

CHAPTER II.

IT will be well to commence the detailed discussion of the subject by the particular branch of it to which the course of our observations has led us : the conditions which the laws of this and all other countries annex to the marriage contract. Marriage being the destination appointed by society for women, the prospect they are brought up to, and the object which it is intended should be sought by all of them, except those who are too little attractive to be chosen by any man as his companion ; one might have supposed that everything would have been done to make this condition as eligible to them as possible, that they might have no cause to regret being denied the option of any other. Society, however, both in this, and, at first, in all other cases, has preferred to attain its object by foul rather than fair means : but this is the only case in which it has substantially persisted in them even to the present day. Originally women were taken by force, or regularly sold by their father to the husband. Until a late period in

European history, the father had the power to dispose of his daughter in marriage at his own will and pleasure, without any regard to hers. The Church, indeed, was so far faithful to a better morality as to require a formal "yes" from the woman at the marriage ceremony; but there was nothing to shew that the consent was other than compulsory; and it was practically impossible for the girl to refuse compliance if the father persevered, except perhaps when she might obtain the protection of religion by a determined resolution to take monastic vows. After marriage, the man had anciently (but this was anterior to Christianity) the power of life and death over his wife. She could invoke no law against him; he was her sole tribunal and law. For a long time he could repudiate her, but she had no corresponding power in regard to him. By the old laws of England, the husband was called the *lord* of the wife; he was literally regarded as her sovereign, inasmuch that the murder of a man by his wife was called treason (*petty* as distinguished from *high* treason), and was more cruelly avenged than was usually the case with high treason, for the penalty was burning to death. Because these various enormities have fallen into disuse (for most of them were never formally abolished, or not until they had long ceased to be practised) men suppose that all is now as it

should be in regard to the marriage contract; and we are continually told that civilization and Christianity have restored to the woman her just rights. Meanwhile the wife is the actual bond-servant of her husband: no less so, as far as legal obligation goes, than slaves commonly so called. She vows a lifelong obedience to him at the altar, and is held to it all through her life by law. Casuists may say that the obligation of obedience stops short of participation in crime, but it certainly extends to everything else. She can do no act whatever but by his permission, at least tacit. She can acquire no property but for him; the instant it becomes hers, even if by inheritance, it becomes *ipso facto* his. In this respect the wife's position under the common law of England is worse than that of slaves in the laws of many countries: by the Roman law, for example, a slave might have his peculium, which to a certain extent the law guaranteed to him for his exclusive use. The higher classes in this country have given an analogous advantage to their women, through special contracts setting aside the law, by conditions of pin-money, &c.: since parental feeling being stronger with fathers than the class feeling of their own sex, a father generally prefers his own daughter to a son-in-law who is a stranger to him. By means of settlements, the rich usually contrive to with-

draw the whole or part of the inherited property of the wife from the absolute control of the husband: but they do not succeed in keeping it under her own control; the utmost they can do only prevents the husband from squandering it, at the same time debarring the rightful owner from its use. The property itself is out of the reach of both; and as to the income derived from it, the form of settlement most favourable to the wife (that called "to her separate use") only precludes the husband from receiving it instead of her: it must pass through her hands, but if he takes it from her by personal violence as soon as she receives it, he can neither be punished, nor compelled to restitution. This is the amount of the protection which, under the laws of this country, the most powerful nobleman can give to his own daughter as respects her husband. In the immense majority of cases there is no settlement: and the absorption of all rights, all property, as well as all freedom of action, is complete. The two are called "one person in law," for the purpose of inferring that whatever is hers is his, but the parallel inference is never drawn that whatever is his is hers; the maxim is not applied against the man, except to make him responsible to third parties for her acts, as a master is for the acts of his slaves or of his cattle. I am far from pretending that wives are in

general no better treated than slaves ; but no slave is a slave to the same lengths, and in so full a sense of the word, as a wife is. Hardly any slave, except one immediately attached to the master's person, is a slave at all hours and all minutes ; in general he has, like a soldier, his fixed task, and when it is done, or when he is off duty, he disposes, within certain limits, of his own time, and has a family life into which the master rarely intrudes. " Uncle Tom" under his first master had his own life in his " cabin," almost as much as any man whose work takes him away from home, is able to have in his own family. But it cannot be so with the wife. Above all, a female slave has (in Christian countries) an admitted right, and is considered under a moral obligation, to refuse to her master the last familiarity. Not so the wife : however brutal a tyrant she may unfortunately be chained to—though she may know that he hates her, though it may be his daily pleasure to torture her, and though she may feel it impossible not to loathe him—he can claim from her and enforce the lowest degradation of a human being, that of being made the instrument of an animal function contrary to her inclinations. While she is held in this worst description of slavery as to her own person, what is her position in regard to the children in whom she and her master have a joint interest ?

They are by law *his* children. He alone has any legal rights over them. Not one act can she do towards or in relation to them, except by delegation from him. Even after he is dead she is not their legal guardian, unless he by will has made her so. He could even send them away from her, and deprive her of the means of seeing or corresponding with them, until this power was in some degree restricted by Serjeant Talfourd's Act. This is her legal state. And from this state she has no means of withdrawing herself. If she leaves her husband, she can take nothing with her, neither her children nor anything which is rightfully her own. If he chooses, he can compel her to return, by law, or by physical force; or he may content himself with seizing for his own use anything which she may earn, or which may be given to her by her relations. It is only legal separation by a decree of a court of justice, which entitles her to live apart, without being forced back into the custody of an exasperated jailer—or which empowers her to apply any earnings to her own use, without fear that a man whom perhaps she has not seen for twenty years will pounce upon her some day and carry all off. This legal separation, until lately, the courts of justice would only give at an expense which made it inaccessible to any one out of the higher ranks. Even now it is only given in cases of desertion, or of

the extreme of cruelty ; and yet complaints are made every day that it is granted too easily. Surely, if a woman is denied any lot in life but that of being the personal body-servant of a despot, and is dependent for everything upon the chance of finding one who may be disposed to make a favourite of her instead of merely a drudge, it is a very cruel aggravation of her fate that she should be allowed to try this chance only once. The natural sequel and corollary from this state of things would be, that since her all in life depends upon obtaining a good master, she should be allowed to change again and again until she finds one. I am not saying that she ought to be allowed this privilege. That is a totally different consideration. The question of divorce, in the sense involving liberty of remarriage, is one into which it is foreign to my purpose to enter. All I now say is, that to those to whom nothing but servitude is allowed, the free choice of servitude is the only, though a most insufficient, alleviation. Its refusal completes the assimilation of the wife to the slave—and the slave under not the mildest form of slavery: for in some slave codes the slave could, under certain circumstances of ill usage, legally compel the master to sell him. But no amount of ill usage, without adultery superadded, will in England free a wife from her tormentor.

I have no desire to exaggerate, nor does the case stand in any need of exaggeration. I have described the wife's legal position, not her actual treatment. The laws of most countries are far worse than the people who execute them, and many of them are only able to remain laws by being seldom or never carried into effect. If married life were all that it might be expected to be, looking to the laws alone, society would be a hell upon earth. Happily there are both feelings and interests which in many men exclude, and in most, greatly temper, the impulses and propensities which lead to tyranny: and of those feelings, the tie which connects a man with his wife affords, in a normal state of things, incomparably the strongest example. The only tie which at all approaches to it, that between him and his children, tends, in all save exceptional cases, to strengthen, instead of conflicting with, the first. Because this is true; because men in general do not inflict, nor women suffer, all the misery which could be inflicted and suffered if the full power of tyranny with which the man is legally invested were acted on; the defenders of the existing form of the institution think that all its iniquity is justified, and that any complaint is merely quarrelling with the evil which is the price paid for every great good. But the miti-

gations in practice, which are compatible with maintaining in full legal force this or any other kind of tyranny, instead of being any apology for despotism, only serve to prove what power human nature possesses of reacting against the vilest institutions, and with what vitality the seeds of good as well as those of evil in human character diffuse and propagate themselves. Not a word can be said for despotism in the family which cannot be said for political despotism. Every absolute king does not sit at his window to enjoy the groans of his tortured subjects, nor strips them of their last rag and turns them out to shiver in the road. The despotism of Louis XVI. was not the despotism of Philippe le Bel, or of Nadir Shah, or of Caligula; but it was bad enough to justify the French Revolution, and to palliate even its horrors. If an appeal be made to the intense attachments which exist between wives and their husbands, exactly as much may be said of domestic slavery. It was quite an ordinary fact in Greece and Rome for slaves to submit to death by torture rather than betray their masters. In the proscriptions of the Roman civil wars it was remarked that wives and slaves were heroically faithful, sons very commonly treacherous. Yet we know how cruelly many Romans treated their slaves. But in truth these intense in-

dividual feelings nowhere rise to such a luxuriant height as under the most atrocious institutions. It is part of the irony of life, that the strongest feelings of devoted gratitude of which human nature seems to be susceptible, are called forth in human beings towards those who, having the power entirely to crush their earthly existence, voluntarily refrain from using that power. How great a place in most men this sentiment fills, even in religious devotion, it would be cruel to inquire. We daily see how much their gratitude to Heaven appears to be stimulated by the contemplation of fellow-creatures to whom God has not been so merciful as he has to themselves.

Whether the institution to be defended is slavery, political absolutism, or the absolutism of the head of a family, we are always expected to judge of it from its best instances; and we are presented with pictures of loving exercise of authority on one side, loving submission to it on the other—superior wisdom ordering all things for the greatest good of the dependents, and surrounded by their smiles and benedictions. All this would be very much to the purpose if any one pretended that there are no such things as good men. Who doubts that there may be great goodness, and great happiness, and great affection, under the absolute government of a good man? Meanwhile, laws and institutions require to be

adapted, not to good men, but to bad. Marriage is not an institution designed for a select few. Men are not required, as a preliminary to the marriage ceremony, to prove by testimonials that they are fit to be trusted with the exercise of absolute power. The tie of affection and obligation to a wife and children is very strong with those whose general social feelings are strong, and with many who are little sensible to any other social ties; but there are all degrees of sensibility and insensibility to it, as there are all grades of goodness and wickedness in men, down to those whom no ties will bind, and on whom society has no action but through its *ultima ratio*, the penalties of the law. In every grade of this descending scale are men to whom are committed all the legal powers of a husband. The vilest malefactor has some wretched woman tied to him, against whom he can commit any atrocity except killing her, and, if tolerably cautious, can do that without much danger of the legal penalty. And how many thousands are there among the lowest classes in every country, who, without being in a legal sense malefactors in any other respect, because in every other quarter their aggressions meet with resistance, indulge the utmost habitual excesses of bodily violence towards the unhappy wife, who alone, at least of grown persons, can neither repel nor escape from

their brutality; and towards whom the excess of dependence inspires their mean and savage natures, not with a generous forbearance, and a point of honour to behave well to one whose lot in life is trusted entirely to their kindness, but on the contrary with a notion that the law has delivered her to them as their thing, to be used at their pleasure, and that they are not expected to practise the consideration towards her which is required from them towards everybody else. The law, which till lately left even these atrocious extremes of domestic oppression practically unpunished, has within these few years made some feeble attempts to repress them. But its attempts have done little, and cannot be expected to do much, because it is contrary to reason and experience to suppose that there can be any real check to brutality, consistent with leaving the victim still in the power of the executioner. Until a conviction for personal violence, or at all events a repetition of it after a first conviction, entitles the woman *ipso facto* to a divorce, or at least to a judicial separation, the attempt to repress these "aggravated assaults" by legal penalties will break down for want of a prosecutor, or for want of a witness.

When we consider how vast is the number of men, in any great country, who are little higher than brutes, and that this never prevents them

from being able, through the law of marriage, to obtain a victim, the breadth and depth of human misery caused in this shape alone by the abuse of the institution swells to something appalling. Yet these are only the extreme cases. They are the lowest abysses, but there is a sad succession of depth after depth before reaching them. In domestic as in political tyranny, the case of absolute monsters chiefly illustrates the institution by showing that there is scarcely any horror which may not occur under it if the despot pleases, and thus setting in a strong light what must be the terrible frequency of things only a little less atrocious. Absolute fiends are as rare as angels, perhaps rarer: ferocious savages, with occasional touches of humanity, are however very frequent: and in the wide interval which separates these from any worthy representatives of the human species, how many are the forms and gradations of animalism and selfishness, often under an outward varnish of civilization and even cultivation, living at peace with the law, maintaining a creditable appearance to all who are not under their power, yet sufficient often to make the lives of all who are so, a torment and a burthen to them! It would be tiresome to repeat the commonplaces about the unfitness of men in general for power, which, after the political discussions of centuries, every

one knows by heart, were it not that hardly any one thinks of applying these maxims to the case in which above all others they are applicable, that of power, not placed in the hands of a man here and there, but offered to every adult male, down to the basest and most ferocious. It is not because a man is not known to have broken any of the Ten Commandments, or because he maintains a respectable character in his dealings with those whom he cannot compel to have intercourse with him, or because he does not fly out into violent bursts of ill-temper against those who are not obliged to bear with him, that it is possible to surmise of what sort his conduct will be in the unrestraint of home. Even the commonest men reserve the violent, the sulky, the undisguisedly selfish side of their character for those who have no power to withstand it. The relation of superiors to dependents is the nursery of these vices of character, which, wherever else they exist, are an overflowing from that source. A man who is morose or violent to his equals, is sure to be one who has lived among inferiors, whom he could frighten or worry into submission. If the family in its best forms is, as it is often said to be, a school of sympathy, tenderness, and loving forgetfulness of self, it is still oftener, as respects its chief, a school of wilfulness, overbearingness, unbounded self-indulgence, and a

double-dyed and idealized selfishness, of which sacrifice itself is only a particular form: the care for the wife and children being only care for them as parts of the man's own interests and belongings, and their individual happiness being immolated in every shape to his smallest preferences. What better is to be looked for under the existing form of the institution? We know that the bad propensities of human nature are only kept within bounds when they are allowed no scope for their indulgence. We know that from impulse and habit, when not from deliberate purpose, almost every one to whom others yield, goes on encroaching upon them, until a point is reached at which they are compelled to resist. Such being the common tendency of human nature; the almost unlimited power which present social institutions give to the man over at least one human being—the one with whom he resides, and whom he has always present—this power seeks out and evokes the latent germs of selfishness in the remotest corners of his nature—fans its faintest sparks and smouldering embers—offers to him a license for the indulgence of those points of his original character which in all other relations he would have found it necessary to repress and conceal, and the repression of which would in time have become a second nature. I know that there is another side to

the question. I grant that the wife, if she cannot effectually resist, can at least retaliate; she, too, can make the man's life extremely uncomfortable, and by that power is able to carry many points which she ought, and many which she ought not, to prevail in. But this instrument of self-protection—which may be called the power of the scold, or the shrewish sanction—has the fatal defect, that it avails most against the least tyrannical superiors, and in favour of the least deserving dependents. It is the weapon of irritable and self-willed women; of those who would make the worst use of power if they themselves had it, and who generally turn this power to a bad use. The amiable cannot use such an instrument, the highminded disdain it. And on the other hand, the husbands against whom it is used most effectively are the gentler and more inoffensive; those who cannot be induced, even by provocation, to resort to any very harsh exercise of authority. The wife's power of being disagreeable generally only establishes a counter-tyranny, and makes victims in their turn chiefly of those husbands who are least inclined to be tyrants.

What is it, then, which really tempers the corrupting effects of the power, and makes it compatible with such amount of good as we actually see? Mere feminine blandishments,

though of great effect in individual instances, have very little effect in modifying the general tendencies of the situation ; for their power only lasts while the woman is young and attractive, often only while her charm is new, and not dimmed by familiarity ; and on many men they have not much influence at any time. The real mitigating causes are, the personal affection which is the growth of time, in so far as the man's nature is susceptible of it, and the woman's character sufficiently congenial with his to excite it ; their common interests as regards the children, and their general community of interest as concerns third persons (to which however there are very great limitations) ; the real importance of the wife to his daily comforts and enjoyments, and the value he consequently attaches to her on his personal account, which, in a man capable of feeling for others, lays the foundation of caring for her on her own ; and lastly, the influence naturally acquired over almost all human beings by those near to their persons (if not actually disagreeable to them) : who, both by their direct entreaties, and by the insensible contagion of their feelings and dispositions, are often able, unless counteracted by some equally strong personal influence, to obtain a degree of command over the conduct of the superior, altogether excessive and unreasonable. Through these various means, the

wife frequently exercises even too much power over the man ; she is able to affect his conduct in things in which she may not be qualified to influence it for good—in which her influence may be not only unenlightened, but employed on the morally wrong side ; and in which he would act better if left to his own prompting. But neither in the affairs of families nor in those of states is power a compensation for the loss of freedom. Her power often gives her what she has no right to, but does not enable her to assert her own rights. A Sultan's favourite slave has slaves under her, over whom she tyrannizes ; but the desirable thing would be that she should neither have slaves nor be a slave. By entirely sinking her own existence in her husband ; by having no will (or persuading him that she has no will) but his, in anything which regards their joint relation, and by making it the business of her life to work upon his sentiments, a wife may gratify herself by influencing, and very probably perverting, his conduct, in those of his external relations which she has never qualified herself to judge of, or in which she is herself wholly influenced by some personal or other partiality or prejudice. Accordingly, as things now are, those who act most kindly to their wives, are quite as often made worse, as better, by the wife's influence, in respect to all interests extending

beyond the family. She is taught that she has no business with things out of that sphere; and accordingly she seldom has any honest and conscientious opinion on them; and therefore hardly ever meddles with them for any legitimate purpose, but generally for an interested one. She neither knows nor cares which is the right side in politics, but she knows what will bring in money or invitations, give her husband a title, her son a place, or her daughter a good marriage.

But how, it will be asked, can any society exist without government? In a family, as in a state, some one person must be the ultimate ruler. Who shall decide when married people differ in opinion? Both cannot have their way, yet a decision one way or the other must be come to.

It is not true that in all voluntary association between two people, one of them must be absolute master: still less that the law must determine which of them it shall be. The most frequent case of voluntary association, next to marriage, is partnership in business: and it is not found or thought necessary to enact that in every partnership, one partner shall have entire control over the concern, and the others shall be bound to obey his orders. No one would enter into partnership on terms which would subject him to the responsibilities of a principal, with only the

powers and privileges of a clerk or agent. If the law dealt with other contracts as it does with marriage, it would ordain that one partner should administer the common business as if it was his private concern; that the others should have only delegated powers; and that this one should be designated by some general presumption of law, for example as being the eldest. The law never does this: nor does experience show it to be necessary that any theoretical inequality of power should exist between the partners, or that the partnership should have any other conditions than what they may themselves appoint by their articles of agreement. Yet it might seem that the exclusive power might be conceded with less danger to the rights and interests of the inferior, in the case of partnership than in that of marriage, since he is free to cancel the power by withdrawing from the connexion. The wife has no such power, and even if she had, it is almost always desirable that she should try all measures before resorting to it.

It is quite true that things which have to be decided every day, and cannot adjust themselves gradually, or wait for a compromise, ought to depend on one will: one person must have their sole control. But it does not follow that this should always be the same person. The natural arrangement is a division of powers

between the two; each being absolute in the executive branch of their own department, and any change of system and principle requiring the consent of both. The division neither can nor should be pre-established by the law, since it must depend on individual capacities and suitabilities. If the two persons chose, they might pre-appoint it by the marriage contract, as pecuniary arrangements are now often pre-appointed. There would seldom be any difficulty in deciding such things by mutual consent, unless the marriage was one of those unhappy ones in which all other things, as well as this, become subjects of bickering and dispute. The division of rights would naturally follow the division of duties and functions; and that is already made by consent, or at all events not by law, but by general custom, modified and modifiable at the pleasure of the persons concerned.

The real practical decision of affairs, to whichever may be given the legal authority, will greatly depend, as it even now does, upon comparative qualifications. The mere fact that he is usually the eldest, will in most cases give the preponderance to the man; at least until they both attain a time of life at which the difference in their years is of no importance. There will naturally also be a more potential voice on the side, whichever it is, that brings the means of

support. Inequality from this source does not depend on the law of marriage, but on the general conditions of human society, as now constituted. The influence of mental superiority, either general or special, and of superior decision of character, will necessarily tell for much. It always does so at present. And this fact shows how little foundation there is for the apprehension that the powers and responsibilities of partners in life (as of partners in business), cannot be satisfactorily apportioned by agreement between themselves. They always are so apportioned, except in cases in which the marriage institution is a failure. Things never come to an issue of downright power on one side, and obedience on the other, except where the connexion altogether has been a mistake, and it would be a blessing to both parties to be relieved from it. Some may say that the very thing by which an amicable settlement of differences becomes possible, is the power of legal compulsion known to be in reserve; as people submit to an arbitration because there is a court of law in the background, which they know that they can be forced to obey. But to make the cases parallel, we must suppose that the rule of the court of law was, not to try the cause, but to give judgment always for the same side, suppose the defendant. If so,

the amenability to it would be a motive with the plaintiff to agree to almost any arbitration, but it would be just the reverse with the defendant. The despotic power which the law gives to the husband may be a reason to make the wife assent to any compromise by which power is practically shared between the two, but it cannot be the reason why the husband does. That there is always among decently conducted people a practical compromise, though one of them at least is under no physical or moral necessity of making it, shows that the natural motives which lead to a voluntary adjustment of the united life of two persons in a manner acceptable to both, do on the whole, except in unfavourable cases, prevail. The matter is certainly not improved by laying down as an ordinance of law, that the superstructure of free government shall be raised upon a legal basis of despotism on one side and subjection on the other, and that every concession which the despot makes may, at his mere pleasure, and without any warning, be recalled. Besides that no freedom is worth much when held on so precarious a tenure, its conditions are not likely to be the most equitable when the law throws so prodigious a weight into one scale; when the adjustment rests between two persons one of whom is declared to be entitled to

everything, the other not only entitled to nothing except during the good pleasure of the first, but under the strongest moral and religious obligation not to rebel under any excess of oppression.

A pertinacious adversary, pushed to extremities, may say, that husbands indeed are willing to be reasonable, and to make fair concessions to their partners without being compelled to it, but that wives are not: that if allowed any rights of their own, they will acknowledge no rights at all in any one else, and never will yield in anything, unless they can be compelled, by the man's mere authority, to yield in everything. This would have been said by many persons some generations ago, when satires on women were in vogue, and men thought it a clever thing to insult women for being what men made them. But it will be said by no one now who is worth replying to. It is not the doctrine of the present day that women are less susceptible of good feeling, and consideration for those with whom they are united by the strongest ties, than men are. On the contrary, we are perpetually told that women are better than men, by those who are totally opposed to treating them as if they were as good; so that the saying has passed into a piece of tiresome cant, intended to put a complimentary face upon an injury, and resembling

those celebrations of royal clemency which, according to Gulliver, the king of Lilliput always prefixed to his most sanguinary decrees. If women are better than men in anything, it surely is in individual self-sacrifice for those of their own family. But I lay little stress on this, so long as they are universally taught that they are born and created for self-sacrifice. I believe that equality of rights would abate the exaggerated self-abnegation which is the present artificial ideal of feminine character, and that a good woman would not be more self-sacrificing than the best man: but on the other hand, men would be much more unselfish and self-sacrificing than at present, because they would no longer be taught to worship their own will as such a grand thing that it is actually the law for another rational being. There is nothing which men so easily learn as this self-worship: all privileged persons, and all privileged classes, have had it. The more we descend in the scale of humanity, the intenser it is; and most of all in those who are not, and can never expect to be, raised above any one except an unfortunate wife and children. The honourable exceptions are proportionally fewer than in the case of almost any other human infirmity. Philosophy and religion, instead of keeping it in check, are generally suborned to defend it; and nothing controls it but that

practical feeling of the equality of human beings, which is the theory of Christianity, but which Christianity will never practically teach, while it sanctions institutions grounded on an arbitrary preference of one human being over another.

There are, no doubt, women, as there are men, whom equality of consideration will not satisfy; with whom there is no peace while any will or wish is regarded but their own. Such persons are a proper subject for the law of divorce. They are only fit to live alone, and no human beings ought to be compelled to associate their lives with them. But the legal subordination tends to make such characters among women more, rather than less, frequent. If the man exerts his whole power, the woman is of course crushed: but if she is treated with indulgence, and permitted to assume power, there is no rule to set limits to her encroachments. The law, not determining her rights, but theoretically allowing her none at all, practically declares that the measure of what she has a right to, is what she can contrive to get.

The equality of married persons before the law, is not only the sole mode in which that particular relation can be made consistent with justice to both sides, and conducive to the happiness of both, but it is the only means of rendering the daily life of mankind, in any

high sense, a school of moral cultivation. Though the truth may not be felt or generally acknowledged for generations to come, the only school of genuine moral sentiment is society between equals. The moral education of mankind has hitherto emanated chiefly from the law of force, and is adapted almost solely to the relations which force creates. In the less advanced states of society, people hardly recognise any relation with their equals. To be an equal is to be an enemy. Society, from its highest place to its lowest, is one long chain, or rather ladder, where every individual is either above or below his nearest neighbour, and wherever he does not command he must obey. Existing moralities, accordingly, are mainly fitted to a relation of command and obedience. Yet command and obedience are but unfortunate necessities of human life: society in equality is its normal state. Already in modern life, and more and more as it progressively improves, command and obedience become exceptional facts in life, equal association its general rule. The morality of the first ages rested on the obligation to submit to power; that of the ages next following, on the right of the weak to the forbearance and protection of the strong. How much longer is one form of society and life to content itself with the morality made for another? We have had

the morality of submission, and the morality of chivalry and generosity; the time is now come for the morality of justice. Whenever, in former ages, any approach has been made to society in equality, Justice has asserted its claims as the foundation of virtue. It was thus in the free republics of antiquity. But even in the best of these, the equals were limited to the free male citizens; slaves, women, and the unenfranchised residents were under the law of force. The joint influence of Roman civilization and of Christianity obliterated these distinctions, and in theory (if only partially in practice) declared the claims of the human being, as such, to be paramount to those of sex, class, or social position. The barriers which had begun to be levelled were raised again by the northern conquests; and the whole of modern history consists of the slow process by which they have since been wearing away. We are entering into an order of things in which justice will again be the primary virtue; grounded as before on equal, but now also on sympathetic association; having its root no longer in the instinct of equals for self-protection, but in a cultivated sympathy between them; and no one being now left out, but an equal measure being extended to all. It is no novelty that mankind do not distinctly foresee their own changes,

and that their sentiments are adapted to past, not to coming ages. To see the futurity of the species has always been the privilege of the intellectual élite, or of those who have learnt from them; to have the feelings of that futurity has been the distinction, and usually the martyrdom, of a still rarer élite. Institutions, books, education, society, all go on training human beings for the old, long after the new has come; much more when it is only coming. But the true virtue of human beings is fitness to live together as equals; claiming nothing for themselves but what they as freely concede to every one else; regarding command of any kind as an exceptional necessity, and in all cases a temporary one; and preferring, whenever possible, the society of those with whom leading and following can be alternate and reciprocal. To these virtues, nothing in life as at present constituted gives cultivation by exercise. The family is a school of despotism, in which the virtues of despotism, but also its vices, are largely nourished. Citizenship, in free countries, is partly a school of society in equality; but citizenship fills only a small place in modern life, and does not come near the daily habits or inmost sentiments. The family, justly constituted, would be the real school of the virtues of freedom. It is sure to be a sufficient one of everything else. It will

always be a school of obedience for the children, of command for the parents. What is needed is, that it should be a school of sympathy in equality, of living together in love, without power on one side or obedience on the other. This it ought to be between the parents. It would then be an exercise of those virtues which each requires to fit them for all other association, and a model to the children of the feelings and conduct which their temporary training by means of obedience is designed to render habitual, and therefore natural, to them. The moral training of mankind will never be adapted to the conditions of the life for which all other human progress is a preparation, until they practise in the family the same moral rule which is adapted to the normal constitution of human society. Any sentiment of freedom which can exist in a man whose nearest and dearest intimacies are with those of whom he is absolute master, is not the genuine or Christian love of freedom, but, what the love of freedom generally was in the ancients and in the middle ages—an intense feeling of the dignity and importance of his own personality; making him disdain a yoke for himself, of which he has no abhorrence whatever in the abstract, but which he is abundantly ready to impose on others for his own interest or glorification.

I readily admit (and it is the very foundation of my hopes) that numbers of married people even under the present law, (in the higher classes of England probably a great majority,) live in the spirit of a just law of equality. Laws never would be improved, if there were not numerous persons whose moral sentiments are better than the existing laws. Such persons ought to support the principles here advocated; of which the only object is to make all other married couples similar to what these are now. But persons even of considerable moral worth, unless they are also thinkers, are very ready to believe that laws or practices, the evils of which they have not personally experienced, do not produce any evils, but (if seeming to be generally approved of) probably do good, and that it is wrong to object to them. It would, however, be a great mistake in such married people to suppose, because the legal conditions of the tie which unites them do not occur to their thoughts once in a twelvemonth, and because they live and feel in all respects as if they were legally equals, that the same is the case with all other married couples, wherever the husband is not a notorious ruffian. To suppose this, would be to show equal ignorance of human nature and of fact. The less fit a man is for the possession of power—the less likely to be allowed to exercise

it over any person with that person's voluntary consent—the more does he hug himself in the consciousness of the power the law gives him, exact its legal rights to the utmost point which custom (the custom of men like himself) will tolerate, and take pleasure in using the power, merely to enliven the agreeable sense of possessing it. What is more ; in the most naturally brutal and morally uneducated part of the lower classes, the legal slavery of the woman, and something in the merely physical subjection to their will as an instrument, causes them to feel a sort of disrespect and contempt towards their own wife which they do not feel towards any other woman, or any other human being, with whom they come in contact ; and which makes her seem to them an appropriate subject for any kind of indignity. Let an acute observer of the signs of feeling, who has the requisite opportunities, judge for himself whether this is not the case : and if he finds that it is, let him not wonder at any amount of disgust and indignation that can be felt against institutions which lead naturally to this depraved state of the human mind.

We shall be told, perhaps, that religion imposes the duty of obedience ; as every established fact which is too bad to admit of any other defence, is always presented to us as an injunction of religion. The Church, it is very true, enjoins it

in her formularies, but it would be difficult to derive any such injunction from Christianity. We are told that St. Paul said, "Wives, obey your husbands:" but he also said, "Slaves, obey your masters." It was not St. Paul's business, nor was it consistent with his object, the propagation of Christianity, to incite any one to rebellion against existing laws. The apostle's acceptance of all social institutions as he found them, is no more to be construed as a disapproval of attempts to improve them at the proper time, than his declaration, "The powers that be are ordained of God," gives his sanction to military despotism, and to that alone, as the Christian form of political government, or commands passive obedience to it. To pretend that Christianity was intended to stereotype existing forms of government and society, and protect them against change, is to reduce it to the level of Islamism or of Brahminism. It is precisely because Christianity has not done this, that it has been the religion of the progressive portion of mankind, and Islamism, Brahminism, &c., have been those of the stationary portions; or rather (for there is no such thing as a really stationary society) of the declining portions. There have been abundance of people, in all ages of Christianity, who tried to make it something of the same kind; to convert us into a sort of Christian

Mussulmans, with the Bible for a Koran, prohibiting all improvement : and great has been their power, and many have had to sacrifice their lives in resisting them. But they have been resisted, and the resistance has made us what we are, and will yet make us what we are to be.

After what has been said respecting the obligation of obedience, it is almost superfluous to say anything concerning the more special point included in the general one—a woman's right to her own property ; for I need not hope that this treatise can make any impression upon those who need anything to convince them that a woman's inheritance or gains ought to be as much her own after marriage as before. The rule is simple : whatever would be the husband's or wife's if they were not married, should be under their exclusive control during marriage ; which need not interfere with the power to tie up property by settlement, in order to preserve it for children. Some people are sentimentally shocked at the idea of a separate interest in money matters, as inconsistent with the ideal fusion of two lives into one. For my own part, I am one of the strongest supporters of community of goods, when resulting from an entire unity of feeling in the owners, which makes all things common between them. But I have no relish for a community of goods resting on the doc-

trine, that what is mine is yours but what is yours is not mine ; and I should prefer to decline entering into such a compact with any one, though I were myself the person to profit by it.

This particular injustice and oppression to women, which is, to common apprehensions, more obvious than all the rest, admits of remedy without interfering with any other mischiefs : and there can be little doubt that it will be one of the earliest remedied. Already, in many of the new and several of the old States of the American Confederation, provisions have been inserted even in the written Constitutions, securing to women equality of rights in this respect : and thereby improving materially the position, in the marriage relation, of those women at least who have property, by leaving them one instrument of power which they have not signed away ; and preventing also the scandalous abuse of the marriage institution, which is perpetrated when a man entraps a girl into marrying him without a settlement, for the sole purpose of getting possession of her money. When the support of the family depends, not on property, but on earnings, the common arrangement, by which the man earns the income and the wife superintends the domestic expenditure, seems to me in general the most suitable division of

labour between the two persons. If, in addition to the physical suffering of bearing children, and the whole responsibility of their care and education in early years, the wife undertakes the careful and economical application of the husband's earnings to the general comfort of the family; she takes not only her fair share, but usually the larger share, of the bodily and mental exertion required by their joint existence. If she undertakes any additional portion, it seldom relieves her from this, but only prevents her from performing it properly. The care which she is herself disabled from taking of the children and the household, nobody else takes; those of the children who do not die, grow up as they best can, and the management of the household is likely to be so bad, as even in point of economy to be a great drawback from the value of the wife's earnings. In an otherwise just state of things, it is not, therefore, I think, a desirable custom, that the wife should contribute by her labour to the income of the family. In an unjust state of things, her doing so may be useful to her, by making her of more value in the eyes of the man who is legally her master; but, on the other hand, it enables him still farther to abuse his power, by forcing her to work, and leaving the support of the family to her exertions, while he spends most of his time in drink-

ing and idleness. The *power* of earning is essential to the dignity of a woman, if she has not independent property. But if marriage were an equal contract, not implying the obligation of obedience; if the connexion were no longer enforced to the oppression of those to whom it is purely a mischief, but a separation, on just terms (I do not now speak of a divorce), could be obtained by any woman who was morally entitled to it; and if she would then find all honourable employments as freely open to her as to men; it would not be necessary for her protection, that during marriage she should make this particular use of her faculties. Like a man when he chooses a profession, so, when a woman marries, it may in general be understood that she makes choice of the management of a household, and the bringing up of a family, as the first call upon her exertions, during as many years of her life as may be required for the purpose; and that she renounces, not all other objects and occupations, but all which are not consistent with the requirements of this. The actual exercise, in a habitual or systematic manner, of outdoor occupations, or such as cannot be carried on at home, would by this principle be practically interdicted to the greater number of married women. But the utmost latitude ought to exist for the adaptation of

general rules to individual suitabilities ; and there ought to be nothing to prevent faculties exceptionally adapted to any other pursuit, from obeying their vocation notwithstanding marriage : due provision being made for supplying otherwise any falling-short which might become inevitable, in her full performance of the ordinary functions of mistress of a family. These things, if once opinion were rightly directed on the subject, might with perfect safety be left to be regulated by opinion, without any interference of law.