

EARLY ESSAYS ON MARRIAGE AND DIVORCE

----- *John Stuart Mill and Harriet Taylor Mill* -----

THE ESSAY BY JOHN STUART MILL

She to whom my life is devoted has wished for written exposition of my opinions on the subject which, of all connected with human Institutions, is nearest to her happiness. Such as that exposition can be made without *her* to suggest and to decide, it is given in these pages: she, herself, has not refused to put into writing for *me*, what she has thought and felt on the same subject, and *there* I shall be taught, all perhaps which I have, and certainly all which I have not, found out for myself. In the investigation of truth, as in all else, "it is not good for man to be alone." And more than all, in what concerns the relations of Man with Woman, the law which is to be observed by both should surely be made by both; not, as hitherto, by the stronger only.

How easy would it be for either me or you, to resolve this question for ourselves alone. Its difficulties, for difficulties it has, are such as obstruct the avenues of all great questions which are to be decided for mankind at large, and therefore not for natures resembling each other, but for natures or at least characters tending to all the points of the moral compass. All popular morality is, as I once said to you, a compromise among conflicting natures; each renouncing a certain portion of what its own desires call for, in order to avoid the evils of a perpetual warfare with all the rest. That is the best popular morality, which attains this general pacification with the least sacrifice of the happiness of the higher natures; who are the greatest, indeed the only real, sufferers by the compromise; for *they* are called upon to give up what would really make them happy; while others are commonly required only to restrain desires the gratification of which would bring no real happiness. In the adjustment, moreover, of the compromise, the higher natures count only in proportion to their number, how small! and to the number of those whom they can influence: while the conditions of the compromise weigh heavily upon them in the state of their greater capacity of happiness, and its natural consequence, their keener sense of *want* and disappointment when the degree of happiness which they know would fall to their lot but for untoward external circumstances, is denied them.

By the higher natures I mean those characters who from the combination of natural and acquired advantages have the greatest capacity of feeling happiness, and of bestowing it. Of bestowing it in two ways: as being beautiful to contemplate, and therefore the natural objects of admiration and love; and also as being fitted, and induced, by their qualities of mind and heart, to promote by their

actions, and by all that depends upon their will, the greatest possible happiness of all who are within the sphere of their influence.

If all persons were like these, or even would be guided by these, morality would be very different from what it must now be; or rather it would not exist at all as morality, since morality and inclination would coincide. If all resembled you, my lovely friend, it would be idle to prescribe rules for them: By following their own impulses under the guidance of their own judgment, they would find more happiness, and would confer more, than by obeying any moral principles or maxims whatever; since these cannot possibly be adapted beforehand to every peculiarity of circumstance which can be taken into account by a sound and vigorous intellect *worked* by a strong *will*, and guided by what Carlyle calls “an open loving heart.” Where there exists a genuine and strong desire to do that which is most for the happiness of all, general rules are merely aids to prudence, in the choice of means; not peremptory obligations. Let but the desires be right, and the “imagination lofty and refined”: and provided there be disdain of all false seeming, “to the pure all things are pure.”

It is easy enough to settle to moral bearings of our question upon such characters. The highest natures are of course impassioned natures; to such, marriage is but one continued act of self-sacrifice where strong affection is not; every tie therefore which restrains them from seeking out and uniting themselves with some one whom they can perfectly love, is a yoke to which they cannot be subjected without oppression: and to such a person when found, they would, natural superstition apart, scorn to be united by any other tie than free and voluntary choice. If such natures have been healthily developed in other respects, they will have all other good and worthy feelings strong enough to prevent them from pursuing this happiness at the expense of greater suffering of others: and that is the limit of the forbearance which morality ought in such a case to enjoin.

But will the morality which suits the highest natures, in this matter, be also best for all inferior natures? My conviction is that it will: but this can be only a happy accident. All the difficulties of morality in any of its brands, grow out of the conflict which continually arises between the highest morality and even the best popular morality which the degree of development yet achieved by average human nature, will allow to exist.

If all, or even most persons, in the choice of a companion of the other sex, were led by any real aspiration towards, or sense of, the happiness which such companionship in its best shape is capable of giving to the best natures, there would never have been any reason why law or opinion should have set any limits to the most unbounded freedom of uniting and separating: nor is it probable that popular morality would ever, in a civilized or refined people, have imposed any restraint upon that freedom. But, as I once said to you, the law of marriage as it now exists, has been made *by* sensualists, and *for* sensualists and *to bind* sensualists. The aim and purpose of that law is either to tie up the sense, in the hope by so doing, of tying up the soul also, or else to tie up the sense because the

soul is not cared about at all. Such purposes never could have entered into the minds of any to whom nature had given souls capable of the higher degrees of happiness: nor could such a law ever have existed but among persons to whose natures it was in some degree congenial, and therefore more suitable than at first sight may be supposed by those whose natures are widely different.

There can, I think, be no doubt that for a long time the indissolubility of marriage acted powerfully to elevate the social position of women. The state of things to which in almost all countries it succeeded, was one in which the power of repudiation existed on one side but not on both: in which the stronger might cast away the weaker, but the weaker could not fly from the stronger. To a woman of impassioned character, the difference between this and what now exists, is not worth much; for she would wish to be repudiated, rather than to remain united only because she could not be got rid of. But the aspirations of most women are less high. They would wish to retain any bond of union they have ever had with a man to whom they do not prefer any other, and for whom they have that inferior kind of affection which habits of intimacy frequently produce. Now, assuming what may be assumed of the greater number of men, that they are attracted to women solely by sensuality, or at best by transitory *taste*; it is not deniable, that the irrevocable vow gave to women, when the passing gust had blown over, a permanent hold upon the men who would otherwise have cast them off. Something, indeed *much*, of a community of interest, arose from the mere fact of being indissolubly united: the husband took an interest in the wife as being *his* wife, if he did not from any better feeling: it became essential to his respectability that his wife also should be respected; and commonly when the first revulsion of feeling produced by satiety, went off, the mere fact of continuing together if the woman had anything lovable in her and the man not wholly brutish, could hardly fail to raise up some feeling of regard and attachment. She obtained also, what is often far more precious to her, the certainty of not being separated from the children.

Now if this be all that human life *has* for women, it is little enough: and any woman who feels herself capable of great happiness, and whose aspirations have not been artificially checked, will claim to be set free from *only* this, to seek for more. But women in general, as I have already remarked, are more easily contented, and this I believe to be the cause of the general aversion of women to the idea of facilitating divorce. They have a habitual belief that their power over men is chiefly derived from men's sensuality; and that the same sensuality would go elsewhere in search of gratification, unless restrained by law and opinion. They on their part, mostly seek in marriage, a home, and the state or condition of a married woman, with the addition or not as it may happen, of a splendid establishment etc. etc. These things once obtained, the indissolubility of marriage renders them sure of keeping. And most women, either because these things give them all the happiness they are capable of, or from the artificial barriers which curb all spontaneous movements to seek their greatest felicity, are generally more

anxious not to peril the good they have than to go in search of a greater. If marriage were dissoluble, they think they could not retain the position once acquired; or not without practicing upon the attention of men by those arts, disgusting in the extreme to any woman of simplicity, by which a cunning mistress sometimes established and retains her ascendancy.

These considerations are nothing to an impassioned character; but there is something in them, for the characters from which they emanate—is not that so? The only conclusion, however, which can be drawn from them, is one for which there would exist ample grounds even if the law of marriage as it now exists were perfection. This conclusion is, the absurdity and immorality of a state of society and opinion in which a woman is at all dependent for her social position upon the fact of her being or not being married. Surely it is wrong, wrong in every way, and on every view of morality, even the vulgar view—that there should exist any motives to marriage except the happiness which two persons who love one another feel in associating their existence.

The means by which the condition of married women is rendered artificially desirable, are not any superiority of legal rights, for in that respect single women, especially if possessed of property, have the advantage: the civil disabilities are greatest in the case of the married woman. It is not law, but education and custom which make the difference. Women are so brought up, as not to be able to subsist in the mere physical sense, without a man to keep them: they are so brought up as not to be able to protect themselves against injury or insult, without some man on whom they have a special claim, to protect them: they are so brought up, as to have no vocation or useful office to fulfil in the world, remaining single; for all women who are educated to *be* married, and what little they are taught deserving the name useful, is chiefly what in the ordinary course of things will not come into actual use, unless nor until they are married. A single woman therefore is felt both by herself and others as a kind of excrescence on the surface of society, having no use or function or office there. She is not indeed precluded from useful and honorable exertion of various kinds: but a married woman is *presumed* to be a useful member of society unless there is evidence to the contrary; a single woman must establish what very few either women or men ever do establish, an *individual* claim.

All this, though not the less really absurd and immoral even under the law of marriage which now exists, evidently grows out of that law, and fits into the general state of society of which that law forms a part, nor could continue to exist if the law were changed, and marriage were not a contract at all, or were an easily dissoluble one: The indissolubility of marriage is the keystone of woman's present lot, and the whole comes down and must be reconstructed if that is removed.

And the truth is, that this question of marriage cannot properly be considered by itself alone. The question is not what marriage ought to be, but a far wider question, what woman ought to be. Settle that first, and the other will settle itself. Determine whether marriage is to be a relation between two equal beings, or

between a superior and an inferior, between a protector and a dependent; and all other doubts will easily be resolved.

But in this question there is surely no difficulty. There is no natural inequality between the sexes; except perhaps in bodily strength; even that admits of doubt: and if bodily strength is to be the measure of superiority, mankind are no better than savages. Every step in the progress of civilization has tended to diminish the deference paid to bodily strength, until now when that quality confers scarcely any advantages except its natural ones: the strong man has little or no power to employ his strength as a means of acquiring any other advantage over the weaker in body. Every step in the progress of civilization has similarly been marked by a nearer approach to equality in the condition of the sexes; and if they are still far from being equal, the hindrance is not now in the difference of physical strength, but in artificial feelings and prejudices.

If nature has not made men and women unequal, still less ought the law to make them so. It may be assumed, as one of those presuppositions which would almost be made weaker by anything so ridiculous as attempting to prove them, that men and women ought to be perfectly coequal: that a woman ought not to be dependent on a man, more than a man on a woman, except so far as their affections make them so, by a voluntary surrender, renewed and renewing at each instant by free and spontaneous choice.

But this perfect independence of each other for all save affection, cannot be, if there be dependence in pecuniary circumstances; a dependence which in the immense majority of cases must exist, if the woman be not capable, as well as the man, of gaining her own subsistence.

The first and indispensable step, therefore, towards the enfranchisement of woman, is that she be so educated, as not to be dependent either on her father or her husband for subsistence: a position which in nine cases out of ten, makes her either the plaything or the slave of the man who feeds her; and in the tenth case, only his humble friend. Let it not be said that she has an equivalent and compensating advantage in the exemption from toil: men think it base and servile in men to accept food as the price of dependence, and why do they not deem it so in women? solely because they do not desire that women should be their equals. Where there is strong affection, dependence is its own reward: but it must be voluntary dependence; and the more perfectly voluntary it is, the more exclusively each owes every thing to the other's affection and to nothing else,—the greater is the happiness. And where affection is not, the woman who will be dependent for the sake of a maintenance, proves herself as low-minded as a man in the like case—or *would* prove herself so if that resource were not too often the only one her education has given her, and if her education had not also taught her not to consider as degradation, that which is the essence of all prostitution, the act of delivering up her person for bread.

It does not follow that a woman should *actually* support herself because she should be *capable* of doing so: in the natural course of events she will *not*. It is not

desirable to burthen the labor market with a double number of competitors. In a healthy state of things, the husband would be able by his single exertions to earn all that is necessary for both: and there would be no need that the wife should take part in the mere providing of what is required to *support* life: it will be for the happiness of both that her occupation should rather be to adorn and beautify it. Except in the class of actual day-laborers, that will be her natural task, if task it can be called, which will in so great a measure be accomplished rather by *being* than by *doing*.

We have all heard the vulgar talk that the proper employment of a wife are household superintendence, and the education of her children. As for household superintendence, if nothing be meant but merely seeing that servants do their duty, that is not an occupation; every woman that is capable of doing it at all can do it without devoting anything like half an hour every day to that purpose peculiarly. It is not like the duty of a head of an office, to whom his subordinates bring their work to be inspected when finished: the defects in the performance of household duties present *themselves* to inspection: skill in superintendence consists in knowing the right way of noticing a fault when it occurs, and giving reasonable advice and instruction how to avoid it: and more depends on establishing a good *system* at first, than upon a perpetual and studious watchfulness. But if it be meant that the mistress of a family shall herself do the work of servants, *that* is good and will naturally take place in the rank in which there do not exist the means of hiring servants; but nowhere else.

Then as to the education of children: if by that term be meant, instructing them in particular arts or particular branches of knowledge, it is absurd to impose that upon mothers: absurd in two ways: absurd to set one-half of the adult human race to perform each on a small scale, what a much smaller number of teachers would accomplish for all, by devoting themselves exclusively to it; and absurd to set all mothers doing that for which some persons must be fitter than others, and for which average mothers cannot possibly be *so* fit as persons trained to the profession. Here again, when the means do not exist for hiring teachers, the mother is the natural teacher: but no special provision needs to be made for that case. Whether she is to teach or not, it is desirable that she should *know*; because knowledge is desirable for its own sake; for its uses, for its pleasures, and for its beautifying influence when not cultivated to the neglect of other gifts. What she knows, she will be able to teach to her children if necessary: but to erect such teaching into her occupation whether she can better employ herself or not, is absurd.

The education which it *does* belong to mothers to give, and which if not imbibed from them is seldom obtained in any perfection at all, is the training of the affections: and through the affections, of the conscience, and the whole moral being. But *this* most precious, and most indispensable part of education, does not take up *time*, it is not a business, an occupation; and a mother does not accomplish it by sitting down with her child for one or two or three hours to a task. She effects

it by being with the child; by making it happy, and therefore at peace with all things; by checking bad habits in the commencement and by loving the child and by making the child love her. It is not by particular effects, but imperceptibly and unconsciously that she makes her own character pass into the child; that she makes the child love what she loves, venerate what she venerates and imitate as far as a child can her example. These things cannot be done by a hired teacher; and they are better and greater than all the rest. But to impose upon mothers what hired teachers *can* do, is mere squandering of the glorious existence of a woman fit for a woman's highest destiny. With regard to such things, her part is to see that they are rightly done, not to do them.

The great occupation of woman should be to *beautify* life: to cultivate, for her own sake and that of those who surround her, all her faculties of mind, soul, and body; all her powers of enjoyment, and powers of giving enjoyment; and to diffuse beauty, elegance, and grace, everywhere. If in addition to this the activity of her nature demands more energetic and definite employment, there is never any lack of it in the world: If she loves, her natural impulse will be to associate her existence with him she loves, and to share *his* occupations; in which, if he loves her (with that affection of *equality* which alone deserves to be called love) she will naturally take as strong an interest, and be as thoroughly conversant, as the most perfect confidence on his side can make her.

Such will naturally be the occupations of a woman who has fulfilled what seems to be considered as the end of her existence and attained what is really its happiest state, by uniting herself to a man whom she loves. But whether so united or not, women will never be what they should be, nor their social position what it should be, until women, as universally as men, have the power of gaining their own livelihood: until, therefore, every girl's parents have either provided her with independent means of subsistence, or given her an education qualifying her to provide those means for herself. The only difference between the employments of women and those of men will be, that those which partake most of the beautiful, or which require delicacy and taste rather than muscular exertion, will naturally fall to the share of women: all branches of the fine arts in particular.

In considering, then, what is the best law of marriage, we are to suppose that women already are, what they would be in the best state of society; no less capable of existing independently and respectably without men, than men without women. Marriage, on whatever footing it might be placed, would be wholly a matter of choice, not, as for a woman it now is, something approaching to a matter of necessity; something, at least, which every woman is under strong artificial motives to desire, and which if she attain not, her life is considered to be a failure.

These suppositions being made: and it being no longer any advantage to a woman to be married, merely for the sake of being married: why should any woman cling to the indissolubility of marriage, as if it could be for the good of one party that it should continue when the other party desires that it should be dissolved?

It is not denied by anyone that there are numerous cases in which the happiness of both parties would be greatly promoted by a dissolution of marriage. We will add, that when the social position of the two sexes shall be perfectly equal, a divorce if it be for the happiness of either party, will be for the happiness of both. No one but a sensualist would desire to retain a merely animal connection with a person of the other sex, unless perfectly assured of being preferred by that person, above all other persons in the world. This certainty never can be quite perfect under the law of marriage as it now exists: it would be nearly absolute, if the tie were merely voluntary.

Not only there are, but it is in vain to hope that there will not always be, innumerable cases, in which the first connection formed will be one the dissolution of which if it *could be*, certainly would be and ought to be, effected: It has long ago been remarked that of all the more serious acts of the life of a human being, there is not one which is commonly performed with so little of forethought or consideration, as that which is irrevocable, and which is fuller of evil than any other acts of the being's whole life if it turn out ill. And this is not so astonishing as it seems: The imprudence, while the contract remains indissoluble, consists in marrying at all: If you do marry there is little wisdom shown by a very anxious and careful deliberation beforehand: Marriage is really, what it has been sometimes called, a lottery: and whoever is in a state of mind to calculate chances calmly and value them correctly, is not at all likely to purchase a ticket. Those who marry after taking great pains about the matter, generally do but buy their disappointment dearer. Then the failures in marriage are such as are naturally incident to a first trial: the parties are inexperienced and cannot judge. Nor does this evil seem to be remediable. A woman is allowed to give herself away for life, at an age at which she is not allowed to dispose of the most inconsiderable landed estate: what then? if people are not to marry until they have learnt prudence, they will seldom marry before thirty: can this be expected, or is it to be desired? To direct the immature judgment, there is the advice of parents and guardians: a precious security! The only thing which a young girl can do, worse than marrying to please herself, is marrying to please any other person. However paradoxical it may sound to the ears of those who are reputed to have grown wise as wine grows good, by *keeping*, it is yet true, that A, an average person can better know what is for his own happiness, than B, an average person can know what is for A's happiness. Fathers and mothers as the world is constituted, do not judge more wisely than sons and daughters, they only judge differently: and the judgments of both being of the ordinary strength, or rather of the ordinary weakness, a person's own self has the advantage of a considerable greater number of *data* to judge from, and the further one of a stronger interest in the subject. Foolish people will say, that being interested in the subject is a disqualification: strange that they should not distinguish between being interested in a cause as a party before a judge, i.e. interested in deciding one way, right or wrong—and being interested as a person is in the management of his own property, interested in deciding right. The parties

themselves are only interested in doing what is most for their happiness; but their relatives may have all sorts of selfish interests to promote by inducing them to marry or not to marry.

The first choice, therefore, is made under very complicated disadvantages. By the facts of its being the *first* the parties are necessarily inexperienced in the particular matter: they are commonly young (especially the party who is in the greatest peril from a mistake) and therefore inexperienced in the knowledge and judgment of mankind and of themselves generally: and finally they have seldom had so much as an opportunity offered them of gaining any real knowledge of each other, since in nine cases out of ten they have never been once in each other's society completely unconstrained, or without consciously or unconsciously acting a part.

The chances therefore are many to one against the supposition that a person who requires, or is capable of, great happiness, will find that happiness in a first choice: and in a very large proportion of cases the first choice is such that if it cannot be recalled, it only embitters existence. The reasons, then, are most potent for allowing a subsequent change.

What there is to be said in favor of the indissolubility, superstition apart, resolves itself into this that it is highly desirable that changes should not be frequent, and desirable that the first choice should be, even if not compulsorily, yet very generally, persevered in: That consequently we ought to beware lest in giving facilities for retracting a bad choice, we hold out greater encouragement than at present for making such a choice as there will probably be occasion to retract.

It is proper to state as strongly as possible the arguments which may be advanced in support of this view in question.

Repeated trials for happiness, and repeated failures, have the most mischievous effects on all minds. The finer spirits are broken down, and disgusted with all things: their susceptibilities are deadened, or converted into sources of bitterness, and they lose the power of being ever *contented*. On the commoner natures the effects produced are not the less deplorable. Not only is their capacity for happiness worn out, but their morality is depraved: all refinement and delicacy of character is extinguished; all sense of any peculiar duties or of any peculiar sacredness attaching to the relation between the sexes is worn away: and such alliances come to be looked upon with the very same kind of feelings which are now connected with a passing intrigue.

Thus much as to the parties themselves: but besides the parties there are also to be considered their children: beings who are wholly dependent both for happiness and for excellence upon their parents: and who in all but the extreme causes of actual profligacy, or perpetual bickering and discussion, *must* be better cared for in both points if their parents remain together.

So much importance is due to this last consideration, that I am convinced, if marriages were easily dissoluble, two persons of opposite sexes who unite their destinies would generally, if they were wise, think it their duty to avoid having children until they had lived together for a considerable length of time, and found

in each other a happiness adequate to their aspirations. If this principle of morality were observed, how many of the difficulties of the subject we are considering would be smoothed down! To be jointly the parents of a human being, should be the very last pledge of the deepest, holiest, and most desirable affection: for *that* is a tie which independently of convention, is indeed indissoluble: an additional and external tie, most precious where the souls are already indissolubly united, but simply burthensome while it appears possible to either that they should ever desire to separate.

It can hardly be anticipated, however, that such a course will be followed by any but those who to the greatest loftiness and delicacy of feeling, unite the power of the most deliberate reflection. If the feelings be obtuse, the force of these considerations will not be felt; and if the judgment be weak or hasty, whether from inherent defect or inexperience, people will fancy themselves in love for their whole lives with a perfect being, when the case is far otherwise, and will suppose they risk nothing by creating a new relationship with that being, which can no longer be got rid of. It will therefore most commonly happen that when circumstances arise which induce the parents to separate, there will be children to suffer by the separation: nor do I see how this difficulty can be entirely got over, until the habits of society allow of a regulated community of living, among persons intimately acquainted, which would prevent the necessity of a total separation between the parents even when they had ceased to be connected by any nearer tie than mutual goodwill, and a common interest in their children.

There is yet another argument which may be urged against facility of divorce. It is this. Most persons have but a very moderate capacity of happiness; but no person ever finds this out without experience, very few even with experience: and most persons are constantly wreaking that discontent which has its source internally, upon outward things. Expecting therefore in marriage a far greater degree of happiness than they commonly find: and knowing not that the fault is in their own scanty capabilities of happiness—they fancy they should have been happier with some one else: or at all events the disappointment becomes associated in their minds with the being in whom they had placed their hopes—and so they dislike one another for a time—and during that time they would feel inclined to separate: but if they remain united, the feeling of disappointment after a time goes off, and they pass their lives together with fully as much happiness as they could find either singly or in any other union, without having undergone the wearing of repeated and unsuccessful experiments.

Such are the arguments for adhering to the indissolubility of the contract: and for such characters as compose the great majority of the human race, it is not deniable that these arguments have considerable weight.

That weight however is not so great as it appears. In all the above arguments it is tacitly assumed, that the choice lies between the absolute interdiction of divorce, and a state of things in which the parties would separate on the most passing feeling of dissatisfaction. Now this is not really the alternative. Were divorce ever

so free, it would be resorted to under the same sense of moral responsibility and under the same restraints from opinion, as any other of the acts of our lives. In no state of society but one in which opinions sanctions almost promiscuous intercourse (and in which therefore even the indissoluble bond is not practically regarded), would it be otherwise than disreputable to either party, the woman especially, to change frequently or on light grounds. My belief is that—in a tolerably moral state of society, the first choice would almost always, especially where it had produced children, be adhered to, unless in case of such uncongeniality of disposition as rendered it positively uncomfortable to one or both of the parties to live together, or in case of a strong passion conceived by one of them for a third person. Now in either of these cases I can conceive no argument strong enough to convince me, that the first connection ought to be forcibly preserved.

I see not why opinion should not act with as great efficacy, to enforce the true rules of morality in these matters, as the false. Robert Owen's definitions of chastity and prostitution, are quite as simple and take as firm a hold of the mind as the vulgar ones which connect the ideas of virtue and vice with the performance or non-performance of an arbitrary ceremonial.

The arguments, therefore, in favor of the indissolubility of marriage, are as nothing in comparison with the far more potent arguments for leaving this like the other relations voluntarily contracted by human beings, to depend for its continuance upon the wishes of the contracting parties. The strongest of all these arguments is that by no other means can the condition and character of women become what it ought to be.

When women are merely slaves, to give them a permanent hold upon their masters was a first step towards their evolution. That step is now complete: and in the progress of civilization, the time has come when women may aspire to something more than merely to find a protector. The position of a single woman has ceased to be dangerous and precarious; and the law, and general opinion, suffice without any more special guardianship, to shield her in ordinary circumstances from insult or inquiry: woman in short is no longer a mere property, but a person who is counted not solely on her husband's or father's account but on her own. She is now ripe for equality. But it is absurd to talk of equality while marriage is an indissoluble tie. It was a change greatly for the better, from a state in which all the obligation was on the side of the weaker, all the rights on the side of the physically stronger, to even the present condition of an obligation nominally equal on both. But this nominal equality is not real equality. The stronger is always able to relieve himself wholly or in great measure, from as much of the obligation as he finds burthensome: the weaker cannot. The husband can ill-use his wife, neglect her, and seek other women, not perhaps altogether with impunity, but what are the penalties which opinion imposes on him compared with those which fall upon the wife who even with that provocation retaliates upon her husband? It

is true perhaps that if divorce were permitted, opinion would with like injustice, try the wife who resorted to that remedy by a harder measure than the husband. But this would be of less consequence: Once separated she would be comparatively independent of opinion: but so long as she is forcibly united to one of those who *make* the opinion, she must to a great extent be its slave.

THE ESSAY BY HARRIET TAYLOR

If I could be Providence for the world for a time, for the express purpose of raising the condition of women, I should come to you to know the *means*—the *purpose* would be to remove all interference with affection, or with anything which is, or which even might be supposed to be, demonstrative of affection. In the present state of women's mind, perfectly uneducated, and with whatever of timidity and dependence is natural to them increased a thousand fold by their habit of utter dependence, it would probably be mischievous to remove at once all restraints, they would buy themselves protectors at a dearer cost than even at present—but without raising their natures at all. It seems to me that once give women the desire to raise their social condition, and they have a power which in the present state of civilization and of men's characters, might be made of tremendous effect. Whether nature made a difference in the nature of men and women or not, it seems now that all men, with the exception of a few lofty minded, are sensualists more or less—women on the contrary are quite exempt from this trait, however it may appear otherwise in the cases of some. It seems strange that it should be so, unless it was meant to be a source of power in semi-civilized states such as the present—or it may not be so—it may be only that the habits of freedom and low indulgence on which boys grow up and the contrary notion of what is called purity in girls may have produced the appearance of different natures in the two sexes. As certain it is that there is equality in nothing now—all the pleasures such as they are being men's, and all the disagreeables and pains being women's, as that every pleasure would be infinitely heightened both in kind and degree by the perfect equality of the sexes. Women are educated for one single object, to gain their living by marrying—(some poor souls get it without the churchgoing. It's the same way—they do not seem to be a bit worse than their honored sisters). To be married is the object of their existence and that object being gained they do really cease to exist as to anything worth calling life or any useful purpose. One observes very few marriages where there is any real sympathy or enjoyment or companionship between the parties. The woman knows what her power is and gains by it what she has been taught to consider “proper” to her state. The woman who would gain power by such means is unfit for power, still they do lose this power for paltry advantages and I am astonished it has never occurred to them to gain some large purpose; but their minds are degenerated by habits of dependence. I should think that 500 years hence none of the follies of their ancestors will so excite wonder and contempt as the fact of legislative restraints as to matters of feeling—or rather in the expression of feeling. When

once the law undertakes to say which demonstration of feeling shall be given to which, it seems quite consistent not to legislate for *all*, and to say how many shall be seen and how many heard, and what kind and degree of feeling allows of shaking hands. The Turks' is the only consistent mode. I have no doubt that when the whole community is really educated, though the present laws of marriage were to continue they would be perfectly disregarded, because no one would marry. The wisest and perhaps the quickest means to do away with its evils is to be found in promoting education—as it is the means of all good—but meanwhile it is hard that those who suffer most from its evils and who are always the best people, should be left without remedy. Would not the best plan be divorce which could be attained by any *without any reason assigned*, and at small expence, but which could only be finally pronounced after a long period? not *less* time than two years should elapse between suing for divorce and permission to contract again—but what the decision will be must be certain at the moment of asking for it—unless during that time the suit should be withdrawn.

(I feel like a lawyer in talking of it only! O how absurd and little it all is!)

In the present system of habits and opinions, girls enter into what is called a contract perfectly ignorant of the conditions of it, and that they should be so is considered absolutely essential to their fitness for it!

But after all the one argument of the matter which I think might be said so as to strike both high and low natures is—who would wish to have the person without inclination? Whoever would take the benefit of a law of divorce must be those whose inclination is to separate and who on earth would wish another to remain with them against their inclination—I should think no one—people sophisticate about the matter now and will not believe that one “*really would wish to go*”! Suppose instead of calling it a “law of divorce” it were to be called “proof of affection”—they would like it better then.

At this present time, in this state of civilization, what evil could be caused by, first placing women on the most entire equality with men, as to all rights and privileges, civil and political, and then doing away with all laws whatever relating to marriage? Then if a woman had children she must take charge of them, women could not then have children without considering how to maintain them. Women would have no more reason to barter person for bread, or for anything else, than have men. Public offices being open to them alike, all occupations would be divided between the sexes in their natural arrangements. Fathers would provide for their daughters in the same manner as for their sons.

All the difficulties about divorce seem to be in the consideration for the children—but on this plan it would be the women's *interest* not to have children—now it is thought to be the woman's interest to have children as so many ties to the man who feeds her.

Love in its true and finest meaning, seems to be the way in which is manifested all that is highest best and beautiful in the nature of human beings—none but poets have approached to the perception of the beauty of the material world—still less of

the spiritual—and hence never yet existed a poet, except by inspiration of that feeling which is the perception of beauty in all forms and by all means which are given us, as well as by *sight*. Are we not born with the *five* senses, merely as a foundation for others which we may make by them—and who extends and refines those material senses to the highest—into infinity—best fulfils the end of creation—that is only saying, *who enjoys most is most* virtuous. It is for *you*—the most worthy to be the apostle of all the highest virtues to teach such as may be taught, that the higher the *kind* of enjoyment, the *greater* the *degree*, perhaps there is but one class to whom this *can* be *tought*—the poetic nature struggling with superstition: you are fitted to be the savior of such.