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**The Works Of the late Right Honorable Henry St. John,
Lord Viscount Bolingbroke**

In Five Volumes, complete.

Bolingbroke, Henry St. John

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XVII.

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tion arising from the real law of nature, had been contained in the original decree. The converts were to abstain from doing to others what they would not that others should do to them. This instance, and the former, might be more explained. But enough has been said on these two subjects, and we may proceed to take notice of those instances wherein things are, and have been, forbid by civil or ecclesiastical laws, which are not only permitted in the fullest manner by the law of nature, but seem much more conformable to it than the institutions opposed to them; and of others wherein things directly forbidden by the law of nature are, and have been, permitted, or commanded, by civil or ecclesiastical laws, and by both.

XVII.

THAT the human, like every other species of animals, should multiply by the copulation of the two sexes, and be propagated by their care to nurse and breed up their young, is undoubtedly a law of nature. Self-love, the great spring of human actions, prompts to both. But as it is more immediately determined, and more strongly stimulated by instinct, and by nature, to one than to the other, it became necessary to give this principle, by reason and by art, all the additional strength that could be given by them, or, at least, to let it lose none that it had. For this purpose it was necessary, that parents should know certainly their own respective broods, and that, as a woman cannot doubt whether she is the mother of the child she bears, so a man should have all the assurance law can give him, that he is the father of the child he begets; for a likeness of features, would not amount to a sufficient assurance, tho I have red of a country where
women

women were common, and where paternity was ascertained no other way. Thus matrimony forms families, which could not be formed without it; and families form states, which could not be formed without them. It was this first and natural union which preceded, and prepared mankind for political or civil union, and the bonds of this second union were more effectually strengthened by those of paternal and filial affection, and of consanguinity, than they could have been by those alone of accidental interests liable to vary, and of covenants liable to be broken. On such principles, and for such purposes I presume that matrimony was instituted. They are evidently derived from the law of nature. The institution therefore is conformable to the law of nature, as far as it is subservient to these ends. But when it is carried further than these ends require, and that which is consistent with them, or even conducive to them, is forbid, it is, in every such respect, a mere arbitrary imposition.

GREAT attention has been had in every well constituted government, to promote the multiplication of mankind, and this attention must be always necessary; for if the human race is daily increasing, it is daily decreasing likewise, and it would be trifling to maintain that celibacy is less hurtful, or polygamy less necessary than they were formerly, on CUMBERLAND'S vain assumption that the earth is sufficiently peopled. Men who were advanced in years, and had never been married, were stigmatized at Sparta; and as well there as at Rome, and in many other places, great immunities, prerogatives, and other encouragements were granted to those, who had a large legitimate issue. The talmudists carry the obligation of getting children so far, that they declare the neglect of it to be
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a sort of homicide. "Quicumque Israelita liberis operam
"non dat, est velut homicida"*.

Two sorts of polygamy are distinguished by the civilians. That of one man who has several wives, and that of one woman who has several husbands. All the ends of matrimony are answered by the first. It has therefore prevailed always, and it still prevails generally, if not universally, either as a reasonable indulgence to mankind, or as a proper, and, in the early ages, a necessary expedient to increase their numbers. Such, it is, no doubt, such it must be, in the order of nature, and when we are told that it has not this effect among the people who retain the custom at this day, either the fact asserted by men who cannot be competent judges of it, may be untrue, or sodomy and abortions, in conjunction with other unnatural causes, may prevent the natural effect of polygamy. The ends of matrimony are not answered by the second, which has been, I suppose, a double polygamy, wherever it has been practiced; since we cannot believe that the superior sex ever submitted their prerogative to the inferior, and that several men became the property of one woman, altho mention be made by STRABO of the Sabaeans among whom one woman was the wife of a whole family. She lay with the eldest all night, and drudged on with the rest all day. Other examples of the same kind might be quoted from modern travellers, who speak of some countries where every woman is married to seven husbands, and of others where the wife may, and the husband may not, call in assistants to the bed, by which custom the prerogative of the antient patriarchs would be reversed in favor of women, and they would have, if I may say so, their male concubines. But, to proceed on the more probable hypo-

SELDEN Uxor Ebraica. Lib. i. c. 9.

thesis,

thesis: the divine PLATO approved, the Spartan lawgiver instituted, a community of wives, and CAESAR reports that there were in our Britain certain amicable societies of both sexes, wherein every woman was the wife of ten or twelve men, and every man the husband of as many women. The most admired philosophers, the most famous legislators, and several of the least civilised people, Britons and others, admitted the same absurd abuse of matrimony, and destroyed one end at least of it's institution, by making the ascertainment of fathers impossible, as DIODORUS SICULUS* says "that of mothers too was made by a nation in India, where the children were changed as soon as born."

THE first sort of polygamy, for the second was too contrary to nature and good policy to spread wide, or to last long, was allowed by the mosaical law, and was authorised by God himself. There is, indeed, a very loose restraint laid on a king, in the seventeenth chapter of Deuteronomy. He is not to multiply wives, lest his heart should be turned away; neither is he to multiply greatly silver and gold. Moderation was prescribed in both passages: but wives and wealth, suitable to the kingly state, were implied in both. The number of one, and the quantity of the other, are not determined. They were left, probably, to the judgment of the king himself, for whom the law was made: but the rabbins, who made many arbitrary laws of their own, under pretence of interpreting divine laws, as other rabbins have continued to do, thought fit to limit the number of queens, or of queens and concubines both, to eighteen; the ridiculous reasons for which specific number may be seen in SELDEN's treatise, called "Uxor Ebraica†". By the same authority priests were allowed to have but one

* Lib. ii. † Lib. i. c. 8.

wife, and all other persons but four; the reason for which number it is more easy to imagine, than to express decently.

THE zeal of the Jews to promote the observation of the precept to increase and multiply, was so great, that, besides the establishment and regulation of polygamy, their doctors descended into many particulars for the same purpose, and among the rest were careful to appoint stated periods, beyond which it was not lawful to neglect the performance of conjugal duty in any form of life. The periods were marked even to the artificer, the countryman, and the seaman; and the wife had her remedy if the law was not observed. The prodigious numbers, of which this nation appears to have consisted, from the exode to the destruction of their city by TITUS VESPASIAN, and the constant reparation of these numbers after so many massacres, captivities, and other desolations, must be ascribed, as I think, if we believe them to have been real, to that prodigious and constant increase of people which a well ordered polygamy caused.

THE writers, who pretend sometimes that polygamy has not the effect ascribed to it, employ, at other times, this very increase as an argument against it. But surely the argument, as well as the pretence, is false. Increase of people must be always an advantage, and can never be hurtful to any state, no nor cumbersome to particular families, unless the want of order, good policy, and industry make it so. To talk of a commonwealth sinking under its own weight by the increase of people, as PUFFENDORF does in one place*, might have appeared reasonable to those antient nations of Europe and Asia, who sent so many colonies abroad for fear of starving

* Lib. vi. c. 1.

at home, and would, I question not, appear so at this time to the nations of Africa, who sell their children not only to procure themselves brandy and tobacco, or other wares, but to prevent an overstock of inhabitants. The truth however is, and it may be easily demonstrated, that numbers of people are strength and wealth to every country, and that the law of nature, which directs the increase of them, is in this instance what it is in all others, the law of good policy.

THUS therefore the matter stands. This sort of polygamy is quite conformable to the law of nature, and provides the most effectual means for the generation and education of children. In the other state, mankind may multiply perhaps as much in the first instance of begetting, but not in the second of breeding up, for want of an equal ascertainment of both the parents: and this defect may disappoint, to a great degree, the intention of nature. Monogamy, on the other hand, or the confinement of one husband to one wife, whilst they both live, for I shall use the word in this sense here, will unite the care of both parents in breeding up subjects of the commonwealth, but will not serve as effectually, nor in as great numbers, to the begetting them. The prohibition of polygamy of the first kind, is, therefore, not only a prohibition of what nature permits in the fullest manner, but of what she requires too in some manner, and often in a greater degree than ordinary, for the reparation of states exhausted by wars, by plagues, and other calamities. The institution of the second sort contradicts her intention in one part, as the institution of monogamy diminishes the effect of her law in another part. The prohibition is absurd, and the imposition arbitrary.

THE imposition is very antient: however, if it be as antient in Greece as CECROPS, and if this kind of matrimony was the

most perfect, as many assert, there would be reason to wonder how the most perfect kind came to be established by an uninspired lawgiver among the nations, whilst the least perfect kind had been established by MOSES, the messenger, and prophet of God, among his chosen people. The Romans took many things from the Greeks, as well as from the Etrurians, at the foundation of their monarchy, altho PYTHAGORAS was no more the cotemporary of NUMA, than he was the scholar of EZECHIEL. But from whomsoever they took the institution of marriage, the matrimonial tables, and the oath which every married man was obliged to take before the censors, declared it to be for the procreation of children; and they made laws occasionally to encourage this procreation.

IF LYCURGUS, on whose principles every child was the child of the commonwealth, deemed it expedient for improving the several broods, that his citizens should cross them, by lying with the wives of one another; and if the ephori obliged one of their kings to take a second wife, when he would not part with the first, who was barren, the Romans needed to have made no great scruple of borrowing wives, to increase or to mend their race, and CATO is said to have lent his MARCIA to HORTENSIVS. Nay, CAESAR intended to procure a law, which one of the tribunes had orders to propose, and by which every one should be authorized to take as many wives as he pleased, and such as he pleased, "liberorum quaerendorum causa." The passage may, indeed, have another sense; and if SUTTONIVS, from whom it is taken, writ--- "uxores---quas et quot vellet," instead of "vellent," it must mean that CAESAR intended the new prerogative for himself alone, as the occasion that introduces the anecdote, and the circumstance of directing the law to be proposed when he should be absent, "cum ipse abesset," may incline
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one to suspect. But, on the other hand, nothing can be more probable than this, that CAESAR considered, besides the constant waste of roman citizens, which the exposition of infants, and perhaps the severity of paternal power, but certainly their ordinary state of war occasioned, the extraordinary loss of people, which the commonwealth had sustained in his time by proscriptions, and a long course of civil war. It is probable that he considered this, and it is therefore much more wonderful his successor should not think, after another proscription, and another civil war, of establishing polygamy, to repair these accumulated losses, than that he, the first CAESAR, should. This was not done, however, nor was polygamy established among the Romans before they were christians. It was less likely to be so afterwards, and if VALENTINIAN married two wives, and gave leave to his subjects to do the same, by a public edict, as the ecclesiastical historian SOCRATES says he did, his example was not followed. We may doubt too, whether that of SOCRATES, the philosopher I mean, was followed on the same occasion at Athens. DIOGENES LAERTIUS* relates, that the Athenians decreed, when their city was depopulated by war and sickness, that every citizen might have, to increase the number of children, a second wife, besides her who was called his town wife, and of which sort he could have but one †. SOCRATES took the advantage of this decree, which set aside the law of CECROPS, and he despised, with a great elevation of mind, those who criticized his conduct, and threw out reproaches against him. This famous missionary of natural religion and law declared by this action, that polygamy was against neither, and that the law of CECROPS had forbid what they allowed.

* Vit. SOCRAT. † --- Uti urbanam quidem unam uxorem cives ducerent, liceret autem et ex alterâ procreare liberos.