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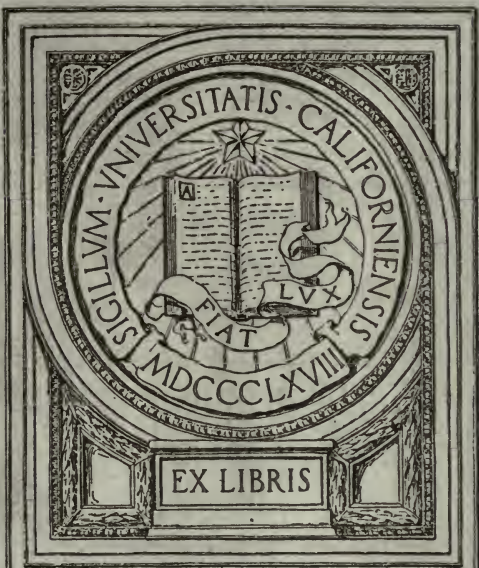


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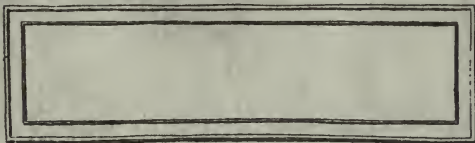
WOMEN'S SUFFRAGE
AND
NATIONAL DANGER.



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WOMEN'S SUFFRAGE AND
NATIONAL DANGER:

A PLEA FOR THE ASCENDENCY OF MAN.



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WOMEN'S SUFFRAGE AND NATIONAL DANGER:

A PLEA FOR THE ASCENDENCY OF MAN.

BY

HEBER L. HART, LL.B.,
OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW.

“Where there is much desire to learn, there of necessity will be much arguing, much writing, many opinions; for opinion in good men is but knowledge in the making.”—MILTON.

London:
ALEXANDER AND SHEPHEARD,
21 & 22, FURNIVAL STREET, HOLBORN, E.C.;
SIMPKIN, MARSHALL, & CO.
STATIONERS' HALL COURT

JN983
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TO THE
MEMBERS OF THE
SOCIETY OF ANTI-QUARIES

LONDON:
PRINTED BY ALEXANDER AND SHEPHEARD,
27, CHANCERY LANE, W.C.

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P R E F A C E .

POSSIBLY it is now rather late in the history of the Women's Suffrage movement for the appearance of a treatise upon the subject. Yet I cannot but think that, great as is the bulk of the literature wherein the arguments of those who favour the movement are set forth, the comprehensive exposition of those reasons which may be fairly suggested as justifying opposition has been comparatively neglected. Notwithstanding the brilliant speeches which have been delivered by some of those who have in Parliament resisted the claims on behalf of women, so complete has been the omission to systematise and aggressively circulate the leading outlines of their case, that I very much doubt whether the majority of judicially-minded citizens are sufficiently in possession of them. I am, therefore, constrained to think it well to submit the following

pages to the consideration of readers who may still be inclined to the study of the question. That my views are those of the side which not only lacks organisation, but which is apathetic to the last degree—that, indeed, they seem likely to become positively unpopular—may suggest that their statement is impolitic. I conceive, however, that the almost unparalleled importance of the subject, when regarded in connection with what it necessarily involves, in comparison with which the other questions which are now agitated among politicians should seem of limited concern, and the consequently peculiar desirability in this instance of adequate discussion before legislative change, render it manifestly the duty of all whose conscientious convictions with regard to the matter are the result of careful deliberation to proclaim them with respectful temperateness, but undisguised through fear of disapproval.

H. L. H.

3, BRICK COURT, TEMPLE.

March, 1889.

WOMEN'S SUFFRAGE

AND

NATIONAL DANGER:

A PLEA FOR THE ASCENDENCY OF MAN.

GENERAL INTRODUCTION.

THE subject of the rights of the female sex has now been before the country for several years. The advocates of the most advanced claims on behalf of women have met with a success which cannot be described as other than extraordinary, and which we may well be disposed to think must have exceeded their most sanguine anticipations. For not only have the numbers of those who support such claims, and particularly that for the political franchise, increased with remarkable rapidity, but there is observable on the part of those who really adhere to the old ideas a singular disposition to smother their opinions, and to practically give up their case as if hopelessly doomed to a not far-distant failure. The revolutionary claims of the *Women's Suffrage Journal* seem to be regarded as merely the crest of a tremendous wave of opinion, against which it would be vain to strive to stand, since it must soon bear

away every vestige of opposition and submerge the unhappy wights who have been too slow in shaping their course so as to take advantage of the irresistible, or even to escape into a position of comparatively safe neutrality. If anyone doubts that this is so, let me point him to the occasions when these claims are the subject of debate, either in a deliberative assembly or in the columns of a journal. Does not the opposition too frequently degenerate either into dogmatic sentimentalism or unseemly pleasantry, and is not a feeble attempt to ridicule the movement very generally substituted for serious and painstaking argument, supported by the honest statement of well-considered evidence? As a consequence, we find that the most extravagantly sophistical arguments and the most hollow assertions of the other side are confidently swallowed by the unsuspecting Briton, as if he were imbibing the very nectar of unadulterated philosophy.

On the side of the leaders of the attacking force, however, there has been comparatively little disposition to treat the matter as one of pure sentiment, or which may be decided by natural intuition, albeit they may show a tendency to demand for their propositions the character of fundamental principles, whose self-evident excellence is only to be supported by arguments in the nature of an unnecessary and entirely voluntary concession. Their case has, at least once, been stated with all the calmness of the experienced sage, the power of a masterly logician, and the confident temperateness of a veteran certain of success. Whether we read essays or listen to speeches on the subject, we may well arrive at the conclusion that, allowing for imperfections necessarily incident to human effort, the treatise of Mr.

John Stuart Mill on the "Subjection of Women" contains the sum and substance of the whole matter from the new point of view, and placed in the most favourable light possible. Yet the gauntlet thus openly thrown down, notwithstanding that it is the challenge of a most doughty champion with whom conflict itself might be considered an honour, can hardly be said to have been satisfactorily taken up by any earnest warrior on the other side. Possibly the very renown of Mill may have deterred his bravest opponents from entering the lists where he was wielding the lance of the combatant. I cannot, however, but think that even on the part of one who was himself doubtful, not only of the issue of the battle, but even of the strength of his case, some serious effort to put the matter before the public from an opposite point of view would have been a service to the cause of truth, which all lovers of justice, whatever their opinions as to the merits of this particular case, should have esteemed. A lesser man than Mill might naturally have suffered in personal reputation at his hands; but, in weighing the arguments of each, the judicious reader could have been trusted to make fitting allowance for the comparative weakness of one of the advocates.

Considering that it is beyond the possibility of doubt that the issue which has been raised is of immense importance, and also that it is almost certain that there must be *something* worthy of consideration which may be said on the side of the defence, and which is capable of systematic statement, I hope it is not too late to make an attempt, though possibly feeble, at a substantial answer to the arguments and assertions of Mill and those who have followed in his path. For though it be considered certain

that the contention of the latter will prevail, I venture to submit that it is desirable, in the interest of the formation of a sound and stable opinion upon the matter, that those facts and arguments which tend, or which are supposed to tend, in an opposite direction should be temperately, though fearlessly stated. It must not be imagined that in such an attempt there is involved anything like the faintest aspiration on the part of him who makes it to a comparison with the intellectual power or the literary style of Mill. The wisest man may be, and perhaps generally is, wrong upon at least one important point, and it is, therefore, conceived quite possible to present an intrinsically better case than this extremely able logician without the slightest presumption at anything like an effort to remove the verdant laurels of his wide-reaching philosophy.

To those who may be inclined to weary of the topic, it may be well to emphasise the fact, that of all problems which must be solved by this or any future age, few, if any, can be imagined of such essential and extensive importance as that which concerns the proper position and rights of the entire female sex. I feel that it is hardly possible to adequately state—it is almost certainly not possible to exaggerate—the tremendously momentous nature of the issue which has at length been raised. For not only are the interests of one-half of the human race directly and immediately concerned, but with these is necessarily and obviously implicated the well-being of the other half. That which is of cardinal importance to the female sex throughout the world cannot be intelligently treated as of other than the greatest importance to men also. I therefore contend that, whatever may be our present views, or in whichever

direction our opinions may at present incline, we ought not to hesitate, for several years hence, to continually re-open our minds for the study of the question, apart, as far as may be possible, from all determined feelings but those of regard for the claims of reason in the decision of this as of every other question. Meanwhile let us be cautious of taking any steps which it may be difficult to retrace, in case their direction be found wrong.

Now, seeing that, with certain possible local and temporary exceptions, the general rule of practice in all ages and among all nations has been against the equality, political or otherwise, of women with men, one might have been inclined to regard it as an indisputable proposition that the *onus* of proving that a contrary rule ought to be adopted lies upon those who are desirous of change, and that it is not the duty of those who incline to the principle of immemorial practice to stand otherwise than on the defensive, in contending that such practice is to any extent justifiable. Mill, however, is of a contrary opinion. But I do not propose to pursue this point of difference, because I feel that in a case where reply may follow reply *ad infinitum*, and where, moreover, as is the fact before the tribunal of the intelligent citizen's mind, the party who would succeed must make out his own case, the question is probably rather in the nature of an interesting preliminary measuring of swords than of the actual combat of opponents who are using the best weapons that they can respectively procure.

Before entering upon a consideration of the arguments and allegations in favour of the legal recognition of the absolute equality of the two sexes, it may be well to briefly draw attention to the history of the movement in this direction.

It appears, then, that the views of Mill and his contemporaries are by no means entitled to the merit of originality. For, as Mr. Bouverie, then member for Kilmarnock, pointed out in Parliament some eighteen years ago, this subject was treated in a very advanced manner as far back as the year 1825 by a certain Mr. W. Thompson. This person is characterised by Mr. Bouverie as of the same school of opinion as Mr. Owen, the notorious socialist, who was apparently opposed to all religion, as well as to all ordinary conceptions of morality and law. The title of his work, which may be seen in the British Museum, is "An appeal of one half the human race against the pretensions of the other half"; and the following is an extract therefrom:—

"Even under the present arrangements of society, founded as they all are on the basis of individual competition, nothing could be more easy than to put the rights of women, political and civil, on a perfect equality with those of men. It is only to abolish all prohibitory and exclusive laws statute, or what are called 'common,' the remnants of the barbarous customs of our ignorant ancestors, particularly the horrible and obvious inequality and indissolubility of that disgrace of civilisation—the present marriage code."

We may easily form an estimate of the moral and intellectual constitution of this writer, and it is both interesting and important to observe how close an association has continued from his time to subsist between the principles which he advocated and the morality and bent of mind which he illustrated. It is not intended to present anything like a list of writers and statesmen, Continental, American, or English, who have dealt with this subject in a conspicuous manner. The names, and a superficial knowledge of the character, of many of these are widely

known; and one can hardly be expected to be specific in so delicate a matter. My present point, indeed, may be made in a very simple way. I ask the reader to recall to mind all the prominent English men and women who have eminently identified themselves with this movement, ever since it became seriously considered by a large number of the electors of the country, that is to say, since Mill devoted his powers to its advocacy. Let it, then, be considered how many of these, either by their entire want of religion or their piecemeal profession thereof, or, according to the present public morality of England, the immoral tendencies of their direct attacks upon, or thinly disguised contempt for, marriage and other institutions and principles which are happily still regarded by a majority of those who have our social welfare in their keeping, as absolutely fundamental and necessary to the highest possible civilisation; or by their want of a generally healthy frame of mind, have shown themselves barely worthy of the real confidence of those who, being merely average though honest citizens themselves, stand in need of guidance from others whose opportunities for reflection have been better, and whose abilities are greater, than their own. In spite of not improbable general censure for so doing, I respectfully press this point as one which ought by no means to be neglected. It is replete with suggestions of dangers unobserved, of rocks and shifting sands; and should help to concentrate the attention of those whose heads are hot with anticipations of new joys and wonders when the old landmarks of their fathers have been left behind, upon the faintest indication of a threatening cloud, which may perchance develop into a mighty tempest, through which,

not shunned in time, the seamen of the vessel of our State may find it hard to ride. Undoubtedly, as a rule, anything like personal attack upon political opponents may, with good reason, be considered both useless and discreditable; yet where we have both an abnormally exceptional case under discussion and sufficient homogeneity of character among its leading supporters to challenge attention and invite generalisation, or at least remark, it seems justifiable to studiously inquire as to the significance of the position. If, further, there be a *primâ facie* case for supposing that a large majority of the men and women who have led a movement in favour of a change of the most vast importance to the human race have shown themselves strikingly defective in the attributes of those who are generally recognised as at once of superior intelligence, moral goodness, and religious belief, it is submitted that their speculations, suggestions, and anticipations, as distinguished from the facts which they adduce and the arguments which they put forward, should be treated with the utmost caution, and by no means readily accepted where apparently discordant with principles which have been tested by experience and found good. Of course, I do not for one moment pretend that there is anything conclusive in this line of argument. Its force lies principally in the warning conveyed to the minds of the cautious, by the discovery—if such it prove—that a new idea which is being pressed upon them was first conceived by, and has subsequently more particularly recommended itself to, men and women who have not been such good specimens of the English character, considered at once in its moral and intellectual aspect as to be safely imitated, or even followed, without sufficient reason independent of

the peculiarities of their teaching. Later on, we may find distinct reason in the nature of the case for the characteristics of the advocates of the movement.

As somewhat relevant and worthy of remark in this place, the curious and suggestive fact may be mentioned, that the new order of ideas seems to gain greater ground with Conservative than with Liberal politicians. In view of the almost unparalleled revolution which these ideas foreshadow, surely there must be a startling significance in such a fact. This is not, however, a party treatise, and I will not, therefore, dwell upon this circumstance.

With a view to convenience, it seems to me desirable to divide my argument into two branches, although the subject of either is logically involved in that of the other. In the first part I deal with the immediate political question of the day concerning the extension of the suffrage to women, and in the second part with the inseparably connected, though apparently wider, question of the complete equalisation of the sexes, more particularly in relation to the condition of marriage.

PART I.

THE IMMEDIATE QUESTION OF THE EXTENSION OF THE FRANCHISE TO WOMEN.

“Die Politik ist Sache des Mannes.”—BLUNTSCHLI.

INTRODUCTION.

I NOW pass to the consideration of the leading arguments and assertions by which it is attempted to show that the Parliamentary Franchise ought to be extended to women. And here I may at once observe that it would be clearly unwise to limit my remarks to the case of single women. For though many simple-minded people are induced to favour the extension of the voting power to single women, under the delusion that the force of the movement will be spent when this is accomplished, it is but too clear to those who have followed the contentions of the leading men and women who have identified themselves with the claim on behalf of women to vote, that these advocates have no idea of stopping at the enfranchisement of spinsters and widows. The extension of the suffrage to the latter is but regarded as a step in the desired direction, which our opponents are very anxious should be taken, since it is clearly one which it will not only be difficult to retrace, but which will render the further step of extending the suffrage to married women possessing a property or occupation “qualification” almost inevitable. The spinsters and the widows to whom the voting power shall have been extended may well be trusted

to bind down their would-be representatives to a measure which shall take cognizance of their sex as a whole, and which shall not allow the vote of women to be lost through their alliances with men who, from the nature of the case, have shown no special appreciation of the spinsters and the widows themselves. However, there ought to be little need of argument to establish this contention, as those who are sustaining the present agitation make no secret of their ultimate intentions. In support of this I will only insert one quotation, which is from a speech by Mr. Jacob Bright, delivered in the House of Commons, and reported at column 703 of the 281st volume of "Hansard." "I have never," says he, "concealed my opinion on this subject, or that of the Women's Suffrage Associations throughout the kingdom . . . Their principle is electoral equality, and when they say that, they mean that any qualification established by Parliament which gives a vote to a man should give a vote to a woman, and they do not ask the question whether she is married or unmarried." That this is so ought, I think, to be far more insisted upon than is the case, for it is conceived that there are thousands of men and women who are now supporting in one way or another this movement, who would at once cease to do so if they realised what is quite clear to anyone who has sufficiently observed the position. It may well be said that we cannot in reason draw the line at single women, even if women as a sex would be contented therewith. But it is only too clear that they will not. It is not conceivable that women having been qualified to vote as spinsters would be content to lose their votes on marriage, particularly if their husbands lived with them in the very houses by virtue of their occupation

or ownership of which they enjoyed the right to vote before marriage. Let anyone, therefore, who really has any fears as to the larger extension bestir his wits ere he takes a step which will make it a mere matter of course. For it is to be remembered that when a woman has the right to go to the poll we have no longer the opinion of men alone to reckon with, and therefore anything like organisation among the women of an electoral district in the present state of party strife would present a phalanx which might well awe the most courageous.

The bulk, however, of what follows in this branch of my observations is equally applicable to the case of single women considered alone.

SECTION I.

THE CURRENT ARGUMENTS IN FAVOUR OF WOMEN'S SUFFRAGE.

FOREMOST among the reasons which I am about to combat, both in respect of the frequency with which it is urged and the importance which is attached to it, is, I take it, the proposition that it is the ownership or occupation of property which alone gives the right to vote ; or, in other words, that the vote is attached to the property owned or occupied, and that therefore all consideration of sex is irrelevant. Whoever has studied the speeches or writings of eminent advocates of the extension of the suffrage to women, or has argued the question in private conversation with their followers, will probably admit that this contention is very generally considered by them as the most important, or, at least, one of the most important, of their arguments.

But surely of all methods of proving a case current in the present age of education and intelligence, this is an illustration of one of the most extraordinary. Those who have formulated it have done so by grasping at statutory enactments, dragging them away from the previously existing law to which they were added, and twisting them into a distorted meaning both inaccurate and misleading, but yet sufficiently plausible to gull our countrymen by millions, and then founding a so-called argument on a basis so utterly worthless. That this process should deceive many not unused to controversy, is no less a matter for astonishment

than for regret. For whether we consider the statement under examination in the light of history, or of our present law, we shall find that it is totally incorrect. Property or occupation alone never did, and certainly does not now, and probably never will, give anyone a right to vote. But even if the ownership or occupation of property did now give a vote, this could not possibly be the basis of an argument in favour of the case for women, in consideration of a condition of affairs to which we are not improbably tending.

Now it must be remembered that in the reign of Henry IV. it was expressly enacted—probably in pursuance of a custom which had existed at some previous time—that all freemen present in the county court on the day of election should enjoy the right of voting for a representative of the county. Therefore, the elector, speaking of the counties only—it is unnecessary to complicate the matter by dealing also with the boroughs—enjoyed the Franchise by virtue of being (1) a man, (2) free, and (3) present in the county court on the day of election. Subsequently, disfranchising statutes, dating from the eighth year of the reign of Henry VI., were passed, *taking away the right of voting from those who previously enjoyed it*, and restricting it to those who owned or occupied property of a certain value. The tendency of recent statutes has, of course, been to lower the value which was prescribed by the restricting statutes. From this it is perfectly clear that the statute in which the subject of property was first introduced did not purport to give the Franchise to those who owned property, for they already enjoyed it, but took away the right from others who had previously enjoyed it. Subsequent statutes upon the subject were merely modifications of the first disfranchising

statute, ameliorating the harshness of the latter, and *pro tanto* restoring the electorate to that position which it occupied in earlier times. How then is it possible to contend that, either by any statute or otherwise, the ownership or occupation of property really *gives* the right of voting to anyone? We must bear in mind the far more elementary conditions of (1) manhood, (2) freedom, and (3) a disposition to exercise the Franchise, which have always existed as the basis of the voting power. What inference, indeed, is possible, as to the theory or principle of our constitution, other than that the requirement of a property qualification, as it is somewhat inaccurately termed, was superadded as an additional *test of fitness* to the already existing conditions of manhood and freedom? And if we press back into the records of times prior to those to which allusion has been made, we shall find ourselves in the regions of obscurity, but quite unable to discover any vestige of foundation for the supposition that the ownership or occupation of land or household property ever *gave* the right to the electoral Franchise. So much, then, as to the historical aspect of the matter.

Let us now briefly glance at the principle of the existing law, and see whether any countenance is lent by it to the extraordinary proposition with which we are dealing. Is it then possible to say with any shadow of accuracy, even with exclusive reference to the present day, that ownership or occupation in any case *gives* the right to vote? In order to arrive at a decided answer to this question, it is only necessary to bear in mind a very few facts of the easily apprehended character of the following. Lunatics and idiots of all ages, as well as infants of sound mind, both own

and occupy land and household property, but they do not enjoy the right of voting. How then is it contended that ownership or occupation, apart from other considerations of fitness, gives the right of voting? If it were so, how is it that these subjects do not enjoy it? Again, A. owns one house in an electoral district in which B. owns 100 houses. If the fact of owning a house gave the right to vote, would not B. have exactly a hundred votes to A.'s single vote? And if, on the other hand, occupation of a house is the foundation of the right to vote, how is it that any save occupiers enjoy the franchise? In short, if ownership, occupation, payment of rates, residence, all, or any of them, give the right to vote, is it possible to explain the present position of the franchise? Further, pressing the matter more closely, the statement under consideration, at least in its usual bare form, is grossly absurd. For property, inanimate as it is, cannot of itself be endowed with rights, or give rights to others, except by the most palpable fictions. The law can only attach rights to the ownership or occupation of property, by fastening upon certain human beings, and providing that with regard to them, and them only, the ownership or occupation of property shall give rise to certain rights in them as being previously objects of its consideration, as subjects potentially capable of such rights. Apart from a capable owner or trustee, property is absolutely impotent to confer the right to exercise a discretionary power. Indeed, if Parliament were to accept in their complete fulness the dogmas of our opponents on this point, I am not sure that we should not find unoccupied property as well as property whose owners were beneath full age or *non compotes mentis*, furnished with automatic voting

machines, constructed on a principle somewhat similar to that of those silent repositories of sweetmeats and cigarettes which have now become familiar in our streets. I venture, then, to arrive at the conclusion that the right to vote never has been, and never could be, *given* by, enjoyed exclusively through, identified with, or necessarily incidental to, the ownership or possession of property, considered apart from the fitness or capability of some human being. In other words, ownership or occupation of property does not, and never will, *qualify* anyone to vote.

It is possible, however, if need be, to go much further than we are taken by the above attempted exposition. Let us assume for one moment that the statement under discussion is accurate at the present time. Even upon this assumption is it in the least degree probable that this statement will always, or even for very long, have any application or, indeed, possess the faintest semblance of truth? It is far from my desire to make any assertion of an unfounded or unwarrantable character, or to express in this place any opinion as to the merits of the tendency to which I allude; but is there not ample ground for supposing that the tendency of modern thought and legislation is in the direction of the institution of practically universal, or, to be more exact, with a view to our present topic, manhood suffrage, or, putting it perhaps more accurately, in the direction of an extension of the franchise to all who are not subject to some *disqualification*, and not merely to all who have some particular so-called *qualification*, or at all events to all who can prove that they are gaining a respectable livelihood and settled in a particular locality? If this be so, when the tendency becomes consummated, what will

become of the contention that, since property gives the vote, the same relation to property which "qualifies" a man ought also to "qualify" a woman? The law considering the individual, and, instead of demanding a property or occupation "qualification," insisting merely on the absence of *disqualification*, there will no longer remain, even in the intelligences of the very simple-minded, the slightest scope for the sophistical, though plausible, theory we are now considering. It will obviously cease to be capable of impressment into the service of the advocates of women's so-called rights. Nay more—and here lies "the rub"—what will be the logical result of dealing equally with the sexes under the present system, requiring the ownership or occupation of property on the part of voters? Surely, beyond all possibility of doubt, the contention must follow, and follow with unimpeachable force and reason, that, inasmuch as women have been treated identically with men when a property or occupation qualification was required, they must also be treated identically when that qualification is no longer necessary. It is to be remembered, moreover, that such a contention would presumably have for its support the vote of the women who already possessed the franchise. Indeed, would it be possible, with any show of consistency or propriety, to retain a property or occupation qualification in the case of women, while dispensing with it in the case of men? Who so subtle that he could invent a *rationale* for such a proceeding? Thus there would naturally follow the result that, as the adult women of the United Kingdom are more numerous than the adult men, the female voters would actually outnumber the male. The wish of the former must, therefore, supposing the existence among them of a quite

possible organisation and unity of purpose, in every matter prevail, even to the extent of the exclusion, if desired, of all save women from the Houses of Parliament and every office of State. Do the advocates of the female sex seriously contemplate a condition of affairs in which such a result would be within the bounds of possibility? Do the responsible English citizens, to whom the future history of the most glorious Empire of the world is largely committed, venture to contemplate, with even momentary indifference, so staggering a consummation of the rapidly progressing views of the followers of Mill? For the appreciation of my suggestion, it is by no means necessary to imagine the most extreme position involved by the supposition of organisation between the whole female sex. Stopping far short of that, we have sufficient cause for well-founded dismay in the inevitably vast weight of the opinion of the sex, when constituting the majority of the electorate. And let it never be forgotten, particularly by those who are for drawing the restrictive line far short of the climax suggested, that the vote once given to any number of women, and necessarily forming an instrument for their operations in the direction of an extended suffrage for their sex, can only be recalled, when once the Parliament that gives it is dissolved, with great and growing difficulty. For in every constituency the candidate who would be successful would of necessity be compelled to reckon with this vote, which, on no hypothesis, would be of a very inconsiderable extent; and, in the present evenly - balanced state of parties, the effect of the power of women when formulating a demand for their sex will probably hardly be exaggerated. Let this consideration "give us pause" ere we take one step,

the logical consequences of which it requires the *sang-froid* of the most consummate philosophy—or stupidity—to seriously contemplate without an intellectual shudder of dismay.

It is, however, said, with a somewhat greater show of reason, that taxation without representation is tyranny, and that this maxim of constitutional justice applies to the case of women as forcibly as to that of men.

Now we must bear in mind that maxims of the constitution, like maxims of the law, are not to be taken as ultimate truths of legislative philosophy or morality. They are verbal formulæ—sometimes convenient, but often misleading—and they are not necessarily more. They are, moreover, to be considered with reference to their historical origin and development, and their existing constitutional significance and importance. But they are not in the nature of ultimate principles to which we are bound to see that all our constitutional rules conform, or by which the worth of these rules is to be tested. In other words, in the absence of extraneous reason to the contrary, the application of these maxims cannot safely be extended beyond the orbit of cases *ejusdem generis* with those for the regulation of which they have been originated and maintained.

Is it, then, true, as a universal proposition admitting of no exceptions, that taxation without representation is tyranny? It is easily shown that it is not. The British Government, for example, taxes millions of its subjects without the consent of their elected representatives. Yet, as the large majority of the people of England believe that, at all events at present, such fellow-subjects are not fit or adapted for the exercise of a political suffrage, it is not contended, except possibly by a few of peculiar opinions, that

their taxation is necessarily an act of tyranny. And it is worth while observing in this place that, on almost every conceivable hypothesis, there is as truly a difference—I do not say as great or as little, but as truly a difference—between a man and a woman, as between an Englishman and one of his own sex but of a different race, who is still taxed although not represented in any assembly which consents to his taxation.

Again, confining our attention to the United Kingdom, we find that every full-aged man, outside of the workhouse, even though not enjoying the Franchise, as well as every infant and lunatic in the kingdom of ordinary habits, pays taxes in some way or other, though no more represented than women now are. The revenue from tobacco and alcoholic liquors would be far smaller than it now is, if such men and boys did not feel the incidence of the taxes thereon. Indeed, to put the matter in a fair light, let me point out that, of the direct taxes which bear principally, no doubt, on those males who have the right to vote, the Income-Tax, for the year 1887, was estimated as bringing in about sixteen millions, and the Land and House Tax only about three millions. The total of the death duties amounted to about seven millions and a half. As against these figures, we find that of the indirect taxes paid by all, absolutely independently of enjoyment of the suffrage, the customs were estimated at more than twenty millions, the excise duties at more than twenty-five millions, and the profits of the Post Office at nearly three millions. Thus we see, upon a consideration of the principal general taxes, that those which are paid by all, irrespectively of the voting power, and, to a vast extent, actually paid by those who, though males, have

not the Franchise, are considerably more important than those which are almost exclusively paid, so far as males are concerned, by those who have a share in the choice of the representatives who sanction them. We may thus clearly see that, though it is a rule of our constitution that taxation without consent of Parliament is illegal, it is not, as a fact, a rule which is even approximately followed, that taxation without representation is tyranny. It is also to be observed that lunatics and infants, though not possessing the Franchise, are, of course, subject to direct taxation, if of sufficient means, as well as to indirect taxation.

It being, therefore, clear that it is an obvious absurdity to assert that it is tyrannical to tax anyone who is not represented, or, in other words, that the maxim that taxation without representation is tyranny, is not a truth of universal application, does not the argument in favour of the extension of the suffrage to tax-paying women, which is based upon it, fall hopelessly to the ground? For as it is clear that many existing cases cannot be brought within the range of its application, how is it possible, without extraneous proof, to validly assert that a case, not hitherto recognised as within that range, ought, henceforth, to be so considered?

Putting the matter in a slightly different form, there is an easily detected fallacy in attempting to prove from the alleged, or even admitted, fact, that taxation without representation is tyranny, except in certain cases hitherto undefined, that taxation without representation is tyranny in a case which is not independently proved not to be one of those which are excepted.

Indeed the maxim in question can hardly be said to be

more than a convenient mode of expressing the right of Englishmen who are actually in enjoyment of the Franchise to exercise a legitimate influence in the particular phase of government specified, as well as in others generally. There is no indissoluble or essential connection between the right to join in electing a representative and the liability to be taxed, even in the case of fully qualified male citizens. For if we imagine a state of affairs in which taxation should be unnecessary, we shall not surely come to the conclusion that representative institutions would be without any logical foundation? For the logical basis of political representation is but the basis of political liberty, which philosophically lies in the advantage to the community at large, which is derived from the participation of men of mature years and general fitness in the direction of its public affairs. There is no natural right in any man or woman to vote by virtue merely of paying taxes. The sole foundation in reason for the claim of anyone to political power or freedom is the advantage to the community generally which is consequent upon the admission of such claim.

I may here refer to the hardship which has been pointed out—somewhat unimportant surely—in female ratepayers being compelled to pay a rate caused by the corruption of the politicians of an electoral division. Assuming, without admitting, that this is illogical while they have no right to exercise the Franchise, it is sufficiently obvious that the anomaly would be remedied more simply by an Act exempting women from contribution to such rates—and any analogous rates, if such there be—than by the momentous revolution of extending to them the same Franchise as men now exercise. And what valid reason is there, upon

the above assumption, why such an Act should not be passed ?

I now proceed to the argument that since women are as much interested in good legislation and government as men are, they ought, therefore, to have a similar voice in choosing those who assist in making the laws by which the community is regulated.

It is of course quite clear that women are vitally interested in good legislation and government. This may safely be at once admitted. Possibly, however, it would be difficult to show that their interest in good legislation generally, using the words in a comprehensive sense, though vital, is quite as direct and immediate as is that of men, who are as a rule more actively engaged in business and professional pursuits, as well as practically exclusively liable to take part in belligerent operations. It is nevertheless sufficient for the purpose of the adequate consideration of the above argument, that their interest in good legislation is vital and essential. Is, then, the conclusion which is drawn, one which is capable of being supported ?

We must again bear in mind that millions of our fellow subjects, to whom there is no suggestion that the Franchise ought to be extended, are quite as undeniably interested in good legislation as are women. I allude to members of both sexes beneath the age of majority, and to persons of defective mental power. A consideration of this fact at once shows that no necessary connection either now exists, or ought, upon any intelligent hypothesis, to be made to exist, between interest in good legislation, and a share in the choice of legislators. But may we not go farther, and say that no connection, even of an unessential character, can

in reason be said to exist between the individual interest in question, and the right to vote as a consequence of that interest? It is, indeed, submitted that it is not in harmony with the soundest principles of political science to allow a merely personal interest in legislation to materially weigh in favour of any member of the State in the matter of the extension of the Franchise. For if it be otherwise, are we not led to the conclusion that the greater the interest, the greater should be the political Franchise enjoyed; so that, for example, the man who owns vast landed estates or millions in the funds or English stocks ought to have an immensely larger number of votes than the man of very moderate means who is contemplating emigration to a colony? But who is prepared to accept such a consequence of the theory, as to a so-called "stake in the country"? Indeed, I venture to suggest that if any such principle of the association of interest and the Franchise be admitted, we shall be pointed to applications of the same from which all save old-fashioned Tories would shrink. If we once deny that the foundation of the right to vote lies in the *fitness* of the voter in point of moral and intellectual capacity, and the consequent advantage to, or at least compatibility with, the highest good of the State as a whole, of the influence in its sovereign assembly of his opinion as an elector; and, instead, base our political arrangements upon theories of selfishness or intolerant demagogy, we are but too likely to live to regret the now visible inception of the golden age of Liberalism, and, in place of continual delight in renewed applications of the glorious principle that we ought, in the decision of all political questions, to regard the greatest happiness of the greatest number, to

remember with painful remorse the days when so-termed modern Radicalism had not only not departed from the lines of its talented inventors, but had never been seriously cherished in the bosom of a responsible English politician. For when once we dispense with the requirement of fitness in the members of our governing body, however large, then do our democratic views become a hideous delusion and a very slaughterhouse of happiness and worth. Such a consummation is indeed to be both feared and avoided; and it is our part to diligently remember that, while the principles of philosophical Radicalism will never lead to national disaster, they are, nevertheless, eminently liable to be rudely seized on by untutored hands, and, by plausible and easy fallacies of the leaders of the mob, to be degraded into the abstract weapons of irresponsible rowdyism.

Somewhat similar to the argument with which we have been dealing is the contention that the Franchise should be extended to women because it is necessary in order that they may obtain just legislation.

Now, if we consider the existing law regulating the position of single women and the relation of the sexes in marriage, and examine it, not superficially, but in connection with the actual facts of human existence, I contend that, with the possible exception of the provisions as to the grounds upon which divorce can be obtained by members of the two sexes respectively, and some few others of less importance, it is by no means clear that it does not err in favour of women. Is it fair, for instance, to the husband that, while his wife is all her life practically entitled, though somewhat indirectly, to a suitable provision out of his means, yet if she succeeds to a large fortune she should be

able to claim every farthing of this, to the entire exclusion of all right on the part of the man who may have worked for her during many years, diminishing to a large extent, through his connection with her, the wealth available for his own personal expenses, except in the extreme event of his becoming a pauper? I do not, however, for one moment desire to suggest that the present state of the law relating to women is perfect, except so far as it errs in their favour. Changes in this branch of the whole law are, of course, necessary or desirable, just as truly as they are in that which relates to men. The real question is, admitting the desirability of some changes in favour of women, whether they are, as a sex, less likely to achieve a fair legal position without the Franchise than with it.

Are, then, men *as a class* organised in opposition to the just claims of women? Are they, indeed, inattentive to the requirements and welfare, as distinguished from the claims, of women? In endeavouring to arrive at a fair answer to these questions we ought to bear in mind some very simple facts. Of these not the least noteworthy is this. The large majority of our present legislators and voters have more closely at heart the interests of one or more women with whose lives their own are indissolubly associated than that of any man or class of men who are, or can possibly come, within the range of their consideration. The average Englishman endowed with political power has of necessity constantly present to his mind the interests of women at large, as represented by his wife, his daughters, his mother, or his sisters. As, moreover, the men in question are of varying position in life so are the objects of this consideration; and therefore the interests of women

of all the classes to which in the case of men political power is given are continually present to the minds of those who have a share either in legislation or the election of legislators. Whether, therefore, it be in considering a legislative change, or the election of a representative to assist in legislation, I submit that the average member of Parliament and voter respectively are preserved from greater avoidable injustice to women than to men, by a study or contemplation of what is the most correct answer to the self-examining question, "How should I regard the proposed enactment if I thought that my wife or other female relatives would be among the women whom it affected?"

But further, is it possible to reasonably suppose that any law which would appear to the best representatives of men which the times afforded as advantageous to their own sex generally, would be capable of being shown by women or their representatives as unjust to the female sex? On the contrary, it is suggested as incontrovertible, that the interests of the two sexes are so perpetually, and indeed inevitably, blended, that legislation which appears to the best obtainable representatives of men as advantageous to their sex, would appear to the best contemporary representatives of women as advantageous to women also. We cannot safely treat the two sexes as being two distinct classes, or deal with them with that separate intention with which we should regard two classes of men and women combined, or of men only, or women only. The entire constitution of the human race rests upon the man and the woman as creatures of common interests, as being jointly the unit of human happiness, ability, power and aptitude, as well as of the fertilising

vitality, as the result of which the destinies of mankind are not bounded by the narrow limits of a single generation.

In addition to the above, I refer to ordinary experience for a refutation of the assertion under consideration. In this connection I contend that, far as we may now be from a perfect regulation of human affairs and ordinary conduct, the sum of the power which is exercised over women by men is tempered by more consideration and more generosity than that which is exercised over women by members of their own sex. It is, however, sufficient for the present purpose if equality between the two sexes be admitted in this matter. No doubt, glaring exceptions to the suggested rule may exist, but let me ask the reader to carefully ponder over the cases within his own knowledge, in which men and women have respectively regulated the existences of women, not being members of their own families, and then to attempt, so far as practicable, to estimate in whose favour, if either, has been the average merit in the exercise of power. If inquiry be extended into historical records, the treatment administered by Roman matrons to their slaves, and female Russian proprietors to their serfs, may, among other instances, prove both interesting and instructive, however painful to readers of ordinary sensibility.

And though I confess to some weariness of repetition, I must again refer to the legislation with regard to infants and others who have not the Franchise at present, and obviously never will. Is it not generally true, that in all States where legislation is known, such persons receive a legislative treatment which, in the light of the prevalent morality, is as good as it is possible for any class of men not specially privileged to receive at the hands of the legislature? Or,

going further, is not the legislative morality of the State almost invariably found as high with regard to the infant as with regard even to the average elector of the State? It may occur to some to answer these questions in the negative, on the strength of a reference to one or more legal systems. The Roman institution of the *patria potestas*, for instance, may be treated as an illustration to the contrary. But we must remember that a Roman's idea, not only of what was due to the father, but of what was good for the child, was very different from ours. We must consider, too, the barbarity of many other branches of the law, which applied to those who were themselves either in the enjoyment of political power, or who only ceased to be so when they fell under the operation of the branch of the law in question. I point to the treatment of insolvent debtors and convicted criminals. Were the legislators less benevolent, or more harsh towards the children of the nation, of deliberate intention, than to those in the possession of political power? Indeed, it is a fact of importance in this matter, that long after women had ceased to become subject to a similar marital power, without having participated in any political franchise whatever, the severity of the *patria potestas* still existed in what we consider a barbarous vigour. Surely we may from this infer that sons and daughters were not treated better than they were because the level of general legislative morality did not suggest this to the people of the times. Otherwise, why did women cease to be treated with similar harshness? Because of their influence on their husbands and sons? Very likely; but this influence, as I have said above, remains unimpaired, and is probably greatly increased at the present hour. If, again, the tenderness to the wife be

urged to explain the amelioration of her position, the counterpart existing in the parental feelings towards the son and daughter must be remembered. Indeed, I am not aware that there is anything in the volumes of Latin authors, from the earliest days of Roman literature until the decline of Roman law after Justinian, which have been preserved to us, indicating that female opinion generally with regard to parental power was materially different from that which was held by the men of the times.

I therefore submit, on this branch of the subject, that there is some reason for doubting whether the treatment by the sovereign one or number of the male sex, of the women subject to his or their authority, has not, at all events in advanced stages of civilisation, been generally the fair expression of the opinion or sentiments of men and women indiscriminately of the rank of the sovereign one or number ; and that no bias of men as a class, against women as a class, has operated, in the main, to render the treatment of women worse according to the philosophy of the time, than that which was accorded to men. If, however, it be considered otherwise, then I rest upon the safer ground that there is no evidence in the present day that the English Parliament is biassed against women, or even inclined to neglect to pay a due regard to their interests, sufficient to justify their admission to the Franchise as a means of securing legislative fairness towards their sex. We must not omit to give due regard to the inevitable, and, perhaps, humanly unrivalled, influence of his female relatives over the elector and the legislator respectively, as a guarantee that the best intelligence of the age shall be fairly applied for the benefit of women equally with that of men. To

preserve this safeguard, it is entirely unnecessary to disturb the established order of things as to the political position of women.

Indeed, in this connection, one fact may be mentioned as, in itself, absolutely conclusive against our opponents. At present, men have the power to refuse to extend the Franchise. In order that they may grant it, they must evidence a disposition to show the greatest fairness to women. This disposition would be a then existing fact, which would completely demonstrate the unnecessary character of its result. For how can it be contended that those men who would grant women the Franchise, are not disposed to treat women generally with fairness in legislation? Thus, on the hypothesis that those who wish to extend the Franchise to women, wish to do so as an act of justice to women, or as a measure for the benefit of women, their argument, in justification of their contention, would reach its most complete breakdown at the moment of its success. The very fact of the extension of the suffrage would, of itself, show the totally unnecessary character of the measure. It must not, however, be supposed that none save those who advocate the movement in question are disposed to treat women fairly. For who are the men who would not, at once, throw into it the weight of their support, if they believed its success necessary in order to obtain fair treatment for women?

There is, however, one argument in favour of the claim which I am endeavouring to combat that is apparently more difficult to satisfactorily answer than any other. It is said, certainly with considerable probability, but whether correctly or not it is not for me to say, that whatever may be

said or done by the opponents of the movement under consideration, it will inevitably be successful before long.

This view seems to have a remarkably staggering effect upon an immense number of men. It is not surprising that it should disarm the timid, and more particularly those aspirants to Parliamentary honours who believe they will one day depend upon the suffrages of women. Yet I doubt whether honest intelligence ought not to indignantly repudiate the slightest potency to silence or convince in a plea of so vaguely principled a character. Possibly some may think that it is inexpedient to attempt the refutation of a contention of so closure-like a nature, and which has possibly more of the meanly creeping than of the transcendently dignified in its character. It may, however, be well to say a little upon the point.

We ought, then, to remember that the assertion upon which this argument is based cannot, from the most sanguine point of view, be placed higher than that the Franchise will in all human probability be extended to women. It cannot be absolutely certain that such will be the case. For though a Bill in this behalf had been introduced into the House of Commons by Mr. Smith, and supported by Mr. Gladstone and Lord Hartington through its first and second reading and its committee stage, and Lords Salisbury, Granville, and Selborne were notoriously in favour of its passage through their House, one's imagination need not be particularly strong to conceive possible events, the happening of which would relegate the Bill to a position in which success would be improbable. However this may be, the earnest politician must look, not only to the determination of an issue by the present generation, but to the effect of his

efforts upon the intelligence of the future, in the legislation of which there is no finality but that of the perfect age. And even though we should be unsuccessful in our resistance now, our action may render the duration of the reign of the new ideas shorter and less disastrous than it might otherwise be. The greater the influence and the numbers of the defeated minority, the easier is its return to the position whence it has fallen. We dare not, moreover, attempt to justify ourselves in non-resistance to that which we believe is wrong, by pleading the inutility of withstanding that which is inevitable, until there is no room for reasonable doubt that it is as a fact inevitable. Even then I very much doubt the satisfactory nature of the excuse. Happily, anarchy and the scaffold do not now stare the patriot in the face, disturbing the normal operations of conscience or warping the understanding of the timid.

Indeed, if the argument in question were generally admitted as valid, would there not soon be an end to the *rationale*, not only of all Conservatism, but of all political contention or effort which was not made on the side considered sure of success?

Many, however, without risking confusion in the mazes of elaborate controversy are content to assert, tersely and positively, with all the oracular pomp of the untutored mind, that the voting power is the *right* of women, whose position with regard to property is similar to that of those men who are at present electors, and that therefore it is *unjust* to withhold the power from them.

It ought to be hardly necessary to point out that we have before us in this contention a very bare specimen of the *petitio principii*. Yet, as it is so very common, it may be

well to demonstrate its utter want of logical force. By what authority, then, has the alleged right been established? For the electors of England must be put in mind of the fact, though possibly it is rather regrettably late in the history of philosophy for this to be needed, that a right of any kind necessarily owes its existence to the institution of some power other than that of the person in whom it resides. The possible sources of rights have thus been determined to be either (1) the law of God or nature, ascertained by Revelation, the application of the principle of utility, or conscience; (2) the law or bent of opinion or custom; and (3) the law of a particular State.

Now, I doubt whether anyone has ever attempted with any approach to success to prove that the alleged right to the Franchise is given by the Law of God as expressly revealed by Him. Whether the correct application of the principle of utility makes it proper to extend the Franchise, and so confers a right thereto on women, is obviously the very point which has to be settled by all who are not content merely to follow with unquestioning mind, the lead of others. And we can hardly appeal to conscience or a moral sense in such a matter, for surely this is pre-eminently a case in which the individual conscience may be well supposed to stand in need of enlightenment from extraneous sources before it can itself become a teacher. Some, however, may assert that the alleged right is of the so-called "natural" order. But I could hardly dispose by argument of this opinion without running the risk of unnecessarily wearying the reader with a mere repetition of the now long-standing refutation of the theory of the existence of such rights, as distinguished from the others of our series, by the pens of the analytical jurists.

Further, if Parliament be taken to represent the male opinion of the country, it is obviously impossible to say that a right to the Franchise is awarded by this, so long as no Act is passed in its favour. If, however, the opinion of women is relied on, I think we are entitled, at least in this connection, to wait for a little clearer expression thereof than we have yet heard. As to custom, the nature of the case excludes its operation in favour of the alleged right.

That the third source of rights cannot be relied upon in this case is self-evident.

If, then, those who tell us *simpliciter* that the suffrage is the right of women, or that it is our duty to give it to them, are really begging the question at issue, it is clear that those who tell us that the extension of the Franchise to them is required as an act of justice are in no better position. For since justice consists in consonance to some law, or in discharging one's own duties and observing the rights of others, it is manifest that if it remains to be proved that there is any right on the part of women to the Franchise, or any duty on our part to accord it to them, the justice of acceding to the claim which we are considering must also be a matter for proof.

However, the expression which we have considered is probably hardly supposed to be worthy of attentive examination, even by those who use it. It is probably often, if not generally, intended to form an assertion that, for reasons not stated, the claim to the Franchise for women *ought* to be admitted. There is probably also present, in many cases, to the mind of the person who uses the expression, a supplementary opinion, to the effect that a failure to perceive its truth can only result from insufficient or perverted understanding.

In connection with this branch of the subject, we find the following startling language used by Mill: "Let me here begin by marking out one function broadly distinguished from all others, their right (*i.e.*, the right of women) to which is entirely independent of any question which can be raised concerning their faculties. I mean the suffrage." Now I will not affect to suppose that by the word "right" this eminent thinker has any meaning less distinct than that of valid claim based upon considerations of expediency or justice. But what of the assertion that thousands, or rather millions, of human beings are to be admitted to the Franchise on the ground of right, or from motives of expediency or justice, or otherwise, apart from any consideration of their faculties? When such an expression as I have quoted is used by such a man as Mill, ought not lesser minds than his to pause before giving way to the influence of what would seem to be an intellectually devastating prejudice, by which one of the most renowned of modern logicians has been apparently extraordinarily led astray from the paths of political wisdom? Not inquire concerning the faculties of those on behalf of whom votes are being claimed which may affect the destinies of the entire human race? We might as reasonably supplant our present Constitution of the Queen, the Lords and the Commons, by a Republican Government liberally recruited by infants from the hospital for foundlings, and swayed by the eloquence of Bedlam. If we do not demand from the ultimate constitutional repositories of sovereign power some reasonable certificate of presumptive fitness, ought we not, in consistency, to abolish Parliament, and submit ourselves henceforth to the uncontrolled disposition of the most addle-pated hereditary sovereign whom all

the royal houses of the globe have yet to propagate for the curse of nations?

Indeed, it would seem but too obvious that the whole *rationale* of democracy must disappear if we repudiate presumable intellectual and moral fitness as the basis of the electoral Franchise. The cardinal object of such a form of government is surely that the greatest amount of ability and integrity possible shall be brought to bear upon the determinations of the legislative body. We are not, in undiscerning reliance upon meaningless dogmas, to open the door of the Constitution to those as to whose fitness no reasonable presumption can be raised. But instead of amplifying this topic in my own words, I prefer to quote the language of Bentham. Speaking of national representation and kindred topics, he says : " In deciding these same questions according to the principle of utility, it will not do to reason upon words ; we must look only at effects. In the election of a legislative assembly, the right of suffrage should not be allowed except to those who are esteemed by the nation fit to exercise it ; for a choice made by men who do not possess the national confidence will weaken the confidence of the nation in the assembly, so chosen. Men who would not be thought fit to be electors, are those who cannot be presumed to possess political integrity, and a sufficient degree of knowledge. Now we cannot presume upon the political integrity of those whom want exposes to the temptation of selling themselves ; nor of those who have no fixed abode ; nor of those who have been found guilty in the courts of justice of certain offences forbidden by the law. We cannot presume a sufficient degree of knowledge in *women*, whom their domestic condition withdraws from the conduct of

public affairs; in children and adults beneath a certain age; in those who are deprived by their poverty of the first elements of education, &c., &c. It is according to these principles, and others like them, that we ought to fix the conditions necessary for becoming an elector."*

But Mill does not, of course, leave the matter with the statement I have quoted. His contention may, I think, be fairly summarised as follows. Women are, as a fact, quite as fit to exercise the political Franchise as are men, or, if they are not so at present, they will become so when their position has been made thoroughly equal to that of men in all respects, as it ought to be. This brings us to what is, I contend, the only reasonable basis of the claim on behalf of women to the voting power. I now proceed to examine the accuracy of the assertion of fact, and, in doing so, to consider the leading and more obvious reasons against the claim which rests thereupon.

* "Theory of Legislation," compiled from the MSS. of Bentham, by M. Dumont, and translated into English by Mr. Hildreth, page 81.

SECTION II.

THE THRESHOLD OF THE CASE AGAINST WOMEN'S SUFFRAGE.

WE are now face to face with the reasons against the movement. I have endeavoured to marshal the arguments of a representative sort which are generally urged in some way or another by our opponents, either in their barest form or somewhat concealed by a drapery of plausible assertions. It is now time to state expressly and clearly the leading reasons why it is here contended that the Franchise should *not* be extended to women. Of course, except so far as the reader may be satisfied with the non-proof of our opponents' case, it is for me to endeavour to show that, for some reason or other, it would be inexpedient to do so.

I venture, then, setting aside, as one is entitled to do in the serious consideration of so important a matter, all equivocation arising from gallant delicacy, to submit, as a proposition of general truth, that women are not fit to exercise the political Franchise. It is here contended that the average woman is, and probably will always remain, in one respect or other, unadapted for political power. At the outset of this topic I suggest unfitness of a kind as to which there is very wide and possibly well-founded doubt, namely, that which is owing to their general inferiority in intellectual power as compared with men. This point is not placed here because considered as one of the strongest in my favour. On the contrary, it is, perhaps, the one, of all

those which I urge, as to which there is the greatest room for reasonable doubt. Nor is it in any way essential to my case. I would endeavour to lead the reader up from the region of doubt as we progress, not by inviting him to make stepping-stones of possibly weak arguments, as if they were the solid rock of unimpeachable good sense, but by preparing him, by means of a bird's-eye view of the whole aspect of the question, to wend his way to the secure summit of a philosophical determination.

Some may consider that much of what is here said is rude to women; as, indeed, so many attempt to "bounce" this terribly vast and important question by terming anything but an answer in favour of the ill-considered claims of women's so-called advocates, an affront to the sex. With such trifling, however, I have little concern. It is sufficiently plausible for those who regard every woman as a natural subject for deception, to attempt to curry fleeting favour by a gallantly simulated approval of a social change which women are so far more likely to bitterly rue than men. But those who fear no censure in the advocacy of an honest cause, and who are looking to the future as well as to the present day, can well afford to risk whatever danger there may be in puny censures of this kind.

Is there, then, sufficient reason for believing that women are intellectually inferior to men, or that their minds are less adapted to the consideration of subjects of public importance requiring careful deliberation and a power of generalisation?

It may, perhaps, be fairly observed, that the fact that this question is really capable of being seriously raised—that it has not long ago been settled in the negative—is

cogent evidence that we ought now to give an affirmative answer. For we might reasonably have anticipated that if women are intellectually equal to men, they would, long ere this, have demonstrated their equality beyond the possibility of intelligent doubt. This, however, can hardly be said to have been done.

Looking, then, at the unquestionable evidence before us, we find that, regarding only those avocations in which women might have distinguished themselves, there is not one in which they have ever attained the foremost position. There are no female names among the few leading lights of literature, science, or art. In this country, as well as in others where mental power can most easily assert itself, women have been often distinguished, but they have invariably fallen short of pre-eminence.

We are told by Mill that the fact that there has been no female Shakespeare proves nothing, since women have been trained away from all occupations and objects which would naturally lead to the attainment of transcendent literary eminence. This explanation of the matter is considered as sufficient to prevent any arguments against intellectual equality based thereon from obtaining credit. But it is respectfully submitted that there is, in this contention of Mill and others, a striking superficiality and want of soundness. For it cannot be maintained that Shakespeare became the prince of authors as a result of the circumstances in which he was placed, or of the inducements held out to him, or the culture afforded to him. If we consider what is known of him and other illustrious authors, we shall almost certainly arrive at the conclusion that it was not what they received from the world which

rendered them remarkable, but what came from them, as a vital stream of intellectual power, which no difficulty or counter-training could effectually hamper, and which no discouragement could destroy. And surely there is but slight ground for the assertion that the English women of Shakespeare's class in his own or any other succeeding age were, or have been, subject to any restriction or blighting education sufficient to prevent the assertion of an equally mighty intellect if they had possessed it. If we consider well the teaching of biography we shall, it is submitted, assuredly arrive at the conclusion that, where genius has existed, neither the want of education, nor a cramping or perverting education, has been sufficient to prevent its discovery. In other words, genius provides her own education, and creates her own opportunities. Indeed the assertion of the existence of extraordinarily stringent restrictions upon women seems almost incapable of support. For I question very much whether the dislike of the fathers of Shakespeare and other great authors for the budding signs of literary greatness, and the consequent aversion from the paternal shambles or workshop on the part of their sons, has not fully equalled, in its restrictive and antagonistic force, any influence which has usually restrained or opposed in England the blossoming of the first-fruits of female power. The burgess who would have burnt his son's effusions might well have been ready to spare the products of his frailer offspring, for the satisfaction of a selfish pride without the pecuniary loss incident to such clemency in the case of the apprenticed son. And the opportunities of women would probably be even more marked among the higher classes. But whether we regard our own most illustrious writer, or

the darling of our northern fellow-countrymen, can it be seriously said that these men, while sheering sheep, holding the bridles of horses, or following the plough, had any advantages for the development of greatness which have not been almost equally possessed by ordinary English girls. Perhaps the argument might to some extent avail if women had hardly ever dabbled in the realms of literature. The fact, however, is that, whether with genius or without, women of various stations in life have attempted literary work, and have succeeded to a great degree, but not, it is suggested, to such a degree as is consistent with the theory of the absolute intellectual equality of the sexes. For why should not Sappho have been as great as Homer, or Mrs. Browning be as lofty as Shelley or Lord Tennyson? Indeed the very fact of the great place of George Elliot in the inferior region of the novelist speaks strongly against the theory under discussion. Of course it may be said that the mere fact that a larger number of women engage in literary work now than formerly is owing to the change in our ideas upon the subject of women's sphere, and proves the contention of Mill. But the truth seems rather to be that, though increased opportunities and encouragements have brought a number of women into the field of the class of professional writers, it has hardly demonstrably brought a single woman to such literary excellence as indicates great genius, who would not in all probability have been equally distinguished before the new ideas came into vogue. The crowd of small literary people, men and women, go for nothing in the argument which I present. And it is well worthy of observation in this connection, that in the Dorian States no woman approaching Sappho in intellect is known to

have lived. This great authoress was trained among the Ionic States, where the intellectual development of women was comparatively neglected.

The inferiority of women in the fine arts is explained by Mill by reference to the purely amateur or unprofessional nature of their devotion to such studies until recently. One may be tempted to suppose our logician hard pressed when he resorts to such a refuge. Did Raphael achieve his eminence through the love of gain, or did he not rather get pecuniary reward as the result of a natural devotion to the brush, which would have caused him to paint even at the sacrifice of a more remunerative avocation? Because the male artist finding his work remunerative has adopted it as a profession, surely we are not to infer that if he had indulged no greater hope of gain than a female artist was at liberty to do, he would not have pursued his natural taste with the glittering crown of a perennial reputation before his eyes. When once genius has popularised an art, crowds of second-rate imitators will be sure to follow it for gain or otherwise; but what possible reason is there to suppose that if women had possessed the talent, not only to follow others, but to create the regular study of an art, they would not have been readily permitted and sufficiently encouraged to do so? On the contrary, the very fact that women have been able to pursue the arts at their leisure, and have been, indeed, by conventionality very largely, and somewhat exclusively, encouraged so to do, would seem to indicate that, if the genius had existed, the opportunities for its assertion would have been at least equal to those existing in the case of men. The political economist may imagine that the love of gain was the strongest and indispensable motive to the

composition of the "Messiah"; but will the musician, with the sublime enthusiasm of the spirit of Handel or Mozart welling up within his soul, admit that he would not have composed his masterpiece had he been secure of a competence independently of the expected gains from the pursuit of his favourite theme?

It is said, however, by Mill, that in the only art followed by women as a profession, namely, the histrionic, they have proved themselves equal, if not superior, to men. Now, whether the alleged equality or superiority is to be considered an established fact or not, I do not think it is important to consider. For if it be so, I should contend that we are justified in concluding that this art has been followed by women as a profession for the simple reason that they have had the capacity to excel therein. I should then suggest that it might be added, with considerable force, that if a similar capacity on their part had existed with regard to other arts, women would also have followed them professionally. We can hardly treat the accession of women to the theatrical avocation as a mere accident. The art of dramatic performance does not, by any means, stand alone in the respect that people prefer to see it well, rather than badly, executed; and, if other arts would have been largely benefited by the fact of women professing them, surely such profession would have been an ordinary matter of experience. The observation, however, of Mill, upon this point, which had certainly occurred to myself before perusing his work, seems to fairly give rise to pertinent remarks by no means favourable to the contentions which he endeavours to support by it. For dramatic talent is strikingly independent of that originality which is

the great characteristic of the highest intellectual power. It is not, moreover, without significance, that this one-art stands almost alone in the peculiarity of its position, as an avocation, the moral advantages of which are still a matter of controversy among people of great intelligence and high principles. That the profession of this art should be the one sphere of women's alleged demonstrated equality is, to say the least, *primâ facie* remarkable, and pregnant with suggestive indications.

The admitted inferiority of women in literature and the arts generally is further accounted for by our illustrious logician. He tells us that women, when first encouragement was not wanting for their efforts, found a highly advanced literature already created, and that thus their powers of originality have been subdued by precedent. This does not, however, apply in the least degree to the time when, as I have contended, though encouragement might not have existed, active suppression was not exercised, nor does the principle of the contention at all apply to the still open field for discovery and invention in the regions of applied science. Again, we are told that very few women have sufficient time for the pursuit of studies which require systematic application, and that, therefore, what they do must be done at odd times. That this is to a certain extent true I do not dispute, but let me appeal to biography and personal experience. Have the greatest men been born in circumstances in which the achievement of greatness would appear natural—have they, as it were, had “greatness thrust upon them”—or has it not rather continually appeared that their greatness was achieved in spite of the difficulties of their position and the demands of their

bread-winning career? How many, indeed, like George Stephenson, have, under peculiar disadvantages, and while experiencing the fatigues of manual labour, successfully educated themselves in the knowledge necessary for the development of their renowned discoveries! What of the master-strokes of genius conceived by the flickering light of a hardly-bought taper, while snatching the last hours of a day of wearing toil? "Slow rises worth by poverty oppressed," yet rise it surely does. Indeed, have not women enjoyed unrivalled opportunities for inventions of the class of the most famous of James Watt, whose observation of a kettle has seemed to his French biographer the early prelude to the discoveries which have crowned him with the lustre of a human benefactor's fame. In common experience, again, who are found to have the most spare time, the men who are making their thousands a year by the use of their brains, or the idlers who are dreaming through the existence which is made laboriously luxurious with the wealth accumulated by men of the former stamp? And when do men, as a fact, feel at their best for abstract thought—when seated during whole days of leisure in a room whose very comfort makes them fidgety, or when seizing the golden moments from a busy life?

Still further, we are in effect told that women have seldom eagerness for fame, and that they merely desire to receive favourable consideration from their male relatives. If this be so at present, whose is the ruthless hand that shall disturb so excellent a disposition for domestic life? But since we see, indeed, that genius rarely exists apart from love or desire of fame in some shape or another, should we not well infer that where love of fame does not exist, neither does the genius which must give it *raison d'être*.

The matter seems summarised, from Mill's point of view in these words:—"Whoever is in the least capable of estimating the influence on the mind of the entire domestic and social position and the whole habit of a life, must easily recognise in that influence a complete explanation of nearly all the apparent differences between women and men, including the whole of those which imply any inferiority." Now, in considering this passage, one naturally thinks of the many instances of women whose careers have been totally unlike those of their sex generally, and of the little countenance which such cases lend to the contention which is contained in it. Probably most of us have many times come across girls who have been brought up with, and practically educated, as far as possible, like boys; but I doubt whether we have been uniformly struck with the superior force of their intelligence. The "henpecking" matron, too, is not wholly unknown in modern times, yet it may be fairly questioned whether, save by her husband, she is generally regarded as of a particularly remarkable wisdom and breadth of intelligence. But, apparently with cases of exceptional position and education in his mind, Mill tells us that the ability of the ladies of reigning families who have alone been allowed to develop their qualities has, in proportion as their capacities for government have been tried, been found adequate. In considering, however, the much-vaunted benefits of female *régime*, we must remember that very much is attributed to the Sovereign which would be more properly imputed to the Minister, so much so that, the more thoroughly a good Minister is trusted, the happier as a rule are the results of the government. Nor must we overlook the fact that we have been educated in a country of

constitutional rule, and that, therefore, the qualities which we admire in a Sovereign are hardly those which are most nearly associated with mental strength, or the fitness for the exercise of direct political power. The reign of women has been very generally approved by constitutional politicians, because free institutions have had a better chance of development thereunder, owing to the personal weakness of the monarch, than under the reign of men.

But let us scan the most notable instances in English history which are so frequently relied upon, and consider whether they are really inconsistent with the general principles for which I am contending. I suppose the list of such instances begins with Boadicea. With reference to her, however, it is to be observed that, in harmony with the passage cited below from Bentham, her heroic action did not, it seems, result from a public motive or the desire of the general welfare of her nation, but from the particularly private instigation of her maternal feelings, prompting her to revenge an outrage which had been committed by the Romans upon her own daughters. And, pursuing her career, we observe that, as if her enthusiasm had overstepped the limits of her natural qualifications for severe activity, and the anxiety of government in troublous times, the balance of her mind seems to have been upset by the abnormal engrossments of her brilliant heroism, and disappointment was followed, not by continued fortitude and perseverance, but by despair and the administration to herself of poison by her own hand. Looking, indeed, at the matter seriously, can we consider that a pyrotechnical-like display of enthusiastic courage and short-lived resolution, wrought up by her maternal wrath against the injurers of

her own offspring, and soon followed by inglorious suicide, constitute any very strong argument in favour of the capacity of women generally for State government and the administration of public affairs?

I am not aware that the differences of the Empress Maud and King Stephen have ever been thought to furnish any argument to my opponents, and therefore it is unnecessary to pause at this point of our history. We come next to Mary I. With her historians have dealt in so very decidedly severe a manner, linking her name with an extremely unpleasant epithet, that it is presumably unnecessary for me to say anything in order to prove that she is hardly a forcible illustration of the height of combined greatness and worth to which the ladies of royal families may be supposed wont to attain.

But Elizabeth is now reached, and no doubt a triumphant glow suffuses her champion's brow. Possibly she alone will furnish to the minds of many an argument so convincing as to be incapable of answer. Yet it is to be observed that, in order that an example may be clearly in favour of the advocates of women's claims, I venture to think that its subject must have demonstrated the compatibility of female greatness with female goodness. And as to the greatness of Elizabeth it may be fairly urged that she was peculiarly favoured by the circumstances of her times. Following upon a persecuting Papist, she has naturally been regarded with favour by Protestant historians. Surrounded also as she was by gifted statesmen, in whom her shrewdness taught her to place confidence, her reign has certainly by no means unnaturally been regarded as illustrious. Nor were the adverse winds which helped to scatter the Armada without

their benign influence upon the glory of the reigning queen. But admitting that she was a strong-willed and clear-headed woman, and, at all events for the purposes of the argument, that she constitutes the one example in our history of a really able female ruler, was not her greatness so marred by a lack of goodness as to render her character such that the fewer women of her kind the world shall know, the happier shall be the history of our race? Smithfield fires did not smoke so much in her reign as in that of her unhappy sister, it is true; but were not Protestant Dissenters, as well as Roman Catholics, most atrociously persecuted by the express desire of this renowned woman? What of her mercy to Mary Stuart, among others? What of her modesty and her general virtue? Depicting her as she lay upon her bed of mortal pain, with the overbearing vixen in her nature barely mastered by the grim, damp hand of death, looking into her most unlovely visage, and remembering the history of her life and the general traits of her character, is it possible to say that she was a woman who can be held up to the admiration of either sex?

It is almost in the nature of a pleasant relief to speak of Mary II. For apparently we find in her a good woman and a devoted wife. Not possessing by law any share in the Government while her husband was in England, it is not, so far as I am aware, known that this admirable woman sought in any way to acquire reputation otherwise than as the helpmeet of her illustrious husband.

The name of Queen Anne is, however, probably frequently relied upon as an example of female excellence. But we must not be led away by old-world traditions. Apparently, for the times in which she lived, she was a fairly good woman,

of moderate intelligence, among whose more conspicuous characteristics were an addiction to over-eating, followed by consequent dyspepsia, and an over-weening confidence in unworthy favourites. The actual course of events in her reign is quite worthy of our attention in this connection. For is it not true that, by her incapacity for government and her natural womanly tenderness for a worthless brother, the beneficial results of the Glorious Revolution were on the very point of subversion, and that our country would have been reduced again beneath the blighting sway of ribald Stuarts, had not the patriotism and courage of the Duke of Argyll, under Providence, averted the threatened catastrophe? This is surely not a slight thing for our consideration, and, even if Anne had been a woman of more than moderate intelligence, might well have sufficed to obliterate all trace of true glory from her personal history.

We now arrive at the name of a woman against whom there has been probably said and thought as little evil as against any one who has ever been as much before the mind of a nation and the world. It is no sickly sentiment of spaniel-like loyalty which induces me to see in her present majesty a lady who commands, of necessity, the admiration of good and wise people of all classes. But let us consider the actual reason why the people of England admire and, in many cases, almost love their Queen, and have sympathised, with personal solicitude and tenderness, in her many afflictions. Surely, it may be suggested, with sufficient reason, that it is chiefly because they believe that she was a consistently good wife, and continues to be a consistently good mother—because, in short, she

exhibits the distinctly female virtues in all the irresistible charm of their natural display. If, moreover, we consider why it is that the constitutional statesmen of all phases of political opinion regard her reign with peculiar equanimity, our difficulty in ascertaining the reason is apparently not great. It is not, as I suggest, because anyone has claimed for her the glory of a transcendent intellect or a peculiar capacity for command, or because they attribute to her innate powers the ability, or the results of the educating influence, of the greatest statesmen of her reign, but rather because, from her natural indisposition to affect the real control of public affairs, she has allowed, more completely than her predecessors, the actual executive authority of the State to be wielded, and legislation to be initiated, by men whose training and abilities have rendered them fitted for their exercise; and has thus, with the qualities on her own part of moral excellence and the good sense of a well-balanced mind, succeeded, possibly somewhat unconsciously, in bringing our present Constitution, more thoroughly than was the case before, into harmony with the feelings and opinions of an enlightened people.

It is therefore submitted that a candid and well-informed mind will find nothing in the characters of the conspicuous females of English history inconsistent with a recognition of the truth of the view that, both in respect of intellectual strength and natural disposition, women are generally less fitted for political power than men. Indeed, the comparatively rare cases where great intellect and great authority have been possessed by women who have left behind a reputation for goodness as well as for greatness, seem to warrant no inference inconsistent with the contention that,

primarily and generally, the appropriate sphere of women is domestic privacy.

Probably, however, every one will be more influenced in the formation of his opinion on this subject by the observations which he has himself made in the course of his personal experience than by general history. But the nature of these observations, and the direction in which they point, must evidently be left to the individual observer, and can hardly be expected to be dealt with by a writer who is a stranger to his person and his history.

Now, it is, of course, to be borne in mind that many women, not only of royal, but of very humble families also, have been in the past, and are at the present day, often clearly above the average man in point of mental power and general intelligence. This fact seems to weigh very powerfully with many, but any difficulty to which it may give rise is very simply removed by Mrs. Jamieson in these words: "The intellect of woman bears the same relation to that of man as her physical organisation; it is inferior in power, and different in kind. That certain women have surpassed certain men in bodily strength or intellectual energy, does not contradict the general principle founded in nature." As, moreover, such exceptions exist, so, on the other hand, we find many men, in prominent as well as in private positions, who are conspicuously deficient in intelligence and efficiency. With regard to such men, the words of Mr. (now Baron) Dowse, the Attorney-General for Ireland in Mr. Gladstone's first Administration, may well be quoted. "He was quite aware that many a judge had been an old woman; but that was no reason why every old woman ought to be a judge."

Perhaps a few words ought also to be said with regard to the recent successes of ladies at the Universities. In estimating the weight of these we should remember that established examinations do not generally test the highest forms of intellectual strength, such as originality. Many, further, who attain the highest University honours are subsequently found to have reached with them the summit of their intellectual success. We must also bear in mind that, under the present circumstances, the sons of opulent parents present themselves for our University ordeals almost entirely irrespectively of a perception on the part of anyone of their special aptitude for success ; whereas, in the case of the other sex, it may probably be fairly said that no one is, as a rule, encouraged to study for examinations of a high order, unless she has in some way formed the opinion that she is above the average of her sex in mental faculties, or has given to others the impression that such is the case.

In generalising the effect upon the understanding of Mill's arguments upon this subject, one can hardly fail to be struck by the prevailing uncertainty, and almost depressingly speculative and hesitating character, of the opinions which he expresses. Almost everything is left to the determination of future generations, who shall enjoy opportunities for comparison which are beyond the range of our attainment. We are, indeed, apparently asked to act as if the equality of the sexes were proved, while, at the same time, we are told that it is impossible for us to adequately determine the matter.

According to Mill, it is even doubtful whether the brain of a woman is smaller than that of a man. His doubtfulness, indeed, extends so far upon the general question that one

may well despair of the probability of its being ever effectually displaced by certainty, or, at all events, for several generations. "The knowledge," says he, "which men can acquire of women, even as they have been and are, without reference to what they might be, is wretchedly imperfect and superficial, and always will be so, until women themselves have told all that they have to tell." But may we not fairly observe that if the matter is so very doubtful it is both dangerous and improper to act as if it were proved in favour of women? If their equality be still unshown, ought we not to wait until it is shown before we act as if it were an established fact? If, indeed, before our doubts are dispelled, we must wait until women have told us all that they have to tell on the subject, and this they will never be induced to do until they have been treated upon the assumption that it has been done, surely the position of those who advocate the movement we are discussing involves the recognition of a very remarkable and a very unsound principle. As a general observation, I venture to submit that the true course of the reformer is to alter existing institutions only when, and so far as, they have been demonstrably shown to be unsuitable to existing facts, or when, at least, overwhelming reason has been adduced in favour of the existence of such facts as would clearly, either from their present condition or their almost certain consequences under an altered state of the law, justify the contemplated change.

It cannot be admitted that until women are treated in the same manner as men they will have had no opportunity of proving their equality. It seems, if I may venture to say so, to somewhat savour of sophistry in dealing with this

branch of the subject to continually harp upon the general condition and education of women. For we ought always to bear in mind that women are not a hereditary class. Every woman is as much the offspring of her father as of her mother, and does not exclusively inherit the alleged stunted intelligence of her maternal ancestors. And, briefly resuming much of what has been said above, we are bound to take into consideration the fact that thousands of our countrywomen have been abnormally educated, and that the entire number have by no means been imprisoned by the impenetrable walls of a sex hedged round with unvarying conditions of disadvantage. The opportunity of proving their equality has existed, and if it cannot be maintained that the opportunity has already been so availed of as to leave no room for reasonable doubt of the general existence of potential equality, I suggest that no case has been made for the subversion of ideas and customs which are based upon the assumption of the general inferiority in point of mental power of their sex to that of men.

It is worth while observing, as an incentive to caution, that Mill is barely content with the theory of the equality of women. He seems inclined to at least suggest their superiority. For, as to the quality of their brains, he tells us that the indications point to a greater average fineness in theirs than in those of men, due, as he suggests, to a possibly quicker cerebral circulation in their case. This, it is surmised, may render them superior to men in matters requiring promptitude of decision. It is true that he is not apparently indisposed to admit the superiority of the male in cases demanding prolonged attention. The general tendency, however, of his observations seems to point to the

not unlikely existence of general superiority. If this can correctly be said to be his view it is indeed important; for, if it be not improbable that one sex is superior to the other, many arguments against the existence of that superiority on the part of men are at once disposed of, as against this writer as well as very many others. When, indeed, we are pointed to the value of women as an aid to the speculative philosopher, we might be tempted to imagine that our study was being relieved by a jest, if our author were another man than Mill. It ought, perhaps, to be added in this connection that the suggestion that women, while superior to men in quickness of perception, are inferior to men in matters requiring prolonged investigation, seems to point with considerable power in the direction of the view that, while women are better adapted by their nature for the speedy determination of the affairs of family life, men have the superior capacity for the intelligent exercise of the electoral Franchise with regard to a deliberative assembly.

Before quitting the subject of the general intellectual position of women, I must deal briefly with the marked differences between the general bent of male and female intelligence and morals respectively. For there may be differences which do not necessarily imply absolute inferiority, but which, nevertheless, do render women relatively to the exercise of political power and influence less capable than men.

The leading outline of the differences suggested seems to be well drawn by Jeremy Bentham. I feel considerable satisfaction in quoting his words, because in doing so I am not drawing upon the authorities of old-fashioned Toryism,

or even of Conservative philosophy, nor upon the teaching of a man whose Radicalism was unrestrained by the conception of a definite principle. In the whole range of political writers one can hardly cite a higher authority than his, if indeed we can find one which is as high. Comparatively few, perhaps, are aware nowadays how much we, in fact, owe to his extraordinary genius. Indeed, by far the larger portion of the more important legislative reforms of this century are traceable to his puissant influence. Radicalism and very advanced ideas in law or politics seem without a secular *rationale* apart from his philosophy. The words quoted are found on page 39 of the work mentioned above. "The sensibility of women seems to be greater than that of men. Their health is more delicate. They are generally inferior in strength of body, knowledge, the intellectual faculties, and firmness of soul. Their moral and religious sensibility is more lively; sympathies and antipathies have a greater empire over them. . . . The religion of a woman more easily deviates towards superstition; that is, towards minute observances. Her affections for her own children are stronger during their whole life, and especially during their early youth. Women are more compassionate for those whose sufferings they see; and the very pains they take to relieve them form a new bond of attachment. But their benevolence is locked up in a narrower circle, and is less governed by the principle of utility. It is rare that they embrace in their affections the well-being of their country, much less that of mankind; and the interest which they take in a party depends almost always upon some private sympathy. There enters into all their attachments and antipathies more of caprice and imagination; while men

have more regard to personal interests or public utility. Their habitual amusements are more quiet and sedentary. On the whole, woman is better fitted for the family, and man for matters out of doors. The domestic economy is best placed in the hands of the women; the principal management of affairs in those of the men." Again, on page 81, speaking of fitness for the electoral Franchise, he says, in the words quoted above: "We cannot presume a sufficient degree of knowledge in women, whom their domestic condition withdraws from the conduct of public affairs."

It might well be considered both wearisome and unsatisfactory to continue the citation of opinions of this kind. I should hardly have cared to lay very much stress upon the above words if they had proceeded from a lesser man than Bentham. But since they are his, I claim for them the weight due in this matter to the utterances of one whose entire works show him to have been as completely emancipated from every prejudice and restraint of time-honoured custom as human nature could well be. As, moreover, the business of his life was to formulate and support totally new ideas, such as appeared to the vast majority of those who first heard them extravagant and unsafe, we can hardly suppose that he would have hesitated to launch out into the advocacy of the alleged rights of women with regard to the Franchise, if it had occurred to him possible in reason to do so.

Let me, therefore, request my readers to seriously ponder over, and test by their own observation, the passage which has been quoted. Will it not be found that the exceptions to its general truth are comparatively rare, and the majority

of these by no means examples which it would be desirable to multiply? Who does not know the worth of womanly affection? Who has not marked the unconquerable forbearance and generosity of the mother and the wife—especially towards undeserving objects? One is almost guilty of becoming a bore in even alluding to themes so often and so deservedly descanted upon by those vast numbers who have been competent to form an accurate opinion on the subject. But who, of average intelligence, can say that the woman is not rare who carries the vigour of her sympathy, the mildness of her sentiments, and the unselfishness of her disposition, beyond the narrow circle of her family and friends? How often have we been grieved to hear the matron, whose words upon the topics of her family life have been wont to be, with justice, regarded as the oracular and self-evident declarations of a modern Minerva, degenerate into the comparatively unheeded trifler, when joining in a conversation upon public questions! Our opponents probably, to a certain extent, acknowledge that there is force in such questions and remarks as these, but they tell us that when women have obtained the vote they will cultivate the knowledge which shall give them the power to intelligently exercise it. But not only is it clear that the occupation by women of the position in which they are alone essential will always more or less exclude them from that active participation in business life which qualifies for the intelligent exercise of the Franchise, but, as is suggested in this treatise, their nature is formed for different purposes, and cannot be advantageously, or, indeed, possibly, distorted into that of the now governing portion of the race. Further, I appeal, as I have said above, to the only practice

sanctioned by wisdom or experience, when I say that those who wish for what they do not possess ought to show, or others ought to show for them, beyond reasonable doubt, that they are already, or, within a short and measurable period of time, will become, fit for its possession.

It is also relevant in this place to revert to the often commented upon tyranny of women towards those who claim no alliance of blood or marriage relationship, or of friendship with them. Thackeray does but echo a very prevalent complaint, when he says that women and priests are the worst tyrants in the world. Who has not, in the course of his reflections, compared the bearing of the average man to his dependents, male as well as female, with that of women to their domestic servants and other assistants? Indeed, one is almost tempted sometimes to revolt against the platitudes with regard to the tenderness of the gentle sex as meaningless cant, when he reflects upon the ceaseless tyranny, untempered by delicacy or sympathy of bearing, of some ladies towards the strangers in their power. In truth, however, those platitudes have not been formed to meet such cases as these, to which they have, indeed, no serious application. If attempted to be enforced beyond the range of her conduct towards those whom her nature has proclaimed to be her world, they are apt to jar like the impious gallantry of a *roué* of Southern Europe. It may be pleasant, when steeped with gratitude to a few good women, to speak of their entire sex as if they were in truth terrestrial angels; but, when we are considering legislative action, it behoves us to dispense with fictions, however poetic; and if we must needs perceive the angelic essence in their character, let us not overlook the distinctly fallen element.

It may, too, be worth observing that the reason why there is no more said of the injustice of women than is the case, is probably because we find, as a fact, that it quite as often tells in our favour as against us. Indeed, it is probably on this account that we are apt to indulge in generalisations of a character very dangerous to political excellence. But we ought to remember that, when people are considering an entire community, it is impossible, setting aside international questions, to be unjust in favour of all of its members. For that decision which errs in favour of over lenience or indulgence to some, will necessarily disturb the balance of justice, and militate unfairly against others.

Again, the power of intuitive, and, consequently, quick perception, peculiar, as generally alleged, to the female cast of mind, is well worthy of consideration in this connection. According to an observation of Mill, which was referred to above, this is likely to prove a permanent characteristic of women. If it be admitted that this is so, the case for the defence would seem very considerably strengthened. For though the faculty in question has undoubtedly its own peculiar advantages, that of carefully reasoning out a decision has no less certainly advantages peculiar to itself. One might well suppose that the rough and ready justice which is meted out within the family, and the quick decisions in other respects which are arrived at as the result of this intuitive perception, are replete with significant suggestions that, according to the natural order of mundane affairs, the family is the realm appointed as the woman's sphere. For what if the intellectual process—if process it can be called—by which the conclusion is arrived at, or seized upon, in the hurry of domestic bustle, that of two

infant combatants one has been the aggressor and the other the party aggrieved, be applied to the settlement of the disputes of nations or the government of an Empire? Just as this faculty is peculiarly adapted to the life of the family, so, it is submitted, is the more slowly operating faculty by which men are considered to arrive, through observation and reason, at the determination of the questions which are submitted to them, appropriate to the sphere of public and international concerns. If the suggested difference of mental constitution does exist, it ought not to be overlooked that, in applying themselves to public questions, women cannot be supposed able to set aside the natural method by which they habitually form their decisions. These will often, therefore, in particular cases, be too hastily reached, and will not easily be changed by the maturity of knowledge or deliberation. The "will" having been determined, the futility of an attempt, however philosophical and able, to convince the mind against this will is too well known to need a laboured proof.

The devotion to individuals which is characteristic of women has also claims to our attention in respect of its political operation. They are essentially creatures who love, and whose love—or hate—is the major part of their existence, or else they are as planets wandered from their sphere. As beings of love, they hold a sacred place in the heart of every honest man; and unhappy is he who shall attempt to rival them therein. As a consequence of this very beautiful disposition of their character, the reverse of the maxim "measures not men," is almost uniformly, though perhaps unconsciously, the maxim of good women. Their opinions radiate round the centre of some honoured man, and to

him, though perhaps long since deceased—to his wisdom or to his folly—they constantly and faithfully adhere. The real question with them thus too often becomes, not “what is right?” but “what did So-and-So say?” or “would he have said?” They cannot—and happy is it that such should be the case—emancipate their intellects, any more than they can their hearts, from one whom they have loved and honoured in his life. Possibly this one is not always a man whom they have personally known familiarly, but probably such is generally the case. When it is otherwise, a family virtue is, as it were, transplanted to another soil, and, if accompanied with the power of giving effect to its suggestions, is but too likely to be followed by all the consequences of a native vice. As a consequence of, or at least intimately connected with, the proclivity considered, we find the gregarious propensity very strongly developed among women. Suppose the question of Free Trade or Protection discussed at a meeting exclusively composed of females. A locally popular politician has pronounced that the principles of the former are folly, and that Fair Trade is the only panacea for the capitalist and the labourer throughout the world. A resolution in favour of the latter is not improbably put after but slight discussion, and carried without a single dissentient among the numerous assembly, out of which not one lady has probably ever read a volume of Mill—except, perhaps, that on the “Subjection of Women”—or has ever bought or bartered, save for the purpose of supplies for person, household, or private charity.

We have also to observe the distinctively female characteristic which consists in a disposition to pay undue regard

to mere social prestige and the magnificence of the golden calf. With how many women is it sufficient that a cause is royally approved, or is that of the aristocratic classes—that its opposite is espoused by the commonalty—or that it is one the advocacy of which is particularly likely to assist the ascent towards the pleasing heights of the Delectable Mountains? A handsome and ribald Stuart, or rather his modern counterpart or nearest likeness, may be faithfully supported by the men, but the women will outdo them in the ardour of their devotion to his person and almost worshipping admiration of his imaginary virtues. Yet “a brave man struggling with the storms of fate,” a politician with an unpopular programme, albeit based upon the noblest foundation whereon a man can build, is possibly regarded by his wife or mother—by some one woman more deeply sympathetic with him than others of her sex—as a true, though unappreciated, hero; but in all probability he is considered by the large majority of his female relatives and friends as being, with regard to the main purposes of life, indisputably foolish, or, at all events, sadly deficient in his intellectual or moral constitution. To trace this characteristic way of estimating public worth by personal success, the smiles of monarchs, and the embraces of society, into the ordinary ramifications of its practical working, might be tedious. Common experience is probably sufficient to bear out its alleged existence, and ordinary good sense to point its importance in this connection.

Much of what I have recently said is admitted by Mill. He tells us that while the standard of women is higher than that of men in spirit and generosity, it is lower in the quality of justice; and he is “afraid” (is this the impar-

ality of the judge, or the tenderness of the ancient gallant?) "that it must be said that disinterestedness in the general conduct of life—the devotion of the energies to purposes which hold out no promise of private advantages to the family—is very seldom encouraged or supported by women's influence." But he lays stress here, as elsewhere, upon the change which he anticipates under altered conditions. For example, their charity which, according to him, is now so largely mischievous, would be directed into a better channel. But may it not be effectually contended that the same cause which shall prevent their charity continuing to be, according to him, often mischievous, will render them like men in not being so charitable in any respect as they are now? Indeed, how can it be anticipated that altered conditions will only develop good qualities, and only suppress bad qualities? Let it be seriously considered whether it is not probable that, if we succeed in making women resemble men in respect of those qualities wherein men have now the advantage, we shall also cause them to grow like men in respect of those qualities wherein men are now inferior to them. In other words, if we unsex women, so far as the failings now considered incident to the sex are concerned, shall we not unsex them also of their now characteristic virtues? We all know what we should anticipate as the result of rendering men effeminate; why should we not contemplate equal disaster as the result of the opposite process with regard to women? Surely it is begging the whole question to say that the equalisation of the sexes, or the giving women free scope, as it is called, for the development of their faculties, will cause women to acquire all the virtues which belong pre-eminently to men, and that, at the same time,

they will retain all the virtues which are at present as conspicuously their own.

I have now viewed the unfitness of women for the Franchise in various aspects. But one practical remark is still necessary upon this subject. There is no doubt much force in the contention that the present unfitness would at all events diminish as a consequence of the concession of the right to vote. Women would probably endeavour to educate themselves for the proper discharge of a function which had been accorded to them. Yet, and this is the point upon which I venture to lay especial stress, the very reason which Bentham gives for their unfitness for its exercise must always remain so long as society is constituted on the basis of family life—so long, in fact, according to present information, as national happiness and worth endure. The average mother must pass the greater part of her existence in the midst of her home, withdrawn by insurmountable necessity from that contact with the business world—the world in which men meet and settle those affairs which constitute the relations of family to family and of state to state—which gives fitness for the discharge of functions which, like the electoral franchise, are public and extrafamilial in their character.

Moreover, the contention that the differences between men and women may be educated away, or removed by the alteration of the conditions of women's lives, may be met in another way. Whatever may be thought of the mental powers of women, there is no room for doubt as to their present inferiority with regard to physical strength, or as to the difference which exists between them and men in respect of bodily conformation. There may possibly be

some who will contend that in process of time their bodily strength will become equal to that of men. However this may be, it is perfectly clear that for a very considerable period of time their inferiority in point of physical strength will remain, and their difference from men in respect of conformation must always continue so long as the race exists. It is certainly difficult to imagine that, on any reasonable supposition, the majority of women would ever be permanently in a condition of physical strength equal to that of men. Now as long as government or political institutions are necessary, so long will that force, by its possession of which government is possible, be absolutely essential. It, therefore, follows that, both for the support of the internal administration and defence from external interference, a male citizen will always be liable to be called upon for his assistance in the way of physical effort. One of his essential duties will always continue to be the provision of forcible assistance to the State authority. But this by no means unimportant duty cannot be equally well fulfilled by women. They cannot fight so well, or maintain internal order so effectually as men. What then? They are incapable of discharging to the full one of the cardinal and most onerous duties of citizenship. Have they, therefore, any real grievance if their rights are subject to incompleteness as well as their duties? The obligation of bearing arms is quite as truly a part of the liabilities of a citizen as the voting power is of his rights. If, therefore, in no case a woman can be regarded by the law as his equal in the former respect, it is hardly clear that she has a *primâ facie* ground of complaint against a difference in the latter, even on this comparatively low ground. I venture, indeed,

to lay it down as a general proposition that, since there must always, while representative institutions are necessary, be a difference of duty between men and women, it cannot be considered sufficient to say that no difference of right ought to exist, or, in considering the propriety of maintaining any such difference, to say that it lies upon those who defend it to show good cause for the existence of any difference at all, beyond that which is found in this simple reference to undoubted facts.

But before quitting the subject of the difference of physical conformation between the sexes, let me ask whether this difference does not lead to others? In other words, can it be seriously contended that the sole difference between a man and a woman is in respect of bodily form? On the contrary, it seems to me demonstrably clear that other differences of heart or mind exist, some as the consequences of the former, some collaterally. And if the fact is, that there actually are differences which can never be obliterated, is it truly philosophical to press too closely the theory that the two sexes should be treated similarly by the law? Mill seems to see no greater difference between a boy and a girl than between a white man and a black man. But even if this were admitted as accurate now, it must be observed that it is quite conceivable that, in the course of time, the sharp dividing line between the latter will disappear, as the consequence of the intermarriage and general association of their respective races; and, though such line should not entirely disappear, it will almost inevitably become less noted and less important, as closer intimacy induces greater similarity. On the other hand, neither by intermarriage, nor intimacy, nor otherwise, can

the distinction between men and women be obliterated. It is permanent, unmistakable, and, at least beyond a certain now undefined limit, incapable of ever being diminished. Surely this distinction must be recognised by the law.

Some politicians, however, seem to imply that we are now, in a manner, estopped from raising the point of the unfitness of women for the electoral Franchise, since we have admitted women to the Throne, the Municipal and County Franchise, the School Board, the County Council, the office of Churchwarden, the Tribunal of the Manorial Court, and so forth. Yet, unless it be admitted that the capacity so conferred on women has been beneficial to the nation at large, and this beyond the possibility of reasonable doubt, or, in other words, that our institutions in this respect are almost infallibly good, there are clearly no premises here on which to base a sound conclusion. But I do not suggest the contrary as a matter of experience, though I doubt whether the immense advantages anticipated from the presence of women on the School Board have been fully realised. The basis, however, of my objection to this argument is, that it is sought to transplant the conclusion from alleged experience of one class of cases to another totally different class. As to the often harped-on case of the Crown, I refer to what is said above at page 50. But I may here observe that the analogy completely breaks down on the point where it is necessary for the purpose of the argument. For, so far is intellectual fitness from being required by the Constitution in the case of the sovereign, that a lunatic may wear the crown, as, indeed, has actually been exemplified more than once in our history. Yet I am not aware that it is proposed, even by the most advanced thinkers, to extend

the Franchise in this direction. It, therefore, obviously follows that if the fact that a lunatic may be the sovereign is no reason why a lunatic should have the power of voting, the fact that a woman may be the sovereign is no reason why she should have the power of voting. Of course it may be rejoined that a lunatic *ought* not to be allowed to be a sovereign. If, however, the question of what ought to be the rule is admitted, it will be open to us to say—though I do not say so, the entire matter being foreign to my argument—that a woman *ought* not to be the sovereign. The clear position is simply this. If we are to argue merely on existing institutions, as if they were unquestionably good, we must take them as we find them, and we shall consequently probably be led into absurdity; but if we are to argue upon grounds of expediency, we cannot base any conclusion merely on analogy to existing institutions.

But the vote for a member of Parliament differs in its nature *toto cælo* from any other vote whatever. For so long as the former is withheld from women, Parliament can admit women to places and Franchises according to its wisdom, while denying admission in its discretion to other places and other Franchises. While increasing, so far as may seem desirable, from time to time, the sphere of women, Parliament can draw the line, as it were, between those privileges which may be safely accorded to women and those which cannot. It can, indeed, recognise and give effect to those fundamental and immutable differences in human nature between men and women which it may consider as properly attended by differences of position before the law, thus adapting existing institutions to new

views of the unchanging conditions of the relation between man and woman. Once, however, let the Parliamentary Franchise be accorded to women and the case is entirely altered. There is no longer the power to withhold, or the power to distinguish. Everything, in short, which human legislative means can give to woman she will have attained, and nothing but illegal force will be able to stay the complete equalisation of her position before the law to that of man, even though she do not aspire to positive superiority. For the Franchise is the ultimate human legal power by which everything in the region of human law is controlled. This is certainly not recognised, as it clearly ought to be, by many of our present Legislature. For have we not known it contended in their assembly that it will be quite possible for Parliament still to distinguish between the sexes, even to the closing of its own doors against women? As an instance, I cite the words of Baron Henry de Worms: "I do not think it in any way follows that, because a woman exercises the right to vote for a member of Parliament, she would, as a natural *sequitur*, claim a right to sit in the House of Commons." The same politician supports his opinion by a reference to the case of beneficed clergymen, who are excluded from the House of Commons although they possess the voting power. But with regard to this attempted proof, it is sufficiently clear that the only reason why such subjects do not claim and obtain admission to that House is because it is generally considered by themselves, as well as by others, that they are adequately represented in the Lords' House by the Bishops. I do not say that this is actually a sufficient reason; my point is merely that it passes as such. In addition, however, to this, we

must observe that the number of clergymen is totally insufficient to make their votes of very substantial importance, and therefore it is quite possible to exclude them from further political power, while admitting them to the electoral Franchise. But so far from the case of women being similar in this respect, the number of those who will acquire the Franchise on the success of any scheme in this behalf which has ever been before Parliament will not by any means be inconsiderable, but will constitute an amply sufficient lever for the opening of the doors of Parliament to their sex.

We must not consider the question of the Parliamentary Franchise in the same way as that of the right of voting at a municipal election, or indeed that of any other function whatsoever. For the political Franchise potentially contains in itself all other legal power. As I have said, if the suffrage be conceded to the spinster and the widow, it is hardly likely to be withheld from the wife. Indeed if once the former be recognised as properly enjoying the vote, we shall be hard pressed to show good reason for distinguishing their case from that of the wealthy spouse. And when the Franchise has been conceded to women generally, their exclusion from the Houses of Parliament and the offices of State can only continue for a limited time. The politician above quoted, in disputing this, asks whether, because Miss Florence Nightingale was permitted to perform her work with the British army, it follows that a woman should be a general commanding in the field? It certainly does not. But her work is to be compared to that of a lady who, under existing circumstances, pins a rosette to a candidate's breast, or in any way cheers or helps one side by her encouragement

and her labours as a volunteer. If it were competent for a woman to be part of the regular military force as nurse, medical attendant, or private soldier, it would obviously be emphasising the distinction between the sexes, in a way almost unexampled in the present days, to withhold from her the capacity of becoming head nurse, surgeon-general, or general of the forces in the respective cases. Being then established in Parliament, it is unlikely that women—those of the kind who would go there—would tolerate any legal inequality between men and women, even though linked together in that institution which is the foundation of our civilised life.

If, however, it be admitted that, as a general rule, it is undesirable to admit to the Franchise a class considered unfit for its intelligent exercise, and, further, that women are as a class unfit for such exercise thereof, it is still possible to urge that, rather than so large a class as women should be entirely unrepresented, and their interests consequently selfishly neglected by men, it would be better to make an exception in their case. Now, I have above pointed out that there is no such hardship in the present position of women—no such disposition on the part of men to treat them unfairly and to neglect their interests—as to justify such a contention. But, in addition to this, it cannot be too carefully observed that it is misleading and unsound to speak of women as a class. Classes in the community are severally composed of men and women considered together. We cannot compare women to an unrepresented class of men. For the woman of the higher classes is not of the same class as the woman of the middle or lower classes, any more than are men of these various classes men of the same class. So long as the

institution of marriage is not attacked, a woman will continue to take the rank, not of any class of women, but of her husband, unless her own be higher than his, and, together with him, she forms as it were the complete unit of a particular class—the molecule, as distinguished from the atom, of permanent human society and the consideration of the legislator.

Apparently but little attempt is made in the direction of a specification or forecast of the probable benefits which would ensue from the extension of the Franchise to women—considered, I mean, as a question apart from the complete equalisation of the sexes. Of course broad generalisations are frequently indulged in, but few carefully considered probabilities are presented as benefits. If we ask in what way the greatest happiness of the greatest number of men, women, and children will be furthered by the extension of the Franchise, we are unlikely to gain very substantial information. There is, however, one exceptional instance. We are pointed to the value of the assistance of women in the detailed control of expenditure. A small matter, indeed, as against the uncertainty which attends the whole subject! Financial skill and judicious economy are, doubtless, highly desirable, but even a political economist will scarcely elevate them into greater importance than the evils which are suggested below. It is not, however, by any means admitted that even this alleged benefit would be really likely to ensue; but considering the matter somewhat trifling in comparison with others here treated, I leave it to those who may think it of cardinal importance, particularly to the Lords Randolph Churchill and Charles Beresford, who may possibly detect in the assertion a somewhat daring invasion of their own peculiar province.

Let me now briefly advert to the more conspicuous evils which would probably result immediately from the extension of the Franchise to women, as distinguished from the more remote consequences of attempted equalisation of the sexes in every respect. The claim for the Franchise and the claim for equality are practically inseparable, and logically the consequences of either are the consequences of the other or of both. Yet, for convenience' sake, we may consider apart the evil consequences more immediately connected with the extension of the suffrage. As above shown, we must in reason regard the present claim as practically one for universal female suffrage. It is this in its results, or it has no solid foundation, according to the reasoning of its most powerful and acknowledged advocates. But whatever harm would ensue from the recognition of the larger claim would probably appear in a very much lower degree from the admission to the Franchise of only spinsters and widows occupying or owning certain property.

It is sufficiently clear that, if it be true that women are not fit, that is to say, not intellectually or otherwise adapted, for the proper exercise of political power, the consequence of the exercise by them of such power must be evil. This is practically a mere truism. If good government and legislation is the result of political wisdom, and bad government and legislation is the result of the want of political wisdom and the plentifulness of political folly, it is obvious that the larger is the element of unfitness and intellectual incapacity which is introduced into our political constitution, the worse will be the government and legislation which is thereby produced. Apparently, however, very many do not realise this, for it is often said that, since agricultural

labourers have been admitted to the Franchise, there is no longer any reason for keeping women out of the pale. Such a view evidently proceeds upon a totally erroneous estimate of the facts and probabilities of the case. It may be shown to be untenable, quite apart from the truths that education is improving among the labourers in question, and that there is a fundamental difference between a want of capacity which is the result of the want of education, which may easily be obtained by the particular individual whose capacity is in question, and which is consequently at the most inevitable during one generation, and a want of capacity which is natural and immutable, or, at all events, necessarily or usually incident to the position in life in which an individual is of necessity placed. For the contention under consideration could only have any real force upon the supposition that the number of agricultural labourers—these being apparently the only class of male voters whose unfitness is prominently before the minds of such reasoners—would in every constituency in the kingdom be precisely equal to that of the women to whom it is proposed to extend the Franchise, and that the latter would to a woman always vote directly against the latter to a man, so that the one section of the present electorate, which, it is contended is incapable, would be neutralised by those whom it is proposed to admit. If this supposition could be reasonably entertained, I readily admit that there would be considerable force in the contention; but it is too obviously unfounded, for the fact is that there would be no such precise equality in numbers; and the overwhelming probability is that, since ignorance of the knowledge required for the due exercise of a function—whether arising from one cause or another—

and natural incapacity for its proper exercise, both alike lead to an exercise of the function which is wrong, and, therefore, not right, in the case of political questions or elections, when the real issue is between aye or no, or Smith and Jones—that is, where there is only one right side and only one wrong side—the wrong side, or, in other words, the same side, would be chosen by the large majority of both the classes we are considering. Thus assuming, merely for the purposes of the present argument, and without expressing any opinion upon the matter, that the admission of the agricultural labourer to the Franchise has been a bad thing, the consequent evil will not be counter-acted, but can only be increased, by the admission thereto of another incompetent body. In simple language, “two wrongs don’t make one right.” Were this a party treatise, moreover, I could easily point to a well-known moral certainty, not only relevant, but of great practical importance, in respect to this matter. As, however, I am writing upon a subject upon which it is pre-eminently desirable that every member of the Legislature, as well as every voter, should, if he be able to do so, make up his mind, apart from simply party considerations, I forbear from more specific allusion to the matter in this place.

Descending very briefly into fragmentary particulars, we come to the transcendently important question as to the probable influence of the vote of women upon the bellicose proclivities of the national statesmen. Now, it is a very easily observed fact that, both with boys at school and with men, in whatever avocation or circle of the world they move, the knowledge that certain rudeness and impropriety of conduct on their part will probably be followed by the

necessity of standing their own champions in a bout of fisticuffs or an affray of a more serious, or even of a different, character, operates as a wholesome restraint upon excessive provocativeness of bearing, on all save the unsubduable, gigantic and asinine bully. I question very strongly whether A. would be as much restrained as he is from giving offence to B., if it were practically impossible that anyone but C., or the rest of the alphabet, exclusive of himself, would have to bear the principal brunt of the battle due to his own conduct. I suppose, further, that no one—not even the most excited and infatuated advocate of equality—seriously contends that women ought to march side by side with men to battle. I do not mean behind as part of the commissariat or hospital department, but side by side to the hottest fire, submitting to precisely equal danger. As voters, then, they will have the privilege of making quarrels which will be left to others to fight out. Indeed, should the time of Universal Suffrage come, and women be in the majority as voters, it is conceivable, though I do not think it at all probable, that they might determine upon a war in the very teeth of the opposition of every one who would have to carry arms therein, and order the refractory males to be shot as deserters from the field of duty by the hands of those of the male sex who survived such treatment sufficiently long to be able to administer it. Improbable as such a suggested consummation may be, who can believe that the manhood of England will ever tolerate for long a condition of affairs in which its realisation would be constitutionally possible? Nor can it be cogently argued that women might be debarred from voting on a question of peace or war; for this would be clearly impracticable. If they are to have

the right of electing representatives, the influence upon the latter of their opinion must bear in all directions. And whoever has in Parliament a vote upon one question has potentially, as has been pointed out in recent times, to a large extent, the power of voting upon every other, so long as party Government continues; since a Government can be ejected from office on one question as well as another, and consequently can be compelled by those who are able to vote upon one subject to take their opinion into consideration upon every other. Thus, though, so far only as what has been recently said is concerned, the voting power might be entrusted to women when international arbitration or other arrangements have completely and finally superseded war, and women can discharge all the liabilities in these respects to which their votes may give rise, the probable result of the extension of the Franchise to them before the lapse of very many years would, it is submitted, be fraught with somewhat of the grave dangers above indicated.

But let us regard the matter in the light of ordinary experience, in a strictly practical manner. It cannot, then, be denied that national prestige and gunpowder glory have an influence upon female opinion which might, with great probability, be dangerous, if the decision of international questions were committed to their votes. I do not suggest that they would usually directly cry "war"; what I contend is, that they would uphold the hands of a favourite statesman in a career of bombastic folly which would frequently end in war. Imagine Lord Beaconsfield descanting upon the ascendancy of England in the councils of Europe to an audience of female electors! One may almost in imagination smell the gunpowder and hear the roar of the cannon, as

the passion of the hour "cries 'havock' ! and lets loose the dogs of war." Do my readers remember the famous jingo song, and its effect upon the ladies of an audience when well rendered by a good-looking male vocalist ? I fancy the man who should argue for peace before listeners similarly influenced, when some petty international squabble was on hand, would run considerable risk of being denounced by the fair as a sordid poltroon who begged for "peace at any price." We all know that the ladies greatly admire courage ; some, indeed, seem to know from experience that, even in private life, the fair provoke many quarrels which their male relatives have to settle—it may be *vi et armis*—and which would be fewer if they had to fight them out in their own persons. Let us not under-estimate the importance of such facts or suggestions as these.

It may perhaps occur to some that the notorious and admitted tenderness of women would prevent them from encouraging wars, as I have suggested. But we must observe that the large majority of wives and mothers and sisters would hope their husbands, sons, and brothers would escape the severity of the war, or would possibly have no relatives likely to be specially endangered thereby. It would, indeed, as has before been pointed out, be quite unsafe to suppose that their tenderness in the matter would extend generally to strangers, as a quality of practical value. Theoretically, no doubt, it would, and practically so far as distressed cases came under their personal cognisance. But it is suggested that their tenderness and timidity would not, as often as desirable, have the effect of shaking their confidence in the propriety of the war proposed. A reference to history will, it is submitted, be found to support

this view. Even, indeed, in the matter of the infliction of the punishment of death, does not Queen Philippa stand out in striking and honourable conspicuousness as an exception in respect of the ordinary bent of womanly tenderness? But the main strength of my position lies in the suggestion that the influence of women would operate through the channel of a darling statesman.

Most Englishmen, moreover, although they may be sincerely religious themselves, and anxious for the spread of Christianity, have considerable aversion to the increase to undue proportions of the direct influence of priests, and other ministers of religion, upon politics, as distinguished from their influence in religious and moral matters. They see in various parts of the world the baneful results of a too widely pervading ecclesiasticism, and they learn from their own history to how great an extent the liberty and other advantages which their nation now enjoys are due to the resistance of their ancestors to the encroachments of priestcraft. It is easily observable that, in proportion as the order of teachers of religion gains temporal power, its spirituality declines, by reason partly of the intrusion into its ranks of really irreligious men, and partly by the corrupting influence of power improperly possessed and unbecomingly exerted. And it requires but little discernment to perceive that confidence in men, begotten by appreciation of the religious advantages of which they have been the channel or the means of realisation, is pre-eminently liable to form an altogether unwarrantable submission to their opinion in matters which are not directly concerned with faith. Now it is a subject of common remark that the devotion to, or weakness for, their minister—whether he be

a Romanist priest, an Anglican clergyman, or a Nonconformist pastor—which is felt by a vast number of women is excessive, and leads to an unreasoning confidence in his opinion and direction in matters of which he is by no means peculiarly qualified to judge. Under existing circumstances, this fact does not appear to produce very alarming results; it is the theme of pleasantries, and, perhaps, of occasionally serious mischief, but it does not rank as a recognised source of national danger. If, however, women are to be accorded political power—especially in these days of aggressive ecclesiasticism—will not the danger of the undue influence of the priest be very real? The personal attachments must continue; and we can hardly anticipate that women will suddenly develop the capacity of drawing the distinctions, in point of the province of the respected teacher, which are easily perceived and acted upon by men.

I am under the impression that it is rather less necessary to press the importance of this danger than that of many others. For apparently it stands almost alone in respect of the manner, in which it weighs with the bulk of reflecting men, as an alarming and probable consequence of the movement under consideration. I will, therefore, only add the expression of my anxiety that no jealousy on my part of the increase of the religious element in political discussion should be inferred. So far from such an inference being justifiable, the ultimate basis of my dislike to the increase of the influence of the priest, as priest, in politics, is the harm to religion itself which, I believe, would be the consequence.

In treating above of the differences of men and women I have indirectly pointed to some of the probable and disastrous

consequences which would follow the admission of women to the Franchise. It would be almost an endless task to attempt to minutely and particularly describe them. One would have to imagine, according to my position, every evil consequent upon bad electors and bad representatives, to form a correct and complete conception of the probable consequences of the presence in the electorate of a body either unfit intellectually, or in point of education and contact with the world of business and international affairs, or owing to insufficient responsibility for the consequences of their votes. I have alluded to the topics of war and ecclesiasticism on account of their vast and easily realised importance in this connection, but I should not probably do well to attempt to specify many particular directions in which evil would probably be experienced.

There is, however, one other very important matter to be mentioned in this place. I readily admit that the complexion of the whole case would be entirely different if we had to take into consideration the denial of an expectation grounded upon custom, or the disappointment of widespread and reasonable hopes. If women already had the vote, it would be an entirely different matter to take it away from them. A much stronger case than justifies the withholding it from them would be required to upset the opinions, the calculations, and the habits which would then have been formed. It is therefore, as well as for other reasons, that an experiment is so eminently undesirable in this case. But not only has no right grounded on possession, or expectation founded upon custom, yet arisen, but there are no anticipations which we need consider in the least degree. For the women who want the power to vote

are, for the most part, the very women who have no special claims upon the consideration of anyone save themselves in political matters. During many years it was simply the "shrill voice of a small minority"—the noisy clamour of a discontented few—who demanded the Franchise for their sex. The women of England, generally, were naturally silent; the voices of the former were alone heard. And these, empty of the virtues and the wisdom of their sex, reverberated long with but a slight effect; but in process of time, it is true, others, seeing good and able men espousing the cause, have been persuaded that there is something worthy of their notice in the agitation. But there is this to be observed. It remains now as true as it ever was, that the vast majority of the women of England, comprising almost every female worthy of consideration in the matter, do not *want* the vote, or, in other words, do not *wish* for it. Many of these—a vast number, possibly amounting to a majority—have been persuaded that it is "the right" of women owning or occupying houses to have a vote, because they are told that it is the property that gives the vote. But even if they wished us to acknowledge this, they would be satisfied that we acted no further on our admission. For the rest, the women—the happily rare specimens of our spinsters and our widows—who really desire the Franchise, so far from deriving satisfaction therefrom, will merely find their appetite whetted by the exciting taste of what is for them but a small instalment of the substantial object of their unwholesome and degrading ambition.

No doubt there may be legitimate aspirations on the part of women, either fully developed or still latent, which

remain to be satisfied in the future. But is there one, which will remain to grieve their sex, or the suppression of which will retard the progress of our race, which cannot be amply satisfied without their possession of the political Franchise? What then? Shall we allow ourselves to be led into a dangerous, or, at least, an unknown and unnecessary course, without requiring stronger reasons than are now forthcoming? If the Franchise is ever to be granted to women, let us wait until the expediency of its concession shall be shown, and not rely upon arguments which are based upon a paltry fallacy as to the qualifying virtue of property or its occupation. At present, it is submitted, there is but little said or written in favour of such a concession which does not rest either on puerile gallantry, speculative generalisation, unfounded assertion, or dogmatic declaration of purely imaginary rights.

PART II.

THE LARGER QUESTION OF THE EQUALI- SATION OF THE SEXES INVOLVED IN THE IMMEDIATE QUESTION.

“Happiest of all, is, that her gentle spirit
Commits itself to yours to be directed,
As from her lord, her governor, her king.”

SHAKESPEARE.

INTRODUCTION.

WE have now arrived at the real issue which is raised by the present movement in favour of women's suffrage—an issue of which the importance is probably unparalleled in political history—namely, whether any difference whatever of position or capacity is to be recognised by law or custom as properly existing between the members of the two sexes, or, which in effect is very much the same question, whether any subordination on the part of the wife to the husband is to be maintained under the authority of law or custom.

Of course, the logician Mill, as well as probably all his followers who have really dealt with the subject in an exhaustive manner, go to the entire length to which they are led by their immediate contention, and pronounce in favour of the abolition of every vestige of inequality between the

sexes, even in the married state itself. Are we then prepared for this larger movement, or shall we pause—if for no other reason, at least for the sake of avoiding its consummation—ere we concede the apparently minor point of the political Franchise as a matter of small moment, or as a means of quieting an importunate clamour? Let us not forget that, in considering the question of the justice or expediency of the latter step, we cannot properly confine our attention to those facts which are clear to all at a single glance, but are bound to determine, as far as we may be able, what it in reality is, from a comprehensive point of view, which we are told is just or expedient. And I would here respectfully add, that an adequate regard for justice or expediency never shattered the happiness of an empire or impaired its example to the world. We shall do well to look to consequences, when we are endeavouring to ascertain the position in respect of justice or expediency of a proposed course of political action.

But, ere we trust ourselves in the regions of reason supernaturally unaided, there is one source of authority the validity of which does not depend upon our approval, to which I could hardly do well, on any assumption, to omit to appeal. It is on several grounds that I justify a reference to the authority of religion as foremost among the sources of information and instruction upon our subject which are open to us. Many, for instance, of our countrymen who will be called upon to decide the question under consideration are sincere adherents of the Christian religion. As such, the ultimate motive of all their political action can properly be no other than a desire to faithfully serve the Divine Head of that religion, and the test of every proposition which they

have to consider is the best perception of His will at which they are able to arrive. As, moreover, it is now no mere matter of temporary expediency which is in question, but the universally important matter of the proper relation of the sexes is raised, it is hardly likely that revelation, in whatever light we view it, can be without express teaching, or at least indication, on the point. While, therefore, by no means unmindful of the extreme undesirability of attempting to supply the defects in a weak argument by the citation of irrelevant texts, or of unnecessarily importing so sacred a subject as religion into a controversy of a nature which may well be settled without direct verbal reference thereto, I am clear that to the enlightened Protestant, upon any matter upon which he believes the Bible speaks, it is an authority from which there is no appeal, being a revelation emanating from the Source and Judge of truth. Upon this I unhesitatingly rely at the present branch of my argument. It may, indeed, be well added that, as women admittedly owe to Christianity an immense improvement in their position, it can hardly be considered as unfair to appeal to this authority to prevent a contemplated further alteration in their position, notwithstanding many may consider it would be a further elevation. Having been often relied upon in their favour, it ought hardly to be repudiated, even on the lowest ground, when considered—of course, wrongly so—as urged against their advantage. But while Christianity exercises so powerfully beneficial an influence over other relations, who would exclude its consideration from the subject of the marriage state? Indeed, Mill himself does not exclude it from his treatise. I shall subsequently advert more particularly to his remarks upon this matter.

I must, therefore, now invite the "courteous reader" to bear with me while I endeavour to satisfy him that the subordination of the wife to the husband is (1) inculcated by religion; (2) supported by the authority of universal practice; and (3) obviously expedient in the interests of both. If this be established, and it be acknowledged that the possession of the Franchise by women is inconsistent therewith, it clearly ought not to be extended to them, whether they are intellectually fit for its exercise or not.

SECTION I.

THE ARGUMENT FROM RELIGION.

LET me now introduce what seems to me the correct outline of the Scriptural teaching upon the matter.

I take it that, in endeavouring to estimate the real force of the present argument, we ought not to be contented with the consideration of a few texts from the writings of the Apostles, but that we should try, as far as possible, to appreciate what is the real import of the whole teaching of revelation upon the subject, what, in other words, is the view of the relation between the sexes which appears from the tenor of the Bible, from Genesis to Revelation, to be of Divine appointment. Then, whether we base our opinion upon the letter, or rely in preference upon the spirit or underlying meaning, I suggest that we cannot, with candour and intelligence, arrive at any other conclusion than that it is part of the Divine will revealed to us, that the wife should live in a state of obedience to her husband.

Let attention be first fixed upon the Biblical description of the Creation, and the condition of our great ancestor and ancestress before the Fall. Is not the plain inference from this record that, putting it shortly, the woman was made for the benefit of the man, and not the man for the benefit of

the woman, nor the woman primarily for the same immediate purpose as man, or, in other words, that, whereas the creation of man was for inscrutable reasons of the Divine pleasure, that of woman was more immediately for the perfecting of the existence of man? To weary the reader by the repetition of words which presumably are of almost life-long familiarity to him would possibly be unwise. I therefore merely appeal to a recollection of, or a reference to, the early chapters of Genesis, without further comment or gloss.

If, however, we go a step further, and come to the time when Adam, having hearkened to the voice of his wife, has with her brought about the degradation of the human race, we are on ground which, for the present purpose, seems still firmer than the above. For the consequent punishment pronounced upon our progenitors, so far as it related to the woman, had two specific branches, the latter of which is expressed in these words: "Thy desire shall be to thy husband, and he shall rule over thee."

To follow the nature of the relation of the sexes through the entirety of the Old Testament Scriptures would probably be both tedious and superfluous. For it must be sufficiently obvious to all who possess even a superficial acquaintance with these, that the nature of the relation instituted by the words I have cited is uniformly treated as subsisting from beginning to end. We find, indeed, the matrimonial condition continually regarded from the husband's point of view, if I may so express it. Yet the condition of the wife does not by any means appear to have been so far from what it at present is as the language of some may imply. The good wife was then, as she is now,

the most precious of earthly possessions which a man could enjoy; but still she was clearly the possession and helpmeet of the husband, in a sense distinctly different from that in which the husband was the possession and helpmeet of the wife. Let a few landmarks suffice.

In the Decalogue, then, we find the law, "Thou shalt not covet thy neighbour's wife . . . nor anything that is thy neighbour's." But there is no corresponding provision as to the coveting of a husband. I do not for one moment mean that the latter would not have been wrong beyond all doubt. My contention is merely that the wife is treated as a being existing for the benefit of her husband. He is subject to certain duties to her, but not to duties of the engrossing nature of her's to him. It can hardly be validly objected that, in the commandment cited, the converse case is included, for the sexes are expressly distinguished in other of the commandments as well as in another clause of the commandment from which I have quoted.

Again, we find repeatedly the expression "to take a wife," as well as others, clearly referring to the woman as one—the most valuable, doubtless—of the man's possessions. The constant phraseology places it beyond doubt that a man by marriage becomes entitled to a self-renouncing helpmeet, who is the desirable complement of himself, and whom, in return, he is bound to affectionately cherish and respect, but in whom he is not reciprocally merged. In other words, a wife is regarded as an addition of a most important kind to her husband's possessions. "He that smiteth Kiriath-sepher, and taketh it, to him will I give Achsah my daughter to wife." "House and riches are an inheritance from fathers: but a prudent wife is from the Lord."

It is, however, probably superfluous to say anything in support of the assertion that the dispensation with regard to the position of a wife which commenced in the person of Eve continued throughout the whole of the period covered by the Old Testament Scriptures.

But some, while admitting that this is so, nevertheless contend that the relation of the sexes was changed by Our Lord, and that one of the results of His redeeming work was the equalisation of women to men. Yet I doubt whether a single passage or fact can be cited from the Scriptures which in any way establishes this view. It is, however, broadly laid down by some that, as a matter of truth, the punishment inflicted upon women and the person of Eve was revoked. This is a sweeping proposition, and one would apparently be justified, before admitting it, in requiring very clear proof. But far from anything of the kind being forthcoming, we know, beyond all doubt, that in the punishment of men, so far as relates to their temporal condition in this world, which is all that is relevant to the present argument, no change whatever has been made. Spiritual and intellectual blessings have marvellously ameliorated the suffering which is naturally incident to the fallen lot, yet it is still, as much as ever, a truth of nature, that in toil or sorrow man eats of the ground all the days of his life, that thorns and thistles are brought forth by the ground to him, that he eats the herb of the field, and that in the sweat of his face he eats bread till he returns unto the ground, for that dust he is and unto dust does he return. The earthly paradise, with its ambrosial fruits and its perfect loveliness, unchequered by an uncongenial growth, is not restored, but a celestial habitation of wholly

unimaginable glory is discovered as a sphere which may be reached by man, when the unremitted penalty of bodily dissolution, which was first decreed to Adam, has been tasted by his spiritually restored descendants. But more than this, we know, as an unquestionable physiological fact, that the first of the two specific branches of the punishment of the woman exists to this day—nay, more, that its continuance was expressly recognised by the language of Our Lord Himself (John xvi. 21). How, then, is it possible to contend that the other branch of the punishment of the woman, if punishment it really be, has been revoked as a matter of inference? Knowing that neither were expressly altered, and seeing, further, that the one, the existence of which is in its nature obvious to the senses at this moment, was not revoked, is it not clearly a wilful, or, at least, an inexcusable, distortion of the meaning of the Scriptures to pretend that the other, which is not in the same way as the former a fact the existence of which is in its nature perceptible to the senses, and which, therefore, would stand incomparably more in need of clear and express revocation, were revocation intended, has been impliedly revoked?

But who will seriously contend that the truth is really left to inference, either one way or the other? Is there really any lack of express teaching upon the subject which places the matter beyond the possibility of any reasonable doubt? It is somewhat regrettable to be obliged to cite certain partially well-known passages, but for the completeness of the present argument it seems eminently necessary to do so.

From Peter, then, who, as the marriage service of the Church of England so aptly reminds us, was himself a married man, we have the following: "In like manner, ye

wives, be in subjection to your own husbands. . . . For after this manner aforetime the holy women also, who hoped in God being in subjection to their own husbands: as Sarah obeyed Abraham, calling him lord: whose children ye now are, if ye do well" (1 Peter iii. 1, 5, 6). Could anything be more significant with regard to the contention that no fundamental change in the relation of the sexes was brought about by the new dispensation. A woman who faithfully fulfilled her duties towards her husband under the old dispensation is held up as an example in this very respect, for the imitation of women under the new dispensation.

From the Epistles of Paul, "wherein," as Peter says in his Second Epistle (iii. 16), "are some things hard to be understood, which the ignorant and unstedfast wrest, as they do also the other Scriptures, unto their own destruction," we may cite the following teaching. "I would have you know that the head of every man is Christ; and the head of the woman is the man. . . . Man is the image and glory of God: but the woman is the glory of the man. For the man is not of the woman; but the woman of the man: for neither was the man created for the woman; but the woman for the man" (1 Corinth. xi. 3, 7, 8, 9). "Wives be in subjection to your husbands, as is fitting in the Lord" (Colossians iii. 18). "But speak thou the things which befit the sound doctrine that aged women may train the young women to love their husbands. . . . being in subjection to their own husbands, that the word of God be not blasphemed" (Titus ii. 1, 3, 4, 5). "Let the women keep silence in the churches let them be in subjection, as also saith the law. And if they would learn anything, let them ask their own husbands at home"

(1 Corinth. xiv. 34, 35). "Wives, be in subjection unto your own husbands, as unto the Lord. For the husband is the head of the wife, as Christ also is the Head of the church, being Himself the Saviour of the body. But as the church is subject to Christ, so let the wives also be to their husbands in everything Let the wife see that she fear her husband" (Ephes. v. 22, 23, 24, 33).

It is well to carefully bear in mind, as of pre-eminent importance in this matter, the sublime and enduring metaphor, by which, in the last of the above passages, the relation between Our Saviour and the Church is portrayed as that of the bridegroom and the bride. This metaphor seems to be foreshadowed in Isaiah (liv. 5, 6), in the words, "Thy Maker is thine husband and the Holy One of Israel is thy Redeemer. . . . For the Lord hath called thee as a wife." It is apparently adopted by John the Baptist, in the words, "He that hath the bride is the bridegroom: but the friend of the bridegroom, which standeth and heareth him, rejoiceth greatly because of the bridegroom's voice: this my joy therefore is fulfilled" (John iii. 29); and by Our Lord in the words, "Can the sons of the bridechamber mourn as long as the bridegroom is with them?" (Matthew ix. 15); as also in the parable of the ten virgins (Matthew xxv. 1-13). In the Revelation it seems still preserved, in the passage commencing with the words, "Come hither, I will shew thee the bride, the wife of the Lamb" (xxi. 9); and in the words, "The Spirit and the bride say, Come" (xxii. 17). Now, if this metaphor stood alone, would it not be fraught with instruction upon our subject, but, applied as it is by Paul, is it not absolutely conclusive? The Church being immeasurably inferior to

her Head, can the relation between the two be adequately represented by a figure which denotes equality? It is, moreover, to be remembered that this metaphor is naturally studied in connection with the remainder of the Scriptures, and can hardly fail to convey to a candid reader an impression consonant to the effect produced by the literal teaching of the kind which I have cited. And it is clearly a sign of a want of religion or of piety to treat a figure of revelation as improper or misleading.

There are some, however, who seem to suppose that, though the letter of the Scriptures may apparently be against the equality of the sexes in marriage, yet since the effect of Christianity has, as a matter of fact, been to greatly raise the position of women, its spirit must be in favour of absolute equality. This is a somewhat curious argument. In the face of the actual authorities which I have cited, it may appear unnecessary to grapple with it. But as many are extremely hard to convince where the issue turns upon textual authority, it may be well to point out that, though it may be admitted that the tendencies of Christianity are in the direction of the equality of men, it is not contended by many serious and able thinkers that all power and inequality is contrary to Christian teaching. Government is necessary; the institution of property, under proper regulations, is apparently desirable. And the facts of sex, that the woman is, in some way, the weaker vessel, and the man the stronger, remain just as truly as the other facts of infancy and immaturity in both boys and girls. Surely we ought to recognise in the effect of Christianity upon the position of woman, not her emancipation from a position of natural subjection, but the amelioration of that position by virtue of

the government of the husband having been so largely converted from a bad into a good form of rule. The subjection of Englishmen to our Parliament, restrained as it is by the principles of Christianity, is very far better than the subjection of the Romans to their Cæsar. Yet, as we know from juristic science, the one government is as absolute as the other, and the facts of government, and subjection remain unimpaired. And just as the ordinary well-disposed citizen—except, perhaps, in the matter of taxation—feels, as it has been well said, the burden of State control as little as he does the enormous pressure of the atmosphere, so little does a Christian wife feel the burden of a Christian husband's rule. But the fact of the relation of headship and subjection ought, it is submitted, in point of religious righteousness, to exist as much in the one case as in the other. The removal of the sense of the painful pressure of the rule, by the improvement in the mode of regulating its imposition, is the true result of Christianity in either case.

But the entire statement with regard to the effect of Christianity on the position of women, which is so much relied upon, seems to be inaccurate, or, at least, misleading. For the tendency of Christianity has not been to place women on an equality with men, or, indeed, to allow them the position which heathenism has, in at least one very conspicuous instance, assigned them. We must throw aside the influence of Christianity upon the unprogressive races, and confine our attention to those nations which have shown a capacity for advanced civilisation, for otherwise we might attribute to religion that which was owing to human intelligence. Again, we must leave out of our consideration the present movement in England, not only because it is the case which has to

be made out, but because it cannot be said that it has originated with, or been principally sustained by, Christians or Christianity. If, then, we trace the effect of the reception of our religion by the progressive and civilised races, I doubt if it can be said with general truth that its effect has been to raise the position of the wife relatively to her husband. If we compare the position of the Roman matron which is treated of below, or possibly that of the wives of Grecian race, at the time of their reception of Christianity, with their position immediately afterwards, and as inculcated by Christian teachers, I do not think it is by any means clear that the subjection of the wife was not either formulated anew, or, at all events, additionally emphasised. Certainly the position of the Roman wife, when Constantine declared Christianity the religion of the Empire, was not, in the eye of the law, that of one who was bound to permanently honour and obey her husband. Indeed, the truth seems rather to be that the real effect of Christianity has been to raise the wife from a servile condition, where it has existed, but to restrain her from equality, or the too near approach thereto, which has existed among heathens, and is, in fact, consistent only with ignorance or repudiation of its teaching.

Let me now call the reader's attention to Mill's argument on this aspect of the subject. Considering that his work extends over some 188 pages, and that less than one page and a half are devoted to the religious argument, it will not probably be thought unreasonable to say that he treats the subject very lightly—perhaps I might say that he handles it with a somewhat cavalier deportment. Touching this matter at all, and affecting to answer the objections to his

views based upon the Bible, he might naturally have been expected to deal with these rather more explicitly and amply than he does. Possibly those who estimate the importance of this aspect of the question more highly than he, may be inclined to draw an inference from this fact unfavourable to the cause which he advocates.

As the only passage in his work which deals directly with this matter is so short, it may be well, in the interests of the formation of a sound opinion upon the point, to set it forth *verbatim*. "We shall," he says, "be told, perhaps, that religion imposes the duty of obedience; as every established fact which is too bad to admit of any other defence, is always presented to us as an injunction of religion. The Church, it is very true, enjoins it in her formularies, but it would be difficult to derive any such injunction from Christianity. We are told that St. Paul said, 'Wives, obey your husbands': but he also said, 'Slaves, obey your masters.' It was not St. Paul's business, nor was it consistent with his object, the propagation of Christianity, to incite any one to rebellion against existing laws. The Apostle's acceptance of all social institutions as he found them, is no more to be construed as a disapproval of attempts to improve them at the proper time, than his declaration, 'The powers that be are ordained of God,' gives his sanction to military despotism, and to that alone, as the Christian form of political government, or commands passive obedience to it. To pretend that Christianity was intended to stereotype existing forms of government and society, and protect them against change, is to reduce it to the level of Islamism or of Brahmanism. It is precisely because Christianity has not done this, that it has been the

religion of the progressive portion of mankind, and Islamism, Brahmanism, &c., have been those of the stationary portions; or rather (for there is no such thing as a really stationary society) of the declining portions. There have been abundance of people, in all ages of Christianity, who tried to make it something of the same kind; to convert us into a sort of Christian Mussulmans, with the Bible for a Koran, prohibiting all improvement: and great has been their power, and many have had to sacrifice their lives in resisting them. But they have been resisted, and the resistance has made us what we are, and will yet make us what we are to be."

Now the sneer contained in the opening sentence of this passage is hardly to the present point; for the sole question when dealing with the religious argument is this: Is the submission of the wife to the husband an injunction of religion, or is it not? It is quite beside the matter whether the old-fashioned idea is incapable of any other defence or not. Indeed, one who is endeavouring to convince a Christian to his own views without repudiating the authority of his religion, is under the necessity of showing, either that the matter in question is not explicitly dealt with by the authorities of his religion, or that those authorities are not against him. For consistency requires that if he should fail to do this, his would-be proselyte should be estopped by the precepts of his religion, so long as he believes they are against the views pressed upon him, from all hesitation or need of further disputation in the matter.

That the visible Church, moreover, in probably almost every one of its branches down to the time of the spread of the new ideas by Mill and his contemporaries, has apparently

always been of opinion that the relation of the wife to her husband approved by the authorities of the Christian religion was really such as I contend is the case, can hardly be taken as of no evidentiary value at all, from any reasonable point of view. It is, indeed, both interesting and instructive to observe how the ministers of the dissenting communities, of all men on the earth, in their gallant efforts to escape from the imagined unpleasantness of the word "obey" in the marriage service, resort to curious substitutions, which are either practically synonyms, or fall short of the meaning desired by them. Coming, however, to the really important part of the above passage, the reader may be somewhat struck with the fact that there is little citation from the Sacred Writings; but, attempting to answer that which is quoted, apparently the writer feels that he has disposed of the whole matter. Let it not be forgotten that, in the argument presented above, I rested, not on a single text, or on one or many only, but on the whole weight of Scriptural teaching, from the first to the last chapter of the Bible.

But let us take the argument as we find it. The word which Mill translates as slave may, it is submitted, well be held to apply to many cases of service as to which no widely entertained objection has yet been raised. This is, however, a mere matter of observation, on which I do not by any means rely. We must look at the reasoning closely, for it is excessively sophistical, and may well puzzle us to answer for awhile. Now, a slave or other servant is one who *ex vi termini* is legally bound to serve. To such an one the Apostle in effect says, "Perform your legal duty, and do not let it be said that because you are a Christian you are a

refractory slave or servant." But what is a wife? One who is bound to perform wifely duties. What are wifely duties—not merely in Rome, or any particular locality when the Apostle wrote, but everywhere and always? It is precisely upon this point that Paul, as well as the other authorities of Scripture, inform us. "The husband is the head of the wife, as Christ also is the head of the Church, being Himself the saviour of the body." In Ephesus only, and there only for a time? On the contrary, just as the relation to which the conjugal is compared is eternal, so, apparently, is the latter as enduring as the nature of men and women. But further, "For this cause," says the Apostle, "shall a man leave his father and mother, and shall cleave to his wife; and the twain shall become one flesh." Was this the law of Colossæ, or of any of the cities to which the Epistle to the Ephesians was sent, and obedience to which is all that is enjoined? or is it not rather part of an entire lesson to husbands and wives which was to endure, not only until Colossæ and other cities of St. Paul's time and their laws no longer existed, but until the last pair should have quitted this present world? And, let it be noted, the Apostle is not merely addressing wives, but husbands also. He is not merely saying to the former, "Perform your legal duties," and to the latter, "I do not ask you, by freeing your wife, to diminish your temporal assets." He declares the duties of both by a reference to the eternal relation between Christ and the Church.

Again, though he who is actually a slave is exhorted to obey his master, it would be impossible to contend that there is any Biblical injunction in favour of the continuance of

the institution of slavery; indeed, such continuance is clearly against the golden rule of the 12th verse of the 7th chapter of Matthew. And some may consider that the words of Paul to Philemon with reference to Onesimus, the slave of the latter, amount to express teaching that the relation of master and slave is inconsistent with the bond of Christian fellowship between the two. If this be so, as the object of the Apostle's labours was the increase of the Church on earth—that is, of the body between whose members Christian fellowship exists—it must evidently follow that the abolition of slavery was regarded by him as properly commensurate with the spread of Christianity among slave owners and their slaves. But the relation of husband and wife is not only not opposed to Christianity, but is obviously both approved by it and essential to the well-being of the human race. Therefore we must assume that, while the Apostle not improbably regarded slavery as a temporary institution, he must have regarded marriage as a permanent condition. The fact that he merely tells both slaves and wives to obey their masters and husbands respectively would seem to show that, just as he regarded it as self-evident that a slave was, and while slavery existed would continue to be, one who was bound to obey, so he regarded a wife as one who was, and always would continue, till the end of the world, bound to obey her husband. While slavery exists under any system the slave must be legally bound to obey. Without such obligation the institution cannot possibly exist. While marriage continues the wife must be bound to obey, and it is submitted that without such obligation this institution also cannot permanently exist.

I submit, then, that, in the light of all of the passages from Paul's epistles to which I referred, we cannot safely regard his words as merely discouraging rebellion against existing laws. They seem rather to be written for the edification of the Church during the entire duration of its militant state. Nor does there seem to be any necessarily temporary character in the words, "The powers that be are ordained of God," and those which follow them. Surely no one pretends that in endeavouring to understand an apostolic direction we are to bid adieu to our intelligence and knowledge. I certainly did not suggest that this was so in gathering together the arguments against Mill's ideas from the Scriptural point of view. Seeing, then, that when the Apostle wrote the words last cited, the Emperor Nero was on the Roman throne, it would seem obvious that the Apostle is speaking rather of the necessary fact of some form of government—government in any form being necessarily absolute—than of any particular and temporary instance of it. We may take into consideration the possibility that he had some patriotic weakness for the Roman constitution, retaining as it did, even in his time, to a considerable extent the forms, though not the essence, of a republican government or a limited monarchy. But this will not explain away the words, "Rulers are not a terror to the good work, but to the evil." If this were a statement of fact referring to particulars, it would clearly be inaccurate; and surely Paul must have been quite as well aware of this, from his personal experience, as are we. It is, therefore, evident that this passage does not amount to a justification for any particular form of government other than the best. What then does it mean? I do not pretend to speak with any remarkable

lucidity upon the matter, but I would suggest that its meaning can hardly be anything but this. Christianity teaches men to love one another, it favours approximation towards equality. But its highly spiritual character which, to some extent, places its sincere adherents in a manner above the world, does not prevent it from being a practical religion adapted to the natural condition of men in this life. The new convert, burning with enthusiastic conceptions of the kingship of the Divine Head of his Church, may be apt to despise all authority of worldly princes as an unwarrantable usurpation over his freedom. A *modus vivendi* is necessary, and the Apostle tells such men that their duty to God is not necessarily incompatible with their legal duty to a secular government. Just as God is the Supreme Ruler of the universe, and His power is necessary for its ordering, so an earthly government is necessary for the control of the people of the State in which it exists. There is no stumbling-block to religious life in this fact, for power is a Divine institution, and it is necessary for the avoidance of continual anarchy that the secular power should be habitually obeyed. Government is not necessarily a source of terror to well-doers. And it must be carefully remembered that the powers of every supreme government, whether monarchical or republican, are precisely the same, from a juristic point of view. But the repositories of the powers differ in every different form of government. I suggest that the former are "the powers that be," in the sense of the Apostle; the latter are but the occasional and accidental possessors of the same.

The matter may possibly be made somewhat clearer by a reference to a similar passage of Peter (1st Epistle, chap.

ii.13-17). We see that Christians are exhorted to be subject to every ordinance of man "for the Lord's sake." It is as if the Apostles told their followers to avoid bringing unnecessary reproach upon their body; that because they were Christians they ought not to be bad citizens, but that they should see that, by being known as law-abiding and upright men, their personal reputations did not retard the progress of their missionary work.

In short, it is not here suggested for one moment that Christianity was intended to stereotype existing forms of government and society. On the contrary, the inevitable effect of the reception of its doctrines was to radically change existing political and social institutions. Everyone knows the difference between an honest reformer and one who simply agitates because he despises all authority except his own. And what the Apostles tell us is to remember that the institution of government is necessary. So, it may be added, though this is an *à fortiori* case, the institution of marriage is necessary, and being, like a state, an association of more than one person, government is necessary for its existence. But, as I have said, in speaking of marriage, I submit that the Apostles go further, and tell us with considerable amplification, not only what it in their day necessarily was, but what in its best regulated state it *ought* to be.

We must, then, remember the immense importance of the proper regulation of the relation between the sexes, and the consequent improbability that this is left unindicated in the Scriptures, otherwise than by the general teaching of the Golden Rule. But, as a fact, is express teaching, or at all events sufficient ground for safe inference, wanting? If not,

what is that inference? I submit that both the language and the spirit of revelation from beginning to end point us to this conclusion, and to this alone: the wife cannot, without *pro tanto* defying the authority of the Christian religion, claim equality with her husband; but, living according to the manner inculcated in the Bible, she will live for the benefit of her husband, submitting her will in obedience to him.

SECTION II.

THE ARGUMENT FROM CUSTOM.

HAVING now endeavoured to appreciate the religious argument, it is time to advert to other sources of information upon our subject. For it would be unsatisfactory in political discussion to forget that there are those to whom Biblical authority is insufficient, and who therefore require arguments founded upon another basis. Moreover, it is possible that there are some who still think that the matter is left open by the Scriptures for the decision of every age and nation, according to their own particular views of expediency or justice.

I now, therefore, appeal to the authority of custom. In doing so, my meaning must not be understood as being that any weighty reason in favour of the continuance of the existing state of things in England arises from the fact of the custom of England hitherto. For this custom is now impeached, and if it be supported at all, it must be supported on other grounds than that of its own existence. It is, however, conceived to be a permissible course to appeal for the support of a particular custom to the authority of a *universal* custom which has, so far as our information extends, existed among every nation and in every age down

to the present time, or at least with a few doubtful exceptions. This custom of the marital headship has, of course, presented very many shades of variation in the degree in which it has been limited. But the fact of the headship, whether existing in an extravagant or in a moderate form, has very generally remained. And it is reserved for the latter half of the nineteenth century to discover, if so discover it will, that the whole human race, or at least the male portion of it, from the earliest times until now, has laboured under a miserable misapprehension, and, in so fundamental a matter as that under discussion, has not only uniformly erred, but has practically always done so on the same side. This fact is surely worthy of very careful consideration. It is easy to underestimate its importance. Some may think that, as we are still progressing in other respects, there is no reason why we should not also be doing so in this. By such ideas my contention may be obscured. The point is, that in the case under consideration we have practically no basis of experience except on one side, and we know as a fact that the physical differences between the sexes renders absolute equality in every respect impossible. We are being invited to attempt to evolve by legal institutions a factitious and technical equality. The world has existed up to the present time without any considerable portion of its inhabitants apparently considering this desirable or practicable. We have no precedents on which to rely. A totally new path is before us, and its dangers are consequently unknown.

On the other hand, in ordinary questions of political reform, we have either experience or analogy to help us to a safe determination. Republics have alternated with

empires, and various intermediary forms of government have been known for thousands of years. So anarchy, that is to say a condition in which there is no government at all, and highly centralised states, where the force and influence of the supreme power are everywhere observable, as well as innumerable varied forms of government between these two extremes, have long afforded either danger-marks or patterns to the race.

It is argued, however, by Mill that "custom, however universal it may be, affords in this case no presumption, and ought not to create any prejudice, in favour of the arrangements which place women in social and political subjection to men." "This dependence, as it exists at present, is not an original institution, taking a fresh start from considerations of justice and social expediency—it is the primitive state of slavery lasting on through successive mitigations and modifications occasioned by the same causes which have softened the general manners and brought all human relations more under the control of justice and the influence of humanity. It has not lost the taint of its brutal origin. No presumption in its favour, therefore, can be drawn from the fact of its existence." In answer, further, to the assertion that the government of the male sex, unlike other forms of power, is natural, he asks, "Was there ever any domination which did not appear natural to those who possessed it?" Now if it be intended that originally the position of the wife was practically no other than that of the ordinary slave, it is sufficiently clear, as, indeed, was contended by Mr. Goldwin Smith some years ago, that historical support for the position is entirely lacking. The condition of the wife may have frequently approached that of

the slave, especially in savage or semi-savage nations, but inquiries into the primitive condition of human institutions have yet to show that the two were originally identical, or, indeed, that they were not clearly distinguished.

If, indeed, we carefully examine the condition of women in early times, we shall find that just as certainly as to call the matron of the present day "a slave" is to use the language of exaggeration, so there is no solid foundation for this assertion as to the origin of marital power. I do not propose to trouble the reader with an examination of the condition of women among the unprogressive races of the world, for it cannot be shown that we have derived our institutions from them. The fact that we find that among them the women are often practically in a somewhat servile state is not the least in favour of the assertion under consideration. On the contrary, since there is strong reason to believe that the races which we call unprogressive are better described as declining, the more just inference would seem to be that the state of women, as being that of the weaker portion of humanity, has among such races declined to its present state of humiliation, rather than continued from such an original condition. But whatever be the fact as to this point, we are amply justified in attempting to establish the general truth by a reference to the antiquities of the progressive races. If, then, we study the Old Testament Scriptures, in whatever light we may regard them, no foundation can be found for the suggestion either that the wife was confused with the bondwoman, or that her condition was other than well defined as distinct from that of a servile member of the household. And if we turn to Greece, so far from finding that in the earliest ages the wife was regarded as little better

than a slave, or, indeed, any evidence that such was her original position, the fact appears to be that women occupied a better position, and were more respected in the heroic age described by Homer than at any subsequent period of the history of free Greece. Instead of observing the restrictions upon the freedom of women amounting to something very like imprisonment, and the apparently general opinion of men in their disfavour, which characterise the subsequent history of the Ionian States, we find that women are pictured, as everyone knows who has studied the *Iliad* and *Odyssey*, as not only worthy of respectful consideration and capable of moral eminence, but as actually held in well-deserved respect, and not unfrequently attaining to magnificent virtue and heroism. Nay, more, the sex and nature of the woman are thought worthy of the gods, and, with the exception of Zeus or Jupiter, the female objects of Grecian imagination and worship were regarded and described as no less powerful than the male. Is it, then, possible to conceive, inasmuch as in the earliest condition of the Grecian woman of which we can obtain any information they were not only treated as worthy and highly respected companions of the greatest heroes, but their peculiar characteristics—vicious as well as virtuous—were embodied in the persons of the national gods, that the primitive Grecian woman was a slave? The condition, indeed, of the heroic ages continued in a large measure among the Dorians during historical times. And it has been pointed out that the decline in the state of women among the Ionians was not apparently due to indigenous causes, but seems to have resulted from the influence of the Eastern races. It may be added that during the decline of Greece a revulsion of feeling with regard to

women seems to have taken place, similar to that which was experienced in Rome, and which is now observable in England. From a condition of stringent restraint they seem to have emerged into dissolute license.

Again, in Rome, though we mount up to the earliest sources of our information, no trace of the wife's slavery can be found. The *materfamilias* is nowhere, and in no degree, confused or classed with the *serva*. True, the marital power is said to have been probably unlimited at first, but so is that of the British Parliament over every subject in the land. But Britons, as every one knows, are not slaves, neither was the Roman matron a *serva*. The *paterfamilias* may have had the same power of disposition over his wife as over his herds, but the position and condition of a woman were not those of the horse, the ox, or the swine. On the contrary, so far as we have any indications of the truth, the Roman wife occupied a position of respect and honour. Of the subsequent position of women I shall say more later on; but it may be well to point out in this place that what is called the emancipation of women, or the nearest approach thereto which was seen in Greece and Rome, took place concurrently with the decline of their national greatness.

But does it follow, even assuming for the purposes of argument that the power of the husband over the wife had its origin in force, that this power, like that of the master over the slave, which also had its origin in force, is bad, or, indeed, that its origin was sufficiently brutal to prevent the ordinary presumption from immemorial custom from arising? The cases are evidently separated by a broad difference, which apparently renders all inference from the origin or history of the one to those of the other improper

and misleading. For the power exercised by men over other men was, as a rule, possible merely because of the superior education, organisation, or equipment in point of arms, or other accidental circumstances, on the part of the former. Thus the slave of one day might, if emancipated, be without difficulty the slave owner of the next. The difference was not of innate capacity, but of the circumstances of the career in life of the individual. With the dependence of women the case is entirely different. The power of men with regard to them is irremovable, it is a permanent fact of human nature. It is not that it merely *seems* natural to us. The fact upon which it is based is indisputably natural. If, then, it be no matter of variable circumstances, but the result of immutable conditions of relative capacity, how can we say that the marital power has been arbitrarily assumed? The ordinary husband cannot, and never could, avoid possessing the power. He has not assumed it: it has existed as a consequence of the natures and constitutions of the two sexes. True, he need not exercise the power; but, notwithstanding this, he cannot emancipate his wife therefrom. We ought, indeed, to bear in mind that the relation of the man to the woman is in some respects midway between that of the father and the child and that of equals. The paternal authority is clearly based upon power, but upon power the necessity of which is obvious to the most obtuse as well as the most philosophical. It therefore escapes the designation of arbitrary control. The marital headship is, however, no less necessary, both from natural causes and from motives of expediency, but from the superior capabilities of the woman as compared with the child its necessity is not so conspicuously clear.

But we may handle the matter somewhat differently. Probably no one would dispute that the universality of government in civilised countries raises a presumption in favour of the institution. Yet, I suppose, it is undeniable that government had its origin in force. And if it be answered that in the case of this institution mankind have been enabled from observation of anarchy to arrive at an opinion upon its utility, after the institution of an instructive comparison, it may surely be rejoined that the many individual cases where the headship of the husband has not existed, furnish material for a similar process in the case of this institution.

Considerations such as the above seem also to furnish a sufficient reply to arguments based upon the course of history and the tendencies of progressive society in the direction of equality of rights, and to the idea that this "relic of the past"—the social and political subjection of women to men—"is discordant with the future," and must therefore necessarily disappear.

Upon this branch of my subject, then, I will content myself with saying that reasons of prudence must compel us, in a matter of the most wide-reaching and obvious importance, to attach considerable weight to the fact that the inequality, in some respect or other, of women to men has been practically recognised in all ages and among all nations; and that the consequent superiority, political or marital, of men—I am speaking of its actual existence as distinguished from the abuses by which it may have been characterised—has been unopposed down to the latter half of the nineteenth century of the Christian era, by any extensively believed religion, by any widely approved morality, philosophy or poetry, by custom, or by law.

SECTION III.

THE ARGUMENT FROM EXPEDIENCY.

It is now my task to consider the matter in the light of reason, unaided by Revelation, and also apart from custom as a distinct source of authority independent of the evidentiary materials which it furnishes for speculation as to the future. We are, therefore, now shut up to the question of expediency—a sufficiently wide field of consideration indeed—in other words, we have to consider whether the equality or the inequality of the sexes tends to the greatest happiness of the greatest number. What is expedient for men and women indiscriminately, attaching equal importance to the happiness of both sexes? In endeavouring to answer this question we may neglect all thought of the differences, real or supposed, between the intellectual powers of the sexes. Let the reader for the present suppose them equal, if he will. The argument following is independent of any consideration of the kind.

Marriage is evidently a desirable institution. If direct proof of this statement were needed, it would be sufficiently easy to give it; but as it is conceived that no very leading politician impugns the accuracy of this, it would hardly be occupying attention well to treat it as a debatable matter. Now my contention here is that this institution cannot

extensively exist where equality between the parties thereto is legally and morally recognised and insisted upon, or, at all events, that the parties cannot attain their highest possible happiness by it where such is the case. In other words, equality between man and woman is not only inconsistent, but is, generally speaking, absolutely incompatible, with the marriage state.

By marriage I must be understood to mean, using the words of Lord Penzance, in the case of *Hyde v. Hyde*, which is reported at page 130 of the first volume of the "Law Reports, Probate, Divorce and Matrimonial Causes," "the voluntary union for life of one man and one woman, to the exclusion of all others." That union called marriage which is capable of dissolution, *bona gratia*, as it is called, that is to say, at the will of the parties, seems to me to be merely an intercourse short of marriage, though subject to certain regulations and consequences during its continuance. Sufficient reason why the institution of marriage should, in the interests of women, be indissoluble, except for one cause, will appear later on.

In support of the above contention it is submitted that in the case of every permanent relation between two or more human beings by which intimate association is involved, the right to command and the power of enforcing obedience is necessarily possessed by one or some number less than all. And it must be remembered that a woman has a will, and is subject to inclinations of her own, just as is the case with a man. In the union of every husband and wife we have, therefore, two distinct sources of volition; and, as we are speaking of people as they are and will continue until the millennial year, and not of people as we might wish them to

be, it is obvious that the dispositions and inclinations of desire controlling these two sources must often differ, and, in the absence of constraint, a difference of will must ensue. What then? Assuming equality to be not only inculcated by law but demanded in practice, can anything but anarchy on a small scale ensue? And anarchy, moreover, attended with the supreme inconvenience of its consequences on the minds and hearts of the pair, being consequences from which there is practically no escape in separation for honourable people. It is quite inadequate to say that well-disposed couples will give and take, and bear and forbear. "The law was added because of transgressions." If couples were all well disposed, we should have small need of marriage laws at all. Their only *raison d'être*, as laws, is based upon the fact that couples are not necessarily well-disposed. Some, however, may contend that, rather than the woman should have any special motive for giving way in case of a disagreement, the bitter end should be pressed on, and the parties, while remaining married, should live apart. But with men and women of normal feelings this contention ought to have a very scanty weight. For is it possible to strike a more staggering blow at morality, in the specific sense of the term, than to bring about a state of things in which people under middle age should live apart from a conjugal companion, while incapacitated from second marriage by the subsistence of a link from which they were unable to break free? And, surely, the offspring of the curiously regulated union approved by our opponents are entitled to some consideration. Parodying, then, some words of Mill which are quoted below, I contend that there is nothing to be said in favour of anarchy and lawlessness in the family,

which cannot be said, *mutatis mutandis*, for anarchy and lawlessness in the State. For supreme power is just as truly necessary between man and wife, while they are not in a condition of perfect excellence, as similar power is necessary in a State, so long as its members are not all in a condition of such excellence.

On referring to Bentham (pages 230-231 of the work mentioned above) we find the following: "There may at any moment arise a contradiction between the wills of two persons who pass their lives together. The good of peace requires that a pre-eminence should be established which may prevent or end these contests. But why should the man govern? Because he is the stronger. In his hands the power maintains itself. Give the authority to the woman, and every moment a revolt would break out on the part of her husband. This reason is not the only one. It is probable that the man, by his kind of life, has acquired more experience, more aptitude for affairs, more steadiness of mind. In these respects there are exceptions; but there are exceptions to every general rule. . . . Those . . . who out of some vague notion of justice and generosity wish to give to the woman an absolute equality, only spread for her a dangerous snare. To absolve her by law, as far as possible, from the necessity of pleasing her husband, would operate to weaken her empire instead of strengthening it."

That the occasions for the exercise of power by the husband over his wife may not be so conspicuous or frequent, even regarding numerical proportion, as by the sovereign power over the State is easily accounted for. Among other possible reasons, the fact exists that in a vast number, and in probably a majority, of the cases of marriage

in England, the parties are agreeable objects to one another, whereas in the State the repository of power is not necessarily the choice of all of its members, and generally not completely so of any, and is certainly not the object of the extreme and unparalleled affection or passion which often exists between, or at least on the part of one of, those who are first betrothed sweethearts and subsequently man and wife. Mill, indeed, tells us that "things never come to an issue of downright power on one side, and obedience on the other, except where the connection altogether has been a mistake and it would be a blessing to both parties to be relieved from it." I do not, however, think it by any means safe to go so far as this. For, even setting apart the last clause, this passage can probably only be supported according to the view of those who regard marriage as a state for which only a minority of the human race are adapted. If it be admitted, as I contend it must by all true moral philosophers, that, in the interests of morality, it is well that people should not be so extremely scrupulous in the selection of a spouse as to stickle for almost absolute identity of tastes; or, in other words, that it is eminently desirable, and, indeed, if morality is not to be a virtue very rare, even necessary, that marriage should be the condition of the large majority of the adults of both sexes, the passage can hardly be assented to, except so far as it contains the element of the undoubted truth that, even as matters at present are, the conjugal union is not a condition of human beings in which one party is perpetually fulminating lordly mandates, which are obeyed by the other merely through the fear of the consequences of the displeasure of the former in the contrary event.

But Mill asserts that "it is not true that in all voluntary association between two people one of them must be absolute." I am not aware that anyone has ever said otherwise where the association is determinable either at the will of both parties or for the simple reason that serious disagreement between them exists. Indeed, if the word "voluntary" applies to the time subsequent to the entering upon the association, as well as to the entering thereupon itself, so as to signify that either party is at liberty to withdraw from the association, the statement is, if it may respectfully be so said, very much in the nature of a meaningless truism. In support of this statement, and also of the contention—totally unconnected in point of reason where marriage is understood as above described—that the case of marriage is similar in this respect, the renowned logician points us to the case of partnership. Partners are often equals; and yet we know that their association is not only possible but very usual in commercial countries. Therefore, as well as because it is part of the common warfare of our less cultured adversaries to tell us flatly that marriage is a partnership, it is evidently well to attempt to minutely refute the view which is suggested in this reasoning.

Is there, then, any substantial analogy between partnership and marriage, such as to justify the above view? The answer ought indeed to be clear to any one who, although not a lawyer, has a tolerably clear perception of the principles which govern the two cases respectively. In the first place, the object of a partnership is not the pleasure or gratification of the heart or mind, contemplated from the association of the members, but it is the acquisition of one thing—*pecuniary gain*—as a consequence of combined effort. The object of

marriage, on the other hand, if, at least, we consider the case from the point of view of *both* parties, is certainly not generally this, and probably is hardly ever this alone. What the objects in reality are, it would be rather late in the day for me to attempt to inform those who are more particularly acquainted with the facts of their own cases than I can be reasonably expected to be. Let it suffice for me to point out that the pleasure or advantage to be derived from the association, not as a means to an end, but as the very end itself, is generally the motive of marriage, at least on the part of one of the parties concerned, so far as the motive is at all clearly defined, or ought but an unreasoning passion. Some of the consequences of this cardinal difference between marriage and partnership may be easily worked out by the reader.

But again, a fundamental principle of partnership is the rule that *in re communi potior est conditio prohibentis*. This rule, working together with that as to the power of majorities, where there are more than two partners, renders the institution of partnership thoroughly consistent with the approved principles of sovereignty as opposed to anarchy, and therefore no exception to the rule above laid down from any point of view. For just as government may go on where one magistrate can veto the actions of an equal, and *pro tanto*, become in a sense the sovereign of the other, so a partner who can veto his associate's desire, occupies momentarily a similar relation towards the latter. Where there is a possibility of a majority, a clear case of the capacity for the exercise of controlling power exists. But in the case of marriage, no majority is possible in monogamous states. And if the rule of the preservation of

the *status quo*, in case of difference of opinion as to a proposed course of action, were applied to the ordinary life of a family, it hardly needs the pen of a humourist to describe the inevitable disaster which would ensue. For marriage is a relation dominating almost every phase and every moment of the existence of the parties, and which is not, like partnership, confined to one aspect of the life of mortals.

The foregoing considerations are, however, small in comparison with the following. The essential principle which renders partnership a relation which is frequently adopted is, that it can at any time be *dissolved*, either at the will of any one partner, or, where this has been excluded by the contract and the partnership is for a term, at the joint will of all the partners, or at the instance of one partner only, where circumstances have arisen which render its continuance no longer desirable in the immediate interests of all the partners, or putting it more simply, where the true object of the partnership relation is no longer likely to be obtained. For example, the Court will dissolve a partnership before the expiration of the term of its continuance agreed upon, where the business of the partnership can only be carried on at a pecuniary loss (pecuniary gain being always the only legally recognised object of a partnership); where a partner, other than the one desiring a dissolution, so conducts himself in matters relating to the partnership business that it is not reasonably practicable for the other partner or partners to carry on the business in partnership with him; and where a partner, other than the partner seeking dissolution, becomes of permanently unsound mind, or in any way permanently incapable of performing his part of the partnership contract; or even when he

becomes liable to a criminal prosecution. Now the essence of the marriage relation, as at present regulated in our country, is precisely the reverse. The parties accept one another for better or for worse—perhaps it may be added that they very often find one another a little *worse* than they expected. What of a marriage which could be dissolved where it could only be carried on at what is the appropriate counterpart or equivalent of pecuniary loss in the case of partnership, or where one of the parties so conducts himself or herself in matters relating to the marriage concerns as to render it not reasonably practicable that the marriage should be continued so as to obtain the objects for which it was entered into, or where one of the parties becomes incapable of discharging his or her part of the innumerable duties of married life, or for any other reason which is the counterpart or equivalent of those enumerated above, as sufficient to obtain a dissolution of a partnership? Once allow the possibility of dissolution on such grounds, and the opportunity for anyone to obtain a dissolution would hardly appear difficult, at all events if the other party were not disposed to submit to the most irritating and systematic tyranny. The phrase, “Matters relating to the partnership business,” is capable of a practical application, being necessarily of limited import. But in the case of marriage, the question would be not as to what matters *do* relate to the marriage concerns or objects, but as to what conceivable matters *do not*. And what would be the limits of the scope of admissible allegations that from circumstances of disagreement it was no longer practicable to continue the marriage relation with advantage?

In short, the institutions of marriage and partnership as at present recognised are widely and essentially different.

They are different in their nature, their objects, and the rules by which they are regulated and without which they would cease to be what they now are ; and, above all, marriage is primarily a permanent relation, partnership is primarily a temporary relation. We see, therefore, owing to the rules which I have set forth, partnership is no exception to the fundamental condition of human relations : that where there is a union between two persons, the effects of which pervade their entire existence, and which is also permanent, or not capable of dissolution if found disadvantageous, one of the two is necessarily subject to the other, unless anarchy and unhappiness are the normal condition of the parties, so far as there is any necessity for law or custom in the case.

Many, however, while agreeing with me that in the case of a practically indissoluble marriage—a marriage from which there is no escape but with the greatest dishonour—one of the parties must be subject to the other, will perhaps consider that this constitutes no reason why this subjection should exist, because the marriage may well be made dissoluble on easy terms. Since this is so, as well as for the completion of the argument which has been entered upon, it now becomes desirable that I should attempt to establish that indissoluble marriage, by which I mean marriage only capable of being dissolved on the one ground now recognised by our law, is necessary in the interests primarily of women, and secondarily of the whole race. It should, then, be made to appear that not only, as it has been already attempted to be shown, would such a marriage, if entered into when equality between the sexes was recognised, bring about discord and misery to both parties, but as a

matter of practical certainty, or at least great probability, if equality were recognised, such a marriage would be very rarely entered into. If these positions be established, it will necessarily follow that it is undesirable to recognise the equality of the sexes.

I do not intend again to trouble the reader with a lengthy religious argument, but it may be well to remind him on the point of the indissolubility of marriage, of the express teaching of the Central Authority of religion.

Now it must probably almost always be the case, that a woman will be more intensely interested in entering the marriage condition than is a man. "Marriage," according to that prominent advocate of the suffrage movement, Miss Lydia Becker, amongst others, "is the natural and honourable profession in which the majority of women maintain themselves." Without by any means assenting to this manner of expressing the female view of marriage, we may agree, as is presumably implied by the words, that marriage is the natural avocation of women, in a sense more distinctly emphatic than is the case with men. The main duties, for instance, of a married woman's life are limited to the immediate consequences of the marriage relation, whereas this is obviously not the case with the husband, who has to adopt a distinct path of duty in order to provide a competence, by the wife's manipulation of which the family duties may be fulfilled. It cannot be said that marriage is of the same essential and immediate importance to man. It is highly desirable, no doubt; but it is quite in accord with experience that the life of an average male can be fairly comfortably passed through without the exclusive devotion of a monogamous wife. With woman it is otherwise. As

Miss Becker has also said, "Every woman regards marriage either from the side of experience or of expectation." And Bentham says, at page 216, that "Marriage has drawn woman from the severest and most humiliating servitude." To the average member of her sex we may say that it is not merely a condition but almost an existence, outside of which she cannot be imagined really useful and happy. The exclusive devotion of one man to her through life is a matter of vital importance. Without such devotion, which is seldom experienced from any save a husband, the world and its pleasures are to a large extent a sphere from which, by the very conditions of her nature, she is excluded. Setting apart the subject of a pecuniary competence, which might conceivably sink into the background under altered conditions of national customs and opinion restrictive of female enterprise and increased general prosperity, we shall do well to concentrate attention upon facts which no legislation can alter and no philosophy or subtlety can explain away. Without a husband the wells of latent maternal affection in the woman are either destined to perpetual suppression through want of an appropriate object, or she is associated with offspring who, from the absence of marital assistance in their government and support, even if for no other reason, become a burden rather than a blessing to her. Let us, indeed, rather live and die in the unreasoning prejudice of old-fashioned Toryism than be led away by the plausible but empty and sophistical rant of the pseudo-philosophy of the modern gallant. Men and women are separated in their natural position by an abyss of difference which, however formed, can never be bridged over by the wisdom or the

foolishness of men. However we may alter the conditions of human existence, however much we may speculate upon the future development of women, what imaginable process can ever turn the man into the mother, or give him the same inevitable interest in life-long association with the mother, which she of necessity must have in such association with him? Until we have done this, we can never achieve the equalisation of the sexes; but we can irritate the man into a tyrant, and substitute savage ascendancy for the headship which is regulated by law. 'Legislate and blunder as we may, there is a curse or a blessing—it matters not which it may be called—there is a crucial fact which can never be surmounted or removed, though every woman be dubbed an Empress, and every man be fettered as a slave. The inferiority in point of independence of marriage and otherwise, which is inevitably, indubitably, and unalterably associated with the woman's lot, will still endure, for the simple reason, did not a single other remain, that, unlike the man, she is not only capable of the affections of the mother, but is, and always will be, as a general rule, the actual mother of a family, with an undying affection for her offspring. Thus also it is that she is necessarily incomparably more interested in the indissolubility of marriage than the ordinary man can ever be. He would too often, finding his wife other than he had thought her, and having grown tired of her attractions, be but too glad, if it were possible by law, to be set free to live alone, or find another and a more congenial sharer of his home. But as for her, the first few years of marriage being past, her charms would, perchance, have faded, she would be the object of no one's desire, and, to make use of the repulsive phraseology of Miss Becker,

another professional engagement would not be likely to be easily obtained. In short, man is primarily interested in, and marries for, the first few years of married life, and would very often, speaking of him as he is, be better pleased with a union in proportion to the brevity of its duration, down to the limit of a few short months; whereas woman is primarily interested in, and, so far as prudence must be taken to enter into the matter, marries for, the later years of marriage. It is all-important to her that the husband should be bound to live with, and provide for, her and her children, when the first brief years of married life have passed. In different language, speaking of this hallowed institution in terms rendered necessary by some modern political philosophers—if so these soulless, passionless, religion-bereft, and self-asserting speculators are aptly styled—we are compelled to say that the woman lives with the man for the first few years, in consideration of his undertaking to live with her indefinitely when these have passed away. What, then, is the position of those who tell us of the benefit to women of the recognition of their so-called natural rights? The sexes always have, and always will, live together, either permanently or temporarily. It is the women who are peculiarly and vitally interested in the permanence of the association. Make, then, marriage a relation of equality, and you must make it comparatively easily dissoluble. Make it so dissoluble, and men will take care that its duration shall be short; and, when marriages are of short duration, then have the honour, the self-respect, and the happiness of women been sacrificed upon the altar of modern thought, and the human race is urged back to the vice of promiscuity and inevitably consequent barbarism.

These are no trifling considerations. The race, males as well as females, are vitally interested in averting the suggested consummation, but the interest of the men of one generation will never be so immediately and essentially against it as must always and invariably be that of women.

Indeed, observations which frequently occur in the writings of those who hold the new ideas upon the subject of the relation between the sexes which ought to exist, seem to point to the necessity for somewhat emphasising the importance of marriage. But let it suffice here for me to quote the words of Bentham. "Under whatever point of view the institution of marriage is considered, nothing can be more striking than the utility of that noble contract, the tie of society, and the basis of civilisation. Marriage, considered as a contract has distributed the mass of the community into distinct families; it has created a domestic magistracy; it has formed citizens; it has extended the views of men to the future, through affection for the rising generation; it has multiplied social sympathies. To perceive all its benefits, it is only necessary to imagine for a moment what men would be without that institution" (pages 215, 216).

At the present moment, owing to the reactionary extremity of the recent legislation in supposed favour of women, we are in a transition state with regard to the benefit of marriage from the point of view of men. Probably it is still very beneficial to those who are in a position to comfortably afford its expenses. But how long will this be so? Already by marriage a man sacrifices more than can well be adequately described. A comfortable and unanxious home, with the intimate society of affectionate relatives, is

often renounced; the kindly services of female friends generally is to a large extent forfeited; liberty of association with the fairer half of creation is greatly circumscribed; the income available for immediate personal comfort is practically halved or quartered, or further divided as the family increases; the anxieties and responsibilities of the man, from being limited to the due pursuit of his avocation, and the consequent acquisition of a competence, are swelled to all the varied trials of a house which must be kept in good repair, and from which, in the majority of cases, he cannot easily scuttle out into a luxurious hotel, and a family who for a large portion of the year are under the doctor's supervision, and who must always be considered, and whose sorrows and troubles are his own; absolute freedom, so long as income be not stopped, to change from one avocation to another, and one country or one district to another, is limited by the necessity that the mill which supplies some half-a-dozen should never cease to grind in such a way that the supply should be regularly kept up; the man's liberty to change his views, his habits and his friends, is hampered by the consideration of the pleasure of his wife and adult children; his choice of companionship is limited by a necessary association with a woman who may prove very different from what he thought her ere passion died away before experience, and who, in many cases, even under existing regulations, is willing to thwart and contradict him when opportunity allows; his patriotism and his charity are largely subordinated to the more immediate claims of his family; in short, almost every kind of freedom and the bulk of his relative wealth are gone, &c., &c. Extend the Franchise to women, and subsequently

complete the consequent equalisation before the law of the sexes, and the husband's losses will become too great to adequately depict. To say that he will then be liable to have his political power neutralised by his wife, and his political influence, so far as the propagation of opinion is concerned, perhaps outweighed by her, seeing that she will not unlikely have more leisure for conversation than himself; and that he will be subject to have his self-respect continually outraged by the defiance of spoiled children ever screening themselves behind the rival authority of an indulgent mother; and that he will nevertheless be linked to, and bound to provide for, his useless rival and the destroyer of his peace and self respect, is to depict but a small portion of the entire aspect of the union.

And what does the husband gain as the *quid pro quo* from his point of view, or, rather, what will he gain if the new ideas should ever be acknowledged as correct by our law and custom? The pleasure of so much association with one woman as he may desire and she may see fit to concede, together with whatever advantages he may be able to derive from a progeny who are either reduced to order by the usurpation of sole authority over them by himself or his wife, or, in default of this, are practically rendered an anarchical community on account of the attempted *régime* of two independent and opposing powers. Would he also gain a housekeeper? By no means, for the wife under such a system would keep house or not at the pleasure of her own unforced and unforceable will. True, she might be incited by reward, though not compelled by authority; but the husband's power of reward would probably be vastly less than hers, for almost every benefit of the marriage to him would

be capable of being conferred as a voluntary favour on the part of the wife.

Now it cannot be cogently objected that the above is a mere abstraction. Laws, as I have said, are made for those who need them, and not for those who are so well disposed that they would perform their duty in the absence of any human sanction or compulsion. If we were all thorough Christians we could very well dispense with the greater part, if not the whole, of the labours of Parliament. The chief object of legislation is to compel, by the intervention of State power, the performance of those moral duties of which the compulsory fulfilment is expedient in the interests of the community, but which many would neglect if left to the free exercise of their own discretion. True, indeed, human nature would revolt before ever custom had arrived at the extreme pitch foreshadowed above as the legally possible result of the proposed legislation. Nevertheless, that extremity is apparently the direction in which our laws are tending, and in which every assertion of the propriety of the legal equality of the sexes as now understood must tend. Its consummation will undoubtedly never be reached, but—and this is the important point—will be avoided, if legislation gives effect to the new ideas, by a process which must bring disaster upon our nation. For how, indeed, will it be avoided otherwise than by the practical disuse of the institution of marriage?

Already marriage seems to be commonly relegated to a later period of life than used to be the case; and as love's young dream is, generally speaking, rather out of date after about twenty-five, the blinding operations of Cupid are less frequent, and the lover is beginning to contract with his

eyes well open. Probably, at the present day, the majority of marriages are not arranged under the influence of an entirely unreflecting passion. The voice of reason is listened to, and the cost of the step is counted. And when once it is found that men are calculating the consequences of marriage, that they are inquiring whether in this, as in other contracts into which they enter, the advantages are an adequate compensation for the consideration which they have to give, what conceivable motive, other than that of religion, the operation of which must not be assumed in these days to be probable in the case of the majority, can induce them to enter into a practically indissoluble marriage upon terms of absolute equality ?

In short, my contention is, that where the absolute equality of the sexes is recognised by law and custom, concubinage may, and will, exist; but marriage will cease to be common, at least except among religious people. Let it be remembered, as a solemn warning, that every law making marriage less attractive to men is a staggering blow struck at the foundations of morality.

Now the statements above made are not based upon merely *à priori* reasoning; they are supported by historical evidence. We cannot, however, reasonably expect a very large amount of such testimony, seeing that the nature of the relations of the sexes all over the world has very generally excluded it. Women have never, so far as we can learn upon any reliable authority, been treated on a footing of absolute equality with men, and, therefore, we are, of course, unable to point to any historical evidence as to the effects of such treatment. Moreover, as we have seen, the inequality between the two sexes has for the most part been strongly

marked. All, therefore, we can hope to learn from the teaching of history would appear to be the record of the apparent results of the nearest approach to general equality between the parties to the marriage relation which has ever to our knowledge been made, and of the greatest facility of dissolving the matrimonial tie which has been permitted, and of institutions to some considerable extent resembling those which we are now asked to establish. In this connection I propose rather to suggest matter for further inquiry and study than to attempt academic profundity.

Those who are even superficially acquainted with later Roman law and history will hardly be surprised that I turn with confidence to the lessons to be gathered from these. The ancient *jus civile*, in its provisions with regard to marital power, exhibited the barbarous austerity which characterised it throughout. The wife on her marriage passed, as it was termed, into the *manus* of her husband, and became, like his children, theoretically subject to his unrestrained and unregulated *potestas*. In practice, however, it seems doubtful whether, in historical times, the power over the wife was quite as extensive and free from customary limitations as that which was exercised over the son or daughter. Naturally, as civilisation advanced, a marital power which in theory extended to the infliction of death, and in practice stopped little short of this, became quite unsuited to the current opinion and morality. But the *manus* was to the Roman lawyer a form of *potestas*, and *potestas*, whether existing over sons, or slaves, or cattle, or inanimate objects, was legally incapable of limitation in favour of the person or thing over which it was exercised.

There was apparently no analogous institution to assist the reformer. The *manus*, which was in the eyes of the Roman an institution which would have ceased to exist if tampered with, just as a balloon collapses if it is pricked, either existed in its full extent or it did not exist at all, and the relations of the man and the woman were outside it. Enlightened reformers were thus driven to the clumsy and dangerous expedient of cutting the knot which they encountered. Devices were resorted to by which the wife was saved from coming under the *manus* of her husband at all; and, from being the exception, became ere long the rule, until the institution of *manus* became merely an obsolete recollection of the past. Thus anything like marriage seemed in danger of temporary suspension, for the old form was cast away, and no new and adequate institution was ready for adoption in the religion or the custom of the nation. Every legal result, therefore, of the fact of marriage, which consisted simply of the parties living together with the intention of regarding one another as husband and wife, with the exception of the father's power over the issue, had now to be anticipated in a contract. Everything had to be positively stipulated for, and beyond was the region of ordinary law. By the dotal contract the husband, if so he may be rightly called, acquired certain enjoyment of a part of his wife's property, and later on, by a corresponding institution called the *donatio ante* (or, subsequently, *propter*) *nuptias*, the wife acquired certain advantages in a portion of the property coming from the husband or his relatives. To this compact with regard to the property of the parties, no religious rites were superadded, nor were civil rites by any

means essential. A custom, however, apparently grew up of leading the wife to the house of her husband; but her delivery there was quite as effectual in the eyes of the law and custom if her husband were absent, the contract partaking, in this respect, of the nature of the contracts *re*, of deposit, loan, and pledge, rather than of the so-called consensual contracts of sale, hiring, partnership, or mandate. It could hardly be anticipated that such unions as then became common were of a very stable character. Gibbon, who will not be suspected of religious bias, puts the matter in the following words, at page 395 of his fifth volume: "When the Roman matrons became the equal and voluntary companions of their lords, a new jurisprudence was introduced, that marriage, like other partnerships, might be dissolved by the abdication of one of the associates. In three centuries of prosperity and corruption, this principle was enlarged to frequent practice and pernicious abuse. Passion, interest, or caprice suggested daily motives for the dissolution of marriage; a word, a sign, a message, a letter, the mandate of a freedman, declared the separation; the most tender of human connections was degraded to a transient society of profit or pleasure. According to the various conditions of life, both sexes alternately felt the disgrace and injury: an inconstant spouse transferred her wealth to a new family, abandoning a numerous, perhaps a spurious, progeny to the paternal authority and care of her late husband; a beautiful virgin might be dismissed to the world, old, indigent, and friendless; but the reluctance of the Romans, when they were pressed to marriage by Augustus, sufficiently marks that the prevailing institutions were least favourable to the

males. A specious theory is confuted by this free and perfect experiment, which demonstrates that the liberty of divorce does not contribute to happiness and virtue. The facility of separation would destroy all mutual confidence, and inflame every trifling dispute: the minute difference between a husband and a stranger, which might so easily be removed, might still more easily be forgotten; and the matron, who in five years can submit to the embraces of eight husbands, must cease to reverence the chastity of her own person." In a note, this author quotes the words of Juvenal (*Satir.* vi., 20),

"Sic fiunt octo mariti
Quinque per autumnos,"

and adds, "A rapid succession, which may yet be credible, as well as the non consulum numero, sed maritorum annos suos computant, of Seneca (*De Beneficiis*, iii., 16). Jerom saw at Rome a triumphant husband bury his twenty-first wife, who had interred twenty-two of his less sturdy predecessors (*Opp.*, tom. i., p. 90, 'ad Gerontiam')." "Insufficient steps," he adds, "followed the rapid progress of the evil. . . . Augustus, who united the powers of both magistrates (that is to say, the censor and the prætor), adopted their different modes of repressing or chastising the license of divorce. The presence of seven Roman witnesses was required for the validity of this solemn and deliberate act: if any adequate provocation had been given by the husband, instead of the delay of two years (that is, for the recovery by his wife of her marriage portion), he was compelled to refund immediately, or in the space of six months: but if he could arraign the manners of his wife, her guilt or levity was expiated by the loss of the sixth or eighth part of

her marriage portion. The Christian princes were the first who specified the just causes of a private divorce; their institutions, from Constantine to Justinian, appear to fluctuate between the custom of the empire and the wishes of the church, and the author of the "Novels" (*i.e.*, Justinian) too frequently reforms the jurisprudence of the Code and Pandects (which also had previously been compiled by the authority of Justinian). . . . The successor of Justinian yielded to the prayers of his unhappy subjects, and restored the liberty of divorce by mutual consent: the civilians were unanimous, the theologians were divided."

At page 399 of the same volume we find a brief record of what has been above suggested as the effect of a marriage law which is unfavourable to men. "A concubine, in the strict sense of the civilians, was a woman of servile or plebeian extraction, the sole and faithful companion of a Roman citizen who continued in a state of celibacy. Her modest station, below the honours of a wife, above the infamy of a prostitute, was acknowledged and approved by the laws: from the age of Augustus to the tenth century, the use of this secondary marriage prevailed both in the West and the East, and the humble virtues of a concubine were often preferred to the pomp and insolence of a noble matron. In this connection, the two Antonines, the best of princes and of men, enjoyed the comforts of domestic love: the example was imitated by many citizens impatient of celibacy, but regardful of their families. If at any time they desired to legitimate their natural children, the conversion was instantly performed by the celebration of their nuptials with a partner whose fruitfulness and fidelity they had already tried." Thus do we see the degrading means.

by which men escaped from the injustice, or, as our opponents would perhaps rather call it, the justice of the marriage law of Rome. I am not concerned here to labour the point of the abstract merits of that law; my object is to convey clearly the simple truth, that though women may marry, however harsh towards them the law may be, men, if the law be such as to discourage them, will take the easy course of avoiding it by keeping themselves outside of the range of its operation.

Again, Mommsen, as we find at the 432nd page of Vol. II. of Dickson's translation of his history, speaking of the revolution which the degenerate Hellenism of the sixth century of the existence of Rome accomplished in the modes of life and thought among the Romans, uses the following expressions. "Celibacy—as to which grave complaints were made as early as 520 (A.U.C.)—and divorces naturally increased in proportion [*i.e.*, to the amount of the immorality described by him]. Horrible crimes were perpetrated in the bosom of families of the highest rank; for instance, the Consul Gaius Calpurnius Piso was poisoned by his wife and his step-son, in order to occasion a supplementary election to the consulship and so to procure the supreme magistracy for the latter—a plot which was successful (574). Moreover the emancipation of women began. . . . Now women began to aspire to independence in respect to property; and, getting quit of the guardianship of their *agnati* by evasive lawyers' expedients—particularly through mock marriages—they took the management of their property into their own hands, or, in the event of being married, sought by means not much better to withdraw themselves from the marital power, which, under the strict letter of the law, was neces-

sary.* . . . In like manner the family jurisdiction over women, which was connected with that marital and tutorial power, became practically more and more antiquated. Even in public matters women already began to have a will of their own and occasionally, as Cato thought, 'to rule the rulers of the world;' their influence might be traced in the *comitia*, and already statues were erected in the provinces to Roman ladies. Luxury prevailed more and more in dress, ornaments, and furniture, in buildings and at table. Especially after the expedition to Asia Minor in 564 Asiatico-Hellenic luxury, such as prevailed at Ephesus and Alexandria, transferred its empty refinement and its petty trifling, destructive alike of money, time, and pleasure, to Rome. Here too women took the lead." Again, he speaks of the time of Julius Cæsar as follows (vol. iv., p. 546): "An equally characteristic feature in the brilliant decay of this period was the emancipation of women. . . . It was not merely from the economic guardianship of father or husband that women felt themselves emancipated. Love intrigues of all sorts were constantly in progress. . . . Liaisons in the first houses had become so frequent, that only a scandal altogether exceptional could make them the subject of special talk; a judicial interference seemed now almost ridiculous. An unparalleled scandal, such as Publius Clodius produced in 693 at the women's festival in the house of the Pontifex Maximus, although a thousand times worse than the

* I think it would be more correct to say that women avoided falling under the marital power. In other words, they refused to pass into the *manus* of their husbands by joining either in a *confarreatio* or *coemptio*, or remaining for any entire year in his possession, which were the only three ways in which the marital power arose.

occurrences which fifty years before had led to a series of capital sentences, passed almost without investigation and wholly without punishment. The watering-place season—in April, when political business was suspended and the world of quality congregated in Baiae and Puteoli—derived its chief charm from the relations, licit and illicit which, along with music and song and elegant breakfasts on board or on shore, enlivened the gondola voyages. There the ladies held absolute sway; but they were by no means content with this domain which rightfully belonged to them; they also acted as politicians, appeared in party conferences, and took part with their money and their intrigues in the wild coterie-proceedings of the time. Any one who beheld these female statesmen performing upon the stage of Scipio and Cato and saw at their side the young fop—as with smooth chin, delicate voice, and mincing gait, with head-dress and neckerchiefs, frilled robe, and women's sandals, he copied the loose courtesan—might well have a horror of the unnatural world, in which the sexes seemed as though they wished to change parts. . . . Celibacy and childlessness became more and more common, especially among the upper classes. While among these marriage had for long been regarded as a burden which people took upon them at the best in the public interest, we now encounter even in Cato and those who shared Cato's sentiments the maxim to which Polybius a century before traced the decay of Hellas, that it is the duty of a citizen to keep great wealth together and therefore not to beget too many children. Where were the times, when the designation "children-producer" (*proletarius*) had been a term of honour for the Roman? In consequence of

such a social condition the Latin stock in Italy underwent an alarming diminution, and its fair provinces were overspread partly by parasitic immigrants, partly by sheer desolation." I may well add one more extract from page 605 of the same volume: "The female world also took a lively part in these literary pursuits; the ladies did not confine themselves to dancing and music, but by their spirit and wit ruled conversation and talked excellently on Greek and Latin literature."

In connection with the foregoing, it may be well to observe that of the forms of power kindred to that of the husband in early times, the *patria potestas*, or paternal power, and the *dominica potestas*, or power of the master over his slave, continued to exist down to the last days of Roman greatness, subject only to very moderate modifications, introduced at a comparatively late period; all of legal importance, in fact, having been introduced by the Emperors.

Now I venture to think that the historical evidence above furnished is very strong in support of the propositions which I have laid down. We see that where the marriage laws were practically similar in their operation upon each sex, men were slow to marry, and took refuge from an unattractive condition in concubinage. We see, moreover, that marriage was necessarily regarded as easily dissolved, and the liberty of divorce was abused with disgusting generality. Nor do we fail to notice the natural lowering of general morals, consequent upon this state of affairs. With the so-called emancipation of women we meet the collapse of high-toned morality, the loss of the characteristic manliness of the free Roman people, and their degradation to a luxurious and corrupt servitude under a

series of infamous Emperors. There is little that is really glorious and permanently progressive in the history of the Roman people after the attempted equalisation of the sexes in matrimony.

I would further call the attention of the reader to the fact that I am not merely referring to the history of one among many similar States. In citing Roman experience, fall back upon the history of the only State which can be compared with our own, which was the great and all-influencing race of antiquity in Europe, as ours has been in a vast portion of the modern world. Indeed, the laws which have been cited from the records of Rome form part of the one legal system which has practically given law to almost all parts of the civilised world of to-day, except those which have been supplied from the fountains of English law itself.

The force of the teaching under consideration will hardly be exaggerated. My present contention is in the nature of the answer given by a character in a fictitious anecdote, to one who asked him how it was he knew that "honesty was the better policy than its opposite." "Because," said he, "I have tried both." So I maintain the world has tried both the system of the inequality of the sexes in marriage and the system of approximate legal equality, and that it has reason for concluding that the first is the only system under which a nation can develop and maintain her full energies, and be permanently prosperous and progressive.

The Common Law of England, like the *jus civile* of ancient Rome, may have been very much too unfavourable to the wife. The reaction against the latter was, as we have seen, violent and disastrous. Modification and amelioration were

not attempted, or, if attempted, did not succeed; but emancipation from a bad *régime* was childishly sought in the freedom of anarchy. We, in England, are now in the midst of the reactionary period. Shall we complete the Roman process in this respect, and, consequently, assume the rôle of a State whose sun has set, and whose nocturnal darkness having once begun, will never see the dawn of day again? Or shall we not rather be content with rational, moderate, and abiding reform?

In order, however, that we may leave no important feature of our subject unconsidered, let us assume that there would be no very grievous wrong in the equalisation of the sexes, and that, when this was effected, marriage would still be an institution generally prevalent among the race. Is there then, even on this assumption, anything that can be seriously urged against a general headship on the part of the husband, limited by well-defined legal restraints upon its arbitrary exercise?

Our opponents seem to create a considerable amount of confusion, and, consequently, to work great mischief, by abusing such a headship as if it were necessarily a tyranny, and by various other extravagant ways of describing the present condition of affairs. For instance, Mill makes use of such expressions as the following. "This dependence" [of the female sex] . . . "has not lost the taint of its brutal origin." "The possessors of the power have facilities in this case, greater than in any other, to prevent any uprising against it." "In the case of women, each individual of the subject class is in a chronic state of bribery and intimidation combined." "If ever any system of privilege and enforced subjection had its yoke tightly

riveted on the necks of those who are kept down by it, this has." "All men, except the most brutish, desire to have, in the woman most nearly connected with them, not a forced slave but a willing one, not a slave merely but a favourite. They have, therefore, put everything in practice to enslave their minds. The masters of all other slaves rely, for maintaining obedience, on fear; either fear of themselves, or religious fears. The masters of women wanted more than simple obedience, and they turned the whole force of education to effect their purpose." "What is now called the nature of women is an eminently artificial thing--the result of forced repression in some directions, unnatural stimulation in others. It may be asserted without scruple, that no other class of dependents have had their character so entirely distorted from its natural proportions by their relation with their masters." "The wife is the actual bondservant of her husband: no less so, as far as legal obligation goes, than slaves commonly so called." "I am far from pretending that wives are in general no better treated than slaves; but no slave is a slave to the same lengths, and in so full a sense of the word, as a wife is." "To those to whom nothing but servitude is allowed, the free choice of servitude is the only, though a most insufficient, alleviation. Its refusal completes the assimilation of the wife to the slave--and the slave under not the mildest form of slavery." "I have described the wife's legal position, not her actual treatment. . . . But the mitigations in practice, which are compatible with maintaining in full legal force this or any other kind of tyranny, instead of being any apology for despotism, only serve to prove what power human nature possesses of

reacting against the vilest institutions, and with what vitality the seeds of good as well as those of evil in human character diffuse and propagate themselves. Not a word can be said for despotism in the family which cannot be said for political despotism. Every absolute king does not sit at his window to enjoy the groans of his tortured subjects, nor strips them of their last rag and turns them out to shiver in the road. . . . If an appeal be made to the intense attachments which exist between wives and their husbands, exactly as much may be said of domestic slavery." "The law of servitude in marriage is a monstrous contradiction to all the principles of the modern world, and to all the experience through which those principles have been slowly and painfully worked out. . . . Marriage is the only actual bondage known to our law. There remain no legal slaves, except the mistress [*sic*] of every house."

I have avoided quoting references to laws which have been altered since the above expressions were published. It would seem that Mill would have thought the above opinions little less applicable to the present state of the law than they were before the passing of the Married Women's Property Acts and other recent statutes; for there is no limitation of his remarks to the case of property, nor, indeed, does he by any means appear to lay chief stress upon the rules relating to it. So far, however, as the condition of the wife has been improved, it would seem that there is less urgent need of further change, even from his point of view. But what of the value and accuracy of the method of regarding the position of the wife conveyed in the passages cited?

Tyranny! slavery! and these of the worst kind! Matrons of England, with your "at homes" and your receptions, your outward majesty and your ever-increasing tribute of respect, ushered by your husbands, flattered by your friends of the male sex, and envied by your sisters from China to Peru; ye oracles of the wisdom of the drawing-room, is it possible that you are living in a state of stupefaction or of sleep? How is it that, if the clear eye of the logician or the socialist had not discerned it, the vast majority of your sex had never even dreamt of this degrading and life-wearing slavery? Well, indeed, may such disturbers of your peace, with the excited ardour of true discoverers, bid you "awake, arise, or be for ever fallen." Alas! such has been the ignorance of most of us, if we are to accept the view of the eminent Mill, that, whether we have reflected upon our matron relatives or friends, or have observed the demeanour of the "better halves" whom we have encountered in the course of our general experience, whether it has been amid the stately artificialities of the well-to-do, or in the narrow and overcrowded alleys where the poor are found, and where for every bully who is abusing his wife there not unlikely issues forth the sound of several shrill syrens of the gentler sex passing free comments on their sturdier spouses—wherever indeed observation has been made or imagination allowed to roam—this alleged prevalent state of slavery has not only been unmarked, but even unsuspected. If we are to believe that there is any element of truth in the observation of Mr. Bumble, that "the law is a ass—a idiot," and, indeed, "a bachelor," when it supposes that the wife acts under the direction of her husband, what must be our opinion of that

philosophy which tells us that the man is a tyrant and the woman is a slave? Surely we must feel that we are presented with the results of that marvellous intellectual power which can give "to airy nothing a local habitation and a name." One would have thought, and surely with strong *prima facie* reason, that, were marriage really the worst form of slavery, the bewitching blushes of maidens would have been rather indicative of alarm than, as is so often supposed to be the case, of gratified modesty; that their accomplishments would have been less adapted to fascinate and charm, their dress and adornments less captivating, and their conquests vastly less numerous—nay more, one might have well thought that they alone would have had need to be on their guard against being drawn into the matrimonial state, by too unwary taking of the baits which are set to allure the unsuspecting heart of ardent youth.

But let us seek for the vestige, or *scintilla* of truth, in these extraordinary announcements as to slavery in our midst. Probably, then, one or two men, in the course of the personal experience of each of us—speaking for a moment of the upper and middle classes only—have, more or less, cruelly domineered over their respective wives. But what are the further probabilities? One of the wives in question, perhaps, released herself by a separation, and the other was emancipated with a good term of life before her, by the apoplectic termination of her husband's mortal career. Among the lower classes, no doubt, bad cases of the kind are more numerous. Perhaps one wife in every thickly populated street is habitually kicked and cursed. I yield to no one in my pity for such an one, unless she has provoked this savage treatment by a habit of unwomanly nagging,

unmatronly slovenliness, intemperance, or neglect. But why does she stay, since by the 4th section of the 41 Vict., c. 19, if a husband is convicted of an aggravated assault on his wife, the Court or magistrate before whom he is convicted, may order that she be no longer bound to live with him, and such order has the effect of a decree for judicial separation. If, indeed, there be any unnecessary difficulties in obtaining such an order, by all means let them be satisfactorily removed. Let no one have to live in dread of extreme personal violence, or, indeed, of any severities exceeding a reasonable limit. But some may say, that by doing as I suggest, the woman would lose her home and her support. Yet, if the treatment be excessively bad and cruel, the house where she experiences it can hardly be aptly described as her home, and the ruffian who is continually knocking her down, is hardly felicitously referred to as her support. By the above-mentioned Act, moreover, in the circumstances described, the Court or magistrate may order the husband to pay weekly alimony to his wife. In addition to the exaction of this periodical payment from her husband, she has her own efforts to rely upon; and if both of these sources of income fail her and the children, whom she may have to consider, she can look to her relations or her friends, if she has any, just as if any other pecuniary calamity had befallen her. If, however, all these fall short of furnishing her with means of support, the State either does, or it is submitted ought to, provide her with a tolerably comfortable abode, while it temporarily lodges her spouse, according to the degree of his failings, under circumstances of a considerably less agreeable character.

But we must not overlook this fact. After all that can be

said upon such cases as above described, not only do they remain comparatively rare exceptions, but they seem totally irrelevant to the case we are discussing. For they are outside the region of law, being already illegal outrages. Neither the matrimonial law of the present or of the future can be considered as capable of regulating them, for they are subjects of a different portion of the *corpus juris*, to wit, the criminal department. How then will the legal equalisation of the sexes affect this matter? Murder, robbery, and theft are forbidden under heavy penalties, but they are of frequent occurrence. Kicking a wife is forbidden, but it is still occasionally resorted to. And inasmuch as men kill, rob, and steal from their equals, how can we say that they would cease to kick their equals? Abnormal deviations from the standard of right conduct, owing to drunkenness, debauchery, and so forth, will still occur as incident to the condition of our race.

Even, however, if we consider the cases of cruelty of husbands towards their wives which are not forbidden by the law, still we are able, not only to characterise them as exceptions, but to put them outside the orbit of the effect of the present law, by pointing to what Mill calls the "counter-tyranny" of the wife. Who is so inexperienced as not to have observed a number of cases in which the husband is habitually crushed, and wearied, and tormented by either a fierce, a wilful, or an otherwise unpleasant woman, who has acquired an ascendancy over him. Perhaps I may do well to ask whether the cases of ill-treatment of husbands by wives are not, after all, almost as numerous as the cases of the opposite class. But whether this be so or not, the undoubted fact of their by no means extremely rare

existence would seem to demonstrate that the law which does not render them impracticable can hardly be the cause of the existence of cases of the opposite class. Are we then to turn the happy homes of England upside down because theorists are wont to generalise from a comparatively few exceptional cases of any kind? Surely such a course is uncalled for, and would be unwise. Unless it can be shown that the average English wife is a slave, but little force remains in the general assertion that *a wife is a slave*; and unless, further, the slavery, if it exist, can be traced to the provisions of the law, all arguments based upon the assertion of its existence which are directed towards a legal change must fall hopelessly to the ground.

But what can really be urged in favour of the extraordinary process of abstraction by which the conclusions of Mill are arrived at? Religion, morality, custom, the restraints of affection, and a regard for decency and the opinion of others, as well as the restraint of law, must all be thrown aside to gratify the clear discernment of our logician. Where, then, is the practical value of such a process? If every law ought to be adapted to the customs of a people, what of a law which should be enacted on assumptions so glaringly at variance with fact as those which have been stated? For in spite of the modification introduced in the extracts I have made, the arguments of Mill seem based upon the broad assertion of the actual slavery of wives. In considering, indeed, an English institution, we must remember that we are dealing with a country where the general teaching of Christianity, whether believed in as a religion or not, by the particular individual whose conduct may be in question, is, as an indisputable fact,

largely acted upon, even where not expressly recognised, and where this teaching, has, as it were, permeated the very fibres of national feeling. Moreover, though it cannot be treated as distinct, there is a highly civilised and humane morality and public opinion to be taken into consideration. And, in dealing with married life, it were absurd to forget that, as a matter of common observation and knowledge, the large majority of men—I say nothing in this place as to women—do, as a fact, speak kindly to, and of, and feel delicately towards, their wives, with whom their lives are largely spent, and with whose destinies their own are gladly linked. Let us guard against the danger, particularly great in the case of those whose ordinary life or education precludes them from a habit of contemplation and study at once far-reaching and minute, of forming a hasty and general conclusion from the observation of instances which, though exceptional, are very prominently before the eye.

I have now dealt with the most striking feature of the above extracts from the work of Mill. It remains for me to glance briefly at a few others.

It is apparently objected to the marriage relation as at present regulated that it is the “one case of a social relation grounded on force.” But though it should be admitted that the relation is so grounded, it does not follow that it is bad. The parental power over children is founded, in a similar way, and to a certain degree, on force, and is, moreover, the result, not of parental merit, but of the fact of birth; yet it is not capable of being denounced, in general terms, as bad and tyrannical. Government, again, is necessary; yet, in the most thorough democracy that has ever been attained to, it is grounded upon force—upon the power of the

majority. So far, indeed, from it following that government is bad, it is sufficiently clear that its existence constitutes the most marked difference between a European State and a tribe of savages. And why should the word "despotism" be used when speaking of the general principle of the case? All sovereign power, it is true, however wisely ordered and temperately administered, in the United States and in England, as well as in Russia or Turkey, is unrestricted by any legal limitation, and is in that sense capable of being termed, by a distorting use of the word, despotism. But the term is generally used to denote monarchical power *badly exercised*. It would, therefore, seem unfair to apply it to the marital power generally, considering the usually temperate method of its exercise. More than this, the husband's power is not, like that of a sovereign government, legally unrestrained. For it is at present, and in a civilised community always will be, subject to considerable limitation. How, then, can it, in any sense, be called a despotism, except by those who would "darken counsel by words without understanding"? The origin, too, of the marital power would seem little to the purpose. Assuming, which of course cannot be admitted by one who accepts the account of the early history of our race given in the Book of Genesis, that it had its origin in force, precisely the same must be said of other government; and just as the progress of the latter institution has been from bad government exercised by one, or a few, the majority of whose subjects had exercised no choice in the matter, to good government exercised by few or many, some of them being chosen by the people governed, the institution of government itself remaining unimpaired, so has the *régime* of a savage

husband, who seized or bought his wife without her own consent, been exchanged for the comparatively good *régime* of a husband chosen by his wife.

It may, however, not unlikely be said that, though it may be desirable that women should, as a rule, recognise the headship of their husbands, yet many men are clearly unfit for the position of the head of a family. We may be pointed to the injustice of subordinating an excellent and able woman to the dominion of a man of inferior disposition and ability, and who perhaps would gladly recognise her supremacy did the law allow him to do so. But the cardinal truth remains that we must look to the general rule. And as, further, men have to submit in the ordinary course of life to much that is not reasonable, considered by itself, so there is no peculiar hardship in the fact of many women having to submit to husbands who are inferior to them in point of moral and intellectual excellence. Such inconveniences are part of the common lot of our race. The patience of both sexes is tried throughout life by the necessity of submitting to many courses which are not approved, and to persons whose authority does not commend itself, considered alone, to their judgment. But a still more practical answer to the contention consists in the mention of a simple fact. The *influence* of superior women is a powerful instrument in righting the balance of power where it legally inclines to the less competent person. And, among other possible arguments in reference to this subject, may be well mentioned the discretion which pertains to the woman in choosing whether or not she will marry the man who invites her to do so.

Is there not, moreover, assumed in the sentences of Mill,

the existence of a combination of men against women which is a mere imagination in these days, and which I have above endeavoured to refute? I will not again examine the subject here, nor deal further with the phraseology which has been quoted, beyond observing that the comparison of the attachments of slaves to their masters to those of wives to their husbands, appears to point to a well-grounded conclusion that the mysterious love which exists between the sexes, and which is the foundation, and probably still a cardinal portion of the *rationale* of marriage, was outside, not only the personal experience, but the imaginative powers of the author of this comparison.

But, while taking into consideration the many particular cases of hardship which exist under the present law, it must surely be worthy of remark that, in spite of the gloomy pictures of women's lot which are presented to us, it is by no means clear that women are less happy than men, or that as a rule they pass their lives in a less congenial manner than is the case with men. Certainly their sorrows do not cause them to be shorter-lived than men; and perhaps the fact of the greater duration of their existence should be considered some evidence that their cares are rather less than those of men. I am aware of the many dangers to which men are exposed from which women are exempt, which, to a certain extent, diminishes the significance of the point; but, perhaps, this circumstance is in some degree counterbalanced by the general principle which might lead us to expect greater length of years in men, owing to the fact that they arrive more slowly at maturity than do women.

Nor should we overlook the fact that, owing to physical reasons, women are less fitted for the exercise of power than

men, even considering the matter merely from the point of view of their own advantage. Whether it is over a state or a family that it exists, power is necessarily accompanied by responsibilities and cares. And whom do we now find are the happiest of their sex, leading the most useful lives, and who will go down in the fulness of years to an honoured grave; whose children will rise up and call them blessed? I suggest that they are those who have no desire to dispute the headship of the family with their husbands. On the other hand, where we observe a woman head *de facto* of her husband and her children, ruling the family and ordering its concerns, is her power exercised with happiness, peace of mind, or contentment? Does it not usually appear that the burden of supreme command is unsuited to her nature and her powers? A woman may be, and is, happy as a subject, with a wise or moderately good head in her husband, but she has a chequered and harrassing career with herself as the head of her husband and family. Of course it is the rule which is here spoken of, to which there may exist numerous exceptions. But men are naturally adapted to be the repositories of power. The moderate scope for its exercise within the family does not, in the normal case, corrupt or spoil their characters and dispositions, nor, in its ordinary discharge, does it prematurely wear them out, at all events not so soon as is the case with the physically weaker sex. I appeal, therefore, in this case, as throughout my observations, on behalf of women themselves, as being quite as immediately concerned in the retention of marital supremacy as are men; indeed, so far as any difference in this respect exists, as still more interested than are men. The words of Frederick Denison Maurice seem peculiarly

appropriate in this connection, which he used in answer to a bride, who, at her wedding breakfast, exclaimed to him, "I call you, Doctor, to witness that I have no intention of obeying my husband." "Ah! madam," said he, "you little know the blessedness of obedience."

Probably it will be very extensively thought that Mill is rather inaccurate in dealing with the present influence of women in certain classes of society upon their husbands. "Whoever," he says, "has a wife and children has given hostages to Mrs. Grundy." May we not more correctly and fairly express the truth of the ordinary case by saying that "whoever has a wife and children has given pledges to the State for his good conduct?" But Mill adds: "So people are kept down in that mediocrity of respectability which is becoming a marked characteristic of modern times." It is submitted that the more potent and important effect of the family upon its head may be expressed, in far more euphemistic language, as an influence restraining him from deviations from morality and that social respectability which is one of the most glorious features of our national life. No doubt occasionally the conscientious bent of a man's inclinations may be diverted by the influence of his family, but probably in such cases the world of politics or public affairs sustains a merely trifling loss, for the true man will surely break free from attempted control of his conscientious public action, while he will be sweetly fettered in the former way as securely as if restrained by adamantine bonds.

Before quitting the consideration of the existing condition of the marriage relation, it should be clearly pointed out that, even according to Mill, in spite of the present law, the wife sometimes establishes a control over her husband.

“The wife’s power of being disagreeable,” says he, “generally only establishes a counter-tyranny, and makes victims in their turn chiefly of those husbands who are least inclined to be tyrants. . . . The wife frequently exercises even too much power over the man.” Thus it would seem that even under the proposed system cases of hardship will arise, and if even nowadays some women are able to tyrannise, surely the great probability is that many more would do so if the new ideas were established as law. If, indeed, there will be many cases under such a system of the outrageous assumption of a domineering authority by wives over their husbands, surely the cases of hardship on the part of wives which now exist can constitute not the slightest reason in favour of the proposed change.

To sum up. The present system does not give rise, in the course of its ordinary working, to marital tyranny. The man who is a tyrant now would not cease to be so on the legal equalisation of the sexes; but, so far as he escaped the operation of the criminal law, would be a tyrant still, owing to the means of tyranny inseparably incident to the strong-minded and robust man living habitually with a woman. On the other hand, the present system, by giving legal recognition to the headship of the husband, which is in reality part of an immutable condition of human nature, while it induces the wife to refrain from giving avoidable offence, influences the husband to abstain from unnecessary exercise of his power, by means of assuring him of its legal existence. His chivalry is successfully appealed to, and his power is diverted from selfish dictation into the channel of benevolent protection; and the woman, far from being injured by the legal recognition of her subordination, is in

practice benefited thereby. The inevitable natural ascendency of man is beneficently tempered by its absorption into the system of our law. Moreover, just as bad government in the State is better than no government at all, so the bad exercise of marital power is no argument in favour of attempting its abolition. Nor does its even frequently unwise exercise point to any hardship peculiar to women. So long as our race falls short of perfection, so long will men as well as women occasionally be subject to bad control of some kind or other. We may continually endeavour to minimise the evil which thence ensues, but we ought to do so without attacking the institution of government in the one case, and of headship in the other.

Let us glance briefly at Mill's ideas upon the married life of the future. "What marriage," he says, "may be in the case of two persons of cultivated faculties, identical in opinions and purposes, between whom there exists that best kind of equality, similarity of powers and capacities with reciprocal superiority in them—so that each can enjoy the luxury of looking up to the other, and can have alternately the pleasure of leading and of being led in the path of development—I will not attempt to describe. . . . I maintain, with the profoundest conviction, that this, and this only, is the ideal of marriage; and that all opinions, customs, and institutions which favour any other notion of it, or turn the conceptions and aspirations connected with it into any other direction, by whatever pretences they may be coloured, are relics of primitive barbarism."

Probably the luxury of looking up to one another is at the present day enjoyed by the parties to most marriages which can be called happy. It does not seem to me that

we need alter our institutions to obtain thus much of the ideal of marriage. Ordinary life teems with examples of the respect of husbands for their wives, and the appreciation for, and almost final importance which they attach to, the opinions of their wives in matters which they consider within their province. And, apart from an altogether independent improvement of the race, can we really hope for more reciprocity of veneration or respect than exists at present? Identity in opinions and purposes seems, indeed, an exaggerated conception. If marriage were a condition into which only two in every thousand of the population were to enter, we might encourage the desire of an approach on their part to such identity. But if, as I submit is the case, marriage ought to be the condition of almost every one, to look for such identity seems wholly disconsonant with sober judgment.

While acknowledging, however, that it would be extreme folly to suppose that differences of feeling and inclination between the sexes only exist because women are brought up differently from men, and that there would not be differences of taste under any imaginable circumstances, Mill tells us that "there is nothing beyond the mark in saying that the distinction in bringing-up immensely aggravates those differences, and renders them wholly inevitable." He considers that the "totally different bringing-up" of the two sexes makes it next to an impossibility to form a really well-assorted union. "Were this remedied, whatever differences there might still be in individual tastes, there would at least be, as a general rule, complete unity and unanimity as to the great objects of life." But is not much attributed to the effect of education in this view which would more

properly be ascribed to nature? For we find in common experience that, far from brothers who have been similarly brought up having complete unity and unanimity as to the great objects of life, their tastes and opinions are often so radically different that intimate association is impracticable. And it is to be remembered that the contention of Mill is that there does not appear sufficient reason for assuming that there is very much difference between the two sexes generally. But, further, do we not also know that it is at least as common to find a brother and sister living happily together, as two brothers or two sisters? If this be so, the inference would seem to be that difference of bringing-up in the case of the two sexes, so far from rendering intimate association impracticable, renders it interesting and agreeable, provided, of course, the difference be not greater than such as we now contemplate in this respect.

Indeed, one can hardly believe that Mill had anything approaching to a correct conception of what marriage ordinarily is, or of the nature of that mysterious attraction which probably leads to the majority of marriages. This consideration seems to me to be of great practical importance, and to indicate the danger of placing great confidence in the theoretical view of the matter which he places before us. Men do not now, and, as far as there is any ground upon which to form an opinion on the subject, we are justified in saying they probably never will, as a rule, enter upon the marriage relation as the result primarily of a deliberate scrutiny of the intellectual and general moral endowments of particular women, independently of an inexplicable fascination which is exercised over them, and which renders the critical faculties to a large extent

blunted and dulled. To omit from our consideration of the subject of marriage the element of love—or passion, or whatever it may be called, which most men and women experience, but which they cannot adequately describe to those who do not—seems as unphilosophical as it would be to omit the subject of the heart in a treatise upon human physiology.

We must remember, in considering the new ideas upon marriage, the admission that “there are, no doubt, women, as there are men, whom equality of consideration will not satisfy; with whom there is no peace while any will or wish is regarded but their own. Such persons are a proper subject for the law of divorce.” This is really the necessary keystone of the whole fabric of our opponents. Without it, as it has been attempted to show above, it is clearly incapable of standing. But the important point to observe in this connection is, that the great advantage of the present system consists in the fact that, while the headship of the husband does no harm where both parties are of excellent disposition, it provides a *modus vivendi* where the case is otherwise, and their views and inclinations conflict. It renders permanent marriage possible. Without it, as it is easy to see, and as appears almost to be indicated in the passage last cited, marriage must be easily dissoluble. And if this be so, as I have said above, even if men would enter upon the new kind of marriage, the duration of marriages in England, as was the case in Rome, would be not unlikely extremely uncertain, and very frequently extremely short. We are, therefore, brought back to the dilemma above-mentioned. If marriage be made legally equal in respect of both parties, either it must be easily capable of dissolution,

which in itself is an immense evil, or men would avoid entering upon it, which is also an equal or greater evil.

In connection with this branch of the subject I pass to the consideration of the following expression of Mill: "Men," he says, "are not required, as a preliminary to the marriage ceremony, to prove by testimonials that they are fit to be trusted with the exercise of absolute power." Now it is quite clear, as I have before indicated, that *absolute* power on the part of men does not now exist. What power they have is limited by law. But is the rest of the assertion well founded in fact? It will hardly be disputed that a man who wishes to marry has ordinarily to prove to the satisfaction of at least two people, namely, the woman whom he wishes to be his wife, and her father, mother, or other protector, that he is likely to prove a desirable husband. At all events, such satisfaction on the part of one person is necessary in all but exceptional cases. Moreover, this proof is not of the shadowy character of the mere production of testimonials, but consists of conduct and language, in which it is very difficult to consistently dissimulate. We must remember that the amplest freedom in practice exists on the part of the woman to break off even the engagement to marry up to the last moment before the actual marriage, seeing the slight probability, however capricious the ground of her conduct, that a jury will mulct her in damages for so doing. If entire practical freedom in this matter does not exist—if any impediment be thrown by law or custom in the way of the free exercise of her discretion in this respect—by all means let such alterations be made as are necessary to secure such freedom on her part. The interval between the first acquaintance of the parties and their marriage is clearly, in

every sense of the words, a period of probation, the possible severity of which might perhaps be correctly termed unrivalled. For intimacy exists, restraints are thrown off in unguarded moments, patience and good-nature are tested; and if the man is not known fairly well before marriage, he is an exceptional character who will probably defy legislative efforts in the direction of the regulation of the marriage state, and whom it would be therefore unsafe to adopt as the *norma* upon which to shape our schemes of legislative reform. I am aware that it is said that very soon after marriage a little friction is caused by the wife's observation of the diminished gallantry of her spouse. This is, however, nothing to the point. I have been speaking of the opportunity of gauging the general character of the man. The maiden who imagines that the foolish compliments and eager anticipations of her slightest wish, which she receives from the infatuated lover, will continue when he has settled down into a sensible citizen, is sadly deficient in womanly good sense.

Of course one very large feature of my subject is the question whether the general recognition of women "as the equals of men in all that belongs to citizenship—the opening to them of all honourable employments, and of the training and education which qualifies for those employments"—is desirable. But, from my point of view, this is a subordinate matter, and apart from the two great principles for which I am contending—first, that the Parliamentary Franchise ought never to be extended to women, and, secondly, that the subordination of the wife to the husband should be legally maintained. Though I should not contemplate with equanimity the complete

realisation of Mill's wish, as expressed in the above words, yet, acknowledging the probability that the condition of women, as well as that of men, will improve as civilisation advances, I by no means contend that no employment or occupation which is not at present open to women should ever, in the future, be opened to them. But it is submitted that every particular movement in the direction of increased scope for women should be considered upon its own merits, and that we ought not to leap to a general consummation of extreme contentions. While, therefore, not considering it consistent with the general objects of this treatise to argue questions of detail as to what particular branches of activity should at once be opened to women, I will venture to suggest a few practical limitations to the theory of equality in this direction.

At the outset of our consideration of this subject, it should be borne in mind, that, whereas there is hardly any employment of very great importance except those incident to the position of the wife and the mother, which cannot be as well, or nearly as well, carried on by men as by women, women are the only people who are competent to be wives and mothers. Rather, therefore, than divert the necessary supply from the discharge of the pre-eminently necessary functions incident to such positions, we may well incur considerable risk of occasionally shutting out women who would be neither mothers nor wives from employments in which they would personally be useful. Neither our law nor our custom should point women away from marriage, and marriage under the conditions which have been indicated as proper, since the prevalence of marriages is far more important to the race than the

performance by women of functions which can be sufficiently well discharged by men. No doubt we have to consider the cases of those women who constitute the excess in number of their sex over males. But this class must continually diminish with the disuse of war and the diminution of the dangers incident to many now frequently destructive employments, consequent upon the progress of civilisation and science. The true means, I take it, of finding employment for women is to render marriage both easy and advantageous to men. For the rest, there are obviously several remunerative duties, which need not be specified, which women discharge even better, or, at all events, with more apparent appropriateness than men, and possibly there are some which the average woman discharges neither better nor worse than the average man. It is for each generation to settle the question as to which employments these are in its own way. But there will remain the abnormal woman, not content to be the helpmeet and complement of one man, and not content with the employments which her sex generally perform as well as, or better than, men. Such an one may well have no unnecessary restriction thrown in the way of the development of her powers, provided proper care be taken by the framers of our laws and the leaders of our customs that no undue temptation be placed in the way of ordinary women to relinquish the path for which they are best adapted.

Mill apparently thinks that if marriage continue unequal and other honourable avocations be opened to women, they will not marry. This, however, I very much doubt, because, amongst many reasons, women are probably sufficiently shrewd to see that the so-called inequality of marriage, as against themselves, is amply compensated for by the con-

siderably greater, or rather more urgently required, advantages which they derive therefrom than men.

But we must not be led away by the fact that it may be desirable to open up certain employments, and to give certain kinds of education, to women, which are now forbidden to them, to suppose that it is well or possible, to acknowledge the absolute equality of the sexes, even apart from the question of marriage. For whatever conclusion we may reach as to the comparative strength of mind of men and women, it is beyond any doubt that at present, and certainly for a very long time it will remain so, the inferiority of women in respect of physical strength cannot be disputed. This difference between the sexes must be accompanied by a difference in the capacity for the exercise, not only of manual functions, but of duties requiring mental effort, for in these there is involved exertion, which is really physical, and the capacity for which is dependent upon bodily strength. We ought, therefore, to avoid any appearance of encouraging the unsexing of women by their general entry into open competition with men. For the inevitable result of such a course would seem to be, primarily, the complete demonstration, in a manner heretofore almost entirely unknown, of the actual general inferiority of women, either considered as wealth-making machines, or in respect of any matter of general competition, by reason of their inferior bodily strength, if for no other reason. No longer would a woman be recognised as a different creature of a lovelier order than man, to be honoured and admired by him as the weaker vessel, replete with tender and unselfish thoughts, but she would tend to rank as an inferior being of the same kind as man—a female man, and consequently an

inferior sort of man. As a woman, it is evident that no woman need be ashamed of her difference from man, but, as an attempted rival in the arenas of life, she becomes dif-feminated in our minds, and her points of difference from man cease to be valuable, and become mere marks of lesser worth. There is ample room in the world, as everyone knows, for the woman as well as for the man, while one is the complement or completion of the other, but I suggest that the man who endeavours to effeminate himself into a woman, and the woman who attempts to reverse the process, will not only fail to become good specimens of their adopted sexes, but will be winnowed out by the practice of common life, as being neither marketable nor precious, neither retaining the virtues of one sex nor acquiring the advantages of the other.

Now, the benefits which are anticipated from the equalisation of the sexes are somewhat indefinite in their description, and fraught with the greatest uncertainty. Before it can be worth while to gauge them, it ought, perhaps, to be ascertained that they are reasonably likely to ensue. I have already said somewhat to throw doubt upon the sequence of many alleged advantages, but it may, nevertheless, be well to specially allude to some of those which are prominently treated by Mill.

He points us, then, to the advantage of having the most universal and pervading of all human relations regulated by justice instead of injustice. "The vast amount of this gain," he says, "to human nature, it is hardly possible, by any explanation or illustration, to place in a stronger light than it is placed by the bare statement, to anyone who attaches a moral meaning to words. All the selfish propensities, the self-worship, the unjust self-preference,

which exist among mankind, have their source and root in, and derive their principal nourishment from, the present constitution of the relation between men and women." We are then directed to the demoralising effects on a boy of his growing up to manhood in the belief that by the mere fact of being born a male he is by right the superior of all and every one of an entire half of the human race, including, probably, some whose real superiority to himself he has daily and hourly occasion to feel; and even if in his whole conduct habitually following a woman's guidance, still, if he is a fool, thinking that of course she is not, and cannot be, equal in ability and judgment to himself; and if he is not a fool, doing worse—seeing that she is superior to him, and believing that, notwithstanding her superiority, he is entitled to command and she is bound to obey. Here, as elsewhere, it is acknowledged by Mill that among the cultivated classes the evil is somewhat modified. But in amplifying his conclusions he says: "All that education and civilisation are doing to efface the influences on character of the law of force, and replace them by those of justice, remains merely on the surface, as long as the citadel of the enemy is not attacked. The principle of the modern movement in morals and politics, is that conduct, and conduct alone, entitles to respect: that not what men are, but what they do, constitutes their claim to deference; that, above all, merit, and not birth, is the only rightful claim to power and authority." "So long as the right of the strong to power over the weak rules in the very heart of society, the attempt to make the equal right of the weak the principle of its outward actions will always be an uphill struggle; for the law of justice, which is also that of Christianity, will

never get possession of men's inmost sentiments; they will be working against it, even when bending to it."

Now it was above attempted to show that it is not unjust for the man to enjoy the headship of the family, inasmuch as under any other system he would lose far more, and gain far less, by marriage than the woman. In order that the respective advantages of the marriage condition may as nearly approach equality as is possible, the marriage relation must invest the husband with a right to the obedience of the wife. It is useless for us to quarrel with the facts of nature. We may allege that they are not immutable; but while they continue such as they are, we must frame our laws in appreciation of their existence. No philosophy and no law can render woman, for many generations at all events, the full equal of man, because, if for no other reason whatever, she is physically less powerful than he, and she alone is habitually weighted with the various cares of indisputable maternity. This constitutes a cardinal truth for the legislator's remembrance, and it should be coupled with another. Man, having the advantage of being a more powerful wealth-producer than woman, it is possible to place the principal burden of hard work upon his shoulders, and to gain from his efforts the main necessities of individual and State existence. From the very fact of his greater capacity for hard work, he will generally find that a greater portion of such work falls to his share. It is, therefore, both from the point of view of personal superiority, and as being the harder worker, that men always will have superiority over women, and will always, as a rule, claim its recognition. Positive laws cannot upset this order, and by weighting women with legal rights depress the

balance in their favour. It can irritate men, and change their good feeling and forbearance towards women into contempt, and a disposition to exact whatever it is in their power to obtain, but it cannot, although theoretically supported by the supreme power of a great nation, defeat the inequality of power existing between the sexes which has its foundation in the nature of the human race. Human justice may be the creature of human law, but human nature is beyond the range of the creative power of that law, by which, though it may be distorted, its more cardinal features cannot be altered or destroyed.

In studying the passages which have been quoted, it would seem, if so it may be respectfully said, that we are face to face with the one underlying fallacy of the entire argument of Mill and his followers. It is apparently assumed that the political and social principles which apply between the citizens of a State, as such, can and ought to be applied within the narrow limits of the family circle. But law can never so fully regulate action within the family as without. Partnership, hiring and service, co-operation in companies, and all purely contractual relations, are subject to the complete control of the law. Marriage and paternity, on the other hand, are on an entirely different footing. The relation of husband and wife, and of father and child, existed long anterior to human law; they are natural, not artificial relationships; they may be regulated, but can never be completely ordered by positive human law. We cannot apply within the circle of the family those maxims which are of important truth concerning the general relations of mankind. Whether we rely upon the Scriptural records, or upon the researches of jurists, like the late Sir

Henry Maine, we find that the family has almost everywhere been the unit of the primitive national life of progressive races, or, in other words, that it is the "primary cell" from which society appears to have sprung. Enterprising speculators may endeavour to subvert this natural order to an undue degree, as did the authorities of Sparta and Crete; and intelligent legislation will always limit the flagrant excesses of any one of the members of the family towards another. Yet we must still regard the family as entirely different from a petty nation, or a mere contractual union of several equal citizens, and as still maintaining somewhat of its former character of a unit in the social system—of an *imperium in imperio*. True, as Maine has so ably pointed out, in the movement of progressive societies, the individual is steadily substituted for the family as the unit of which civil laws take account, and gradually the relations of persons formerly determined by *status* are becoming settled for themselves by contract. But this movement has its impassable limits. The law may deny the father the power of life and death over his child, but the power of moderate control cannot be safely withheld. And here, if nowhere else, the theories of equality break down. There is at least obviously one case in which men must be allowed to claim formal respect, and exercise control, apart from personal merit or voluntary submission. And if there is one case, why may there not be two? Indeed, the very existence of the one case forms the link which binds the parents in the irrevocable bond which renders the power of the one over the other inevitable in point of expediency. Whatever the law may say, the family, in quite a different sense from contract, is still, and must ever remain, the basis of all civilised society. And we must beware of

mistaking the true character of marriage—calling it a contract merely. It is such, simply, only in its inception, for it is “a contract by which one enters into a *status*,” and thus the old system of law is linked with the new. When marriage is called, and understood merely as, a contract, all manner of misconceptions ensue. It is, indeed, a word signifying two things: the one contractual, and the other a natural state—the act of marrying, and the condition of married people. Just as there is an entire difference between a contract for the sale and purchase of land, followed by conveyance, and the condition of being a landed proprietor, so there is a similar difference between the engagement to marry, followed by the marriage ceremony, on the one hand, and the consequent condition of a married person on the other. This condition, like that of the appropriators of the soil, existed before positive laws of men were framed, and it exists just as truly now, the main difference from its former state being that at present it is the consequence of a contract, and not of force or other involuntary inception. Over the contractual part of the matter law has ample dominion; but, as to the latter part, though it may studiously regulate it, law cannot absolutely engross it in its own forms and rules. Thus the family, consisting of husband, wife, and children, has, up to the present time, remained largely exempt from the sphere of the operation of law, and it will so continue as long as civilisation endures. And as the application of law to the family is limited in a manner quite different from the application of law to contractual and other relations of citizens generally, so are the philosophical principles of liberty in a large measure excluded from the hallowed precincts of the domestic hearth.

Returning briefly to the citations from the work of Mill, it is submitted that if it be acknowledged that the marital power, though very properly regulated and largely controlled by law, is still a fact of human nature which our legislation can never efface, it cannot be fairly contended that it necessarily leads to any balance of evil at all, much less to all the bad consequences suggested by Mill. Moreover, it must surely be clear to all that it is by no means a fact that stupid men consider themselves superior to more gifted women. We may well believe that the average man is superior to the average woman, and properly her head if united to her in marriage; while, at the same time, it would be impossible to deny that a particular woman is sometimes found who is not only superior to a particular man, but to the average man. But is it not generally observable in common experience that the husband is only too ready to acknowledge the superiority of his wife in cases where ordinary people might consider the matter doubtful? In practice he often allows the wife to lead; and she, if right-minded, endeavours to study his comfort and wishes, while inducing him without thwarting him, and habitually obeying his mandates without inconvenience to herself, as being, in fact, the result of her own suggestion. If he is not very stupid, or, in the language of Mill, not a fool, the case is *à fortiori* in favour of my contention.

Yet one more observation in this connection. What is meant by the equal right of the weak? Formerly, I take it, the phrase signified the equal right of all men, whether already in possession of power or not, and whether belonging to the wealthy, well armed, and educated classes, or to the poor, the defenceless, and the ignorant. A man was to be considered with

regard, not to his attainments or possessions, but to his capabilities. So far the phrase is the motto of sound Liberalism. But can we go further, and place power in the hands of those whose natural weakness cannot, in Bentham's language, support it? Can we say to the physically or intellectually weaker sex, "We will treat you as we have formerly treated classes physically and intellectually equal to the most favoured, so far as natural capacity goes, but depressed on account of poverty, exclusion from the Franchise, or other removable causes"? Manifestly the *rationale* of equality—of absolute equality—breaks down. We can so clothe the beggar with the robes of legal capacity as to make him potentially the prince, but we cannot alter the condition of our species so as to convert a woman into a man. We can throw around her the protection of the law from abuse of her position; we can chivalrously compensate her in private for any disadvantages of her sex; but we cannot alter her natural capabilities, and, therefore, we cannot judiciously thrust rights upon her which will weigh her down from a position of difference to one of demonstrated and patent inferiority, of neglect, of actual humiliation, and of misery. The law must so order the legal surroundings of marriage that the greater sacrifices which it necessarily entails upon the man in the ordinary case, shall be compensated by advantages of the relation apparently peculiar to himself, but, in reality and ultimately, for the benefit of both himself and his wife.

The general benefits anticipated from opening to women the same field of occupation, and the same prizes and encouragements as are open to other human beings, are hardly sufficiently important to my present object to justify me in occupying the attention of the reader by specific

reference to their description. Moreover, the mere perusal of this will probably suggest many objections which will considerably diminish, if not efface, its effect. But in this matter my contention is, as I have indicated, not that no occupation which is not now open to women should be opened, but that each particular case of suggested alteration should be considered and decided upon its own merits. If this be acknowledged, as it is submitted it clearly must be, at least in practice, it will be quite time enough to consider the suggested advantages of a proposed change when a specific agitation to obtain it has commenced. At present the question of opening all avocations to women is entirely outside the range of practical politics.

It may, however, be conveniently observed here that, in giving the nature of women free scope for its development, we shall not be under the necessity of rendering their position in marriage that of the equals of their husbands. Indeed, as I have endeavoured to show, we should never practically succeed in doing this, whatever laws we were to enact, or whatever intentions we were to form. But, in addition to this, we have to bear in mind the simple fact that the entire sum of the capabilities of a woman, taking into consideration bodily as well as mental power, being less than that of a man, by allowing their development we shall not place her in a position of equality to man. To even attempt the latter would necessarily involve far more than the permission of free natural development; we should be obliged to assist her efforts by conferring upon her legal advantages greatly superior to those of men. To render, even in appearance, the positions of the two sexes equal, we should have to add legal rights to the natural capacities of women over and

above the legal rights of men, or, which would practically be the same thing, to handicap men by the imposition of legal duties from which women were left free.

Now as the practical equalisation of the sexes in marriage may be seen to be impossible, it follows that the advantage which Mill expects from giving women an equal chance of ordinary employments with men, namely, the rendering the marriage relation just according to his view, cannot ensue. But not only for this reason will the contemplated advantage never be realised. For as the sum of men's abilities renders them more valuable in most employments than are women, and equally valuable in almost all, the full pressure upon men, compelling them to offer the advantages of equality to women as wives, which Mill anticipates, can never come into operation.

I must not omit to mention the second great advantage which Mill anticipates from the reception of the new ideas. It has already been partly considered in dealing with the influence of wives of the kind contemplated by him in the future, but its generality and full scope deserve specific notice. In his language, it is "the advantage of doubling the mass of mental faculties available for the higher service of humanity." Now this seems to me a singularly specious and misleading expression. We must remember that the main force of one person's mental energy cannot be bent in two entirely different directions at the same time. Is it then true that the utility of female intelligence is now practically *nil*, so that by making it equal in magnitude to that of men we can double the total utility of human intelligence as it now exists. By elaborately educating women, and by investing them with new powers, we may

change the form of their utility, but we cannot develop an entirely new kind of value except at the expense of some surrender of what we have hitherto enjoyed. Let us not be deceived by the consideration of statistics, and other prominent and easily stated facts, into imagining that the new forms of the utility of women which are anticipated by our opponents will, if realised, be in the nature of a pure gain to the race. There is something, not clearly defined, not recorded in secretarial reports, which, being lost, must be deducted from the gains. Maternal culture, and the influence of women, so sweetly undefined that it is hardly recognised as power—albeit of humanly unequalled might—must be lessened and impaired. We may easily underestimate the importance of this fact. It is a trite saying that every great man has had a clever or a good mother; and no doubt there is a general truth in this, which we may discover in the biographies of illustrious men, from Julius Cæsar downwards. But there is a humbler truth than this for our digestion, for it is sufficiently clear that the average steady-going Englishman has a great reverence for the memory and teaching of his mother. As, moreover, the average matron who is the mother of a family, is naturally interested in the maintenance of the cardinal principles of virtue by those around her, it can hardly be doubted that the glorious stability and *respectability* which are the backbone of our national character are very largely and vitally associated with the training and influence under consideration. I feel that it would be scarcely respectful to the intelligence of the reader to labour this point. But, to use a simple and childish phrase, which, however, is indisputably sound, “we cannot eat our cake and have it

too." If the intelligence and virtue of the best women of England is to be attracted by other calls than those of maternal duty, the latter must remain unanswered to a considerable extent, or, perhaps, to speak more correctly, be *pro tanto* non-existent. It is but too clear that the active man does not ordinarily train his children to the same extent as their mother does, or gain anything like the same amount of affection as she; not simply because a woman seems naturally a more lovable being than a man—though doubtless this is true to a certain extent, she being formed, as it were, as an object of the love of the man—but because from the nature of his other duties his opportunities in respect of these matters are fewer. But not only would the influence of the mother be lessened, and her offspring consequently less morally healthy, as well as less physically sound, for reasons as to which the evidence, medical and otherwise, is too strong and easily perceived to demand comment, under the contemplated system; the actual number of mothers must be fewer. For as the cares of the spouse and of maternity, even in the limited degree of the future, would be a fretting hindrance to the intellectual woman of its times, it would seem, were not nature happily against the consummation of the modern views, that the number of clever mothers would be small—the dolts, or less able of the sex, being relegated to the maternal position. Where, then, should we find our great men and women of the next generation, for it is well worthy of notice that even women themselves—emancipated to any conceivable degree—are, like men, equally dependent upon their mothers?

Keeping, however, closely to the immediate point, without

indulging in speculation as to the distant future, it would surely be very much to be regretted if, in our calculations and our reflections upon the present subject, we should, from any cause, inadequately estimate the present value of the influence of the mother. Let us, indeed, be careful how we disturb that mighty source of good, that human fountain-head of virtue. Let us hesitate to lay rash hands upon that sacred shrine. Is it not a truth which we must now acknowledge, that, so far as our experience goes, of every ten men who have been a blessing to their day and generation, nine have traced the foundation principles, which have been dearer to them than life itself, and incorruptible by fire, famine, pestilence, and the sword, and the remembrance of which the "witching voice" of temptation has never succeeded in obliterating, to that cherished authority from which, under God, their nascent consciences have first assimilated the simple formulas of right and wrong? If the bend of the sapling foreshows the inclination of the oak, surely that force which gently gives the former its direction must be that from which the latter takes its shape. I say nothing, of course, against free will in men, but who can possibly doubt the mighty influence on the character of the adult of her who first inclined his will from its own unaided course? Hers are the first words which fall upon his newly-opened ear; her God, her nation, and her home are always his at first. His mind is first enlightened by the rays which come from her; his heart is first enraptured by the good which she bestows. Let us avoid the foolish supposition that, because the adult man and his mother may be at issue upon almost every specific public question which comes prominently into their con-

versation, the former has derived but little of permanent value from the latter. For the highest influence consists in instilling the principles which are the foundation of a faith, and upon which integrity and intelligence are built. It is not in the application of a principle that its professors will in all cases necessarily, or even naturally, agree. Every Christian believes in the Golden Rule of the New Testament, and every Utilitarian in its politically formulated equivalent as enunciated by Bentham. Yet, do any two Christians, or any two Utilitarians, agree in the application of these principles? And if not, are these principles of little value? By no means. It is the mould of mind, the disposition of the heart, the foundation principles of worthy life, upon which subsequently acquired information and wisdom form the superstructure, which are of primary value and importance, and it is these which are owed so often to the influence and the teaching of the mother. It is these which contain in themselves the vital kernel of our happiness or woe, of our well-doing or the curses that we work. But if we change the sphere and habits of the mother, we must change the operation of that force which she now wields like "an angel's power" for good. Nay, more, would the mother, as conceived by Mill and his followers, be the woman to spend her time in the functions to which I have alluded, sublime though they may appear to some, contemptible, or servile, or undignified as they may appear to them? They would, forsooth, increase woman's influence and her capacity for good! But to do this they must increase the number of her children and the intimacy of her relation with her own. Let us, for the sake of all the good upon the earth, be very wary lest we

diminish the scope of that beneficent love, which there is but small reason to believe it is in the power of mortals to enlarge.

I do not intend to fully recapitulate the disadvantages of conceding the principle of the equality of the sexes in marriage. The subject is vast, and, indeed, so great is the connection between each branch of the subject with which I have been dealing that it is difficult to preserve a particular order in treating it, or to sharply distinguish the various arguments which may be adduced against the contemplated changes. As I have said, the equalisation of the sexes in marriage, which is the chief danger to which I point, is itself a probable consequence of the extension of the Franchise to women. Some of the more immediate consequences of the latter have been noticed above, as also the probable result of complete assimilation of the sexes in respect of their addiction to even mental pursuits. But the disadvantages of the equalisation of the sexes in marriage have been treated in the course of the main argument. The result, whatever it be, must be vast and indefinite; but I would so far repeat myself as to point to the following disasters. First in importance, in the not far distant future, there is the suggested practical cessation of marriages to contemplate, attended immediately and inevitably by unregulated relations between the sexes, the extinction of morality in its specific sense, and the immeasurable degradation of morality in its general sense. Nothing, indeed, but a confidence in religion could well enable any one who goes with me in the contemplation of the disuse of marriage, to shut out from his imaginative perspective a return to a state little better than one of barbarism. For without the prevalence of the institution

✓ of marriage there can be no true civilisation. But far more immediately in the future, we see the ruin of the domestic happiness which has so long been England's national glory, and the degradation of women to a state of servitude comprehensible by the ordinary mind, and not merely by that of the philosopher.

CONCLUSION.

I VENTURE to think that shadowy views of progress are apt to lead astray even those who are most accustomed to reflection. Grandiloquent phrases as to the future of the human race seem often to warp the independence of the mind, and to confine its freedom in a way no less dangerous than a bondage to antiquated dogma and prejudice. But, in truth, the static, no less than the dynamic, element in the genius of a nation, is essential to its permanent greatness. We are surely bound to cling to a fundamental principle of human relations, which has existed compatibly with order and stability, until we are moved to work for change by valid reasons, not founded upon mere speculation, but upon inference from existing facts. Probably in these days of all-pervading party rivalry, when one body of men are so often striving to be before another with reform, this truth cannot be too clearly and too often driven home to the minds of the electorate. Knowing from experience what vast improvements have been achieved through emancipation from ignorant and selfish prejudice and attention to the voice of reason, many men seem apt to form their opinions upon the assumption that they are bound to follow a notorious political leader who adopts a programme sufficiently

startling, and ornamented with sufficient reference to the capabilities of the human race in the future. Indeed, it is possible to work oneself up into such an excessive infatuation with the name, as distinguished from the substance and essence, of Liberty, as to almost begin to look upon the condition of the child as one of abnormal, and consequently improper, restriction upon freedom and natural development, and the authority of the father, or even of the mother, as a "citadel of the enemy of justice and equality."

We shall do well to bear in mind that a time comes in the history of most progressive nations when the desire for improvement becomes too much associated with the habit of unnecessary, or, at all events, too sudden and too violent change; when the spirit of the reformer is insufficiently tempered by a regard for the stability of the order which is embodied by the institutions which he attacks. How otherwise can we satisfactorily and completely account for the undeniable fact, that nations which have enjoyed a high state of prosperity during a condition of comparatively primitive ignorance and prejudiced conservatism, instead of maintaining their pristine greatness, after the desire for intelligent improvement has operated for some considerable time, have so often sunk into absolute decay, emaciated, as it were, by the feverish effort of continual restlessness for change, for which their organisms were not adequately prepared.

Of course, it is clear that a nation, like an individual, may perish through inertia, or through insufficient desire and capacity to adapt itself to the changing circumstances of its existence. But while bearing clearly in mind this truth, it is wholesome to remember that the progress of the world has not gone

on in an unbroken sequence. More than once the race has had, as it were, to begin almost over again. If it had been otherwise, it might have been found difficult to resist a proposal for change of any kind. It is, however, sufficiently obvious that some changes of opinion and law have not only been disastrous, but, as far as superficial appearances are considered, seem, to a large extent, to have operated in throwing the race back. I understand, for instance, that Egyptologists tell us that the nation of their study had, in the far distant past, arrived at a state of civilisation approaching in many respects that to which we have but comparatively recently attained. If, then, this people had progressed from a primitive state to the condition which is described to us, how is it that their onward march was stopped? It is submitted that it would be unsatisfactory to adopt, as a complete explanation, any merely physical or external cause. Assuming this to be so, we are driven to the supposition that either some change was not adopted which circumstances rendered necessary, or that some change was adopted which proved incompatible with stability and progress. As the bulk and functions of the State increase and alter, so, doubtless, must custom and law also change, if permanent progress is to be made by its people. But though this is true, it is equally indisputable that a nation flushed with triumphs over primitive ignorance, and the success of many bold enterprises in politics, may adopt laws or customs which are inconsistent with the continued vitality of its organism. I will not by any means presume to say that the latter was the case in the decline of Egypt. Nevertheless, in considering the case in question, or that of Greece or Rome, or any other great nation, we must

recognise the fact that it endured for a long period under certain laws and customs which were compatible with its development and strength. It may be that these—speaking of them in their fundamental characteristics—became utterly incompatible with further national energy. But it would seem equally probable, *prima facie*, that the actually ruinous mistake consisted of some undesirable and pernicious *change*. If this be so, or if there be any element whatever of truth in the suggestion, is it not replete with warning against an overweening confidence in theories which do not rest upon the foundation either of religion, or of any clearly apprehended experience, or of any well-approved principle, but which are mainly the outcome of scientific speculation? On one thing we may surely depend: whatever mistaken courses were entered upon by these nations, after intelligent consideration, were pointed out by their advocates as paths of progress, or of whatever was the verbal counterpart of the word progress in the days of their decline. My suggestion, therefore, is, that in considering demands for changes which practically deal with fundamental matters, and the consequences of which must necessarily be largely unforeseen, and the subject of simple speculation, however much such demands may be glossed over with the name of progress, it behoves us to exercise the utmost caution, lest we be enticed by a phantom of thought to an abyss from which we may never, as a nation, reascend.

I have now briefly indicated the desirability of careful and scrutinising consideration of the great question which has been discussed above, where it has been attempted to set forth cogent reasons against the adoption of the changes which are proposed. I might well appeal in aid of reason

to the sentiment of my countrymen in favour of the retention of the main features of that condition which has secured the innumerable charms and graces of the fair which are still so dear to men, and which must, in a considerable degree, vanish like the floral glory of a summer's growth before the withering blast of noisy rivalry, and the chilling influence of the indifference of manly hearts no longer warmed by sympathy and love. But I do not urge a selfish view, for it is to the highest good of women that I firmly point. It is, however, too late to return in this place to subjects which have been adverted to above.

Yet, in conclusion, let me ask my readers not to allow themselves to be led away by appeals to the gallant or weaker part of human nature, into a course pre-eminently dangerous, and the necessity of which is wholly unestablished. Let me caution them by reference to the examples of the great in every age and nation who have abdicated the dignity of manhood and subjugated intelligence to the charms and influence of women. Since the time of Adam, where manly wisdom has been put aside to please the weaker vessel, and the stronger has renounced his rights in gentle dalliance with the fair, has aught but disaster and decline ensued? Far be it from me to speak against the natural and due influence of women. I combat the subjugation of the mind of man, as distinguished from attention to the voice of reason, from whatever quarter it may come. And if the intellect of the wisest man of history was defeated and degraded by the wiles and blandishments of the other sex, we may be certain that there is need for us to be vigilant, when claims which are dignified by association with the rights of women are set forth for

our review. Rather than the Samson strength of Britain should be shorn in the lap of the Delilah, who courts us in the guise of polished dogmas and the reasoning of the age, let every honest man valiantly determine to encounter in his own career all the conceivable inconveniencies which are consequent upon the displeasure of the fair.

For, by the sacred name of Religion, by the light of reason, by the teaching of experience, and by common sense, I exhort my readers to think carefully and long, ere from fear, from uxoriousness, or from indifference, they cast away that crown of lordship which was placed upon the head of their ancestor by the decree of the Almighty Himself, which his descendants have never forfeited, and which has never been removed, and which, in the present day, as in the past, the imperative necessity of their position both justifies and explains. To intelligent Liberals, in particular, I say: You are deeply committed, it is true, to the cause of progress and reform, and "forward" is the watchword of your ranks. You are ever looking, as is right, into the future for your golden age, and I would by no means point you back. But if you would maintain your character as the tried and faithful servants of the nation, whose interests are very largely committed to your care; if you would be dissociated from the character of men having a desire for change which reason does not warrant nor necessity demand—it behoves you to remember that there are cases in the present, as in every other age, when to an invitation to pursue a path which the authorities you have been wont to revere, and which your intelligence, your patriotism, and the prudence tempering the courage of your manly zeal, pronounce improper, unnecessary, and unsafe, you have but one answer to make—but one answer

by which to stoutly stand—and that, an unconquerable “No” To the Conservatives of the kingdom it is strange to have to appeal in the matter of so extreme a change. Yet, let me say to such: If you have ever seriously believed in one tittle of the principles which you profess, now, if ever, is the time to show the value of the policy which you proclaim, and to save from the most utter contempt your very *raison d’être*, by clinging to the order of the past, amid the agitation for a fundamental change, by which all that has been good therein is threatened with subversion and decay.

Whatever, indeed, may be our general political bias, or our ordinary methods of investigation and decision, let us not refuse to listen to the warning voices of the past, or fail to calmly look into the long vista of the uncertain future. And until we can discover one nation which has attempted the equalisation of the sexes before the period of its visible decay; until we can discern one spark of illuminating experience to guide us on; or until one solid argument, based upon facts ascertained and substantial benefits to come, induces effort for this mighty change—let us not array ourselves, like puny Titans, against high Heaven’s decree, which conscience witnesses is just and reason declares to us is wise.

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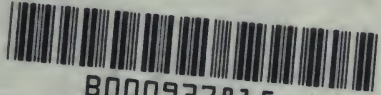
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