

GAGE MATILDA JOSLYN

WOMAN, CHURCH &
STATE

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Woman, Church & State The Original Exposé of Male Against the Female

Sex:

Содержание

Preface	4
Chapter One	6
Chapter Two	51
Chapter Three	125
Chapter Four	170
Конец ознакомительного фрагмента.	206

Matilda Joslyn Gage

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The Original Exposé of

Male Against the Female Sex

Preface

This work explains itself and is given to the world because it is needed. Tired of the obtuseness of Church and State; indignant at the injustice of both towards woman; at the wrongs inflicted upon one-half of humanity by the other half in the name of religion; finding appeal and argument alike met by the assertion that God designed the subjection of woman, and yet that her position had been higher under Christianity than ever before: Continually hearing these statements, and knowing them to be false, I refuted them in a slight *resume* of the subject at the annual convention of the National Woman Suffrage Association, Washington, D.C., 1878.

A wish to see that speech in print, having been expressed, it was allowed to appear in *The National Citizen*, a woman suffrage paper I then edited, and shortly afterwards in "The History of Woman Suffrage," of which I was also an editor. The kindly

reception given both in the United States and Europe to that meager chapter of forty pages confirmed my purpose of a fuller presentation of the subject in book form, and it now appears, the result of twenty years investigation, in a volume of over five hundred and fifty pages.

Read it; examine for yourselves; accept or reject from the proof offered, but do not allow the Church or the State to govern your thought or dictate your judgment.

Chapter One

The Matriarchate

Woman is told that her present position in society is entirely due to Christianity; that it is superior to that of her sex at any prior age of the world, Church and State both maintaining that she has ever been inferior and dependent, man superior and ruler. These assertions are made the basis of opposition to her demands for exact equality with man in all the relations of life, although they are not true either of the family, the church, or the state. Such assertions are due to non-acquaintance with the existing phase of historical knowledge, whose records the majority of mankind have neither time nor opportunity of investigating.

Christianity tended somewhat from its foundation to restrict the liberty woman enjoyed under the old civilizations. Knowing that the position of every human being keeps pace with the religion and civilization of his country, and that in many ancient nations woman possessed a much greater degree of respect and power than she has at the present age, this subject will be presented from a historical standpoint. If in so doing it helps to show man's unwarranted usurpation over woman's religious and civil rights, and the very great difference between true religion and theology, this book will not have been written in vain, as it will prove that the most grievous wrong ever inflicted upon

woman has been in the Christian teaching that she was not created equal with man, and the consequent denial of her rightful place in Church and State.

The last half century has shown great advance in historical knowledge; libraries and manuscripts long inaccessible have been opened to scholars, and the spirit of investigation has made known many secrets of the past, brought many hidden things to light. Buried cities have been explored and forced to reveal their secrets; lost modes of writing have been deciphered, and olden myths placed upon historic foundations. India is opening her stores of ancient literature; Egypt, so wise and so famous, of which it was anciently said: "If it does not find a man mad it leaves him mad," has revealed her secrets; hieroglyph-inscribed temples, obelisks and tombs have been interpreted; papyri buried 4,000 and more years in the folds of bandage-enveloped mummies have given their secrets to the world. The brick libraries of Assyria have been unearthed, and the lost civilization of Babylonia and Chaldea imparted to mankind. The strange Zuni have found an interpreter; the ancient Aztec language its Champollion, and the mysteries of even our western continent are becoming unveiled. Darkest Africa has opened to the light; the colossal images of Easter Island hint at their origin; while the new science of philology unfolds to us the history of peoples so completely lost that no other monument of their past remains. We are now informed as to the condition of early peoples, their laws, customs, habits, religion, comprising

order and rank in the state, the rules of descent, name, property, the circumstances of family life, the position of mother, father, children, their temples and priestly orders; all these have been investigated and a new historic basis has been discovered. Never has research been so thorough or long-lost knowledge so fully given to the world.

These records prove that woman had acquired great liberty under the old civilizations. A form of society existed at an early age known as the Matriarchate or Mother-rule. Under the Matriarchate, except as son and inferior, man was not recognized in either of these great institutions, family, state or church. A father and husband as such, had no place either in the social, political or religious scheme; woman was ruler in each. The primal priest on earth, she was also supreme as goddess in heaven. The earliest semblance of the family is traceable to the relationship of mother and child alone. Here the primal idea of the family had birth.¹ The child bore its mother's name, tracing its descent from her; her authority over it was regarded as in accord with nature; the father having no part in the family remained a wanderer. Long years elapsed before man, as husband and father, was held in esteem. The son, as child of his mother, ranked the father, the mother taking precedence over both the father and

¹ The first state of primitive man must have been the mere aggregation. The right of the mother was therefore most natural; upon the relationship of mother and child the remotest conception of the family was based. — *Wilkin*, p. 869.

the son.² Blood relationship through a common mother preceded that of descent through the father in the development of society.³ This priority of the mother touched not alone the family, but controlled the state and indicated the form of religion. Thus we see that during the Matriarchate, woman ruled; she was first in the family, the state, religion, the most ancient records showing that man's subjection to woman preceded by long ages that of woman to man. The tribe was united through the mother; social, political and religious life were all in harmony with the idea of woman as the first and highest power. The earliest phase of life being dependent upon her, she was recognized as the primal factor in every relation,⁴ man holding no place but that of dependent.

Every part of the world today gives evidence of the system; reminiscences of the Matriarchate everywhere abound. Livingstone found African tribes swearing by the mother and tracing descent through her. Marco Polo discovered similar

² Where a god and goddess are worshiped together they are not husband and wife, but mother and son. Neither does the god take pre-eminence, but the mother or goddess. This condition dates from the earliest days of society, when marriage in our sense of the word was unknown, and when kinship and inheritance were in the female line. The Babylonian Ishtur of the Izdobar legend is a deity of this type. — *W. Robertson Smith: Kinship in Ancient Arabia.*

³ Dr. Th. Achelis. — *Article on Ethnology: (The Open Court).*

⁴ In a country where she is the head of the family, where she decides the descent and inheritance of her children, both in regard to property and place in society in such a community, she certainly cannot be the servant of her husband, but at least must be his equal if not in many respects his superior. — *Wilkin.*

customs in his Asiatic voyages, and the same customs are extant among the Indians of our own continent. Bachofen⁵ and numerous investigators⁶ agree in the statement that in the earliest forms of society, the family, government, and religion, were all under woman's control; that in fact society started under woman's absolute authority and power.

The second step in family life took place when the father, dropping his own name, took that of his child. This old and wide-spread custom is still extant in many portions of the globe; the primitive peoples of Java, Australia and Madagascar are among those still continuing its practice.⁷ By this step the father allied himself to both mother and child, although still holding an inferior position to both. The Matriarchal family was now fully established, descent still running in the female line. Thus, as has been expressed, we find that woman's liberty did not begin today nor under modern religions or forms or government, but that she was in reality the founder of civilization, and that in the most remote times woman enjoyed superiority of rights in all the institutions of life.⁸ And yet so difficult is it to break away from

⁵ *Motherright*.

⁶ Lubbock. —*Pre-Historic Times and Origin of Civilization*. Wilkin.

⁷ Among many people the father at birth of a child, especially a son, loses his name and takes the one his child gets. Taylor —*Primitive Culture*. Also see Wilkin.

⁸ "Thus we see that woman's liberty did not begin at the upper, but at the lower end of civilization. Woman in those remote times, was endowed with and enjoyed rights that are denied to her but too completely in the higher phase of civilization. This subject has a very important aspect, i.e. the position of woman to man, the place she holds in

educated thought, so slight a hold have historical facts upon the mind when contrary to pre-conceived ideas, that we find people still expressing the opinion that man's place has always been first in government. Even under those forms of society where woman was undisputed head of the family, its very existence due to her, descent entirely in the female line, we still hear assertion that his must have been the controlling political power. But at that early period to which we trace the formation of the family, it was also the political unit. And when peoples became aggregated into communities, when tribal relations were ultimately recognized, woman still held superior position, and was the controlling power in government, and never was justice more perfect, never civilization higher than under the Matriarchate. Historians agree as to the high civilization even today of those nations or tribes still preserving traces of Matriarchal customs. Even under its most degenerate form, the family, governmental and religious rights of women are more fully recognized than under any phase of Christian civilization. In all the oldest religions, equally with the Semitic cults, the feminine was recognized as a component and superior part of divinity, goddesses holding the supreme place. Even at much later periods woman shared equally with man in the highest priestly offices, and was deified after death. In Egypt, Neith the Victorious, was worshiped as mother of the gods, and in the yearly festival held in her honor, every family took part for the time holding a priestly office. To neglect this

society, her condition in regard to her private and public (political) rights."

duty was deemed an omission of great irreverence.⁹ The most ancient occultism recognized the creative power as feminine and preceding both gods and men.

Under the Matriarchate, monogamy was the rule; neither polyandry or promiscuity existed.¹⁰

For long years after the decline of the Matriarchate we still discover that among many of the most refined nations, woman still possessed much of the power that belonged exclusively to her during that early period. Ancient Egypt, recognized as the wisest nation since the direct historic period, traced descent even to the throne in the female line. To this reminiscence of the Matriarchate are we indebted for the story of Moses and his preservation by an Egyptian princess in direct contravention of the Pharaoh's orders, as told by the Bible and Josephus. She not alone preserved the child's life but carried him to the king as her son given to her by the bounty of the river and heir to his throne. As showing woman's power in that kingdom, the story is worthy of being farther traced. Josephus says that to please his daughter, the king took the child in his arms, placing his crown on the baby head, but the chief priest at that moment entering the room, in a spirit of prophecy cried aloud, "Oh King; this is the child of whom I foretold danger; kill him and save the nation," at the same

⁹ "Among the monogamous classic nations of antiquity, the maternal deity was worshiped with religious ceremonies."

¹⁰ We find the mother's right exclusively together with a well-established monogamy. —*Bachofen*.

time striving to take the babe from the king. But the princess caught him away, thus setting both kingly and priestly power at defiance, taking this step by virtue of her greater authority, protecting him until he reached manhood and causing him to be educated in all the wisdom of the Egyptians, in a college under her own control. Nor in the supreme hour of the nation's peril, when the king, too old to lead his armies to battle, demanded Moses as heir to the throne in his place, would she give him up until she had exacted an oath from her father, the potent Pharaoh, that he meant the youth no harm.

The famous Iroquois Indians, or Six Nations, which at the discovery of America held sway from the great lakes to the Tombigbee river, from the Hudson to the Ohio, and of whom it has been said that another century would have found them master of all tribes to the Gulf of Mexico on the south, and the Mississippi on the west, showed alike in form of government, and in social life, reminiscences of the Matriarchate. The line of descent, feminine, was especially notable in all tribal relations such as the election of Chiefs, and the Council of Matrons, to which all disputed questions were referred for final adjudication. No sale of lands was valid without consent of the squaws and among the State Archives at Albany, New York, treaties are preserved signed by the "Sachems and Principal Women of the Six Nations."¹¹ The women also possessed the veto power on questions of war. Sir William Johnston mentions an instance

¹¹ *Documentary History of New York.*

of Mohawk squaws forbidding the war-path to young braves. The family relation among the Iroquois demonstrated woman's superiority in power. When an Indian husband brought the products of the chase to the wigwam, his control over it ceased. In the home, the wife was absolute; the sale of the skins was regulated by her, the price was paid to her. If for any cause the Iroquois husband and wife separated, the wife took with her all the property she had brought into the wigwam; the children also accompanied the mother, whose right to them was recognized as supreme. So fully to this day is descent reckoned through the mother, that blue-eyed, fair-haired children of white fathers are numbered in the tribe and receive both from state and nation their portion of the yearly dole paid to Indian tribes. The veriest pagan among the Iroquois, the renowned and important Keeper of the Wampum, and present sole interpreter of the Belts which give the most ancient and secret history of this confederation, is Ephraim Webster, descended from a white man, who, a hundred or more years since, became affiliated through marriage with an Indian woman, as a member of the principal nation of the Iroquois, the Onondagas. As of yore, so now, the greater and lesser Council Houses of the Iroquois are upon the "mountain" of the Onondaga reservation a few miles from the city of Syracuse, New York. Not alone the Iroquois but most Indians of North America trace descent in the female line; among some tribes woman enjoys almost the whole legislative authority and in others

a prominent share.¹² Lafitte and other Jesuit missionary writers are corroborated in this statement by Schoolcraft, Catlin, Clark, Hubert Bancroft of the Pacific coast, and many students of Indian life and customs. But the most notable fact connected with woman's participation in governmental affairs among the Iroquois is the statement of Hon. George Bancroft that the form of government of the United States, was borrowed from that of the Six Nations.¹³ Thus to the Matriarchate or Mother-rule is the modern world indebted for its first conception of inherent rights, natural equality of condition, and the establishment of a civilized government upon this basis. Although the reputation of the Iroquois as warriors appears most prominent in history, we nevertheless find their real principles to have been the true Matriarchal one of peace and industry. Driven from the northern portion of America by vindictive foes, compelled to take up arms in self-protection, yet the more peaceful occupations of hunting and agriculture were continually followed. Their history was preserved by means of wampum, while under their women the science of government reached the highest form known to the world. Among the Zunis of New Mexico, woman still preserves supreme religious and political authority; the Paramount Council consisting of six priests under control of a supreme priestess who is the most important functionary of the tribe.¹⁴ This

¹² Alexander: *History of Women*.

¹³ *History of the United States, Vol. I.*

¹⁴ *Cushing*.

form of government is traceable to their earliest civilization at which period their cities were grouped in sevens, six of them constructed upon a uniform plan; the supreme seventh containing six temples clustered about a supreme central seventh temple. While male priests ruled over the six primal cities the central and superior seventh was presided over by a priestess who not alone officiated at the central temple, but to whom the male priests of the six cities and six inferior temples were subservient. The ancient Lycians, the Sclavs, the Basques of Spain,¹⁵ the Veddas of Ceylon,¹⁶ the inhabitants of Malabar, the aborigines of widely separated lands, all show convincing proof of woman's early superiority in religion, in the state, and in the family. Monogamy was a marked feature of the Matriarchate. Bachofen, who has written voluminously upon the Matriarchate, recognizes it as peculiarly characteristic of woman's government. He also says the people who possessed the Mother-rule together with Gynaikokraty (girls' rule) excelled in their love of peace and justice. Under the Matriarchal family and tribal system even long after its partial supersedence by the incoming Patriarchate, the marriage relation was less oppressive to woman than it has been

¹⁵ "What is most to be considered in this respect are the political rights which women in time of the Matriarchate shared with the men. They had indeed the right to vote in public assemblies still exercised not very long ago among the Basques in the Spanish provinces."

¹⁶ That the Veddas are the aborigines of Ceylon may be assumed from the fact that the highly civilized Singalese admit them to be of noble rank. *Pre-Historic Times*. – Lubbock.

under most centuries of christian civilization. Daughters were free in their choice of husbands, no form of a force or sale existing.¹⁷

One of the most brilliant modern examples of the Matriarchate was found in Malabar at the time of its discovery by the Portuguese in the XV century. The Nairs were found to possess a fine civilization, entirely under the control of women, at a period when woman's position in England and on the Continent of Europe, was that of a household and political slave. Of Malabar it has been said, that when the Portuguese became acquainted with the country and the people, they were not so much surprised by the opulence of their cities, the splendor of all their habits of living, the great perfection of their navy, the high state of the arts, as they were to find all this under the entire control and government of women. The difference in civilization between christian Europe and pagan Malabar at the time of its discovery was indeed great. While Europe with its new art of printing, was struggling against the church for permission to use type, its institutions of learning few, its opportunities for education meagre; its terrible inquisition crushing free thought and sending thousands each year to a most painful death, the

¹⁷ "We find in some instances this independence of the maiden in regard to disposing of her hand, or selecting a husband as a memento of the time of the Matriarchate... The most remarkable instance of the self-disposition of woman we find among the ancient Arabs and the Hindoos; among the latter the virgin was permitted to select her own husband if her father did not give her in marriage within three years after her maturity."

uncleanliness of its cities and the country such as to bring frequent visits of the plague; its armies and its navies with but one exception, imperfect; its women forbidden the right of inheritance, religious, political, or household authority; – the feminine principle entirely eliminated from the divinity – a purely masculine God the universal object of worship, all was directly the opposite in Malabar. Cleanliness, peace, the arts, a just form of government, the recognition of the feminine both in humanity and in the divinity were found in Malabar. To the question of a Danish missionary concerning their opinion of a Supreme Being, this beautiful answer was given.

The Supreme Being has a Form and yet has no Form; he can be likened to nothing; we cannot define him and say that he is this or that; he is neither Man or Woman; neither Heaven or Earth, and yet he is all; subject to no corruption, no mortality and with neither sleep nor rest, he is Almighty and Omnipotent without Beginning and without End.¹⁸

Under the Missionaries sent by England to introduce her own barbaric ideas of God and man, this beautiful Matriarchal civilization of Malabar soon retrograded and was lost.

The ancient Mound Builders of America, of whom history is silent and science profoundly ignorant, are proven by means of symbolism to have been under Matriarchal rule, and Motherhood religion. Anciently motherhood was represented by a sphere

¹⁸ *Account of the Religion, Manners, etc., of the People of Malabar, etc.*, translated by Mr. Phillips, 1718.

or circle. The circle, like the mundane egg, which is but an elongated circle, contains everything in itself and is the true microcosm. It is eternity, it is feminine, the creative force, representing spirit. Through its union with matter in the form of the nine digits it is likewise capable of representing all natural things.¹⁹ The perfect circle of Giotto was an emblem of divine motherhood in its completeness. It is a remarkable fact – its significance not recognized, – that the roughly sketched diameter within the circle, found wherever boys congregate, is an ancient mystic sign²⁰ signifying the male and female, or the double-sexed deity. It is the union of all numbers, the one within the zero mark comprising ten, and as part of the ancient mysteries signifying God, the creative power, and eternal life; it was an emblem of The All.

In many old religions, the generative principle was regarded as the mother of both gods and men. In the Christian religion we find tendency to a similar recognition in Catholic worship of the Virgin Mary. The most ancient Aryans were under the Matriarchate, the feminine recognized as the creative power. The word *ma* from which all descendants of those peoples derive

¹⁹ Among the illustrative types of interior realities and the elementary geometric forms, point, direct line and deflected line, the last of which is a true arc produces the circle when carried to its ultimate, this circle representing the triune order of movement; the point in the line, the line in the curve, and the curve in the circle —*The Path*.

²⁰ The phallus and lingum (or lingum and yoni), the point within the circle or diameter within the circle. —*Volney's Ruins*.

their names for mother, was synonymous with *Creator*. Renouf, the great antiquarian authority upon the Aryan's,²¹ gives the songs and ceremonies of the wedding. In these, the woman is represented as having descended to man from association with divine beings in whose custody and care she has been, and who give her up with reluctance. In Sanscrit mythology,²² the feminine is represented by Swrya, the Sun, the source of life, while the masculine is described as Soma, a body. Soma, a beverage of the gods especially sacred to Indra, was the price paid by him for the assistance of Vayu, the swiftest of the gods, in his battle against the demon Vritra. A curious line of thought is suggested. The marriage of the man to the woman was symbolized as his union with the gods. Soma, a drink devoted to Indra, the highest god, signified his use of a body, or the union of spirit and body. In the same manner, woman representing spirit, by her marriage to man became united with a body. As during the present dark age, the body has been regarded more highly than the spirit, we find a non-recognition of the woman, although the union of spirit and body is symbolized in the Christian church by the sacrament of bread and wine. During the purest period of Aryan history marriage was entirely optional with woman and when entered into, frequently meant no more than spiritual companionship. Woman equally with man was entitled to the Brahminical thread; she also possessed the right to study and

²¹ *Chips from a German Work-Shop*. – Max Muller.

²² All mythology has pertinently been characterized as ill-remembered history.

preach the Vedas, which was in itself a proof of her high position in this race. The Vedas, believed to be the oldest literature extant, were for many ages taught orally requiring years of close application upon part of both teacher and student.

The word *Veda* signifies “to-know”; the latter from *Vidya* meaning “wise.” The English term widow is traceable to both forms of the word, meaning a wise woman – one who knows man. Many ages passed before the Vedas were committed to writing.²³ At that early day the ancestral worship of women – departed mothers – was as frequent as that of departed fathers, women conducting such services which took place three times a day. In the old Aryan Scriptures the right of woman to hold property, and to her children, was much more fully recognized than under the Christian codes of today. Many of the olden rights of women are still extant in India. The learned Keshub Chunder Sen vigorously protested against the introduction of English law into India, upon the ground that it would destroy the ancient rights of the women of that country. It was primal Indian law that upon the death of the husband the wife should heir all his property. Marriage was regarded as an eternal union, the two,

²³ In the Rig-Veda, a work not committed to writing until after that movement of the Aryans, which resulted in the establishment of Persia and India ... there is nothing more striking than the status of woman at that early age. Then the departed mothers were served as faithfully by the younger members of the family as departed fathers. The mother quite as often, if not more frequently than the father conducted the services of the dead ancestry, which took place three times a day, often consisting of improvised poetry. —*Elizabeth Peabody on the Aryans.*

by this act, having so fully become one, that upon the husband's death, one half of his body was still living. The property and the children were held as equally belonging to the husband or the wife.

Colebrook's *Digest of Hindoo Law*, compiled from the writings of the Bengal Pundit Jergunnat, 'Na Tercapanchama, from those of Vasist ha, Catayana, and other Indian authorities says:

In the Veda, in Codes of Law, in sacred ordinances, the wife is held as one person with the husband; both are considered one. When the wife is not dead, half the body remains; how shall another take the property when half the body of the owner lives? After the death of the husband the widow shall take his wealth; this is primeval law.

Though a woman be dependent, the alienation of female property, or of the mother's right over her son by the gift of a husband alone²⁴ is not valid in law or reason;

The female property of wives like the property of a stranger, may not be given, for there is want of ownership.

Neither the husband, nor the son, nor the father, nor the brother, have power to use or alien the legal property of a woman.

We hold it proper that the wife's co-operation shall be required in civil contracts and in religious acts under the text.

²⁴ There are but few of the United States in which the authority of the father to bind out a living child or to will away an unborn one, is not recognized as valid without the mother's consent.

A gift to a wife is irrevocable.

The collection of East Indian laws made under authority of the celebrated Warren Hastings, 1776, is of similar character. The kinds of property a wife can hold separate from her husband at her own disposal by will, are specified.

During long centuries while under Christian law the Christian wife was not allowed even the control of property her own at the time of marriage, or of that which might afterwards be given her, and her right of the disposition of property at the time of her death was not recognized in Christian lands, the Hindoo wife under immemorial custom could receive property by gift alike from her parents, or from strangers, or acquire it by her own industry, and property thus gained was at her own disposal in case of her death. Another remarkable feature of Indian law contrasting with that of Christian lands was preference of woman over man in heirship. In case of a daughter's death, the mother heired in preference to father, son, or even husband.

That is called a woman's property; First. Whatever she owns during the Agamini Shadee, i. e. Days of Marriage;...

Whatever she may receive from any person as she is going to her husband's home or coming from thence.

Whatever her husband may at any time have given her; whatever she has received at any time from a brother; and whatever her father and mother may have given her.

Whatever her husband on contracting a second marriage may give her to pacify her.

Whatever a person may have given a woman for food or

clothing.

Whatever jewelry or wearing apparel she may have received from any person; also whatever a woman may receive from any person as an acknowledgment or payment for any work performed by her. Whatever she may by accident have found anywhere.

Whatever she may gain by painting, spinning, needle-work or any employment of this kind.

Except from one of the family of her father, one of the family of her mother, or one of the family of her husband, whatever she may receive from any other person. Also if the father or mother of a girl give anything to their son-in-law, saying at the same time: "This shall go to our daughter," and even without any words to this purpose at the time of making the gift, if they merely have it in their intention that the thing thus given should revert to their daughter, all and every one of these articles are called a woman's property.

Her right of final disposal by will is also specified. Her effects acquired during marriage go to her daughters in preference to her sons, and possessing no daughters, to her mother.

When a woman dies, then whatever effects she acquired during the Agamini Shadee, even though she hath a son living, shall go first to her unmarried daughter; if there is but one unmarried daughter she shall obtain the whole; if there are several unmarried daughters, they all shall have equal share.

Property under the three forms of marriage, if no unmarried

daughters and others mentioned here, goes to her mother before to her father; and if neither, to her husband, and if no husband to husband's younger brother, or several younger brothers, (if several).

The specification of gifts of intention is remarkable in securing property to the wife that was seemingly given by the parents to the husband alone. An equally remarkable fact is the father's heirship in preference to the husband's, and the heirship of the daughters and mother in preference to any male relative however near, and is in striking contrast to Christian law in reference to woman's property. If a husband neglect to provide his wife necessary food and clothing, the East Indian wife is allowed to procure them by any means in her power. Maine has not failed to recognize the superior authority of the eastern wife in relation to property over that of the Christian wife. He says:

“The settled property of a married woman incapable of alienation by her husband, is well known to the Hindoos under the name of Stridham.”

It is certainly a remarkable fact that the institution seems to have developed among the Hindoos at a period relatively much earlier than among the Romans. The *Mitakshara*, one of the oldest and most revered authorities of the Hindoo judicial treatises, defines Stridham, or woman's property, as that which is given to the wife by the father, the mother, or a brother at the time of the wedding, before the nuptial fire.

But adds Maine:

The compiler of Mitakshara adds a proportion not found elsewhere; also property which she may have acquired by inheritance, purchase, partition, seizure or finding, is denominated woman's property... If all this be

Stridham, it follows that the ancient Hindoo law secured to married women an even greater degree of proprietary independence than that given to them by the modern English Married Woman's Property Act.

Property is common to the husband and the wife. The ample support of those who are entitled to maintenance is rewarded with bliss in heaven; but hell is the portion of that man whose family is afflicted with pain by his neglect. Therefore the Hindoo husband is taught to maintain his family with the utmost care. Maxims from the sacred books show the regard in which the Hindoo woman is held:

“He who despises woman despises his mother.”

“Who is cursed by woman is cursed by God.”

“The tears of a woman call down the fire of heaven on those who make them flow.”

“Evil to him who laughs at woman's sufferings; God shall laugh at his prayers.”

“It was at the prayer of a woman that the Creator pardoned man; cursed be he who forgets it.”

“Who shall forget the sufferings of his mother at his birth shall be reborn in the body of an owl during three successive transmigrations.”

“There is no crime more odious than to persecute

woman.”

“When women are honored the divinities are content; but when they are not honored all undertakings fail.”

“The households cursed by women to whom they have not rendered the homage due them, find themselves weighed down with ruin and destroyed as if they had been struck by some secret power.”

“We will not admit the people of today are incapable of comprehending woman, who alone can regenerate them.”

The marriage ceremony is of the slightest kind and under three forms:

1. Of mutual consent by the interchange of necklaces or strings of flowers in some secret place.

2. A woman says, “I am become your wife,” and the man says, “I acknowledge it.”

3. When the parents of a girl on her marriage day say to the bridegroom: “Whatever act of religion you perform, perform it with our daughter,” and the bridegroom assents to this speech.

The comparatively modern custom of suttee originated with the priests, whose avaricious desires created this system in order thereby to secure the property of the widow. The Vedas do not countenance either suttee or the widow’s relinquishment of her property, the law specifically declaring, “If a widow should give all her property and estate to the Brahmins for religious purposes, the gift indeed is valid, but the act is improper and the woman blamable.” An ancient scripture declares that “All the wisdom

of the Vedas, and all that has been written in books, is to be found concealed in the heart of a woman.” It is a Hindoo maxim that one mother is worth a thousand fathers, because the mother carries and nourishes the infant from her own body, therefore the mother is most revered. A Hindoo proverb declares that “Who leaves his family naked and unfed may taste honey at first, but shall afterwards find it poison.” Another says, “A wife is a friend in the house of the good.”

Ancient Egypt worshiped two classes of gods; one purely spiritual and eternal, the other secondary but best beloved, were believed to have been human beings who from the services they had rendered to humanity were upon death admitted to the assembly of the gods. Such deification common in ancient times, is still customary in some parts of the earth. Within the past few years a countryman of our own was thus apotheosized by the Chinese to whom he had rendered valuable service at the time of the Tae-ping rebellion.²⁵ Ancient Egyptians recognized a masculine and feminine principle entering in all things both material and spiritual. Isis, the best beloved and most worshiped of the secondary gods, was believed by them to have been a

²⁵ Ward, the American who rendered such service to the Chinese Emperor, has been deified. The Emperor, in a recent edict, has placed him among the major gods of China, commanding shrines to be built and worship to be paid to the memory of this American. The people are worshiping him along with the most ancient and powerful deities of their religion as a great deliverer from war and famine – as a powerful god in the form of man. In every household, school and temple, his name will be thus commemorated. —*Newspaper Report*.

woman who at an early period of Egyptian history had rendered that people invaluable service. She was acknowledged as their earliest law-maker, through whose teaching the people had risen from barbarism to civilization. She taught them the art of making bread²⁶ from the cereals theretofore growing wild and unused, the inhabitants at an early day living upon roots and herbs. Egypt soon became the grain growing portion of the globe, her enormous crops of wheat not alone aiding herself, but rendering the long stability of the Roman Empire possible. The science of medicine was believed to have originated with Isis; she was also said to have invented the art of embalming, established their literature, founded their religion. The whole Egyptian civilization was ascribed to the woman-goddess, Isis, whose name primarily Ish-Ish, signified Light, Life.²⁷ Isis, and Nephtys – the Lady of the House – were worshiped as the Beginning and the End. They were the Alpha and Omega of the most ancient Egyptian religion. The statues of Isis bore this inscription:

I am all that has been, all that shall be, and none among mortals has hitherto taken off my veil.

Isis was believed to contain germs within herself for the reproduction of all living things. The most universal

²⁶ *Diodorus Siculus.*

²⁷ “I am nature, the parent of all things, the sovereign of the elements, the primary progeny of time, the most exalted of the deities, the first of the heavenly gods and goddesses, the queen of the shades, the uniform countenances who dispose with my rod the innumerable lights of heaven.”

of her 10,000 names was, “Potent Mother Goddess.”²⁸ This Egyptian regard for Isis is an extremely curious and interesting reminiscence of the Matriarchal period. Her worship was universal throughout Egypt. Her temples were magnificent. Her priests, consecrated to purity, were required to bathe daily, to wear linen garments unmixed with animal fibre, to abstain from animal food, and also from those vegetables regarded as impure.²⁹ Two magnificent festivals were yearly celebrated in her honor, the whole people taking part. During one of these festivals her priests bore a golden ship in the procession. The ship, or ark,³⁰ is peculiarly significant of the feminine principle, and wherever found is a reminiscence of the Matriarchate. The most sacred mysteries of the Egyptian religion, whose secrets even Pythagoras could not penetrate, to which Herodotus alluded with awe, and that were unknown to any person except the highest order of priests, owed their institution to Isis, and were based upon moral responsibility and a belief in a future life. The immortality of the soul was the underlying principle of the Egyptian religion.

Isis seems to have been one of those extraordinary individuals,

²⁸ The salubrious breezes of the sea, and the mournful silence of the dead whose single deity the whole world venerates in *many forms* with various rites and many names. The Egyptians, skilled in ancient lore, worship me with proper ceremonies and call me by my true name – Queen Isis.

²⁹ Leeks, garlic, onions and beans.

³⁰ All the ancient nations appear to have had an ark or archa, in which to conceal something sacred. – Godfrey Higgins, *Anacalypsis I*, 347.

such as occasionally in the history of the world have created a literature, founded a religion, established a nationality. She was a person of superior mentality, with power to diffuse intelligence.

Moses, “learned in all the wisdom of the Egyptians,” borrowed much from Isis. The forms and ceremonies used in her worship were largely copied by him, yet lacked the great moral element – immortal life – so conspicuously taught as a part of Egyptian religion. The Sacred Songs of Isis were an important part of the literature of Egypt. Plato, who burned his own poems after reading Homer, declared them worthy of the divinity, believing them to be literally 10,000 years old.³¹ All orders of the priesthood were open to women in Egypt; sacred colleges existed for them, within whose walls dwelt an order of priestesses known as “God’s Hand,” “God’s Star.” Its ranks were recruited from women of the principal families, whose only employment was the service of the gods. “Daughter of the Deity,” signified a priestess.

Women performed the most holy offices of religion, carrying the Sacred Sistrum and offering sacrifices of milk, both ceremonies of great dignity and importance, being regarded as the most sacred service of the divinity. Such sacrificial rites were confined to queens and princesses of the royal household. Ames-Nofri-Ari, a queen who received great honor from Egyptians, spoken of as the “goddess-wife of Amun,” the supreme god

³¹ The Sacred Song of Moses and Miriam was an early part of Jewish literature; the idea was borrowed like the ark from the religion of Isis.

of Thebes, for whose worship the wonderful temple of Karnak was founded by a Pharaoh of the XII dynasty, is depicted on the monuments as the Chief High Priest – the Sem, whose specific duty was offering sacrifices and pouring out libations in that temple. By virtue of her high office she preceded her husband, the powerful and renowned Rameses II. The high offices of the church were as habitually held by women as by men; Princess Neferhotep, of the fifth dynasty, was both a priestess and a prophetess of the goddesses Hathor and Neith, the representatives of celestial space, in which things were both created and preserved.

A priestess and priest in time of the XIII Pharaoh represented on a slab of limestone, in possession of the Ashmolean Library of Oxford, England, is believed to be the oldest monument of its kind in the world, dating to 3,500, B.C.

Queen Hatasu, the light of the brilliant XVIII dynasty, is depicted upon the monuments as preceding in acts of worship the great Thotmes III, her brother, whom she had associated with herself upon the throne, but who did not acquire supreme power until after her death.³² The reign of Hatasu was pre-eminent as the great architectural period of Egypt, the engraving upon monuments during her reign closely resembling the finest Greek intaglio. Egypt, so famous for her gardens and her art of forcing

³² The throne of this brilliant queen who reigned 1600 years B.C. has recently been deposited in the British Museum. Her portrait, also brought to light, shows Caucasian features with a dimpled chin.

blossoms out of season, was indebted to this great queen for the first acclimatizing of plants. Upon one of her voyages she brought with her in baskets filled with earth several of those Balsam trees from Arabia, which were numbered among the precious gifts of the Queen of Sheba to King Solomon. The red granite obelisks erected by Hatasu before the gates of Karnak, the most magnificent and loftiest ever erected in Egypt, were ninety-seven feet in height and surmounted by a pyramid of gold.

As early as the XI Pharaoh, II dynasty, the royal succession became fixed in the female line. A princess was endowed with privileges superior to a prince, her brother, her children reigning by royal prerogative even when her husband was a commoner; the children of a prince of the Pharaonic house making such marriage were declared illegitimate.

From the highest to the most humble priestly office, women officiated in Egypt. A class of sacred women were doorkeepers of temples, another order known as "Sacred Scribes" were paid great deference. The Pellices or Pellucidae of Amun were a remarkable body of priestesses whose burial place has but recently been discovered. They were especially devoted to the services of Amun-Ra, the Theban Jove. Egypt was indebted to priestesses for some of its most important literature. To Penthelia, a priestess of Phtha³³ the God of Fire, in Memphis,

³³ Bryant was an English writer of the last century, a graduate of Cambridge who looked into many abstruse questions relating to ancient history. In 1796, eight years before his death, he published "*A Dissertation Concerning the War of Troy.*"

Bryant ascribes the authorship of the Iliad and the Odyssey, Homer³⁴ in his travels through that country, by aid of a suborned priest, having stolen these poems from the archives of the temples of Phtha where they had been deposited for safe keeping.

The priestly class of prophetesses was large in Egypt, their predictions not infrequently changing the course of that country's history. To his daughter, the prophet-priestess Athryte, was the great Rameses II indebted for the prophecy which led him into his conquering and victorious career. Known as one of the four great conquerors of antiquity,³⁵ reigning sixty years, he greatly added to the wealth and renown of Egypt.

The class of priestesses called Sibyls were early known in Egypt, India, and other portions of the ancient world. They were regarded as the most holy order of the priesthood and held to be

³⁴ That Homer came into Egypt, amongst other arguments they endeavor to prove it especially by the potion Helen gave Telemachus – in the story of Menelaus – to cause him to forget all his sorrows past, for the poet seems to have made an exact experiment of the potion Nepenthes, which he says Helen received from Polymnestes, the wife of Thonus, and brought it from Thebes in Egypt, and indeed in that city, even at this day, the women use this medicine with good success, and they say that in ancient times the medicine for the cure of anger and sorrow was only to be found among the Diospolitans, Thebes and Diospolis being affirmed by them to be one and the same city. —*Diodorus Siculus*, Vol. I, Chap. VII.

³⁵ The remaining three were Cyrus, Nebuchadnezzar and Alexander. Cyrus met defeat and death at the hands of Tomyris, queen of the Scythians, who caused him to be crucified, a punishment deemed so ignominious by the Romans that it was not inflicted upon the most criminal of their citizens. Because of his barbarity, Tomyris caused the head of Cyrus to be plunged into a sack of blood “that he might drink his fill.”

in direct communion with the gods, who through them revealed secrets to the lower order of priests; the word Sibyl originating from Syros, i. e. God. The learned Beale defines Sibyl as thought, therefore a woman in possession of God's thought. The names of ten renowned Sibyls have come down to our day. The Sibylline Books for many years governed the destinies of Rome. Oracles were rendered from the lips of a priestess known as the Pythia; the famous Delphian Shrine for ages ruling the course of kings and nations.

Upon the monuments of Egypt, those indisputable historic records, queens alone are found wearing the triple crown, significant of ecclesiastical, judicial and civil power, thus confirming the statement of Diodorus that queens were shown greater respect and possessed more power than kings: the pope alone in modern times claiming the emblematic triple crown. A comparison between the men and women of the common people of this country, shows no less favorably for the latter. Women were traders, buying and selling in the markets while the men engaged in the more laborious work of weaving at home. Woman's medical and hygienic knowledge is proven by the small number of infantile deaths.³⁶ At the marriage ceremony the husband promised obedience to the wife in all things, took her name, and his property passed into her control; according to Wilkinson great harmony existed in the marriage relation, the husband and wife sitting upon the same double chair in life and

³⁶ Very few mummies of children have been found. – Wilkinson, *Ancient Egyptians*.

resting at death in the same tomb.

Montesquieu says:

It must be admitted although it shocks our present customs, that among the most polished peoples, wives have always had authority over their husbands. The Egyptians established it by law in honor of Isis, and the Babylonians did the same in time of Semiramis. It has been said of the Romans that they ruled all nations but obeyed their wives.

Crimes against women were rare in Egypt and when occurring were most severely punished.³⁷ Rameses III caused this inscription to be engraved upon his monuments:

To unprotected woman there is freedom to wander through the whole country wheresoever she list without apprehending danger.

A woman was one of the founders of the ancient Parsee religion, which taught the existence of but a single god, thus introducing monotheism into that rare old kingdom. Until the introduction of Christianity woman largely preserved the liberty belonging to her in the old civilizations. Of her position under Roman law before this period Maine (Gaius) says:

The jurisconsults had evidently at this time assumed the equality of the sexes as a principle of the law of

³⁷ In relation to women the laws were very severe; for one that committed a rape upon a free woman was condemned to have his privy member cut off; for they judged that the three most heinous offenses were included in that one vile act, that is wrong, defilement and bastardy. —*Diodorus*, Vol. I, Chap. VII.

equity. The situation of the Roman woman whether married or single became one of great personal and proprietary independence; but Christianity tended somewhat from the commencement to narrow this remarkable liberty. The prevailing state of religious sentiment may explain why modern jurisprudence has adopted these rules concerning the position of women which belong to an imperfect civilization. No society which preserves any tincture of Christian institutions is likely to restore to married women the personal liberty conferred on them by middle Roman law. Canon law has deeply injured civilization.

Rome not only secured remarkable personal and proprietary rights to woman, but as Vestal Virgin, she held the highest priestly office. No shrine equalled that of the Vestals in sanctity; none was so honored by the state. To their care the sacred Fire was entrusted, and also the Palladium; those unknown articles upon whose preservation not alone the welfare but the very existence of Rome was held to depend. The most important secrets of state were entrusted to them and their influence in civil affairs was scarcely secondary to their religious authority. In troubled times, in civil wars, in extreme emergencies of the commonwealth they acted as ambassadors, or were chosen umpires to restore peace between the parties. In state ceremonies, in the most solemn, civil or religious meetings they performed important duties. They were superior to the common law or the authority of the consul. The most important secrets were entrusted to them, wills of the emperors and documents of state confided to their care; offenses

against them were punished with death. If meeting a criminal on his way to execution, he was pardoned as a direct intervention of heaven in his behalf. Among their important privileges was exemption from public taxes, the right to make a will, internment within the city walls, the right to drive in the city where no other carriage was allowed; even the consuls were obliged to make room for them to pass. Chosen from noble families when between the ages of six and ten, their terms of service was thirty years.

The order of Vestal Virgins flourished eleven hundred years, having been founded seven hundred years before the Christian era and continuing four hundred years afterwards. But those women all young, all between the ages of six years and forty, so closely guarded the secrets of the Penetralia that to this day they still remain as unknown as when in their charge. The order was destroyed in the fourth century, but the ruins of their temple recently discovered prove that when obliged to flee from the sacred enclosure they first demolished the most holy portion where the secrets of Rome were hidden.³⁸ Recent important archaeological discoveries at the Atrium Vertae in the Forum, corroborate history in regard to the high position and extraordinary privileges of the Vestals. Several statues have been found representing the sacred maiden with the historic fillet about her head and the cord beneath her breast. Medallions worn

³⁸ *Ancient Rome in the Light of Recent Discoveries*. Chapter on the Vestals. – Lanciani.

upon the breast of their horses have also been unearthed. The wealth of the order was extremely great, both its public and private property being exempt from that conscription which in times of war reached all but a few favored individuals.

The names by which Imperial Rome was known were all feminine; Roma, Flora, Valentia; nearly its first and greatest goddess was Vesta.³⁹

Sacred and secret were originally synonymous terms. All learning was sacred, consequently secret, and as only those possessed of learning were eligible to the priestly office it is readily seen that knowledge was a common heritage of primitive women. Letters, numbers, astrology, geography and all branches of science were secrets known only to initiates. The origin of the most celebrated mysteries, the Eleusinian, and those of Isis, were attributed to woman, the most perfect temple of ancient or modern times, the Parthenon, or Temple of the Virgins, was dedicated to the goddess Minerva.

Chryseis was priestess of Juno in Argo. This office was of great civil as well as religious importance regulating their dates and chronology. To the present day in China woman assists at the altar in ancestral worship, the prevailing form of religious adoration. The mother of a family is treated with the greatest respect⁴⁰ and the combined male and female principle

³⁹ *The Anacalypsis* II, 241.

⁴⁰ According to Commissioner of Education, Chang Lai Sin, Chinese women can read and write, and when a husband wishes to do anything he consults with his wife, and

is represented in god under the name Fou-Fou, that is, Father-Mother.⁴¹ When the Emperor acting as high priest performs certain rites he is called Father-Mother of the people. Woman is endowed with the same political powers as man.⁴² The wife presides like her husband at family councils, trials, etc. As Regent, she governs the Empire with wisdom, dignity, power, as was shown during the co-regency of the Empresses of the East and of the West, their power continuing even after the promotion of a boy-heir to the throne.

A Thibetan woman empire extant between the VI and VII centuries A.D. is spoken of by Chinese writers. An English author, Cooper, seems to have visited this region, meeting with

when the son comes home, although he may be prime minister, he shows his respect to his mother by bending his knee. "I claim that the Chinese institutions and system of education, both with regard to men and women, are far superior to those of any of the neighboring nations for a great many centuries, and that it is only within this century that China, after having been defeated by so many reverses in her arms, has turned to a foreign country – to the United States – for example and instruction."

⁴¹ The Shakers hold that the revelation of God is progressive. That in the first or antediluvian period of human nature God was known only as a Great Spirit; that in the second or Jewish period he was revealed as the Jehovah. He, she or a dual being, male or female, the "I am that I am;" that Jesus in the third cycle made God known as a father; and that in the last cycle commencing with 1770, A.D., "God is revealed in the character of Mother, an eternal Mother, the bearing spirit of all the creation of God." — *W. A. Parcellé*.

⁴² In China the family acting through its natural representative is the political unit. This representative may be a woman. The only body in China that may be said to correspond with our law-making assemblies is the Academy of Science and Letters of Peking, and women are not excluded from that learned conclave. *La Cité Chinoise*.— G. Eugene Simon.

an amusing venture while there.⁴³

Under the law of the Twelve Tables, founded A.U.C. 300, woman possessed the right of repudiation in marriage. The code itself was ascribed to a woman of that primitive Athens founded and governed by women long years previous to the date of modern Athens. The change in woman's condition for the worse under Christianity is very remarkable and everywhere it is noticed. Among the Finns, before their conversion, the mother of a family took precedence of the father in the rites of domestic worship. Under the Angles, a wound inflicted upon a virgin was punished with double the penalty of the same injury inflicted upon a man, remarkable as showing the high esteem and reverence in which women were held. Before the introduction of Christianity, the Germans bound themselves to chastity in the marriage relation; under Catholicism the wife is required to promise the devotion of her body to the marital rite. German women served as priestesses of Hertha, and during the time of Rome's greatest power, Wala or Valleda, – this title being significative of a supremely wise woman, a prophetess, – was virtual ruler of the Germanic forces; Druses when about invading Germany was repelled by her simple command to "Go Back." But under Christianity the German woman no longer takes part in public affairs, education is denied, the most severe and degrading labor of field, streets and mine falls upon her, while in the family she is serf to father, brother, husband.

⁴³ *Art Letters*, p. 322. – Bachofen.

The women of ancient Scandinavia were treated with infinite respect; breach of marriage promise was classed with perjury; its penalty was outlawry. Marriage was regarded as sacred and in many instances the husband was obliged to submit to the wife.⁴⁴ Those old Berserkers revered their Alruna, or Holy Women, on earth and worshiped goddesses in heaven, where, according to Scandinavian belief, gods and goddesses sat together in a hall without distinction of sex.

The whole ancient world recognized a female priesthood, some peoples, like the Roman, making national safety dependent upon their ministrations; others as in Egypt, according to their pre-eminence in the priestly office, reverencing goddesses as superior to gods; still others as the Scandinavians, making no distinction in equality between gods and goddesses; others governing the nation's course through oracles which fell from feminine lips, still others looking to the Sibylline Books for like decision.⁴⁵ Those historians anxious to give most credit to the humanizing effect of Christianity upon woman are compelled to admit her superiority

⁴⁴ *Journal of Jurisprudence*, Vol. XVI, Edinburgh, 1872.

⁴⁵ The divine element, according to the idea of the ancient world, was composed of two sexes. There were *dei femina*, and hence temples sacred to goddesses; holy sanctuaries where were celebrated mysteries in which men could not be permitted to participate. The worship of goddesses necessitated priestesses, so that women exercised the sacerdotal office in the ancient world. The wives of the Roman Consuls even offered public sacrifices at certain festivals. The more property the wife had, the more rights she had. —*M. Derraines*.

among pagan nations before the advent of this religion.⁴⁶

The Patriarchate under which Biblical history and Judaism commenced, was a rule of men whose lives and religion were based upon passions of the grossest kind, showing but few indications of softness or refinement. Monogamous family life did not exist, but a polygamy whose primal object was the formation of a clan possessing hereditary chiefs ruling aristocratically. To this end the dominion of man over woman and the birth of many children was requisite. To this end polygamy was instituted, becoming as marked a feature of the Patriarchate as monogamy was of the Matriarchate. Not until the Patriarchate were wives regarded as property, the sale of daughters as a legitimate means of family income, or their destruction at birth looked upon as a justifiable act. Under the Patriarchate, society became morally revolutionized, the family, the state, the form of religion entirely changed. The theory of a male supreme God in the interests of force and authority, wars, family discord, the sacrifice of children to appease the wrath of an offended (male) deity are all due to the Patriarchate. These were practices entirely out of consonance with woman's thought and life. Biblical Abraham binding Isaac for sacrifice to Jehovah,

⁴⁶ The superiority of woman's condition in Europe and America is generally attributed to Christianity. We are anxious to give some credit to that influence, but it must not be forgotten that the nations of Northern Europe treated women with delicacy and devotion long before they were converted to the Christian faith. Long before the Christian era women were held in high estimation, and enjoyed as many privileges as they generally have since the spread of Christianity. Nichols. — *Women of all Nations*.

carefully kept his intentions from the mother Sarah. Jephtha offering up his daughter in accordance with his vow, allowing her a month's life for the bewailment of her virginity, are but typical of the low regard of woman under the Patriarchate. During this period the destruction of girl children became a widely extended practice, and infantile girl murder the custom of many nations. During the Matriarchate all life was regarded as holy; even the sacrifice of animals was unknown.⁴⁷ The most ancient and purest religions taught sacrifice of the animal passions as the great necessity in self-purification. But the Patriarchate subverted this sublime teaching, materializing spiritual truths, and substituting the sacrifice of animals, whose blood was declared a sweet smelling savor to the Lord of Hosts.

Both infanticide and prostitution with all their attendant horrors are traceable with polygamy, – their origin – to the Patriarchate or Father-rule, under which Judaism and Christianity rose as forms of religious belief. Under the Patriarchate woman has ever been regarded as a slave to be disposed of as father, husband or brother chose. Even in the most Christian lands, daughters have been esteemed valuable only in proportion to the political or pecuniary advantage they brought to the father, in the legal prostitution of an enforced marriage. The sacrifice of woman to man's baser passions has ever been

⁴⁷ When I go back to the most remote periods of antiquity into which it is possible to penetrate, I find clear and positive evidence of several important facts: First, no animal food was eaten; no animals were sacrificed. *Higgins*.—*Anacalypsis* II, p. 147.

the distinguishing characteristic of the Patriarchate. But woman's degradation is not the normal condition of humanity, neither did it arise from a settled principle of evolution, but is a retrogression, due to the grossly material state of the world for centuries past, in which it has lost the interior meaning or spiritual significance of its own most holy words.

Jehovah signifies not alone the masculine and the feminine principles but also the spirit or vivifying intelligence. It is a compound word indicative of the three divine principles.⁴⁸ Holy Ghost, although in Hebrew a noun of either gender, masculine, feminine, neuter, is invariably rendered masculine by Christian translators of the Bible.⁴⁹ In the Greek, from whence we obtain the New Testament, spirit is of the feminine gender, although invariably translated masculine. The double-sexed word, Jehovah, too sacred to be spoken by the Jews, signified the masculine-feminine God.⁵⁰ The proof of the double meaning of Jehovah, the masculine and feminine signification, Father-Mother, is undeniable. Lanci, one of the great orientalists, says:

Jehovah should be read from left to right, and pronounced Ho-Hi; that is to say He-She (Hi pronounced

⁴⁸ Observe that I.H.U. is Jod, male, father; "He" is female, Binah, and U is male, Vau, Son. —*Sepher Yetzirah*.

⁴⁹ *The Perfect Way*.—Kingsford.

⁵⁰ I.A.H. according to the Kabbalists, is I. (Father) and A.H. (Mother); composed of I. the male, and H. the mother. Nork. —*Bibl. Mythol.*, I, 164-65 (note to *Sod* 166, 2, 354).

He,) Ho in Hebrew being the masculine pronoun and Hi the feminine. Ho-Hi therefore denotes the male and female principles, the vis genatrix.⁵¹

Kingsford says:

The arbitrary and harsh aspect under which Jehovah is chiefly presented in the Hebrew Scriptures is due not to any lack of the feminine element either in His name or in His nature, or to any failure on the part of the inspired leaders of Israel to recognize their equality, but to the rudimentary condition of the people at large, and their consequent amenability to the delineation of the stern side only of the Divine Character.⁵²

The Hebrew word *El Shaddai*, translated, “The Almighty” is still more distinctively feminine than *Iah*, as it means “The Breasted God,” and is made use of in the Old Testament whenever the especially feminine characteristics of God are meant to be indicated.⁵³

The story of the building of the tower of Babel and the subsequent confusion of language possesses deep interior

⁵¹ Nork says the “Woman clothed with the sign of the Sun and the Moon is the bi-sexed or male-female deity; hence her name is Iah, composed of the masculine I and the feminine Ah. *Sod.*— Appendix 123.

⁵² *The Perfect Way*, p. 78.

⁵³ That name of Deity, which occurring in the Old Testament is translated the Almighty, namely El Shaddai, signified the Breasted God, and is used when the mode of the divine nature implied is of a feminine character. Kingsford. —*The Perfect Way*, p. 68.

significance; the word (Babel) meaning “God the Father” as distinct and separate from the feminine principle. The confusion which has come upon humanity because of this separation has been far more lamentable in its results than a mere confounding of tongues.⁵⁴ In the earliest religions the recognition of the feminine principle in the divinity is everywhere found. “I am the Father and Mother of the Universe” said Krishna in the Bhagavad Gita.

An Orphic hymn says: “Zeus is the first and the last, the head and the extremities; from him have proceeded all things.” He is a man and an immortal nymph i.e. the male and female element. The Sohar declares “the ancient of the ancient has a form and has no form.”

The Holy Spirit, symbolized by a dove, is a distinctively feminine principle – the Comforter – and yet has ever been treated by the Christian Church as masculine, alike in dogmas propounded from the pulpit, and in translations of the Scriptures. A few notable exceptions however appear at an early date. Origen expressly referred to the Holy Ghost as feminine, saying: “The soul is maiden to her mistress the Holy Ghost.” An article upon the “Esoteric character of the Gospels” in Madam Blavatsky’s

⁵⁴ A chief signification of the word Babel among Orientals was “God the Father.” The Tower of Babel therefore signifies the Tower of God the Father – a remarkable indication of the confusion, not alone of tongues, but of religious ideas arising from man’s attempt to worship the father alone. —*E. L. Mason*. Injustice to the sex reached its culmination in the enthronement of a personal God with a Son to share his glory, but wifeless, motherless, daughterless. —*Dr. William Henry Channing*.

Lucifer (November 1887) says:

Spirit or the Holy Ghost was feminine with the Jews as most ancient peoples and it was so with the early Christians; Sophia of the Gnostics and the third Sephiroth, Binah (the female Jehovah of the Cabalists,) are feminine principles “Divine Spirit” or Ruach, “One is She the spirit of the Elohim of Life,” is said in *Sepher Yetzirah*.⁵⁵

An early canonical book of the New Testament known as

⁵⁵ Those who have studied the ancient lore of Cabalistic books, know that in the ineffable name Yod-he-vau (or Jehovah), the first letter *yod* signifies the masculine, the second letter *hu* or *ha* the feminine, while the last letter *van* or *vaud* is said by Cabalists to indicate the vital life which fills all the throbbing universe from the union of eternal love with eternal wisdom. It is this ineffable holy (or whole) Mother and Father, which must be exalted and imaged forth in family and government with the woman-force more strongly emphasized, before even human society can be filled with that new creation with which the iridescent subtle mother-essence infuses and enwreathes all other realms of the pulsing universe. No man seems shaken at hearing of the fatherhood of Jehovah. Is motherhood less divine? Nothing but a male-born theology evolved from the overheated fires of feeling would have burned away all recognition of the fact that the presence of the “Eternal Womanly” in Yod-he-vau’s being is necessary to full-sphered perfection; none but those whose degraded estimate of woman has caused them to desecrate her holy office of high priestess of life, will see anything more sacrilegious in a recognition of “Our Mother in Heaven,” and in offering her the prayer “hallowed be thy name, they will be done on earth as it is in heaven,” than in saying the same things to the Father there. Those who chose to search will discover that the “Eternal Fatherhood of God,” in regard to which Protestant theologians talk so much, has been balanced in all ancient religions as well as in the nature of things by the eternal Motherhood in Jehovah’s being, without which Fatherhood would be impossible. This Motherhood has always and everywhere been the preserver and creator of the omnipresent life of all kinds which fills the throbbing universe. Yod-he-vau’s *Lost Name* can never be hallowed (made whole) without the Mother is there. *E.L. Mason. – The Lost Name.*

“The Everlasting Gospel” also as “The Gospel of the Holy Ghost” represents Jesus as saying, “My mother the Holy Ghost, took me by the hair of my head up into a mountain.”

The word *sacred* simply meaning secret, having its origin as shown at the time when knowledge was kept hidden from the bulk of mankind, only to be acquired by initiation in the mysteries, so also the word *holy* simply means whole, that is, undivided. In its ignorance, unwisdom, and fear of investigation, mankind has allowed a division of the two divine principles, male and female, to obtain firm hold in their minds. Prejudice, which simply means prejudgment, a judgment without proof, has long ruled mankind, owing chiefly to that bondage of the will inflicted by a tyrannous self-seeking priesthood. But we have now reached a period in history when investigation is again taking the place of blind belief and the truth, capable of making man free, is once more offered. It is through a recognition of the divine element of motherhood as not alone inhering in the great primal source of life but as extending throughout all creation, that it will become possible for the world, so buried in darkness, folly and superstition, to practice justice toward woman. Not legislation but education will bring about the change; not external acts but internal thought. It is but a few years since the acknowledgment of a feminine element even in plants was regarded by the church as heretical. Yet though still perceiving but partial truth, science now declares the feminine principle to inhere in plants, rocks, gems, and even in the minutest atoms; thus in some degree

recognizing the occult axiom “As it is above, so it is below.”

Chapter Two

Celibacy

While the inferior and secondary position of woman early became an integral portion of Christianity, its fullest efforts are seen in Church teachings regarding marriage. Inasmuch as it was a cardinal doctrine that the fall of Adam took place through his temptation into marriage by Eve, this relation was regarded with holy horror as a continuance of the evil which first brought sin into the world, depriving man of his immortality.⁵⁶ It is a notable fact that the expected millennium of a thousand years upon earth with its material joys has ever had more attraction for Christians than the eternal spiritual rapture of heaven. Many of the old Fathers taught that “the world is a state of matrimony, but paradise of virginity.”⁵⁷ To such extent was this doctrine carried

⁵⁶ It was a favorite doctrine of the Christian fathers that concupiscence or the sensual passion was the original sin of human nature. Lecky —*Hist. European Morals*. The tendency of the church towards the enforcement of celibacy was early seen. At the four Synods which assembled to establish the true faith in respect to the Holy nature of Christ’s Humanity, the first one at Nice, 318, the second at Constantinople with forty bishops present; the third at Ephesus with two hundred bishops present; the fourth at Chaledonia with many bishops together, they forever forbade all marriage to the minister at the altar. *Monumenta Ecclesiastica*, p. 347. To no minister at the altar is it allowed to marry, but it is forbidden to every one. *Ibid*.

⁵⁷ According to Christianity woman is the unclean one, the seducer who brought sin into the world and caused the fall of man. Consequently all apostles and fathers of

it was declared that had it not have been for the fall, God would have found some way outside of this relation for populating the world, consequently marriage was regarded as a condition of peculiar temptation and trial; celibacy as one of especial holiness.

The androgynous theory of primal man found many supporters, the separation into two beings having been brought about by sensual desire. Jacob Boehme and earlier mystics of that class recognized the double sexuality of God in whose image man was made. One of the most revered ancient Scriptures, "The Gospel according to the Hebrews," which was in use as late as the second century of the Christian era, taught the equality of the feminine in the Godhead; also that daughters should inherit with sons. Thirty-three fragments of this Gospel have recently been discovered. The fact remains undeniable that at the advent of Christ, a recognition of the feminine element in the divinity had not entirely died out from general belief, the earliest and lost books of the New Testament teaching this doctrine, the whole confirmed by the account of the birth and baptism of Jesus, the Holy Spirit,⁵⁸ the feminine creative force, playing the most important part. It was however but a short period before the church through Canons and Decrees, as well as apostolic and private teaching, denied the femininity of the Divine equally

the church have regarded marriage as an inevitable evil just as prostitution is regarded today. August Bebel. — *Woman in the Past, Present and Future*.

⁵⁸ Spirit in the Hebrew, as shown in the first chapter, answers to all genders; in the Greek to the feminine alone. With Kabbalists the "Divine Spirit" was conceded to be the feminine Jehovah, that is, the feminine principle of the Godhead.

with the divinity of the feminine. There is however abundant proof that even under but partial recognition of the feminine principle as entering in the divinity, woman was officially recognized in the early services of the church, being ordained to the ministry, officiating as deacons, administering the act of baptism, dispensing the sacrament, interpreting doctrines and founding sects which received their names.⁵⁹

The more mystical among priests taught that before woman was separated from man, the Elementals⁶⁰ were accepted by man as his children and endowed by him with immortality, but at the separation of the androgynous body into the two beings Adam and Eve, the woman through accident was also endowed with immortality which theretofore had solely inhered in the masculine portion of the double-sexed being. These mystics also taught that this endowment of woman with immortality together with her capability of bringing new beings into existence also endowed with immortal life, was the cause of intense enmity toward her on the part of the Elementals, especially shown by their bringing suffering and danger upon her at this period.

Still another class recognizing marriage as a necessity for the continuance of the species, looked upon it with more favor, attributing the fall to another cause, yet throwing odium upon

⁵⁹ From Marcellina, in the second century, a body of the church took its name. Her life was pure, and her memory has descended to us free from calumny and reproach.

⁶⁰ Lowest in the scale of being are those invisible creatures called by Kabbalists the "elementary."... The second class is composed of the invisible antitypes of the men to be born. *Isis Unveiled*, I, 310.

the relation by maintaining that the marriage of Adam and Eve did not take place until after they had been driven from Paradise. This doctrine was taught by the Father Hieronymus.⁶¹ Thus with strange inconsistency the church supported two entirely opposing views of marriage. Yet even those who upheld its necessity still taught woman's complete subordination to man in that relation; also that this condition was one of great tribulation to man, it was even declared that God caused sleep to fall upon Adam at the creation of Eve in order to prevent his opposition.⁶² Lecky speaking of the noxious influences of ascetics upon marriage, says it would be difficult to conceive anything more coarse and repulsive than the manner in which the church regarded it; it was invariably treated as a consequence of the fall of Adam and regarded from its lowest aspect.⁶³ But having determined that evil was necessary in order to future good, the church decided to compel a belief that its control of this contract lessened the evil, to this end declaring marriage illegal without priestly sanction; thus creating a conviction of and belief in its sacramental nature in the minds of the people. Despite the favoring views of a

⁶¹ Who maintained that Adam did not think of celebrating his nuptials till he went out of Paradise.

⁶² It was the effect of God's goodness to man that suffered him to sleep when Eve was formed, as Adam being endowed with a spirit of prophecy might foresee the evils which the production of Eve would cause to all mankind, so that God perhaps cast him into that sleep lest he should oppose the creation of his wife. *Life of Adam by Loredano*. Pub. at Amsterdam, 1696. See Bayle.

⁶³ Lecky. —*Hist. European Morals*.

class regarding marriage, celibacy was taught as the highest condition for both man and woman, and as early as the third century many of the latter entered upon a celibate life, Jerome using his influence in its favor. Augustine, while admitting the possibility of salvation to the married, yet speaking of a mother and daughter in heaven, compared the former to a star of the second magnitude, but the latter as shining with great brilliancy. The superior respect paid to the celibates even among women is attributed to direct instruction of the apostles. The “Apostolic Constitutions” held even by the Episcopal church as regulations established by the apostles themselves, and believed to be among the earliest christian records, give elaborate directions for the places of all who attend church, the unmarried being the most honored. The virgins and widows and elder women stood or sat first of all.

The chief respect shown by the early fathers towards marriage was that it gave virgins to the church, while the possibility of salvation to the married, at first recognized, was denied at later date even to persons otherwise living holy lives. The Emperor Jovinian banished a man who asserted the possibility of salvation to married persons provided they obeyed all the ordinances of the church and lived good lives.⁶⁴ As part of this doctrine, the church taught that woman was under an especial curse and man a divinely appointed agent for the enforcement of that curse. It inculcated the belief that all restrictions placed upon her were but

⁶⁴ That marriage was evil was taught by Jerome.

parts of her just punishment for having caused the fall of man. Under such teaching a belief in the supreme virtue of celibacy – first declared by the apostle Paul, – was firmly established. To Augustine is the world indebted for full development of the theory of original sin, promulgated by Paul as a doctrine of the Christian Church in the declaration that Adam, first created, was not first in sin. Paul, brought up in the strictest external principles of Judaism, did not lose his educational bias or primal belief when changing from Judaism to Christianity.⁶⁵ Neither was his character as persecutor changed when he united his fortunes with the new religion. He gave to the Christian world a lever long enough to reach down through eighteen centuries, all that time moving it in opposition to a belief in woman's created and religious equality with man, to her right of private judgment and to her personal freedom. His teaching that Adam, first created, was not first in sin, divided the unity of the human race in the assumption that woman was not part of the original creative idea but a secondary thought, an inferior being brought into existence as an appendage to man.

Although based upon a false conception of the creative power, this theory found ready acceptance in the minds of the men of the new church. Not illiterate, having received instruction at the feet of Gamaliel, Paul was yet intolerant and credulous, nay more, unscrupulous. He was the first Jesuit in the Christian

⁶⁵ So fully retaining it as to require the circumcision of Timothy, the Gentile, before sending him as a missionary to the Jews.

church, "Becoming all things to all men." The Reformed church with strange unanimity has chosen Paul as its leader and the accepted exponent of its views. He may justly be termed the Protestant Pope, and although even among Catholics rivalling Peter in possession of the heavenly keys, yet the Church of Rome has accepted his authority as in many respects to be more fully obeyed than even the teachings of St. Peter.⁶⁶ Having been accepted by the Church as the apostolic exponent of its views upon marriage, it was but to be expected that his teachings should be received as divine. That Paul was unmarried has been assumed because of his bitterness against this relation, yet abundant proof of his having a wife exists. For the membership of the Great Sanhedrim, marriage was a requisite. St. Clement of Alexandria positively declared that St. Paul had a wife. Until the time of Cromwell, when it was burned, a MS. letter of St. Ignatius in Greek was preserved in the old Oxford Library; this letter spoke of "St. Peter and Paul and the apostles who were married." Another letter of St. Ignatius is still extant in the Vatican Library. Tussian and others who have seen it declare that it also speaks of St. Paul as a married man.⁶⁷ But tenderness toward woman does not appear in his teachings; man is represented as the master, "the head" of woman. In consonance with his teaching, responsibility has been denied her through the ages; although

⁶⁶ The Council of Tours (813) recommended bishops to read, and if possible retain by heart, the epistles of St. Paul.

⁶⁷ Although Paul "led about" other "women" saluting "some with a holy kiss."

the Church has practically held her amenable for the ruin of the world, prescribing penance and hurling anathemas against her whom it has characterized as the “door of hell.”

At a synod in Winchester in the eighth century, St. Dunstan, famed for his hatred of women, made strenuous effort to enforce celibate life. It was asserted to be so highly immoral for a priest to marry, that even a wooden cross had audibly declared against the horrid practice.⁶⁸ Although in the third century marriage was permitted to all orders of the clergy,⁶⁹ yet the very ancient “Gospel of the Egyptians,” endorsed as canonical by Clement of Alexandria, taught celibacy. These old christian theologians found the nature of woman a prolific subject of discussion, a large party classing her among brutes without soul or reason. As early as the sixth century a council at Macon (585), fifty-nine bishops taking part, devoted its time to a discussion of this question, “Does woman possess a soul?” Upon one side it was argued that woman should not be called “homo”; upon the opposite side that she should, because, first, the Scriptures declared that God created man, male and female; second, that Jesus Christ, son of a woman, is called the son of man.

⁶⁸ 964. Notion of uncleanness attaching to sexual relations fostered by the church. Herbert Spencer. —*Descriptive Sociology, England.*

⁶⁹ In the third century marriage was permitted to all orders and ranks of the clergy. Those, however, who continued in a state of celibacy, obtained by this abstinence a higher reputation of sanctity and virtue than others. This was owing to an almost general persuasion that they who took wives were of all others the most subject to the influence of malignant demons. —*Mosheim.*

Christian women were therefore allowed to remain human beings in the eyes of the clergy, even though considered very weak and bad ones. But nearly a thousand years after this decision in favor of the humanity of the women of Christian Europe, it was still contended that the women of newly discovered America belonged to the brute creation, possessing neither souls nor reason.⁷⁰ As late as the end of the sixteenth century an anonymous work appeared, arguing that women were no part of mankind, but a species of intermediate animal between the human and the brute creation. (*Mulieres non est homines*, etc.) Mediaeval christian writings show many discussions upon this point, the influence of these old assertions still manifesting themselves.

Until the time of Peter the Great, women were not recognized as human beings in that great division of Christendom known as the Greek church, the census of that empire counting only males, or so many “souls” – no woman named. Traces of this old belief have not been found wanting in our own country within the century. As late as the Woman’s Rights Convention in Philadelphia, 1854, an objector in the audience cried out: “Let women first prove they have souls; both the Church and the State

⁷⁰ Old (Christian) theologians for a long time disputed upon the nature of females; a numerous party classed them among the brutes having neither soul nor reason. They called a council to arrest the progress of this heresy. It was contended that the women of Peru and other countries of America were without soul and reason. The first Christians made a distinction between men and women. Catholics would not permit them to sing in Church. *Dictionnaire Feodal* Paris, 1819.

deny it.”

Everything connected with woman was held to be unclean. It is stated that Agathro desired the Sophist Herodes to get ready for him the next morning a vessel full of pure milk, that is to say which had not been milked by the hand of a woman. But he perceived as soon as it was offered to him that it was not such as he desired, protesting that the scent of her hands who had milked it offended his nostrils. In the oldest European churches great distinction was made between the purity of man and woman. At an early date woman was forbidden to receive the Eucharist into her naked hand on account of her impurity,⁷¹ or to sing in church on account of her inherent wickedness. To such an extent was this opposition carried, that the church of the middle ages did not hesitate to provide itself with eunuchs in order to supply cathedral choirs with the soprano tones inhering by nature in woman alone. One of the principal charges against the Huguenots was that they permitted women to sing in church, using their voices in praise of God contrary to the express command of St. Paul, Catherine de Medicis reproaching them for this great sin.⁷² The massacre at St. Bartholomew, when 30,000 men, women

⁷¹ By a decree of the Council of Auxerre (A.D. 578), women on account of their impurity were forbidden to receive the sacrament into their naked hands.

⁷² Catherine reproached the Protestants with this impious license as with a great crime. “Les femmes chantant aux *orgies* des huguenots, dit Georges l’apotre; apprenez donc, predicans, que saint Paul a dit; *Mulieres in ecclesia* taccant; et que dans le chapitre de l’apocolypse l’evoque de Thyathire est manace de la damnation pour avoir permis a une femme de parles a l’eglise. See *Redavances Seigneur*.

and children lost their lives, and the entire destruction of many families of purest character took place, with an additional great loss to France from the self-imposed banishment of hundreds more, may be traced to the teaching of St. Paul that woman should keep silence in the church. This doctrine also crossed the ocean with the Puritan Fathers, and has appeared in America under many forms.⁷³

The Christianity of the ages teaching the existence of a superior and inferior sex, possessing different rights under the law and in the church, it has been easy to bring man and woman under accountability to a different code of morals. For this double code the church is largely indebted to the subtle and acute Paul, who saw in the new religion but an enlarged Judaism that should give prominence to Abraham and his seed from whom Christ claimed descent. His conversion did not remove his old Jewish contempt for woman, as shown in his temple service, the law forbidding her entrance beyond the outer court. Nor could he divest himself of the spirit of the old morning prayer which daily led each Jew to thank God that he was not born a heathen, a slave or a woman.

He brought into the new dispensation the influence of the old ceremonial law, which regarded woman as unclean. The

⁷³ When part singing was first introduced into the United States, great objection was made to women taking the soprano or leading part, which by virtue of his superiority it was declared belonged to man. Therefore woman was relegated to the bass or tenor but nature proved too powerful, and man was eventually compelled to take bass or tenor as his part, while woman carried the soprano, says the *History of Music*.

Jewish exclusion of forty days from even the outer court of the sanctuary to the woman who had given birth to a son, and of twice that period, or eighty days, if a daughter had been born, was terminated in both religions by a sin-offering in expiation of the mother's crime for having, at the peril of her own, brought another human being into life.⁷⁴ This Old Testament teaching degraded the life-giving principle exemplified in motherhood, and in a two-fold way lessened the nation's regard for womanhood. First, through the sin-offering and purification demanded of the mother; second, by its doubling the period of exclusion from the temple in case a girl was given to the world.⁷⁵ The birth of girls even under Christianity has everywhere been looked upon as an infliction, and thousands have been immured in convents, there to die of despair or to linger through years,⁷⁶ the victim alike of father and of priest.

⁷⁴ *Leviticus 12:15*. Dr. Smith characterizes a sin-offering as a sacrifice made with the idea of propitiation and atonement; its central idea, that of expiation, representing a broken covenant between God and the offender; that while death was deserved, the substitute was accepted in lieu of the criminal. —*Dictionary of the Bible*.

⁷⁵ *The Talmud* (Mishna), declared three cleansings were necessary for leprosy and three for children, thus placing the bringing of an immortal being into life upon the same plane of defilement with the most hideous plague of antiquity.

⁷⁶ The mean term of life for these wretched girls under religious confinement in a nunnery was about ten years. From the fifteenth century a sickness was common, known as Disease of the Cloisters. It was described by Carmen. Jewish contempt of the feminine was not alone exhibited in prohibiting her entrance into the holy places of the temple, and in the ceremonies of her purification, but also in the especial holiness of male animals which alone were used for sacrifice. Under Jewish law the sons alone inherited, the elder receiving a double portion as the beginning of his father's

The influence of Judaism extended through Christendom. The custom of purification after maternity inherited by the church from Judaism brought with it into Christianity the same double restriction and chastening of the mother in case her infant proved a girl, a gift as propitiation or expiation being required. Uncleanliness was attributed to woman in every function of her being; the purification of the Virgin Mary, who was not exempt, when after the birth of a God, being used as an incontrovertible argument in proof. A festival of the purification of the Virgin Mary, adopted from paganism, was introduced into Rome at an early date, thus perpetuating a belief in the uncleanliness of motherhood. The Church in the Roman Empire soon united with the State⁷⁷ in imposing new restrictions upon women. Since the Reformation the mother's duty of expiation has been confirmed by the Anglican Church, and is known in England as "churching." Directions as to the woman's dress at this time was early made the subject of a canon.⁷⁸ She was to be decently appareled. This term "decently," variously interpreted, was at times the occasion of serious trouble. In 1661, during

strength. See Deut. 21-15. If perchance the mother also possessed an inheritance that was also divided among the sons to the exclusion of daughters. The modern English law of primogeniture is traceable to Judaism. Even the commandments were made subservient to masculine ideas, the tenth classing a man's wife with his cattle and slaves, while the penalties of the seventh were usually visited upon her alone.

⁷⁷ The reign of Constantine marks the epoch of the transformation of Christianity from a religious into a political system. Draper. —*Conflict of Religion and Science*.

⁷⁸ "The woman that cometh to give thanks must offer accustomed offering in this kingdom; it is the law of the kingdom in such cases."

the reign of James I, the Chancellor of Norwich ordered that every woman who came to be churched should be covered with a white veil. A woman who refused to conform to this order was excommunicated for contempt. She prayed a prohibition, alleging that such order was not warranted by any custom or Canon of the Church of England. The judges of the civil court, finding themselves incompetent to decide upon such a momentous question, requested the opinion of the archbishop of Canterbury. Not willing to trust his own judgment, that dignitary convened several bishops for consultation. Their decision was against the woman, this Protestant Council upon woman's dress declaring that it was the ancient usage of the Church of England for women who were to be churched to come veiled, and a prohibition was denied.

The doctrine that woman must remain covered when in the sacred church building shows itself in the United States.⁷⁹ In many instances under Christianity, woman has been entirely excluded from religious houses and church buildings. When Pope Boniface⁸⁰ founded the abbey of Fulda he prohibited the entrance

⁷⁹ In the year 1867 the Right Rev. Bishop Coxe, of the Western Diocese of New York, refused the sacrament to those women patients of Dr. Foster's Sanitarium at Clifton Springs, N.Y., whose heads were uncovered, although the rite was performed in the domestic chapel of that institution and under the same roof as the patient's own rooms. During the famous See trial at Newark, N.J., 1876, the prosecutor, Rev. Dr. Craven, declared that every woman before him wore her head covered in token of her subordination.

⁸⁰ The Catholic Congress of July, 1892, telegraphing the pope it would strive to obtain for the Holy See the recovery of its inalienable prerogative and territorial

of women into any of the buildings, even including the church. This rule remained unbroken during the tenth and eleventh centuries, and even when in 1131 the Emperor Lothair went to Fulda to celebrate Pentecost, his empress was not permitted to witness the ceremonies. When Frederick Barbarossa, 1135, proposed to spend his Easter there, he was not even allowed to enter the house because of having his wife with him. In 1138 Boniface IX, at the request of the abbot, John Merlow, relaxed the rule and permitted women to attend the services of the church. Shortly afterwards the building was destroyed by lightning, which was looked upon as evidence of the divine displeasure at the desecration. The monastery of Athos under the Greek church, situated upon an island, does not permit the entrance of a female animal upon its confines. Even in America woman has met similar experience.⁸¹

At certain periods during the middle ages, conversation with women was forbidden. During the Black Death, the Flagellants, or Brotherhood of the Cross, were under such interdict.⁸² In this last decade of the XIX century, the Catholic church still imposes

independence, was convened at Fulda.

⁸¹ "In the old days, no woman was allowed to put her foot within the walls of the monastery at San Augustin, Mexico. A noble lady of Spain, wife of the reigning Viceroy, was bent on visiting it. Nothing could stop her, and in she came. But she found only empty cloisters, for each virtuous monk locked himself securely in his cell, and afterward every stone in the floor which her sacrilegious feet had touched was carefully replaced by a new one fresh from the mountain top. Times are sadly changed. The house has now been turned into a hotel."

⁸² *Sacerdotal Celibacy.*—Lea.

similar restrictions upon certain religious houses. Early in 1892 the queen-regent of Spain visited the monastery of Mirzafleres; its rules not allowing a monk to speak to a woman, the queen was received in silence. Her majesty immediately telegraphed to the pope asking indulgence, which was granted, and during four hours the monks were permitted the sin of speaking to a woman. It is curious to note that the first sentence uttered by one of the monks was a compliment upon the simplicity of her majesty's attire. But the most impressive evidence of the contempt of the church towards all things feminine was shown in a remark by Tetzels the great middle-age dealer in indulgences. Offering one for sale he declared it would insure eternal salvation even if the purchaser had committed rape upon the mother of God.⁸³

A knowledge of facts like these is necessary in order to a just understanding of our present civilization, especially as to the origin of restrictive legislation concerning woman. The civilization of today is built upon the religious theories of the middle ages supplemented by advancing freedom of thought. Lea, declares thus:

The Latin church is the great fact which dominates the history of modern civilization. All other agencies which molded the destinies of Europe were comparatively isolated or sporadic in their manifestations.

The influence of church teaching is most strikingly manifested in the thought of today. Without predetermined

⁸³ *Studies in Church History.*—Lea.

intention of wrong doing, man has been so molded by the Church doctrine of ages and the coordinate laws of State as to have become blind to the justice of woman's demand for freedom such as he possesses. Nor is woman herself scarcely less bound, although now torn by the spirit of rebellion which burned in the hearts of her fore-mothers, so cruelly persecuted, so falsely judged, during past ages, when the most devout Christian woman possessed no rights in the church, the government or the family. The learning which had been hers in former periods, was then interdicted as an especial element of evil. Her property rights recognized in former periods then denied; as a being subordinate to man she was not allowed a separate estate or control over the earnings of her own hands. Her children were not her own but those of a master for whose interest or pleasure she had given them birth. Without freedom of thought or action, trained to consider herself secondary to a man, a being who came into the world not as part of the great original plan of creation but as an afterthought of her Creator, and this doctrine taught as one of the most sacred mysteries of religion which to doubt was to insure her eternal damnation, it is not strange that the great body of women are not now more outspoken in demanding equal religious and governmental rights with man. But another phase of heredity shows itself in the eagerness with which women enter all phases of public life which does not place them in open antagonism with Church or State. Education, industries, club life and even those great modern and religious organizations

which bring them before the public, throwing active work and responsibility upon them, would be entirely unexplainable were it not for the tendency of inherited thought to ultimately manifest itself.

The long continued and powerfully repressing influence of church teaching in regard to the created inferiority of women, imposed upon millions of men and women a bondage of thought and action which even the growing civilization of the nineteenth century has not yet been able to cast off. To this doctrine we can trace all the irregularities which for many centuries filled the church with shame; practices more obscene than those of Babylon or Corinth dragged Christendom to a darkness blacker than the night of heathendom in the most pagan countries – a darkness so intense that the most searching efforts of the historian but now and then cast a ray of light upon it; – a darkness so profound that in Europe from the seventh to the eleventh centuries no individual thought can be traced, no opinion was formed, no heresy arose. All Christendom was sunk in superstition. Lange⁸⁴ says “The disappearance of ancient civilization in the early centuries of the Christian era is an event the serious problems of which are in great part still unexplained.” Had Lange not been influenced by the subtle current of heredity which unwittingly influenced nations and systems equally with individuals, he could easily have discovered the cause of this disappearance of olden civilization, to be in the degradation of

⁸⁴ *History of Materialism.*

the feminine element under Christianity. While this darkness of Christian Europe was so great that history knows less of it a thousand years since than it does of Egypt 5,000 years ago, one corner of that continent was kept luminous by the brilliance of Mohammedan learning. The Arabs alone had books from the eighth to the thirteenth centuries of the Christian era. The Moors of Spain kept that portion of Europe bright, while all else was sunk in darkness. Universities existed, learning was fostered and women authors were numerous. For many hundred years Rome possessed no books but missals and a few Bibles in the hands of priests. Men were bound by church dogmas looking only for aggrandisement through her. The arts ceased to flourish, science decayed, learning was looked upon as a disgrace to a warrior,⁸⁵ the only occupation deemed worthy of the noble.

The priesthood who alone possessed a knowledge of letters, prostituted their learning to the basest uses; the nobility when not engaged against a common foe, spent their time battling against each other; the peasantry were by turns the sport and victim of priest and noble, while woman was the prey of all. Her person and her rights possessed no consideration except as she could be made to advance the interest or serve the pleasure of priest, noble, father, husband; some man-god to whose lightest desire all her wishes were made to bend. The most pronounced doctrine of the church at this period was that through woman

⁸⁵ Seals upon legal papers owe their origin to the custom of the uneducated noble warrior stamping the imprint of his clenched or mailed hand upon wax as his signature.

sin had entered the world; that woman's whole tendency was towards evil, and had it not been for the unfortunate oversight of her creation, man would then be dwelling in the paradisaical innocence and happiness of Eden, with death entirely unknown. When the feminine was thus wholly proscribed, the night of moral and spiritual degradation reached its greatest depth, and that condition ensued which has alike been the wonder and the despair of the modern historians, whose greatest fault, as Buckle shows, has been the reading of history from a few isolated facts rather than building up its philosophy from an aggregation of events upon many different planes.

Under all restrictions woman did not fail to show her innate power even within the fold of the church. She founded devout orders,⁸⁶ established and endowed religious institutions, and issued her commands to the pope himself, in more than one instance seating that holy personage in the papal chair.⁸⁷ From St. Paulina, whose life was written by St. Jerome, to the promulgation of the dogma of the Immaculate Conception of

⁸⁶ *St. Theresa* founded the Barefoot Carmelites, and it is but a few years since thousands of its members assembled to do honor to her name.

⁸⁷ The annals of the Church of Rome give us the history of that celebrated prostitute Marozia of the tenth century, who lived in public concubinage with Pope Sergius III., whom she had raised to the papal throne. Afterwards she and her sister Theodosia placed another of their lovers, under name of Anastatius III., and after him John X., in the same position. Still later this same powerful Marozia placed the tiara upon the head of her son by Pope Sergius under name of John XI., and this before he was sixteen years of age. The celebrated Countess Matilda exerted no less power over popedom, while within this century the maid of Kent has issued orders to the pope himself.

the Virgin Mary by the Ecumenical Council under Pius IX, and the later canonization of Joan of Arc, woman has not failed to impress even the Christian world with a sense of her intellectual and spiritual power. Yet despite the very great influence exerted by so many women in the affairs of the church – notwithstanding the canonization of so many women, she has only been able to show her capacity at an immense expenditure of vital force against constant priestly opposition and the powerful decrees of councils. Subtle and complex as are the influences that mould thought and character, we cannot comprehend the great injustice of the church towards woman in its teaching of her mental and spiritual inferiority without a slight examination of the great religious institutions that have been under her charge. Of these none possess more remarkable history than the Abbey of Fontervault,⁸⁸ founded in 1099, for both monks and nuns. It belonged in the general rank of Benedictines, and was known as the Order of Fontervault. It was ruled by an abbess under title of General of the Order, who was responsible to no authority but that of the pope himself. Forming a long succession of able women in thirty-two abbesses from the most eminent

⁸⁸ The first abbess, Petrouville, becoming involved in a dispute with the powerful bishop of Angers, summoned him before the council of Chateraroux and Poitiers, where she pleaded the cause of her order and won her case. In 1349 the abbess Theophegenie denied the right of the seneschal of Poitou to judge the monks of Fontervault, and gained it for herself. In 1500, Mary of Brittany, in concert with the pope's deputies, drew up with an unflinching hand the new statutes of the order. Legouve. —*Moral History of Women*.

families of France, woman's capacity for the management of both ecclesiastical and civil affairs was there shown for six hundred years. It was the abbess who alone decided the religious fitness of either monk or nun seeking admission to the order. It was the abbess who decreed all ecclesiastical and civil penalties; who selected the confessors for the different houses of the order throughout France and Spain; who managed and controlled the vast wealth belonging to this institution; it was the abbess who drew up the rules for the government of the order, and who also successfully defended these privileges when attacked. For neither the protection of the pope, the wealth of the order, or the family influence connected with it, prevented priestly attack,⁸⁹ and no argument in favor of woman's governing ability is stronger than the fact that its abbesses ever successfully resisted these priestly assaults upon the privileges of their order. The abbey of Fontervault, with its grounds of forty or fifty acres, was surrounded by high walls; its soil was tilled by the monks of the abbey, who received even their food as alms from the nuns, returning all fragments for distribution to the poor.⁹⁰

The authority of women was supreme in all monasteries of the order. The ecclesiastical power maintained by these abbesses

⁸⁹ No community was richer or more influential, yet during six hundred years and under thirty-two abbesses, every one of its privileges were attacked by masculine pride or violence, and every one maintained by the vigor of the women. —*Sketches of Fontervault.*

⁹⁰ What is more remarkable the monks of this convent were under control of the abbess and nuns, receiving their food as alms. —*Ibid.*

is the more remarkable, as it was in direct contravention of the dictates of the early councils, that of Aix-la-Chapelle, 816, forbidding abbesses to give the veil or take upon themselves any priestly function; the later council of Paris A.D. 824, bitterly complained that women served at the altar, and even gave to people the body and blood of Jesus Christ.

Among the convents controlled by women, which have largely influenced religious thought, was that of the Paraclete in the 12th century under Heloise. Its teachings that belief was dependent upon knowledge, attacked the primal church tenet, that belief depends upon faith alone. The convent of Port Royal des Champs during the 17th century exerted much influence. Its abbess, the celebrated Mother Angelique Arnault, was inducted into this office in her eleventh year upon death of her abbess-aunt whose co-adjutrix she had been. This convent, both in person of the nuns as well as the monks connected with it, became a protest against the jesuitical doctrine of the seventeenth century, and like the Paraclete is intimately connected with reform questions in the Catholic Church. Notwithstanding such evidences of woman's organizing mind and governing qualities under the most favorable conditions, as well as of piety so unquestioned as to have produced a long calendar of female saints, the real policy of the church remained unchanged; nor could it be otherwise from its basis of woman's created inferiority and original sin. The denial to women of the right of private judgment and the control of her own actions, the constant teaching of her greater

sinfulness and natural impurity, had a very depressing effect upon the majority of women whose lowly station in life was such as to deprive them of that independence of thought and action possible to women of rank and wealth. Then, as now, the church catered to the possessors of money and power; then, as now, seeking to unite their great forces with its own purpose of aggrandizement, and thus the church has ever obstructed the progress of humanity, delaying civilization and condemning the world to a moral barbarism from which there is no escape except through repudiation of its teaching. To the theory of “God the Father,” shorn of the divine attribute of motherhood, is the world beholden for its most degrading beliefs, its most infamous practices. Dependent upon the identified with lost motherhood is the “Lost Name” of ancient writers and occultists. When the femininity of the divine is once again acknowledged, the “Lost Name” will be discovered and the holiness (wholeness) of divinity be manifested.⁹¹

As the theory of woman’s wickedness gathered force, her representative place in the church lessened. From century to century restrictive canons multiplied, and the clergy constantly grew more corrupt, although bearing bad reputation at an early date.⁹² Tertullian, whose heavy diatribes are to be found in large

⁹¹ “The Lord’s Prayer,” taught his disciples by Jesus, recognizes the loss, and demands restoration of the feminine in “Hallowed (whole) be Thy Name.”

⁹² Woman should always be clothed in mourning and rags, that the eye may perceive in her only a penitent, drowned to tears, and so doing for the sin of having ruined the whole human race. Woman is the gateway of satan, who broke the seal of the forbidden

libraries, was bitter in his opposition to marriage.⁹³ While it took many hundreds of years for the total exclusion of woman from the christian priesthood, the celibacy of the clergy during this period was the constant effort of the Church. Even during the ages that priestly marriage was permitted, celibates obtained a higher reputation for sanctity and virtue than married priests, who infinitely more than celibates were believed subject to infestation by demons.⁹⁴

The restriction upon clerical marriages proceeded gradually. First the superior holiness of the unmarried was taught together with their greater freedom from infestation by demons. A single marriage only was next allowed, and that with a woman who had never before entered the relation.⁹⁵ The Council of A.D. 347, consisting of twenty-one bishops, forbade the ordination of those priests who had been twice married or whose wife

tree and who first violated the divine law.

⁹³ Gildas, in the first half of the sixth century, declared the clergy were utterly corrupt. Lea. —*Studies in Church History*.

⁹⁴ In the third century marriage was permitted to all ranks and orders of the clergy. Those, however, who continued in a state of celibacy, obtained by this abstinence a higher reputation of sanctity and virtue than others. This was owing to the almost general persuasion that they who took wives were of all others the most subject to the influence of malignant demons. —*Mosheim*. As early as the third century, says *Bayle*, were several maidens who resolved never to marry.

⁹⁵ The priests of the Greek Church are still forbidden a second marriage. In the beginning of the reign of Edward I, when men in orders were prohibited from marriage in England, a statute was framed under which lay felons were deprived of the clergy in case they had committed bigamy in addition to their other offenses; bigamy in the clerical sense meaning marriage with a widow or with two maidens in succession.

had been a widow.⁹⁶ A council of A.D. 395 ruled that a bishop who had children after ordination should be excluded from the major orders. The Council of A.D. 444, deposed Chelidonius, bishop of Besancon, for having married a widow. The Council of Orleans, A.D. 511, consisting of thirty-two bishops, decided that monks who married should be expelled from the ecclesiastical order. The Church was termed the spouse of the priest. It was declared that Peter possessed a wife before his conversion, but that he forsook her and all worldly things after he became Christ's, who established chastity; priests were termed holy in proportion as they opposed marriage.⁹⁷ The unmarried among the laity who had never entered that relation, and the married who forsook it, were regarded as saintly. So great was the opposition to marriage that a layman who married a second time was refused benediction and penance imposed.⁹⁸ A wife was termed "An Unhallowed Thing."

So far from celibacy producing chastity or purity of life, church restrictions upon marriage led to the most debasing

⁹⁶ Pelagius II., sixty-fifth pope in censuring those priests, who after the death of their wives have become fathers by their servants, recommended that the culpable females should be immured in convents to perform perpetual penance for the fault of the priest. Cormenin. —*History of the Popes*, p. 84.

⁹⁷ A priest's wife is nothing but a snare of the devil, and he who is ensnared thereby on to his end will be seized fast by the devil, and he must afterwards pass into the hands of fiends and totally perish. —*Institutes of Polity, Civil and Ecclesiastical*, pp. 438-42. *Canons of Aelfric and Aelfric's Pastoral Epistles*, p. 458.

⁹⁸ *Momumenta Ecclesiastica. Institutes of Polity, Civil and Ecclesiastical.*

crimes, the most revolting vices, the grossest immorality. As early as the fourth century (370) the state attempted purification through a statute enacted by the emperors Valentinian, Valerius and Gratian, prohibiting ecclesiastics and monks from entering the houses of widows, single women living alone, or girls who had lost their parents.⁹⁹ The nearest ties of relationship proved ineffectual in protecting woman from priestly assault, and incest became so common it was found necessary to prohibit the residence of a priest's mother or sister in his house.¹⁰⁰ This restriction was renewed at various times through the ages. The condemnation of the Council of Rome, Easter, 1051, under the pontificate of Pope Leo IX, was not directed against married priests, but against those who held incestuous relations. Yet although the Church thus externally set her seal of disapprobation upon this vice, her general teaching sustained it. Gregory, bishop of Venelli, convicted of this crime by the Council of Rome, was punished by excommunication, but in a short time was restored to his former important position. The highest legates were equally

⁹⁹ In order to understand the morals of the clergy of this period, it is important that we should make mention of a law which was passed by the emperors Valentinian, Valerius and Gratian toward the end of the year 370. It prohibited ecclesiastics and monks from entering the houses of widows and single women living alone or who had lost their parents. Dr. Cormenin. —*History of the Popes*, p. 62.

¹⁰⁰ *Lecky* finds evidence of the most hideous immorality in these restrictions, which forbade the presence even of a mother or sister in a priest's house. *Lea* says it is somewhat significant that when in France the rule of celibacy was completely enforced churchmen should find it necessary to revive this hideously suggestive restriction which denied the priest the society of his mother and sister. —*Sacerdotal Celibacy*, p. 344.

guilty with the inferior priests. Cardinal John of Cremona, the pope's legate to the Council of Westminister 1125, sent by Pope Honorius for the express purpose of enforcing celibacy, became publicly notorious and disgraced, and was obliged to hastily leave England in consequence of his teaching and his practice being diametrically opposed.¹⁰¹

Through this clerical contempt of marriage, the conditions of celibacy and virginity were regarded as of the highest virtue. Jerome respected marriage as chiefly valuable in that it gave virgins to the church, while Augustine in acknowledging that marriage perpetuated the species, also contended that it also perpetuated original sin.

These diverse views in regard to marriage created the most opposite teaching from the church. By one class the demand to increase and multiply was constantly brought up, and women were taught that the rearing of children was their highest duty. The strangest sermons were sometimes preached toward the enforcement of this command. Others taught an entirely different duty for both men and women, and a large celibate class was created under especial authority of the church. Women, especially those of wealth, were constantly urged to take upon themselves the vow of virginity, their property passing into possession of the church, thus helping to build up priestly power.

¹⁰¹ He declared it to be the highest degree of wickedness to rise from a woman's side to make the body of Christ. He was discovered the same night with a woman to the great indignation of the people, and obliged to flee the country to escape condign punishment.

Another class held the touch of a woman to be a contamination, and to avoid it holy men secluded themselves in caves and forests.¹⁰² Through numerous decretals confirmation was given to the theory that woman was defiled through the physical peculiarities of her being. Even her beauty was counted as an especial snare and temptation of the devil for which in shame she ought to do continual penance.¹⁰³ St. Chrysostom, whose prayer is repeated at every Sunday morning service of the Episcopal church, described women as a “necessary evil, a natural temptation, a desirable calamity, a domestic peril, a deadly fascination, and a painted ill.” But to escape her influence was impossible and celibacy led to the most direful results. Monks and hermits acknowledged themselves tormented in their

¹⁰² It is not difficult to conceive the order of ideas that produced that passionate horror of the fair sex which is such a striking characteristic of old Catholic theology. Celibacy was universally conceded as the highest form of virtue, and in order to make it acceptable theologians exhausted all the resources of their eloquence in describing the iniquity of those whose charm had rendered it so rare. Hence the long and fiery disquisitions on the unparalleled malignity, the unconceivable subtlety, the frivolity, the unfaithfulness, the unconquerable evil propensities of woman. Lecky. —*Hist. European Morals.*

¹⁰³ The Fathers of the Church for the most part, vie with each other in their depreciation of woman and denouncing her with every vile epithet, held it a degradation for a saint to touch even his aged mother with his hand in order to sustain her feeble steps... For it declared woman unworthy through inherent impurity even to set foot within the sanctuaries of its temples; suffered her to exercise the function of wife and mother only under the spell of a triple exorcism, and denied her when dead burial within its more sacred precincts even though she was an abbess of undoubted sanctity. Anna Kingsford. —*The Perfect Way*, p. 286.

solitary lives by visions of beautiful women. Monasteries were visited by an illness to which celibacy imparted a name,¹⁰⁴ and impurity of body and soul spread throughout Christendom. The general tone of the church in regard to marriage; its creation of a double code of morality; its teaching of woman's greater sinfulness, together with that of her absolute subordination to man, subverted the moral character of the Christian world within whose borders the vilest systems of immorality arose which the world has ever known; its extent being a subject of historical record.¹⁰⁵

According to the teaching of men who for many hundreds of years were molders of human thought, priests, philosophers and physicians alike, nature never designed to procreate woman, her intention being always to produce men. These authorities asserted that nature never formed the feminine except when she lost her true function and so produced the female sex by

¹⁰⁴ *Disease of the Cloisters.*

¹⁰⁵ When the sailors of Columbus returned from the new world they brought with them a disease of an unknown character, which speedily found its way into every part of Europe. None were exempt; the king on his throne, the beggar in his hovel, noble and peasant, priest and layman alike succumbed to the dire influence which made Christendom one vast charnel house. Of it, *Montesquieu* said: "It is now two centuries since a disease unknown to our ancestors was first transplanted from the new world to ours, and came to attack human nature in the very source of life and pleasure. Most of the powerful families of the South of Europe were seen to perish by a distemper that was grown too common to be ignominious, and was considered in no other light than that of being fatal. *Works*, I, 265.

chance or accident. Aristotle¹⁰⁶ whose philosophy was accepted by the church and all teaching of a contrary character declared heretical, maintained that nature did not form woman except when by reason of imperfection of matter she could not obtain the sex which is perfect.¹⁰⁷ Cajetan enunciated the same doctrine many hundred years later.¹⁰⁸ Aristotle also denied creative power to the mother.¹⁰⁹ While throughout its history the course of the Christian Church against marriage is constantly seen, no less noticeable are the grossly immoral practices resulting from celibacy. Scarcely a crime or a vice to which it did not give birth. Celibacy was fostered in the interests of power, and in order to its more strict enforcement barons were permitted to enslave the wives and children of married priests.¹¹⁰ Those of Rome were bestowed upon the Cathedral church of the Lateran, and bishops throughout Christendom were ordered to enforce this law in their own dioceses and to seize the wives of priests for the benefit of their churches. At no point of history do we more clearly note

¹⁰⁶ St. Ambrose and others believed not that they (women) were human creatures like other people. Luther. —*Familiar Discourses*, p. 383.

¹⁰⁷ When a woman is born it is a deficit of nature and contrary to her intentions, as is the case when a person is born blind or lame or with any natural defect, and as we frequently see happens in fruit trees which never ripen. In like manner a woman may be called a fortuitous animal and produced by accident.

¹⁰⁸ Cajetan, living from 1496 to 1534, became General of the Dominican Order and afterwards Cardinal.

¹⁰⁹ “The Father alone is creator.”

¹¹⁰ By decree of the Council of Lyons, 1042, barons were allowed to enslave the children of married clergy. —*Younge*.

the influence of the Church upon the State than in the union of the temporal power with the ecclesiastical for purposes of constraining priestly celibacy.

Under reign of Philip I of France, a council was held at Troyes which condemned the marriage of priests.¹¹¹ In 1108, the following year, King Henry I of England¹¹² summoned a council to assemble in London for purpose of upholding priestly celibacy, urging its enforcement upon the bishops, and pledging his kingly honor in aid. A new series of canons was promulgated, strengthened by severe penalties and the co-operation of the king. Finding it impossible either through spiritual or temporal power to compel absolute celibacy¹¹³ the king for the benefit of his exchequer established a license for concubinage upon the payment of a tax known as cullagium.¹¹⁴

Notwithstanding all the powerful enginery of the church, priestly celibacy, so contrary to nature, was not rendered

¹¹¹ In 1108 priests were again ordered to put away their wives. Such as kept them and presumptuously celebrated mass were to be excommunicated. Even the company of their wives was to be avoided. Monks and priests who for love of their wives left their orders suffering excommunication, were again admitted after forty days penance if afterwards forsaking them.

¹¹² Dulaure. —*Histoire de Paris*, I, 387, note.

¹¹³ The abbot elect of St. Augustine, at Canterbury, in 1171, was found on investigation to have seventeen illegitimate children in a single village. An abbot of St. Pelayo, in Spain, in 1130, was proved to have kept no less than seventy mistresses. —*Hist. European Morals*, p. 350.

¹¹⁴ A tax called "cullagium," which was a license to clergymen to keep concubines, was during several years systematically levied by princes. —*Ibid* 2, 349.

absolutely imperative until the thirteenth century. The Fourth Lateran Council (Twelfth Ecumenical), 1215, under pope Innocent III, is especially famous because of its final settlement of the policy of the church in regard to priestly marriage. This was a large council, 1300 prelates taking part in the adjudication of this question. While with St. Augustine acknowledging that marriage was requisite for the preservation of the race, it strictly confined this relation to the laity.

The subject of celibacy as we see had agitated the church from its foundation. A more renowned council even than the Twelfth Ecumenical, namely, the First Nicene or Second Ecumenical, having seriously discussed it, although after prolonged debate pronouncing against celibacy and in favor of priestly marriage. St. Paphnutius, the martyr bishop of Thebes, although himself a celibate advocated marriage which he declared to be true chastity, the council adopting his opinion. Although the tendency of the church for so many hundred years had been towards celibacy yet when adopted as a dogma, a belief in its propriety or its scriptural authority was by no means universal even among the most eminent members, but in no instance has the control of the church over the consciences and will of its adherents been more forcibly illustrated. Many illustrious and learned theologians as Gratian the Canonist, St. Thomas Aquinas and Giraldus Cambrensis, Arch-Deacon of St. Davids, while thereafter sustaining celibacy *as a law of the church* declared it had neither scriptural nor apostolic warrant; St. Thomas

affirming it to be merely a law of human ecclesiastical origin.¹¹⁵

Absolute celibacy of the priesthood proved very difficult of enforcement. At the great council of London, 1237, twenty-three years afterwards, Cardinal Otto deplored the fact that married men still received holy orders and held office in the church, and in 1268 only fifty-three years after the great council confirming celibacy as a doctrine of the church, another great council was convened in London, when Cardinal Legate Ottoborn, the direct representative of the Pope, demanded the establishment of concubinage for priests. The institutions of Otto and Ottoborn long remained the law of the English church. Yet to their honor be it remembered that despite council and cardinal, pope and church, there were priests who still persistently refused either to part from their wives or to relinquish their priestly functions, and who when excommunicated for contumacy, laughed at the sentence and continued their priestly offices.¹¹⁶ Others sufficiently conformed to the edicts to lock up their churches and suspend their priestly administrations, yet refusing to part with their wives. The relatives of wives also exerted their influence against the action of the church.

The struggle was bitter and long. New canons were promulgated and celibacy enforced under severe penalties, or

¹¹⁵ *Supplement to Lumires, 50th question, Art, III.*

¹¹⁶ St. Anselm, although very strict in the enforcement of the canons favoring celibacy, found recalcitrant priests in his own diocese whose course he characterized as "bestial insanity."

rather marriage was prohibited under severe penalties. The holy robbery which made slaves of the wives and children of priests confiscating their property to the church, had more effect in compelling celibacy than all anathemas upon the iniquity of marriage. Priests who retained their wives preferring the chastity of this relation to the license allowed celibates, were prohibited from their offices and their wives denounced as harlots. If this did not suffice, such priests were finally excommunicated. But a way of return was left open. In case this measure coerced them into abandoning wives and children, a short penance soon restored the priestly rank with all its attendant dignities. Nor was the reinstated priest compelled to live purely. So little was it expected that the tax upon concubinage soon became a component part of the celibate system. So gross and broadspread became the immorality of all classes that even the Head of the Church pandered to it in the erection by Pope Sixtus V of a magnificent building devoted to illicit pleasure.¹¹⁷

The example of Christ himself was pointed to in favor of celibacy, even upon the cross saying to his mother, "Woman, what have I to do with thee?" The saints of the Old Testament as well as the New, were quoted as having opposed marriage. Abel,

¹¹⁷ So says *Bayle*, author of the *Historical and Critical Dictionary*, a magnificent work in many volumes. Bayle was a man of whom it has justly been said his "profound and varied knowledge not only did much to enlighten the age in which he lived by pointing out the errors and supplying the deficiencies of contemporaneous writers of the seventeenth century, but down to the present time his work has preserved a repository of facts from which scholars continually draw."

Melchisedeck, Joshua, Elias, Jonah, Daniel, St. John the Baptist, St. John the Evangelist, St. Paul with his disciples, and all saintly personages were declared to have been celibates.

A concubinage tax was exacted from all the clergy without exception, and rendered compulsory even upon those priests who still kept their wives, or who lived chastely outside of the marital relation. Protests were of no avail. Those whom disinclination, age or ill-health kept chaste, were told the privilege of unchastity was open to them; the bishop must have the money and after payment they were at liberty to keep concubines or not.¹¹⁸ Under concubinage the priest was free from all family responsibility; his mistress possessed neither present nor future claim upon him; children, who according to church teaching followed the condition of the mother, were born to him, but for their education and maintenance neither ecclesiastical nor civil law compelled him to provide.¹¹⁹

For many centuries this immoral tax brought enormous sums into the treasuries of both Church and State. Although the laws against the marriage of priests were enacted on pretense of the greater inherent wickedness of woman, history proves

¹¹⁸ Those who support celibacy would perhaps choose rather to allow crimes than marriage, because they derive considerable revenue by giving license to keep concubines. A certain prelate boasted openly at his table that he had in his diocese 1,000 priests who kept concubines, and who paid him, each of them, a crown a year for their license. —*Cornelius Agrippa*.

¹¹⁹ For years in Germany the word Pufferkind signified “priest’s bastard.” *Montesquieu* declared celibacy to be libertinism.

their chief object to have been the keeping of all priestly possessions under church control. It was openly asserted that the temporal possessions of the church were imperilled by sacerdotal marriage, and it has been declared with every proof of truthfulness that edicts against the marriage of priests were promulgated to prevent the alienation of property from the church.¹²⁰ The saying of Paul was quoted; “He that is married careth for his wife, but he that is unmarried for the Lord.” Married bishops were occasionally confirmed in their sees upon condition that their wives and children should not inherit their property, which upon their death should fall to the church.¹²¹

The struggle against the absolute celibacy of the priesthood was bitter. A few priests still kept their benefices while retaining their wives and acknowledging their children as legitimate. The sons of such contumacious priests were declared forever incapable of taking holy orders, unless by a special dispensation. The church showed almost equal determination in the establishment of concubinage as in the enforcement of priestly celibacy, each of these systems tending to its enrichment.

Opposition proved of no permanent avail. Holding control

¹²⁰ *Amelot* (Abraham Nicholas), born in Orleans 1134, declared the celibacy of the clergy to have been established a law in order to prevent the alienation of the church estate.

¹²¹ Pope Pelagius was unwilling to establish the Bishop of Sagola in his see because he had a wife and family, and only upon condition that wife and children should inherit nothing at his death except what he then possessed, was he finally confirmed. All else was to go into the coffers of the church.

over the conscience of men, asserting the power to unlock the doors of heaven and hell, a strongly organized body working to one end, it is not a subject of astonishment that the church, its chief object the crushing of body and soul, should in the end prove conqueror, and the foulest crimes against woman receive approval of the entire christian world. Many notable consequences followed the final establishment of celibacy as a dogma of the church.

First: The doctrine of woman's inherent wickedness and close fellowship with Satan took on new strength.

Second: Canon Law gained full control of civil law.

Third: An organized system of debauchery arose under mask of priestly infallibility.

Fourth: Auricular confession was confirmed as a dogma of the church.

Fifth: Prohibition of the Scriptures to the laity was enforced.

Sixth: Crime was more openly protected, the system of indulgences gained new strength, becoming the means of great revenue to the church.

Seventh: Heresy was more broadly defined and more severely punished.

Eighth: The Inquisition was established.

When Innocent III completed the final destruction of sacerdotal marriage, it was not upon disobedient priests the most severe punishment fell, but innocent women and children.¹²²

¹²² Cardinal Otto decreed that wives and children of priests should have no benefit

Effort was made to force wives to desert their husbands. Those who proved contumacious were denied christian burial in an age when such denial was looked upon as equivalent to eternal damnation; property left such wives was confiscated to the church; they were forbidden the eucharist; churching after childbirth was denied them; they were termed harlots and their children bastards, while to their sons all office in the church was forbidden. If still contumacious they were handed over to the secular power for condign punishment, or sold as slaves for the benefit of the church. They were regarded as under the direct control of Satan himself, as beings who iniquitously stood between their husbands and heaven.

At numerous times in the history of the church women have been brought to despair by its teachings, and large numbers driven to suicide. A similar period was inaugurated by the confirmation of priestly celibacy. The wives of such men, suddenly rendered homeless and with their children classed among the vilest of earth, powerless and despairing, hundreds shortened their agonies by death at their own hands. For all these crimes the church alone is responsible.

Under celibacy, auricular confession, and extended belief in witchcraft, a new era of wrong toward woman was inaugurated. From thenceforth her condition was more degraded than even during the early centuries of Christianity. Accusations of heresy, which included witchcraft as well as other sins against the church

from the estate of the husband and father; such estates should be vested in the church.

were constantly made against that being who was believed to have brought sin into the world. Whosoever dared question the infallibility of the church by use of their own judgment, even upon the most trivial subjects, immediately fell into condemnation.

Canon Law gaining full control over civil law, the absolute sinfulness of divorce, which maintained by the church has yet been allowed by civil law, was fully established. Woman was entirely at the mercy of man, the Canon Law maintaining that the confession of a guilty woman could not be received in evidence against her accomplice, although it held good against herself¹²³ and the punishment due to both was made to fall on the woman alone.¹²⁴ The best authorities prove that while the clergy were acquainted with the civil codes that had governed the Roman Empire, they made but little use of them.¹²⁵ Upon coming to the throne, Justinian¹²⁶ had repealed the law of the Patriarchate

¹²³ In 1396 Charles VI forbade that the testimony of women should be received in any of the courts of his kingdom.

¹²⁴ The council of Tivoli, in the Soissonais, 909, in which twelve bishops took part, promulgated a Canon requiring the oath of seven witnesses to convict a priest with having lived with a woman; if these failed of clearing him he could do so by his own oath.

¹²⁵ Though the clergy now and then made use both of the Justinian and Theodosian Codes, the former body of law, as such, was notwithstanding from the reign of the Emperor Justinian, or about the year of our Lord 560, till the beginning of the 12th century, or the year of Christ, 1230 or thereabouts, of no force in the west in matter of government. Seldon. — *Dissertation on Fleta*, p. 112.

¹²⁶ The codification of the laws under Justinian were largely due to his wife the

which gave the father sole right and title to, and interest in the children of legal marriage, but this was soon again subverted by ecclesiasticism and under Canon Law a mother was prohibited all authority over her child, its relationship to her even being denied. While under Common Law children followed the condition of their fathers, who if free transmitted freedom to their children, yet in the interests of priestly celibacy, under church legislation, an entire reversal took place and children were held to follow the condition of their mothers. Thus serf-mothers bore serf-children to free-born fathers; slave mothers bore slave children to their masters; while unmarried mothers bore bastard children to both priestly and lay fathers, thus throwing the taint of illegitimacy upon the innocent child, and the sole burden of its maintenance upon the mother. This portion of Canon Law also became the law of the State in all Christian countries,¹²⁷ and is in existence at the present time, both civil codes and statute laws enforcing this great wrong of the Church.¹²⁸ The relations of men and women to each other, the sinfulness of marriage and the license of illicit relations for the priesthood, employed the thought of the church.

Empress Theodosia, who having risen from the lowest condition in the empire, that of a circus performer, to the throne of the East, proved herself capable in every way of adorning that high position.

¹²⁷ By the Code Napoleon, all research into paternity is forbidden. The Christian Church was swamped by hysteria from the third to the sixteenth century. Canon Charles Kingsley. —*Life and Letters*.

¹²⁸ Although under law the entire property of the wife became that of the husband upon marriage.

The duty of woman to obey, not alone her male relatives, but all men by virtue of their sex, was sedulously inculcated. She was trained to hold her own desires and even thoughts in abeyance to those of man, as to one who was rightfully her master. Every holy principle of her nature was subverted by this degrading assumption.

When auricular confession became confirmed as a dogma of the church, it threw immense power over the family into the hands of the priesthood, a power capable of being converted to many ends, but was specially notable in its influence upon morals.¹²⁹ Although auricular confession was not established as a dogma until the Council of 1215, it had been occasionally practiced at early date, carrying with it the same immorality in lesser form as that which afterwards became so great a reproach to the church.¹³⁰ Through its means the priesthood

¹²⁹ A treatise on Chastity, attributed to Pope Sixtus III., barely admits that married people can secure eternal life, though stating that the glory of heaven is not for them.

¹³⁰ The Romish religion teaches that if you omit to name anything in confession, however repugnant or revolting to purity which you even doubt having committed, your subsequent confessions are thus rendered null and sacrilegious. Chiniquy. — *The Priest, the Woman and the Confessional*, p. 202. Study the pages of the past history of England, France, Italy, Spain, etc., and you will see that the gravest and most reliable historians have everywhere found instances of iniquity in the confessional box which their order refused to trace. *Ibid*, p. 175. It is a public fact which no learned Roman Catholic has ever denied that auricular confession became a dogma and obligatory practice of the church only at the Lateran Council, in the year 1215, under Pope Innocent III. Not a single trace of auricular confession as a dogma can be found before that year. *Ibid*, p. 239. Auricular confession originated with the early heretics, especially with Marcianus. Bellarmin speaks of it as something to be practiced. But let us hear what the

gained possession of all family, social and political secrets, thus acquiring information whose power for evil was unlimited. The spirit of evil never found a more subtle method of undermining and destroying human will, its most debasing influences falling upon woman, who through fear of eternal damnation made known her most secret thoughts to the confessor, an unmarried and frequently a youthful man. It soon became a source of very great corruption to both priest and woman.

Another effect of this council was the formal prohibition of the scriptures to the laity, and thenceforth the Bible was confined to the priest who explained its teachings in the interests of his own order, adding to, or taking from, to suit his own interests; the recent new version showing many such interpolations.¹³¹ Nothing was held sacred by these men, who sacrificed everything to their own advancement and that of their order.

The insolence of the priesthood was that of all periods; claiming direct inspiration from God, they taught their own infallibility and in name of Him, whom they professed to serve,

contemporary writers have to say on this question: "Certain women were in the habit of going to the heretic Marcius to confess their sins to him. But as he was smitten with their beauty, and they loved him also, they abandoned themselves to sin with him." —*Ibid*, p. 234.

¹³¹ Disraeli, who is most excellent authority, declared the early English edition of the Bible contained 6,000 errors, which were constantly introduced and passages interpolated for sectarian purposes or to sustain new creeds; sometimes, indeed, they were added for the purpose of destroying all scriptural authority by the use of texts. The revisors of the New Testament found 150,000 errors, interpolations, additions and false translations in the King James or common version.

the grossest crimes were perpetrated, and this profession became a protecting sanctuary to men whose villainous lives would otherwise have brought them to the gallows.¹³²

With conviction of woman's supreme wickedness, increased through the formal recognition of celibacy as a dogma of the church, with the establishment of auricular confession, and the denial of the Bible to the laity, the persecution of woman for witchcraft took on new phase. The belief that it was the ordinary method through which the devil won souls, together with the persuasion that woman through her greater wickedness fell more readily than men into such practices, acquired a firmer seat in theology. Heresy, of which witchcraft was one phase, became a greater sin; the inquisition arose, and the general characteristics of the christian world rapidly grew more inimical to humanity, and especially to woman's freedom, happiness and security.

The influence of the church daily grew more unfavorable to all virtue; vice was sustained, immorality dignified. The concubines of priests called "wives," in bitter mockery of that relation in which the legal wife was termed concubine, were known as

¹³² Cardinal Wolsey complained to the Pope that both the secular and regular priests were in the habit of committing actions for which if not in orders, they would have been promptly executed. The claim of direct inspiration from God exists equally among Protestants as among Catholics, and even among the Unitarians, who deny Christ's divinity. A notable instance of this kind, both because of the high scientific and moral character of the clergyman, took place in the pulpit of the May Memorial Church, Syracuse, N.Y., December 4th, 1887, as reported in the Morning Standard of the 5th. Luther declared that priests believed themselves to be as superior to the laity in general as males were held superior to females.

“The Hallowed Ones,” “The Honored Ones.” No stigma attached to such a life; these women formed quite a class in mediaeval society, themselves and their children out-ranking the wives of ordinary laymen;¹³³ the touch of a priest had sanctified them. In the estimation of the church an immoral life led with a priest was more honorable than marriage with a layman, and all the obligations such a relation implied. Priests assumed immunity from wrong doing. So far from celibacy causing purity of life, through it the priesthood grew to look upon themselves as especially set apart for indulgence in vice. Did not history so faithfully portray this condition, it would seem impossible that it had existed among people asserting the highest morality, and is proof of the danger of irresponsible power to possessor and victim alike, and the ease with which the true meaning of right and wrong is lost under such circumstances.

The theory of the church that as the fall and sin really existed, priestly immorality became a necessity in order to perpetuate the world even through a continuance of the original sin, was a species of fine casuistry for which the church in all ages has been remarkable. The general tenor of the church against marriage, together with its teaching of woman’s greater sinfulness, were the chief causes which undermined the morality of the christian world for fifteen hundred years. With these doctrines were also

¹³³ The legal wife of a priest was termed “An Unhallowed Thing,” while mistresses and concubines were known as “The Hallowed Ones,” “The Honored Ones.” In parts of France, especially in Paris, the latter epithet was common as applied to a priest’s mistress. —*Michelet*.

taught the duty of woman to sacrifice herself in every way for man, a theory of which the present century is not unfamiliar. The loss of chastity in woman was held as light sin in comparison to the degradation that marriage would bring to a priest, and young girls ruined by some candidate or priest, considered themselves doing God service in refusing a marriage that would cause the expulsion of the priestly lover from the ecclesiastical order. With woman's so-called "divine," but rather demoniac self-sacrifice, Heloise chose to be deemed the mistress of Abelard rather than by acknowledging their marriage destroy his prospects of advancement in the church.¹³⁴

The State sustained the Church in its opposition to marriage, and we find the anomaly of marriage for political reasons where the parties forever separated at the altar. St. Jerome, and at a later date St. Dunstan, sustained the policy of such marriages. The history of Britain gives instances of early queens thus separating from their newly made husbands at the close of the ceremony, dedicating their lives to celibacy and their fortunes to the church.

Nor did this institution neglect that large class of women to whom marriage was made impossible because of the numbers of men to whom it was forbidden. After the Lateran Council had permanently settled the action of the church in favor of priestly

¹³⁴ Heloise sacrificed herself on account of the impediments the church threw in the way of the married clergy's career of advancement. As his wife he would lose the ascending ladder of ecclesiastical honors, priory, abbacy, bishopric, metropolitane, cardinalate, and even that which was above and beyond all. Milman. —*Latin Christianity*.

celibacy, great effort was made to draw women of wealth into a monastic life. Religion was the chief method of acquiring power, and as an abbess of a religious institution it opened opportunity for power to women scarcely possible outside the church. The two highest womanly virtues inculcated by the church were a celibate life and liberality to religious houses. It was taught if anything could possibly mitigate women's sin through Eve's transgression, it was the observance of these two conditions.

To the student this is the most remarkable period in the history of the church, not merely as a culmination of the effort of centuries in finally deciding the questions of celibacy, so long agitated with such varying results, but in the immediate change and permanent settlement it brought about in regard to other church dogmas, as well as its pronounced influence in causing the Lutheran Reformation.

It was asserted that the spiritual office of the priest sanctified sin; it became a maxim that whatever a priest might do was holy; by their taking part in lasciviousness it became consecration. To disobey a priest was to endanger salvation; it was libellous and treasonable to question the purity of a priest's motives, hence religion became a screen for all vice and a source of moral degradation to all woman. To such extent was belief carried in the superior purity of a celibate life that but little more than 300 years since a man was burned at the stake in England for asserting the lawfulness of priestly marriage.¹³⁵ The action of the council

¹³⁵ In 1558 one Walter Mill was indicted, one article of his accusation being his

of 1215, so powerfully sustaining the olden claims of the superior holiness of celibacy soon created a belief in the inability of a priest to commit sin. During the middle ages his infallibility was constantly maintained, his superior sanctity in consequence of his celibacy universally asserted. It was impossible not to connect the idea of great wickedness with those incapable of entering this holy office, and as woman by virtue of sex was prohibited priestly functions, and as her marriage had been declared a necessity for the world, these conditions were used as arguments against her. The conscience and morality of tens of thousands were destroyed by these teachings, enforced as they were by all the dread authority of the church. The christian world was under entire control of a class whose aim was chiefly that of personal aggrandizement, and that hesitated at no means for securing wealth and power.

The Inquisition was firmly established; under its reign six hundred methods of torture were known, and it was conducted with such secrecy that not until dragged before it were many of its victims aware they were under suspicion. Even when imprisoned in its torture chambers, the charges against them were kept secret in hopes thereby to compel self-accusation upon other points. The inferiority of woman, her proneness to evil and readiness to listen to all suggestions of Satan, was taught with renewed vigor and power for evil.

assertion of the lawfulness of sacerdotal marriage. He was condemned to the stake and burned. Taine. —*English Literature.*

The priest regarded himself as the direct representative of divinity; the theory of infallibility was not confined to the pope, but all dignitaries of the church made the same claim. Asserting themselves incapable of wrong doing, maintaining an especial sanctification by reason of their celibacy, priests nevertheless made their holy office a cover for the most degrading sensuality. Methods were taken to debauch the souls as well as the bodies of women. Having first taught their special impurity, it was not maintained that immorality with a priest was not sin, but on the contrary hallowed the woman, giving her particular claim upon heaven. It was taught that sin could only be killed through sin.¹³⁶ The very incarnation was used as a means of weakening woman's virtue. That Christ did not enter the world through the marriage relation, stamped with christian honor a system of concubinage in the church, for whose warrant woman was pointed to the Virgin Mary. As an enforcement of her duty of absolute surrender of soul and body to the will of the priest the course of the Virgin was adduced, "who obeyed the angel Gabriel and conceived without fear of evil, for impurity could not come of a spirit."¹³⁷ The chastity of concubinage and the unchasteness of marriage was constantly asserted by the church, and thus the mysteries upon which its foundations were laid were

¹³⁶ An old doctrine which often turns up again in the middle ages. In the seventeenth century it prevailed among the convents of France and Spain. Michelet. —*La Sorcerie*, p. 258.

¹³⁷ They made the vilest use of the doctrine that Christ was born of a Virgin, using this as an example for woman to be followed. —*Ibid*, p. 259.

used by it for the degradation of woman, who was at all times depicted as a being of no self-individuality, but one who had been created solely for man's pleasure. As late as the seventeenth century, it was taught that a priest could commit no sin. This old doctrine took new strength from the Illumines, who claimed an inner divine light.¹³⁸ We find reference to priestly immorality and claim of infallibility among old writers, Boccaccio in many of his stories putting arguments of this kind in the mouth of his priestly characters.¹³⁹

It was asserted too that sin was of the body alone, the soul knowing nothing, partaking nothing of it. As an argument in favor of woman's throwing herself entirely in the hands of priests for immoral purposes, it was declared that, "The devout having offered up and annihilated their own selves exist no longer but in God; thenceforth they can do no wrong. The better part of them is so divine that it no longer knows what the other is doing."

In confirmation of this doctrine it was said that Jesus threw off his clothing and was scourged naked before the people. The result of this teaching was the almost universal immorality of christendom. Under such religious doctrine it could but be

¹³⁸ They must kill sin by being more humble and lost to all sense of pride through sin. This was the Quietist doctrine introduced by a Spanish priest, Molinos, who claimed it as the result of an inner light or illumination. He declared that "Only by dint of sinning can sin be quelled."

¹³⁹ "Let not this surprise you," replied the abbot, "My sanctity is not the less on this account because that abides in the soul, and what I now ask of you is only a sin of the body. Do not refuse the grace heaven sends you." Boccaccio. —*Decameron*.

expected that the laity would closely imitate the priesthood. Europe became a continent of moral corruption, of which proof is overwhelming. Could we but relegate christian immorality to the dark ages we might somewhat palliate it under plea of ignorance. But unfortunately for such claim ample proof is found to show that the enlightenment of modern civilization has not yet been able to overthrow the basic idea upon which this immorality rests. Amid the material and intellectual advancement of the last hundred years we find spiritual darkness still profound in the church and the true foundation of immorality almost unrecognized.

As long as the church maintains the doctrine that woman was created inferior to man, and brought sin into the world rendering the sacrilege of the Son of God a necessity, just so long will the foundation of vice and crime of every character remain. Not until the exact and permanent equality of woman with man is recognized by the church, aye, even more, the greater power and capacity of woman in the creative function, together with the accountability of man to woman in everything relating to the birth of a new being, is fully accepted as a law of nature, will vice and crime disappear from the world. Until that time has fully come, prostitution in its varied forms will continue to exist, together with alms-houses, reformatories, jails, prisons, hospitals and asylums for the punishment, reformation or care of the wretched beings who have come into existence with an inheritance of disease and crime because of church theory and

church teaching.

The system of celibacy produced its same effects wherever preached. So constant was the system of debauchery practiced in England during the reign of Henry VII that the gentlemen and farmers of Carnarvonshire laid complaint against the clergy of systematically seducing their wives and daughters.¹⁴⁰ Women were everywhere looked upon as slaves and toys, to obey, to furnish pleasure and amusement, and to be cast aside at will. Under the religious teaching of christendom it could not but be expected that the laity would closely imitate the priesthood, and to victimize women became the custom of all men.¹⁴¹ When a priest failed to take a concubine his parishoners compelled him to do so in order to preserve the chastity of their own wives and daughters. Draper¹⁴² tells us that in England alone 100,000 women became victims of the priests. Houses of vile character were maintained for especial use of the priesthood. The marriage of a priest was called a deception of the devil who thus led him into an adulterous relation¹⁴³ for sake of alienating property from

¹⁴⁰ Taine —*Eng. Lit.* I, 363.

¹⁴¹ The unmarried state of the clergy was in itself one of the chief causes of sexual excess. The enormously numerous clergy became a perilous plague for female morality in town and village. The peasants endeavored to preserve their wives and daughters from clerical seduction by accepting no pastor who did not bind himself to take a concubine. In all towns there were brothels belonging to the municipality, to the sovereign, to the church, the proceeds of which flowed into the treasury of proprietors.

¹⁴² Draper. —*Intellectual Development of Europe*, 498.

¹⁴³ Men in orders are sometimes deceived by the devil that they marry unrighteously and foredo themselves by the adulteries in which they continue. *Institutes of Polity*,

the church.

This mediaeval doctrine that sin can only be killed through sin, finds expression today not alone in religion¹⁴⁴ but in society novels;¹⁴⁵ its origin, like many other religious wrongs, being directly traceable to the teaching of St. Paul.¹⁴⁶

The incontinence of these celibate priests ultimately became so great a source of scandal to the church that it was obliged to take action. Edicts and bulls were fulminated from the papal chair, although the facts of history prove Rome itself, its popes and its cardinals, to have been sunk in the grossest immorality.

Civil and Ecclesiastical, 437. There is ground for the assumption that the Canon which bound all the active members of the church to perpetual celibacy, and thus created an impenetrable barrier between them and the outer world, was one of the efficient methods in creating and sustaining both the temporal and spiritual power on the Romish Church. Taine. — *English Literature*.

¹⁴⁴ All steps are necessary to make up the ladder. The vices of men become steps in the ladder one by one as they are remounted. The virtues of man are steps indeed, necessary not by any means to be dispensed with, yet though they create a fair atmosphere and a happy future, they are useless if they stand alone. The whole nature of man must be used wisely by the one who desires to enter the way. Seek it by plunging into the mysterious and glorious depth of your inmost being. Seek it by testing all experience, by utilizing the senses in order to understand the growth of meaning of individuality and the beauty and obscurity of those other divine fragments which are struggling side by side with you and from the race to which you belong. — *Light on the Path*, Rule XX.

¹⁴⁵ “What in the world makes you look so sullen?” asked the young man as he took his arm and they walked towards the palace. “I am tormented with wicked thoughts,” answered Eugene gloomily. “What kind? They can easily be cured.” “How?” “By yielding to them.” *Dialogue in Balzac’s Pere Goriot*.

¹⁴⁶ *1st Corinthians* VII, 36.

Spain, the seat of the Inquisition, and at that period the very heart of Christendom, was the first country toward which investigation was turned, Pope Paul IV issuing a bull against those confessors who solicited women, provoking them to dissolute action. When this bull of investigation first appeared in Spain, it was accompanied by an edict commanding all those who knew of monks or priests that had thus abused the confessional to make it known within thirty days under grievous penalty. The terrible power of the church intimidated those who otherwise for very shame would surely have buried the guilt of their priests in oblivion, and so great was the number of women who thronged the palace of the Inquisition in the city of Seville alone, that twenty secretaries with as many Inquisitors were not sufficient to take the deposition of the witnesses. A second, a third and a fourth thirty days were appointed for investigation, so great were the number of women making complaint.¹⁴⁷ So large a number of priests were implicated that after a four months' examination, the Holy Tribunal of the Inquisition put a stop to the proceedings, commanding that all those immoralities and crimes against womanhood only rendered possible in the name of religion, and which has been proven by legal evidence, should be buried in eternal oblivion. The deposition of thousands of women seduced by their confessors, was not deemed sufficient evidence for removal of the guilty priests from their holy offices. Occasionally a single priest was suspended for a short time but

¹⁴⁷ Limbrock. —*History of the Inquisition.*

in a few months restored again to his priestly position.¹⁴⁸

It was not uncommon for women to be openly carried off by priests, their husbands and fathers threatened with vengeance in cases of their attempted recovery.¹⁴⁹ During the height of the Inquisitorial power it was not rare for a family to be aroused in the night by an ominous knock and the cry “The Holy Fathers, open the door!”

To this dread mandate there could be but one reply, as both temporal and spiritual power lay in their hands. A husband, father or son might thus be seized by veiled figures; or as frequently a loved wife or young daughter was dragged from her bed, her fate ever to remain a mystery. When young and beautiful these women were taken to replenish the Inquisitional harem; the “dry pan,” “boiling in oil,” and similar methods of torture, threatened, in order to produce compliance upon part of wretched victims. No Turkish seraglio with bow-string and sack ever exhibited as great an amount of diabolical wickedness as the prison-harems of the Inquisition. As late as the seventeenth century Pope Gregory XV commanded strict enforcement of the bull

¹⁴⁸ Carema reported that the parish priest of Naples was not convicted though several women deposed that he had seduced them. He was, however, tortured, and suspended for a year, when he again entered his duties.

¹⁴⁹ Lea. —*Sacerdotal Celibacy*, p. 422. The secrecy with which the Inquisition worked may be conjectured from the fact that during the whole time its officers were busy gathering evidence upon which to condemn Galileo, his friends in Rome, none of whom occupied high position in the church, not only did not suspect his danger, but constantly wrote him in the most encouraging terms.

against priestly lechery not alone in Spain, but in all other parts of the Christian world. In England after the reformation, the same condition was found to exist.¹⁵⁰ But edicts against lasciviousness were vainly issued by a church whose foundation is a belief in the supremacy of one sex over the other, and that woman brought sin into the world through having seduced man into the marriage relation. Despite the advance of knowledge and civilization the effects of such teachings are the same now as during the middle ages, as fully proven at time of separation between the temporal and spiritual power in Italy;¹⁵¹ and these proofs are taken from Catholic sources. In 1849 when the Roman people opened the palace of the Inquisition there was found in the library a department entitled "Summary of Solicitations," being a record of cases in which women had been solicited to acts of criminality by their confessors in the pontifical state.¹⁵² The

¹⁵⁰ The acts of the Metropolitan Visitation of the Archbishops of Wareham states that in the Diocese of Bangor and St. Davids, in time of Henry VIII., more than eighty priests were actually presented for incontinence.

¹⁵¹ Against this separation the bitter animosity of Pope Leo XIII. was seen in his refusal of the gifts tendered him by the royal family of Italy at the time of his jubilee.

¹⁵² And the summary was not brief. Dwight. —*Roman Republic in 1849*, p. 115. Pope John XIII., having appeared before the council to give an account of his conduct, he was proved by thirty-seven witnesses, the greater part of whom were bishops and priests, of having been guilty of fornication, adultery, incest, sodomy, theft and murder. It was also proved by a legion of witnesses that he had seduced and violated 300 nuns. —*The Priest, Woman and Confessional*, p. 268. Henry III., bishop of Liege, was deposed in 1274 for having sixty-five illegitimate children. Lecky. —*Hist. European Morals*, p. 350. This same bishop boasted at a public banquet that in twenty-two months fourteen children had been born to him. *Ibid*, Vol. 2, p. 349. It was openly

testimony of Luther as to the moral degradation of the church at time of the Reformation has never been invalidated,¹⁵³ and is entirely in accord with its character throughout history.

That the same iniquities are connected with the confessional today, we learn from the testimony of those priests who have withdrawn from the communion of the Catholic Church; Father Hyacinthe publicly declaring that ninety-nine out of one hundred priests live in sin with the women they have destroyed. Another priest following the example of Father Hyacinthe in marrying, asserted that he took this step in order to get out of the ultramontane slough and remain an honest man.¹⁵⁴ That the Catholic Church of the present day bears the same general character it did during the middle ages is proven from much

asserted that 100,000 women in England were made dissolute by the clergy. Draper. —*Intellectual Development of Europe*, p. 498.

¹⁵³ *Familiar Discourses* and other works. In Rome are born such a multitude of bastards that they are constrained to build particular monasteries, where they are brought up and the pope is named their father. When any great processions are held in Rome, then the said bastards go all before the pope. —*Familiar Discourses*, 383. After Pope Gregory confirmed celibacy he found 6,000 heads of infants in a fish pond, which caused him to again favor the marriage of priests. —*Ibid.* Bishop Metz, to my knowledge, hath lost the annual revenue of 500 crowns, which he was wont to receive from the county for pardoning of whoring and adultery. —*Ibid.*, 260.

¹⁵⁴ In 1874, an old Catholic priest of Switzerland, about to follow Pere Hyacinthe's example in abandoning celibacy, announced his betrothal in the following manner: "I marry because I wish to remain an honorable man. In the seventeenth century it was a proverbial expression, 'As corrupt as a priest,' and this might be said today. I marry, therefore, because I wish to get out of the Ultramontane slough." —*Galignani's Messenger*, September 19, 1874.

testimony. Among the latest and most important witnesses, for minuteness and fullness of detail, is Rev. Charles Chiniquy in his works "The Priest, The Woman and the Confessional," "Fifty Years of Rome," etc. Now over eighty years of age, Rev. Mr. Chiniquy was for more than fifty years a Catholic priest of influence and high reputation, known in Canada, where thousands of drunkards reformed under his teaching, as the "Apostle of Temperance." Becoming convinced of the immorality of the Romish Church, he left it in 1856, taking with him five thousand French Canadians with whom he settled at St. Anne, Kankakee County, Illinois. Having united with a branch of the Protestant church, he was invited to Scotland to take part in the Tercentenary of the Reformation, and later to England, where he lectured on invitation of ministers of every evangelical denomination.¹⁵⁵ His "Fifty Years of Rome" indissolubly links his name with that of Abraham Lincoln, through the information there made known regarding the Catholic plot for President Lincoln's assassination.

It is as fully a law of moral as of material nature that from the same causes the same effects follow. In his work upon the confessional¹⁵⁶ Rev. Mr. Chiniquy relates incidents coming under his own personal knowledge while he was still a catholic priest regarding its present abuses. The character of the questions made a duty of the priest to ask during confession, are debasing in

¹⁵⁵ See *Biographical Sketch*. (Died January 16, 1899.)

¹⁵⁶ pp. 86 to 140.

the extreme, their whole tendency towards the undermining of morality. Too broadly indelicate for translation these priestly instructions are hidden in Latin, but are no less made the duty of a priest to understand and use. In 1877, a number of prominent women of Montreal, Canada, addressed a declaration and protest to the bishop of that diocese against the abuses of the confessional of which their own experience had made them cognizant.

DECLARATION

To His Lordship Bourget, Bishop of Montreal

Sir: – Since God in his infinite mercy has been pleased to show us the errors of Rome, and has given us strength to abandon them to follow Christ, we deem it our duty to say a word on the abominations of the confessional. You well know that these abominations are of such a nature that it is impossible for a woman to speak of them without a blush. How is it that among civilized christian men one has so far forgotten the rule of common decency as to force women to reveal to unmarried men, under the pains of eternal damnation, their most secret thoughts, their most sinful desires and their most private actions?

How unless there be a brazen mask on your priest's face

dare they go out into the world having heard the tales of misery which cannot but defile the hearing, and which the women cannot relate without having laid aside modesty and all sense of shame. The harm would not be so great should the Church allow no one but the woman to accuse herself. But what shall we say of the abominable questions that are put to them and which they must answer?

Here, the laws of common decency strictly forbid us to enter into details. Suffice it to say, were husbands cognizant of one-tenth of what is going on between the confessor and their wives, they would rather see them dead than degraded to such a degree.

As for us, daughters and wives from Montreal who have known by experience the filth of the confessional, we cannot sufficiently bless God for having shown us the error of our ways in teaching us that it was not at the feet of a man as weak and as sinful as ourselves, but at the feet of Christ alone that we must seek salvation.

Julia Herbert,
Marie Rogers,
J. Rocham,
Louise Picard,
Francoise Dirringer,
Eugenie Martin, and forty-three others.¹⁵⁷

In reply to a letter of inquiry addressed by myself to Rev. Mr. Chiniquy, the following answer was received.

¹⁵⁷ To be found in *The Priest, the Woman and the Confessional*.

St. Anne, Kankakee County, Illinois

January 4, 1887

Mrs. Matilda Joslyn Gage,
Madam

In answer to your honored letter of the 29th Dec. I hasten to say: *First.* The women of Montreal signed the declaration you see in 'The Priest, the Woman and the Confessional,' in the fall of 1877. I do not remember the day. *Second.* As it is ten years since I left Montreal to come to my Missionary field of Illinois, I could not say if these women are still in Montreal or not. Great, supreme efforts were secretly made by the Bishop of Montreal to show that these names were forged in order to answer and confound me, but the poor Bishop found that the document was too correct, authentic and public to be answered and attacked, and he remained mute and confounded, for many of these women were well known in the city.

Third. You will find the answer to your other questions, in the volume 'Fifty Years in the Church of Rome,' which I addressed you by today's mail.

Respectfully yours in Christ,

C. Chiniquy

The same assertion of priestly infallibility is made today as it was centuries ago, the same declaration of change of nature through priestly celibacy. Upon this question Mr. Chiniquy says:

If any one wants to hear an eloquent oration let him go where the Roman Catholic priest is preaching on the divine

institution of auricular confession.

They make the people believe that the vow of perpetual chastity changes their nature, turns them into angels and puts them above the common faults of the fallen children of Adam. With a brazen face when they are interrogated on that subject, they say that they have special graces to remain pure and undefiled in the midst of the greatest dangers; that the Virgin Mary to whom they are consecrated is their powerful advocate to obtain from her son that superhuman virtue of Chastity; that what would be a cause of sin and perdition to common men is without peril and danger for a true son of Mary.¹⁵⁸

A work entitled “Mysteries of the Neapolitan Convents,” its author Henrietta Carracciola, a woman of the purest blood of the princes of Italy, daughter of the Marshal Carracciola, Governor of the Province of Pasi in Italy, is quoted from, by Rev. Mr. Chiniquy, in confirmation of his statements as to the continued impurity of the confessional.

Finally another priest, the most annoying of all for his obstinate assiduity, sought to secure my affections at all cost. There was not an image profane poetry could afford him, nor a sophism he could borrow from rhetoric, no wily interpretation he could give to the word of God, which he did not employ to convert me to his wishes. Here is an example of his logic: —

“Dear daughter,” said he to me one day, “knowest thou

¹⁵⁸ *Ibid*, p. 77-8.

who thy God truly is?"

"He is the Creator of the Universe," I answered dryly.

"No-no-no-no! that is not enough," he replied laughing at my ignorance; "God is Love, but love in the abstract which receives its incarnation in the mutual affection of two hearts which idolize each other. You must then not only love God in the abstract existence, but must also love him in his incarnation, that is, in the exclusive love of a man who adores you. *Quod Deus est amor nec colitus nisi amando.*"

"Then," I replied, "a woman who adores her own lover would adore Divinity itself?" "Assuredly," reiterated the priest over and over again, taking courage from my remark and chuckling with what seemed to him the effect of his catechism.

"In that case," said I hastily, "I should select for my lover rather a man of the world than a priest."

"God preserve you, my daughter! God preserve you from that sin. To love a man of the world, a sinner, a wretch, an unbeliever, an infidel! Why, you would go immediately to hell. The love of a priest is a sacred love, while that of a profane man is infamy. The priest purifies his affections daily in communion with the Holy Spirit... If you cannot love me because I am your confessor, I will find means to assist you to get rid of your scruples. We will place the name of Jesus Christ before all our affectionate demonstrations and thus our love will be a grateful offering to the Lord and will ascend fragrant with perfume to Heaven like the smoke of the incense of the Sanctuary. Say to me for example 'I love you in Jesus Christ, last night I dreamed of you in Jesus

Christ,' and you will have tranquil conscience, because in doing this God will sanctify every transport of your love.”

Rev. Mr. Chiniquy who in his fifty years of Romish priesthood possessed every opportunity for knowing the truth, does not hesitate to affirm that the popes are today of the same general immoral character they were in the earlier centuries of the Church. He says:

Let not my readers be deceived by the idea that the popes of Rome in our days are much better than those of the ninth, tenth, eleventh and twelfth centuries. They are absolutely the same – the only difference is that today they take a little more care to conceal their secret orgies. Go to Italy and there the Roman Catholics themselves will show you the two beautiful daughters whom the late Pope Pius IX had from two of his mistresses. Inquire from those who have personally known Pope Gregory XVI the predecessor of Pius IX; after they will have given you the history of his mistresses, one of whom was the wife of his barber, they will tell you that he was one of the greatest drunkards in Italy.¹⁵⁹

The views of the Catholic Church in regard to marriage of the priesthood was recently demonstrated in the United States, 1885, by the persecution of a priest of the Uniate Greek Church sent as a missionary from Austria to Pennsylvania. The Greek Church, it must be remembered, permits a single marriage to a priest. The

¹⁵⁹ *Ibid*, p. 287.

Uniate while in this respect following the discipline of the Greek Church, yet admits the supremacy of the Pope which the regular Greek Church does not. The Uniate Greek Church accepts, as binding, all the decisions of Rome subsequent to the division between the eastern and the western parts of christendom. Endowed with authority from both branches, Father Wolonski came to this country accompanied by his wife, in full expectation of fellowship with his catholic brethren. His first contrary experience occurred in Philadelphia when Archbishop Ryan of the Cathedral refused all intercourse with him because of his marriage. Reaching Shenandoah where commissioned by his own Austrian Bishop, he discovered himself still under ban; the resident priest of the catholic church having warned his congregation under pain of excommunication to shun both himself and his church, upon the ground that the Roman Church under no circumstances tolerated a married priest. Eventually the subject grew to such proportions that Father Wolonski was recalled, and an unmarried priest sent in his stead.¹⁶⁰

¹⁶⁰ A Shenandoah correspondent of the Pittsburgh Commercial Advertiser, June 5, 1885, wrote: SHENANDOAH, PA., June 5. – Father Wolonski, of this place, the only priest of the Uniate Greek Church in this country, has been recalled to Europe. The Uniate Greek Church, it will be remembered, comprehends those Christians who, while they follow the Greek rite, observe the general discipline of the Greek Church and make use of the Greek liturgy, are yet united with the Church of Rome, admitting the double procession of the Spirit and the supremacy of the Roman Pontiff, and accepting all the doctrinal decisions subsequent to the Greek schism which have force as articles of faith in the Roman Church. The usage of the Church as to the law of celibacy is, with the consent of the Roman Pontiff, the same as among

From the experience of Father Wolonski less than a decade since, with the bitter hostility shown by the church towards Father Hyacinthe, we find that a belief in the special holiness of celibacy is as dominant in the Catholic church today as at any period of its history; concurrent testimony teaching us that its greatest evils remain the same as of old. It is less than twenty years since the whole christian world was interested in a suit brought against the heirs of the deceased Cardinal Antonelli in order to secure recognition of his daughter's claim to inheritance. This girl was everywhere spoken of by the Catholic Church as "a sacrilegious child," that is, a being who had violated sacred things by coming

the other Greeks, and Father Wolonski brought a wife with him to Shenandoah when he came here last December. This fact has made both the priest and his religion, subjects of great importance here, and the attention they have received has resulted in his recall to Limberg, Austria, the see of the diocese from which he was transferred here. **FATHER WOLONSKI AND THE ARCHBISHOP.** When Father Wolonski arrived in Philadelphia he visited the Cathedral and sought an interview with Archbishop Ryan, but when that gentlemen then came to Shenandoah, as directed by Bishop Sembratowicz, of Limberg, who sent him on his mission, Father O'Reilly, of the Irish Catholic Church, warned his congregation, under pain of excommunication, to shun the church and priest, at the same time tacitly denying that the Roman Church recognized the right of any priest to marry. The matter led to great controversy, during which Father Wolonski established his congregation, and arrangements have been made for the erection of a church. To avoid further trouble, however, the Bishop of Limberg has selected and sent an unmarried priest to succeed him, and Father Wolonski will return to Austria. Father Wolonski is an intelligent and highly-educated gentleman, and has made a large number of friends during the few months he has been here. He speaks several languages, and during his stay here acquired a remarkable knowledge of English. He has worked incessantly since his arrival here for the temporal as well as the spiritual comfort of his people, and has made a large circle of acquaintances, who will regret his departure from the town.

into existence. The destruction of her mother's life, her own illegitimacy, the wrong done to her mother's family and to society were held as of no moment beside the fact that her claims, if allowed, would take property from the church. The love of the Great Cardinal for this girl's mother was fully proven, but the church having established celibacy in order that it might control the property of its priests, was not inclined to permit any portion to be diverted from that source. Honesty, justice, and the ties of natural affection, now as of yore are not part of the Church system. In consequence, this suit of the illegitimate child of the Great Cardinal Secretary, filled not alone Italy, but the whole Catholic world with disgrace.

Among the countries now striving to free themselves from Church dominion is Mexico. A letter to the New York Herald, winter of 1892, regarding the revolution there in progress, said of Diaz:

Instead of his being assisted by the Church it has been his bitterest and most relentless enemy and opponent. The Church in Mexico is opposed to all enlightenment of the people. The clergy, if they can be honored with that name, fight all improvements. They want no railways or telegraphs and when he adopted a system of compulsory education the war began in earnest. Diaz was determined, however, and he retaliated by closing up the convents and prohibiting the establishment of monasteries. Being further opposed in his efforts at reform and defied by the priests he put hundreds of them in Pueblo in jail and prohibited the ringing of Church

bells in certain localities. He forcibly impressed on them the fact that he was running Mexico, not they. He gave them to understand that his idea of Christianity was, that priests should preach Christ crucified and not revolution and infraction of the laws.

In Mexico, priests can keep mistresses with impunity. From a church to a gambling-table is but a step, and the priests gamble with the rest. The rentals of houses of ill-fame, of gambling-houses, of bull-pens all go to a church which is supposed to teach religion. Because Diaz, a catholic himself, will not tolerate such crimes under the guise of religion he is fought by the church and is the recipient of their anathemas.

Take the leading church in Monterey outside of the cathedral. You step from the church-door to a plaza owned by the church and in which stand fifty tents in which are conducted monte, roulette and other games of chance. Behind this stand the bull-pen, and the profits and rentals go to the Church.

With all these lights the most plausible inference or theory is that the clerical party, as they see all these privileges being swept away, will cheerfully contribute the sinews of war with which to carry on a revolution against Diaz. They have agents in Europe and the money can come through that source without detection.

The agent of the Clerical Party in Europe is the Church itself. As a body, it has ever opposed advancement and reform. It anathematized the printing press as an invention of the devil

and has steadily opposed education of the people. Its work is best done in the darkness of ignorance and superstition. For this cause it has opposed all new discoveries in science, all reforms of whatever character.¹⁶¹ Not by the Catholic Church alone, but under the “Reformation,” as we have seen, the same prohibition of the Bible to common people, has existed the same resistance to education of the masses, the same opposition to antislavery, to temperance, to woman’s demand for equality of opportunity with man. The general nature of the church does not change with change of name. Looking backward through history we even find the same characteristics under the patriarchate; love of power, greed for money, and intense selfishness combined in a general disregard for the rights of others.

M. Renan’s drama, “L’Abbesse de Jouarre,” was written because he wished to prove the worthlessness of those vows imposed on catholic priests and nuns, as well as show the bondage under which they held the feminine conscience, while the masculine conscience throws them aside. It is not alone the nuns whose conscience is bound, but all feminine members of the catholic church are more closely held in a spiritual bondage, than the male members of that church. In 1885, a letter from Chili to the *New York Sun* graphically pictured certain Chilian women penitents who are known by a peculiar dress they are

¹⁶¹ And yet the world “does move,” and the experience of the church is much that of the big elephant Jumbo, who in opposing his vast form to a train of cars met his death at the engine.

required to wear.¹⁶² Others whose sins are so great that they

¹⁶² The Chili mantas and skirts of white flannel are worn by penitentes, or women who have committed some heinous sin and thus advertise their penitence; or those who have taken some holy vow to get a measure nearer heaven, and go about the street with downcast eyes, looking at nothing and recognizing no one. They hover about the churches, and sit for hours crouched before some saint or crucifix, saying prayers and atoning for their sin. In the great Cathedral at Santiago, and in the smaller churches everywhere, these penitentes, in their snow-white garments, are always to be seen, on their knees, or posing in other uncomfortable postures, and looking for all the world like statues carved in marble. In the Santiago Cathedral they cluster in large groups around the confessionals, waiting to receive absolution from some fat and burly father, that they may rid their bodies of the mark of penitence they carry and their souls of sin. Some of them make vows, or are sentenced by their confessors to wear their white shrouds for a certain time, while others assume them voluntarily until they have assurance from their priest that their sin is atoned for. Ladies of the highest social position and great wealth are commonly found among the penitentes, as well as young girls of beauty and winning grace. Even the wives of merchants and bankers wander about the streets with all but their eyes covered with this white mantle, which gives notice to the world that they have sinned. The women of Chili are as pious as the men are proud, and this method of securing absolution is quite fashionable. Those souls that cannot be purged by this penitential dress retire to a convent in the outskirts of the city called the Convent of the Penitents, where they scourge themselves with whips, mortify the flesh with sackcloth, sleep in ashes and upon stone floors, and feed themselves on mouldy crusts. Some stay longer and some a less time in these houses of correction, until the priests by whose advice they go there, give them absolution; but it is seldom that the inmates are men. They are usually women who have been unfaithful to their marriage vows, or girls who have yielded to temptation. After the society season, after the carnival, at the end of the summer when people return from the fashionable resorts, and at the beginning of lent these places are full, and throngs of carriages surround them, waiting to bear back to their homes the belles who are sent here and can find no room to remain. For those whose sins have been too great to be washed out by this process, for those whose shame has been published to the world and are unfitted under social laws to associate with the pure, other convents are open, established purposely as a refuge or House of Detention. Young mothers

cannot be purged by a penitential dress, retire for a season to the "Convent of Penitents," where by mortification of the body they hope to gain absolution for the soul. Still more severe than this retreat are other convents known as "Houses of Detention," where wayward daughters are sent, and young mothers without husbands are cared for. But the whole country of Chili fails to show a similar dress, or house of penitence, or correction for men. Shame and penance, equally with sin, have been relegated by the church to women alone.

The confessional is not frequented by men, and mass is but seldom attended by them. For this laxity a double reason exists: First, immorality in men is not looked upon as contrary to its discipline. Second, through woman having been trained to a more sensitive conscience than man, the confessional wrests secrets from her lips, which gives the church knowledge of all it wishes to learn in regard to the family. No more certain system could have been devised for the destruction of woman's self-respect than the one requiring penance from her for sins the church passes lightly over in man. Nor would penance of this character be demanded from women were the offices of the church open to her the same as to man. No greater crime against humanity has ever been known than the division of morality

without husbands are here cared for, and their babes are taken to an orphan asylum in the neighborhood to be reared by the nuns for the priesthood and other religious orders. It is the practice for parents to send wayward daughters to these homes, while society is given to understand that they are elsewhere visiting friends or finishing their education. After a time they return to their families and no questions are asked.

into two codes, the strict for woman, the lax for man. Nor has woman been the sole sufferer from this creation of Two Moral Codes within the Christian Church. Through it man has lost fine discrimination between good and evil, and the Church itself as the originator of this distinction in sin upon the trend of sex, has become the creator and sustainer of injustice, falsehood and the crimes into which its priests have most deeply sunk. Nor is this condition of the past. As late as the fall of 1892 a number of articles appeared in Canadian papers openly accusing the catholic priesthood of that province of the grossest immorality.¹⁶³ That priestly celibacy yet continues in the Romish Church is not a subject of surprise, when we realize the immense power and wealth it has been enabled to secure through its means;

¹⁶³ Too long have the people out of respect for the church, maintained silence in the presence of gross abuses, while their families have been ruined. I am a husband and a father, and I do not wish the honor of my name and my family to be at the mercy of a wolf who may introduce himself with the viaticum in his hands. I am a father, and I do not wish that the sacred candor of my child should be exposed to the lecherous attempts of a wretch in a soutane. The religious authorities are on the eve of witnessing honest men follow their wives, their daughters, and even their little boys to the confessional, to assure themselves if the hand that holds there the balance of divine justice is the hand of a respectable man or the hand of a blackguard who should receive the lash in public with his neck in the pillory. —*Letter from a gentleman*. A recent article in the Canada "Review" asks if after giving to the clergy riches, respect and the highest positions, it is too much to ask that they should leave to the people their wives? Our wives and daughters whom they steal from us by the aid of religion, and more especially of the confessional. An immediate, firm and vigorous reform is needed. Our wives and daughters must be left alone. Let the clergy keep away from the women, and religion and the Catholics will be better off. This must be done and at once. —*Montreal Correspondence of the Toronto Mail*, September 15, 1892.

but it is one of astonishment, carrying with it a premonition of danger, that we now see a similar tendency in the ritualistic portion of the Episcopal Church, both in England and the United States. The evils of monasticism, although less potent than during the middle ages, are still great, and in finding entrance into Protestant denominations are a fresh warning of their dangerous tendency. The experience of the past should not appeal to us in vain. We have noticed the perils to society arising from those classes of persons who, under plea of religion, evade the duties of family and social life. No crime against the world can be greater than the deliberate divestment of responsibility by one's self, because tired of the warfare of life, that struggle which comes to every human being; the becoming "fascinated with the conceptions of an existence" outside of ordinary cares; and the entrance into an order in which one's own personal responsibility is largely surrendered to others is not alone a crime against the state, but a sin against one's own self and against humanity. An order which thereafter assumes the task of directing the thoughts and lives of its members into a channel of "repose and contentment" as certain protestant orders do, is one of the dangerous religious elements of the present day. No crime against one's self or against society can be greater than this. In the Ritualistic Episcopal Church are to be found monks and sisterhoods upon the celibate plan, confessors and penance, all of them primal elements in moral and spiritual degradation. If religion has a lesson to teach mankind, it is that of personal

responsibility; it is that of the worth and duty of the individual; it is that each human being is alone accountable for his or her course in life; it is the lesson of the absolute equality of each human being with every other human being in relation to these cardinal points. The lesson should have been learned ere this, that ecclesiastical pretense of divinely appointed power has ever made the priesthood arrogant, coarse and tyrannical; the male laity dependent and dissimulating; woman, self-distrustful and timorous, believing in the duty of humiliation and self-sacrifice; that her life is not to be lived primarily for herself alone, but that her very right to existence is dependent upon the benefit thereby to accrue to some other person. Today, as of old, the underlying idea of monasticism, of “brotherhoods,” “sisterhoods,” and their ilk even in Protestant denominations, is the divine authority of some priestly superior, and that the power of remitting sins inheres in some system under control of some priest. The Ritualistic party of the Episcopal Church, equally with the Roman Catholic Church, makes frequent reference to these words of Christ – St. John XX, XXIII – “Whatever sins you remit they are remitted unto them, and whatsoever sins you retain are retained,” thus premising the divine power of the priesthood.

Chapter Three

Canon Law

The earliest Saxon laws were almost entirely ecclesiastical,¹⁶⁴ their basis seeming to have been payment of tithes to the Church and support of the pope through what was known as the “hearth penny” to St. Peter. Marriage was by no means allowed to escape general ecclesiastical control, its legitimacy being made to depend upon the sanction and services of a priest.¹⁶⁵ This we learn from Reeves, whose authority is indisputable,¹⁶⁶ therefore we discover that even long before marriage was constituted one of the sacraments, celibacy or the confessional established, the

¹⁶⁴ Maine says the bodies of customary law which were built up over Europe were in all matters of first principles under ecclesiastical influence, but the particular application of a principle once accepted were extremely various.

¹⁶⁵ The Council held at Winchester in time of Archbishop Le Franc contained a constitution that a marriage without the benediction of a priest should not be deemed a legitimate marriage. Ecclesiastical law as allowed in this country (Great Britain), from earliest times the presence of a priest was required to constitute a legal marriage. Reeves. —*History of English Law*.

¹⁶⁶ Reeves History of English Law is a full and comprehensive history of the English Law, accurate and judicious as well as full. Lord Mansfield is said to have advised its author. In this work the student is presented with all that is necessary that he should know of the earliest law books. Bracton, Glanville and Fleta carefully collected and presented. Reeves History of English Law, says Chancellor Kent, contains the best account that we have of the progress of the law from the time of the Saxons to the reign of Elizabeth. Sherwood. —*Professional Ethics*.

Church had perceived the great increase in its authority to be brought about by gaining control of the marriage ceremony and making its legitimacy depend upon the services of a priest. This was a material step towards the subjugation of mankind; one whose dire consequences have not yet received due consideration. When Rome became a Christian State, and the phallic cross triumphed over the gods and goddesses of old, the condition of woman under the civil law became more degraded. The change from ancient civilization to that renewed barbarism at an early age of the Christian era, which so many writers note without perceiving its cause, is to be found in the low conception of womanhood inculcated by the Church. Ignorance, superstition, falsehood and forgery united in creating new codes of law, new customs of society, new habits of thought, which, having for centuries been imposed upon mankind by the united force of the Church and the State, still continue their impress upon modern life and law.

Among general canons we find that “No woman may approach the altar.” “A woman may not baptize without extreme necessity.” “Woman may not receive the Eucharist under a black veil.” “Woman may not receive the Eucharist in *morbo suo menstrule*.”

At the Synod or Council of Elvira,¹⁶⁷ 305 or 306, several restrictive canons were formulated against woman. Under Canon 81, she was forbidden to write in her own name to lay christians,

¹⁶⁷ Hefele's, *Acts of Councils*.

but only in the name of her husband. Women were not to receive letters of friendship from any one addressed only to themselves.

From the commencement of the fifth century, the Christian clergy acquired a powerful influence in Rome. Bishops and priests were the municipal magistrates of the Roman Empire, of which little now remained except its municipal government; thus the Church in reality became Rome, and Rome the Church. It has been declared difficult to fix with precision the period at which ecclesiastics first began to claim exemption from civil jurisdiction. The Synod of Paris, 615, seems to have secured to the clergy the privilege of being brought before mixed tribunals in all cases which had theretofore belonged to the civil judge alone. Bishops acquired greater power from having an oversight over the whole administration of justice committed to them, while their spiritual judgments were rendered more effective by the addition of excommunication to civil punishments. The State, at first holding repression over the Church, added to its powers by relieving the clergy from all civil duties,¹⁶⁸ thus tending to make of them a body exterior to the civil government. This division was farther increased through the emperors giving confirmation to the decisions pronounced by bishops in ecclesiastical affairs, and also when they were chosen umpires in civil suits; the tendency of this action was towards the creation of an ecclesiastical law with separate powers from the civil law. Another step towards

¹⁶⁸ Church and priestly property is still untaxed in the United States. At an early day the clergy were not required to sit on juries nor permitted to cast a vote.

the separation of civil from ecclesiastical law and the supremacy of the latter, was made when in cases of discipline the clergy were allowed to come under the authority and supervision of the Spiritual Courts.¹⁶⁹

As soon as Christianity became the religion of the State, this power was still farther increased by the permission accorded ecclesiastics to accept gifts, inherit and hold property; the purity of clerical motives being thereby greatly lessened, as covetous and unscrupulous persons were forthwith attracted to this profession. The law of tithes was introduced by Charlemagne, and his edicts largely increased clerical power. The compilation of a Code of Canon Law was begun as early as the ninth century,¹⁷⁰ by which period the olden acknowledged rights of the clergy, those of superintending morals and interference on behalf of the unfortunate, had largely been lost sight of, or diverted from their proper course by a system of ecclesiastical tyranny which created an order of morals, whose sole design was that of building up priestly power.

The complete inferiority and subordination of the female sex was maintained both by civil and common law. It was a principle of common law that sons should be admitted to an inheritance

¹⁶⁹ Giessler, *Ecclesiastical History*.

¹⁷⁰ Doctrines in the Canon Law most favorable to the power of the clergy are founded in ignorance, or supported by fraud and forgery, of which a full account is found in Gerard. See *Mem. de l'Acad. des Inscript.*, Tom 18, p. 46. Also Voltaire's essay upon general history.

before daughters.¹⁷¹ This distinction created by the Church in the interests of the class which was alone admitted to the priesthood, thus placing the possession of wealth in the hands of man, did much towards keeping woman in a subordinate condition. In accordance with natural law, the person not owning property is less interested in the welfare of the State than the one possessing it, a denial of the rights of ownership acting prejudicially upon the individual.

Ecclesiastical or Canon Law¹⁷² made its greatest encroachments at the period when Chivalry¹⁷³ was at its height;

¹⁷¹ “Whenever Canon Law has been the basis of legislation, we find the laws of succession sacrificing the interests of daughters and wives.” “Du Cange, in his Glossary, *voc Casia Christianitatis*, has collected most of the causes with respect to which the clergy arrogated an exclusive jurisdiction, and Giannone, in the *Civil History of Naples*, lib. 19, sec. 3, has arranged these under proper heads scrutinizing the pretensions of the church.”

¹⁷² “Canons were made from time to time to supply the defects of the common law of the church; so were statutes added to enforce both Common and Canon Law. The greater part of the statutes made before the Reformation, which concerns the church and clergy, are directly leveled against violence committed against the possession of persons by the minister or the king, and against the encroachments of the Temporal Courts upon the spiritual jurisdiction.”

¹⁷³ “Phantastic romanticists and calculating persons have endeavored to represent this period as the age of morality and sincere reverence for woman... The ‘Service of Love’ preached by French, German, and Italian knights, was supposed to prove the high respect paid to the women of that day. On the contrary, this period succeeded in destroying the little respect for the female sex which existed at its commencement. The knights both in town and country were mostly coarse, licentious men... The chronicles of the times swarm with tales of rape and violence on the part of nobles in the country, and still more in the towns where they were exclusive rulers up to the XIII. and XIV.

the outward show of respect and honor to woman under chivalry keeping pace in its false pretence with the destruction of her legal rights. The general conception in regard to woman was so degraded at this period that a "Community of Women" was proposed, to whom all men should act in the relation of husbands.¹⁷⁴ This plan was advocated by Jean de Meung, the "Poet of Chivalry," in his famous *Roman de la Rose*. Christine of Pisa, a woman of learning and remarkable force of character, the first strictly literary woman of western Europe, wrote a work in defense of her sex against the general libidinous character of the age.¹⁷⁵ Her opposition to the debasing theories of the "Romance" marks the later period of woman's entrance into literature, and is an era from which dates the modern intellectual development of Europe.¹⁷⁶ Efforts to utterly crush the moral rectitude of women through the adoption of those base ideas of phallic origin, having been the systematic course of the Church, the State and society through many hundred years, it is a most notable proof of her innate disbelief in this teaching, that woman's first literary work of modern times was written in opposition to such a powerfully

centuries, while those subjected to this degraded treatment were powerless to obtain redress. In the towns the nobles sat on the magistrates bench, and in the country criminal jurisdiction was in the hands of the lord of the manor, squire or bishop."

¹⁷⁴ The first article of the famous Code of Love was "Marriage is not a legitimate excuse against love."

¹⁷⁵ This was Christine's first work. Her success was so great that she supported a family of six persons by her pen.

¹⁷⁶ Wright. *Womankind in Europe*.

sustained theory as to her innate depravity. Christine asserted the common humanity of woman, entirely repudiating the sensual ideas of the times.

To the credit of mankind it must be recorded that the laity did not unresistingly yield to priestly power, but made many attempts to take their temporal concerns from under priestly control. But under the general paucity of education, and the abnegation of the will so sedulously inculcated by the Church as the supreme duty of the laity, its dread power brought to bear in the enforcement of its teaching by terrifying threats of excommunication and future eternal torment, the rights of even the male portion of the people were gradually lost. The control of the priesthood over all things of a temporal as well as of a spiritual nature, tended to make them a distinct body from the laity. In pursuance of its aims for universal dominion, the Church saw the necessity of assuming control of temporal affairs. Rights were divided into those pertaining to persons and things; the rights of persons belonged to the priesthood alone, but inasmuch as every man, whatever his condition, could become a priest, and no woman however learned or pious or high in station could be admitted to its ranks, the whole tendency of ecclesiastical law was to divide mankind into a holy or divine sex, and an unholy or impious one.¹⁷⁷ Thus Canon Law still farther separated those whose

¹⁷⁷ “The Fathers seem to have thought dissolution of marriage was not lawful on account of the adultery of the husband, but that it was not absolutely unlawful for a husband whose wife had committed adultery to re-marry.”

interests were the same, creating an antagonism in the minds of all men against all women, which bearing upon all business of ordinary life between men and women, fell with its greatest weight upon women. It corrupted the Common Law of England, and perverted the civil codes of other nations. Under Canon Law wives were deprived of the control of both person and property, while sisters were not allowed to inherit with brothers; property, according to old ecclesiastical language, going “to the worthiest of blood.” Blackstone acknowledges that this distinction between brothers and sisters reflects shame upon England, and was no part of the old Roman law, under which the children of a family inherited equally without distinction of sex.¹⁷⁸ It was as late as 1879 before the Canon Law in regard to the sole inheritance of sons was repealed in one of the Swiss Cantons. The influence of this law in creating selfishness was manifested by the opposition it met, brothers piteously asserting ruin to themselves by this act of justice to their sisters. Whenever the Canon Law is analyzed it is found destructive to the higher moral sentiments of humanity. A woman was prohibited the priesthood, and as the property of men entering orders became forfeited to the Church, the real intent of this law – that of obtaining control of property – which otherwise might have escaped the grasping hand of the church, is easily discernible. From its first theory of woman’s inferiority

¹⁷⁸ The preference of males over females in succession was totally unknown to the laws of Rome. Brothers and sisters were entitled to equal parts of the inheritance. Blackstone. —*Commentaries*.

to its last struggle for power at the present day, the influence and action of the Patriarchate is clearly seen. The touch of the Church upon family life, inheritance and education, increased the power of the Patriarchate.

As celibacy proved a lucrative method of bringing wealth into its coffers, so marriage was early made a source of revenue to the Church, Canon Law creating it a sacrament to be performed at the church door. Owing, however, to the innate sinfulness of marriage, this sacrament was not for many years allowed to take place within the sacred building dedicated to God, and deemed too holy to permit the entrance of a woman within its sacred walls at certain periods of her life. In order to secure full control of this relation marriage unblessed by a priest was declared to be concubinage, and carried with it deprivation of church privileges, which the ignorance of the people held to be of vital importance. In entering this relation the wife was compelled to relinquish her name, her property, the control of her person, her own sacred individuality, and to promise obedience to her husband in all things. Certain hours of the day to suit the convenience of priests were set aside as canonical, after which time no marriage could be celebrated.

Nor has this priestly control of marriage been confined to the Catholics alone. Similar laws were extant after the Reformation. In England 1603, Canon 62 instituted that under penalty of suspension people could not marry except between the hours of eight and twelve in the forenoon, nor was marriage then

allowed in any private place but must be performed at the church door.¹⁷⁹ The rapid growth of the Canon Law in England must be ascribed to avarice; the denial to wives of any right of property in the marital union being an example. At this period Canon Law began to take cognizance of crimes, establishing an equivalent in money for every species of wrong doing. The Church not only remitted penalty for crimes already committed, but sold indulgences for the commission of new ones. Its touch soon extended to all relations of life. Marriages within the seventh degree were forbidden by the Church as incestuous,¹⁸⁰ but to those able to pay for such indulgences a dispensation for such “incestuous” marriage was readily granted. No crime so great it could not be condoned for money. Thus through Canon Law was seen the anomaly of legal marriage between the laity pronounced concubinage, while the concubines of priests were termed “wives.” As soon as the legality of marriage was made dependent upon priestly sanction the door of gross immorality was widely opened.¹⁸¹ All restrictions connected with

¹⁷⁹ No marriage could take place after 12 M., which is even now the rule of the English Established Church. The decrees of the Plenary Council, Baltimore 1884, tend to the establishment of similar regulations in our own country.

¹⁸⁰ The New Testaments of sixty years since, contained a list of relatives commencing with grandfather and grandmother, whom a man and woman might not marry.

¹⁸¹ The policy of the church was to persuade mankind that the cohabitation of a man and woman was in itself unholy, and that nothing but a religious bond or sacrament could render it inoffensive in the eyes of God. Pike. —*History of Crime in England*, I, 90.

this relation were made to fall with heaviest weight upon woman. Husbands were secured the right of separation for causes not freeing wives; even the adultery of the husband was not deemed sufficient cause unless he brought his mistress into the same house with his wife.¹⁸² Church and State sustained each other. Conviction of the husband for a capital crime gave the wife no release from the marriage bond, yet in case of the husband's treason, his innocent wife and children were robbed of all share in the estate of the criminal husband and father and were reduced to beggary, his estate escheating to the State. As under civil law so under ecclesiastical, the Church recognized but slight difference in the guilt of a contumacious husband and that of his pious wife and children.¹⁸³ It was a principle of the Church that the innocent must suffer for the guilty, especially when the innocent were women and children powerless to aid themselves. At its every step Canon Law injured woman. The clergy assuming to be an order of spiritual beings, claimed immunity from civil law and allowed for themselves an "arrest of judgment" ultimately enlarged so as to include all male persons who could read and write. This arrest known as "benefit of clergy" was denied to all women, who were liable to sentence of death for the

¹⁸² This law held good in Protestant England until within the last decade.

¹⁸³ The church visited its penalties upon the innocent as well as guilty; when any man remained under excommunication two months, his wife and children were interdicted and deprived of all doctrines of the church but baptism and repentance. Lea. —*Studies in Church History*.

first crime of simple larceny, bigamy, etc.¹⁸⁴ Men who by virtue of sex could become priests if able to read, were for the same crimes punished by simple branding in the hand, or a few months imprisonment, while a woman was drawn and burned alive. Did not history furnish much proof of this character it would be impossible to believe that such barbaric injustice was part of English law down to the end of the eighteenth century. Woman first rendered ineligible to the priesthood, was then punished for this ineligibility.

Blackstone recognizes as among the remarkable legal events of the kingdom, the great alteration in the laws through the separation of ecclesiastical courts from the civil. Matrimonial causes, or injuries respecting the rights of marriage are recognized by him as quite an undisturbed branch of ecclesiastical jurisdiction, from the Church having so early converted this contract into a sacramental ordinance.¹⁸⁵ During many centuries education was denied to woman in Christian countries for reasons connected with her ineligibility to the priesthood. The art of reading is by scholars believed to have

¹⁸⁴ In England, until the reign of William and Mary, women were refused the benefit of clergy.

¹⁸⁵ In the hands of such able politicians it (marriage), soon became an engine of great importance to the papal scheme of an universal monarchy over Christendom. The innumerable canonical impediments that were invented and occasionally dispensed with by the Holy See, not only enriched the coffers of the church, but give it a vast ascendancy over persons of all denominations, whose marriages were sanctioned or repudiated, their issue legitimated or bastardized ... according to the humor or interest of the reigning pontiff. —*Commentaries* 3, 92.

been one of the ancient mysteries taught at Eleusis and other olden temples; learning, then, as at later periods, was in the hands of priests; therefore the fact of being able to read was synonymous with the right of entering the priesthood. This right appertained to women in many ancient nations even under the Patriarchate. Higgins shows that the word *Liber* from which our words liberty, freedom, are derived, is one and the same as *liber*, a book, and had close connection with the intellectual, literary, and priestly class. As under Christian doctrine the priesthood was denied to woman, so under the same rule learning was prohibited to her.¹⁸⁶ To permit woman's education under Christianity would have been a virtual concession of her right to the priesthood. In not allowing her "benefit of clergy" the priests were but consistent with themselves and their pretensions as to the superior

¹⁸⁶ The word *Liber*, free, the solar *Phre* of Egypt, and *Liber*, a book, being as has been shown, closely connected, the bookish men of Bac, Boc, Bacchus, were comparatively free from the rule of the warrior class, both in civil and military point of view, and thence arises our *benefit of clergy*. If the benefit of clergy depends upon a statute, it had probably been obtained by the priests to put their privilege out of doubt. It has been a declaratory statute, although, perhaps, every man who was initiated could not read and write, yet I believe every man who could read and write was initiated, these arts being taught to the initiated only in very early times. It has been said that the privilege of clergy was granted to encourage learning. I believe it was used as a test, as a proof that a man was of, or immediately belonging to, the sacred tribe, and therefore exempt from the jurisdiction of the court in which he had been tried. If he were accused he said nothing; if found guilty he pleaded his orders and his reading. I have little doubt that the knowledge of reading and letters were a masonic secret for many generations, and that it formed part of the mysterious knowledge of Eleusis and other temples. —*Anacalypsis*, 2, 271-2.

holiness of the male sex. That a woman should be burned alive for a crime whose only punishment for a man was a few months imprisonment, was in unison with the whole teaching of the Christian Church regarding woman. Under Canon Law many of the shields theretofore thrown about women were removed. Punishment for crimes against them lessened, while crimes committed by them were more severely punished. Rape, which in early English history was termed felony, its penalty, death, was regarded in a less heinous light under clerical rule.

Under the political constitutions of the Saxons, bishops had seats in the national council and all laws were prefaced by a formal declaration of their consent. By their influence it became a general law that a woman could never take of an inheritance with a man, unless perhaps by the particular and ancient customs of some cities or towns; while daughters at a father's death could be left totally unprovided for. A law was enacted in the reign of Edward VI that no son should be passed over in his father's will unless disinherited in plain terms and a just cause given. In case of daughters, sex was deemed "a just cause" for leaving them in poverty. The earlier laws of the Danish Knut, or Canute, show that the estate was then divided among all the children. Under Canon Law, the testimony of a woman was not received in a court of justice. She was depicted by the Church as the source of all evil, the mother of every ill.¹⁸⁷ Legislation had the apparent aim

¹⁸⁷ Woman was represented as the door of hell, as the mother of all human ills. She should be ashamed of the very thought that she is a woman. She should live in

of freeing the clergy from all responsibility to the civil or moral law, and placing the weight of every sin or crime upon woman.

A council at Tivoli in the Soissonais, A.D. 909, presided over by twelve bishops, promulgated a Canon requiring the oath of seven persons to convict a priest with having lived with a woman; if their oath failed of clearing him he was allowed to justify himself upon his sole oath. Under Canon Law a woman could not bring an accusation unless prosecuted for an injury done to herself. It is less than thirty years since this law was extant in Scotland; and as late as 1878, that through the influence of Signor Morelli, the Italian Parliament repealed the old restriction existant in that country regarding woman's testimony. Under Canon Law a woman could not be witness in ecclesiastical or criminal suits, nor attest a will.¹⁸⁸ To cast doubts upon a person's word is indicative of the most supreme contempt, importing discredit to the whole character. That a woman was not allowed to attest a will, nor become a witness in ecclesiastical suits, implied great degradation and is a very strong proof of the low esteem in which woman was held both by State and Church. That a priest could clear himself upon his

continual penance on account of the curses she had brought upon the world. She should be ashamed of her dress, for it is the memorial of her fall. She should especially be ashamed of her beauty, for it is the most potent instrument of the demon... Women were even forbidden by a provincial council, in the sixth century, on account of their impurity, to receive the eucharist in their naked hands. Their essentially subordinate position was continually maintained. Lecky. —*Hist. European Morals.*

¹⁸⁸ No woman can witness a will in the State of Louisiana today.

own unsubstantiated oath is equally significant of the respect in which this office was held, as well as showing the degree in which all law was made to shield man and degrade woman. When we find the oath of seven women required to nullify that of one layman, we need no stronger testimony as to woman's inequality before the law. Canonists laid down the law for all matters of a temporal nature whether civil or criminal. The buying and selling of lands; leasing, mortgaging, contracts; the descent of inheritance; the prosecution and punishment of murder; theft; detection of thieves; frauds; those and many other objects of temporal jurisdiction were provided for by Canon Law. It was intended that the clergy should come entirely under its action, governed as a distinct people from the laity. The principal efforts of the Canon Law towards which all its enactments tended, was the subordination of woman¹⁸⁹ and the elevation of the hierarchy. To secure these two ends the church did not hesitate at forgery. For many hundred years a collection of Decretals, or what were claimed as decrees of the early popes, carried great authority, although later investigation has proven them forgeries.¹⁹⁰ Civil as well as ecclesiastical laws were forged in the interest of the priesthood; a noted instance, was the once famous law of Constantine which endowed bishops with unlimited power,

¹⁸⁹ Blackstone says whosoever wishes to form a correct idea of Canon Law can do so by examining it in regard to married women. —*Commentaries*.

¹⁹⁰ . Blondell, a learned Protestant who died in 1659, fully proved Isidore's collection of the Decretal Epistles of the popes of the first three centuries, to be all forged and a shameless imposture, says *Collier*.

giving them jurisdiction in all kinds of causes. This law declared that whatever is determined by the judgment of bishops shall always be held as sacred and venerable, and that in all kinds of causes whether they are tried according to the pastoral or civil law that it is law to be forever observed by all.

The famous Seldon known as the “Light of England,” declares it to have been “a prodigious and monstrous jurisdiction” assumed by the priestly order, by means of falsehood and forgery.¹⁹¹ The two classes of temporal affairs that Spiritual Courts especially endeavored to appropriate, were marriages, and wills, with everything bearing upon them. In these the greatest oppression fell upon women.¹⁹² Canon Law gradually

¹⁹¹ The famous law of Constantine, attached to the Theodosian Code, by virtue of which a prodigious and monstrous jurisdiction was formerly attributed to bishops, or to the hieratic order, though in reality that law was never a part of the aforesaid code, at the end of which it is found. Seldon. —*Dissertation on Fleta*, p. 101. At time of Valentinian neither bishops nor the Consistories could, without the consent of the contracting lay parties, take cognizance of their causes. . . . Because, says that emperor, it is evident that bishops and priests have no court to determine the laws in, neither can they according to the imperial constitutions of Arcadius and Honorius, as is manifest from the Theodosian body, judge of any other matters than those relating to religion. Thus the aforesaid Emperor Valentinian. Neither do I think that the above sanction as extravagant, obtained a place at the end of the Theodosian Code, or was under the title of *Episcopis*, by any other manner posted into my manuscript, than by the frauds and deceits, constantly, under various pretenses, made use of by the hieratical orders, who endeavored to shape right or wrong, according to the custom of those ages, not to mention others, sovereign princes and republics of their authority and legal power, by this means under the cloak of religion, its constant pretext, most strenuously serving their own ends and ambition. —*Ibid*, 107.

¹⁹² See Reeves. —*History of English Law*.

acquired enormous power through the control it gained over wills, the guardianship of orphans, marriage, and divorce.¹⁹³ As soon as ecclesiastical courts were divided from the temporal in England,¹⁹⁴ a new set of principles and maxims began to prevail. This was one of the first effects of the Conquest, but in 1272, Robert Kilmandy, Dean of Canterbury, gave directions for the restoration and observation of the ancient and neglected laws of Ecclesiastical Courts; of these the Court of Arches was one of the most ancient. It is almost impossible to fix the date of ecclesiastical rule, unless indeed we go back to the very foundation of the church. As noted, the early Saxons were largely governed by their priests. In 615, at the Paris synod, the clergy were given authority in matters theretofore under civil power, while in England we find priestly power to have been great during the fourth and fifth centuries. Bracton sets the one hundred and fifty years between the middle of the twelfth and end of the thirteenth centuries as the period when this power took its greatest strides. At this time it touched upon wills, inheritance, bequests, the legitimacy of children, the marriage relation, and all family concerns, having broken over many securities of the common law. This period covers the establishment of celibacy with the trains of evils noted in the preceding chapter, when the marriage of priests was declared invalid, their wives branded as immoral persons, and stain of

¹⁹³ Draper. —*Conflict of Science and Religion*.

¹⁹⁴ Reeves.

illegitimacy thrown upon their children. Despite the guarantees of the Runnymede Charter, and the religious rebellion of the Eighth Henry, despite the vigor of Elizabeth who bent both priest and prelate to her fiery will, the influence of this period moved down in line with the Reformation, and to the injury of woman, successfully incorporated its worst features into the common law; the new church, social and family life all partaking of this injustice. A great number of canons were enacted after the reformation. These, together with the foreign canons which had been adopted, were held as part of the law of England.¹⁹⁵ The Episcopal church appropriated numerous canons extant at the time of the reformation, several of these having been created for the purpose of sustaining the church at a period when the temporal power threatened encroachment. The archdeacon of Surrey prepared a voluminous work upon this subject known as the *Jurus*,¹⁹⁶ proving that these canons, decrees, etc., when falling

¹⁹⁵ Declaration of judges in the famous case of *Evans and Ascuith*. Vaughn said in a later case of the same kind, "If Canon Law be made part of the law of this land then it is as much a law of the land and as well, and by the same authority as any other part of the law of the land."

¹⁹⁶ Gibson was archdeacon of Surrey, Rector of Lambeth, and Chaplain of his Grace the Lord Archbishop of Canterbury (Primate of all England and Metropolitan) to whom the *Jurus* was dedicated. The work said: "The foreign is what we commonly call the body of Canon Law, consisting of the Canons of Councils, Decrees of Popes and the like, which obtained in England by virtue of their own authority (in like manner as they did in other parts of the Western Church), till the time of the Reformation, and from that time have continued upon the foot of consent, usage and custom. For which distinction we have no less warrant than an act of Parliament, made at the very time when those foreign laws were declared to be no longer binding by their own authority..."

into disuse had been established by act of Parliament, as part of the law of England. The preface of his work declared that it had been prepared purely for the service of the clergy, and in support of the rights and privileges of the Church. Thus we have direct proof of the adoption of papal decrees as part of the government of the Protestant Episcopal church, – the Anglican – and also as part of English law.

An act of Parliament at this age was regarded as synonymous with a law of God. The Bible and the English government were upon the same plane, each to be implicitly obeyed.¹⁹⁷ Canon Law thus firmly established by act of Parliament, the union of Church and State complete, England lost much of that civil freedom whose origin can be traced to the wise legislation and love of freedom inhering in two British queens, Martia and Boadicea. Suffering from cruel wrong, the latter rose in revolt against the Romans. Riding among the squadrons of her army she thus addressed them:

It will not be the first time, Britons, that you have been victorious under the conduct of your queen. I come not here as one of royal blood, to fight for empire or riches, but as one of the common people to avenge the loss of their liberty, the wrongs of myself and my children. If you Britons will

We have a plain declaration that foreign laws became part of the law of England by long use and consent.” Gibson. —*Codex Jurus Ecclesiasticum Anglican*.

¹⁹⁷ English *Common Law Reports*, Hill vs. Gould, *Vaughn*, p. 327, says: “What ever is declared by an Act of Parliament to be against God’s law must be so admitted by us, because it is so declared by an Act of Parliament.”

but consider the motives of our war, you will resolve to conquer or die. Is it not much better to fall in the defense of liberty than to be exposed to the outrages of the Romans? Such at least is my resolution, you may if you please live and be slaves.

But many historians date the entire subordination of the common law to ecclesiasticism, to the reign of Stephen, who ascended to the throne 1135, the fourth of the Anglo-Norman kings. In order to keep the ranks of the church full, the bearing of children was enforced upon women as a religious duty. No condition of health or distaste for motherhood was admitted as exemption. Alike from the altar, the confessional, and at the marital ceremony,¹⁹⁸ was this duty taught, nor has such instruction even under the light of physiology and new regard for personal rights, yet ceased.¹⁹⁹ No less is the unresisting subjection of women in this relation indirectly or directly enforced by the Protestant and the Greek churches as the law of the Bible and God. "Increase and multiply"²⁰⁰ has been the first commandment for woman, held as far more binding upon her than the "Ten Words" of Mount Sinai. Proof exists in abundance of a character impossible to present in this work.

Under the general absence of learning and the equally

¹⁹⁸ Under Catholic form the bride promises to consecrate her body to the marital rite.

¹⁹⁹ Chiniquy. — *The Priest, the Woman and the Confessional*.

²⁰⁰ "The clergy formerly, and to this very day, declare those women evil who desire to limit self-indulgence and procreation."

general reverence for whatever emanated from the church, minor ecclesiastics found it in their power to promulgate doctrines to suit every new set of circumstances; thus many laws aside from regularly promulgated canons, came from time to time into force. When once applied they assumed all the power of custom and soon bore all the force of common law. The evils of ecclesiastical law were soon increased through the unsparing use of forgery and falsehood. Lea says:

In the remodeling of European Institutions, so necessary to the interests of Christianity and civilization, one of the most efficient agencies was the collection of Canons known as the False Decretals. Forgery was by no means a novel expedient to the church. From the earliest times orthodox and heretics had rivalled each other in the manufacture of whatever documents were necessary to substantiate their respective positions whether in faith or discipline. An examination of these Decretals tends to the conclusion that they were not the result of one effort or the work of one man. Their constant repetitions and their frequent contradiction would seem to prove this, and to show that they were manufactured from time to time to meet the exigencies of the moment or to gratify the feelings of the writers. Interpolated into codes of law, adopted and amplified in the canons of councils and the decretals of popes, they speedily became part of the civil and ecclesiastical policy of Europe, leaving traces on the constitutions which they afflicted for centuries... The pretenses and privileges which they conferred on the hierarchy became the most dearly prized

and frequently quoted portions of the Canon Law. In each struggle with the temporal authority, it was the arsenal from which were drawn the most effective weapons, and after each struggle the sacerdotal combatants had higher vantage ground for the ensuing conflict ... theories of ecclesiastical superiority which left so profound an impress on the middle ages and which have in no slight degree molded our modern civilization.

Even Magna Charta strengthened Canon Law, confirming many liberties of the Church, and injuring women by prohibiting appeal to them unless for the death of their husbands. While the general tenor of the church was against marriage, an unmarried woman unless dedicating her life to the church was regarded with more contempt than the married. To be under control of a husband was looked upon as the normal condition of women not living celibate lives. Consequently women were driven into marriage or monastic houses,²⁰¹ and no reproach so great as the term "old maid." The influence of custom is nowhere more discernible than in Blackstone himself. The great commentator while fully admitting the blending of Canon with Common law, also acknowledging its most prejudicial effects to have fallen upon woman, yet attempts to prove that the liberties of the English people were not infringed through ecclesiasticism. He is so entirely permeated with the church doctrine of woman's created inferiority as not to be willing to acknowledge the

²⁰¹ See Lecky. —*Hist. European Morals.*

infringement of her natural liberty through it, although at the same time he declares that “whosoever would fully understand the Canon Law must study Common Law in respect to woman.” Such benumbing of the moral faculties through her doctrines is among the greatest wrongs perpetrated by the church upon mankind. Nor is it alone in regard to woman. During the Franco-Prussian war a writer declared the great and absolute need of the French people to be education; that of moral character there was absolutely none, either in the higher or lower classes. Even the sons of aristocratic families educated in Jesuit schools, being at most taught that wrong can only be measured by a formal religious standard, and that every wrong can be wiped out by confession to the priest. French education, this writer declared to be that of two centuries ago, when might was looked upon as identical with justice. Nor can morality be taught while its basis in the church remains the same.

The priestly profession held the most brilliant promises of gratified ambition to every man that entered it. Not alone did he possess the keys of heaven and hell, but also those of temporal power. The laity were his obedient servants upon which he could impose penance and from whose coffers wealth could be made to flow into his own. Through long continued false teaching the people believed their fate in both worlds more fully depended upon the priesthood than upon their own course in life, God having deputed a share of his power to every priest and monk, no matter how debased; and that when

he spoke it was not himself, but God, through his lips, as asserted by the priesthood themselves. This impious assertion so capable as shown of being used for the most tyrannous purposes, came also into the Reformation, and is even heard from the lips of Protestant clergymen today.²⁰² Denied recognition of a right to decide for themselves whether the priest spoke from God, or from his own ambitious and iniquitous purposes, deprived of education as well as of free thought – the latter a crime to be punished with death after the most diabolical torture – it is not a subject of surprise that the majority of the christian world was a prey to the vilest superstition. The claim of infallibility, which may be unsuccessfully combated when urged by a single individual, became all-potent when advanced by a large powerfully organized and widely distributed class under guise of religion, into which the element of fear largely entered. No salvation outside of the church was a fundamental doctrine of that body. Hell was declared not to be peopled alone by the heathen, but by christian heretics, and the excommunicated who had died without obtaining forgiveness from the Church. These were depicted as in eternal torments of a more terrible character than even those whom birth had left ignorant of the plan of salvation. The strength of the church lay in its control

²⁰² In a sermon laudatory of the preacher's office, delivered in the May Memorial Unitarian Church, in Syracuse, N.Y., Sunday, Nov. 27, 1887, Rev. Mr. Calthrop, the pastor, said: "Noble words are your chief weapons of offense and defense. But remember it is not you that speak when you utter them, but the Holy Ghost." From *Report of Sermon*, published in the "Daily Standard," November 28th.

of the conscience and the will. Upon the State it fastened double bonds; first, by its control of each individual member; second, in its capacity of secular ruler. Long before the days of Torquemada and Ximenes, the Inquisition had practically been brought to every man's door. The imagination, that faculty that in its perfection constitutes the happiness of mankind, was made the implement of excessive mental torture.

Common Law as it exists today is the outgrowth of Ecclesiastical or Canon Law touching upon all the relations of life but falling with heaviest weight upon woman, as Blackstone so frankly admits.²⁰³ From the X to the XVI centuries is the period when the features of the Canon Law most derogatory to woman became thoroughly incorporated into English common law, since which period the complete inferiority and subordination of woman has been as fully maintained by the State as by the Church.

Common Law is not alone English law, it is the basic law of the United States. Chancellor Kent said of it, "Common Law is part of the fundamental law of the United States." It has been recognized and adopted as one entire system by the constitutions of Massachusetts, New York, New Jersey and Maryland. It has been assumed by courts of justice, or declared by statute, as the law of the land in every State, although its influence upon the criminal codes of England and the United States has but recently

²⁰³ Whoever wishes to gain insight into that great institution, Common Law, can do so most efficiently by studying Canon Law in regard to married women. *Commentaries*.

attracted the attention of legal minds. Wharton whose *Criminal Law* has been for years a standard work, did not examine this relation until its seventh edition. In the preface to this edition he gave a copious array of authors in English, German, Latin, in proof that the criminal codes of those two countries are permanently based upon Ecclesiastical Law.

An early council of Carthage thus ordained: "Let not a woman however learned or holy presume to teach a man in a public assembly." To this Canon may be ascribed the obstacles thrown in the way of women even during the present century, who have come before the world as public teachers in the pulpit, at the bar, in medicine, or the more customary branches of instruction. Advancing civilization of the present century is still hampered by the laws of an imperfect church, enacted many hundred years since. The trial of Mistress Anne Hutchinson in New England, during the XVII century, was chiefly for the sin of having taught men.

All modern legislation can be referred to the church for its origin although most especially noticeable in reference to women legislated for as a class, distinct and separate from men. Under Church laws, the humble, the ignorant, the helpless have been the most oppressed, because of their powerlessness, but upon no part of humanity has this oppression so heavily fallen as upon her whom the church has declared to be the author of all the misery of human life.²⁰⁴ The laws of bastardy and illegitimacy still extant

²⁰⁴ Distinction of class appears most prominently in all the criminal laws for which

in Christian countries which decree that a child born outside of marriage shall be known by its mother's name and she alone responsible for its support, and which do not allow it to inherit its putative father's property even when he acknowledges the child as his own, are of ecclesiastical origin. Enacted by the Church in its most powerful days, as protection to a celibate priesthood against all claim by mother or child, they are still a reminder of the Matriarchate when the sole right of the mother to the child was unquestioned. But under Church ruling this law that the child should follow the condition of the mother, herself but a slave, was the source of great injustice both to women and to thousands of innocent children. Under feudalism and during slavery the child of the feudal lord or powerful master by a serf woman, became at birth subject to all the restrictions of the mother while the father was freed from accountability of any nature. The Antonelli case referred to in the second chapter, in which the Countess Lambertini claimed heirship of Cardinal Antonelli's property as his daughter, was decided against her not upon denial of her paternity which was most fully proven, but because under church law this daughter had no claim upon her priestly father. Under Canon Law she was no more to be regarded as his child than

the clergy are responsible. It was for the man of low estate, the slave, and for women, that the greatest atrocities were reserved. If the thief was a free woman she was to be thrown down a precipice or drowned (a precedent without doubt for dragging a witch through a pond). If the thief was a female slave, and had stolen from any but her own lord, eighty female slaves were to attend, each bearing a log of wood to pile the fire and burn the offender to death. Pike. —*Hist. of Crime in England*, 49-51.

as the child of any other man. She was “fatherless.” She was “a sacrilegious child” having violated sacred things by coming into existence. Her “holy” father under Canon Law was entirely irresponsible for her birth.²⁰⁵

²⁰⁵ A correspondent of “The London Times” writes from Rome that he has not heard a single doubt expressed as to the paternity of the Countess Lambertini, and the line adopted by the Antonelli heirs tacitly confirms it. They strenuously oppose the production of any of the evidence the plaintiff has offered. They object to the depositions of the witnesses being heard and tested, and they have declared their intention of impugning as forgeries the documentary proofs tendered. These documents consist of some letters written by Antonietta Marconi to the Archpriest Vendetta, and particularly one dated April 1, 1857, wherein, asking him to prepare a draught of a letter to the Cardinal, she says that “Giacomo” does not send her money, although he knows that he has a daughter to support, and that Loretina is a cause of great expense. “Write to him forcibly,” she says, “or I shall do something disagreeable.” The extent of the scandal in Rome does not consist so much in the fact of a Cardinal in Antonelli’s position having had one or more children, as in the law-suit which has brought all the intimate details connected with the affair before the public. Antonelli was to all intents and purposes a layman, filling one of those civil departments of an ecclesiastical temporal Government to qualify for which it was indispensably requisite to assume the ecclesiastical habit. He accepted early in life those obligations without which no career would have been open to him, and, like many others, he regarded them as mere matters of form, for under the imperturbable mask of the ecclesiastical diplomat beat a heart filled with the warmest domestic affections and instincts; and how strong those feelings were in him was fully demonstrated in his will, and is clearly shown in every incident of the story now revealed. Dame Gervasi has been subjected to a rigid cross-examination by the counsel of the brothers Antonelli. The proceedings were conducted with closed doors, but a Roman correspondent of “The Daily News” seems in some manner to have wormed out the essential facts. When the mysterious “foreign young lady” went to lodge at Dame Gervasi’s, Cardinal Antonelli – so the gossip runs – paid several visits to his protege. “I remember,” says the Dame, “that when I went to open the door to them I held in my hand a bowl of beef tea, which I was taking to the patient. Dr. Lucchini was the first to enter, and I soon recognized the

The reformation proved itself in many ways as restrictive towards woman as Catholicism. The commencement of modern law dates to the reign of Elizabeth, who established the reformation upon a firm basis. The oppression of her reign exceeded all that had been experienced under Catholicism. No cottager in England was permitted to shelter his homeless mother or sister under penalty²⁰⁶ because she was “masterless.” The greatest amount of legislation both religious and secular under the Patriarchate has had woman for its object, and this is especially noticeable in all countries where Christianity has been the dominant power, because she has not been regarded by the church as a component part of humanity, but as an offshoot whose rights and responsibility were entirely different from those of man. Although among the Anglo-

second visitor to be Cardinal Antonelli, who wore a long redingote and a tall hat. He took the bowl, which I held in my hand. ‘This is for the patient,’ he said inquiringly, but before I had time to reply he had swallowed part of its contents.” Dame Gervasi then proceeded to relate how Dr. Lucchini left the Cardinal alone with the foreign young lady. The witness put her ear to the keyhole, and heard distinctly the sound of kisses alternating, with sobs between the two. His Eminence, to console the patient, told her he had taken every precaution against the matter becoming known. “Don’t be afraid,” he said, “nobody will be a bit the wiser. You will be able to marry. As for the baby, that’s my affair. I will take care of her, and I swear to you that she will never know the name of her mother.” Dame Gervasi gave the names of the persons who had come to her on behalf of the brothers Antonelli, and these emissaries, she said, tried to make her disclose all she knew, and promised her large sums of money to bind her to silence as to the clandestine part played by Signora Marconi, and as to the Cardinal’s relations with the “foreign lady.” —*N.Y. Tribune, July 5, 1878.*

²⁰⁶ See Reeves. —*Early English Law.*

Saxons the priesthood possessed great influence yet after the Norman Conquest ecclesiasticism gained much greater control in England, and Canon Law began to influence legislation, as has been shown, exercising its chief restrictive force upon woman. While under old Common Law,²⁰⁷ a husband was compelled to leave his wife one-third of his property and could leave her as much more as he pleased, by Canon Law he was prohibited from leaving her more than one-third and could leave her as much less as he pleased. Thus ecclesiasticism presumed to control a husband's affections and placing its slimy fingers upon common law, allowed the husband to leave his wife in absolute poverty, notwithstanding that her property upon marriage, and her services under marriage, belonged exclusively to him. As early as the twelfth century, Glanville laid it down as a law of the British Kingdom that no one was compelled to leave another person any portion of his property, and that the part usually devised to wives was left them at the dictate of affection and not of law. Thus early did the Church in England override Common Law to the detriment of woman. While thus legislating in opposition to family rights, the church continually favored its

²⁰⁷ *Hollingshed's Chronicles*. The foundation of old common law seems traceable to Martia, the widow of Guilliame, left regent of her husband's kingdom, comprising a part of Britain, two hundred years prior to the christian era. This queen directed her attention to framing a system of laws which acquired for her the surname of "Proba," or "The Just." They were evidently one of the three parts under which the common law is divided, although under canon law the entire property of the wife became that of the husband upon marriage.

own increase of its own property.²⁰⁸ The world has produced no system so thoroughly calculated to extend its own power and wealth, as this vast celibate organization which, under the guise of religion, appealed to man's superstition, and ruled his will under the assumption of divine authority, the family being its chief objective point of attack.

While under feudalism his lord was to receive the best gift at the villein's death, the church the second best, in time the demands of the church overpowered those of the lord, as well as those of the family. So rapacious did the church at last become in its demand for valuable gifts and its claim of one third of a man's property upon his decease, that the civil law ultimately interfered, not however in the interests of wives, but of creditors. Canon Law nearly everywhere prevailed, having its largest growth through the pious fiction of woman's created inferiority. Wherever it became the basis of legislation, the laws of succession and inheritance, and those in regard to children, constantly sacrificed the interests of wives and daughters to those of husbands and sons. Church legislation created numerous and stringent enactments which rendered it impossible for woman to succeed to any considerable amount of property, forcing her to entire dependence upon man, either as a wife, or as a resident of a religious house; thus she entirely lost the freedom possessed by

²⁰⁸ In England, in 1538, or even earlier, it was calculated that besides the tithes, one-third of the kingdom was ecclesiastical property, and that these vast possessions were devoted to the support of a body of men who found their whole serious occupation in destroying the virtue of women. Lea. —*Sacerdotal Celibacy*.

her in pagan Rome.²⁰⁹

While under Canon Law the dower of the wife was forfeited by attainder of the husband, yet the husband did not lose his right to the wife's property in case she was attainted of treason. Under Canon Law if for recognized just cause of the husband's cruelty the wife separated from him, she was returned upon his demand provided he gave security for treating her well.

Canon Law gave to the husband the power of compelling the wife's return if, for any cause, she left him. She was then at once in the position of an outlaw, branded as a runaway who had left her master's service, a wife who had left "bed and board" without

²⁰⁹ The pagan laws during the Empire had been continually repealing the old disabilities of women; and the legislative movement in their favor continued with unabated force from Constantine to Justinian, and appeared also in some of the early laws of the barbarians. But, in the whole feudal legislation, women were placed in a much lower legal position than in the Pagan Empire. In addition to the personal restrictions which grew necessarily out of the Catholic Christian doctrines concerning divorce, and the subordination of the weaker sex, we find numerous and stringent enactments, which rendered it impossible for women to succeed to any considerable amount of property, and which almost reduced them to the alternative of marriage or a nunnery. The complete inferiority of the sex was continually maintained by law; and that generous public opinion which in Rome had frequently revolted against the injustice done to girls, in depriving them of the greater part of the inheritance of their fathers, totally disappeared. Wherever the canon law has been the basis of legislation, we find laws of succession sacrificing the interests of daughters and of wives, and a state of public opinion which has been formed and regulated by these laws; nor was any serious attempt made to abolish them till the close of the last century. The French Revolutionists, though rejecting the proposal of Sieyes and Condorcet to accord political emancipation to women, established at least an equal succession of sons and daughters, and thus initiated a great reformation of both law and opinion, which sooner or later must traverse the world. Lecky. —*Hist. Morals*, Vol. II, pp. 357-359.

consent, and whom all persons were forbidden “to harbor” or shelter “under penalty of the law.” The absconding wife was in the position of an excommunicate from the Catholic Church, or of a woman condemned as a witch. Any person befriending her was held accessory to the wife’s theft of herself from her husband, and rendered liable to fine and other punishment for having helped to rob the husband (master) of his wife (slave). The present formula of advertising a wife, which so frequently disgraces the press, is due to this belief in wife-ownership.

Whereas my wife ... has left my bed and board without just cause or provocation, I hereby forbid all persons from harboring or trusting her on my account.

By old English law, in case the wife was in danger of perishing in a storm, it was allowable “to harbor” and shelter her. It is less than fifty years since the dockets of a court in New York city, the great metropolis of the United States, were sullied by the suit of a husband against parties who had received, “harbored” and sheltered his wife after she left him, the husband recovering a0,000 damages.

In losing control, upon marriage, of her person and her property, woman’s condition became that of an infant. No act of hers was of legal value. If she made a bargain her husband could repudiate it and the person with whom she had contracted was held to have taken part in a fraud. The denial under Common Law of her right to make a contract grew out of the denial of her right of ownership. Not possessing control of her inheritance or

of her future actions, she was consequently held unable to make a binding contract.²¹⁰ Forbidden the right of acting for herself; deprived of the ownership and control of her own property or earnings, woman had little opportunity to prove her business capacity. Since the time of Aristotle the control of property has been recognized as the basis of social and responsible conditions. The great school of German jurists²¹¹ teach that ownership increases both physical and moral capacity, and that as owner, actual, or possible, man is a more capable and worthy being than he would otherwise be.

Inasmuch as through both the ecclesiastical and civil laws of Christendom, woman was debarred from giving testimony in courts of law; sisters prohibited from sharing a patrimony with brothers; wives deprived of property rights both of inheritance and earnings, it is entirely justifiable to say that even the boasted Common Law, that pride of English speaking peoples, has greatly injured civilization through its destruction of woman's property rights. Canon or Church laws were enacted upon the principle of protection for men alone and upon these civil laws gradually became wholly based. Herbert Spencer²¹² has not failed to recognize this fact in England. No less in law than in

²¹⁰ Sheldon Amos. —*Science of Law*.

²¹¹ *Ibid.*

²¹² Our laws are based on the all-sufficiency of man's rights. Society exists for man only; for women merely as they are represented by some man; are in the *mundt* or keeping of some man. —*Descriptive Sociology of England*.

religion is woman dealt with as a secondary being, for whom equal religious rights or equal civil rights are not designed. While under the Matriarchate justice and purity prevailed, and the inherent rights of man were preserved, we find an entirely contrary condition under the Patriarchate, that system enacting laws solely with intent to man's interest regardless alike of mother, sister, wife or daughter. The entire destruction under Canon and civil law, of woman's property rights, has not alone lessened her responsibility, but has also diminished her self-respect. As in common with a child, or a slave, her business agreements were held as of no binding force, she ultimately came to regard herself as incapable of business transactions. In England until a very recent date, and in the United States until when in 1839, Mississippi first placed the control of her own property in a married woman's hands (to be followed in 1848, by Pennsylvania, New York, and about the same period by Rhode Island), it was in the husband's power in every part of christian Europe and America, to repudiate any bargain, sale or gift made by the wife as of no binding legal force, and this, even though she had brought the entire property into the marital firm.²¹³ Therefore under Christian laws the person with whom the wife made a contract, or to whom she made a gift was held as a criminal, or participant in a fraud. The wife under Canon Law belonged to the husband, and as a sequence to not owning herself

²¹³ This slavish condition of the wife yet prevails in over one-half the states of the union.

she could not own property, and in her condition of servitude could possess no control over either her present or her future actions. Such is Common Law warped and changed by Canon Law.²¹⁴

Property is a delicate test of the condition of a nation. It is a remarkable fact in history that the rights of property have everywhere been recognized before the rights of person. The American Revolution arose from an attack upon property rights and although the Declaration of Independence assumed the rights of person to be primal, this unique foundation for a system of government has not yet fully been admitted in practice, and woman is still denied its advantages and responsibilities. While the property owner unwittingly becomes a hostage for the security of the state itself, it needs governmental recognition of the rights of person, in order to create firm self-reliance and a feeling of strength and freedom. A proper self-respect cannot inhere in any person under governmental control of others. Unless the person so governed constantly maintains a system of rebellion in thought or deed, the soul gradually becomes debased, and the finest principles of human nature suffer a rapid process of disintegration. The integrity of elementary

²¹⁴ . The relations in respect to property which exist between husband and wife in England, is solely grounded on her not being assumed at common law to have sufficient command of her purse or of her future actions wherewith to procure the materials for making a contract. The legal presumption then is, that she did not intend to make one, and therefore the allegation that she did make a contract would simply on the face of it be a fraud. Amos. —*Science of Law*.

principles disappears, bad citizenship results, the general rights of humanity are ignored, selfish, personal, or family interests taking their place. Good citizenship requires individual personal responsibility in affairs of the state.

That property rather than person still receives recognition in governmental matters, owes its origin to the period when the rights of the common people in both property and person were ignored. The effort of the peasant was chiefly directed to securing property. To his clouded vision, the wealth of the lord created his power, and to a great extent such was the fact. Intuitively he felt that property rights were the basis of the rights of persons. The Church possessed enormous wealth, as did all his oppressors, and the peasant could but see that control of rights of property was a dangerous assault upon their rights of person. The foremost element of all slavery is the denial to the slave of right to the proceeds of his own labor. As soon as a colored slave in the United States, was permitted to hire his time, the door of freedom began to open for him. Thus when Canon Law so influenced Civil and Common Law that it forbade woman's inheritance and ownership of property, it placed its final touch upon her degradation; she virtually became a slave to her husband. Sir Henry Maine is outspoken in declaring that Christianity has thus deeply injured civilization, an injury from which he asserts there can be no recovery as long as society remains christian. As a man of profound thought he does not fail to see that the prevailing religious sentiment created by

the teachings of the church as to woman's created inferiority and subjection to man, was the cause of that destruction of her property rights. The priests of pagan Rome held juster view regarding woman than did the Christian Church. Before the establishment of Christianity they had conferred the rights of woman to property; daughters inherited equally with sons. To such extent was woman's rights of property carried that at one period, as has been heretofore stated, the greater part of the real-estate of the empire was in woman's possession.²¹⁵ The slavish condition of woman greatly increased through denial of her rights of inheritance, was more fully established through denial to her of the fruits of her own labor in the marriage relation. Under church law the wife was the husband's personal slave, all her time was absolutely his. Civil and ecclesiastical law held her as completely under his authority. Her property, her person, her time and services were all at the husband's disposal. Nor did the Reformation effect a change in this respect. Luther's ninety Theses nailed against the church door in Wittemberg did not assert woman's natural or religious equality with man. It was a

²¹⁵ The jurisconsults had evidently at this time assumed the equality of the sexes as a principle to the code of equity. The situation of the Roman woman, whether married or single, became one of great personal and proprietary independence; but Christianity tended somewhat from the very first to narrow this remarkable liberty. The prevailing state of religious sentiment may explain why modern jurisprudence has adopted those rules concerning the position of woman, which belong peculiarly to an imperfect civilization. No society which preserves any tincture of Christian institutions is likely to restore to married women the personal liberty conferred on them by middle Roman law. Canon law has deeply injured civilization. — Sir Henry Maine.

maxim of his that “no gown or garment worse became a woman than that she will be wise.” The home under the reformation was governed by the laws in force before that period.

First: She was to be under obedience to the masculine head of the household.

Second: She was to be constantly employed for his benefit.

Third: Her society was strictly chosen for her by her master and responsible head.

Fourth: This masculine family head was regarded as a general father-confessor to whom she was held as responsible in word and deed.

Fifth: Neither genius nor talent could free women from such control without his consent.

The Cromwellian period while exhibiting an increase of piety brought no amelioration to woman. The old Church doctrine of her having caused the expulsion of men from Paradise was still proclaimed from the pulpit, and warnings against her extreme sinfulness lost none of their invective strength from the lips of the new gospel. All kinds of learning and accomplishments for her fell under new reprobation and the old teaching as to her iniquities and the necessity for her to feel shame from the fact of her existence took new force after the rise of Melancthon, Huss, and Luther.²¹⁶ About this period it was said “she that knoweth

²¹⁶ Under the Commonwealth, society assumed a new and stern aspect. Women were in disgrace; it was everywhere declared from the pulpit that woman caused man’s expulsion from Paradise, and ought to be shunned by Christians as one of the greatest temptations of Satan. “Man,” said they, “is conceived in sin and brought forth in

how to compound a pudding is more desirable than she who skilfully compoundeth a poem.”²¹⁷ Men thought it no shame to devote themselves to the pleasure of the table. Epicures and gluttons abounded, but to women was forbidden a seat at the world’s intellectual board; she who secured learning did so at the peril of her social and religious position. Under no other system of religion has there been such absolute denial of woman’s right to directly approach the divinity; under no other religious system has her debasement been greater.²¹⁸

It cannot be asserted that the religious system teaching restrictive moral and civil laws regarding woman, is of the past. Its still great living influence is shown by the thousands of pilgrims who visited Italy during the Pope’s Jubilee and the presents of incalculable value that by tens of thousands poured into the papal treasury in commemoration of the fiftieth anniversary of the entrance of Pope Leo XIII into the

iniquity; it was his complacency to woman that caused his first debasement; let man not therefore glory in his shame; let him not worship the fountain of his corruption.” Learning and accomplishments were alike discouraged, and women confined to a knowledge of cooking, family medicines and the unintelligible theological discussions of the day. Lydia Maria Child. —*History of Woman*.

²¹⁷ Many women made their entrance into literature through the medium of a cook book, thus virtually apoloizing for the use of a pen.

²¹⁸ The slavish superstition under which church teaching still keeps the minds of men was no less shown by the thousands who visited the St. Anne relic in the United States. Nor are Protestants but little less under the same superstition, accepting the teaching of the church without investigation. An educated Protestant girl, upon her return from Europe, recently, gravely declared that during her absence she had seen the spear which pierced the Saviour’s side.

priesthood. These were received from almost every civilized nation, Christian, Mohammedan, Catholic, Protestant. Even the President of the United States, head of a form of government which recognizes religion as entirely disconnected with the State, so far catered to superstition, so far conceded the assumptions of this system, as to send an elegant copy of the Federal Constitution to the Pope, through Cardinal Gibbons.²¹⁹ No stronger proof is required of the still powerful influence of that system based upon the degradation of woman, than the fact that the President of the United States, temporary head of a nation professedly based upon a recognition of equal civil, political and religious rights; the Queen of England head of the Anglican Church; the Sultan of Turkey representative of Mohammedanism; Sadogara, the celebrated Rabbi of Vienna, known as the "Pope of the Hebrews," were all found among the number of persons outside of Catholicism who by gifts recognized this occasion. It was but ten years previously that Pope Pius IX celebrated his

²¹⁹ The most interesting of all to Americans is the copy of the American Constitution that President Cleveland sent to the Vatican by Cardinal Gibbons. It is printed on vellum in richly illuminated English characters, and bound in white and red. It is enclosed in a case of purple plush with gold hinges, and bears this autographic inscription by President Cleveland: "Presented to his Holiness Pope Leo XIII., as an expression of congratulation on the occasion of his sacerdotal jubilee, with the profound regard of Grover Cleveland, President of the United States, through the courtesy of his Eminence Cardinal Gibbons, Archbishop of Baltimore." Washington, D.C. Upon the next page, beneath an American eagle printed in gold, is this inscription: "The Constitution of the United States. Adopted Sept. 17, 1787." The page bearing this inscription and all the fly leaves were of exquisite watered silk.

jubilee entrance into the Episcopal office with great pomp and ceremony, but the jubilee of Leo XIII exceeded in splendor and popular interest anything of the kind ever before known as the history of the church. With a religious clientele of 200,000,000 behind him, and the ten thousand magnificent testimonials as to the justice of his claim as vicar of Jesus Christ, the world cannot fail to be impressed by the danger to human liberty still connected with this powerful organization; an organization that in its control of human thought and human will has ever been of incalculable injury to mankind. Portions of the daily press saw the continuing danger, declaring that:

These facts are truly impressive indicating as they do the tremendous hold which the Roman ecclesiastical system has gained over the hearts and minds of men. Very striking, too, is the contrast between all this magnificence and pomp and manifest aspiration for temporal power on the part of one who claims to be the representative on earth of the "meek and lowly Jesus," and the poverty, unostentation and self-denial of the "Son of Man," who had not where to lay his head.

This jubilee is an event of great moment to the XIX century, at once a warning and a proof of the life and strength of that scheme which has for its real end, not alone the spiritual but also the temporal subjugation of the entire human race. Since Italy under King Humbert secured its release from the temporal power, thus severing the last authoritative grasp of the pope upon temporal

kingdoms, the attempt has been sedulously made to create a fictitious sympathy for the pope under claim of his imprisonment in the Vatican. Nor at the least supreme moment of his pride and glorification did the pope forget to call attention of the world to his temporal claims, by a refusal to receive the offered gifts of the king and queen who occupy the worldly throne he maintains to be especially his own.²²⁰

The doctrine of original sin and woman as the original sinner, transplanted from Judaism into Christianity by Paul in the statement that “Adam, first created, was not first in sin,” was developed to its present evil proportions by the early Christian Fathers. To St. Augustine, whose youth was spent in company with the most degraded of womankind, is the world indebted for the full development of the doctrine of original sin. Taught as one of the most sacred mysteries of religion, which to doubt or to question was to hazard eternal damnation, it at once exerted a most powerful and repressing influence upon woman, fastening upon her a bondage which the civilization of the nineteenth century has not been able to cast off.

Reverence for the ancient in customs, habits of life, law, religion, is the strongest and most pernicious obstacle to

²²⁰ “Owing to the pope’s refusal to accept the gifts of the king and queen of Italy on the occasion of his jubilee, all the members of the House of Savoy, including the Duke d’Aosta and the Princess Clotilde, have omitted to send offerings. This is the fly in the jubilee ointment of Pope Leo XIII., and settles the question of concessions of temporal power. Nevertheless, the day is passed when the claim of ‘imprisonment in the Vatican’ will further avail the pope.”

advancing civilization. To this doctrine of woman's created inferiority²²¹ and original sin we can trace those irregularities which for many centuries filled the Church with shame, for practices more obscene than the orgies of Babylon or Corinth, and which dragged Christendom to a darkness blacker than the night of heathendom in pagan countries – a darkness upon which the most searching efforts of historians cast scarcely one ray of light – a darkness so profound that from the seventh to the eleventh century no individual thought can be traced.

Rev. Charles Kingsley, a canon of the English Church, declared that from the third to the fifteenth centuries, Christianity had been swamped by hysteria in the practice of all those nameless orgies which made a by-word of Corinth during the first century. Every evil was traced to woman. A curious old black letter volume published in London, 1632, declares that “the reason why women have no control in Parliament, why they make no laws, consent to none, abrogate none, is their original sin.”

²²¹ When Linnaeus published his sexual system of plants, in the eighteenth century, he was ridiculed and shunned as one who had degraded nature.

Chapter Four

Marquette

The minds of people having been corrupted through centuries by the doctrines of the Church in regard to woman, it became an easy step for the State to aid in her degradation. The system of feudalism arising from the theory that warfare was the normal condition of man, still oppressed woman by bringing into power a class of men accustomed to deeds of violence, who found their chief pleasure in the sufferings of others. To be a woman appealed to no instinct of tenderness in this class. To be a woman was not to be protected unless such woman held power in her own right, or acted in place of some feudal lord. The whole body of villeins and serfs were under absolute dominion of the feudal lords. They were regarded as possessing no rights of their own; the priests had control of their souls, the lord, of their bodies. But it was not upon the male serfs that the greatest oppression fell. Although the tillage of the soil, the care of swine and cattle was theirs, the masters claiming half or more of everything, even to one-half of the wool shorn from the flock,²²² and all exactions upon them were great while their sense of

²²² In the dominion of the Count de Foix, the lord had right once in his lifetime to take, without payment, a certain quantity of goods from the stores of each tenant. Cesar Cantu. —*Histoire Universelle*.

security was slight, it was upon their wives and daughters that the greatest outrages were inflicted. It was a pastime of the castle retainers to fall upon peaceful villages, to the consternation of the women, who were struck, tortured, and made the sport of ribald soldiers.²²³ “Serfs of the body,” they had no protection. The vilest outrages were perpetrated by the feudal lords under the name of “rights.” Women were taught by church and state alike that the feudal lord or seigneur had a right to them not only as against themselves, but as against any claim of husband or father. The custom known by a variety of names, but more modernly as “marchetta,” or “marquette,” compelled newly married women to a most dishonorable servitude. They were regarded as the rightful prey of the feudal lord for from one to three days after their marriage,²²⁴ and from this custom, the oldest son of the serf was held as the son of the lord, “as perchance it was he who begot him.”

From this nefarious degradation of woman the custom of

²²³ Two women seized by German soldiers were covered with tar, rolled in feathers, and exhibited in the camp as a new species of bird.

²²⁴ Among the privileges always claimed, and frequently enforced by the feudalry, was the custom of the lord of the manor to lie the first night with the bride of his tenant.—*Sketches of Feudalism*, p. 109. By the law of “Marquette” under the feudal system (which rested on personal vassalage), to the “lord of the soil” belonged the privilege of first entering the nuptial couch unless the husband had previously paid a small sum of money, or its equivalent, for the ransom of his bride; and we read that these feudal lords thought it was no worse thus to levy on a young bride than to demand half the wool of each flock of sheep. *Article on Relation of the Sexes*. — Westminster Review.

Borough-English arose, the youngest son becoming the heir.²²⁵ The original signification of the word *borough*, being to make secure, the peasant through Borough-English made secure the right of his own son to what inheritance he might leave, thus cutting off his property from the possible son of his hated lord. France, Germany, Prussia, England, Scotland, and all christian countries in which feudalism existed, held to the enforcement of marquette. The lord deemed this right his, as fully as he did his claim to half the crops of the land, or half the wool shorn from the sheep. More than one reign of terror arose in France from the enforcement of this law, and the uprisings of the peasants over Europe during the twelfth century and the fierce Jacquerie, or Peasants War, of the fourteenth century in France, owed their origin among other causes to the enforcement of these claims by the lords upon the newly married wife. The Edicts of Marley securing the seigneurial tenure in Lower Canada transplanted that claim to America when Canada was under the control of France.²²⁶

During the feudal period when chivalry held highest rank in the duties of the knight, women of the lower classes were absolutely unprotected. Both Church and State were their most

²²⁵ The custom of Borough-English is said to have arisen out of the Marchetta or plebeian's first born son being considered his lord's progeny. —*Dr. Tusler*.

²²⁶ "It is not very likely that Louis XIV thought the time would ever come when the peasant's bride might not be claimed in the chamber of his seigneur on her bridal night. Those base laws, their revocation has been written in the blood of successive generations."

bitter enemies; the lords even in holy orders did not lessen their claims upon the bride. Most of the bishops and *chanonies* were also temporal lords. The Bishop of Amiens possessed this right against the women of his vassals and the peasants of his fiefs, of which he was dispossessed at the commencement of the fifteenth century, by an *arreet*, rendered at the solicitation of husbands.²²⁷ Although the clergy, largely drawn from the nobility, whose portionless younger sons were thus easily provided for, sustained the corruptions of the lords temporal yet having connected themselves with the church, they did not fail to preserve their own power even over the nobility.

The canons of the Cathedral of Lyons, bore title of Counts of Lyons; sixteen quarters of nobility, eight on side of the father; eight on side of the mother. The marchetta or cuissage was still practiced by them in the fourteenth century at the time Lyons was reunited to the crown of France. It was but slowly, after a great number of complaints and arrests of judgment that the canons of Lyons consented to forego this custom. In several cantons of Piccardy, the curés imitated the bishops and anciently took the right of cuissage, but ultimately the peasants of this region refused to marry, and the priests gave up this practice which they had usurped when the bishop had become too old to take his right.²²⁸ The resolution not to marry, surprised and

²²⁷ See *Feudal Dictionary*.

²²⁸ The interests of ecclesiastics as feudal nobles were in some respects identical with those of the barons, but the clergy also constituted a party with interests of its own.

confounded the lord “suzerains,” who perceived it would cause the depopulation of their fiefs. During the feudal period, bearing children was the duty pre-eminently taught women. Serf children increased the power and possessions of the lord, they also added to the power of the church, and the strangest sermons in regard to woman’s duty in this respect fell from the lips of celibate monks and priests. She was taught that sensual submission to man, and the bearing of children, were the two reasons for her having been created, and that the woman who failed in either had no excuse for longer encumbering the earth. The language used from the pulpit for the enforcement of these duties, will not bear reproduction.²²⁹ The villeins were not entirely submissive under such great wrongs, frequently protesting against this right of their suzerains. At one time a number of Piedmont villages rose in united powers. Although²³⁰ the concessions gained were but small, not putting an end to the lord’s claim to the bride but merely lessening the time of his spoliation, the results were great in establishing the principle of serf rights.

Marquette began to be abolished in France towards the end of the sixteenth century.²³¹ But an authority upon this question says that without doubt the usage still continued in certain countries,

²²⁹ M. Gerun, as quoted by Grimm, gives curious information upon this subject.

²³⁰ Par exemple, dans quelques seigneuries, où le seigneur passent trois nuits avec les nouvelles marriees, il fut convenu qu’il n’en passant qu’une. Dans d’autres, ou le seigneur avant le premiere nuit seulement, on ne lui accordes plus qu’une heure.

²³¹ *Collins de Plancy.*

farther asserting that even in this century it existed in the county of Auvergne, and several vassals plead to their lords against the continuance of this custom because of the great unhappiness it caused them. The lower orders of the clergy were very unwilling to relinquish this usage, vigorously protesting to their archbishops against the deprivation of the right, declaring they could not be dispossessed.²³² Boems states that he was present at a spiritual council of the metropolitane of Bourges, and heard a priest claim the right upon ground of immemorial usage.²³³

Although feudalism is generally considered the parent of this most infamous custom, some writers attribute its origin to an evangelical council, or to precepts directly inculcated by the church,²³⁴ whose very highest dignitaries did not hesitate to avail themselves of the usage. In 1471, quite the latter part of the fifteenth century, Pope Sixtus IV²³⁵ sought admission to the very illustrious Piedmont family, Della Rovere, which possessed the right of cuissage, allowing the lord absolute control of his vassals' newly wedded bride for three days and nights; a cardinal of the family having secured the patent by which this outrageous and abominable right was granted them. The rights of the Lords spiritual in the *jus primae noctis*, at

²³² *Feudal Dictionary*, p. 179.

²³³ Claiming the right of the first night with each new spouse. —*Boems Decisions* 297, I-17.

²³⁴ *Raepsaet*, p. 179.

²³⁵ The popes anciently had universal power over the pleasures of marriage. —*Feudal Dictionary*, 174.

first, perchance, confined to those temporal lords who holding this right entered the church, at last extended to the common priesthood, and the confessional became the great fount of debauchery. Woman herself was powerless; the church, the state, the family, all possessed authority over her as against herself. Although eventually redemption through the payment of money, or property, was possible, yet a husband too poor or penurious to save her, aided in this debasement of his wife.²³⁶ This inexpressible abuse and degradation of woman went under the name of pastime, nor were the courts to be depended upon for defense.²³⁷ Their sympathies and decisions were with the lord. Few except manorial courts existed. Even when freedom had been purchased for the bride, all feudal customs rendered it imperative upon her to bear the “wedding dish” to the castle. Accompanied by her husband, this ceremony ever drew upon the newly married couple a profusion of jeers and ribald jests from which they were powerless to protect themselves. While in ancient Babylon woman secured immunity by one service and payment to the temple, the claim of the lord to the peasant wife was not always confined to the marriage day, and refusal of the loan of his wife at later date brought most severe punishment

²³⁶ In the transaction the alternative was with the husband; it was he who might submit, or pay the fine, as he preferred or could afford. *Relation of the Sexes.*—Westminster Review.

²³⁷ These (courts) powerfully assisted the seigneur to enforce his traditional privileges at the expense of the villeins. —*H. S. Maine.* The courts of Bearn openly maintained that this right grew up naturally.

upon the husband.²³⁸

Blessing the nuptial bed by the priest, often late at night, was also common, and accompanied by many abuses, until advancing civilization overpowered the darkness of the church and brought it to an end. When too poor to purchase the freedom of his bride, the husband was in one breath assailed by the most opprobrious names,²³⁹ and in the next he was congratulated upon the honor to be done him in that perchance his oldest child would be the son of a baron.²⁴⁰ So great finally became the reproach and infamy connected with the *droit de cuissage*, as this right was generally called in France,²⁴¹ and so recalcitrant became the peasants over its nefarious exactions, that ultimately both lords spiritual and lords temporal fearing for their own safety, commenced to lessen their demands.²⁴² This custom had its origin at the time the great

²³⁸ Sometimes the contumacious husband was harnessed by the side of a horse or an ox, compelled to do a brute's work and to herd with the cattle.

²³⁹ He is followed by bursts of laughter, and the noisy rabble down to the lowest scullion give chase to the "cuckold." —*Michelet*.

²⁴⁰ The oldest born of the peasant is accounted the son of his lord, for he, perchance it was, that begat him. When the guests have retired, the newly wedded husband shall permit his lord to enter the bed of his wife, unless he shall have redeemed her for five shillings and four pence. —*Grimm*.

²⁴¹ Droit de cuissage c'est le droit de mettre une cuisse dans le lit d'une autre, ou de coucher avec le femme d'une vassal ou d'une serf. So much scandal was caused that finally the archbishop of Bourges abolished this right in his diocese. —*Feudal Dictionary*.

²⁴² A yoke of cattle and a measure of wheat was afterwards substituted for a money ransom, but even this redemption was in most cases entirely beyond the power of the serf. Under the feudal system the lord of the manor held unlimited sway over his

body of the people were slaves bound either to the person or land of some lord. At this period personal rights no more existed for the lower classes than for the blacks of our own country during the time of slavery. Under feudalism, the property, family ties, and even the lives of the serfs were under control of the suzerain. It was a system of slavery without the name; the right of the lord to all first fruits was universally admitted;²⁴³ the best in possession of the serf, by feudal custom belonged to the lord. The feudal period was especially notable for the wrongs of women. War, the pastime of nobles and kings, brought an immense number of men into enforced idleness. Its rapine and carnage were regarded as occupations superior to the tillage of the soil or the arts of peace. Large numbers of men, retainers of every kind, hung about the castle dependent upon its lord,

serfs. He farther possessed the so-called *Jus Primae Noctis* (Right of the First Night), which he could, however, relinquish in virtue of a certain payment, the name of which betrayed its nature. It has been latterly asserted that this right never existed, an assertion which to me appears entirely unfounded. It is clear the right was not a written one, that it was not summed up in paragraphs; it was the natural consequence of the dependent relationship, and required no registration in any book of law. If the female serf pleased the lord he enjoyed her, if not he let her alone. In Hungary, Transylvania, and the Danubian principalities, there was no written *Jus Primae Noctis* either, but one learns enough of this subject by inquiry of those who know the country and its inhabitants, as to the manners which prevail between the land owners and the female population. That imposts of this nature existed cannot be denied, and the names speak for themselves. August Bebel. — *Woman in the Past, Present and Future*.

²⁴³ In a parish outside Bourges the parson as being a lord especially claimed the first fruits of the bride, but was willing to sell his rights to the husband.

obedient to his commands.²⁴⁴ At an age when books were few and reading an accomplishment of still greater rarity, these men, apart from their families, or totally unbound by marriage, were in readiness for the grossest amusement. At an age when human life was valueless, and suffering of every kind was disregarded, we can readily surmise the fate likely to overtake unprotected peasant women. They were constantly ridiculed and insulted; deeds of violence were common and passed unreprieved. For a woman of this class to be self-respecting was to become a target for the vilest abuse. Morality was scoffed at; to drag the wives and daughters of villeins and serfs into the mire of lechery was deemed a proper retribution for their attempted pure lives; they possessed no rights of person or morality against the feudal lord and his wild retainers. All christian Europe was plunged into the grossest morality.²⁴⁵ A mistress was looked upon as a necessary part of a monarch's state.²⁴⁶ Popes, cardinals, and priests of lesser degrees, down to the present century, still continued the unsavory

²⁴⁴ The infamous noble who accompanied a certain notorious actress to this country in the fall of 1886, possessed forty livings in his gift.

²⁴⁵ No greater proof of this statement is needed than the rapidity with which the disease brought by the sailors of Columbus spread over Europe; infecting the king on his throne, the peasant in the field, the priest at the altar, the monk and nun in the cloister.

²⁴⁶ In deference to that public sentiment which required the ruler to pose before the world as a libertine, Friedrich Wilhelm I., of Prussia (1713-1740), although old and in feeble health, kept up the pretense of a liason with the wife of one of his generals, the intimacy consisting of an hour's daily walk in the castle yard. —*August Bebel*.

reputation of their predecessors;²⁴⁷ “nephews,” “nieces,” and “sacrilegious” children are yet supported by the revenues of the Church, or left to poverty, starvation and crime. It was long the custom of christian municipalities to welcome visiting kings by deputations of naked women,²⁴⁸ and as late as the eighteenth century, a mistress whose support was drawn from the revenues of the kingdom, was recognized as part of the pageantry of the kingdom.

The heads of the Greek and Protestant Churches, no less than of the Catholic, appear before the world as men of scandalous lives. The history of the popes is familiar to all students. No less is that of the English Eighth Henry, the real father of the Reformation, in England, and founder of the Anglican Church, whose adulteries and murders make him a historic Blue Beard. The heads of the Greek Church figure in a double sense as fathers of their people. The renowned Peter the Great amused himself by numberless liaisons, filling Russia with descendants whose inherited tendencies are those of discontent and turmoil. When he visited the Court of Prussia, 1717, he was accompanied by his czarina, son, daughter, and four hundred ladies in waiting, women of low condition, each of whom carried an elegantly

²⁴⁷ Down to Pius IX. See *The Woman, the Priest and the Confessional*.

²⁴⁸ When the Emperor Charles II entered Bourges, he was saluted by a deputation of perfectly naked women. At the entrance of King Ladislaus into Vienna, 1452, the municipal government sent a deputation of public women to meet him the beauty of whose forms was rather enhanced than concealed by their covering of gauze. Such cases were by no means unusual. — *Woman in the Past, Present and Future*.

dressed infant upon her arms. If asked in regard to the paternity of the child they invariably replied “my lord has done me the honor to make me its mother.”²⁴⁹

In no country has a temporal monarch under guise of a spiritual ruler been more revered than in Russia. Even amidst nihilism a belief that the czar can do no wrong is the prevailing conviction among the Slavic peoples. This is both a great cause of, and a result of Russian degradation. If we except the proportionately few liberal thinkers, that conviction is as strong as it was in the time of Ivan the Terrible. In no civilized or half-civilized nation is ignorance as dense as among the peasantry of that vast empire embracing one-sixth of the habitable globe. Nor to the czar alone was such disregard of woman’s right of person confined. The system of serfdom which existed until within the last half of the present century, was a system of feudalism in its oppression of women, although if possible even more gross. The sale of young peasant girls regularly took place, and the blood of the nobility of that country runs in the veins of its most degraded and ignorant population.²⁵⁰ Although Italy

²⁴⁹ *Memoirs of the Princess of Bareith*, a sister of Frederick the Great.

²⁵⁰ In Russia the nobles have such rights by law over the women of their lands that the population scarcely resent the sale by auction of all the young peasants of their village. These nobles, a race once proud and mean, extravagant and covetous, full of vice and cunning, are said to be a class superior to the people. Yet they are working the ruin of their influence by multiplying in the masses the number of individuals, already very considerable, to whom they have transmitted their genius with their blood. —A. R. Craig, *M.A.*

the seat of the papal power is noted for the ignorance, squalor, and superstition of its people, we no less find such a condition of affairs existing in Russia. Amid the starvation of its people, accompanied by “hunger-typhus,” that form of disease which in the Irish famine of 1848 was known as “ship-fever,” the peasants will not accept aid from Count Tolstoi, whom they have been taught to regard as Anti-Christ, fearing that by so doing they will condemn themselves to eternal torment.²⁵¹ While the peasantry are thus suffering wrongs of every nature, the priesthood and churches are as thriving as before.

Having shown the results of power in the hands of a controlling class, upon women of low degree in both the Catholic and Greek divisions of christendom, we have but to look at our own country to find like condition under Protestantism. The state of the slave women of the South was that of serfs of the body under feudalism, or of the serf peasant women of Russia. Nor is other proof of this statement required than the hue of this race, no longer spoken of as the blacks, but as colored people. Let the condition of woman as to her rights of person, under the three great divisions of Christianity, be answer to all who without

²⁵¹ London, February 1. – The Odessa correspondent of “The Daily News” says: Hunger typhus is spreading alarmingly. In large towns in this region all the hospitals are filled, and private buildings are being converted into hospitals. This is the state of affairs in Moskovskia and Viedomosti. A correspondent writing from Russia declares that the more fanatical and superstitious portion of the peasantry believe that Count Tolstoi is Antichrist, and decline to accept his bounty for fear they will thus commit their souls to perdition.

examination of history, or the customs of ancient and modern times, and with eyes closed to these most patent facts, so falsely assert that woman has been elevated by christianity, and is now holding a position never before in the world accorded her. But what has already been shown of her degradation under christian teachings and laws is but a small portion of the wrongs woman has suffered during the christian centuries.

Under theory of the divine rights of man, society has everywhere been permeated with disregard for woman's rights of person. Monarchs not posing as spiritual heads of their people have yet equally made use of their place and power for woman's degradation, and an indefinite fatherhood outside of marriage. Augustus of Saxony, King of Poland, is chiefly renowned in history as the father of three hundred illegitimate children.²⁵² Of Charles II not alone King of England, but also head of the Anglican Church, one of his subjects declared him to be the father of many of his people in the literal as well as in the spiritual sense. Four English dukes of the present day trace their lineage to this monarch, who left no legitimate descendants.²⁵³

H.R.H. the present heir-apparent to the English throne bears an equally unsavory record.²⁵⁴ To him and his aristocratic

²⁵² Two celebrated women, Augusta, of Koningsmark, and Madame Dudevant (George Sand), traced their descent to this king. — Letters to "New York Tribune."

²⁵³ Adam Badeau. — *Aristocracy in England*.

²⁵⁴ The at one time famous "Alexandra Limp," affecting the princess of Wales, and copied in walk by ultra-fashionable women, was said to be due to the effects of an infamous disease contracted by the princess from her husband.

companions in guilt is due the support and protection of England's notorious and infamous purchase and sale, outrage, and exploitation of helpless young girls. An English clergyman writing the *New York Sun*, at the time of the disclosures made by the *Pall Mall Gazette*, declared he had in his possession a list of the names of the royal princes, dukes, nobles, and leading men who had been the principal patrons and supporters of the "gilded hells" devoted to the ruin of the merest children, girls from the ages of nine to thirteen.²⁵⁵ The reputation of the male members of the Hanoverian dynasty has ever been bad. Trace as you will the path of either ecclesiastical or temporal rulers claiming authority by "divine right," and you will find the way marked with the remains of women and children whose life has been wrecked by man under plea of created superiority. While Italy within the last forty years has escaped from the temporal control of the pope, its kings have no less copied the immorality of the "Vicar of God"; the predecessor of the late king of Italy having left thirty-three illegitimate children. An instance of the survival of the feudal idea as to the right of the lord to the person of his vassal women occurred in Ireland within the past few years, graphically described in a letter upon landlords, from Mr. D. R. Locke (Nasby), December, 1891, in which he says;

One was shot a few years ago and a great ado was made about it. In this case as in most of the others it was not a question of rent. My Lord had visited his estates to see how

²⁵⁵ Rev. Dr. Varley. – "New York Sun," July, 1885.

much more money could be taken out of his tenants and his lecherous eye happened to rest upon a very beautiful girl, the eldest daughter of a widow with seven children. Now this beautiful girl was betrothed to a nice sort of a boy, who, having been in America, knew a thing or two. My Lord, through his agent, who is always a pimp as well as a brigand, ordered Kitty to come to the castle. Kitty knowing very well what that meant, refused.

“Very well,” says the agent, “yer mother is in arrears for rent, and you had better see My Lord, or I shall be compelled to evict her.”

Kitty knew what that meant also. It meant that her gray haired mother, her six helpless brothers and sisters would be pitched out by the roadside to die of starvation and exposure, and so Kitty without saying a word to her mother or any one else, went to the castle and was kept there three days, till My Lord was tired of her, when she was permitted to go.

She went to her lover, like an honest girl as she was, and told him she would not marry him, but refused to give any reason.

Finally the truth was wrenched out of her, and Mike went and found a shot gun that had escaped the eye of the royal constabulary, and he got powder and shot and old nails, and he lay behind a hedge under a tree for several days. Finally one day My Lord came riding by all so gay and that gun went off, and ‘subsequent proceedings interested him no more.’ There was a hole, a blessed hole, clear through him, and he never was so good a man as before because there was less

of him.

Then Mike went and told Kitty to be of good cheer and not be cast down, that the little difference between him and My Lord had been happily settled, and that they would be married as soon as possible. And they were married, and I had the pleasure of taking in my hand the very hand that fired the blessed shot and of seeing the wife, to avenge whose cruel wrongs the shot was fired.

Nor is this the only instance in modern Ireland. A certain lord Leitram was noted a few years since for his attempts to dishonor the wives and daughters of the peasantry upon his vast estate comprising 90,000 acres. His character was that of the worst feudal barons, and like those he used his power as magistrate and noble, in addition to that of landlord, to accomplish his purpose. After an assault upon a beautiful and intelligent girl, by a brutal retainer of his lordship, her character assailed, his tenantry finally declared it necessary to resort to the last means in their power to preserve the honor of their wives and daughters. Six men were chosen as the instruments of their rude justice, and among them the brother of this girl upon whom the leadership fell. They took oath to be true to the end, in life or death, raised a sum of money, purchased arms, and seeking a convenient opportunity shot him to death. Nor were the perpetrators ever discovered; yet it is now known that two of them died in Australia, two in the Boer war in South Africa, and the leader who came to the United States, changing his name, passed away in the summer of 1892 in the State of Pennsylvania.

Under head of “A Story of To-day,” another tale is related of woman’s oppression in Ireland aided by the Petty Sessions Bench in 1880.

Recently, a young girl named Catherine Cafferby, of Belmullet, in County Mayo – the pink of her father’s family – fled from the “domestic service” of a landlord as absolute as Lord Leitrim, the moment the poor creature discovered what that “service” customarily involved. The great man had the audacity to invoke the law to compel her to return, as she had not given statutable notice of her flight. She clung to the door-post of her father’s cabin; she told aloud the story of her terror, and called on God and man to save her. Her tears, her shrieks, her piteous pleadings were all in vain. The Petty Sessions Bench ordered her back to the landlord’s “service,” or else to pay five pounds, or two weeks in jail. This is not a story of Bulgaria under Murad IV but of Ireland in the reign of the present sovereign. That peasant girl went to jail to save her chastity. If she did not spend a fortnight in the cells, it was only because friends of outraged virtue, justice, and humanity paid the fine when the story reached the outer world.

These iniquities have taken place in christian lands²⁵⁶ and these nefarious outrages upon women have been enforced by

²⁵⁶ At the beginning of the Christian era, Corinth possessed a thousand women who were devoted to the service of its idol, the Corinthian Venus. “To Corinthianize” came to express the utmost lewdness, but Corinth, as sunken as she was in sensual pleasure, was not under the pale of Christianity. She was a heathen city, outside of that light which, coming into the world, is held to enlighten every man that accepts it.

the christian laws of both church and state. The degradation and unhappiness of the husband at the infringement of the lord's spiritual and temporal upon his marital rights, has been depicted by many writers but history has been quite silent upon the despair and shame of the wife.²⁵⁷ No hope appeared for woman anywhere. The Church which should have been the great conservator of morals dragged her to the lowest depths through the vileness of its teachings and its priestly customs. The State which should have defended her civil rights followed the example of the church in crushing her to the earth. Christian laws were detrimental to woman in every relation of life.

The brilliant French author, Legouve,²⁵⁸ gives from among the popular songs of Brittany during the fourteenth century, a pathetic ballad, "The Baron of Jauioz," which vividly depicts the condition of the peasant women of France at that date. In the power of the male members of her family over her, we also find an exact parallel in the condition of English women of the same era. The moral disease thus represented being due to the same religious teaching, the change of country and language but

²⁵⁷ Les Cuisiniers et les marmitons de l'archeveques de Vienne avaient impose un tribut sur les mariages; on croit que certains feuditaires exigeaient un droit obscene de leur vassaux qui se mariaient, quel fut transforme ensuite en droit de *cuissage* consistant, de la part du seigneur, a mettre une jambe nue dans le lit des nouveaux epoux. Dans d'autres pays l'homme ne pouvait coucher avec sa femme les trois premieres nuits sans le consentement de l'eveque ou du seigneur du fief. Cesar Cantu. —*Histoire Universelle*, Vol. IX. p. 202-3.

²⁵⁸ *Moral History of Women*.

more fully serves to depict the condition of woman everywhere in christendom at this period.

BRETON BALLAD OF THE FOURTEENTH CENTURY. THE BARON OF JAUIOZ

I

As I was at the river washing,

I heard the sighing of the bird of death.

“Good little Jina, you do not know it, but you are sold to the Baron of Jauioz.”

Is this true, my mother, that I have heard?

Is it true that I was sold to old Jauioz?

“My poor little darling, I know nothing about it; ask your father.”

“My nice good father, tell me now – is it true that I am sold to Loys de Jauioz?”

“My beloved child, I know nothing about it; ask your brother.”

Lannik, my brother, tell me now – is it true that I am sold to that lord there?

“Yes you are sold to the Baron, and you must be off at once. Your price is paid – fifty crowns of the white silver and as much of the yellow gold.”

II

She had not gone far from the hamlet
when she heard the ringing of the bells; whereat
she wept.

“Adieu Saint Ann! Adieu, bells of my fatherland;
Bells of my village church, adieu!”

III

“Take a seat and rest thee till the repast is ready.”
The lord sat near the fire; his beard and hair all
white, and his eyes like living coals.

“Behold the young maiden whom I have desired
this many a day!”

“Come my child, let me show thee, crown by crown,
how rich I am; come, count with me, my beauty,
my gold and my silver.”

“I should like better to be with my mother
counting the chips on the fire.”

“Let us descend into the cellar and
taste of the wine that is sweet as honey.”

“I should like better to taste the meadow stream

Whereof my father's horses drink.”

“Come with me from shop to shop to buy thee a holiday cloak.”

“I should better like a linsey petticoat, that my mother has woven for me.”

“Ah, that my tongue had been blistered when I was such a fool as to buy thee! Since nothing will comfort thee.”

IV

“Dear little birds as you fly, I pray you listen to me,

You are going to the village whither I cannot. You are merry but I am sad.”

“Remember me to my playmates, To the good mother who brought me to light, And to the father who reared me; and tell my brother I forgive him.”

V

Two or three months have passed and gone

when as the family are sleeping,
A sweet voice is heard at the door.
“My father, my mother, for God’s love pray for me;
your daughter lies on her bier.”

This ballad founded upon historic facts represents the social life of christendom during the fourteenth century. The authority of the son, the licentiousness of the lord, the powerlessness of the mother, the despair of the daughter, the indifference of society, are vividly depicted in this pathetic ballad. It shows the young girl regarded as a piece of merchandise, to be bought and sold at the whim of her masters who are the men of her own household and the lord of the manor. During the feudal period the power of the son was nearly absolute. For his own aggrandisement he did not hesitate to rob his sisters, or sell them into lechery.²⁵⁹ Hopelessly despairing in tone, this ballad gives us a clear picture of feudal times when chivalry was at its height, and the church had reached its ultimate of power. Woman’s attitude today is the echo of that despair. At this period the condition of a woman was not even tolerable unless she was an heiress, with fiefs in possession.²⁶⁰ Even then she was deprived of her property in case

²⁵⁹ There are those who to enrich themselves would not only rob their sisters of their portion, but would sell for money the honor of those who bear their name. The authority of the son during the feudal period was so absolute that the father and mother themselves often winked at this hideous traffic. —*Ibid.*, p. 46.

²⁶⁰ Unless an heiress, woman possessed no social importance; unless an inmate of a religious house no religious position. There are some records of her in this last position, showing what constant effort and strength of intellect were demanded from her to

of loss of chastity, of which it was the constant aim to deprive her. Guardians, next of kin, and if none such existed, the church threw constant temptations in her way. Ruffians were hired, or reckless profligates induced to betray her under plea of love and sympathy, well paid by the next heir for their treachery.

Although Sir William Blackstone in his Commentaries said that he discovered no traces of marquette in England, a reminiscence of that custom is to be found in the “fine” or “permit” known in that country as Redemption of Blood, and designated as *Merchetum Sanguinis*, by Fleta.²⁶¹ This was a customary payment made by a tenant to his lord for license to give his daughter in marriage. Such redemption was considered a special mark of tenure in villeinage.²⁶² It was not exacted from a free man, which is corroborative proof of its origin in the *Jus Primae Noctis*, of the feudal lord. Of the free man this fine was not permissible, because of the privilege of free blood. Raepsaet, M. Hoffman, Dr. Karl Schmidt, and other authors writing in the interest of the church and finding it impossible to deny the existence of some power over the bride, have questioned its character, declaring it not to be feudal, but a spiritual authority, to guard the bride by enforcing a penitence of marital abstinence of one to three days after the nuptials. It is not to be doubted that under the peculiar teachings of the church in regard to the

thwart the machinations of abbots and monks. —*Sketches of Fontervault.*

²⁶¹ See page 193. —*Fleta.*

²⁶² *Bracton*, 26, 195, 208. *Littleton's Tenures*, 55, 174, 209.

uncleanliness of marriage, such continence was a certain period part of church law.²⁶³ Nevertheless this does not invalidate the fact that a widespread contrary custom existed in feudal times and at a still later period. The present usages of society point back to an age when right to the peasant's bride was enforced by the lord. A reminiscence²⁶⁴ of this period is to be found in charivari and the buying off of a party of this character with refreshments from the house, or with money for the purchase of cigars and liquor. Such occurrences constantly fall within our knowledge, personally or through the press.²⁶⁵ The very fact of

²⁶³ Gratain, Canon for Spain in 633, says the nuptial robe was garnished with white and purple ribbons as a sign of the continence to which young married people devoted themselves for a time.

²⁶⁴ Eight young men, living in the vicinity of North Rose, Wayne County, have been held to await the action of the grand jury for rioting. A young married couple named Garlic were about to retire for the night when they were startled by the appearance of a party of men in the yard. The party immediately commenced beating on pans, discharging guns and pistols, pounding with clubs, screaming and kicking at the doors of the house. The bride and groom were terrified, but finally the groom mustered enough courage to demand what the men wanted there. Shouts of "Give us lots of cider or we'll horn you to death," were the answers. An attempt was made to break in a rear door of the house. The bride and groom and John Wager, who was also present in the house, braced the doors from the inside to prevent a forcible entrance, and the inmates had to defend the property nearly all night. The horning party, at last weary of calling for cider, left the premises giving an extra strong fusillade of firearms and a series of yells as they departed. The eight young men were arrested a few days later on suspicion of being in the horning party. —*Press Report*, Jan. 14, 1887.

²⁶⁵ Whenever we discover symbolized forms, we are justified in inferring that in the past life of the people employing them there were corresponding realities. McLennon. —*Studies in Ancient History*, p. 6.

such persecution of the bridal pair is a symbol of that custom under which the retainers of the feudal lord jeered and flouted the bridegroom, throwing him into foul water,²⁶⁶ and other most unseemly practices. To others outside of the charivari party this practice still affords amusement, few persons inclining to interfere or prohibit such pastimes. Society no longer as sharply defined as in the feudal period, yet has preserved in this practice a symbol of the times when even the highborn dames in the castle equally as degraded as its lord, amused themselves while the bride was in the company of the lord by ridiculing and torturing the husband who in anxiety for his wife ventured too near the castle. The present nearly universal custom of a wedding journey must be referred in its origin to the same period, arising from an inherited tendency in the bride and groom to escape the jeers and ill treatment that in past ages invariably accompanied entrance into the married state.

In some European countries redemption was demanded from all women, not alone the daughters of villeins and serfs, but also of those of noble birth who were freed by payment of a ransom in silver known as the "Maiden Rents." Lands were even held under Maiden Redemption.²⁶⁷ In Scotland this ransom became known as "Marquette"; Margaret wife of Malcolm Canmore, generally

²⁶⁶ He was thrown into the moat to cool his ardor, pelted with stones, derided as a proud and envious wretch. —*Michelet*.

²⁶⁷ The maids redeem their virginities with a certain piece of money, and by that Terme their lands are held to this day. Heywoode. —*History of Women*, London, 1624; *Lib.* 7,339.

spoken of for her goodness as Saint Margaret,²⁶⁸ exercising her royal influence in 1057 against this degradation of her sex. Numberless seditions having arisen from this claim upon the bride, the king more willingly established a release upon the payment of a piece of silver, a *demi-marc*, called *marquette* (whence the name), and a certain number of cows. The piece of silver went to the king, the cows to the queen, and from that period *cuissage* was known as the *droit de marquette*. But this nefarious custom possessed such strength, appealing directly to man's basest passions, his love of power, his profligacy – the human beast within him – that it continued in existence nearly seven hundred years after the royal edict in Scotland against its practice.²⁶⁹ This vile power extended over all ranks of women; the king holding it over the daughters of the grand seigneur, the suzerain over the daughters of his vassals; the seigneur over the daughters of his serfs, even the judge or bailie enforcing this right upon all women who passed upon his road.²⁷⁰

The Church has ever been the bulwark of this base claim.

²⁶⁸ Margaret was canonized in 1251, and made the Patron Saint of Scotland in 1673. Several of the Scotch feudalry, despite royal protestation, kept up in the famous practice until a late date. One of the earls of Crawford, a truculent and lustful anarchy, popularly known and dreaded as "Earl Brant," in the sixteenth century, was probably among the last who openly claimed *leg-right*, the literal translation of *droit de jambage*. —*Sketches of Feudalism*.

²⁶⁹ The feeling is common in the north that a laird, or chieftain, getting a vassal's or clansmen's wife or daughter with child, is doing her a great honor. Burke. —*Letters from an English Gentleman*, about 1730.

²⁷⁰ *Pres de cet etang, et devant sa maison*.

Holding the powers of penance and of excommunication, such custom could neither have originated nor been sustained without the sanction of the church.²⁷¹ At this date the privileges of the lower clergy were extraordinary. Even in England they were not amenable to the common law; they ruled the laity with iron hand, but the laity possessed no power over the priesthood.²⁷² All appointments were in priestly hands, the union of church and state complete.

God himself seemed to have forsaken woman, and the peasantry lost all belief in the justice of earth or heaven. The customs of feudalism which were akin to the customs of power wherever existing throughout christendom did more to create what the church terms "infidelity" than all the reason of the philosophers. No human being is so degraded as not to possess an innate sense of justice; a wrong is as keenly felt by the most humble and ignorant as by the educated and refined, its effect more lasting because of the impossibility of redress. The

²⁷¹ In days to come people will be slow to believe that the law among Christian nations went beyond anything decreed concerning the olden slavery; that it wrote down as an actual right the most grievous outrage that could ever wound man's heart. The Lord Spiritual had this right no less than the Lord Temporal. The parson being a lord, expressly claimed the first fruits of the bride, but was willing to sell his rights to the husband. The courts of Berne openly maintain that this right grew up naturally. Michelet. —*La Sorciere*, p. 62.

²⁷² Among the rights asserted by the Protestant clergy in the middle ages, and which caused much dispute, was exemption from lay jurisdiction even in cases of felony. From the throne downward every secular office was dependent upon the church. Froude. —*Times of Erasmus and Luther*.

power of the seigneur was nearly equal to that of the king himself. Manorial courts entirely local aided the seigneur in the enforcement of his traditional privileges²⁷³ at the expense of the villeins. The crown possessed no jurisdiction over these courts. The lord held the right to make laws, render justice, lay imposts, declare war, coin money, dispose of the goods and lives of his subjects, and other prerogatives still more closely touching their personal rights, especially of the women living in his dominion.²⁷⁴

To persons not conversant with the history of feudalism and the church it will seem impossible that such foulness could ever have been part of christian civilization. That the vices they have been taught to consider the outgrowth of paganism, and as the worst heathendom could have existed in Christian Europe upheld many hundred years by both church and state will strike most people with incredulity. Such however is the truth; we are compelled to admit well attested facts of history, however severe a blow they strike our preconceived beliefs.

The seigneurial tenure of the feudal period was a law of Christian Europe more dishonorable than the worship of Astarte at Babylon.²⁷⁵ In order to fully comprehend the vileness of

²⁷³ Among these *de coucher avec leur femmes, d'enlever les premices de leurs filles.*

²⁷⁴ *H. S. Maine.*

²⁷⁵ In Babylon every young woman was obliged once in her life to offer her person for sale, nor was she permitted to leave the temple, where she sat with a cord about her waist, until some stranger taking it in hand led her away. The money thus obtained passed into the treasury of the temple as her "purchase money, or redemption, releasing her from farther prostitution, and permitting her marriage, which was forbidden until

marquette, we must remember that it did not originate in a pagan country, many thousand years since; that it was not a heathen custom transplanted to Europe with many others adopted by the church,²⁷⁶ but that it arose in christian countries a thousand years after the origin of that religion, continuing in existence until within the last century.

The attempt made by some modern authors to deny that the claim of the feudal lord to the person of his female serf upon her marriage ever existed, on the ground that statutes sustaining such a right have not been discovered, is extremely weak.²⁷⁷ The authority of a custom or “unwritten law” is still almost absolute. A second objection that such customs are unchristian has been answered. The third plea in opposition, namely that those so outraged, so oppressed, left no record of resistance is false. Aside from the fact that education was everywhere limited, no peasant and but few of the nobility knowing how to read or write, and within the church learning very rare, we have indisputable evidence of strong character in the revolt of serfs at different periods, through which concessions were gained; the final refusal

such sale had been consummated.”

²⁷⁶ Although a similar custom is said to have prevailed in India under Brahaminical rule, it must be remembered that wherever found it is an accompaniment of the Patriarchate, and under some form of religion where the feminine is no longer considered a portion of the divinity, or woman allowed in the priesthood.

²⁷⁷ It has been too readily believed that the wrong was formal, not real. But the price laid down in certain countries exceeded the means of almost every peasant. In Scotland, for instance, the demand was for several cows, a price immense, impossible.

of the serfs to marry, and in the travesty upon religion known as the "Black Mass."

We can not measure the serf's power of resistance by the same standard as our own. The degradation of man with but a few exceptions was as great as that of woman. Civilly and educationally the peasant man was on a par with the peasant woman. No more than she had he a voice in making the laws; the serf was virtually a slave under the absolute dominion of his lord. No power existed for him higher than that of his feudal superior. It is nearly impossible to realize the hopeless degraded condition of the peasant serf of the middle ages. It has had no parallel in the present century, except in the slavery of the southern states. Free action, free speech, free thought was impossible. But our respect for humanity is increased when we know that these vassals, although under the life and death power of their lords, did not tamely submit to the indignities enforced upon their wives and daughters.

It must also be remembered that the historians of that period were generally priests by whom the fact of such usage or custom would pass unmentioned, especially as the church taught that woman was created to meet the special demands of man. Other important historical facts have been as lightly touched upon, or passed over entirely. The deification of Julius Caesar while Emperor of Rome, is scarcely referred to in the more familiar literary sources of Roman history. And yet his worship was almost universal in the provinces, where he was adored as a god.

The records of this worship are only to be found in scattered monuments and inscriptions but recently brought to light, and deciphered within the last few years. Through these it is proven that there was an organized worship of this emperor, and an order of consecrated priests devoted to him.²⁷⁸ Higgins refers to this deification of Caesar.²⁷⁹ It is not alone proof of the low condition of morality at this period, but also of the universal disbelief in woman's authority over, or right to herself, that so few writers upon feudal subjects have treated of the libidinous powers of the lord over his female serfs. Even those presenting the evils of feudalism in other respects, have merely expressed a mild surprise that christian people should have admitted that right of the lord over his feminine vassals. The various names under which this right was known as *jus primae noctis*,²⁸⁰ *droit de seigneur*,²⁸¹ *droit de jambage*,²⁸² *droit de cuissage*,²⁸³ *droit*

²⁷⁸ *Christian History, First Period*, by Joseph Henry Allen.

²⁷⁹ In the history of Julius Caesar there is something peculiarly curious and mythical. Caesar had all the honors paid to him as to a divine person. At the end of five years a festival was instituted to his honor, as to a person of divine extraction. A college of priests was established to perform the rites instituted for the occasion. A day was dedicated to him, and he had the title also of Julian Jove, and a temple was erected to him. —*Anacalypsis*, I, 611.

²⁸⁰ Law of the first night.

²⁸¹ The lord's right.

²⁸² Leg right – the right to place a naked leg in bed with the bride.

²⁸³ *Droit de cuissage, c'ele droit de mettre une cuisse dans le lit d'une autre, ou de coucher avec le femme d'un vassal, ou d'un serf.*

d' afforage,²⁸⁴ droit de marquette,²⁸⁵ and many other terms too indelicate for repetition, indicating this right of the lord over all the women in his domain, is still another incontestable proof of the universality of the custom.

The Mosaic teaching as to sacredness of “first fruits,” under Judaism, dedicated to the Lord of Heaven, doubtless was in part the origin of the claim of the feudal lord. The law of primogeniture, or precedence of the first born son as the beginning of “his father’s strength” is also a translation from Judaism into the customs of many nations, but nowhere under the law of primogeniture at the present day does even a first born daughter receive as high consideration as a first born son. This is especially noticeable in royal families. It is not therefore singular that men who took the literal sense of the bible in science, who believed that the world had been created in six days, this work having so greatly fatigued the Lord Almighty as to make rest of the seventh day necessary for him, should under example of that lord, claim the first fruits in all their possessions. No Christians of the present day, except the Mormons, so fully base their lives upon the teachings of the bible as the Catholics of the middle ages. If we accord divine authority to this book, accepting the literal word as infallible and sacred, we must

²⁸⁴ Droit d'afforage, the right to prey upon the bride.

²⁸⁵ Droit de marquette, took its name in Scotland from the redemption piece of money, a demi-mark, marquette, or little mark, a weight of gold or silver used in Great Britain and many other European countries.

admit that both Church and State were at this period in unison with its teachings, and even during the nineteenth century have not freed themselves from the stigma of sustaining woman's degradation; the theory of the feudal ages remains the same, although the practice is somewhat different. Legal bigamy or polygamy, non-marital unions, are common in every large city of christendom. Government license has created a class in many European countries devoted to the most degraded lives under government sanction, protection, and control; in England known as "Queen's Women," "Government Women." Thus the State places itself before the world as a trafficker in women's bodies for the vilest purposes. The culmination of nearly two thousand years of christian teaching is the legalization of vice for women and the creation of a new crime. Previous to the enactment of this law the rules of modern jurisprudence held an accused person as innocent until proven guilty. Under this legalization of vice all women within a certain radius of recruiting, or other army stations, are "suspects," looked upon as immoral, and liable to arrest, examination, and registration upon government books as government women. It required seventeen years of arduous work to repeal this law in England. This legalization of prostitution in the nineteenth century by the State is its open approval of that doctrine of the Church that woman was created for man. It is an acknowledgment by men that vice is an inherent quality of their natures. It is in accord with man's repeated assertion that only through means of a class of women pursuing immorality as

a business, is any woman safe from violence.

In a letter to the National Woman Suffrage Convention at St. Louis, May, 1879, Mrs. Josephine E. Butler, Honorable Secretary of the Federation and of the Ladies National Association for the Protection of Women, wrote:

England holds a peculiar position in regard to the question. She was the last to adopt this system of slavery, and she adopted it in that thorough manner which characterizes the actions of the Anglo-Saxon race. In no other country has prostitution been registered by law. It has been understood by the Latin race, even when morally enervated, that the law could not without risk of losing its majesty and force sanction illegality and violate justice. In England alone the regulations are law.

This legalization of vice, which is the endorsement of the "necessity" of impurity of man and the institution of the slavery of woman, is the most open denial which modern times have seen of the principle of the sacredness of the individual human being. An English high-class journal dared to demand that women who are unchaste shall henceforth be dealt with "not as human beings, but as foul sewers," or some such "material nuisance" without souls, without rights, and without responsibility. When the leaders of public opinion in a country have arrived at such a point of combined skepticism and despotism as to recommend such a manner of dealing with human beings, there is no crime which that country may not presently legalize, there is no organization of murder, no conspiracy of abominable things

that it may not, and in due time will not – have been found to embrace in its guilty methods. Were it possible to secure the absolute physical health of a whole province or an entire continent by the destruction of one, only one poor and sinful woman, woe to that nation which should dare, by that single act of destruction, to purchase this advantage to the many! It will do it at its peril. God will take account of the deed not in eternity only, but in time, it may be in the next or even in the present generation.

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