

# ESSAY

CONCERNING

THE UNLAWFULNESS

OF

A MAN'S MARRIAGE

WITH

HIS SISTER BY AFFINITY;

WITH

A REVIEW

OF THE VARIOUS ACTS OF THE HIGHEST JUDICATORY OF  
THE PRESBYTERIAN CHURCH IN THE UNITED STATES OF  
AMERICA, TOUCHING THIS AND SIMILAR CONNEXIONS.

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## PREFACE.

THE writer of the following pages considers it due, alike to himself and to his brethren, to unfold, with as much brevity as he can, the considerations which urge him to submit this performance to the view of the religious public. He begs his brethren, to whom these pages are dedicated, to be assured, that *considerations of duty alone* urge him, at this time, to write on the subject to which he here invites their attention; and to publish what he thus writes. From *facts*, which *force* themselves upon his observation, he is persuaded, that *some* publication, on such a subject, is, at this juncture, seasonable and proper; and the subject, in itself, is so far from being pleasant to him, that he could not consent to engage in its discussion, were he not *constrained to believe, that, in the Providence of God,*

he is, on this occasion, *particularly called* to address his brethren, on this *vexed* question.

About fifteen years ago, he was called, in the exercise of his duty, as he thought, to publish a pamphlet, in which the same subject was discussed, at some length. That pamphlet is now out of print; and circumstances of recent occurrence seemed to him to call for a re-investigation of the question. This re-investigation, he would, willingly, have yielded to other and abler hands, could he have prevailed on any of his brethren to have undertaken the task; but the painful labour has fallen to his lot, in consequence of the necessary agency which he had, in 1824, in the discussion of the question which is here presented, when, in the spring of that year, it was a subject of judicial investigation before the General Assembly of our church; and the farther, equally necessary, but still more painful agency *which he had*, in the discussion of the

same question, last winter, before the Presbytery of Fayetteville; and this spring, before the General Assembly.

The subject here presented, the author considers, as intimately connected with the personal purity of the members of the body of Christ; and he submits these sheets to the serious consideration of his brethren, humbly beseeching the God of all grace, to make the perusal of them subservient to the promotion of his own honour and glory, and the purity, peace, harmony and edification of Zion.

TO THE  
MINISTERS, RULING-ELDERS, AND MEMBE  
OF  
THE PRESBYTERIAN CHURCH,  
IN  
THE UNITED STATES OF AMERICA,  
THE FOLLOWING PAGES  
ARE  
AFFECTIONATELY INSCRIBED,  
BY  
THEIR FELLOW-LABOURER  
AND  
SERVANT IN THE GOSPEL,  
COLIN M·IVER.

**AN ESSAY, CONCERNING THE UNLAWFULNESS OF A  
MAN'S MARRIAGE, WITH HIS SISTER BY AFFINITY;  
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To those who seriously consider the sinful nature, and pernicious consequences, of incestuous connexions, it must be matter of deep concern, that they should, in any measure, find countenance or encouragement, in a civilized and christianized community: and, when we inquire into the cause of the toleration they meet with, among the professed followers of Christ, we are constrained to confess our unfeigned chagrin, and unaffected mortification, at the discovery, that so many Christians are to be found, who have never made the crime of Incest a subject of serious consideration or inquiry; and who, consequently, when this land-defiling abomination makes its appearance in the *midst of them*, are unable to employ any

portion of their energy, activity, or zeal, in arresting its progress; inasmuch as they have never yet been sufficiently awake to its evil nature and tendencies; and therefore, they have never been adequately stimulated, to ascertain, with precision, wherein this offence, against the law and authority of God, really consists.

That the Christian world, in general, should have fallen into supineness, in regard to a subject, so intimately connected with whatever is calculated to be a proper test of moral purity, is, without doubt, much to be lamented: but, that the Presbyterian Church should, in reference to the offence in question, be found sunk in lethargy, is, indeed, passing strange; considering the clearness and perspicuity, with which this subject is treated, in her adopted formulary of doctrinal faith, and the ample provision contained in her constitution, for the maintenance of a life of purity, by those who, in her connexion, profess to be the disciples of the Lord Jesus Christ. To awaken the attention of his brethren in the ministry and in the ruling eldership, to this subject; and to urge them, by every consideration of regard for the glory of God, and of zeal for the best interests of the Redeemer's kingdom, to preserve the church of *the Lord Jesus Christ*, from the pollution of this



desolating abomination, is the chief object of the author of this Essay. Facts, which have forced themselves upon his observation, have produced upon his mind, the painful and most unwelcome conviction, that this subject has not heretofore met with that serious and careful attention from the church, which its importance demands; and he thus finds himself constrained, by an imperious sense of duty, to contribute his best efforts, feeble as they may be, to arrest the prevalence of an evil, the toleration of which, he is fully persuaded, cannot fail to draw down upon the church the severest displeasure of God.

Office-bearers of the Presbyterian church, whether Ministers or Ruling Elders, are under special obligations to make themselves familiarly acquainted with this subject. By the Constitution under which they officiate, each one of them is required, when inducted into office, solemnly to profess, before God, and the assembled congregation of his people, that he “sincerely receives and adopts the Confession of Faith of this church, as containing the system of doctrine taught in the holy scriptures; and that he approves the government and discipline of the Presbyterian church, in these United States.” *If, in doing this, a man acts honestly,*

it must necessarily be understood as implying, that, before making this solemn profession, he has diligently examined the Confession of Faith, and carefully compared it with the Holy Scriptures, and fully satisfied an enlightened conscience, that the former is firmly fortified by the latter; and moreover, that, on a deliberate inspection of the government and discipline which he adopts, he is convinced, that the provisions of the system of government and discipline, of which he has thus approved, are well fitted to promote the best interests of the church. In such circumstances, we are surely warranted to expect, that, if any one connected with the Presbyterian church, venture, in any instance, openly to transgress what that church regards as a law of God, there can be no possibility of escape for him, from the direct effects of that wholesome discipline, which she has provided for the punishment of evil-doers. But, whatever may be the result of attempted discipline, in reference to *other* offences, we are now concerned to ask, in reference to *incestuous* connexions,—do *facts* justify us, in cherishing such a reasonable expectation as this? Alas! To our shame be it said, we are, in this matter, but too often, sadly disappointed. An individual *is brought before* a church session, charged with

entering into a matrimonial connexion, which the Confession of Faith clearly and unequivocally pronounces to be INCEST. When the case comes to be tried, it is found, that, although there may be a member or two of the Court, from previous investigation, prepared to act upon it; yet, there is a majority, who find themselves constrained to acknowledge, that they have never hitherto given to the subject, such a careful examination, as to enable them confidently to affirm, that, on this subject, the Confession of Faith and the scriptures teach the same doctrine. In these circumstances, how are they to act? On the one hand, with their ordination vows fresh in their recollection, they dare not absolutely acquit the individual arraigned, because they cannot but perceive, that the offence he is charged with, consisting of the fact which he admits, is particularly defined, and explicitly condemned, in the Confession of Faith; and yet, on the other hand, they are afraid to pronounce him guilty; lest, in doing so, their judgment might be ultimately found in conflict with the authority of scripture. Placed in this painful and embarrassing dilemma, instead of regularly adjudicating the case, the Session refer it to the Presbytery for advice. The Presbytery, *finding themselves in a similar dilem-*

ma, refer it to the Synod;—and the Synod, for a like reason, refer it to the General Assembly. Here, the case undergoes considerable discussion: but, in consequence of the previous neglect of the requisite investigation, such a diversity of views on the question it involves, is found to exist, among the members, even of this Supreme Court of Appeals, that the Assembly dismiss it, with some expression, very strong, it may be, yet too general and too vague, of their disapprobation of the disputed connexion; and representing its lawfulness, or unlawfulness, on the authority of scripture, to be a question of difficult and doubtful solution, they remand the case back to the Session from whence it originally came, to be disposed of, by that lower judicatory, as they may judge the best interests of religion to require. What is thus given in detail, though stated hypothetically, the reader may, nevertheless, be assured, is no fiction. It is but a brief epitome of what has actually occurred, again and again, in the Presbyterian church. Now, the question is, surely, a pertinent one. What *fruit* is to be rationally expected, from this culpable neglect of proper investigation; and from the time-serving policy, which is the inevitable consequence of neglect? To this question, but one answer

can be given, by any person of accurate observation, and serious reflection. So long as this state of things is permitted to exist, offences of the description here adverted to, will be repeated, and multiplied: those who wish to maintain the purity of the church, will be repeatedly grieved, in thus finding their efforts for Zion's welfare discouraged and thwarted; our ecclesiastical judicatories will be perpetually perplexed and harassed, and exposed to the temptation of unfaithfulness, from the prospect of ultimate defeat, in the discharge of duties, which they believe the great Head of the Church requires at their hands; and, eventually, if this evil be not seasonably arrested, we may look for nothing else, than to behold our beloved church converted into a cage of unclean birds. To avert so dreadful an evil as this, the present investigation is attempted. May the Lord smile upon the effort; and crown it with the desired success!

To the end, that some degree of regularity, and distinctness of thought may be preserved, it is proposed to conduct the present investigation, after the following plan: namely,

I. To state the rule prescribed in our Confession of Faith, for ascertaining the degrees of *kindred*, within which, a man or woman may,

or may not marry; and to make a proper application of this rule, to the particular question now to be investigated;

II. To consider, at large, by a course of fair investigation, the testimony of the Holy Scriptures, in relation to the disputed question; including a candid consideration of the most prominent objections and difficulties, which have been urged, against that view of this subject which is presented in the Confession of Faith:

III. Seriously, respectfully, calmly and dispassionately, to review the various acts of the highest judicatory of the Presbyterian church in the United States of America, touching the connexion here referred to, and other similar connexions: and,

IV. Lastly, to offer such practical reflections, as a serious review of the whole may naturally suggest.

Anterior to entering on the proposed investigation, in conformity to the plan herein sketched out, the author here deems it proper, briefly to advert to a pamphlet, on the same subject, which he published about fifteen years ago. In that pamphlet, he freely availed himself of whatever he found, in the course of his *reading, suited to his purpose, in the produc-*

tions of other authors of established reputation. For many valuable thoughts on the subject, he was particularly indebted to the late venerable Dr. Livingston, to Dr. Trumbull, to Dr. Jonathan Edwards, and to some others. What he borrowed from these eminent authors, he scrupulously gave them credit for, in the pamphlet here referred to, in the usual way. As that pamphlet is now out of print, and circumstances of recent occurrence have induced him to consider another publication, on the same subject, to be, at this time, seasonable and proper; and, as he finds it convenient, to incorporate a considerable part of that pamphlet into the present essay, he has, after some reflection, determined to omit the marks of quotation contained in that performance, trusting that his readers will, as a substitute for them, accept the general acknowledgment, herein cheerfully awarded. If any apology for this course be necessary, the writer would farther simply remark, that, in several instances, he found it expedient, to modify some of the borrowed sentences referred to, in order to adapt them to the object he had in view; that he felt some unwillingness, unnecessarily to encumber the margin with names; and that, after all, the result of his observation *in the course of his general reading, furnishes*

him with some reason for entertaining the question as debateable, whether, if this topic of remark were fully and impartially inquired into, it might not be found, that much of the matter here adverted to, might justly be considered as *common property*.

The author would also, in the same general way, and principally for the same reasons, here acknowledge his obligations, for some of the thoughts suggested in this essay, to Mr. S. E. Dwight, the able author of an interesting work, entitled "The Hebrew Wife."

These things being premised, we now proceed, according to the plan proposed,

I. To state the rule prescribed in our Confession of Faith, for ascertaining the degrees of kindred, within which, a man or woman may, or may not marry; and to make a suitable application of this rule, to the particular question now to be investigated. This rule constitutes the concluding sentence of the fourth section of the twenty-fourth chapter of the Confession of Faith. For the better understanding of it, in the connexion in which it stands, let us look at the whole section. "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, so as those persons may live together, as man and wife. THE MAN MAY NOT MARRY ANY OF HIS WIFE'S KINDRED NEARER IN BLOOD THAN HE MAY OF HIS OWN, NOR THE WOMAN OF HER HUSBAND'S KINDRED NEARER IN BLOOD THAN OF HER OWN."* This section of the Confession of Faith, is composed of two sentences of weighty and comprehensive import. The first sentence, consisting of two short but significant members, forms a very appropriate introduction to the rule which follows it; the last sentence constitutes the rule which now claims our attention. In the first member of the first sentence, we are admonished not to violate the salutary restrictions by which God, in his holy word, has regulated marriage, and guarded the purity of this sacred institution. "Marriage ought not to be within the degrees of consanguinity or affinity forbidden in the word." In the last member of that sentence, the *character* of such violations is strongly marked; and the immutability of that character, is explicitly declared. Marriages, in violation of divine restrictions, are here, without hesitation, pronounced *incestuous*; and the utter inefficacy either of human laws, or of consent of parties, to legalize them, *is expressly and unequivocally* declared. "Nor

*can such incestuous marriages ever be made lawful, by any law of man, or consent of parties, so as those persons may live together, as man and wife."* Then follows the rule, by which the extent of the restrictions referred to, may be clearly ascertained. **THE MAN MAY NOT MARRY ANY OF HIS WIFE'S KINDRED NEARER IN BLOOD THAN HE MAY OF HIS OWN, NOR THE WOMAN OF HER HUSBAND'S KINDRED NEARER IN BLOOD THAN OF HER OWN.** The rule here given, is expressed laconically; but there can be no difficulty in fully understanding its precise import. The sentence in which it is conveyed is elliptical; and the ellipsis may be thus supplied. **THE MAN [WHO, HERETOFORE, HAS BEEN MARRIED, WHOSE WIFE GOD HAS, BY DEATH, REMOVED FROM HIM, AND WHO IS, THUS, AGAIN, LEFT IN A SINGLE STATE,] MAY NOT MARRY ANY OF HIS [FORMER, OR DECEASED] WIFE'S KINDRED, NEARER IN BLOOD THAN HE MAY OF HIS OWN, NOR [MAY] THE WOMAN [WHO, HERETOFORE, HAS BEEN MARRIED, WHOSE HUSBAND, GOD HAS, BY DEATH, REMOVED FROM HER, AND WHO IS, THUS, AGAIN, LEFT IN A SINGLE STATE, AND BY THIS PRIVATION, BECOME A WIDOW, MARRY ANY OF HER [FORMER, OR DECEASED] HUSBAND'S KINDRED, NEARER IN BLOOD THAN [SHE MAY] OF HER OWN."** Let us now apply the rule, thus understood, to the question, which it is, at

present, our chief object to investigate. This question relates to the lawfulness, or unlawfulness of a man's marriage, with *his sister, by affinity*. A *sister, by affinity*, may be, either *the widow of a deceased brother*, or *the sister of a deceased wife*. To both these cases, the prohibition contained in the rule before us, equally extends. As *a woman* may not marry *her own brother*; so, neither, according to this rule, may she marry *the brother of her deceased husband*; and if *she* may not marry *him*, neither may *he* marry *her*. And, as *a man* may not marry *his own sister*; so, neither may he marry *the sister of his deceased wife*; and if *he* may not marry *her*, neither may she marry *him*. Thus, in whatever way we may apply the rule of our Confession of Faith, to the question now under consideration, it will uniformly conduct us to the same result, namely, **THAT IT IS NOT LAWFUL FOR A MAN TO MARRY HIS SISTER, BY AFFINITY, ANY MORE THAN IT IS FOR HIM TO MARRY HIS SISTER, BY CONSANGUINITY.** So far, then, as the binding authority of the Confession of Faith bears upon the question under investigation, it is settled, beyond controversy. The language of the rule which we have been applying to this question, is plain, perspicuous, and incapable of being *perverted*, by the most rigid criti-

cism. Nay, more, we shall, it is believed, be able, presently, to show, that it is a rule, which is not only founded in wisdom, salutary in its effects, and worthy of the eminent men who framed it, but also abundantly supported, by the unerring testimony of the Holy Scriptures. As the propriety of this rule, however, has in various ways, been assailed, and its claim to our respect and attention has been repeatedly called in question, it may not be improper to make some farther inquiry into its true character, and its general merits, before we minutely enter into our proposed inquiry as to the measure of support it derives from the Oracles of God. In attempting, then, to form a right judgment concerning it, let us consult the *living spirit*, rather than the *dead letter* of the word. Conveyed in general terms, the rule, simple as it appears, is, nevertheless, expressed with an admirable precision, that renders it sufficiently definite and certain. On a close inspection of it, we shall find, that few must be the persons, to whom its prohibitions can, at any time, in any case, extend; while the number of those, to whom it does not extend, must ever be vast and indefinite. Touching, as it does, the most solemn and important *of all merely temporal personal engagements*

and the most intimate relation in life, the rule in question has evidently a salutary tendency. It has stood the test of experience. It is rendered venerable by age. It has had place in the Confession of Faith, ever since that Confession was reduced to form. It has been recognised, in the Christian church, from time immemorial. Its prohibitions evidently favour purity of manners, and of sentiment. It is directly opposed to every suggestion of impurity; and avoids, even "the appearance of evil." It attaches, to the nuptial union, a becoming importance and dignity. It tends, not to destroy, but to secure, the friendly and affectionate intercourse, which ought to subsist between brother and sister; and the decorum suitable to promote that intercourse, and maintain it innocent. It cannot be productive of any hurt; unless, indeed, the due and decent restraint of carnal lust, of sensual indulgence, unless in a word, a discreet exercise of Christian self-denial, be hurtful. Like the first prohibitory divine command, and partaking of its nature, it is given, as an exception to a general license. "Of every tree of the garden, thou mayest freely eat; but of the tree of the knowledge of good and evil, thou shalt not eat of it." *As a single tree to all the trees of the garden,*

so are the narrow limits of the exception, to the unbounded scope of the licenses—so are the few persons *within* the exception, to the vast number *without* it. “With any one of this vast number of unmarried persons, spread over the face of the whole earth, thou, heretofore married, now single, mayest freely marry (consistently with the prohibition;) but with one nearly related *by blood*, to thy former marriage, thou mayest not marry with such,” is the form, in which the effect of the rule may be expressed. Will any, but the licentious and grossly carnal, deem the restriction hard?—a restriction, clearly imposed, to bring into exercise, to try, to fortify, to improve the virtue of self-government, so necessary to man, in his present state, slave as he is to his appetites and passions. These remarks, perhaps, may be sufficient, to evince, in a general point of view, the fitness, the propriety, the excellency of the rule we have been considering. Considering, however, how little this subject seems to be generally understood by the bulk of our people, and consequently, how desirable it is that every thing appertaining to it, should be made, if possible, perfectly plain and intelligible, it may be, probably, conducive to this end, *before dismissing this branch of our subject,*

to add a few remarks, illustrative of the technical terms, which are usually employed, to designate the *sources*, as well as the *degrees* of kindred embraced, within our prohibitory rule. For this purpose, a few plain definitions, with a brief explanation of each will be given. The *terms* which it is judged expedient, in this connexion thus to illustrate, are these four; namely, **A RELATION, A DEGREE, CONSANGUINITY, and AFFINITY.** **A RELATION**, is the respect, or connexion, which two or more things have to each other. When the term is applied to *kindred*, it denotes the connexion which subsists between persons, in consequence of their mutual respect, to the same family. **A DEGREE**, in the relation of kindred, expresses the interval, by which the proximity or remoteness of such a relation is ascertained. The degree is computed, agreeably to the respective steps by which a removal is made from a common ancestor; and is calculated, conformably to what is called the *lineal*, or the *collateral*, branches. There are two sources of kindred, or relation. One is denominated **CONSANGUINITY**, the other **AFFINITY.** **CONSANGUINITY** refers to a relation in blood; or a relation, produced by descent, from the same progenitor. *The lineal descent*, is that which subsists between

persons descending, in a direct line, from parents to their children downwards; or ascending, from parents to grand-parents upwards, in both directions in infinitum. The *collateral* line differs from the direct, in that the relatives do not descend, the one from the other. The primary degrees in these, comprise brothers and sisters, uncles, and aunts, nephews, and nieces. Collateral kindred spring from one common ancestor, who is the *root*, or *stock*, from whence these relations have branched, but they do not immediately depend, the one upon the other. The nearness, or distance, of relation, in the collateral line, is, therefore, calculated, by the degrees, or interval between them, and their same progenitor. **AFFINITY**, is a relation, produced by marriage. It originates, in the union which God has established, between husband and wife; and refers, primarily, to the degree of kindred contracted by the husband to the relatives of his wife, and by the wife, to those of her husband. In this sense, it is distinguished from consanguinity, or relation by blood. The **PROPERTIES** of affinity are obvious. An attention to them will illustrate the subject.

1. Affinity constitutes a **REAL RELATION**. It *is not merely nominal*, or a matter of courtesy;



but a relation *firm, legal, and perfect*. It is recognised by God, in his law, *as such*; and the nearness of kin, or degree of relation, as it respects the husband and wife, is as sacred, in affinity, as in consanguinity. If this be not the result of marriage, the union is nothing:—It is a word without any meaning. Upon this principle, the affinity enters into the list of prohibitions, as fully and expressly as consanguinity, and without any line of difference between them. To *this* property of affinity, sufficient attention appears not to have been generally given. The very statement of the question, which has become popular, and is always adopted,—“*whether a man may marry the SISTER OF HIS DECEASED WIFE?*”—is a proof, that the principle of affinity is not well understood, or, at least, not duly appreciated. Whether the question be thus worded with a design to hide the whole truth, or only through inadvertency, it is certainly calculated to mislead the public mind, and to insinuate, that the woman in question, though near of kin to *the deceased* wife, sustains no relation at all to the *husband*; which is most assuredly false; for she is very near of kin to *him*. It is true, indeed, that she is not related to him, in blood;—and so, the step-mother, daughter-in-law, and *uncle’s wife*, are not related, in blood

yet, they are related, in affinity;—they are near of kin;—they are prohibited relations. It is true, she is the sister of the deceased *wife*; but it is also true, that she is the sister of the *husband*. As with other relations, so here, there are sisters by blood, and sisters by affinity. Both are **REALLY SISTERS**; and they are both by the divine law, established and declared to be such. The husband is, therefore, *nearly related* to that woman. She is not only the sister of the deceased *wife*, but she is, also, in truth, **HIS SISTER**. The law of God has constituted her **HIS SISTER**. The question, then, ought to be stated,—“whether it be lawful for a man to marry **HIS SISTER**, by whatever principle, or bond, she may have become his sister?”—but, such an honest and candid phraseology, would anticipate a denial too prompt and speedy to please those, who are either interested or prejudiced, in favour of a contrary decision.

2. Another property of affinity is, that it is **EXTENSIVE**. It creates the same kindred between the husband and all the relations of his wife, and between the wife and all the relations of her husband. In consequence of this, the parents of the husband are brought into the relation of parents to the wife, and her parents *are so to him*. His brothers and sisters are

become the brothers and sisters of his wife; and her brothers and sisters are his; and thus all the branches mutually, in the direct and collateral line. Hence it is, that all who are prohibited by *consanguinity*, in the direct line, downwards or upwards, and all in the collateral line,—as brothers or sisters, uncles or aunts, nephews or nieces, are equally forbidden, in *affinity*, upon both sides. With none of these may either of the married parties after the death of the other, marry, any more than with the same relatives, in blood. The man, therefore, who marries the sister of his deceased wife, is as much guilty of incest, as if he had married his own sister, by blood: for, the sister of the deceased wife has, by his antecedent marriage, become his *own sister*; and is declared to be such, by the law of God. The marriage of a wife's sister, is, in the eyes of God, the very same, with the marriage of one's own sister. When a man marries a woman, they are no more twain," says God, "but one flesh." How?—Not literally: for their persons are as distinct as ever. Not with respect to their blood relations: they were that, before their marriage. But yet, by this marriage they are made one flesh. Our Saviour, *as questioned*,—and by Jews, touching an

incident relating to marriage, rests not for his answer on the particular precepts of the Mosaic law. Passing from these, he recurs to the law of marriage, as given at the time of its original institution. He vindicates the authority of that primary law. Restoring to marriage, its original purity, propriety, and force and re-investing it with all its just attributes and obligations, HE asserts the relation of husband and wife, the relation instituted by marriage, to be more endearing, intimate, and binding, than the natural relation between a father or mother and his or her son or daughter (*Matt.* xix. 5, 6; *Mark* x. 7, 8, 9.) Man was created a male and a female. "For this cause shall a man leave father and mother, and shall cleave to his wife; and they *twain* shall be *one* flesh; wherefore, they are no more twain but one flesh." Upon the twain thus becoming one, the relations of the husband become forthwith related, in like manner and degree, to the wife; and so those of the wife to the husband otherwise, what is predicated and affirmed of concerning such and the same *one*, might, at one and the same time, be both true and false which is absurd, and cannot be. It is clear then, that, the flesh of the husband and wife *being thus identified*, they stand in the same

relation to each other's sisters and brothers, as to their own; that is, as to the lawfulness of matrimonial union. So that it is quite as agreeable to the divine law, for a man to marry his own sister, as to marry a sister of his wife. This property of affinity is explicitly recognised by Blackstone, in his commentaries on the laws of England. "By marriage," says this eminent jurist, "the husband and wife are one person in law. Upon this principle of a union of person in husband and wife, depend almost all the legal rights, duties, and disabilities, that either of them acquire by the marriage. The same degrees by affinity are prohibited. Affinity always arises by the marriage of one of the parties so related. As a husband is related by affinity to all the *consanguinei* of his wife, and, vice versa, the wife to all the husband's *consanguinei*; for the husband and wife being considered one person, those who are related to the one by blood, are related to the other by affinity. Therefore, a man, after his wife's death, cannot marry her sister, aunt, or niece."\* Whether, then, the prohibited degrees be computed by the rule of the canon or the civil law, the result is the same. Every man of common under-

\* *Blackstone's Com.* Book I. chap. 15, and note.

standing will confess, that the sister of a wife is, at least, one degree nearer to the husband, than the aunt, and two degrees nearer than the niece. If God forbids him to marry the aunt, or niece, because they are too near of kin, it is beyond all dispute, that he forbids him to marry **THE SISTER**, who is much nearer of kin, than either of the former.

3. A third property of affinity, or of the relation produced by marriage, is, that it is **PECULIAR**. It affects the husband and wife alone; and does not, as such, create any new relations between their respective relatives. In perfect consistency, therefore, with *this* property of affinity, *two brothers may marry two sisters*; but yet, if either of those brothers should *become a widower*, and the other brother *should die*, the *surviving brother and the surviving sister may not be united in matrimony*.

4. A fourth, and the only farther property now to be noticed, of affinity, or of the relation created by marriage, is, that, inasmuch as it arises from the union established by God himself, and is, therefore, *real*, and *legal*, so it is also **PERMANENT** and **INDISSOLUBLE**. The nearness of kin which affinity has formed, will never cease. The death of either of the parties, *cannot cancel* the kindred, or cause any

change in the degree of relation. This duration proceeds from the very principle of affinity, as well as from the express declaration of the divine law; and is consonant with the universal consent and language of all nations. The step-mother, remains a mother, after the death of the father, as much as in his life-time; the wife of a son, after his decease, is still a daughter; the sister of a wife, continues to be a sister after the death of the wife, exactly as she was before; the wife of the uncle, after his death, is still an aunt; and will be so, as long as she lives. All these are sacred, and forbidden in marriage. The degrees of kindred, are unalterable. They remain, in their whole extent, the same as they were before. Such persons may never be united in matrimony. The maxim admits of no controversy: *any person, whom, at ANY TIME, it would have been incest to marry, will FOR EVER remain forbidden. No circumstance can obliterate the relation. Every marriage with such, is always incest.* How men of discernment and candour can permit themselves to hesitate, in the case of a *sister* by affinity, when they admit the relation and prohibition to extend to others by affinity, is truly astonishing. To assert, that the sister may be exempted, when those who are more

distant are acknowledged to be too near of kin, can never be sustained, by any rational argument. It will be seen, when we come to explain the law of prohibitions, that it avails nothing to search for ambiguity, in the letter of the precept. It will be found explicit, intelligible and decisive. Had even the divine law been altogether silent upon that particular case, and the sister-in-law not mentioned at all, it would still be sufficiently and fully implied. The question is unequivocally determined, by the **PRINCIPLE OF AFFINITY**. We have, thus, dwelt upon the nature, character, and properties of **AFFINITY**, because it is intimately connected with the question before us; and it is, therefore, of great importance, that it should be well understood.

II. We now proceed to the second branch of our subject; which was, to consider, at large, by a course of fair investigation, the testimony of the Holy Scriptures, in relation to the disputed question; including a candid consideration of the most prominent objections and difficulties, which have been urged, against that view of this subject which is presented in the Confession of Faith.

To prove the unlawfulness of the marriage *in question*, to the satisfaction of candid and



intelligent Presbyterians, who have "sincerely received and adopted the Confession of Faith," from a full persuasion of its scriptural character, it may be fairly presumed, that the considerations and arguments already suggested, might be found amply sufficient. But, as there are doubtless, many, whom this would fall short of satisfying; as truth never shrinks from the test of the severest scrutiny; and as we should deem it a reproach to any church, to adopt a Confession of Faith, containing any thing which could not be vindicated from scripture, we have not the least reluctance in going directly "*to the law and to the testimony;*" and if, on such investigation, it should be found, that, agreeably to the *rules of just interpretation*, the marriage of a sister, by affinity, is actually forbidden in God's holy word, the result must inevitably be, that the question before us is decided, by an authority, which it would be impious to contradict, and dangerous to disobey. Let us proceed, then, in the fear of God, seriously to inquire, what testimony he has given us, on the subject now before us, in his holy word. In entering on this inquiry, it is of importance, that we distinctly announce, what it is we propose to prove, and in what manner our proof *is to be exhibited*. We propose, then, to prove,

that God, in his holy word, has actually forbidden the marriage of a man with the sister of his deceased wife. This, we propose to prove, *not* by pointing to a text, which *literally* expresses this prohibition, but, by showing, that, *agreeably to the rules of just interpretation*, this prohibition is contained in the Oracles of God. If a person, wishing to have a correct conscience on this subject, should take his Bible, and search diligently to find the words, "*Thou shalt not marry the sister of thy deceased wife,*" we admit, that he will search in vain: And, if he should also critically search, to find the words, "*Thou shalt not marry thine own daughter,*" we grant, that he will be equally disappointed. But, will such a person, then, gravely lay aside his Bible, and take it for granted, that these instances of marriage are lawful, because he does not find them forbidden, in so many words? God forbid! For, with equal truth, and with equal good sense, might he conclude, that it is lawful to *steal a woman, or child*, and sell it, because not expressly forbidden; although it is expressly declared, that, "*whosoever stealeth a man, and selleth him, shall surely be put to death.*" From so gross a mistake as this, even common sense will save a *person of ordinary* understanding, or reflection,

e have not suffered prejudice, or partiality,  
 olutely to usurp the seat of reason and re-  
 tion. We are aware, indeed, of the singular  
 , that, of late, it has become alike fashion-  
 : and popular, to declaim, with great vehe-  
 nce, against a reliance on proof of any disputed  
 it, arrived at, by inference, however fair  
 just such inference may be; and to stigma-  
 all proof thus obtained, as *constructive* evi-  
 ce, which, in the judgment of such declaimers,  
 o evidence at all. But, when we recollect,  
 t our Blessed Lord, in reply to the cavil of  
 Sadducees, who were skeptical in reference  
 he resurrection of the dead, furnished them  
 h *constructive* evidence of *that* important and  
 : resting truth, it may, we are inclined to think,  
 fairly presumed, that, in reference to the  
 stion now in debate, we may be perfectly  
 , in following the example of our infallible  
 de, while we leave these popular declaimers,  
 ettle, with HIM, the question, what is, or is  
 , scriptural evidence of a disputed fact. But,  
 what part of the Holy Scriptures, shall we  
 imence our search? That there *is* such an  
 nce against God, as that which we denomi-  
 : Incest; that this offence is an abomination  
 he sight of God; and that, in his holy word,  
*was given us all the information that is ne-*

cessary to enable us to ascertain, wherein that offence consists, are positions, which, it is presumed, no one who is familiar with his Bible, will hesitate to admit. But, in what part of the inspired volume, shall we find this necessary information? Shall we find it, in the *Old* Testament, or in the *New*, or in *both*? If we look into the *New* Testament, for information, respecting the degrees of kindred, or relationship, within which, a man, or woman, may, or may not marry, we find, in this part of the scriptures, not one word on the subject, except John the Baptist's reproof of Herod, for having *his brother Philip's wife*; and Paul's reproof of the Corinthian church, for communing with a man that had *his father's wife*, which he considered as a notorious scandal. It will, in no way whatever, that we can perceive, affect the decision of the point now before us, to have either of the historical questions settled, whether Philip, the brother of Herod, was living, when John gave that wicked king the reproof here referred to, or, whether the father of the notorious offender in the Corinthian church was also alive, when Paul administered to that church the rebuke recorded in his Epistle. Whether Philip, or the father of the incestuous *Corinthian* were living, or dead, at the time re-

ferred to, it is perfectly manifest, that, in both instances, the offence denounced was *not*, simply *adultery*, but *INCEST*; for, it would, as truly, be *adultery*, to take *any other man's wife*, as a *BROTHER'S WIFE*, or a *FATHER'S WIFE*. But our object, in referring to these cases here, is not to agitate the historical questions connected with them, which, it is plain, can be of no consequence whatever, in the present investigation; but merely, to notice the fact, that *these two* are *the only cases of incest*, to which we find *any allusion*, in the *New Testament*. Here, it is natural and proper to inquire, why is it, that, in the *New Testament*, we find no marriage table, or scale, by which we can ascertain, *who* those are, who cannot lawfully be joined together, in the marriage relation? To this inquiry, the obvious answer is, that, for the absence of such a table, in the *New Testament*, the best of reasons may be given. Jehovah had already given one, in the *Old Testament*, fit, in its nature, sufficiently liberal for the convenience of the human family; and designed to be permanent. This table, or law of God, is found on record, in the 18th chapter of the Book of Leviticus. In this chapter, we apprehend, we are to find the true solution of the question before us: *For, there is no other passage in the*

Bible, not a single paragraph to be found in the *Old* or *New* Testament, where the prohibited degrees are enumerated, excepting in this 18th chapter of Leviticus, and a few verses in the 20th chapter, where some of the precepts are repeated. Let us look, for a moment, at this law of prohibitions, as recorded, by the inspired penman, in the 18th chapter of the Book of Leviticus. In order fully to understand the object and scope of this law, it may be of advantage, to view it, in its connexion with the other laws contained in this chapter, and to notice the unequivocal terms and phrases, which distinguish this particular statute. The chapter contains several laws, against various lusts and pollutions, which are all denominated abominable. It commences with solemn warnings against crimes of that description. These warnings are given in the first five verses. A definite and express statute against impure and illegitimate connexions, which is one of those crimes, is then introduced, and is the first mentioned. This law, with its several limitations, we find in the next twelve verses. In the next, which is the 18th verse, a law against Polygamy is added, which we shall examine in the sequel. This is followed, in the next *three* verses, by the interdiction of unclean-

ness, adultery, and obscene idolatry, and the last, which is contained in the two following verses, is a law against unnatural lusts and sodomy. The chapter closes with awful threatenings against those who should dare to violate either of these laws. This brief survey of the general contents of the whole chapter, will probably assist us in taking a connected view of the law of prohibitions, which it is our more immediate object, particularly to examine. The 6th verse of this chapter contains a *general law*, on the subject now before us, where all persons are forbidden to marry any that is *near of kin* to them. In the next 11 verses, commencing with the 7th, and ending with the 17th, the *limitations* of this law are particularly specified; pointing out, in 15 distinct cases, the degrees of kindred, within which, marriages are prohibited, under this *general law*. That this general law, with its various limitations, can relate to nothing else than to prohibited marriages, we think, must evidently appear, from the express designation of the crime, from the definition of the subjects of the law, and the minute enumeration of the degrees of kindred, which constitute the basis of the prohibitions. Any attempt to prove, or illustrate this, would be *superfluous*. The object of the law, and the

meaning of the divine law-giver, cannot be taken. It is impossible to hesitate in determining, that this is a law, which condemns what is called INCEST; and that its immediate scope and design is, to draw the line of prohibitions, and ascertain, with precision, the degree of kindred, within which, God forbids the summation of marriage.

Before considering the particular prohibition which is the immediate object of our present inquiry, we deem it expedient to state a few plain and simple principles, which we believe to be essential to the true interpretation of the law; and which, we hope, on a due consideration of them, will be readily admitted. The principles, or rules of interpretation we here refer to, are the following:

1. That the term "*near of kin*," specifies that degree of relation, which approaches too closely to render a marriage legitimate between persons thus related; and that the *nearness of kindred* is the essential principle of the law against Incest.

2. That the prohibitory phrase, which is familiar to the readers of the chapter containing the law, and which, for an obvious reason, we forbear to quote, is used to signify marriage, and that the meaning of it cannot be mistal



ne, however, strangely contend, that what  
 ere prohibited, is *not marriage*, but *fornica-*  
*on*, or *adultery*. But, it is enough to say,  
 eply to this, that, if incestuous *marriage* be  
 here forbidden, *the law is useless*. The Isra-  
 s had two *general laws*, forbidding fornica-  
 and adultery, *in all cases*—as well with  
 ngers as with relations. What necessity,  
 y, was there, of *particular statutes*, forbid-  
 g them with *relatives*? what would be  
 ight of the wisdom of a legislature, who  
 ld enact a similar statute, with regard to  
 other crime: for example, that of horse-  
 ling: “He who steals the horse of *any*  
 on, shall be imprisoned three years. He  
 steals *his father’s horse*, shall be impris-  
 ed three years. He who steals *his brother’s*  
 se, shall be imprisoned three years. He  
 steals *the horse of his father’s brother*,  
 l be imprisoned three years:” and so on,  
 ough a succession of thirty-three relatives?  
 : not, then, equal folly to enact,—“He who  
 mits adultery, *with any woman*, shall be  
 to death.—He who commits adultery *with*  
*mother*, shall be put to death.—He who  
 mits adultery *with his brother’s wife*,  
 l be put to death.—He who commits adul-  
*with his father’s brother’s wife*, shall be

put to death,"—and so on, through an equal succession?

3. That the term "*wife*," in this law, invariably signifies "*widow*." As this principle, or rule of interpretation, has been controverted, we deem it expedient to offer some considerations in its defence, before we state the remaining principles, or rules, to which we refer, for the elucidation of the law under consideration. It has been urged, with much apparent confidence, that, inasmuch as the inspired writers had the term "*widow*" in their respective vocabularies, they would have used it, if it had been the more proper one; and that it would have been the more proper term, in all cases, in which the husband of the woman spoken of was dead. We readily grant, that the inspired writers *had* the term "*widow*," in their respective vocabularies; for we find, that they made a very liberal use of it; but, on a close examination of their practice, in this respect, we are satisfied, that *their* judgment, as to the proper use of this term, was very widely at variance with that of those, who reject the principle, or rule, for which we here contend. Whoever thoroughly examines the scriptures, with a view to a correct decision of the question *here in dispute*, will find, that, in every

instance, in which a *woman, whose husband is dead*, is mentioned, or spoken of in scripture, *in immediate connexion with the name of him to whom she had been married*, she is, *invariably called his wife*; and that, moreover, in all the instances, in which the term "*widow*," is employed, (and these instances are very numerous;) *it is never found in connexion with a husband's name, or with the least allusion to a husband*. Of the use of the term "*wife*," where it is unquestionably applied to a "*widow*," there are seven instances to be found in scripture; and *these*, if we mistake not, are *the only instances*, in which women whom God has bereaved of their husbands, are mentioned, or spoken of, in scripture, *in connexion with the names of their deceased husbands*. See, *Deuteronomy*, chap. xxv. 5;—*Deut* xxv. 7;—*ibid. Deut.* xxv. 9;—*Ruth.* iv. 5;—*1. Sam.* xxvii. 3. Of the use of the term "*widow*," there are fifty-one instances to be found in scripture, in not one of which do we find it in connexion with a husband's name. Let the reader examine, for himself, the following passages; namely, *Gen.* xxxviii. 11;—*Gen.* xxxviii. 14;—*Exod.* xxii. 22;—*Lev.* xxi. 14;—*Lev.* xxii. 13;—*Numb.* xxx. 9;—*Deut.* x. 18;—*Deut.* xiv. 29;—*Deut.* xvi. 11;—*Deut.* xvi. 14;—

*Deut.* xxiv. 17;—*Deut.* xxiv. 19;—*Deut.* xxiv. 20;—*Deut.* xxiv. 21;—*Deut.* xxvi. 12;—*Deut.* xxvi. 13;—*Deut.* xxvii. 19;—2 *Sam.* xiv. 5;—1 *Kings* vii. 14;—1 *Kings* xi. 26;—1 *Kings* xvii. 9;—*Job* xxiv. 3;—*Job* xxiv. 21;—*Job* xxix. 13;—*Job* xxxi. 16;—*Ps.* xciv. 6;—*Ps.* cix. 9;—*Ps.* clxvi. 9;—*Prov.* xv. 25;—*Is.* i. 17;—*Is.* i. 23;—*Is.* xlvi. 8;—*Jer.* vii. 6;—*Lam.* i. 1;—*Lam.* xxii. 7;—*Lam.* xliv. 22;—*ibid.* *Zech.* vii. 10;—*Mal.* iii. 5;—*Mark* xii. 42;—*Mark* xii. 43;—*Euke* ii. 37;—*Luke* vii. 12;—*Luke* xviii. 3;—*Luke* xviii. 5;—*Luke* xxi. 2;—*Luke* xxi. 3;—1 *Tim.* v. 4;—1 *Tim.* v. 5;—1 *Tim.* v. 9;—and *Rev.* viii. 7. Independently of these considerations, we are well satisfied, that, in this law, the term “*wife*” invariably signifies “*widow*,”—because, were the husband still alive, the forbidden offence would be *adultery*,—which, certainly, is *not* the crime intended, or designated, in *this law*.

4. That in the enumeration of the degrees of relations, the sources, by consanguinity and affinity, are indiscriminately blended;—that the relations of the husband, and the relations of the wife, in consequence of the union produced by marriage, are considered as equally near to both; and that no distinction is made, in the *direct*, or *lateral* line, between those who are *related by blood* and by marriage.

5. That, wherever a degree of kindred is named and prohibited, all the relations, either consanguinity or affinity, which are in the same degree, and especially such as are nearer than that which is mentioned, are necessarily included, and equally forbidden.

6. That the same prohibition which binds a man, is equally binding upon a woman: and,

7. Lastly,—that every relation of the same degree when reversed, must be understood to be as much included in the precept, as if it had been specifically mentioned: for, to have repeated all these, *vice versa*, would have unnecessarily multiplied the words of the law, without rendering them more explicit or intelligible. These principles being premised, we are now ready to consider the particular prohibition, which is the immediate object of our present enquiry.

Where, then, shall we find the evidence, that God, in his holy word, has forbidden a man, to marry *his sister by affinity*,—or, to use the popular phraseology *the sister of his deceased wife*? To this question we answer, that, interpreted by the principles which we have here stated, the prohibition in question may be found in the 16th verse of the 18th chap-

ter of Leviticus,—where a man is expressly forbidden to marry *his brother's wife*. To remove every temptation, and silence all prevarication upon this article, the same precept is, in the 21st verse of the 20th chapter, plainly repeated:—“*If a man shall take his brother's wife, it is an unclean thing.*” This, if the principles of interpretation we have assumed be just, is equivalent to a declaration, that “*If a man shall take the sister of his deceased wife, it is an unclean thing.*” Possibly, some controvertor of our position, may here demand of us,—“Is it, indeed, so? When God forbids me to marry my *brother's wife*, am I to understand him, as *also* forbidding me to marry my *wife's sister*? Must I consider her whom *he has not mentioned*, as much a prohibited object, as the person whom he *has expressly named, and especially pointed out*?” To such interrogations, we reply, without hesitation,—yes: Most assuredly, *it is so*:—The one is just as much a prohibited object as the other. And, to illustrate and prove our point, we, in our turn, propose to such objector the question,—whether a man may lawfully marry *his own daughter*? If he have not absolutely taken leave of his senses, he will promptly and confidently answer,—that he may not. We then call upon

to prove this, from scripture. How will he do this? How, but by referring us, with confidence, to the 7th verse of the 18th chapter of Leviticus, where a man is forbidden to marry *his own mother*. This is the only text from which he can prove it. He will tell us, that a daughter is as nearly related to her father as a son is to his mother:—that, therefore, if God has forbidden a man to marry his mother, he has, by the very same law, forbidden a woman to marry her father; and that, if he has forbidden a woman to marry her father, he has necessarily said, that a man may not marry his daughter. This, we take to be sound, logical, conclusive reasoning. We confess ourselves unable to resist it; and therefore, precisely in the same manner, we prove, from scripture, the unlawfulness of a man's marriage with *his wife's sister*. We say,—No one will deny, that a sister is as nearly related to a man as a brother is to a woman. If, then, God has forbidden a man to marry his brother's wife, he has, by the very same law, forbidden a woman to marry her sister's husband; and if he has said, that a woman may not marry her sister's husband, he has also, necessarily said,—that *a man may not marry his wife's sister*. Will it be *in objection* to this demonstration,—that

the relationship of a sister's husband is farther off, and more remote, than the relation of a daughter to a father? To urge such an objection, would, indeed, be worse than trifling. Admitting it is farther off;—the same divine being forbids both:—one as truly as the other and both on the same principle. And here perhaps, it is worth observing,—that those who speculate upon the style in which the law of prohibitions is expressed, and complain that it is not sufficiently explicit, would do well to remember, that the scriptures were written,—not in the “*words which man's wisdom teacheth;*” but in the words “*which the Holy Ghost teacheth,*” or taught. It is dangerous, therefore, to indulge this complaint. To impeach the wisdom of the Divine Spirit, carries something in it impious, and shocking. All should remember, that Moses, in the 18th chapter of Leviticus, laid down *what was law*, respecting prohibited marriages. He had not done this before;—nor was he here treating of the breaches of this law. But, after stating the groundwork of the law, he *identified relations simply;*—*which relations, as such,* might not intermarry. A son might not intermarry with his mother whether his father were living, or not. A nephew might not intermarry with his aunt, or



uncle's wife, whether his uncle were living or not;—and so, of all the rest. Relations, *simply as such*, are forbidden. Of course, there was no need of calling a mother, a father's widow;—an aunt, an uncle's widow; or, a brother's wife, a brother's widow. We are, indeed, not ignorant of the fact, that modern declaimers against *constructive* interpretation of criminal law,—those who, if they could, would *frighten* us from our *duty*, by talking of the law of *constructive treason*, as belonging to a *despotic* government, and a *barbarous* age, and depict, in the most glaring colours, the horrid consequences of what they are pleased to call *forced constructions* of prohibitory statutes,—urge, with pertinacity, the specious plea,—that, “in the specifications given by Moses, in those passages, there is that *minuteness*, which *forbids* us to *add* to his *list* of prohibitions, by applying his rule, as we understand it, to any *new cases*.” In support of this plea, they argue, that, because we are not left “to infer one prohibition from another, in the case of the two aunts, the three sisters, or the two grand-daughters,” which Moses has judged proper particularly to specify,—*therefore*, we must consider ourselves as *prohibited* from *inferring*, that, “because a *man may not marry his own sister, therefore,*

he may not marry *the sister of his deceased wife*, or any of his wife's kindred, nearer in blood than he may of his own." Cannot those generous advocates of liberty perceive, that, while they censure *us*, for judging by *inference*, they *themselves do the very thing*, for which they censure *us*? From the *fact*, that, in some cases, *Moses is specific*, they *infer*, that *we must infer nothing*. Surely, *we* have as good a right to *infer* as *they* have. If our *inferences* were *fallacious*, then might we, indeed, merit censure for drawing them: but, assuredly, when their conclusiveness cannot, with any plausibility, be assailed, it is, to say the very least of it, bad logic, to contend, that, to deduce *inferences*, however sound and solid, from premises, however fair and legitimate, is a province, which we must yield to our opponents, *as their exclusive privilege*. Is the question asked,—What *could* be the design of Moses, in *minutely specifying* what *might be left to inference*,—if he had not intended to give a *complete list* of prohibitions? To this question, the answer, in our judgment, is easy and obvious. Moses, in the 6th verse, had laid down the *essential principle* of the law against Incest; which was, *nearness of kindred*. He then stated the *degrees of kindred* which were within the *limitations of*

the law; and, in addition to this, he *minutely specified* several of the cases which were *within the same degrees*,—by way of *direction* to us, *how to complete the list*. This interpretation, we might easily illustrate, by an appeal to other passages of scripture;—but, without dwelling farther, on this point, we are perfectly willing, that the impartial and unprejudiced should choose for themselves, between *our* construction of those passages, and *that of our opponents*,—if they will only bear in mind, that the *latter* construction, if admitted, *will prove the lawfulness of a man's marriage with his own daughter*. Either there *are* implied prohibitions, or there *are not*. If there *are not*, then, we must follow *the strict letter* of the law, and exclude from its operation, every case not mentioned, *in just so many words*. If there *are* implied prohibitions, then, we must include in them every case in which *the reason* of the implication operates. Thus, we have no right, in order to obviate a difficulty, to include various implied cases of *consanguinity*, and yet refuse to include any implied cases of *affinity*. Neither the law itself, nor the reason of the case, gives any such rule of implication; but each leaves the two classes of cases, in this respect, *exactly on a level*.

It is presumed, that it is not possible to conceive of a reason against marrying a *brother's wife*, which will not apply, in its full force, against marrying a *wife's sister*. The prohibition, in the one case, must equally apply, in the other. Things which are alike, in themselves, are alike virtuous or vicious: Arguments, therefore, from analogy or similarity, are no less conclusive and satisfying, by the common consent of mankind, than such as have their foundation in express commands and prohibitions. The ill effects of marrying a *wife's sister*, are as great as those of marrying a *brother's wife*; and the reasons of the prohibition are stronger, in some respects, than for the prohibition of the marriage of a *brother's wife*. There is more danger of a man's practising undue familiarities with a *wife's sister*, than with a *brother's wife*. The temptations are greater; and the opportunities more numerous. *Brothers' wives* are commonly fixed in different, and often in distant families. They are married women, or widows. But a *wife's sister* is often brought into the same family, in a single state, in all the vigour and beauty of youth. The temptations to incontinency are greater, and the opportunities far more numerous, in this case, than in that of a *brother's*

*wife.* *A wife's sister* comes under the roof; and the parties are, of course, intimately acquainted, and often together. A present affection, arising from their relationship, by affinity, is already their duty, and if they can only be encouraged to admit and cherish the idea, that they may, by a change of circumstances, *cease to be brother and sister*, they may thus be strongly tempted to *look forward to a future matrimonial connexion*, under such a change, especially if appearances indicate the probability of such a contingency. Perhaps no situation can be imagined, where, other things being equal, an embryo spark will so easily be struck, which, at a convenient time, will be fanned into a flame. She is present, also, *at the critical moment*; and, by her sympathy and tenderness, quickens emotions of which she is *apparently unconscious*.

“’Tis but a kindred *string* to move  
For, pity melts the soul to *love*.—”

The bereaved family, and particularly the parties in question, who are now, from this fact, “the united head” of it, find themselves, for awhile—such are the customs of society—chiefly secluded from company; often *alone together*; and thus, with less and less reluctance, constrained to depend on each other

for all that solaces and sweetens life. . Long before they are aware, they have become mutually necessary; and, many months anterior to the time when the deposition of weeds is customary, they have made to each other a complete development of what the actual state of things *is*, as well as a satisfactory demonstration of what it is soon *to be*. No courtship is so easy as this: It begins, they know not, they are afraid to know, *when*; it is carried on, they know not, they are not willing to know, *how*; it is completed, (all excepting the concluding ceremony,) very often, without having been suspected, even by those busy-bodies, who worm out and publish every other affair of a similar nature. In all this, they are encouraged, by the fact, that a few individuals, whom they have been accustomed to regard as patterns of morality, have given, to the marriage in question, the authority of their example. A few have thrown around it "the sanctity of their lawn;"—a few have enveloped it in "the purity of their ermine." Some of these, doubtless, have done it ignorantly, or hastily; while others have first investigated its lawfulness, and then have *hesitatingly* ventured. But the investigation has usually been commenced *because* the *affections* were fastened, and the purpose formed;

course, has been pursued with less exactness from prepossession and bias, than truth and fair-play would seem to require. The logic of the intellect, is, at least, a feeble combatant, when opposed by the warm rhetoric of the affections. While the *head is umpire*, and argument will usually carry the day; when the *heart is on the bench*, a single syllogism will put to flight a whole army of syllogisms. Still, decisions, made in such a form, are to be regarded as *precedents*, or as entitled to that authority which is allowed to *judicial cases*, in courts of law.

When a man marries a *wife's sister*, he makes new relations;—he forms no new friendships;—he does nothing to enlarge his knowledge of mankind, or to enlarge the circle of his kind offices. But the whole tendency is, to prevent the diffusion of wealth and benevolent affection; to increase a selfish attachment; and to extend the undue influence of the in-law relation of relatives; and, in this way, to obstruct the general happiness of society.

Another consideration, in relation to this crime, which is certainly entitled to no small degree of respect, is, the *greatness of the sin of Incest*,—in its connexion with *the improbability that the guilty ever come to repentance, confess, and for-*

*sake it.* When a man becomes guilty of it, in marriage,—the embarrassed and distressed condition he must be in, if he should be convinced of his error,—that he had been guilty of, and lived in *incest*;—love to his wife, and to his children;—his unwillingness to expose them to shame, and utterly to renounce and put them away,—would all be so many bribes to blind his eyes, and to prevent all conviction of his sin, let the means of that conviction be ever so great. The very apprehension of such terrible consequences, would engage him to use every argument and excuse possible, in his own vindication; and would give force to them, in his own mind, though, in themselves, they might be very inconclusive, and of little consideration. Besides,—when men commit great sins, and persist in them for a long time, it hardens the heart; and blinds it more and more; and God gives them up, as a judgment for their sins, to final blindness and impenitency. There is, therefore, generally speaking, little probability that persons guilty of the incest of which we have been treating, will ever be brought to a conviction of their sin. Should they be brought into great doubts and fears, with respect to its lawfulness, or be rationally convinced of the *unlawfulness* of their connexion, their habit is



sin, and their strong affection to a wife and children, would have a powerful tendency to prevent them from confessing and forsaking it. On supposition that any person should be really convinced of his sin, in such a case, and become a true penitent;—in what an unhappy condition must he be, on temporal accounts? He must not only *confess*, but *forsake his sin*; and must *renounce conjugal duties* TO THE WOMAN HE MOST DEARLY LOVED! How painful,—to look back on his life, as a life of *incest*;—and on his children, as *the fruit of an abominable incestuous connexion!* Who could be willing,—who could, consistently with reason and prudence, put himself into a condition in which he would be exposed to such evil, distress, and danger? On a superficial view of this subject, it may, indeed, appear hard, that a person who has formed such a connexion as that in question, under a delusive and infatuated persuasion of its lawfulness, should, on conviction of its unlawfulness, be required, as an essential fruit or evidence of penitence for this sin, anterior to his restoration to the enjoyment of the sealing ordinances of God's house,—to separate from the woman, whom he has chosen as a wife; but, grievous as this hardship may be, it ought to be recollected, that it is but a hardship

his own choosing. The church is not, and cannot be accountable for the hardships, in which a transgressor of a divinely revealed law may have involved himself. She may, and she does pity him, and pray for him:—but, having no legislative, but only a declarative and executive authority, in God's house, she cannot from sympathy, undertake, like *Popes*, profanely to dispense with, or alter the divine constitution, or laws in the Bible. By reading the last chapter in the Book of *Ezra*, we shall find that one hundred and thirteen persons brought themselves, their wives and children, into great difficulties, by profane, that is, forbidden marriages. Nothing but the dissolution of those connexions could appease the wrath of God towards the culprits, and the society or community to which they belonged. Although these things took place more than two thousand years ago, our sympathy is even yet strongly excited when, by faith in the sacred record, we see upwards of a hundred men putting away their wives,—women they probably loved, and children too,—even where there was no incest in the case, as in the case in question: yet, human sympathy and commiseration, cannot must not, multiply the operation of the statutes of the Lord. Sinners must “bear their own

*iniquity.*" Their hardships, both in this life and in the next, are brought on them, by their own rashness, and with their eyes open. Whose commiseration is not excited by the sight of the execution of a felon, dying according to the laws of God and man? But yet, the law must be respected and fulfilled, for the general good of society, and in honour of the divine authority.

The preceding remarks, arguments, and suggestions, may, perhaps suffice, as a *general illustration* of the testimony of the holy scriptures, in relation to the disputed question. To render this illustration, however, more complete, we shall now, as proposed, subjoin a candid consideration of the most prominent objections and difficulties, which have usually been urged against that view of the subject, which is presented in our Confession of Faith, and for which we are here contending.

1. It is urged, that the 18th verse of the 18th chapter of Leviticus, by *limiting* the prohibition it contains, to the wife's *life-time*, seems to imply that, *after the wife's death*, a marriage with *her sister* might be lawful. . . .

*"Neither shall thou take a wife to her sister to vex her, \* \* \* \* besides the other in her life-time."*  
The question here is, what is meant by the

words, "*a wife to her sister,*" in this verse? This question, the translators of the Bible have, themselves, satisfactorily answered, in the marginal reading; where they explain it to mean, "*one wife to another.*" The same Hebrew phrase,—"*Isha el achotha,*" here translated, "*a wife to her sister,*" is found, in eight other instances only, in the whole Hebrew Bible;—in none of which is it applied to a natural sister; but, in every one of them it is applied to inanimate substances. Thus it is used twice, in *Exodus xxvi. 3*:—" *The five curtains shall be coupled together, one to another, and other five curtains shall be coupled, one to another.*" The literal translation of the Hebrew is this: "The five curtains shall be coupled,—*a woman to her sister,* and five curtains shall be coupled, *a woman to her sister.*" The same phrase occurs in the 5th verse of the same chapter:—" *That the loops may take hold, one of another.*" The literal translation of the Hebrew is, "The loops receiving, *a woman to her sister.*" Again, in the 6th verse, "*And couple the curtains together.*"—In the Hebrew,—"*And couple the curtains,—a woman to her sister.*" So, verse 17th, "*Two tenons shall there be in one board, set in order, one against another.*"—In the Hebrew,—"*set in order, a woman to her sister.*" *Ezekiel*

i. 9: “*Their wings were joined, one to another.*” In the Hebrew,—“*Their wings were joined,—a woman to her sister.*” Verse 23d of the same chapter:—“*And under the firmament were their wings straight, the one toward another.*”—In the Hebrew,—“*were straight, a woman to her sister.*” Chapter iii. 13:—“*I heard also the noise of the wings of the living creatures, that touched one another.*” In the Hebrew,—“*that touched,—a woman to her sister.*” On the authority of Buxtorf’s Concordance to the Hebrew Bible, we maintain, that these eight are the only instances of the use of this phrase, in the whole Hebrew Bible, besides *Leviticus xviii. 18*; and since, in all these, it is applied to inanimate substances, which cannot, in the literal sense, be sisters to each other, it is submitted to the learned how far this is an argument, that, in our text, too, it does not mean a natural sister. If it shall be determined, that, in our text, it does not mean a natural sister, the sense of the phrase will be the same, which it bears in all other places; and the translation will also be the same; namely, that which the translators of the Bible have given us, in the margin;—“*one wife to another.*” From this statement, then, we think it clear, that, in this 18th verse, *there is not a word about Incest.* It is a plain

prohibition of POLYGAMY; and the reason of this prohibition is,—as the text itself asserts,—that Polygamy is a source of domestic *vexation*; and destructive of all the interesting ends of marriage. If the *natural* sister of the wife were here intended, it could not, even then, be considered as an implicit permission to marry such sister, after the death of the wife; for this would contradict what was already absolutely forbidden, in the 16th verse; and besides, it is to be observed, that the whole cause of the prohibition in the 18th verse, refers to the *vexation* of the wife:—But, why should her *sister* be specified as the most *vexatious* partner? The pretended argument, to recommend the marrying of a deceased wife's sister, would surely prove, that, of all other women, *she* would be the *least* exceptionable and the *most desirable associate* of a living sister.—But, that the natural sister cannot be meant, is evident; because the law would then imply, that a man might marry *any* other in the life-time of his wife, provided she was not *her sister*;—which would be, implicitly to *license* Polygamy, instead of *forbidding* it. We conclude then, that all inferences, or arguments, in favour of marrying the sister, *after the death* of the wife,

erived from this verse, are alike frivolous and ridiculous.

2. But, the advocates for the marriage of a wife's sister, after the death of the wife, unwilling to give up this 18th verse, farther urge, that, *under the Old Testament dispensation, Polygamy was lawful*; and, in support of this allegation, they refer to *Deuteronomy xxi. 15, 16, 17*; where Moses directs, that,—“If a man have two wives, one beloved and another hated, and they have borne him children, both the beloved and the hated; and if the first-born son be hers that was hated, then it shall be, when he maketh his sons to inherit that which he hath, that he may not make the son of the beloved first-born before the son of the hated, which is, indeed, the first-born; but he shall acknowledge the son of the hated for the first-born, by giving him a double portion of all that he hath: for he is the beginning of his strength; the right of the first-born is his.” Were we to admit, that this passage *recognises the existence* of Polygamy, it would by no means follow, that it *justifies the practice* of it. But, we are not prepared, even to admit, that it contains, *even a recognition of its existence*. That Polygamy was then as unlawful as it is now, we think very clear from the evidence sur-

nished by the Holy Scriptures on the subject; and although the Patriarchs indulged in it, their history plainly shows, that, by this very offence, they often drew down upon themselves the divine displeasure. But let us examine the passage which has just been recited, as referred to, for proof, that in the days of Moses Polygamy was lawful. The argument, deduced from the passage, seems to be this: Moses, it is alleged, here legislates on the case of a man who *has* two wives at the same time: but he could not lawfully legislate upon that, which might not lawfully exist: to have two wives, at the same time, was therefore lawful. For a moment we will admit, for the sake of argument, the *major* of the syllogism; namely, that Moses here legislates upon the case of a man who *has* two wives at the same time, Let us, then, test the *minor*, by a parallel case. In *Deuteronomy*, xxiii. 18, it is said, "Thou shalt not bring *the hire of a harlot* into the house of the Lord thy God, for any vow." Taught, then, by the school-men, we thus argue:—Moses here legislates upon the wages of a harlot, and therefore supposes, that harlots will receive the wages of prostitution: But he could not lawfully legislate upon that which might not lawfully exist: to be a harlot, and earn the



wages of prostitution, were, therefore, lawful. This conclusion sounds strangely, when we read the remainder of the verse, "For this is an abomination unto the Lord;" or the preceding verse, "There shall be no harlot of the daughters of Israel." But the question now presents itself—does Moses here legislate upon the case of a man, who *has* two wives at the same time? The affirmative of this question appears to us by no means clear. That our translators, themselves, thought otherwise, and that they actually wrote, "If a man *have had*," and not, "If a man *have*," and that the word "*had*" was omitted, by a mistake, either of the transcriber or of the printer, we think highly probable, from the fact, that they say, in the same verse,—"*and if the first-born son be hers that was hated,*" not, "*hers that is hated:*" evidently intimating, that she (the first wife) was dead, at the time referred to. To put this question at rest, however, let us look at the various versions of the Polyglot.

*Septuagint.*—"If there *have been* to a man, two wives, and they *have born* him sons."

*Vulgate.*—"If a man *have had* two wives."

*Arias Montanus.*—"When a man *has had* two wives."

*Samaritan text.*—"When a man *has had* two wives."

*Samaritan version.*—"When a man *has had* two wives."

*Targum.*—"If a man *has had* two wives."

*Syriac version.*—"And when a man *has had* two wives."

*Arabic.*—"And when a man *has had* two wives." Here it may be proper to add, that the words, rendered "*have had*," and "*have born*," both in the original and in all the translations, are *in the same tense*, and refer to *events that have already taken place*. Moses, therefore, does not here legislate upon the case of a man who *has* two wives *at the same time*, but upon the case of a man who *has had* two wives *in succession*, the second after the decease of the first. And there was an obvious necessity of his legislating upon this precise case; for the first wife, who was hated, was dead; and the second wife, the favourite, was alive, and with the feelings of a *step-mother*, would urge her husband to make her own son the heir. This passage, then, furnishes no evidence that Polygamy was lawful under the Levitical code.

Another passage which has been referred to as supposed to sanction Polygamy, is a part of the message from God, delivered by Nathan to David, after his conduct to Uriah, in *2 Sam. xii. 7, 8*:—"I anointed thee king over Israel, and I delivered thee out of the hand of Saul;

I gave thee thy master's house and *thy master's wives* into thy bosom, and gave thee the house of Israel and of Judah; and if that had been too little, I would, moreover, have given unto thee such and such things." That this message furnishes no such sanction, will be obvious, we think, from the following considerations.

1. The only wives which Saul is said to have had, were *Ahinoam*, the mother of Michal, David's wife, and *Rizpah*, the daughter of Aiah, who was his concubine. According to this supposition, God authorized David to marry his *wife's mother*, a species of Incest expressly threatened, by the Levitical law, with burning alive. David also married Michal, the daughter of Ahinoam, when she was quite young. Her very age, therefore, precludes the supposition that he afterwards married the mother.

2. Though David's wives are repeatedly enumerated, after the death of Saul; yet, there is no intimation, that the wives of Saul were among them, or that he had married them.

3. David delivered the two sons of *Rizpah* to the Gibeonites, to be hung up at Gibeah;—an event not very likely to have taken place, *if he had made her his wife.*

4. The phraseology, "I gave thee thy master's house (family) and thy *master's wives* into thy bosom," obviously means nothing more, than that God, *in his Providence*, gave David, as king of Israel, the possession of every thing that was Saul's,—his wives and all that he had:—a fact, which gave edge to the reproof, "Wherefore, then, hast thou killed Uriah, the Hittite, and taken his wife to be thy wife?"

5. Had Absalom, who actually connected himself with ten of his father's concubines, ultimately succeeded in his treason; and, after the firm establishment of his throne, had he provoked by a crime similar to that of David in the case of Uriah, a similar reproof; it might have been said to him, as truly as to David, (even if we admit that David married the wives of his father-in-law,) "I anointed thee king over Israel, and delivered thee out of the hand of David; and I gave thee thy father's house, and thy father's wives into thy bosom:" for, God expressly foretold David, that Absalom would thus connect himself with his wives: (2 *Sam.* xii. 11;) yet, who, from such a fact, would have supposed that Absalom's incestuous Polygamy with his father's wives was lawful? This passage, then, furnishes no evidence of the lawfulness of Polygamy. The history

itself furnishes conclusive evidence, that David never was actually married to the wives of Saul. If, however, in spite of that evidence, it be contended that he was, still it was a case of incest *expressly* prohibited, under the penalty of being burnt alive; and if this be an allusion to it, it is an allusion to it simply as an event of Providence.

It is very plain, from the testimony of the prophet Malachi, of our blessed Lord himself, and of the Apostle Paul, that Polygamy was unlawful, under the Old Testament dispensation. The passage in Malachi to which we refer, is, Chapter II. 13, 14, 15. "He regardeth not the offering any more, or receiveth it, with good-will, at your hand. Yet, ye say, Wherefore? Because the Lord hath been witness between thee and the wife of thy youth, against whom thou hast dealt treacherously. Yet, she is thy companion, and the wife of thy covenant. And did he not make one? Yet had he the residue of the Spirit. And wherefore one? That he might seek a godly seed. Therefore, take heed to your spirit, and let none deal treacherously against the wife of his youth." In this passage, all are forbidden to deal treacherously with the wives of their youth. And, *what was meant by dealing treacherously*

with them, is explained, in these words: "And did he not make one?" that is, One woman for one man. "Yet, he had the residue of the Spirit;" and was abundantly able to have created more women for one man, if it had been lawful and best for him to have more. And "wherefore" did he make but "one" woman? "That he might seek a godly seed:" that is, because Monogamy, or the having but one wife, is subservient to godliness; and Polygamy is hurtful to it. Thus does the Prophet clearly decide against the lawfulness of Polygamy, under the Old Testament. The testimony of our Saviour, on this head, is not less express and pertinent. It is in *Matthew*, xix. 4, 5, 6: "Have you not read, that he which made them at the beginning, made them male and female? And said, "For this cause shall a man leave his father and mother, and shall cleave to his wife: and they twain shall be one flesh. Wherefore, they are no more twain, but one flesh. "They twain, not, "they three, or four," were to be one flesh: and a man was to leave father and mother, and cleave to his *wife*; not to his *wives*. And this was the design and institution of God *from the beginning*, under the *Old Testament*, as well as the *New*. This original law of marriage, in the very terms of it, as well as accord-

ing to the comment of Christ, is an absolute prohibition of Polygamy. It is so, in the terms of it. It declares, that lawful marriage, as appointed by God, is the connexion, for life, between *twain* or *two*, *one man and one woman*; and that, when they are married, they cease to be *twain*, and are *one flesh*. It also declares, that the man who is thus united to a woman, in marriage, shall *cleave unto her*, as his wife. Before, with filial affection, he cleave unto his parents, as a son, and acknowledged them only; and now, with conjugal affection, he is directed, as a husband, to cleave unto his wife. This language is capable of but one interpretation. If he is connected with any other woman, he ceases *to cleave to his wife*, and makes himself *one flesh with a stranger*. "What? Know ye not, that he which is joined to a harlot, is *one body*?" The same is equally true, if the connexion with the stranger were to be preceded by the forms of marriage. Any connexion with another woman is leaving his wife, and ceasing *to cleave to her*, in the very point which the law respects. So obviously is this the only interpretation, that this very language is customarily used in the solemnization of marriage, when a promise is exacted from the parties, *that they will be faithful to each other*. This

marriage; but not till then. If it be urged, that the injunction here referred to is a repeal of the general law under consideration, to this, it is only necessary to reply, that an exception to a general law, or a proviso, in a particular case, is never considered as a repeal of the law, but a confirmation of it in all other cases in which there is no exception, nor proviso. See, *Numbers*, xxvii. 8:—“*And thou shalt speak unto the children of Israel, saying, If a man die, and have no son, then ye shall cause his inheritance to pass unto his daughter.*” This is the case, with respect to all general laws. Did a proviso, or a particular exception, in some case, under a general law, repeal it, almost all laws would be repealed: for there are few, if any, without a proviso, or some particular exception to the general law. But, as already hinted, as the necessity of keeping up every family distinct, which was the reason of the exception to the law against marrying a brother’s wife, does not now exist among us, Gentiles; so the exception itself does no longer exist; and the general law is left to operate in its utmost extent. Apart from these considerations, it is worthy of remark, that the case provided for in *Deuteronomy* limits itself, with great precision. It *must be a brother, who died without male issue.*



Had the deceased left a *son*, the general law against Incest would have rendered a marriage with his widow, as incestuous as with any other woman, near of kin. And besides, whatever may be the scope, or extent of the exception furnished by this case, in regard to a *brother's wife*, in a *particular instance*; it evidently can have no reference at all to *the other class of sisters-in-law*. The *sisters of the wife*, are clearly and absolutely prohibited, without any admissible condition, or supposed dispensation. It is perfectly clear, too, that a similar case, under the New Testament, is impossible. Christians, therefore, can never, upon any contingency, be permitted to marry a sister-in-law, who has been *the wife of a deceased brother*, and still less, a sister-in-law, who is *the sister of a deceased wife*, to whom the dispensation in Deuteronomy never did, and in the nature of things, never could apply.

4. It is urged, that the law of Incest was made, chiefly, *to preserve the Supremacy of husbands, and the Subordination of wives*; and that, in conformity with this design, it *forbids* those marriages only, in which the husband is naturally the *younger*, and in grade of generation the *inferior* party; while it *allows* all those, in which his age and standing are superior. Thus, it

said, that marriage is *forbidden*, with a *mother*, with an *aunt*, and with an *uncle's wife*; while marriage with a *daughter*, with a *niece*, with a *nephew's wife*, and with a *wife's niece*, is *not forbidden*. In reply to such a suggestion as this, it is enough to say, that those who have advanced this argument, have examined the law of incest, just as far as suited their own purposes, and no farther. It is true, that marriage is *expressly* prohibited between a *son* and a *mother*, and between a *nephew* and an *aunt*, and that it is not expressly prohibited, between a *father* and a *daughter*, or between an *uncle* and a *niece*. It is, moreover, true, that marriage is *expressly* prohibited with an *uncle's wife*; while it is not expressly prohibited with a *nephew's wife*, or with a *wife's niece*. But, let it be remembered, that it is also true, that marriage is not expressly prohibited with a *wife's aunt*. Yet, surely a man is as absolutely one generation younger than his *wife's aunt*, as he is, than his *uncle's wife*. Here, then, in the very class of relations, on which the objector had his eye in forming his theory,—collaterals of the second degree by affinity,—we find a case, which completely oversets that theory. Again, Marriage is expressly forbidden with a *granddaughter*, but it is not expressly forbidden with

a *grand-mother*. A *grand-mother* is two generations older than her *grand-son*; so that the danger of subverting the marital prerogative would have been extreme. But in the case of a *grand-father* and *grand-daughter* where the chance of maintaining that prerogative would have been the highest possible, if superiority of age could have maintained it, there is an *express* prohibition. Again. Marriage is expressly prohibited with a *wife's daughter*, with a *son's wife*, and with a *wife's grand-daughter*; in each of which, the husband would have the advantage, by one or two generations of priority; and yet, it is not expressly prohibited with a *grand-father's wife*; in which he would be placed under a double disadvantage. It is not true, therefore, that it was the grand design of the law of incest, to prohibit those marriages only, which, through the inferiority of his age and standing, would jeopard the husband's right, to be *the head* of the family. It will not do, to subvert the law of incest, in order to prevent conjugal usurpation, and the consequent subversion of family order. In this, as in all *practical* cases, the scriptures point out the path of duty so clearly, that *she* who runs may read:—"Wives, submit yourselves unto your own husbands, as unto the Lord:"

“As the church is subject unto Christ, so let the wives be unto their own husbands, *in every thing.*” “How this duty could, in any language, be more fully or clearly expressed, is, indeed, inconceivable. If then, wives will not obey those most reasonable, and salutary, and explicit injunctions;—why then—Alas!—there is no help for it!—Certain we are, the remedy which, it is supposed, the law of incest was intended to apply to this evil, was worse than none: For, if we were to look for the class of husbands, who, as a class, are not only wholly denied their prerogative, but are kept, by their wives, under the most absolute and child-like subjection, we should find it to be *the class of old husbands, who have married young wives.*

5. There are some who affirm, that the law in Leviticus is *not moral, but ceremonial.* This, we must be permitted to say, is, indeed, a strange pretence. There is, certainly, in this law, nothing ceremonial;—nothing that has any immediate connexion with the external church, or the civil government of the Jews;—nothing that has any relation to the sacred rituals, typical purifications, and solemn sacrifices introduced in Israel, or adapted to the *period when the church was governed by a*

Theocracy; all of which are the distinguishing properties of a ceremonial law. Will any one pretend, that the law which forbids a man to approach a person who is *near of kin*, has the least respect, or any shadow of reference to *rites, types, or sacrifices*? Is there any thing in the object of this law, *peculiar to the Jews*? Is not marriage an institution *for all mankind*? Is there not the same nearness of kindred, subsisting throughout the whole world? Is not the moral turpitude of mixing with near relatives, the same in one period of time as in another? Is it not the same in *other people*, as in the *Jews*? When, therefore, the object of the law is moral; when it essentially applies to the whole world, and to every period of time; when it has nothing in its nature, form, or scope,—nothing in the connexion in which it is introduced, or in the language in which it is expressed, that has the most distant respect to any rites, or ceremonies;—with what propriety, or by what authority, will any contend, that this law against Incest is a *ceremonial law*?—And, if the whole law against incest, in the aggregate, be not ceremonial, with what shadow of argument, can any particular precept, in that law, be separated from the rest, and be pronounced ceremonial? Is the precept, in

the 16th verse, against marrying a sister-in-law, any more ceremonial than the other prohibitions in this chapter? Will any man, who understands what he reads, allow, that the other precepts against incest, or those against sodomy are moral, and yet contend, that the precept respecting a sister-in-law is ceremonial? Has *that* any criterion of peculiarity, or ceremony, distinct from the others? Does it not possess the same character, and is it not enjoined in the same connexion, in the same style, and by the same authority, with all the other precepts? Has it not the same *internal marks*, the same *essential properties* of a *moral law*?—But, if, in the absence of all evidence, and of all authority,—if, without being able to point out, as appertaining to any of these precepts, a single property of a ceremonial law, and overlooking all the considerations which have been suggested, the principle be still maintained, that the law against incest, or any precept of that law, is ceremonial, we would here inquire,—and inquire with emphasis,—Where will such a principle lead us?—But, once admit this principle, and then, it will follow,—not only, that a Christian may marry his sister-in-law,—but also, that he may even marry *his nearest relatives* by consanguinity: for

on *this* supposition, there is no law in the book of God, to bind him to the contrary. If the precept respecting *one* relation be ceremonial, then *all* the precepts are ceremonial:—a discrimination is impossible. The *Jews*, then, were restrained from committing abominable crimes; but *Christians* may perpetrate *those very sins* WITH IMPUNITY! Surely, no man of reflection will urge this plea, and look at the unavoidable conclusions to which it leads, without blushing at his prejudice and his rashness! But, what *absolutely determines the point*, that the prohibitions in the 18th chapter of Leviticus are *moral*, and *not ceremonial*, are the verses which immediately follow these prohibitions, particularly the 24th and 25th: “Defile not yourselves in any of these things; for, in all these, the nations are defiled, which I cast out before you. And the land is defiled. Therefore I do visit the iniquity thereof upon it, and the land itself vomiteth out her inhabitants.” And, verse 27th: “For all these abominations have the men of the land done, which were before you, and the land is defiled.” Words to the same effect follow these prohibitions, in the 23d verse of the 20th chapter. “And ye shall not walk in the manners of the nations which I cast out before you: For they

committed all these things; and therefore I abhorred them." By *all these incestuous marriages* the *Canaanites* were *defiled*, and for *these abominations* the very land in which they dwelt was sick of them; and God abhorred them, and cast them out. But *they* were never under the *ceremonial law*, nor any other law peculiar to the nation of Israel. *They* knew nothing of the law of Moses, or the Jewish Polity. All these marriages here prohibited, were violations of the moral law, or of the light of nature, or such instructions as God had given them, anterior to the writing of the law of Moses. The prohibitions were written in the law of Moses, to guard his own people from those very sins, for which he destroyed the nations which were before them, to whom the laws of Moses were never published. It is impossible, therefore, to conceive, how they should be defiled, and why God should abhor them, on any other account, than for their sins against the light of nature, or the moral law. Nothing, therefore, can be more certain, than that these prohibitions are of a moral nature, and binding upon all mankind. They were binding, before the law of Moses was written:—They are still binding;—and will be so *for ever*. It is pleaded by some, that these



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prohibitions were ceremonial, because, they say, the 19th verse of the 13th chapter was ceremonial, and belonged only to the Jewish Polity. - But, apart from the consideration, that the whole law concerning *Incest* closes with the 17th verse, and that the succeeding precepts have respect altogether to *other crimes*, and consequently, have no necessary connexion whatever with what precedes them, it is by no means granted, that the 19th verse was ceremonial. The contrary is abundantly evident; as it is a sin, like others, charged against the pagan inhabitants of Canaan, *who never had been acquainted with the law of Moses*; and is declared by God himself to be among those very abominations, for which he cast them out of the land. The prohibition was made, to prevent God's own people from committing those very sins, against the light of nature, by which the Heathen made themselves abominable; and for which they were destroyed;—and that the land might not vomit them out, as it had done its former inhabitants. Besides, the prophet *Ezekiel* mentions it, among other great abominations; and gives it, as a part of the character of a righteous man, that he keep himself from it. See *Ezekiel* xviii. 5—9. The nature, then, of the law of

Incest, the subject it contemplates, the style which it is expressed, and the connexion which it is introduced, must, it appears to convince any person, capable of understanding the question, that this law *cannot be ceremonial*, but is as much a *moral* law, as the law of marriage, or the seventh precept of Decalogue; and that, therefore, it is of *universal obligation*, binding upon *Christians, all men*, equally with the Jews.

6. There are some, who, though professing to be Christians, and to respect and love the word of God, and to yield obedience to its authority, yet, with strange inconsistency, and their dislike to the Pentateuch so far, as to permit themselves to affirm, that the *laws of Moses* were designed *exclusively for the Jews*, and consequently, that they no more concern *Gentiles*, than the *laws of Solon*, or *Lycus*; and that, therefore, nothing can be pleaded, from the 18th and 20th chapters of *Leviticus*, against marrying a *wife's sister*, more than from the laws of those Pagans. This, surely is rather the objection of the *Infidel*, than of a *Christian*. Will any *Christian* maintain that *we have nothing to do*,—with the *ten commandments*;—with the laws against *idolatry, bestiality, sodomy*, nor any kind of *Incest*. *Have we nothing to do* with the laws ag

*man-stealing, murder*, and those which relate to the *Sabbath*? Will any *Christian* maintain this? Certainly, he will not. But, *where* are ~~their~~ laws, relative to *these*, but in the *books of Moses*? Are not these laws vouched, by the prophets, and by Christ, and his Apostles, as the laws of God? That they are thus vouched, no one familiar with the Bible will venture to deny. The laws respecting Incest, then, are, most assuredly, *moral laws*. They prohibit sins, of which the heathen were guilty, who *never were under the law of Moses*. They are, therefore, no less to be regarded by *us*, than the other laws of God.

7. It is urged, that, in the *New Testament*, incest is *not* recognised as *unlawful*; and that the offence for which John the Baptist reprov'd Herod, and the offence, for the toleration of which Paul reprov'd the Corinthian church, were instances, *not* of *incest*, but of *adultery*. Hence, it is argued, that *no marriage can now be incestuous*. That such a plea as this, cannot stand the test of honest scrutiny, must be evident to any one, who, with the least degree of candour, will read the passages in which the facts here adverted to, are recorded. See *Matt. xiv. 5*; *1 Cor. v. 1*. *Herod and Philip* were brothers. *Herodias had married Philip*, and had afterwards been

divorced. We are told, that, when Herod married Herodias, his brother Philip's & John the Baptist told him, "*It is not law for thee to have her.* If Herod had *not* Philip's brother, it would have been law. It was the *Incest*, therefore, that rendered marriage *unlawful*. In the case of the *Cothian* offender, those who urge the plea we oppose, would probably say,—that, "if the father, whose wife this offender had married been dead, as no marriage is now incestuous and, if the father was living, as no intercourse now incestuous, he was guilty merely of *adultery*, in marrying another man's wife." what says Paul? The identical crime which he charges upon him, is not the crime of *adultery* but the crime of *marrying his father's wife* as a connexion, which, he says, "*is not so much named among the Gentiles.*" If Paul had not considered it a greater crime, in the case of a man who had married his *father's wife*, than the wife of *another man*, he could not have laid the weight of the charge upon the fact, that he had married his *father's wife*. If he had considered the incontinence of the son as amounting to nothing more than *adultery*, he could have said, with the least shadow of truth, that it *was* a crime "*not so much as named among the Gentiles.*"

*the Gentiles.*" The man who wrote the first chapter of the Epistle to the Romans, knew the Gentiles too well, and was too honest a man to make such an assertion. Had it been true, that adultery was a crime "*not so much as named among the Gentiles;*" the *Heathen* Gentiles of that age would have wonderfully surpassed, in purity, not only the *Jews*, but the *Christian* Gentiles of that and of every following age. It was, then, the *Incest* involved in the connexion between the son and the step-mother, which the apostle thus deeply reprobated; and on which he laid the charge of this enormous guilt. Incest, then, was *a crime*, and a crime of *singular enormity*, in a *Corinthian*, under the *Christian* dispensation,

8. It is alleged, that *Incest* is a mere offence by *positive statute*; and therefore, cannot be *a crime, in itself, or in the nature of things*; but that its *criminality*, or *innocence*, must always depend upon the *statute law of the land* where the persons forming the connexions in question reside. In support of this position, the following course of reasoning is employed. It is said,

1. That Incest was no crime, in Cain, Abel, and Seth, and the other sons of Adam, who were under a moral necessity of marrying, and whose duty it was to marry their sisters.

2. That it was made the duty of an Israelite, in certain circumstances, to marry his *brother's wife*. But, that God cannot place his creatures *under a moral necessity* of committing, and still less can he *make it their duty* to commit, that which, *in its own nature*, is a crime. Hence, it is concluded, that *Incest* is not, *in its own nature*, a crime, but merely an offence *by positive statute*, depending, for its criminality or innocency, on *civil enactments*. The fallacy of this reasoning may, at once be detected by simply inquiring,—“*what is sin?*” and considering the proper answer to this question:—“*Sin, is any want of conformity unto, or transgression of, THE LAW OF GOD.*” God has a right to give us what positive laws he pleases. When HE has forbidden a given act, the wilful commission of that act, is a sin, and that, in every case. When we know his positive commands, our business is not to ask, “*why?*” or “*wherefore?*” but, simply, to obey. And, if we do otherwise, we must meet the consequences. This argument might have been urged by an Israelite, under the Levitical code, with just as much force, as now by the objector. Wishing to marry *his niece*, or *his sister*, he might have said, “*Incest is merely an offence by positive statute, and not a crime in itself, or in its own nature. Cain, Abel, and Seth, and*



other sons of Adam, married their sisters in the very necessity of the case. There is in, therefore, in my marrying as I wish." Then brought to his trial, for breaking the law of Incest, what would Moses have said to him, in reply to such a plea? What Moses would have said to him, a greater *Lawgiver* than Moses hereafter, say, to the man, who now breaks the law of Incest.

The *practice of Incest*, among the *Patriarchs* and *Israelites*, is alleged, against the *binding force* of the *law of Incest*. In answer to this argument, it is, perhaps, sufficient to say, that the best *human laws authorize*, and the best *men mention*, conduct, which is *directly prohibited by divine law*. To argue what the law of God condemns the practice of men, even of the best men, seems, therefore, a hazardous course in every case; but especially in the case in question. But, let us inquire into the actual examples of the practice. Abraham married his *sister*—Lot's two daughters committed incestuous rape with their *father*, after they had made him drunk, for the purpose. Jacob married *two sisters*, in consequence of a gross deception practised upon him, by his uncle and brother-in-law, Laban. Tamar committed incestuous fornication with Judah, her father-in-

*law*;—he not knowing her to be his daughter-in-law. Reuben committed incestuous adultery, if so it may be called, with Bilhah, his *father's concubine*. Amram married his *father's sister*. Amnon committed incestuous rape with his *half-sister*. Absalom committed incestuous rape with *ten of his father's concubines* on the house-top, in the sight of all Israel. If we except the terrible denunciations against the inhabitants of Jerusalem, in the 22d chapter of the prophecies of Ezekiel, for the shameless commission of this crime, and the story of the destruction of the Canaanites, and the case of the sons of Adam, which was lawful marriage, what has now been briefly recited, is, we believe, a full history of Incest, in the Old Testament. We have, here, then, *three* cases of incestuous marriage, *thirteen* instances of incestuous rape, *one* of incestuous fornication, and *one* of incestuous *quasi-adultery*. Probably no argument will be attempted, in favour of the lawfulness of incest, either from the cases, or the characters, of Absalom, Amnon, Reuben, Tamar, or the two daughters of Lot. Of Amram, all that we know is, that he married his aunt, and lived with his countrymen in Egypt, under no regular government. The case of Jacob is familiar, and need *not, here, be particularly examined*. To those,

men, who rely on any, or on all, of these cases, for their justification, we have only one suggestion to make: in the day of trial, when asked by the Judge, "why did you commit in-cest?"—do you intend to answer,—“because Job did it;” or “because Amram did it;” or, “because the two daughters of Lot, and Thamar, and Reuben, and Amnon, and Absalom did it?” But, possibly, those who have married the sisters of their deceased wives, while they may hesitate to plead such examples, may yet think, that they may safely plead the example of *Abraham*. He was the *father of the faithful*, and the *friend of God*. Yet, he married his *half-sister*. His incest, they may properly say was a case of *consanguinity*, while theirs is a case of *mere affinity*. There are, however, some facts, in the history of Abraham, which, in our opinion, will clearly show, that such a plea ought to prove unavailing. Between *their* circumstances, and those of *Abraham*, there is a very wide difference. *Abraham*, when he married Sarah, was a *heathen*, and an *idolater*, living in Mesopotamia, in the midst of *heathens* and *idolaters*; who, if we may judge from the conduct of their heathen and idolatrous neighbours, the Canaanites, were from being over scrupulous on the subject

of marriage, and incest, and uncleanness, in all its filthy varieties. *They* profess to be *Christians*, and to live in a *Christian community*, the great body of whom, even now, notwithstanding the influence of the examples of late set before them, still regard the marriage they have contracted as incestuous. *Abraham* was a young man; and his attachment to *Sarah* had all the force and freshness of a *first love*. *They* are widowers; and their attachment to *the sisters of their deceased wives*, is, or ought to be, but a *second love*. The law of incest, under which *Abraham* lived, was probably *traditional*, and therefore liable to indistinctness and uncertainty. The law under which *they* live, is *written*, and therefore distinct and certain. The Jewish commentators agree, that the traditional law under which *Abraham* lived, forbade marriage with a *sister*, without specifying a *half-sister*; and that the section, forbidding marriage with a *half-sister*, was introduced into the Levitical code, to counteract the influence of *Abraham's* example; and the fact, that, in each of the four passages, forbidding marriage with a *sister*, a *half-sister* is expressly specified,—“thy sister, the daughter of thy father, or the daughter of thy mother,”—gives strong colour to *this opinion*. The written law, under which

*they* live, on the contrary, does most clearly forbid the marriage which they have contracted, as well as, most expressly and explicitly other marriages still more remote. If Abraham, thus, in fact, persuaded himself, *that a sister did not mean a half-sister*, it is only one instance, out of very many, in which men, by the aid of very slight arguments, have concluded, that *what they very much wanted to do, was not wrong*. Painfully numerous have these instances been, in every age; especially where conscience has drawn one way, and the love of women, the other. But, if we could forget, that Abraham, at the period of his marriage, was an idolater, what, in this case, would be the argument? Probably, it might be this: "Abraham was too good a man to do what was wrong: but he married his *half-sister*: (a clear case of Incest:) therefore, incestuous marriage is not wrong." We could wish, that the *major* of the syllogism had been true:—that he, with whom "God conversed, face to face, as a man converseth with his friend," who, at the call of God, "went out, not knowing whither he went," who offered his "only son, even Isaac, as a burnt offering," who had such influence on high, that not a flake could drop from the *fiery cloud* on Sodom and Gomorrah, till his

prayer was ended, and who heard, from God's own mouth, the sentence, "Well done!" before he was summoned to his trial:—we could wish, that even *he* had been too good a man to do what far humbler virtue sees to be wrong. But, what says the record? Moses was too honest an historian, to gloss over the failings, even of Abraham. A hero and a saint, in the battle with Chedorlaomer and the three associate kings, he quailed in his courage and his faith, at the courts of Pharaoh and Abimelech; and left us evidence, alas! too convincing, that the conduct of no child of Adam is an unerring rule of rectitude, except that of the Man CHRIST JESUS.

10. It is alleged, that the advocates for an extended law of Incest cannot agree, among themselves, as to its extent;—that the Papists forbid marriages with *fourth cousins*; and that some Protestants have held marriage with a *first cousin* to be unlawful. Hence, it is argued, that it is impossible to ascertain, with certainty, the degrees actually prohibited; and of course, that we may lawfully differ, with regard to it. We admit, that the Popes did this. Knowing that the Royal Families of Europe were all related, and that they would intermarry only with each other, they extended

the law of Incest to the degrees specified, for two reasons: to secure a princely docteur for every license; and to compel crowned heads to acknowledge the supremacy of the Popes. While their *hand was in*, they also sold licenses for marriages really and grossly incestuous; and thus, made it one great division of the most profitable branch of their business, that of selling indulgences to sin. We also admit, that some Protestants have held the marriage of *first cousins* to be unlawful. Having made these admissions, we reply,

1. The want of agreement among the advocates of a doctrine, or duty, can be no reason for giving it up. If it were, we must give up the whole Bible.

2. The corruptions of Popery cannot nullify the word or law of God. If they could, what part of either would be left?

3. The only practical question, in this and every other case, is *what is the law of God?* The answer to that question, settles our duty.

4. The whole scriptural law of Incest, is given, in the preceding pages; and, from the very nature of the subject, admits of being settled, with mathematical certainty. It expressly mentions *nearness of kindred* as the *rule of the law*; and the application of it is

strictly mathematical. While it expressly forbids marriages between collaterals of the *first* and *second* degrees, both by consanguinity and affinity, it contains no allusion to marriages between collaterals of the *third* degree,—that is, between *first cousins*,—either by consanguinity or affinity.

5. If this be a good reason for dispensing with a part of the Levitical law of incest, it is equally good for dispensing with the whole, and

6. This objection charges the fault on the law itself; and therefore, if valid, is a good reason, why such a law should not have been given.

11. Another plea, frequently urged, which, perhaps, deserves a passing notice, is one relative to *convenience*. It has been repeatedly affirmed, that no person is so suitable to come into the place of a deceased wife, as her sister:—and that none are so likely to be kind and faithful to her motherless children. What is this, but an appeal to *corruption*, and to *human feelings* and opinions,—against the *law*, the *wisdom*, and the *goodness of God*? He knows, with infallible certainty, what is most suitable, in all cases; and what will always promote *personal, domestic, and public happiness*.



Nothing, therefore, is to be pleaded against *his* will. Were this a valid plea, it might be pleaded, with equal force, for *a brother's marrying his own sister*, and for *a daughter's marrying her own father*: for, *who* would be so kind to a man and his children, as *his own sister*? *Who* would be so kind to a daughter, and her fatherless children, as *her own father*? And *who*, in the world, would be so kind a wife, as a man's own daughter? But, how invalid, and absurd, are all such pleadings? Objections like these ought never to be mentioned in opposition to the divine law. Besides;—it is by no means a conceded point,—that the sister of a deceased woman, married to her husband, is more likely than another person to be kind to her children. It is said, that orphans have been more frequently murdered by uncles and aunts, than by any other persons.

12. It is pleaded,—that the case of marrying a *wife's sister*, is very different from that of marrying a *brother's widow*: that there are very few, if any instances, in which a man marries, or wishes to marry his *brother's widow*, whereas the instances of men who marry, or wish to marry their *wife's sisters*, are, comparatively, very numerous;—which shows, that the feel.

ings of human nature are very different, in the different cases:—that the minds of men, in general, revolt from the idea of marrying a *brother's widow*, but not at all from the idea of marrying a *wife's sister*; and that, therefore, we cannot justly argue, from the one of these cases, to the other. To this, it may be replied,—that it is no proper matter of wonder, that men do not so frequently marry their *brothers' widows*, as their *wives' sisters*: for they do not so generally choose, to marry *any widows*, as they do women who have never before been married. It may be presumed, that as many instances may be produced, in which men have wished to marry their *brothers' widows*, as can be produced, in which they have wished to marry their *wives' sisters, who are widows*. If women were at liberty to make overtures towards marriage, we might expect as many instances of such overtures made to *husbands' brothers*, as are now made to *wives' sisters*;—which would show, that human nature no more revolts from the idea of marrying a *brother's widow*, than from that of marrying a *wife's sister*.

13. It is yet farther objected, that the Jews maintain, that the law against Incest does not forbid an Israelite to marry his sister-in-law; *and as they must be supposed to be the best*

expositors of their own law, we may conclude; that this relative was not forbidden. The fact, assumed in this objection, is denied. It is a well authenticated historical fact, that many of the Jewish Rabbins, in answer to the application of Henry the VIII., gave it under their hands, in Hebrew, "that the Laws of Leviticus and Deuteronomy were thus to be réconciled.— That the law of marrying the brother's wife, when he died without children, did only bind in the land of Judea, to preserve families, and maintain their successions in the land, as it had been divided by lot: but, that, in all other places of the world, the law of Leviticus, of not marrying the brother's wife, was obligatory." Whatever, then, some *modern* Jews may have asserted, that which is assumed in the objection we here notice, is, assuredly, not the doctrine generally received by that people. But, if it were even so, if we should even admit it to be one of the interpretations in the farrago of Jewish traditions ;—what, then ? What argument can it produce to the purpose ? Had not that unhappy people, even anterior to their terrible excommunication from the church of God, lost the key of knowledge ? Did not our blessed Lord call them "blind leaders of the blind, who *transgress the commandments of God by their*

traditions; making the word of God of none effect?" And is this the people to whom Christians must go for instruction? Are these the men who are the best expositors of the scriptures, which they evidently do not understand? Is the law against Incest *their law exclusively*? Is it not *our law*, as well as *theirs*? Does it not bind *us* as fully as it did *them*? Do *we* not know how to expound *our own* law, without the assistance of the *enemies of the cross*, upon whose face the *veil still remaineth*? Whether some ignorant and licentious Rabbies patronised the marriage of a sister-in-law, or whether the learned and virtuous Caraites opposed it, is of small concern to us. We are in the school of Christ; and have the promise of being taught of God.

When it is considered, that objections are of no avail against demonstration; and that, although whatever has been proved true may be contradicted, yet, it can never be rendered false, it may probably be thought, that we have occupied undue space, in noticing objections. For this, our apology is, that there are, even against the best established truths, objections sometimes urged, which, if left unrefuted, may become dangerous to individuals; and, when *influence* joins with error, may prove injurious

to the community. Influenced, therefore, by a desire, to establish the truth, and to remove prejudice, we regarded it, though not a pleasant, yet a useful task, to introduce, and as briefly as we could, to answer, every objection that appeared to us to be seriously urged, or to have the semblance of an argument. Other objections, besides those we have noticed, have been sedulously collected; but, so far as we have been able to perceive, they are altogether foreign to the principles upon which the subject rests; and too frivolous and sophistical, to be worthy of notice.

14. ONE, however, remains, which is mentioned with sincere grief, and great reluctance. It would gladly be suppressed; but faithfulness imperiously forbids. It has, indeed, no essential respect to the merits of the question;—but, it is popular; and, upon minds unaccustomed to think for themselves, has, probably, had more influence than the weightiest arguments. It is urged, that there are instances of men, maintaining a good standing in the church, and even highly esteemed for their piety, who have married the sisters of their deceased wives; and, as such men are presumed to be acquainted with the word of God, and conscientious in their conduct, it must be taken for granted, by

persons of inferior standing, that it is not an unlawful act; and that their example should encourage, and ought to justify others, in doing the same. The fact adverted to in this plea, is, it must be confessed, greatly to be lamented. It is a cause of sorrow and offence, that those who are commanded to shine as lights in the world, and, above all others, to avoid the appearance of evil, should be the unhappy instruments of leading their weaker brethren into sin, and strengthening the hands of the wicked. But, in answer to the plea,—admitting the persons therein referred to, to be really pious, and that they plead “a conscience void of offence,”—declaring, that, “*in the integrity of their hearts, and innocency of their hands, they have done this thing;*”—that they put a different construction upon the divine law; and, although they knew that they approached very near, yet, they were not aware of being actually guilty of Incest:—In regard to this apology, *as it respects themselves*, they can only be told, that their declaration is received with great candour; and admitted with much charity: but, the *validity* of their plea, *must be left to* THE SEARCHER OF HEARTS. HE KNOWS,—what their motives were;—what their opportunities for obtaining better information;—their solemn warnings

against the crime ; and their struggles, in the first instance, against convictions. These are all before him ; and with him they must remain. Far be it from *us*, to judge of *motives*. *Actions* claim *our* attention ; and *censure* fixes upon *conduct alone*. It is upon their *example*, that the plea is founded:—It is because they have *done this thing*—it is because they have married their sisters-in-law.—But, conceding them to be truly pious, and without the least suspicion or imputation to the contrary;—yet, what commendation can their piety add to a transaction, which is actually evil? What influence, *as it respects others*, ought their example to produce? Their conduct, indeed, *ought to be a practical comment* upon the divine law;—but, when it becomes the reverse, can it annul the obligation to obedience? Will their personal piety justify their deviations from the commandments of God? Or, will it be right and safe for others, to take encouragement from their backslidings to commit the same crime? David was a pious man;—but, could the sins of which he was guilty abrogate the decalogue, or recommend such enormous transgressions to the imitation of others? Peter was a pious man;—but, could his denial of his Lord frustrate the divine law, or suggest any

argument, to render falsehood and profanity innocent and commendable? "*Let God be true, but every man a liar.*" The law of God is the rule of our conduct:—*Not the acts of men;*—not even of the most advanced saints. Sin, wherever it exists, and by whomsoever it is perpetrated, is that abominable thing which God hates, and will assuredly punish. This awful and interesting truth is confirmed by the divine procedure, in the instance of David. The humble penitent was pardoned;—but, a train of desolating judgments afflicted his family, and filled his cup with bitterness. So far from lessening the evil, when committed by his own people, it becomes enhanced; and sin, in them, is *exceeding sinful*. God's children, being, indeed, regenerate and pious,—the Lord "*will take away their sin; they shall not die.*" For *them* there is redemption, through the blood of Christ,—even the forgiveness of sins." Grace will prevail; and, when the obstacle to their being received again into communion shall be removed, either by the death of the sister whom they had married, or by the separation of the parties, they will not only profess contrition for having *offended the church*, but also for the *sin itself*, by which they have *offended their God*. To their divine Saviour



the penitent transgressors are referred:—But, let not their conduct, in committing this crime be any more suggested, as an example to be imitated. And, let the churches indulge the hope, that,—whatever others may do, no members, and especially none who are esteemed for their piety, and more especially still, none who bear the office of Ambassadors for Christ, or who bear rule in his church, will ever again excite grief, and cause offence, by marrying a SISTER-IN-LAW.

Having suggested what we deem sufficient, in defence of the rule prescribed in our Confession of Faith, for the proper understanding of the scriptural law of incest, and in illustration of the testimony of the Holy Scriptures, in relation to the question in dispute; and having candidly considered the most prominent objections and difficulties which have usually been urged against that view of the subject before us, which our Confession of Faith presents, we now proceed, agreeably to our original plan,—

III. Seriously, respectfully, calmly and dispassionately, to review the various acts of the highest judicatory of the Presbyterian church in the United States of America, touching the

connexion here referred to, and other similar connexions.

In the execution of this part of our work, we begin, by looking at the proceedings of the Synod of Philadelphia; and we notice it, as a pleasing and interesting fact, that, in the earliest period of the history of our church, the discipline exercised by our highest judicatory, was, while tempered with all due lenity and forbearance, yet characterized by strict fidelity, and a genuine concern for exemplary moral purity in the lives of church members. During the interval between the original formation of the Synod of Philadelphia, and its union with the Synod of New York, under the name of the Synod of New York and Philadelphia, we find but one single case of incest presented to the Synod for adjudication; and we must, here, be excused for saying, that, in our humble opinion, it had been happy for our church, had the decision of the Synod of Philadelphia, in the case we now refer to, been regarded as a precedent, for the disposal of all subsequent cases of a similar kind.

On the 20th of September, 1717, the following record was made; namely,

“The affair of Andrew Vandyke, that was referred from the Presbytery of New Castle to the Synod, came under consideration, and a

considerable time being spent in discoursing upon it, it was determined *nemine contradicente* that his marriage with his brother's wife or widow was incestuous and unlawful, and their living together as the consequence of that marriage, is incestuous and unlawful; and that so long as they live together, they be debarred from all sealing ordinances, and that Mr. Witherspoon make intimation hereof to his congregation in what time and manner he shall think convenient."

This decision appears to have produced a salutary effect; for, from an inspection of the records, it is found, that the church, after this act of discipline, was not again troubled with a similar case for adjudication, for upwards of forty years.

The next case of this kind was introduced into the Synod of New York and Philadelphia, in May, 1758; but was not fully adjudicated, until May, 1761. Other cases were associated with it; and the ultimate decision was marked, by a regard to fidelity and purity; yet, their postponement of action upon it, from year to year, for three years, seemed to discover a degree of timidity, the tendency of which must have been, to encourage improper, unlawful, and *incestuous connexions*; and, from time to

time, to add to their number: and it was naturally to be expected, that such a timid and hesitating course, could not fail to be ultimately productive of no small trouble to the church. That this has been the uniform tendency of such policy, is proved beyond controversy, by the subsequent history of cases of this kind. The following are the records, to which we here refer.

31st May, 1758.

“A case of conscience was proposed, and the consideration of it deferred till our next meeting.”

22d May, 1759.

“The case of conscience brought into the last Synod, namely, Whether a man who has married his half-brother’s widow, may lawfully live with her as his wife, was a little considered, but as the members have not generally closely examined this matter in its general nature, it is deferred till next Synod; and it is ordered, that the several members bring or send their sentiments in writing, and inform the absent members to do the like.”

23d May, 1760.

“*The case of conscience concerning a man*

having married his half-brother's widow, was brought under consideration, and several members offered their thoughts on it; but the farther consideration was deferred till the afternoon."

Same day,—3 o'clock, P. M.

"The case of marriage resumed. After some farther converse on this point, agreed, that Messrs. Samuel Finly, James Finly, Blair, Miller, Kettletas, and Gilbert Tennent be a committee to bring in a sum of what they can find in Scripture and the English law on that point, against Monday afternoon; and also on a second case from Donegall Presbytery, where a brother's and sister's relicts married together; and on a third case of a man's marrying two sisters, one after the other's death."

27th May, 1760.

"The case of conscience resumed, and the committee appointed to examine what the English and Levitical laws have determined in this affair, brought in their report."

"Voted, that the consideration of the above affair be referred until next Synod, and that it be recommended to the several members to examine the affair more thoroughly before that time, and give their sentiments on it."

“The second and third cases of conscience deferred till the afternoon.”

3 o'clock, P. M.

“As to the second case of conscience, the Synod judge, that such a marriage, however inexpedient it be, yet as we cannot find it prohibited by the Levitical law, it is not to be condemned as incestuous.”

“The third case of conscience was considered; and though the majority of the Synod think that the marriage is incestuous, and contrary to the laws of God and the land, and agree that it is sinful and of dangerous tendency, yet inasmuch as some learned men are not so clear in this point, it is agreed to resume the consideration hereof next year.”

25th May, 1761, 3 o'clock P. M.

“The cases of conscience respecting marriage were resumed, and after the most mature deliberation, the Synod judge as follows: “That as the Levitical law, enforced also by the civil laws of the land, is the only rule by which we are to judge of marriages, whoever marry within the degrees of consanguinity or affinity forbidden therein, act unlawfully and have no right to the distinguishing privileges of the churches; *and as the marriages in question appear to be*

within the prohibited degrees, they are to be accounted unlawful, and the persons suspended from special communion while they continue in this relation."

After the disposal of these cases, nine years elapsed, before another similar case was introduced; and, in this instance, the adjudication was delayed for two full years; and then there was a falling off from the strictness and purity of former years, in the decision. This, indeed, might have been anticipated: for, the smallest departures from strict fidelity, generally prove but entering wedges for the more ready admission of greater.

The following are the minutes, in the case here referred to.

24th May, 1770.

"A reference from the first Presbytery of Philadelphia respecting this question, namely, whether a man may lawfully marry his wife's brother's daughter, was brought in and read, and the consideration of it deferred till the afternoon."

3 o'clock, P. M.

"The farther consideration of the reference from the first Philadelphia Presbytery, deferred till *next year*."

22d May, 1771.

“The case respecting marriage was taken under consideration, and after deliberation upon it some time, it was deferred till next Synod.”

21st May, 1772,—3 o'clock, P. M.

“The case referred to this Synod by the last, respecting marriage, came to be considered; and after some time spent in the affair it was deferred till to-morrow morning, and Messrs. M'Whorter, Strain, Matthew Wilson and George Duffield, are appointed a committee to prepare a minute on the case, and bring in to-morrow morning.”

22d May, 1772.

“The committee appointed yesterday upon the case respecting marriage, brought in a minute; which, after being corrected, was approved; and is as follows:

“After mature deliberation, the Synod declare their great dissatisfaction with all such marriages as are inconsistent with the Levitical law; which, in cases matrimonial, we understand, is the law of our nation; and the persons intermarrying in these prohibited degrees, are not only punishable by the laws of the country, but ought to suffer the censur



of the church; and farther judge, though the present case is not a direct violation of the express words of the Levitical law; yet as it is contrary to the custom of Protestant nations in general, and an evidence of great untenderness, and so opposite to such precepts of the gospel as require Christians to avoid all things of ill-report, and all appearance of evil, and what is offensive to the church, that the persons referred to, in this instance, ought to be rebuked by the Church-Session, and others warned against such offensive conduct; and, in case these persons submit to such rebuke, and are, in other respects, regular professors, that they be not debarred of Christian privileges.

“And Mr. Hunter is ordered to read this minute publicly in his congregation, where the persons live referred to in the above case.”

The effect of this decision must have been, to remove more than half the terror, which the exercise of wholesome discipline is designed and fitted to produce on the minds of offenders: for persons, having a future similar connexion in view, looking at this decision, and calculating that some friend might plead it for them, as a precedent, would, without much difficulty, venture upon the desired connexion;—concluding, that it would be but a light

affair, to submit to a rebuke; and probably expecting, that the prescribed rebuke might be administered privately, and, doubtless, too, with great tenderness: and withal, they might look upon it secretly, if not professedly, as nothing more than a mere matter of form, which might be submitted to, for the purpose of keeping up appearances.

The next, which was the last case of this kind that came before the Synod of New York and Philadelphia, was the case of Mr. Anthony Duchane. After enjoying an interval of relief from this unpleasant kind of business, for seven years, this case was introduced, on the 20th of May, 1779; and continued to trouble the Synod for about five years. The firmness and decision of the discipline to be exercised in God's house, we admit, should always be mingled with tenderness; yet, we are sure, that Christian tenderness should never be allowed to degenerate into that degree of laxity which removes wholesome terror, and encourages offenders to persist in their iniquity. To all who calmly and impartially contemplate the history of the several cases of Incest, which were adjudicated in our highest Court, during the first seventy-eight years of the history of our church, that is, from 1706 to

20th May, 1779.—3 o'clock, P. M.

“ A reference from the Presbytery of New Castle was brought in by the committee of overtures, respecting a certain Anthony Duchane, who had married the sister of his former wife, and praying the advice of Synod, whether the said Duchane may be admitted to enjoy church privileges in his present situation, or what ought to be done in such case.

“The Synod proceeded to consider the above case; and, after debating to a considerable length, agreed to defer it to the meeting of Synod next year.”

18th May, 1780.—3 o'clock, P. M.

“The reference from the Presbytery of New Castle, respecting a certain marriage, brought in last year, deferred to next Synod.”

16th May, 1781.

“The Presbytery of New Castle have not brought in their minutes respecting a case of marriage, as ordered in our last.”

17th May, 1782.—3 o'clock, P. M.

“Anthony Duchane, who has married the sister of his former wife, and whose case has been before the Synod for two years past, preferred a *petition*, that he might no longer be

debarred the privileges of the Church, on the account of said marriage. After full and deliberate discussion, the question was put, Shall Anthony Duchane, and his wife, be capable of Christian privileges, their marriage notwithstanding? which was carried in the affirmative, by a considerable majority.

“The following gentlemen chose to express their dissent from the preceding decision; namely, Alexander Miller, John King, John Craighead, Colin M’Farquhar, James Power. The Rev. James Finley, and Robert Cooper, chose to protest against it; and had the liberty of sending their reasons hereafter.”

18th May, 1782.

“Notwithstanding the decision of last evening in the particular case of Anthony Duchane, the Synod, in consideration that such marriages are of ill report in many parts of the church, do recommend it to their people to abstain from them, in order to avoid giving offence.

22d May, 1783. }  
3 o’clock, P. M. }

“Remonstrances from sundry congregations were brought in by the committee of overtures requesting a reversion of the decision of *last Synod*, respecting the marriage of a man

with his former wife's sister. After much deliberation, Synod agree to re-consider the subject to-morrow morning."

23d May, 1783.

"Agreeably to the order of this day, the Synod proceeded to re-consider the case of marriage, and discussed the subject at considerable length;—the farther consideration thereof deferred till the afternoon."

3 o'clock, P. M.

"The Synod resumed the consideration of the case of marriage; and after debating the matter at some length, agreed to defer the final decision thereof till to-morrow morning."

24th May, 1783.

"The Synod having again resumed the consideration of the judgment which they passed last year concerning Anthony Duchane, declare their dissatisfaction with all such marriages as are inconsistent with the Levitical law, and that persons marrying within the degrees of consanguinity or affinity prohibited in that law, ought to suffer the censures of the church; and they farther judge, that although the marriage of a man to two sisters successively,

debarred the privileges of the Church, on the account of said marriage. After full and deliberate discussion, the question was put, Shall Anthony Duchane, and his wife, be capable of Christian privileges, their marriage notwithstanding? which was carried in the affirmative, by a considerable majority.

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namely, to the one after the death of the other, may not be a direct violation of the express words of that law; yet, as it is contrary to the custom of the Protestant churches in general, and an evidence of great untenderness towards many serious and well-disposed Christians, and may, through the prejudices or generally received opinions of the members of our church, be productive of very disagreeable consequences; the persons contracting such marriages are highly censurable; and the practice ought to be disallowed, in express terms, by the Synod; and we do, therefore, condemn such marriages, as imprudent and unseasonable. Yet, as some things may be done, very imprudently and unseasonably, which, when done, ought not to be annulled, we are of opinion, that it is not necessary for the persons whom this judgment respects to separate from one another: yet, they should not be received into the communion of the church, without a solemn admonition, at the discretion of the Session of the congregation to which they belong; and the Synod publicly recommend it to all their members, to abstain from celebrating such marriages, and to discountenance them, by all the proper means in their power.

“*Mr. Finley* dissented from the above judg-



ment, and requested leave to enter his reasons of dissent in the minutes, which was granted.”

19th May, 1784.

“The Rev. Mr. James Finley sent in his reasons for dissenting from the judgment of last Synod, respecting a certain Anthony Duchane, and Eliza, his wife, which were ordered to be inserted. They are as follow:

“The subscriber begs the following may be inserted as containing his reasons for protesting against the judgment formed by the Synod, in the year 1783, upon a review of the judgment or judgments formed in the preceding year, respecting Anthony Duchane, and his supposed wife. The reasons are,

1st. That although this year’s judgment differs from the judgment of the preceding year, in words, yet, the substance is nearly the same: the first year’s judgment allows the above said persons to be admitted to privileges, notwithstanding their marriage; the second does the same: the former cautions against such marriages, purely because offensive to many;—the latter does the same, and goes no farther than to say that marriages, contrary to the prohibitions in Leviticus, are imprudent and unseasonable, many in our church being offended

at them; and they are offended for a reason very different from that given by the Synod. The last of the former judgments, by implication, reproves persons guilty of such marriages; for it blames them, as acting imprudently;—this year's goes little farther; for it only requires them to be rebuked; and that, at the discretion of the session; which may be done very privately; and it neither requires them to confess their fault, nor to forsake it.

2dly. This year's judgment appears to be worse than that of the last: For the former, however unsoundly intended, yet, was more safely worded: For they say nothing about the persons cohabiting for the future, but only respect the marriage, which is a crime, that upon confessing and then forsaking the marriage-bed, ought to be passed over; and had this been added, the judgment would have been very vindicable: but, this year's judgment allows them to cohabit, which is the crime directly forbidden by Almighty God:—so that, hereby, the Synod allow them to continue in the constant violation of a moral negative precept. Therefore, since there is such an agreement, and the last judgment worse than the former, I firmly adhere to the reasons given in my *first protest*, as applicable here. I would add,

that the Synod has treated with disregard the petitions of many worthy persons, who begged, that, if the Synod should confirm their former judgment, they would let them know their reasons for so doing, which, I think, is not done. The only thing like it, is their saying in the minute, that some things may be done, very imprudently and unseasonably, which, when done, ought not to be annulled, which nobody doubts: but the petitioners expected a proof that *this* was a thing of that nature, and to have been instructed in it. Upon the whole, although I desire not to promote uneasiness yet, knowing it to be my duty to testify against the declensions and dangerous innovations in our church, I am obliged, by conscience, to act as I do in this, and may go farther, be offended who will.                   JAMES FINLEY."

It is a remarkable fact, that the *first* case of Incest, which was introduced into the Synod of Philadelphia, and the *last* case of the kind that came before the Synod of New York and Philadelphia, came up, by reference from the *Presbytery of New Castle*. The *first* of these, was introduced, on the 20th of Sept. 1717; and the *last*, on the 20th of May, 1779. We would not, *without reluctance*, speak disparagingly

the Presbytery of New Castle. That Presbytery has, in many instances, displayed a noble zeal for truth and purity; and for the faithful exercise of the discipline of God's house, they have long deservedly enjoyed a high reputation; but, for their want of promptitude, in *this* matter, we are constrained to say to them, as the apostle Paul said to the Corinthian church, in reference to a fault of another kind, "What shall I say to you? Shall I praise you in *this*? I praise you not." It would seem, indeed, as if, *in reference to the offence under consideration, this Presbytery was "ever learning, but never able to come to the knowledge of the truth."* What need had the Presbytery of New Castle to trouble the Synod for advice, *in the case of Mr. Duchane*, when, by reference to their own records, they might have ascertained, that, nearly sixty-two years before, the Synod of Philadelphia had, *in a case precisely similar, namely, the case of Andrew Van Dyke, with perfect unanimity, decided, that the connexion in question was both incestuous and unlawful; and that the persons who had entered into it, were, during its continuance, inadmissible to sealing ordinances?* But, within these sixty-two years, there was gradually a sad falling off from the strictness and fidelity of *the Christian discipline of former years; and*

alas! so far, at least, as this particular crime is concerned, it is to be feared, that in the sixty-two years which have since elapsed, the records of the highest judicatory of our church exhibit no evidence of a very rapid improvement in the maintenance of that Christian purity which our fathers so diligently sought to establish. Well, indeed, might our church admit, as she does in her preliminary principles of government, that "all Synods and councils may err, through the frailty inseparable from humanity;" and while we greatly venerate the character of the late Synod of New York and Philadelphia, we must be permitted to lament their errors on this subject. In several of the cases here noticed, we think they erred in *two* respects: *first*, in delaying judgment, from one year to another; and thus suffering evils to be prolonged which ought to have been crushed in their infancy;—and *secondly*, in extending the privileges of God's house to offenders, without previously purging the church from the scandal of their respective offences.

We now proceed to consider the acts of the General Assembly of our church, on this subject; from a careful and candid review of which, we cannot fail to perceive, that by the extension of unwarrantable lenity to the transgress-

once, have perceived, that they must either abstain from such connexions, or relinquish the expectation of enjoying Christian privileges in the Presbyterian church; and, perceiving this, they would have made a speedy choice of one of the alternatives thus set before them; and, long since, they would have ceased to give any trouble. It is in vain that *disapprobation* of such marriages, or *dissatisfaction* with them, is expressed:—no matter how strongly, how explicitly, or how pungently, such disapprobation, or dissatisfaction, may be set forth;—if, at the same time, Christian privileges are extended to those who contract them, the number of such offenders will increase: they will continue to offend and grieve many of the godly;—and thus, as the unhallowed fruit of a culpable laxity of discipline, licentiousness and impurity will spread; and to a fearful and most painful extent, mar the edification of the church. The whole history of the proceedings of the Synod of Philadelphia, of the Synod of New York and Philadelphia, and of the General Assembly of our church, on this subject, will furnish an ample illustration of these remarks.—But we proceed to look at the records, in the case of Mr. Duchane. They *are as follow*:—

20th May, 1779.—3 o'clock, P. M.

“ A reference from the Presbytery of New Castle was brought in by the committee of overtures, respecting a certain Anthony Duchane, who had married the sister of his former wife, and praying the advice of Synod, whether the said Duchane may be admitted to enjoy church privileges in his present situation, or what ought to be done in such case.

“The Synod proceeded to consider the above case; and, after debating to a considerable length, agreed to defer it to the meeting of Synod next year.”

18th May, 1780.—3 o'clock, P. M.

“The reference from the Presbytery of New Castle, respecting a certain marriage, brought in last year, deferred to next Synod.”

16th May, 1781.

“The Presbytery of New Castle have not brought in their minutes respecting a case of marriage, as ordered in our last.”

17th May, 1782.—3 o'clock, P. M.

“Anthony Duchane, who has married the sister of his former wife, and whose case has been before the Synod for two years past, preferred a *petition*, that he might no longer be

that the policy which perseverance in such a resolution as this would establish, must powerfully tend to *countenance* and *encourage* them. That this was the effect of the adoption, by two different assemblies, of the resolution we refer to, must appear evident, from what soon afterwards occurred.

After the lapse of only two years, there occurred, in a church within the limits of the Synod of Pittsburg, a similar case, that is, the case of a man who had married his former wife's sister's daughter. Concerning this case, the Assembly of 1804 expressed themselves thus: "The Assembly cannot advise to annul such marriages, or pronounce them in such a degree unlawful, as that the parties, if otherwise worthy, should be debarred from the privileges of the church;—but, as great diversity of opinion appears to exist on such questions, in different parts of the church; so that no absolute rule can be enjoined with respect to them, that shall be universally binding, and consistent with the peace of the church; and, as the cases in question are supposed to be doubtful, the Assembly is constrained to leave it to the discretion of the inferior judicatories under their care, to act, according to their own best light, *and the circumstances in which they find them-*



es placed.” In this act, or resolution, we see a discretionary power given to the inferior judicatories: but, on viewing it in its connexion with what precedes it, we may well ask, of what nature is this discretionary power? Does not the very first clause, in this act, render such a power entirely nugatory, by declaring, that the General Assembly cannot advise to annul such sentences, or pronounce them in such a degree unlawful, as that the parties, if otherwise worthy, should be debarred from the privileges of the church?” If this be understood as a direction not to debar the parties, in such cases, from the privileges of the church, (and if it be thus understood, it has no meaning;) how can the matter, with propriety, be said to be “to the discretion of the inferior judicatories?” Suppose, in any given case of this kind, it should be the discretion of an inferior judicatory, to debar such parties from church privileges, would not the parties be ready to plead, that such discretion was contrary to the advice of the General Assembly? It was idle, then, to talk of a discretionary power, thus fettered, and thus clogged. In the same act, we are further told, that, in consequence of the “great diversity of opinion” which “appears to exist, on such questions, in different parts of the church,

*no absolute rule* can be enjoined, with regard to them, that shall be *universally binding*, and *consistent with the peace of the church.*" The meaning of this seems to be that, if an "*absolute rule*," enjoined by the General Assembly, with regard to such questions, should be made *universally binding*," such an *absolute rule*," would not be "*consistent with the peace of the church.*" It is, indeed, very true, that all church-judicatories are bound to maintain *the peace of the church;*" and to regard it as an object of sacred importance: but, it is equally true, that this is to be done, only in subserviency to the *purity* of the church. The apostle James instructs us, that "the wisdom that is from above is *first pure*, then peaceable." From this inspired declaration, we are warranted to conclude, that, however desirable peace may be, yet, if, in any instance, *purity* and *peace* cannot be both maintained together, the former is, at all events, to be preserved, even at the sacrifice of the latter; and that, if, disregarding this dictate of inspired wisdom, we should attempt to preserve *peace*, at the expense or sacrifice of *purity*, the consequence will be, that the peace, thus temporarily secured, (for, temporary only it can be;) will, in the end, be *found to be*,—not a true and lasting, but a *false*

and *fleeting* peace. But, besides, with all due deference to the superior judgment of the Assembly, we must be permitted to say, that, when they affirm, that "no absolute rule can be enjoined with respect to such questions, that shall be universally binding, and consistent with the peace of the church," they appear to us to take for granted what remains to be proved. When members of our church enter into such connexions as those we now consider, the question is, shall they be debarred from the privileges of the church; or shall they be permitted to enjoy them? To try this question, in reference to the *peace* of the church," then, let an "absolute rule" be enjoined with respect to it; and let that "absolute rule" be, that all who contract such marriages, shall, during the existence of such connexions, and until the church receive satisfactory evidence of repentance, be excluded from sealing ordinances. Let this rule be made "universally binding;" and then, we ask, "Is it more likely, that "the peace of the church," would thus be disturbed or broken, than it would be, by suffering such persons to enjoy the privileges of the church? To us, it appears, that such peace as is most desirable, would certainly be *much more* readily secured, by the ex-

*clusion* of such persons, than by *retaining* them in communion. If they are excluded, those who take a serious view of the subject, will approve of the exclusion; and none will be offended, but the abettors of such alliances; and, if they choose to withdraw with those who are thus excluded, let them do so: Our church will certainly enjoy much more tranquillity without them, than with them: Whereas,—if we allow our members to form such connexions, and to enjoy, at the same time, the privileges of the church,—if we may judge from what has already happened,—we have no ground whatever to calculate on the enjoyment of peace: For, many serious persons,—many of our most valuable members, will be offended;—the toleration of such offences will give them constant uneasiness;—and while we thus grieve the godly, we do, so far, dishonour the religion of that blessed Redeemer, whose glory, we are bound, in all we do, to promote; and who, on the subject of offences, has expressly enjoined it upon his followers,—to take heed how they offend, even the very weakest of his disciples;—solemnly declaring, that “it were better for such a one, that a millstone were hanged about his neck, and that he was *drowned in the depths of the sea.*” Thus, it

seems clear, that, if due pains be taken to preserve the *purity* of the church, such *peace* as is really valuable and desirable will thereby be effectually secured. But, the Assembly have farther said, that “the cases in question are supposed to be doubtful.” If so, it is, certainly, the wisest course, to be on the safe side. Allow it to be *barely possible*, that the marriages in question are *lawful*;—yet,—as many persons who are alike godly and intelligent, consider them *unlawful*; as it is admitted, on all hands, that other connexions will answer the important ends of marriage, much better, and will be much less liable to objection;—as all persons may innocently avoid the connexions in question, and thereby secure to themselves the approbation of the wise and good;—it is inconceivable, that any evil can result from our *resolutely setting our faces, as a flint, against all such marriages*; and excluding from communion all who contract them: and, when this is done,—if they can find churches of other denominations, who, on this subject, are less scrupulous than we are, to receive them, and allow them to enjoy sealing ordinances,—we say,—be it so:—let *such* churches enjoy all the *benefit* to be derived from holding *such* members; while they take, at the same time, as, in *such* case, they must do, the responsibility of

extending to them those privileges, which *we cannot give them with a good conscience*. If the question be asked,—Is it warrantable, on scriptural principles, to exclude persons from the enjoyment of sealing ordinances, for an act, in respect to the offensive nature of which, there is, among the confessedly godly, a diversity of opinion?—we have no hesitation in answering, that we consider such exclusion perfectly warrantable. An inspired Apostle has enjoined it upon us, to “abstain from *all appearance* of evil;” and we think, that, even the most strenuous opposers of the doctrine for which we contend, with regard to the marriages in question, will at once admit, that professing Christians, who, with a knowledge of the sentiments entertained by many of the godly on this subject, will persist in contracting such marriages as those now under consideration, do, to say the very least of it, violate this Apostolic injunction. These considerations all unite, in producing a deep conviction, that, in relation to all such marriages as those referred to in the Assembly’s minutes, the injunction of an “absolute rule,” excluding, without exception, all who contract them from the privileges of the church, and made “*universally binding,*” —is not only a measure,

every way” consistent with the peace of the church,” but also, highly expedient;—on scriptural principles, perfectly warrantable; and moreover, loudly called for, as a matter of duty.

The next case claiming our attention, is the case of Mr. William Vance; who, by the Session of Cross-Creek church, in the State of Ohio, was suspended, or excluded from the privileges of the church, for marrying *the sister of his deceased wife*; and whose case went up, by appeal, to the General Assembly of 1821. That Assembly, in this case, expressed their opinion, in the words of the following resolutions; namely,

“Resolved,

1. “That, in the opinion of this General Assembly, the marriage of a man to *the “sister of his deceased wife,”* and all similar connexions, are highly inexpedient, and unfriendly to domestic purity, and exceedingly offensive to a large portion of our churches.

2. “That it be, and it hereby is, earnestly enjoined upon the ministers, elders, and churches of our communion, to take every proper occasion to impress the sentiments contained in the foregoing resolution, on the public mind; and, by all suitable means, to discourage con-

nexions, so unfavourable in their influence, on the peace and edification of the church.

3. "That, while the Assembly adopt the opinion, and would enforce the injunction above expressed, they are by no means prepared to decide, that such marriages as that in question, are so plainly prohibited in scripture, and so undoubtedly incestuous, as necessarily to infer the exclusion of those who contract them from church privileges. They, therefore, refer the case of Mr. Vance back again to the Session of the church of Cross-Creek, to be disposed of in such manner as the said Session may think most conducive to the interests of religion."

From a view of the above resolutions, it will be seen, that the General Assembly of 1821 have gone farther than any preceding Assembly, in expressing their disapprobation of "the marriage of a man to the *sister of his deceased wife*, and all similar connexions:"—for, aware how little it availed, to "wish," with former Assemblies, "to discountenance imprudent marriages, or such as tend, in any way, to give uneasiness to serious persons," they have, with great propriety, pronounced them to be, not only "highly inexpedient," but also,—"*unfriendly to domestic purity, and exceedingly offensive to a large portion of our churches.*" In



addition to this, they have "*earnestly enjoined* it, upon the ministers, elders, and churches of our communion, to take every proper occasion to *impress* these sentiments on the public mind; and by all suitable means to *discourage* connexions, so unfavourable in their influence, on the peace and edification of the church." These sentiments, and these injunctions, so far as they go, have our most cordial approbation, and doubtless, they will meet with the most cordial approbation of all, who have a due regard to the purity of the church:—but, alas! a subsequent resolution has so enfeebled and frittered away the force of these sentiments and injunctions, as to render them *completely a dead letter!* How, we ask, are "ministers, elders, and churches" to "impress on the public mind," the sentiments,—that such marriages are "highly inexpedient;"—that they are "*unfriendly to domestic purity;*"—and that they are,—"exceedingly offensive to a large portion of our churches?" How are they to "*discourage* connexions," which the Assembly declare to be "so unfavourable in their influence on the peace and edification of the church?" Are they to *impress* these sentiments on the public mind, and to *discourage* such connexions,—by ex-

tending to those who contract such marriages, the sealing ordinances of God's house? Surely, it must be obvious on the slightest observation, that such a course is the least likely imaginable, to produce these desired effects: and yet, the very Assembly that have laid these injunctions upon us, have seriously told us, that they "are by no means prepared to decide, that such marriages as that in question, are so plainly prohibited in scripture, and so undoubtedly incestuous, as necessarily to infer the exclusion of those who contract them, from church privileges." Here, we deem the inquiry pertinent, and we propose it to the serious and impartial, —What effect is such policy as this naturally calculated to produce? We cannot doubt, but its direct tendency is,—to *enfeeble* and *pull down* the hands of those, who, by the exercise of wholesome discipline, would wish to promote the best interests, and preserve the purity, of the church. Of this, a practical illustration may be furnished, by the next case submitted to the Assembly for adjudication.

This, which we are now to consider, was the case of Mr. Donald M'Crimmon, who was a Ruling Elder in Ottery's church, under the jurisdiction of the Presbytery of Fayetteville; and who, by the Session of that church, was

suspended from the exercise of his office, and from the enjoyment of sealing ordinances, on a charge of INCEST, for marrying *the sister of his deceased wife*. This case went up, by appeal, to the General Assembly of 1824. Before stating the proceedings of the Assembly, in this case, it may be proper to give a few extracts from Mr. M'Crimmon's appeal, as this may alike illustrate and confirm some of the positions we have here maintained. For appealing to the Assembly, he assigns six reasons, the last of which is,—“Because the decision of said Session is at variance with the opinions expressed, at different times, in similar cases, by the General Assembly of the Presbyterian Church.” In support of this reason for appealing, he makes quotations from the minutes of the Assemblies of 1797, 1802, 1804, and 1821, in reference to the cases which we have here already noticed at large; and concludes, in the following words: “With these repeated declarations of former General Assemblies fully in view, it may be naturally “supposed, that I do not,—that, indeed, I cannot anticipate a confirmation of the decision from which I now appeal;—so diametrically opposed to the sentiments of the collected wisdom of our church.

True it is, I am not ignorant, that, in each of the cases here referred to, the Assembly have expressed in strong terms, their disapprobation of the marriages in question: yet, much as they disapproved of them, they did not think proper to annul them. This is, to my mind, conclusive evidence, that they did not consider such marriages as either a nullity or an abomination in the sight of God. These considerations, I acknowledge, afford me no small encouragement, to appeal to your Reverend Body, from the decision of the Session; and if you should not find it expedient to reverse the said decision, (which, nevertheless, I hope, you will do;) but leave it, as former Assemblies have done, to the discretion of the Session, to dispose of it, according to their own views of duty, I yet cannot but confidently hope and believe, that I shall have the consolation of reflecting that the said Session, should they continue to enforce their decision, will do so, unsupported by the advice or concurrence of the General Assembly.”

In these extracts from Mr. M'Crimmon's appeal, we see a striking illustration, of the evil tendency of that policy, which the Assemblies referred to had adopted. While his case was *under consideration*, the Acts of those Assem-

blies were freely animadverted on; and the Assembly of 1824, although, for some unknown reason, they left the case undecided, yet, perceived, very clearly, that it could answer no good purpose to dispose of it, after the manner of former Assemblies. The following are the proceedings of the Assembly, in this case.

June 1st, 1824.—A. M.

“ An appeal of Mr. Donald M’Crimmon from a decision of the Session of Ottery’s church, having been submitted to the Assembly by the judicial committee, was taken up; and Dr. Ely was, agreeably to the request of the appellant, appointed to support the appeal. The documents on the subject were read; and Dr. Ely and Mr. M’Iver were heard, at some length, the former in support of the appeal, and the latter in defence of the decision of the Session.

4 o’clock, P. M.

“ The unfinished business of the morning was resumed; namely, the consideration of the appeal of Mr. M’Crimmon. The parties were heard till they were satisfied; and the roll was called, agreeably to a Constitutional rule, on the subject. Dr. Leland, Mr. Robert Kennady, and Mr. William L. M’Calla, were appointed a Committee to prepare a minute, proper to be adopted by the Assembly, on the appeal.

June 3d, 1824.—A. M.

“The committee appointed to prepare a minute, on the appeal of Mr. Donald M‘Crimmon, from a decision of the Session of Ottery’s church, suspending him from the office of Ruling Elder, and from the privileges of the church, reported; and, their report being read, was *accepted*. After some discussion, the farther consideration of it was *postponed*; and *the subject of the appeal* was committed to Drs. Blatchford, Richards, Chester, M‘Dowell, Romeyn, Miller, and Janeway, maturely to consider the subject, and report on it to the *next Assembly*. Mr. M‘Crimmon was suspended, on account of marrying the “sister of his deceased wife.”

The word “*accepted*,” used in the above minute, in reference to the report of the committee, it will be readily perceived, does not imply, that the Assembly *adopted* the sentiments it contained; but only, that they received it, as a regular document, for the purpose of deliberating how it should be disposed of. The concluding part of the minute shows, that it was not ultimately adopted. It formed no part of the record: yet, as it has been preserved, and as we consider it a judicious report, which ought *to have been* adopted, we here present it, in

the form in which it was submitted to the Assembly. It is as follows:

“The committee appointed to draft a minute, on the appeal of Donald M<sup>c</sup>Crimmon, who has been suspended from the office of Ruling Elder, and from the sealing ordinances of religion, by the Session of Ottery’s church, report the following:—

“Whereas the Appellant acknowledges the fact of marrying the sister of his deceased wife, and confesses that he believes such marriages to be inconsistent with the Confession of Faith of this church, but not inconsistent with the word of God, and offers no objections against the regularity of the proceedings of said Session; and whereas the Assembly believe it would be improper for them to shrink from responsibility, or refuse to give an explicit decision where it is regularly demanded;—therefore, after hearing the parties until they declared themselves satisfied, and after maturely considering the subject,—Resolved, that this Assembly do believe, that such marriages are inconsistent with the word of God, and the standards of the Presbyterian church; (See C. F. ch. xxiv. S. 4;) and they do affirm the decision of the said Session, and it is hereby affirmed.”

We make no comment on this report. It speaks for itself. We must express, however, our regret, that the Assembly could not see their way clear to adopt it. In relation to the minute which the Assembly adopted on the subject, we would direct attention to the fact, that it was "the *subject* of the appeal," and not *the appeal itself* that was committed to the ministers, whose names are inserted in that minute. Indeed, the appeal itself, could not, with propriety, be referred to them, unless they had been directed to report to that same Assembly; but, inasmuch as they were required to report to the *next* Assembly, it is evident, that the business, from the moment of the adoption of that act, ceased to partake of a judicial character. And why? For the plain and obvious reason, that the Assembly of 1824, being the Assembly before whom the parties, in this case, had appeared, and pleaded their respective causes, was, of course, the only Assembly that possessed authority to pass a judicial decision, in the case. But, although the *appeal itself* was not, and could not be, in the hands of the committee; yet, as the *subject* of the appeal or the *question it involved* was committed to them, it may be of importance to trace its subsequent *history*. This, we shall find in the following *minutes*.



May 24th, 1825.—A. M.

“The committee appointed by the last Assembly, on the subject involved in the appeal of Donald M’Crimmon, did not report. Resolved, that they be continued.”

May 19th, 1826.—P. M.

“The committee appointed by a former Assembly on the subject involved in the appeal of Donald M’Crimmon, did not report. Resolved, that this committee be discharged, and that this subject be committed to Dr. Neill, Dr. Heron, Mr. Fisher, Dr. Chester, and Dr. Axtell, with instructions, that they report during the Sessions of the present Assembly.”

May 29th, 1826.—A. M.

“The committee, on Mr. M’Crimmon’s appeal, from a decision of the Presbytery of Fayetteville, confirming his suspension from the communion of the church, for having married *his deceased wife’s sister*, reported, that, in their opinion, no relief can be given to the said M’Crimmon, without an alteration in the Confession of Faith, chapter xxiv. Sect. 4, the last clause of which declares that “*The man may not marry any of his wife’s kindred nearer in blood than he may of his own, nor the woman of her*

*husband's kindred nearer in blood than of her own;*" but, inasmuch as a diversity of opinion and practice obtains, on this very important subject, your committee beg leave to submit the following resolution, namely,

"Resolved, that the Presbyteries be, and they hereby are directed, to take this matter into serious consideration, and send up, in writing, to the next General Assembly, an answer to the question, whether the above quoted clause of our Confession shall be erased? The above report was adopted."

In this minute, there are a few errors, which it may be proper to correct, before we farther trace the history of the case. The language here inadvertently employed, would, to those who are ignorant of the circumstances of the case, seem to convey the impression, that *the case*, at the time of the adoption of the minute, *still retained its judicial character*;—that *the appeal* to the Assembly, was *from a decision of the Presbytery of Fayetteville*;—and that the *appellant*, even while the Assembly of 1826 were in Session, was *still waiting for relief*. Now, all this is contrary to fact. That *the case*, by the singular disposal made of it by the Assembly of 1824, from the moment in which that *Assembly* committed the question therein in-

olved to a committee, with instruction to make report to the next Assembly, *ceased to retain a judicial character*, we have clearly proved. Neither was the appeal, as stated in the minute, an appeal *from a decision of the Presbytery of Fayetteville*; for that Presbytery never had the appellant before them: he appealed, *directly from the decision of the Session*, to the General Assembly of 1824. Nor yet did the appellant *apply to any subsequent Assembly for relief*; or, the fact is,—that, even, without waiting to be informed of the result of his appeal, he withdrew, (with what regard to order, regularity, or propriety, let others judge;) from the government of the *Presbyterian*, and became a member of the *Baptist* church. These errors, in the minute of the Assembly of 1826, we have judged it necessary here to correct; because, although they evidently arose from an oversight of the person who drew up that minute, we considered them as calculated to mislead. What remains, in relation to this matter, is to ascertain the result of the question proposed to the Presbyteries, by the Assembly of 1826. This result we find stated in the following extract from the Minutes of the Assembly of 1827: namely.

May 30th, 1827. Half past 3 o'clock, P. M.

“In regard to the proposed erasure of the

4th Section of the 24th Chapter of the Confession of Faith, *sixty-eight* Presbyteries have reported; *fifty* of them are AGAINST the erasure, and *eighteen* in favour of it. The section, therefore, IS NOT TO BE ERASED." There were, at that time, connected with the Assembly, *eighty-eight* Presbyteries. To have effected the proposed change, in the Confession of Faith, therefore, would have required the vote of *forty-five* Presbyteries. It follows, then, that if, of those who did report, a majority, which would have been *thirty-five*, had been in favour of the change, they would *still have lacked the vote of ten Presbyteries*, to have constitutionally accomplished the proposed object. It appears, that there were, at the time, *twenty Presbyteries* connected with the Assembly, that *made no report* on the subject. We may fairly presume, that these twenty Presbyteries, were, in sentiment, opposed to the suggested alteration of our Confession; for, had they been in favour of it, it is highly probable, that they would have eagerly availed themselves of the opportunity afforded them to give their suffrages in support of it. If, then, to the *fifty* Presbyteries who *actually voted* against the erasure, we add the *twenty* who *did not report*, we have a majority of *seventy Presbyteries*, opposed to a worse than doubtful

change, against only *eighteen*, who ventured to sanction the proposed innovation. In this signal victory of truth over error, the friends and advocates of *purity* had great cause of rejoicing and thankfulness; and, inasmuch as, what, for many years, has, by many of our too timid brethren, been considered, and treated as a doubtful and vexed question, has, thus, at length, been fairly and constitutionally decided, by the voice of the church, justly and legally ascertained, it is to be hoped, that all future General Assemblies of our church, before whom similar cases may be presented for adjudication, will keep their eyes steadily fixed upon this Ecclesiastical decision, and consider it as a suitable guide for their judicial procedure, on the subject of Incest.

IV. We shall now endeavour, to bring our investigation to a close, by offering such practical reflections as a serious review of the whole may naturally suggest.

1. Our *first* reflection is, that, from every view we have been enabled to take of this subject, we are *constrained* to consider the marriage of a man, *with his sister by affinity*, and especially, *with the sister of his deceased wife*, as AN OFFENCE AGAINST DEGENCY. DEGENCY comprises, that delicacy in morals, that refinement

in sentiment, and that precision in conduct, which render virtue amiable, and interesting, and a source of comfort to society. “*Whatsoever things are true, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report;—if there be any virtue, if there be any praise, think on these things, and do them.*” With this affecting and sublime group of words, an inspired Apostle suggests the influence and extent of sanctified principles; and recommends that beauty of holiness, and undeviating rectitude of Christian manners, which include all that is implied in decency and delicacy. This refinement of sentiment and principle, makes little or no impression upon the wicked, whose pursuits and habits have never been regulated by such exalted standards; and who have no desire to be saved from their sins;—but, to real Christians, it is full of interest, and expresses their predominant wishes. *They* can enter fully into the subject: they know what DECENCY requires; and under its influence will yield to all that has been suggested, against an incestuous marriage with a sister-in-law. Many indecent and indelicate, disagreeable and unpleasant consequences, resulting from a marriage with a sister-in-law, will be readily anti-

ipated, by every serious and reflecting mind. Were we even to admit, that a doubt might be cherished,—whether a sister-in-law be a relation, within the prohibited degrees, must it not still be acknowledged, that, to marry such a relative is a *rash*, and *dangerous* act? Is it not perilous, to advance, as near as possible, to the brink of a precipice? Is it safe, is it prudent, is it consistent with the Christian character, to approach deliberately to the very verge of an abominable and accursed crime, under the insatiating and fluctuating hope, that, *perhaps*, it may *possibly* be an exemption? But,—it is not only rash and dangerous to the individuals; but, it is also *injurious to the community*. Such marriages trespass upon the rules of decency. They are inimical to that purity and chastity of families, which ensure the repose and happiness of society. They are hostile to that virtue and delicacy, which the religion of nature, and revealed religion inculcate. Why is not the crime of Incest now prevalent? Why are our houses pure, and our families innocent? It is, because the law of God has placed a guard against the human passions, in that strong sense of guilt, in that instinctive horror, at the bare thought of illicit intercourse with our near connexions, which

is impressed on our minds, with the force of a second nature. This restraint breaks down every propensity to incestuous commerce, and stifles those inclinations, which God, for wise purposes, has implanted in our breasts, at the approach of the other sex. It holds the mind in chains, against the seductions of beauty. It is a moral feeling, in perpetual opposition to human infirmity. It is like an angel from Heaven, placed to guard us against propensities that are evil. It is that warning voice, which enables you to embrace your daughter, however lovely, without feeling that she is of a different sex. It is that which enables you, in the same manner, to live familiarly with your nearest female relations, without those desires which are natural to man. Remove this sense of guilt, and families are dissolved. Children, instead of finding a perpetual home under the parental roof, would, at an early age, be banished from its threshold. The sister could not approach her brother, without fear of impurity. The father would find a rival in every son; and the mother, in every daughter. Between an individual and his near relatives, either by consanguinity or affinity, there is, and ought to be, all the intimacy of the most pure *and confidential* love; and the mind in which



it dwells, ought to prove to it, a sanctuary so secure, so holy, that no sensual desire should ever intrude, to soil its purity, or hazard its repose. In the sanctions of the law of incest, this very safe-guard is furnished to it, by God. Accordingly, in the confidence of protection from a man, who, by his marriage, has been brought into the family, and *become a brother*, the younger sisters are always in the habit of associating, familiarly and frequently, with their married sister. Their former affection is not interrupted, by the introduction of a new relative. This is proper. It is consistent with the most rigid rules of morality. It is founded on the indisputable presumption, that the sister of the wife is now also become the *sister of the husband*, and *he is her brother*. No suspicion of indecency can arise in her mind, nor any imputation of indelicacy, upon the part of the public. She may come, remain, or go, in all the safety of innocency, under the broad shield of the divine law, and the universal consent and approbation of society. But, let it once be adopted, as a general usage,—let practice establish the detestable principle,—that the sister, after the death of the wife, may become *not at all related to the husband*;—that she may be, to

him, a stranger, and as much the legitimate object of marriage as any other woman;—and her frequent and familiar visits must cease. She can no more come to his house, or be oftener seen in the company of her *brother-in-law*, than she may frequent the house, or be familiar in the company of any other married man. The affectionate intercourse of the sisters is at an end. As it respects himself, and the unhappy victim of his unlawful deed,—is it not *indecent* to persuade her to an act, which, could she have foreseen, would, from principles of delicacy, have prevented the familiar intercourse, in which, as a *sister*, she had innocently indulged?—Nay, is it not cruel, to render the woman, who had placed confidence in him, as a *brother*, a partaker with him, in the fearful risks and alarming consequences of such a connexion?—Is there not ample choice among strangers? Is it not one of the great objects of marriage to enlarge the domestic circle, and cement families, by new relations? And is not that great end frustrated, by the contracted, indelicate and indecent selection of a sister-in-law? There must be, obviously, a partition-wall, somewhere between the inner and the outer courts of this *temple*, which no unhallowed foot may pass;

and that, which is actually erected, appears to us to be erected on *the very line of demarcation*, which infinite wisdom and purity must have drawn. At all events, when we find that God has erected it *where it is*, we are satisfied that it is right.

2. Our *second* reflection is, that, apart from the testimony of the holy scriptures, on this subject, which we consider abundantly clear and decisive, we are fully persuaded, that, even could we admit this to be doubtful, it is the duty of Christians to avoid, and of Christian judicatories to disallow the marriage of a man to his sister, by affinity, and all similar connexions, if for no other reason, at least for the very interesting and affecting one assigned by the General Assembly of 1821, to wit—that it is “**EXCEEDINGLY OFFENSIVE TO A LARGE PORTION OF OUR CHURCHES.**” —“*Wo unto the world because of offences! But wo to that man, by whom the offence cometh!*” What do the wicked know of the church of God? Or what do they care, for offending the members of the church? But, to all who profess the Christian religion, and especially to those who are renewed in the spirit of their minds, and devoted to the service of the Redeemer, the wo pronounced by him is full of meaning; and sug-

gests very serious reflections. However light the sinner may esteem the transgression, he may rest assured, that awful punishment awaits the man, whoever he may be, whose rash and pernicious conduct proves an occasion, to pervert others, to grieve them, or draw them into sin. The marriage of a sister-in-law, is an evil of this class. It grieves and offends the church of Christ. It will avail nothing to boast, that, "in our enlightened age, it is proper to break the fetters of inveterate prejudice and dispel the cloud of ancient ignorance," that it is "magnanimous, by bold efforts, to convince the world, and especially Christians, that they have been hitherto mistaken, in the meaning of the divine law, and the extent of their liberty." Such language is characteristic of scoffers, who fear not God, nor regard man; but it is arrogant, and insufferable, in those who make a profession of the religion of Christ. What claim have such presuming reformers, to the attention or gratitude of the public? With what depth of investigation, with what force of argument, do they support their pretensions? Is not their whole plea for marrying a sister-in-law founded entirely upon frivolous evasions, and trifling objections? Do *they* enter at all into the merits of the ques-

tion, or make any reference to the principles, upon which its decision depends? How different from these boasters, were the principles and conduct of the humble and holy Apostle! *He* trembled at the idea of offending his brethren, even in matters which were indifferent, and certainly not sinful. He would not "offend in any thing." If even his eating meat should create an offence, he "would eat no flesh while the world standeth, lest he make his brother to offend;" and he commands all "to give none offence, neither to the Jews, nor to the Gentiles, nor to the church of God."

Let not, then, 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 which is not offended by them, would be an apostate from the truth and from duty, and co-operate to its own destruction. The fear, therefore, of giving offence, abstracted from every other consideration, ought to restrain the advocates for such marriages from affording their patronage, and especially deter all from committing that evil. It is well known, and cannot be denied, that those connexions always have been, and still are, considered, by the great body

4th Section of the 24th Chapter of the Confession of Faith, *sixty-eight* Presbyteries have reported; *fifty* of them are AGAINST the erasure, and *eighteen* in favour of it. The section, therefore, IS NOT TO BE ERASED." There were, at that time, connected with the Assembly, *eighty-eight* Presbyteries. To have effected the proposed change, in the Confession of Faith, therefore, would have required the vote of *forty-five* Presbyteries. It follows, then, that if, of those who did report, a majority, which would have been *thirty-five*, had been in favour of the change, they would *still have lacked the vote of ten Presbyteries*, to have constitutionally accomplished the proposed object. It appears, that there were, at the time, *twenty Presbyteries* connected with the Assembly, that *made no report* on the subject. We may fairly presume, that these twenty Presbyteries, were, in sentiment, opposed to the suggested alteration of our Confession; for, had they been in favour of it, it is highly probable, that they would have eagerly availed themselves of the opportunity afforded them to give their suffrages in support of it. If, then, to the *fifty* Presbyteries who *actually voted* against the erasure, we add the *twenty* who *did not report*, we have a majority of *seventy Presbyteries*, opposed to a worse than doubtful

change, against only *eighteen*, who ventured to sanction the proposed innovation. In this signal victory of truth over error, the friends and advocates of *purity* had great cause of rejoicing and thankfulness; and, inasmuch as, what, for many years, has, by many of our too timid brethren, been considered, and treated as a doubtful and vexed question, has, thus, at length, been fairly and constitutionally decided, by the voice of the church, justly and legally ascertained, it is to be hoped, that all future General Assemblies of our church, before whom similar cases may be presented for adjudication, will keep their eyes steadily fixed upon this Ecclesiastical decision, and consider it as a suitable guide for their judicial procedure, on the subject of Incest.

IV. We shall now endeavour, to bring our investigation to a close, by offering such practical reflections as a serious review of the whole may naturally suggest.

1. Our *first* reflection is, that, from every view we have been enabled to take of this subject, we are *constrained* to consider the marriage of a man, *with his sister by affinity*, and especially, *with the sister of his deceased wife*, as AN OFFENCE AGAINST DEGENCY. DEGENCY comprises, that delicacy in morals, that refinement

innovations of this kind that may be proposed, or attempted;—at least, that they will carefully consult the voice of reason, and consider, if the practice of marrying *wives' sisters* should generally prevail, how far such practice will conduce to the preservation of the purity of the morals of the people;—how far it will extend or limit those social connexions between different families, which cement society, promote improvement, friendship, and kind offices among the different constituent parts of the community;—how far it will tend to keep particular families by themselves, and unconnected with their fellow-citizens; and how far this will tend to promote narrowness, selfishness, mutual jealousy, and enmity among fellow-citizens, and aristocracy and civil broils in the state. The lower classes of mankind are naturally jealous and envious toward the great and affluent. But, will not the practice of marrying *wives' sisters*, naturally tend to keep the great and the affluent unconnected with the rest? And, whether that, especially in a republican government, like our own, can be subservient to the public good, and whether it will not, naturally, tend to aristocracy, we leave every one to determine. But, above all, it is to be hoped, that *all concerned*, and especially our churches and



1isters, will, on this subject, carefully consult  
 voice of scripture, and the revealed will of  
 d." *"To the law and to the testimony:  
 we speak not according to this word, it is  
 'cause there is no light in us."* And if  
 re, it shall be found, that the marriage in  
 uestion, is, by plain implication, forbidden, in  
 same manner as several other marriages,—  
 the marriage of a grandson, the marriage of  
 mother's brother's wife, and the marriage of  
 husband's grandson, which we all acknow-  
 ge to be forbidden,—the consequence is  
 in,—that ministers, churches, and all indi-  
 dual members of our churches, are bound to  
 te their influence, against a growing evil.