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ART. I.—THE SCRIPTURAL ARGUMENT AGAINST THE NEW MARRIAGE LAW.

THE advocates of the Bill, which so nearly passed the House of Lords last year, would fain believe that the Scriptural argument against it is abandoned: and it is true that it is too often postponed to social and domestic objections, which are thought better suited for Parliamentary and public discussion. I am persuaded that this is a great mistake. The Scriptural argument is never abandoned by the friends of the Bill: they never cease to assert that "there is nothing in the Bible against it;" that thousands of good Christians believe these unions to be Scriptural; that men and women of unblemished life have conscientiously contracted them, and the law has no right to stigmatize them and punish the innocent offspring. To these assertions, disingenuously repeated, the Bill is indebted for the position it has attained in public favour. Numbers who seriously disapprove of these unions are unwilling to restrain the rights of conscience. The Nonconformists are in arms against the bigotry of the Bishops who vote against private judgment. Many begin to doubt if the Scriptural argument is really tenable. They do not see that the Bill seeks to establish by law a construction of Scripture which the Church denies, and which is utterly at issue with the recognised principles of Holy Matrimony. In point of fact, the whole fabric of our Marriage Law is based upon Scripture, and we cannot abandon the argument without subverting the institution.

The Act 32 Hen. VIII. c. 38, on which the Table of Prohibited degrees is framed, declares "all persons to be lawful that be not prohibited by God's law to marry;" it enacts that "no reservation or prohibition, God's law except, shall trouble or

impeach any marriage without the Levitical degrees." In two previous Acts the degrees are enunciated, and the wife's sister is among them. These two Acts are, perhaps, not now in force; but the Levitical degrees being thus made part of the Statute Law, the Church Courts became subject to prohibition from the temporal judges in respect of them; and the wife's sister has been adjudged to be within the prohibition by the Court of King's Bench. Similar judgments have been given on other degrees, and in all the courts of the realm, civil and criminal, as well as ecclesiastical, this is the settled law of the land. The learned baron who assured the House of Lords that there was nothing in the Bible against the Bill, would have told them the contrary in their judicial capacity. Sitting as a law lord, he must have pronounced a marriage with the sister of a deceased wife null and void, by reason of its being within the Levitical degrees, which the law of England receives for the law of God.

Of course there are persons who do not agree with the law. Some insist that a wife's sister is not within the Levitical degrees, and others that the Levitical degrees are not binding upon Christians. The Mormonites defend and practise polygamy. Men and women of high culture have been known to profess themselves "married in the sight of God," though one, or both, were legally married to another. Many deny that there is any law of God on the subject; and not a few are now saying there is no God. These opinions may be all equally "conscientious;" but why is one more than the rest to arrogate a right above the law? No man pretends to be under a religious obligation to marry his sister-in-law; consequently the part of conscience is to obey the law of the land, especially when the penalty of breaking it falls upon others.[1] An illicit union is necessarily immoral: parties who can separate at will, and be lawfully married to others, are not man and wife. The children suffer for the sins of their fathers. This is not peculiar. The peculiarity is, that an illicit union, which is

[1] "Whosoever through his private judgment, willingly and purposely, doth openly break the traditions and ceremonies of the Church, which be not repugnant to the Word of God, and be ordained and approved by common authority, ought to be rebuked openly (that others may fear to do the like), as he that offendeth against the common order of the Church, and hurteth the authority of the magistrate, and woundeth the consciences of the weak brethren."—Art. xxxiv. It is pleasant to know that Mr. Bright's menacing conscience is not sustained by the authority of his denomination. The Society of Friends, recognising "the principle of compliance with the laws of the land, in cases where conscience is not aggrieved, forbid all marriages 'within the degrees of consanguinity or affinity prohibited by law.'"—*Book of Christian Discipline*, London, Harris, 1883, p. 260.

also incestuous, is thereby raised to the dignity of suffering for conscience' sake, and becomes dentitle to judge the law it has violated!

I remember a much injured lady who was compelled by conscience to separate from the Duke of Sussex, when their marriage—otherwise unimpeachable—was set aside under the provisions of an arbitrary and very unscriptural Act of Parliament. No peers or princes then rushed to the rescue. Sympathy is now shown for the conscience that first knowingly drags the innocent objects of affection into the penalties of the law, and then reviles the law. That women, otherwise respectable, have been induced to compromise their reputations, and become mothers of illegitimate offspring, is a proof of the pressure which an unscrupulous man can bring to bear on a defenceless sister-in-law. It is no argument for abolishing the prohibition, which in better regulated consciences guards the domestic circle from impurity. The legislature, which indulges the Royal Family with a prohibition of the rest of mankind, is not to break down the barriers which the law of God has set around other families, for the moral elevation of society.

In charging the advocates of the Bill with disingenuousness, I mean that they raise a cloud of inconsistent objections while carefully evading the issue upon any one. In a *Summary* just issued by the Marriage Law Reform Association, the statement that the intercourse prohibited by the Levitical degrees is impure and morally wrong is traversed by the following reply:

> This inference is directly negatived by fact. Some of the connexions prohibited in Leviticus are clearly *not* naturally impure, morally wrong. One, a marriage by Leviticus first prohibited, had been contracted by faithful Abraham without reproach. Another is a marriage forbidden under certain circumstances, and in different circumstances commanded. Moreover, marriage with a *deceased wife's sister* is not prohibited at all in Leviticus. Marriage with "near of kin" is undoubtedly forbidden; but a wife's sister is *not* "near of kin;" is not of *any* "kin" to the *husband*.[1]

This is a very pregnant passage. The argument which takes with the public—the only argument for the Bill *as it stands*—is that the wife's sister is not prohibited in Leviticus. But this is a small thing in the view of its framers. They insist that affinity is not kindred, and therefore no bar to marriage, though prohibited in Leviticus. It is an obstacle under certain circumstances, and a duty in others. Further, consanguinity itself is no *moral* impediment, seeing that "faithful Abraham" married his half-sister "without reproach." The inevitable conclusion is that the Levitical degrees belong to the Ceremonial

[1] *Summary of the Chief Arguments for and against Marriage with a Deceased Wife's Sister* (Marriage Law Reform Association).

Law, which does not bind Christian men, and are no part of the moral commandments from which no Christian man is free.[1]

That this is the true principle of the reform initiated in this "small measure" is clearly indicated further on:

> The Reformation swept away the prohibition of cousins and others, but retained this marriage with sisters-in-law, *because* it was necessary to Henry's passions and the state purposes of Cranmer and Parker. The Church of England differs from the Church of Rome, and from nearly every Protestant Church in the world, in her Scriptural view of these marriages; and to what is this to be attributed? What, but the *gratification of Henry's lust, and the subsequent necessity of supporting Elizabeth's title?* The dealings of the Reformers with Henry's various marriages are the greatest blot of the Reformation; and the very last thing a true Churchman would wish to defend (p. 12).

Here, again, the italics are the writer's own. He knows that the "sister-in-law," repudiated by Henry VIII. is prohibited by name in Leviticus; and, by using the common term, he admits the wife's sister to be virtually included in the prohibition. He would not like the violation of the prohibition to be ascribed to the cause which he assigns for enforcing it. But what else is ever the object of an illicit union? Certainly no State purpose is to be served by removing the prohibition; and the legitimacy of Queen Elizabeth may be quite as important as that of the "innocent offspring" now commended to compassion.

Where our Church differs from Rome, and German Protestantism, is in accepting the Levitical degrees for God's law immutable by human authority. If this be a "blot on our Reformation," no loyal Churchman will consent to efface it by a dispensing power in Parliament, which the Reformers refused to allow in the Pope. The laws of marriage are much oftener violated beyond the prohibited degrees than within them. Moreover, the wife's sister is only one of thirty degrees of affinity in the authorized Table; and something more than the wishes of the parties is required to distinguish this case from the others. It is not a question of the Church Canon only. At the Reformation the law of the land accepted the law of God in this particular; and the Legislature has a conscience of its own to satisfy. The Divine prohibition is clear enough to all who will take the Scripture without the "private interpretation." In the Bible the Levitical degrees are as plain as the Ten Commandments, to which they bear a striking resemblance. The preamble is in the same spirit, only more explicit. There is a solemn warning against the sins of Egypt and Canaan—the house of bondage, from which they were delivered, and the enemy from whom they were to conquer the

[1] Article vii.

Land of Promise. Three times the Holy Name is repeated in this exordium; then the commandment comes, under the broad seal of Heaven, "*None of you shall approach to any that is near of kin unto him.* I THE LORD,"—and countersigned at the end, "*it is wickedness.*"[1] This was no new commandment. It is evident that marriage with a sister was unlawful before the call of Abram.[2] His gloss of the half-sister was new to Pharaoh and Abimelech, and is emphatically rejected in the Mosaic Reformation. His marriage, contracted among the idolatrous Chaldæans, was so far from being "without reproach," that it suffered the recognised mark of the Divine displeasure in being childless[3] till the parties were both "as good as dead" (Heb. xi. 12).

The words translated "near of kin" (Marg., "remainder of his flesh") mean, without question, the next blood relations: the mother, of whom the flesh is born; the sister, who shares the birth; and the daughter, to whom the flesh is transmitted. These are primarily the remainder, or remnant, of a man's flesh. But the primary sense is not all; the same word is used in the Divine law of marriage, "They twain shall be one flesh;" and this oneness of flesh, rather than natural consanguinity, is the root-principle of the Levitical prohibition. Thus, the mother is prohibited, not because of her consanguinity with the son, but because of her marriage with the father; and accordingly the prohibition extends to a second wife of the father's, though a stranger in blood to the son.[4] In like manner, a half-sister on the father's side is placed under the same ban as the child of the same mother, in marked reprobation of Abram's precedent. The principle comes out still more clearly in the case of the daughter. Some suppose

[1] Lev. xviii. 17; compare 2 Tim. ii. 19. The Hebrew *Zimmah*, signifying, literally, man's device or imagination, is used in Gen. vi. 5, and generally in the evil sense. The LXX. here render it *ασέβημα*, "not having the fear of God before his eyes," as our old law language ran.

[2] The fifth of the "Seven Precepts of Noah" is entitled, in the Talmud, "*El galavi orvat*," the *same words* that occur so often in Lev. xviii. They comprehend (like the Seventh Commandment) all illicit unions; and the same extent is probably to be ascribed to *πορνεία* in Acts xv. 20. It has been observed that the Apostolic decree agrees in substance with the precepts of Noah, which are declared in the Talmud itself to be sufficient for the Gentiles. The Decalogue and the Levitical degrees are only clearer definitions of this primæval moral law. The Jewish commentators say that the Noachic forbad only three degrees—mother, father's wife, and uterine sister, and that fifteen were added in Leviticus, among which is the wife's sister.

[3] Lev. xx. 20.

[4] It is this last case, the sin of Reuben against the primæval law, which St. Paul reprobates as "not so much as named among the Gentiles" (1 Cor. v. 1). Yet the Magi married their mothers, and the Græco-Egyptian princes their sisters, showing that the interdict is not natural but religious.

the daughter to be omitted in Leviticus as too unnatural to be thought of; but this would equally apply to the mother. A more intelligible reason would be that a prohibition on the mother and son applies, by parity of reason, to father and daughter. In truth, however, the daughter is *not* omitted; she is prohibited as directly as any other; only it is as her *mother's* daughter, and in the same words with a daughter by a different father. The prohibition is extended to the offspring of the step-children; and the reason is subjoined, "for they are her near kinswomen," or "remainder" (the same word as in ver. 6); "it is wickedness." The "wickedness" of the second union is clearly not in the consanguinity of the parties, for they are absolutely strangers in blood, but in the affinity arising out of the first marriage. The sin is distinctly placed in marrying the remainder of the first wife's flesh; an expression which includes her sister as much as her mother and daughter, and in a nearer degree than her grand-daughter. To argue that a sister is "near of kin" to a man and not to a woman, is inconsistent with any respect for the Word of God.

The same principle is apparent throughout. The brother's wife is prohibited for her husband's sake, not her own; a reason equally applying to the wife's sister. The interdict on a father's or mother's sister, grounded, as before, on their "near kindred," is extended to the uncle's wife, with the express affirmation, "she is thine aunt"—*dodath*, the word translated "father's sister" in Exod. vi. 20: thus at once branding the transgression of Amram in the house of bondage, and directly affirming that, in the view of these prohibitions, affinity is identical with consanguinity. To the same purport is the case of the "daughter-in-law;" a name of special endearment, only used of a son's wife. Altogether, fifteen examples are given:

Mother,	Father's wife,
Sister (full or half),	Uncle's wife,
Daughter,	Son's wife,
Son's daughter,	Brother's wife,
Daughter's daughter,	Wife's mother,
Father's sister,	„ daughter,
Mother's sister,	„ son's daughter,
	„ daughter's daughter.

Of these, the first seven are related by blood, and the other eight by marriage. There is really no shadow of doubt that in Leviticus consanguinity and affinity are equally impediments to marriage, as they are in our own Table of Prohibited Degrees.

Apart from Leviticus, there is not a word in the Bible to forbid a man's marrying his half-sister, as Abram did, or his

full sister, as Cain and Cambyses did; or his own mother, as the Magian priests were required to do. It is true that the Levitical prohibition, like the Decalogue and other general laws, is expressed in the masculine gender; consequently, no woman is directly forbidden to marry any one. Unless, however, we are prepared to admit that the Tenth Commandment permits a woman to covet her neighbour's husband, we must hold the Levitical interdict to be binding alike on both sexes.[1] If a man may not marry his granddaughter, or aunt, a woman may not be married to her grandson, or uncle. So, if it is "wickedness" for two brothers to marry the same woman, it is no less for two sisters to be married to the same man.

On these examples in the text it is further to be observed, that none of them carry the restriction beyond the third degree, *i.e.*, two steps up to the common ancestor and one down, or *vice versâ*. Here, then, is the scriptural limit: all within these degrees are prohibited; all beyond them are free.[2] The ecclesiastical canons, which extended the bar to the seventh degree, were always dispensable; and at the Reformation they were entirely swept away. The two rules then established, in exposition of "God's law," are thus expressed in the "*Reformatio Legum Ecclesiasticarum*": "(1) That the degrees laid down as to men will hold equally as to women, in the same proximity; (2) that the husband and wife are but one flesh; so that he that is related to the one by consanguinity, is related to the other by affinity in the same degree." The result, as shown in the authorized Table, extends the prohibition to 30 cases in each sex, of which 10 are related by blood and 20 by affinity. Among the latter are the wife's *mother*, grandmother, aunt, sister, *daughter*, *grand-daughter*, and niece; that is to say, the whole "remainder of her flesh," though only the three in italics are expressly named in Leviticus. Now it would be intelligible to strike out *all* these, as not being near of kin to the husband; only then we should contradict the Levitical exposition, destroy two-thirds of the authorized Table, and leave the rest without any scriptural authority. Again, there would be an intelligible principle in confining the prohibition to the connexions forbidden by the letter of Scripture. But this would require the repeal of more than half the existing degrees, without removing the twofold foundation on which they rest. But on what principle can the prohibition be

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[1] Throughout the Decalogue the pronoun "thou" is in the masculine gender.

[2] The construction of the law forbids marriage in the *right line* upward and downward, however remote the degree; but this is not expressed in Leviticus or in our Table of Prohibited Degrees.

removed from a wife's sister, and retained upon her aunt and niece who are a step further off? How could the bar of affinity be maintained in any case if this one were exempted? And if affinity be discarded, where is the scriptural authority for the impediment of consanguinity, and what are its limits? The prohibited degrees, as they stand, are a complete and consistent application of the twofold prohibition of Leviticus. As amended by this "reform," they would rest on no principle of law, nature, or religion. The laws of marriage would become a question of demand and supply. The wife's sister is wanted to-day; to-morrow it may be the niece, or any other object of desire, for which an "ugly rush" can be arranged in either House of Parliament. But marriage is prohibition, not liberty. Every breach in the outward barriers tends to give up the sanctuary to desecration.[1]

After this sketch of the scriptural argument against the Bill, it is time to inquire what can be found in the Bible in favour of it. A single verse is all that can be produced, and that of doubtful translation: "Neither shalt thou take a wife to her sister" (marg., "one wife to another") "to vex her, beside the other, in her lifetime" (Lev. xviii. 18). This, we are told, is a "clear permission to marry the sister after the wife's death; the prohibition being, in direct and unambiguous terms, limited to the wife's life."[2]

It would be as reasonable to say that St. Paul's requirement that a bishop or deacon should be the husband of one wife is a "clear permission" to a layman to have two or more! The existence of polygamy is implied in both injunctions, but it is not allowed or permitted in either. Each is directed to a special purpose, and no permission can be extracted for anything outside it. The Levitical prohibition is not simply limited to the wife's life; but "to *vexing* her in her life-time." It is, on the face of it, a provision against a wrong to the first wife, without the remotest allusion to anything after her death.

The passage evidently refers to the example of Jacob, and is another warning against imitating the misdeeds of the patriarchs. Jacob would have been fully justified in disowning a wife imposed upon him by fraud; but in confirming the marriage as the condition of obtaining the object of his long-tried affection, he complied with the heathenish customs of the

[1] When the example of "other Protestants" is pressed upon us, it is well to remember the general laxity of the marriage bond, and the freedom of divorce, which prevail where the prohibited degrees are disregarded. Polygamy itself might be successfully defended on the "liberty of conscience" alleged for this measure; just as the admission of atheists into Parliament is actually made the crown of civil and religious liberty.

[2] *Summary*, p. 5.

country, against the tradition of his father's house.[1] Abram suffered for his complicity with his wife's degrading impatience for an heir, and Jacob paid the penalty of adding injustice to impurity in the jealousies of his distracted household. Leah, vexed and humiliated by a rival placed beside her, yet became the mother of the promised Seed, and was buried in the sepulchre of the patriarchs. The domineering beauty, long childless, was thought of in her untimely grave as weeping for children who are not. In Eastern harems the first wife often suffers cruel indignities from an imperious favourite, put over her head on the score of birth or beauty. In the interest of humanity Moses "suffered them to put away their wives;" but there is not a word in the law to sanction a plurality. To the Kings the harem was part of their Oriental pomp; in private life the license rarely went beyond a second wife, and then the law forbad any unfair preference of the children.[2]

The verse in question has clearly a similar object in view. If the first wife is not "put away," which implied the return of her dowry with the entire dissolution of the marriage tie, she is not to be kept at the husband's caprice with a rival "beside her to vex her in her life-time." A sister, it may be thought, would be less offensive than another:[3] which is strongly in favour of the marginal reading—a variation of the Karaites, who were opposed to polygamy. The Masoretic text may be suspected of seeking to justify that undoubted departure from the original law of marriage; or, as some of the greatest Hebrew scholars maintain, "sister" is here used in the sense of a *match* or pair, as in Ex. xxvi. 3, 5, 17, where the curtains coupled "one to another," and "the tenons" of the boards set "one against another," are said in the original to be "each to its *sister*, and against its *sister*." The same expression is used of the wings of the cherubim in Ez. i. 11, and "a man to his brother" is a well-known idiom for a man and his fellow.[4] In the same way, to "take a wife to her sister" is to have two wives on the same level, one against another, as Jacob had, in excess of the precedent set by Abram, without respect to their consanguinity. But whatever be the exact meaning of this obscure text, it has certainly no bearing on the prohibited degrees, or the laws of Christian marriage.

[1] The Hindu Shasters forbid the marriage of a younger sister before the elder.

[2] Deut. xxi. 15.—The most that can be said is what the Apostle says of idolatry, that "the times of this ignorance God winked at."

[3] I remember hearing at Mysore that the Rajah had married the sister of a favourite wife at her own entreaty, that she might retain the companion of her childhood.

[4] Compare Isa. xix. 2, xli. 6; Jer. xxxi. 34 (Heb. viii. 11); Ez. xxxiii. 30; and Matt. xviii. 35, referring to the "fellow-servant" of the parable. We use the same idiom in speaking of a *sister* ship.

The only other argument adduced from the Bible is an *anti*-scriptural one. It is affirmed that "the prohibition of the brother's wife is certainly not grounded on anything incestuous in the marriage, for, in Deut. xxv. 5, it is commanded if the brother died childless." Hence there is nothing "impure or morally wrong" in the union, and therefore not in the corresponding degree of a wife's sister: in other words, the Levitical prohibitions are no part of the moral law. It is of no consequence whether the union is prohibited in Leviticus or not; if it is, it is not immoral, nor incestuous, but only a Levitical and temporary regulation. This is to imagine a standard of morals apart from the Divine command, whereas, in truth, the moral law is simply the will of God. What He commands is right, and what He forbids is wrong.

The prohibition in Lev. xviii. 16 is absolute and unconditional; the thing is "wickedness." The command alleged to the contrary is brought from another part of the law, and primarily dealing with a right of property. If it were true that the two provisions were verbally in conflict, they would be easily reconciled by understanding the "brother" of Deut. xxv. in the larger sense of "kinsman," given in the margin. This is quite a familiar use of the word in Scripture, especially when, as here, opposed to "stranger." The truth, however, is that "husband's brother" is a wrong translation: the word "brother" is not in the original at all. The original word *yibâm* occurs only in this place; the feminine form is rendered "sisters-in-law" in Ruth i. 7, 15, but it has no etymological connection with "brother" or "sister." It denotes the woman's next kinsman on her husband's side: accordingly Coverdale renders it "hir kynsman," Diodati "il suo cognato," and Proop, a great authority, "su cunano." The term unquestionably proves that the husband's relations were the wife's relations under the law, and so far is quite in accordance with the Levitical prohibitions. The kinsman could not refuse the widow without infamy, *i.e.*, if he had no sufficient cause. It is not to be presumed that any one to whom the marriage was *prohibited* could suffer any further penalty than the loss of the land, which would go to the next heir capable of fulfilling the duty.

It is not true, then, that the law of Moses commands, or permits, a man to marry his brother's widow under any circumstances whatever. This may be the law of the Talmud, but certainly not of Moses. It rests upon a widely spread heathen usage, termed the law of "Levirate," from the Latin *levir*, a brother-in-law. The only trace of this usage in the Bible is in the shameful story of Judah, who learned it from the polygamous Syrians. As there exhibited, it required the husband's next brother, absolutely and without excuse, to marry the widow:

there is no hint of the obligation passing to any other kinsman. To glorify Judah, whose morals were little, if at all, better than his brother Reuben's, the Talmudists ascribe his depravity to a Divine inspiration, and concoct a modified law of Levirate, which they have foisted on their Christian students as part of the Mosaic code. According to the Rabbis, the kinsman's office devolved first on the brother, and then on the other relations in order. They allow that a brother already married to the widow's sister was excluded by the Levitical prohibition; manifestly, then, the other Levitical prohibition would exclude an own brother altogether: and this is said to be acknowledged in the Mishneh.[1] But whatever the Rabbis may say, the place in Deuteronomy has not a word about a brother, and there is no example of such a marriage in all the Bible, except that old Syrian enormity, which was one of the corruptions that called for the Mosaic Reformation. The only reported case is that of Ruth, and it supplies a clear exposition of the law. Naomi, being a widow past childbearing, proposes to *sell* her interest in her husband's land to his "brother" (iv. 3), who is apparently in possession. He agrees to pay the price, but on learning that a young widow is also in question, he declines, for fear of "marring his own inheritance." Josephus says he already had a wife and children; and even the Rabbis did not make polygamy compulsory. Whatever the excuse, it is allowed by the elders of the city, and he is released without opprobrium;[2] Boaz, who had evidently anticipated the result, succeeded to the obligation and gladly performed the part of *yibâm*. It is disputed among the learned that this was a "Levirate" marriage, inasmuch as Boaz was only a cousin. Selden thinks the sacred writer has *confused* the laws of the Levir and the Goel; and Josephus is accused of the same mistake.[3] The confusion, however, is with those who seek to interpolate the *levir* into a law which simply prohibits him. Ruth's marriage was unquestionably conducted according to Deut. xxv. 5; if it was not in accordance with "the law of the Levirate," that only proves there is no such law in the Scripture.

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[1] *Yebamoth* 2, s. 3, quoted in Smith's "Bible Dictionary," ii. 247.

[2] Josephus will have it that Ruth loosed his shoe and spit in his face, according to the law; but this was not so. There was no spitting, and the man loosed his shoe himself, and gave it to Boaz in sign of livery and seizin. It appears from iv. 7 that this custom was obsolete at the time the book was written; and as no later instance of *Yebamoth* is recorded, it is not improbable that the law ceased to be observed from the time of the Kings. At all events, the particulars insisted upon by the Jewish Rabbis must be purely imaginary.

[3] Smith's "Bible Dictionary," ii. 247, note.

The Scriptural argument for the Bill, then, may be summed up in this way:

(1) The wife's sister is not within the prohibition of "near of kin," because she is no relation by blood. But this is equally true of the majority of those whom the Scripture expressly declares to be "near of kin."

(2) There is no such express declaration of the wife's sister. But there is of her mother, daughter, and grand-daughter, and the sister is in the same category. Moreover, the brother's wife is named, and the wife's sister is in the same affinity.

(3) The prohibition of the brother's wife implies nothing incestuous, impure, or morally wrong, because such a marriage was commanded in certain circumstances by the Mosaic law. But the command is a Rabbinical fiction: there is not a word of it in the Scripture, nor a single example under the Mosaic code. If it were true, the union would still be incestuous when *not* commanded, and no command is pretended for the wife's sister.

(4) The law against marrying two sisters at once is a clear permission to marry them in succession. But there is another and more intelligible reading of this law. In any case it is doubtful and obscure; it is not in connection with the prohibited degrees,[1] and, being obviously a check on polygamy, has no bearing on the law of Christian marriage.

(5) Many persons conscientiously hold there is no scriptural prohibition, and the law ought not to enforce a disputed interpretation of the Bible. But this is exactly what this measure would do. The law, as it is, does not oblige any one to accept the scriptural view on which it is based, because no one is bound to contract a prohibited marriage, and many other causes prevent a man from marrying the woman he prefers. But this Bill would *enforce by law* a construction of Scripture which is conscientiously denied by vast numbers of religious persons. It would bind the clergy of the Established Church, under legal penalties, to recognise, as lawful marriage, unions which the Church affirms to be unscriptural and incestuous. In short, this "small measure" must either establish a new construction of the Scripture, or subvert the scriptural basis of marriage altogether; and then the law would have no right to prohibit polygamy, or divorce, or any union, permanent or transient, which the parties might choose to contract.

GEORGE TREVOR, D.D.

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[1] The prohibition of the near of kin closes with the moral anathema in v. 17.