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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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Section III. Of Marriage and Modesty.

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## S E C T I O N III.

*Of Marriage and Modesty.*

**I**T 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.

