

nature, man primarily bases his legal code upon property considerations and the principle of inheritance. In this he co-operates with other men. Woman, on the contrary, more closely bound to the personal and family relation, attempts to conserve her own interests by personal means and influence. Men concern themselves with general affairs, women with particular relations. The one legislates for himself and the community, the other strives for herself and her family.

Thus, the masculine mind seeks self-completion largely through rational processes, while woman is content to rely upon her spiritual intuitions. Legal marriage at every stage of evolution bears the impress of the masculine mind and masculine nature, rather than that of the feminine. It is, however, to the more spiritual nature of woman that we must look for the encouragement of the spiritual and psychical relations.

Thus, legal marriage represents the co-operations of man and of woman, gradually moving toward the perfect ideal, viz., monogamous and indissoluble union, rationally contracted and legally sanctioned.

This brings us to a consideration of those particular causes which have impelled man to continually change and modify his own laws. When we say that legal marriage represents the rational development of man, we have only named the method by which he is able to improve upon primitive sex relations. This does not explain the cause of improvement. It does not explain why that rational method carries him from the grossest forms of polygamy to the noblest systems of monogamy. Here the inquirer must turn to the higher science.

The secret cause of an improved marriage system is the same cause that binds two birds in conjugal content for life. Here we encounter the same principle which has already been explained as the law of individual preference.

This is the one principle which this work undertakes to elucidate, viz., The Universal Law of Affinity.

The evolution of the legal marriage system, is due, neither to

the organs of digestion, generation, nor reproduction. Instead, it is based in the universal spiritual and psychical law of affinity which impels the individual man to seek self-completion and happiness. Legal marriage does not represent a "struggle for nutrition in the midst of a hostile environment." On the contrary, it represents a struggle for material benefit and rational happiness in the midst of unknown principles and forces. This struggle for happiness is carried out by man, not merely through rational methods, but by the intuitional obedience to the universal law of affinity. The legal code is improved not merely by rational judgments, but through natural impulses or affinities, supported and carried out by rational judgments.

The spiritual law of affinity and the individual psychical struggle for happiness, have been the corrective agents in the development of legal marriage. Physical science is right when it refers the depravities of human sex to the independent reason of man. These independent powers of will, of desire, and of execution, enable man to pervert, if not to abrogate, every natural law of being. It is significant, however, to note that even with the power to do so, man does not incline to general promiscuity in the sex relation. Here the universal principle of affinity is more potent than the caprice of undeveloped reason.

While legal marriage represents the rational nature of man, it is the principle of affinity that acts as a check upon his ambitions, his greed and his vanity. Rational judgment restrains the impulses and raises marriage from an irrational to a rational act. On the other hand, it is the spiritual law of affinity and the psychical law of individual preference which sway the rational judgments and prevent marriage from descending to an act of cold calculation.

In marriage, as in every other relation, the rational mind of man has sought regulation for the purpose of increasing his own satisfaction. In this, however, as in every other experiment, the immutable principle of affinity has operated to correct him and to revise his judgments. It sweeps away man-made regula-

tions, from time to time, and vindicates itself in more equitable laws and codes. Even in savagery the natural law of selection by affinity prevails over arbitrary customs. The individual struggle for happiness continually overrides the barbarous marital codes. The love of personal liberty and the desire to give one's self freely in accordance with the individual will and desire, are as strong in the savage as in the civilized. Slave women, incapable of physical resistance, and too timid for open defiance, will yet elude their purchasers, risking life, and give themselves to lovers of their own choosing.

The brutal penalties imposed by the master upon his unfaithful slave wife, fails to compel loyalty, just as the legal penalties of our own code sometimes fail to compel the loyalty of wives to husbands. If sex involved no other gratifications than physical ones, no married woman, whether savage or civilized, would invite the punishments that have always fallen most heavily upon women.

The desire to follow individual preference in the sex relation is the natural pathway toward true marriage. At the same time, it appears as the incorrigible factor in legal marriage. A careful review of the conjugal customs and characteristics of savagery show the same individual struggle for happiness that moves the highly developed. The amours of the Hottentot will not bear discussion by refined people, and yet, back of those gross practices is the same motive which impels the cultured gentleman to seek the lady of his choice, viz., an overwhelming and overmastering desire for an individual satisfaction and happiness.

From the lowest to the highest stage of development the natural law of affinity continually operates to improve the legal system and to establish it upon the basis of individual love, as well as upon rational judgment. Another factor has been in operation toward the improvement of marriage which has not been considered by itself. We have seen that it is the masculine mind which particularly governs the rational development of marriage. On the other hand, it is necessary to point to the feminine nature

and the feminine quality of intelligence which more particularly operate to develop the love relation. Man, as already shown, represents conquest by force, psychically as well as physically. Woman, on the contrary, represents achievement by non-resistance, psychically as well as physically. From the beginning, the masculine mind has been the organizing factor of society. It does not matter what the motive, nor how those organizations were maintained. The important fact in this connection is that the gradual rise of the familial clan, community and state, is due to masculine will sustained by masculine physical force.

From the beginning woman has been the receptive factor, not only in legal marriage, but in all social organization. True to her non-resistant nature, she has occupied herself with her maternal duties and in the close personal relations of life. Man, from the beginning, seeks to gratify his nature through organization and rational compacts with other men. Woman, on the contrary, has depended almost entirely upon her personal influence in the personal relations. Though deprived of legal power in person, in will and in estate, woman has not been powerless. The earliest lesson she learned was the potency of her love nature, the strength of non-resistance. From the savage slave woman to the noblest lady of the land, woman employs the love relations to effect personal achievements. In this woman trades. Through this she matches masculine ferocity and defies masculine codes of law. In this she influences marriage as a spiritual compact, rather than as a physical and commercial one.

From the beginning, man and woman have sought self-completion in accordance with the aggressive nature of the one and the receptive nature of the other. Man has looked mainly to legal processes, while woman has relied wholly upon the personal relations. It was ages before the forceful nature of man made appreciable impress upon woman. It was ages before the pacific nature of woman modified the ferocity of man. Woman has been long in acquiring force of will and rational power.

Man has been long in acquiring the powers of non-resistance and developing the intuitive faculties.

Legal marriage represents the struggle for equilibrium as between these differing principles in Nature. The monogamous marriage system of the highly developed nations represents that struggle and the near approach to the true balance between man and woman. For the first time in the history of the world a marriage system seems imminent which will fulfill the demands of Nature and of true philosophy, viz., monogamous union, freely contracted and indissolubly maintained by individual love, and by sanction of the law.

Physical science, in considering the evolution of marriage, says: "The greatness of a nation is measured by the position its women occupy." Natural Science could not state that truth more strongly. For corroboration of this the reader is referred to the history of nations. He is asked to study the existing governments of the earth. In this study he will satisfy himself that all the inferior nations of the earth hold their women in subjection or bound to unnatural customs. Notably among the nations where the perversion of the sex principle has arrested development, are China, Japan and Turkey.

Man-made laws, whether in the name of government or religion, have imposed terrible penalties upon women. They have, as well, imposed penalties upon men and upon nations. Not only woman, but man and the nation, pay the penalty of ignorant rulings and unnatural sex laws. Just in proportion as man perverts the natural, equal and reciprocal sex relation, in that exact proportion he is degraded and his nation is weakened. Japan, the most ambitious of all the eastern nations, cannot hope for great development until her women have been liberated from servile obedience to men, and both men and women have been liberated from the degrading effects of ancestry worship.

What is the attitude of the higher science and the higher philosophy toward the established legal marriage codes of civilization?

This is the final question which the reader will ask in connection with this subject. The position of both science and philosophy in this matter is an unequivocal one. It is important that this position should be explicitly stated by the writer and clearly comprehended by the reader.

Natural Science and philosophy based upon that science, stand squarely for the preservation of the legal institution of monogamic marriage. This position is based upon several considerations, viz.:

(1) Law and order are a necessary part of man's rational development.

(2) Legal marriage is a natural and legitimate accompaniment of the rational and moral development of the sex relation.

(3) Legal marriage conserves the earthly and material interests of the individual man and woman. It conserves the material and moral interests of children, of society and of the nation.

(4) The legal system of monogamic union represents the true spiritual and psychical relation of man and woman.

This position must be understood to mean:

(1) Rejection of the free marriage system as proposed by physical science.

(2) Opposition to everything that would overthrow the monogamic system, and relieve individuals of their personal responsibility to children and to society.

(3) Uncompromising hostility toward that moral laxity which would substitute either "free-love" or a licensed polygamy for our own rational, moral and natural system of monogamic union.

It is confidently hoped that such explicit statement will never be confounded with the countless matrimonial vagaries of would-be reformers. It is hoped that the philosophy laid down in this work may not be misinterpreted by those who, through general prejudices, distrust any individual or any school that seeks to improve the marriage relation.

What is said does not imply that our monogamic system is the ideal fulfilled. It does mean, however, that in outward form and by intent, our legal code represents the true relation of man and woman. Our legal code presupposes that the marriage of two individuals represents a free and natural selection with a perfect community of interests, material, intellectual and moral. Acting upon this supposed declaration on the part of the individuals, it unites them (by intention) for life.

Whatever may be the individual disappointment and suffering under our legal system, it is not through fault of the civil code. Instead, it is because of the mis-mated natures which the code continues to bind when love, respect and common interests between the pair, are gone. These penalties, however, are not due to legal restrictions. They are the result of ignorant, hasty and mercenary marriage. They are the results of legal marriage which contravenes natural marriage, and not the effects of a faulty legal system.

When parents, teachers, society and the law, labor to *prevent* unnatural marriage, there will be found less and less friction in legal marriage. The root of all matrimonial unhappiness lies outside and prior to legal marriage itself.

The man and woman who love each other rationally, who marry rationally, and whose mutual relations are based upon spiritual and psychical principles, will not condemn the monogamic code. To such as these the obligations, restrictions and requirements of legal marriage are accepted as the highest earthly privileges.

Legal marriage, as well as all other forms of sex union, represents the struggle for happiness. Every man-made custom and code which sought to improve the marriage relation, represents the rational effort to effect changes which would increase human happiness. The fact that the legal code is an infinite series of legal reversals, corrections and amendments, shows that the true relation has not yet been attained. Man confesses this failure by his own reversals, and by every new amendment he offers.

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The best legal minds among the best developed races agree that monogamous marriage is accompanied by the best results, physically, morally, socially and nationally. They are satisfied that monogamous and indissoluble union is the true type of marriage. No great jurist, however, would claim that our American code is flawless, nor that our civil regulation of marriage is absolutely equitable. In fact, the continual modifications of our present statutes is a confession that the legal mind has not reached its own ideal of a perfect marriage system.

It is true, however, and a fact which every student of science regards with satisfaction, that our monogamic civil code is a rational approach to the true relation. Natural Science, therefore, stands for the legal code, as well as for the natural union of man and woman. It stands just as firmly for the moral obligations of the legal system as it does for the spiritual and psychical affinities of the natural relation. True philosophy, therefore, declares:

(1) Whatever tends to prevent natural marriage, or union by love, is detrimental to the individual, to offspring and to the race.

(2) Whatever tends to weaken the monogamic legal system is detrimental to the material and moral interests of the individual, of children, of society and of the nation.

The civil code looks only to the material, physical and social interests of men, women and children. Nature looks only to a completed individual through vibratory correspondences, physical and spiritual. True philosophy, based upon Nature, looks to individual happiness through and by this perfect physical, spiritual and psychical affinity, sanctioned and guarded by all legal ceremonies and provisions.

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