that all moral duties are unchangeable. Some of these are indeed evidently of this description—such, for example, as the duty of supreme love to God, and good will towards men, to be manifested in word and deed. There are also sins which cannot be permitted, unless God shall deny himself—such as hatred of God, or of our fellow-men, tending to malice, revenge, and murder. But there are things lawful in themselves, which become unlawful by the interference of a positive command of God—such as eating the forbidden fruit in Eden; and others again, which are unlawful in themselves, which become lawful, and even obligatory, by divine command. Among these we notice the marriage of brothers and sisters, which occurred in the family of Adam. Human sacrifice, as exemplified in the command of God to Abraham to offer up his son—the spoiling of the Egyptians—the invasion and extermination of the Canaanites, and taking possession of their country—which God not only permitted but commanded—from all which we infer that actions which, in themselves considered, would be immoral, and therefore criminal, may, by divine command, not only become lawful, but obligatory—and that God may command any action which does not involve denial of his own perfections, or a wicked heart. To apply this reasoning to the case in hand, we conclude, that although the marriage of a brother's wife be in itself as immoral as the marriage of an own sister, or offering a human sacrifice, yet if God shall warrant it in any particular case, it not only becomes obligatory, but the very exception in such case strengthens the general prohibition

of such marriage. The case here excepted, is when a man died childless, (as to heirship) which, instead of weakening or repealing the law in question, strengthens and confirms it. As the reason of this exception, which was to prevent particular families from becoming extinct, no longer exists, the exception itself falls away of course, and the original law is left in its full force and virtue.

The *third* objection made to our position is taken from the penalty annexed to these crimes, and is expressed in words following: viz. "For whosoever shall do any of these abominations, even the souls that do them shall be cut off from among their people."

The author of the Puritan insists, that excision here invariably signifies capital punishment by the magistrate, and asks, with sneering reference to the man put to death for gathering sticks on the Sabbath, whether this penalty is still to be inflicted? That death by the magistrate, for cursing parents, adultery, grosser incest, sodomy and bestiality, is intended in Lev. xx. is unquestionable; but Ainsworth shows, in his exposition of Gen. xvii. 14, that the Greek and Chaldee translate cutting off by the words *destroy* and *consume*, and observes, that it is sometimes spoken of God cutting off men by death for their sins, Lev. xvii. 10—20, iii. 5, 6; and so the Hebrews understand it here, and in all other like places, that for willing transgression in secret, God will cut them off by untimely death. He adds also, that eternal death is implied, and quotes Maimonides on Numbers xv. 31. Both meanings are perhaps alluded to in that memorable denunciation of the New Testament, "Whoremongers and adulterers God will judge." Professor Mark, speaking from Gen. xvii. 14, of the penalty of excision for neglect or contempt of circumcision, says, that some by excision understand cutting off in capital punishment by the magistrate; others, ecclesiastical ex-

communication; others, untimely or sudden death; others, dying childless; but we, said he, with the most learned of the Jewish and Christian doctors, believe it to have consisted in exclusion from the covenant of God. See Compend. de Sacram. § XIV.

Godwin, in his Moses and Aaron, p. 136, observes on Exod. xii. 15, that the penalty hath a threefold interpretation. Some understand thereby, such a man to be cut off from his heavenly inheritance; others, that God would cut off such from the living by an untimely death; and others again, that he should die without children. "Let," said he, "the judicious reader here determine, whether beside the secret action of God, there be not a direction to the Church to deal with parties thus offending by excommunication."

With these expositions Vriemoet, in tom. ii. p. 61 of his *Dicta Classica*, and Witsius, in vol. iii. b. iv. § ii. of his *Divine Economy*, substantially agree.

We find, moreover, in Lev. xx, a change of phraseology in speaking of this penalty. In some cases it reads "shall surely be put to death;" in others, as in verses 17 and 18, "cut off," in verse 19, "they shall bear their iniquity;" in verses 20 and 21, "they shall be or die childless." We see therefore that excision does not always signify cutting off by capital punishment by the magistrate; and consequently that the argument built upon this interpretation of it is untenable. It is acknowledged on all hands that the administration of law under the Old Testament economy was more rigid than under the New; but this will by no means go to shew that the law itself has either become obsolete or powerless.

A *fourth* objection that we shall notice is founded on the expediency of such marriages.

No one, it is said, is like to be so kind a mother to her motherless children as a wife's sister. The word expedient, as found in Scripture, is never there used as

a principle of action interfering with, or opposed to the will of God; nor should it ever be employed as a pretext to cover fraud, or in any wise to make void the law of God. The doctrine of expediency is not a new doctrine, but long and ancient use has not rendered it less dangerous or exceptionable. This principle enslaved the Israelites in Egypt—cut off their male children by a violent death—produced the massacre of the children of Bethlehem—and cut off the head of John the Baptist. In the primitive Church, it wrapt the Christians in the skins of wild beasts, and thus made it extremely popular to hunt them out of the world. In the Roman Catholic church it has introduced the idolatry of worshipping that which is not God, monastic orders, the celibacy of the clergy, the supremacy of the Pope, taking away the cup from the laity, adoption of the horrible tenet that no faith is to be kept with heretics, and that it is right to exterminate all so deemed by this church with fire and sword. This doctrine of expediency, unhappily too much favoured by Paley, is doing wonders in our day. Under the plausible pretext of free inquiry, liberty, and improvement, it is actually throwing off the restraints of decency, good order, and religion. It makes—and to a marvellous extent—evil good, and good evil, and in so doing, secretly undermines the very foundations of society. As used by the apostle Paul, this term is connected with personal deprivation, self-denial, &c.; but now it is a kind of talismanic word with which men ride rough-shod over the persons, reputation, and dearest rights of their fellow-men, and consequently over laws human and divine,—a charm, by which men, reckless of truth, charity, contracts, and common sense, may do as they please,—a lever to unsettle heaven and earth. This principle has not only penetrated cabinet counsels and legislative halls, but has also stealthily

crept within the sacred enclosures of the Church itself. There, even there, it has brought many a martyr to the stake, and accomplished many a base and selfish object by means carefully kept out of sight, as being unable to bear the scrutinizing eye of God or man. We have enlarged upon this objection more than we should otherwise have done on account of the prolific and deadly evils to which this doctrine of expediency is daily giving birth.

To bring, however, what has been said to bear more immediately upon the case before us, I would ask, if a wife's sister, on the principle of expediency, will make a better mother to her motherless children than a stranger, why will not a wife's mother, or an own sister, on the same principle, answer as well; and if so, why may not a man marry his own sister, or wife's mother. If any, there is but slender proof that a wife's sister, in this case, will do better than a stranger. The divine prohibition is against such a supposition—and at all events, we are not permitted to substitute this Protean doctrine for the Word of God.

The fifth and last objection that we shall notice is the alleged want of perspicuity in the law itself—doubts thence arising—the multiplication of such marriages—the wavering of church judicatories—and the exceeding difficulty of exercising church discipline on offenders.

To the alleged want of perspicuity in the law itself, we have already adverted, and have shown that it cannot be sustained. As to the doubts to which it is said to have given rise, I would observe, that similar doubts have arisen in the clearest cases. In the seduction of the mother of all living, doubt was suggested by the tempter, whether the prohibitory law was correctly understood. The doctrines of the trinity and divinity of Christ are written as with a sunbeam in the Scriptures,

and are indeed the very life-springs of the Bible ; and must these vital doctrines be abandoned because Arians and Socinians will have it so ?

And are we now called to abandon this doctrine of incest, because men have endeavoured to mystify it, and have compelled us to follow them through many windings of misapplied talent. An article, say our opponents, which has given rise to so much controversy, cannot be very clear ; and should not, therefore, be so strenuously urged. If this objection proves any thing, it proves too much, for upon this principle we must not be strenuous in support of any other controverted subject ; and then we shall have reached the very acme of transcendentalism, for we shall be any thing and nothing.

We live in an age of boundless speculation and accelerated action ; but are not both, in some instances, too rapid to be safe ?

By our public lectures, disputations of various kinds, by various persons, on a great variety of subjects, together with almost immeasurable floods of matter daily issuing from the press, the public mind is kept in a state of feverish excitement extremely unfavourable to the calm, retired, and careful reading of the Scriptures. And as error is swift of foot, and truth but slow to follow, is it surprising that many erroneous views, on very important subjects, are suddenly and eagerly adopted ? The action of legislative assemblies on sacred subjects is not always marked with distinguished circumspection, and vacillation on any one of them in courts of the Lord's House, is by no means calculated to produce a salutary counteracting influence. The effects of ecclesiastical indecision on any practical subject upon the community at large, must be necessarily and extensively injurious. But whether assemblies and civil rulers do

or do not perform their duty in maintaining the law of God, it remains unchangeably the same. Truth is eternal, and no action or want of action in human tribunals can alter or annul it. If the Church alone will do her duty in the premises, there is every reason to believe that the evil complained of will be arrested, if not corrected. But now comes the trying part of this question. What shall be done with those who have transgressed ? Here is the strong-hold of the opposition—here is the dreadful appeal to our sympathies. I cannot now enter upon it in detail, but will answer all questions by proposing one single inquiry. Can we under any pretext whatever compromise with sin ? The act complained of is either a sin or it is not—if not, there should be no penalty. If it is, there can be no compromise—duty is ours—consequences belong to God. I speak as unto wise men. Judge ye, brethren, what I say.

To the above, I will now append the judgment of the Rev. Professor Dr. John H. Livingston. It is expressed in his Dissertation on Incestuous Marriages, published in 1816, from which also we may hear his monitory voice to our churches on this subject.

“As the law in Leviticus xviith is beyond contradiction a statute against incest, we may expect to find in it some precept respecting a sister-in-law, since she is also very near of kin. In this we are not disappointed. It is contained in verse 16th of this chapter, and repeated in chapter xx. 21. Here two brothers are forbidden to marry the same woman ; and of course two sisters may not marry the same man. The sister of a deceased wife stands in the very same relation with a brother of a deceased husband ; the law, therefore, is express and full, that two sisters shall not marry the same man. Whoever then marries his deceased wife's sister is, by the clear and unequivocal sentence of God's law guilty of incest.”—See p. 86.

“Let not the advocates for marrying a sister-in-law pretend, that such marriages, by being often repeated and unblushingly defended, do not any longer give offence. They know that to be impossible. The church that is not offended by them, would be *an apostate from truth and duty, and co-operate to its own destruction.*”—
See p. 110.