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**A View Of Society In Europe, In Its Progress From
Rudeness To Refinement: Or, Inquiries Concerning The
History Of Law, Government, And Manners**

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Chapter I. Of the Germans before they left their Woods.

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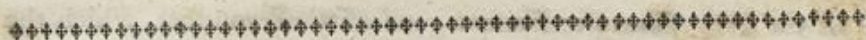
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B O O K I.

C H A P T E R I.

Of the GERMANS before they left their Woods.

S E C T I O N I.

The Institutions, Government, and Character of the Germanic Tribes.

IT is of little moment to inquire into the origin of the ancient Germans. Their manners and government are subjects more interesting, and concerning which there are memorials of great curiosity and importance. The picture of these nations has been drawn by Tacitus ; and the affairs of men ne-

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ver found an observer more accurate and penetrating. In following such a guide, it is impossible not to convey information; and, on this subject, no modern has a title to speculate, who has not paid a most minute attention to his treatise. Antiquity has not given to the kingdoms of Europe a present more valuable.

The leading circumstance in discriminating the manners of barbarous and refined times, is the difference which exists between them in the knowledge and the management of property. The want of commerce, and the ignorance of money, permit the barbarian to exercise a generosity of conduct, which the progress of the arts is to destroy. The Germans conceived not that their descendants were to grow illustrious by acquisitions of land, and that they were to employ the metals as a source of influence. Land was yet more connected with the nation than the individual. The territory possessed by tribes was considered as their property, and cultivated for their use. The produce belonged to the public; and the magistrate, in his distributions of it, paid attention to the virtue and the merits of the receiver (1).

The German, accordingly, being unacquainted with particular professions, and with mercenary pursuits, was animated with high sentiments of pride and greatness. He was guided by affection and appetite; and, though fierce in the field, and terrible to an enemy, was gentle in his domestic capacity, and found



a pleasure in acts of beneficence, magnanimity, and friendship.

A state of equality, in the absence of the distinctions of property, characterised the individuals of a German tribe, and was the source of their pride, independence, and courage. Personal qualities were alone the foundation of pre-eminence. The sons of a chief were not distinguished from those of the simple warrior, by any superior advantages of education. They lived among the same cattle, and reposed on the same ground, till the promise of worth, the symptoms of greatness, separated the ingenuous from the vulgar, till valour claimed them (2). Ignorant of the arts of peace, they pursued, with keenness, the occupations of war. Where communities, perpetually inflamed with rivalry and animosity, brought their disputes to the decision of battles, and were agitated with revenge and with glory, the opportunities of distinction were frequent. The only profession known to the Germans was that of arms. The ambitious and enterprising courted dangers where they might acquire renown, and display their conduct and their prowess. To such a height did the military ardour prevail, that, if a tribe happened at any time to languish in ease, its youthful and impatient heroes sought those nations who were then at war. They disdained to remain in inaction; and could not so easily be persuaded to till the earth, and to wait its returns, as to challenge an enemy, and to hazard their lives. They thought it mean and ignoble to ac-

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quire by their labour, what they might purchase with their blood (3).

The animated temperament they displayed in war, was also apparent in their private concerns. To the chase they addicted themselves with no measure of moderation. And, in parties at dice, they engaged in their soberest and most serious hours, and with such hope or temerity, that they risked their liberty and persons on the last throw. The affection with which they embraced their friends was ardent and generous. To adopt the resentments, as well as the amities of their relations and kindred, was a duty which they held indispensable (4). In hospitality they indulged with the most unbounded freedom. The entertainer, when exhausted, carried his guest to the house of his next neighbour. Invitations were not waited for; nor was it of consequence to be invited. A reception, equally warm and hearty, was, at all times, certain. On these occasions, giving way to the movements of the heart, they delighted in presents; but they neither thought themselves entitled to a return for what they gave, nor laid under an obligation by what they received (5). They yielded to the impulse of passion, and the pleasure they felt was their recompense. Their gifts were directed by no view of an immediate or distant advantage; their generosity was no traffic of interest, and proceeded from no motive of design.

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But, amidst all this ardour, they were averſe from labour. The women and the infirm diſcharged the offices of the houſe. The warrior did not ſubmit to any domeſtic occupation. He was to baſk whole days by the fire; and a ſloth, joyleſs and ſupine, was to ſucceed and to relieve the briskneſs and fatigue of action (6). His admiration of fortitude, which was the cauſe of this indolence, and this contempt of drudgery, was at the ſame time to produce a ſtatelineſs in his behaviour. He was not to loſe his virtue, or to weaken the vigour of his mind, in the practice of mechanic or unworthy purſuits. When he walked, he ſeemed conſcious of importance; he caſt his eyes to the ground, and looked not around him for the objects of a vain and frivolous curioſity.

In the diet of theſe nations, there was much ſimplicity; it conſiſted of wild apples, new-killed veniſon, and curdled milk. They expelled hunger without oſtentation, or any ſtudied preparations of food; but, in ſatiſfying thirſt, they were leſs temperate. When ſupplied to their deſire in intoxicating liquors, they were no leſs invincible in vice than in valour (7). Yet, in the diſgraceful moments of debauch, they applied to public affairs, and debated concerning peace and war; and, in the heat of their diſputation and riot, the dagger was often to deform with blood the meetings of friendſhip and of buſineſs. In theſe ſeaſons, they imagined that their minds were diſpoſed to conceive honeſt ſentiments, and to riſe into noble ones. But, in

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an after-period, the undissembled thoughts of every one were diligently canvassed; a proper attention being paid to the time when they were first delivered, and to the purpose which then employed them. It was their meaning to deliberate when they could not deceive, and to form resolutions when they could not err (8).

They did not live in towns, and could not endure to have their houses contiguous. They built as they found a spot to their fancy, as they were attracted by a fountain, a plain, or a grove. But, being unacquainted with a private property in land, they were not ambitious of possessions. They vied not in the extent or the fertility of their grounds, in the rearing of orchards, and in the inclosing of meadows. Corn was the only produce they required from the earth; and they divided not the year into proper seasons. They understood, and had names for winter, spring, and summer, but had no idea of the term, and little knowledge of the fruits of autumn (9).

In their religion they were gross, like almost all nations, whether savage or cultivated. They believed in a plurality of gods; but thought it derogatory from their majesty to shut them up within walls, or to fashion them in resemblance to any human form. Their groves were appropriated to the uses of devotion; and, in the awful respect inspired by silence in the deep recesses of their woods, they felt and acknowledged the power of their deities.



deities. To augury and divination they were much addicted; and they were fond to draw prognostics and intimation from the running of water, the flight of birds, and the neighing of horses. Their priests had greater authority than their kings or chieftains; for it was not by any principle of expediency or reason that their actions and conduct were to be ascertained and examined. They were governed by the impulses and dictates of their divinities; and, being the interpreters of the will and intentions of these, they were able to exercise a jurisdiction uncontrollable and sacred (10).

The office of a magistrate was known and respected among these nations. The prince, or the chieftain of a district, with the body of his retainers or followers, constituted a court, which heard accusations, and determined concerning crimes. Traitors and deserters were hanged on trees. Cowardice, and the crime against nature, were considered as of equal atrocity; and the persons convicted of them were choked in mire and swamps by the pressure of hurdles. A corporal punishment, and compensations in corn or cattle, were the atonements of lesser delinquencies (11).

Noble birth, but more frequently the possession of superior qualities, entitled to the office and jurisdiction of a chief: And the general of an army was to command less by authority than from example. He drew respect and observation by his activity, his address, and the splendour of his exploits (12). Even
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the hopes and ambition of the simple warrior were made to depend on his personal honour and courage. Yet, with all this attention to merit, and with all their elevation of character, they were prone to deceive and to circumvent. They accounted it meritorious to steal upon their enemies in the darkest nights; they blackened their shields, and painted their bodies, to be terrible; and, to give ground, but immediately to return to the charge, was a common and an admired feat of their prudence. Cunning and stratagem appeared to them to be wisdom; and, though remarkable for courage, both active and passive, they exposed it to suspicion by the arts which, in a cultivated age, are characteristic of the pusillanimous (13).

It is also remarkable, that, though attentive to justice, with a punctilious exactness, within the bounds of their particular nations, they despised it with regard to other states and communities. Beyond the frontier of his tribe, the German was a thief and a robber. While, in the one instance, his theft or depredation was a crime of the deepest dye, and punished with death, it was, in the other, a mark of valour, and an expression of virtue. To make incursions against a neighbouring people, though at peace; to carry off their cattle, and to lay waste their territory, were actions of renown and greatness. They roused the ambition of the valorous, and were occupations in which they acquired reputation, and prepared themselves for scenes of greater danger and glory (14).

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But, the circumstance in the customs of these nations the most valuable, and which, like all their more remarkable features, arose from their unacquaintance with property, was the passion they entertained for independence and liberty. Every person who was free, considered himself in the light of a legislator. The people prescribed the regulations they were to obey. They marched to the national assembly to judge, to reform, and to punish; and the magistrate and the sovereign, instead of controlling their power, were to respect and to submit to it. Stated or regular terms were appointed for the convention of their public council; and a freedom of speech, entire and unlimited, was permitted. His age, his eloquence, his rank, and the honour he had acquired in war, were the qualities which procured attention to the speaker; and the people were influenced by persuasion, not by authority. A murmur coarse, and often rude, expressed their dissent: The rattling of their armour was the flattering mark of their applause (15).

While these institutions and manners are expressive, in general, of the German communities, there are exceptions which it is not my province to explain. In the enumeration which is made by the Roman historian of the Germanic tribes, there are perceivable unequal degrees of civilization and refinement. The Chauci, for example, were an improved and an illustrious nation, and supported their greatness by their probity. They were lovers of peace and quiet, and contempters of avarice and ambition.

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They provoked no wars; engaged in no incursions or robberies; and, what may be considered as a certain proof of their power and valour, preserved their superiority, without having recourse to injuries and oppressions. When called upon, however, by the exigency of their affairs, they were not slow to take arms and to levy armies. They inhabited an extensive territory, were rich in men and in horses, and in peace and in war maintained their reputation. The picture of the Fenni, on the contrary, is that of mere rudeness. They had no arms, no horses, no religion. To the most savage fierceness, they had joined the most abject poverty. They clothed themselves in the skins of beasts, fed, at times, on herbage, and slept on the earth. Their chief dependence was on their arrows; and, having no iron, they pointed them with bones. The women accompanied the men to the chase, and demanded a share of the prey. A covering, inwrought with boughs, was all the shelter which defended their infants from the rigour of seasons, and the ferocity of animals. To this miserable dwelling their young men returned; and here their old men found a refuge. These courses of barbarousness, this melancholy sadness, they preferred to the fatigue of cultivating the earth, and of building houses, to the agitations of hope and fear attendant on a care of their own fortunes, and on a connection with those of others. Unapprehensive of any danger from men, and awed by no terror of the gods, they had reached a state which is nearly unattainable to all human endeavours—the being entirely without a wish (16).

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The majority of the tribes or communities of Germany may be said to have occupied a middle state between the cultivation of the Chauci and the savageness of the Fenni. And it is sufficient to have selected and expressed the more general and the more distinguished particulars which regard their institutions, government, and character. With these in my view, I proceed to describe the condition of their women; a subject which, though little attended to by the learned, may lead to conclusions of interest and curiosity.

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SECTION II.

An Idea of the German Women.

IT has been asserted, that men, in savage and barbarous periods, are carried to the sex merely from the incitement of animal gratification, and that they feel not the power of beauty, nor the pleasures which arise from love; and a multitude of facts have been produced from history to confirm this theory. It is concluded, of consequence, that, in such times, women are in an abject state of servility, from which they advance not till the ages of property (1).

One would fancy it, notwithstanding, consistent with reason, to imagine, that the sexes, in every period of society, are important to each other; and that the member of a rude community, as well as the polished citizen, is susceptible of tenderness and sentiment. He is a stranger, indeed, to the metaphysic of love, and to the fopperies of gallantry; but his heart cannot be insensible to female attractions. He cannot but be drawn by
 beauty;



beauty; he must know a preference in the objects of his affection; and he must feel and experience, in a certain degree, at least, that bewitching intercourse, and those delightful agitations, which constitute the greatest charm of cultivated life.

This opinion, I conceive, is strongly confirmed by the history of the Germanic states. Their general character, with particular and obvious facts, illustrate the importance and the consideration in which they held their women.

Even in the age of Caesar, the German tribes had conceived and acknowledged the idea and existence of a public interest, and, in general, had submitted to a mode of government in which the chiefs and the people had their departments as well as the prince. They are described in a similar, but a more cultivated situation, by Tacitus; and the spirit of liberty and independence which animated their actions, was to produce that limited and legal administration which still gives distinction and dignity to the kingdoms of Europe. Among such nations, accordingly, the women were necessarily free, and sensible only of the restraints which arise from manners.

The state of society, which precedes the knowledge of an extensive property and the meannesses which flow from refinement and commerce, is in a high degree propitious to women. To treat them with cruelty does not consist with the elevation of sen-

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timent which then prevails. Among the people, of whom I speak, even the slave was exposed to no studied insult or oppression (2). Of the women, the warrior and the citizen considered himself as the friend and the protector; and their weakness only served to render the attachment to them the more lasting and tender.

While courage and strength and feats of prowess gave glory to the men, the women were judged of by a different standard. They were studious to recommend themselves by the performance of domestic duties. They attended to the cares of the family and the house; and the mother found a long and a serious occupation in the rearing of her children, who were not allowed to approach the father in public till a certain age (3). To her daughters she endeavoured to give the accomplishments which might win to them the chiefs who were most celebrated and powerful. To her sons she recited the exploits of their ancestors, and formed them to valour.

Nor are these the only sources of the respect which was paid to them. It has been often remarked, that, in every period of society, the women are more disposed to rapture and devotion than the men, and that their curiosity to pry into futurity is more extravagant. The superstitious weaknesses, however, of the sex, which, in refined times, are a subject of ridicule, lead to reverence and attention in a rude age. The Germanic armies seldom took
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the field without forcereffes; and these had an important share in directing their operations (4). In private and civil affairs, their authority was not less decisive. On the foundation of the wonder and astonishment excited by the knowledge arrogated by the women, by the skill they displayed in divination, and, above all, by the ceremony and the cruelty of the rites they practised, a solid and permanent influence was established (5). It was thought, that they had something divine in their nature; and the names of many of them, who were worshipped as divinities, have come down in history (6).

To attend to the qualities of plants, and to the curing of wounds, was another branch of their occupation (7); and, in times of war and depredation, it is difficult to conceive a circumstance which could recommend them more. Nor were they inattentive to adorn their persons. The linen, which made the principal article of their dress, was of their own manufacture; and they had a pride in intermixing it with purple (8). They went frequently into the bath; their hair flowed in ringlets; a part of their charms was industriously displayed; and, in evidence of their beauty, there may be brought the testimony of the historian, and the song of the poet (9).

In the more serious and important wars in which these nations engaged, the chiefs and warriors seem constantly to have carried their wives and female relations along with them as an incitement to their valour. These objects of their affection they

placed



placed at a small distance from the field of battle: And the most terrible calamity which could befall them, was their captivity. By their importunity and wailing, it is recorded, that armies, in the moment of submission, have been recovered; and the stipulations of states were never so certainly secured as when some virgins of rank were delivered among the hostages (10). In the blood of their women, it was conceived there was a charm and a virtue; and hence it proceeded, that, to their uncles by the *mother* and to their fathers, children were the objects of an *equal* affection and tenderness (11).

But, what evinces their consideration beyond the possibility of a doubt, is the attention they bestowed on business and affairs. They felt, as well as the noble and the warrior, the cares of the community. They watched over its interest, considered its connection with other states, and thought of improving its policy, and extending its dominion. They went to the public councils or assemblies of their nations, heard the debates of the statesmen, and were called upon to deliver their sentiments. And, what is worthy of particular notice, this consequence in active scenes they transmitted to their posterity (12).

Such, in general, was the condition of women among our ancestors, while they were yet in their woods; and such, I should think, is in a great measure their state in every country of the globe in an age of society and manners, which knows not the cares, the corruptions, and the distinctions of property (13).

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S E C T I O N III.

Of Marriage and Modesty.

IT is not to be denied, that, before the idea of a public is acknowledged, and before men have submitted to the salutary restraint of law, the disorders of promiscuous love disturb and disfigure society (1). Yet, even in these wild and informal times, there exist parties, who, clinging together from choice and appetite, experience the happiness of reciprocal attentions and kindnesses; who, in the care of their offspring, find an anxious and interesting employment, and a powerful source of attachment; who, moved by love, by friendship, by parental affection and habitude, never think of discontinuing their commerce; and who, in fine, look forward with sorrow to the fatal moment when death is to separate them.

This cohabitation or alliance, attracting attention by its decency, its pleasures, and its advantages, would grow into a custom or a fashion. For, what men approve, they will imitate. To this

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use, therefore, it seems not unreasonable to refer the institution of marriage; and thus, before it is known as a political consideration, it, in some measure, subsists in nature. As men increase in their numbers, they perceive the necessity of attending to an union, which is no less important to society than to the individual, which has in view the support of the one, and the felicity of the other. A ceremonial is invented which gives it authority and duration. The state takes a share in the cares of the lover, and prescribes the forms that are to bind him to his mistress. Nature, while she fits the sexes for each other, leaves it to polity or law to regulate the mode of their connection.

The race of men who antiently inhabited Germany, are represented, as was formerly observed, in the condition of nations; and a legislature, composed of the prince, the nobles, and the people, directed their operations. This assembly, which gave a sanction to military expeditions, and adjusted alliances and treaties, managed also the objects of internal concern. It extended its jurisdiction over the women as well as over the other parts of the community, and ascertained the ceremonial of marriage.

When the individual was called from the house of his father, and invested with arms; when he was advanced from being a part of a private family to be a member of the republic, he had the capacity of entering into contracts, and of singling out the object of his affections. The parties who had agreed to unite
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their interests, having obtained the approbation of their parents and relations, made an interchange of gifts in their presence. The lover gave his mistress a pair of oxen, a bridled horse, a shield, a sword, and a javelin; and she, in her turn, presented him with some arms. It was thus they expressed their attachment to each other, and their willingness to discharge mutually the duties of the married state. This was their strongest tie; these were their mysterious rites, these their conjugal deities (2).

Nor, let it be fancied that, in this ceremonial, there was any thing humiliating to the woman. It suited exactly the condition of a rude society, and must not be judged of by the ideas of a refined age. The presents, indeed, were expressive of labour and activity; but labour and activity were then no marks of reproach; and, in fact, the joined oxen, the prepared horse, the presented arms, instead of indicating the inferiority of the bride, denoted strongly her equality with her husband. They admonished her, that she was to be the partner and the companion of his toils and his cares, and that, in peace and in war, she was to sustain the same fatigues, and to bear a part in the same enterprises (3).

The fidelity of the married women among these nations, and the constancy and tenderness of their attachment, express also their equality with the men and their importance (4). A strict observance of the marriage-bed was required of them. The



crime of adultery was rare; and, in the severity of its punishment, the respect is to be traced which was paid to modesty. It was immediate, and inflicted by the husband. He despoiled the culprit of her hair and garments, expelled her from his house before her assembled relations, and whipped her through the whole village (5). Of the young women, the most powerful recommendation was the reserve and coyness of their demeanour. A violation of modesty was never pardoned. Nor youth, nor beauty, could procure a husband. Vice was not here sported with; and, to corrupt and to be corrupted, were not termed the fashion of times (6).

In the simplicity of their manners, they found a preservation against vice more effectual than the laws of cultivated states. The gallantries of the young men began late; their youth was, therefore, inexhausted. Those of the young women were not earlier. They mingled, when they were equal in age, in procerity, and strength, and had a progeny who expressed their vigour. Disgrace attended on celibacy; and the old were honoured in proportion to the number and the merits of their descendants. A dread of pain and the care of beauty checked not generation (7). The mother suckled her own children (8); and, in discharging this task, anticipated the greatness and the felicity she was to acquire and to experience from their virtues, and in their gratitude (9).

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It was thus the chastity of the women was guarded: It was thus their importance was confirmed. No allurements of public shows and entertainments relaxed their virtue, and insinuated into them the love of pleasure; no incitements of luxury inflamed their desires and exposed them to corruption; and what the Romans seem to have considered as particularly fatal, no acquirements of knowledge and of letters discovered to them the arts which minister to love (10).

In some of their states or communities, the respect of modesty was so great, that it was not lawful but to virgins to marry; who, without the hope or wish of second nuptials, received one husband, as they had done one body and one life, and had no thoughts or desires beyond him. It was their ambition and pride, if they survived the objects of their affection, to preserve, unfulfilled, the honours of widowhood; and, when the barbarians had made settlements in the provinces of Rome, when their manners had refined, and the sex were, in some measure, emancipated from this restraint, the spirit of the usage continued to operate. It augmented, as to the widow, the matrimonial symbols; a larger dower than usual was necessary to overcome her reluctance to a second bed (11); and, while it encouraged the king or the magistrate to exact a greater fine from her on her marriage (12), it entitled her to a higher compensation for injuries (13).

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Amidst the modesty of such usages and manners, we must not look for polygamy. It was unknown to these nations; though, it is to be allowed, that a few of the chiefs or more renowned princes were surrounded with a number of wives (14). This, however, was a matter of grandeur, not of appetite; and its source is to be found in maxims of policy, in the ambition of individuals, and in that of states. A prince, to support or extend his greatness, connected himself with different families; and the deliberations of his tribe not unfrequently pointed out to him the alliances he should court (15).

To the degrees of consanguinity and blood, concerning which nature has dictated so little, and polity so much, it is not to be conceived that they paid a scrupulous attention in their marriages (16). It is a subject on which no infant-communities are exact. They attended to it when, having fallen from their woods, they grew refined by time, observation, and experience.

C H A P.

