

This may seem an abstract question, or a dispute about the meaning of a word; but it has an important bearing on the subject of incest. If, after my wife's death, her sister is still *in law* my sister, then to marry her is the same thing *in law* as to marry my own sister—the union is incestuous. If, on the other hand, the tie of affinity which placed her legally in the same moral and social relation to me as my own sister is torn asunder, she is now no more akin to me than my wife was before I married her;—through my children, if I have any, there is a sort of family connexion, but to me directly she is no kin, and whatever may be said of the advantages or disadvantages, as respects the children, of my marrying her, I cannot violate any law against incest by doing so.

In this connexion it is customary to quote Rom. vii. 1-4. A little consideration however will suffice to show that that passage has no bearing on the subject. Death dissolves the marriage relation, and leaves the surviving party free to marry again. That is all that is necessary and all that is useful, for the purpose of the Apostle's analogy, between a woman finding rest by submitting to the law of another husband, and a soul, dead to the old law, submitting to Christ. If we force into the passage a supposed reference to the marriage affinity question, we not only fail to complete or adorn the analogy: we destroy it. For the inference would be that as the woman might seek and accept, as her husband, the nearest of kin to her former husband, so the soul might seek and accept and give itself up to whatever it could find nearest akin to the old law by which it was condemned—might get back, as near as possible, to the old system, and live as before.

But although this passage lends no countenance whatever to the idea that a dissolution of marriage dissolves all ties of affinity founded on its having been contracted, and restores the parties to the position they occupied, as respects kinship, before the marriage took place, this view of the matter possesses, at first-sight, a certain degree of plausibility which entitles it to a fair consideration. If it is worth anything however, it is worth being applied to all kinds and cases of affinity. Besides the cases on which it is usually brought to bear—the sister-in-law and her daughter, there are these four kinds of affinity on which the bearing of the general principle should be particularly noticed.

1. The step-daughter. I marry a young widow, who has an infant daughter. The child grows up, with my own children, as their eldest sister. The mother dies; and the days of my mourning come to a close. Am I at liberty to promote the eldest child of the family to fill her mother's place, and become step-mother of the rest? Or let the dissolution of my first marriage be by divorce—can I marry my step-daughter whilst her mother, my former wife, is still alive?

2. The mother-in-law. I marry a young girl, whose mother is about my own age. She soon dies; or so conducts herself that I have to sue for a divorce. But meanwhile I have learned to regard her mother with high esteem and warm affection. Is it lawful for me to marry her?

3. The daughter-in-law. My son dies, and leaves an interesting widow;—or he divorces her, in circumstances in which I believe her to be wronged. Shall I repair the evil, and gratify my own affection at the same time, by marrying her? Why did not Judah marry Tamar?

4. The step-mother. My father dies, and leaves my stepmother free from the law of her husband. Or he divorces her. Is it lawful for me to have her? See 1 Cor. v. 1.

It will be observed that these four cases have one feature in common—